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**OPINION OF THE UNITED STATES COURT OF
APPEALS FOR THE FOURTH CIRCUIT
(OCTOBER 26, 2020)**

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

SAMUEL H. SLOAN,

Plaintiff-Appellant,

v.

MARIA CHILDRESS; SHAYAM RAMAN; SUSAN
SWECKER; CHRIS BOLLING; MARK HERRING;
RALPH NORTHAM; LAWRENCE JANOW;
J. MICHAEL GAMBLE; WILLIAM G. PETTY;
FRANK G. DAVIDSON, III; NORMAN K. MOON;
CHARLES EDWARD ROBERTS; DARRELL
ROBERTS; JEFFERSON BEAUREGARD
SESSIONS III; UNITED STATES
DEPARTMENT OF JUSTICE,

Defendants-Appellees.

No. 20-1566

Appeal from the United States District Court
for the Eastern District of Virginia, at Richmond.

M. Hannah Lauck, District Judge.

(3:18-cv-00260-MHL)

Before: WYNN, FLOYD, and THACKER,
Circuit Judges.

PER CURIAM:

Samuel H. Sloan appeals the district court's orders dismissing his civil complaint and denying reconsideration.* We have reviewed the record and find no reversible error. Accordingly, we affirm for the reasons stated by the district court. *Sloan v. Childress*, No. 3:18-cv-00260-MHL (E.D. Va. Sept. 6, 2019 & May 14, 2020). We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before this court and argument would not aid the decisional process.

AFFIRMED

* Although Sloan did not file a new or an amended notice of appeal following the district court's order denying reconsideration, his informal brief serves as the functional equivalent of a notice of appeal from the reconsideration order. *See Smith v. Barry*, 502 U.S. 244, 248-49 (1992).

**MEMORANDUM OPINION OF THE
UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
DENYING MOTION FOR RECONSIDERATION
(MAY 14, 2020)**

IN THE UNITED STATES DISTRICT COURT FOR
THE EASTERN DISTRICT OF VIRGINIA
RICHMOND DIVISION

SAMUEL H. SLOAN,

Plaintiff,

v.

MARIA CHILDRESS, ET AL.,

Defendants.

Civil Action No. 3:18cv260

Before: M. Hannah LAUCK,
United States District Judge.

This matter comes before the Court on Plaintiff Samuel H. Sloan's Motion to Rehear and Reargue and Reverse this Court's Order (the "Motion for Reconsideration"). (ECF No. 76.) None of the defendants replied to the Motion for Reconsideration and the time to do so has expired. The Court dispenses with oral argument because the materials before it adequately present the facts and legal contentions, and argument would not aid the decisional process. Accordingly, this matter is

ripe for disposition. For the reasons that follow, the Court will deny the Motion for Reconsideration.

I. Factual and Procedural Background

A. Summary of Allegations

In the Motion for Reconsideration, Sloan repeats many of the allegations made in his original Complaint and his Amended Complaint. (*See* Mot. Recons.; Compl., ECF No. 1; Am. Compl., ECF No. 50.) As in both versions of his Complaint, the Motion for Reconsideration fails to lay out a coherent chronology of the events in question or a logical argument with clearly stated supporting facts. Sloan's Motion for Reconsideration repeatedly claims that several of the defendant judges, who are numbered and listed differently in various parts of the Motion for Reconsideration, lacked jurisdiction over the Virginia custody case about one of his daughters, Shamema Honzagool Sloan, because the case had already been decided in New York. (Mot. Recons. 2-3, 8, 13.) Based on the allegations in the Motion for Reconsideration, Shamema is now approximately thirty-eight years old. (*See id.* ¶ 48.) As with both versions of his Complaint, this claim forms the core of Sloan's objection to this Court's September 6, 2019 Memorandum Opinion and Order and its prior December 21, 2018 Order. (Mot. Recons. 1-2; *see also* Sep. 6, 2019 Mem. Op. & Order, ECF Nos. 74, 75; Dec. 21, 2018 Mem. Order, ECF No. 49.)

For example, Sloan contends that "these four judges named in the complaint . . . did not have even the slightest scintilla of jurisdiction over the case . . . Lawrence Janow and K. Michael Gamble as well as Frank G. Davidson III are hard core criminals. They

belong in prison for kidnapping my daughter and my mother,” just two of the many kidnappings or attempted kidnappings Sloan describes in the Motion for Reconsideration. (Mot. Recons. ¶ 1, ECF No. 76.) He also states, “Lawrence Janow and K. Michael Gamble as well as Frank G. Davidson III are terrorists who formed a terrorist group . . . with the plan to kidnap my mother and children and have them brought to Virginia where they could then assert jurisdiction over them.” (*Id.* ¶ 2.) Throughout the Motion for Reconsideration, Sloan links other defendants to the central events involving these judges saying, for example, “that Judge Moon . . . is in contact with the kidnapers and other defendants and he is part of the RICO Conspiracy.” (*Id.* ¶ 107.) Finally, Sloan seeks “to have the Virginia Felony Disenfranchisement Law declared unconstitutional,” a request made in both of his prior Complaints. (Mot. for Recons. ¶ 132; Compl. 84; Am. Compl. 24.) Sloan makes this request so that he can regain his constitutional right to vote.

B. Procedural History

Sloan’s original Complaint alleged many crimes, including the kidnapping of his daughter by Judge Janow, Judge Gamble, now—Judge Petty, Judge Moon, Davidson, Charles Roberts, and Darrell Jay Roberts. Several of the defendants responded with a motion to dismiss, and Charles Roberts and Darrell Jay Roberts, whom Sloan alleges illegally gained custody of Shamema, filed a joint Answer. In its December 21, 2018 Memorandum Order, the Court concluded that Sloan’s original Complaint failed to comply with Federal Rule of Civil Procedure 8 and allowed Sloan to file an Amended Complaint. (*See* Dec. 21, 2018 Order.)

Sloan filed his Amended Complaint, which repeats many of the same allegations and pursues the same avenues of relief. The defendants then filed seven separate motions to dismiss, (ECF Nos. 51, 54, 56, 57, 59, 61, 63), and Sloan responded to each of them, (ECF Nos. 67-73). In its September 6, 2019 Order, the Court granted the motions to dismiss and dismissed with prejudice Sloan's Amended Complaint. (*See* Sept. 6, 2019 Order 1.) In the accompanying Memorandum Opinion, the Court concluded that Sloan's Amended Complaint failed to comply with Federal Rule of Civil Procedure 8, that the Court lacked subject matter jurisdiction over several defendants, and that Sloan failed to state a claim against the remaining defendants. (Sep. 6, 2019 Mem. Op. 2-3.) Sloan filed the instant 141-paragraph Motion for Reconsideration on October 3, 2019. (*See generally* Mot. Recons.)

II. Obligation to Construe *Pro Se* Pleadings Liberally

Because Sloan proceeds *pro se*, the Court liberally construes his filings. *See Erickson v. Pardus*, 551 U.S. 89, 94 (2007) ("A document filed *pro se* is to be liberally construed, and a *pro se* complaint, however inartfully pleaded, must be held to less stringent standards than formal pleadings drafted by lawyers.") (internal quotation marks and citations omitted). "This principle of liberal construction, however, has its limits." *Suggs v. M & T Bank*, 230 F. Supp. 3d 458, 461 (E.D. Va. 2017), *aff'd sub nom. Suggs v. M&T Bank*, 694 F. App'x 180 (4th Cir. 2017). A *pro se* plaintiff must allege facts sufficient to state a cause of action. *Bracey*, 55 F. Supp. 2d at 421 (citation omitted). The Court cannot act as a *pro se* litigant's "advocate and develop, *sua sponte*, statutory and constitutional claims that the [litigant] failed to clearly raise on the

face of [the] complaint.” *Newkirk v. Circuit Ct. of Hampton*, No. 3:14cv372, 2014 WL 4072212, at *1 (E.D. Va. Aug. 14, 2014).

Sloan does not identify the federal rule under which he brings the Motion for Reconsideration. Because Sloan filed the Motion for Reconsideration within twenty-seven days of the Court’s September 6, 2019 Memorandum Opinion and Order dismissing his case, the Court will construe the Motion for Reconsideration as a motion brought pursuant to Rule 59(e). However, given Sloan’s *pro se* status and his frequent filing in this and other courts, the Court will also consider whether Sloan’s motion would satisfy the requirements of Rule 60(b) and Rule 60(d).¹ The Court will address each ground in turn.

¹ In 2008, the Fourth Circuit stated in a published opinion that

While not condoning the misstyling of motions, [the Fourth Circuit] nonetheless agree[s] that if a post judgment motion is filed within ten days of the entry of judgment and calls into question the correctness of that judgment it should be treated as a motion under Rule 59(e), however it may be formally styled.

MLC Auto., LLC v. Town of S. Pines, 532 F.3d 269, 277 (4th Cir. 2008) (quoting *Dove v. CODESCO*, 569 F.2d 807, 809 (4th Cir. 1978)).

In 2009, the Advisory Committee amended Rule 59 to allow for twenty-eight days to file a motion under Rule 59(e). *See* Fed. R. Civ. P. 59 advisory committee’s note to 2009 amendment. In 2017, the Fourth Circuit in an unpublished opinion applied the ten-day rule mentioned in *MLC Automotive*, even though the applicable time period under Rule 59(e) had changed to twenty-eight days. *See Fletcher v. Carter*, 700 Fed. App’x 270, 271 (4th Cir. 2017) (citing *MLC Auto., LLC*, 532 F.3d at 277).

However, in a recent 2020 unpublished opinion, the Fourth Circuit altered the quote from *MLC Automotive* to say “the time

III. Sloan's Claims Do Not Require an Extraordinary Remedy as Provided for in Rule 59(e)

Because Sloan bases his Motion for Reconsideration solely on disagreement with the Court's prior decisions, and because he attempts to relitigate old claims, he fails to demonstrate a need for the extraordinary remedy Federal Rule of Civil Procedure 59(e) provides.

A. Standard of Review: Rule 59(e)

Federal Rule of Civil Procedure 59(e) states, “[a] motion to alter or amend a judgment must be filed no later than 28 days after the entry of the judgment.” Fed. R. Civ. P. 59(e). “[R]econsideration of a judgment after its entry is an extraordinary remedy which should be used sparingly.” *Pac. Ins. Co. v. Am. Nat'l Fire Ins. Co.*, 148 F.3d 396, 403 (4th Cir. 1998) (citation omitted) (internal quotation marks omitted). “The Rule 59(e) motion may not be used to relitigate old matters, or to raise arguments or present evidence that could have been raised prior to the entry of judgment.” *Id.* (quoting 11 CHARLES ALAN WRIGHT & ARTHUR R. MILLER, FEDERAL PRACTICE AND PROCEDURE § 1810.1,

period prescribed by Rule 59(e)” instead of ten days and applied the twenty-eight day rule. *See Cohen v. Rosenstein*, No. 19-6620, 2020 WL 584075, at *1 (4th Cir. Feb. 6, 2020) (citing *MLC Auto., LLC*, 532 F.3d at 277).

The Court will construe Sloan's motion under Rule 59(e) because Sloan filed it twenty-seven days after the Court's September 6, 2019 Order, especially given the Fourth Circuit's 2020 opinion in *Cohen*. *See id.* However, the Court thinks it wise to also address this persistent litigant's filing under both Rule 59(e) and Rule 60. The Court will deny the motion under Rule 59(e) and would deny it under Rule 60 as well.

at 127-28 (2d ed. 1995)). In short, “[a] party’s mere disagreement with the court’s ruling does not warrant a Rule 59(e) motion . . .” *Smith v. Donahoe*, 917 F. Supp. 2d 562, 572 (E.D. Va. 2013) (citing *Pac. Ins. Co.*, 148 F.3d at 403). Rule 59(e) does not “give an unhappy litigant one additional chance to sway the judge.” *Durkin v. Taylor*, 444 F. Supp. 879, 889 (E.D. Va. 1977) (observing that plaintiff’s brief in support of his motion to alter or amend the judgment was “no more than an expression of a view of the law contrary to that set forth in the Court’s opinion,” and thus the court had no proper basis to alter or amend its previous order). “[T]he purpose of Rule 59(e) motion is to allow a district court to correct its own errors, sparing the parties and the appellate courts the burden of unnecessary appellate proceedings.” *Smith*, 917 F. Supp. 2d at 572 (internal quotation marks and citations omitted).

The United States Court of Appeals for the Fourth Circuit recognizes three grounds for relief under Rule 59(e): “(1) to accommodate an intervening change in controlling law; (2) to account for new evidence not available at trial; or (3) to correct a clear error of law or prevent manifest injustice.” *Hutchinson v. Staton*, 994 F.2d 1076, 1081 (4th Cir. 1993) (citing *Weyerhaeuser Corp. v. Koppers Co.*, 771 F. Supp. 1406, 1419 (D. Md. 1991); *Atkins v. Marathon LeTourneau Co.*, 130 F.R.D. 625, 626 (S.D. Miss. 1990)).

B. The Motion for Reconsideration Fails Under Rule 59(e), Because Sloan Presents No Change in Controlling Law, No New Evidence, and No Error of Law or Manifest Injustice Committed By the Court

Because Sloan filed the Motion for Reconsideration within twenty-seven days of the Court's September 6, 2019 Memorandum Opinion and Order, the Court will construe it as a motion brought pursuant to Rule 59(e). *See* Fed. R. Civ. P. 59(e) (stating that a Rule 59(e) motion "must be filed no later than 28 days after the entry of the judgment"); *Cohen*, 2020 WL 584075, at *1. Given Sloan's *pro se* status, the Court considers whether Sloan's motion addresses a change in controlling law, the emergence of new evidence, or the prevention of manifest injustice—the three grounds for relief under Rule 59(e). *Hutchinson*, 994 F.2d at 1081 (citations omitted); *Bracey*, 55 F. Supp. 2d at 421. Although the Motion for Reconsideration does not adequately address any of these grounds for relief under Rule 59(e), the Court assesses each of the three grounds in turn.

First, Sloan falters on the first ground for relief under Rule 59(e) because he does not identify "an intervening change in controlling law" since this Court's decision on September 6, 2019. *Hutchinson*, 994 F.2d at 1081 (citations omitted). Although Sloan refers to several laws that defendants may have violated,² he

² For instance, Sloan identifies the Uniform Child Custody Jurisdiction and Enforcement Act, the International Parental Child Abduction Prevention Act, and the Racketeer Influenced and Corrupt Organizations Act ("RICO") as laws defendants may have violated. (Mot. Recons. ¶¶ 5-6, 107.) Sloan alleges that Judge Moon participated in a RICO conspiracy because he ruled

continually returns to his claim that Virginia courts lacked jurisdiction over his daughter's custody case. He makes multiple disconnected arguments to support this claim. For example, he avers that Virginia courts lacked jurisdiction because his daughter was born in New York City, (Mot. Recons. ¶ 48), and that "[he] and [his] daughter, the child were not in the Commonwealth of Virginia," (*id.* ¶ 2). He also baldly asserts that Judge Janow, Judge Gamble, and Judge Davidson "are terrorists who formed a terrorist group that chased [Sloan's family] around the world . . . with the plan to kidnap [his] mother and children and have them brought to Virginia where they could then assert jurisdiction over them." (*Id.*) He later avers that courts in Virginia could not have had jurisdiction because New York courts, including the New York Supreme Court, had already decided his child's custody case in what Pakistani terrorists persuaded New York papers and television stations to sensationalize as a "teen sex slave" trial. (*Id.* ¶¶ 3, 63-65.)

These arguments do not address the *controlling law* thoroughly explained in the Court's September 6, 2019 Opinion: namely, Sloan's failure to comply with Federal Rule of Civil Procedure 8; his failure to obey this Court's December 21, 2018 Order; this Court's likely lack of subject matter jurisdiction over many of the defendants; and Sloan's failure to state a claim under Federal Rule of Civil Procedure 12(b)(6) against

that the custody case was long settled, establishing that he "is in contact with the kidnappers and other defendants." (*Id.* ¶¶ 106-07.) Sloan provides no plausible factual basis to support these claims. Sloan also identified these laws in his Amended Complaint, but the Court rejected them in its September 6, 2019 Memorandum Opinion.

the remaining defendants. This controlling law has not changed in the time since the Court's September 6, 2019 Memorandum Opinion and Order issued. Therefore, the Motion for Reconsideration fails under the first ground of relief under Rule 59(e)—“an intervening change in controlling law.” *Hutchinson*, 994 F.2d at 1081.

Second, Sloan fails to identify “new evidence” previously unavailable to him, which is the second ground for relief under Rule 59(e). *Id.* Candidly, after rehashing many of the claims stated in his original Complaint and in his Amended Complaint, Sloan reports that “[n]one of the above is new. All this was explained at the beginning of this case when a complaint was filed.” (Mot. Recons. ¶ 89.) Sloan also argues that if the case were “allowed to go forward” the facts would emerge “through Freedom of Information Act or testimony of witnesses.” (*Id.* ¶¶ 99, 122.) This Court cannot grant a Rule 59(e) motion on the possibility of new evidence materializing. *See Manton v. Strain*, No. 11-785, 2013 WL 3070886, at *2 n.7 (E.D. La. June 17, 2013) (citing *Simon v. United States*, 891 F.2d 1154, 1159 (5th Cir. 1990), which discusses a Rule 59(e) motion). Indeed, even this far into these prolonged proceedings, Sloan presents no new evidence that would require the Court to reconsider its prior decisions. For this reason, the Motion for Reconsideration also fails under the second ground for relief under Rule 59(e) because Sloan offers no plausible “new evidence” in support of his Motion for Reconsideration. *Hutchinson*, 994 F.2d at 1081.

Third, Sloan fails to demonstrate the third ground for relief under Rule 59(e), to “correct a clear error of law or prevent a manifest injustice.” *Id.* Because this

ground for relief contains two reasons to grant a motion—error or manifest injustice—the Court will address them separately.

First, Sloan maintains the Court erred in denying him relief, stating he “feel[s] that this court has overlooked or ignored the basic point to this case and the more than two thousand pages of exhibits attached to this complaint.” (*Id.* ¶ 1.) Sloan also seeks to counter the Court’s ruling that it lacks subject matter jurisdiction over many of the defendants due to the immunity they enjoy as judges or other government officials, but he fails to meet the Rule 59(e) standard when addressing this point. (Mot. Recons. ¶¶ 1-2; *see* Sep. 6, 2019 Mem. Op.) Sloan asserts that he has “long been aware of a line of cases beginning with *Pierson vs. Ray*, 386 U.S. 547 (1967)³ that states that judges are immune from suit as long as they had jurisdiction over the case before them.” (Mot. Recons. ¶ 1.) Although Sloan

³ In *Pierson v. Ray* the Supreme Court of the United States addressed “whether a local judge is liable for damages under § 1983 for an unconstitutional conviction.” 386 U.S. at 551. The defendant judge served as a municipal police justice and convicted fifteen clergymen of violating a state racial segregation law in Mississippi in 1961, which the Supreme Court held unconstitutional in a separate 1965 case. *Id.* at 549-50. In *Pierson*, decided two years later in 1967, the Supreme Court upheld the defendant judge’s immunity finding that, per long standing common law, judges have absolute immunity when acting in their judicial capacity. *Id.* at 553-54. The Supreme Court affirmed that a judge’s “errors may be corrected on appeal, but he should not have to fear that unsatisfied litigants may hound him with litigation charging malice or corruption.” *Id.* at 554.

The facts in *Pierson* do not relate to the facts Sloan alleges in the Motion for Reconsideration. He appears to cite the case to demonstrate his understanding of judicial immunity. *Pierson* does not affect the Court’s analysis of the Motion for Reconsideration.

mentions this aspect of the Court's September 6, 2019 Opinion, he fails to advance a valid legal argument that immunity for any defendant judge does not apply here. Rather, he states that he "believe[s] this court is mistaken." (*Id.* ¶ 28.) Again, "[a] party's mere disagreement with the court's ruling does not warrant a Rule 59(e) motion . . ." *Smith*, 917 F. Supp. 2d at 572 (citing *Pac. Ins. Co.*, 148 F.3d at 403). Therefore, the Motion for Reconsideration fails to show a need to "correct a clear error of law," and does not satisfy this aspect of the third ground for relief under Rule 59(e). *Hutchinson*, 994 F.2d at 1081.

Second, the Motion for Reconsideration also does not show a need to "prevent a manifest injustice," the second basis articulated as underpinning the third ground for relief under Rule 59(e). *Id.* Throughout his filings, Sloan baldly repeats that his family has endured manifest injustice as a result of the loss of custody of his daughter, but he fails to make an argument that this Court has erred in its ruling on the law, or to meet the high threshold required of a Rule 59(e) motion. To properly plead a Rule 59(e) motion, Sloan must state "more than an expression of a view of the law contrary to that set forth in the Court's opinion." *Durkin*, 444 F. Supp. At 889. Because he has failed to do so, the Motion for Reconsideration also does not to show a need for the Court to reconsider its prior Opinions and Orders "to prevent manifest injustice." *Hutchinson*, 994 F.2d at 1081. Thus, Sloan does not establish any basis for reconsideration to prevent a manifest injustice.

Because the Motion for Reconsideration fails to meet any of the grounds for relief under Rule 59(e), modification of this Court's September 6, 2019 Opinion

would be an “extraordinary remedy” not warranted in this case and the Motion for Reconsideration fails under Rule 59(e). *Pac. Ins. Co.*, 148 F.3d at 403.

IV. Sloan’s Motion Would Not Demonstrate the Threshold Meritorious Claim or the Exceptional Circumstances Required to Reverse This Court’s Decision Under Rule 60(b)

Even though the Court must only evaluate the Motion for Reconsideration under Rule 59(e), *see* Fed. R. Civ. P. 59(e); *Cohen*, 2020 WL 584075, at *1, in an effort to comprehensively review this motion lodged by a frequent litigant, the Court now turns to Rule 60(b). Sloan’s reassertion of claims this Court has already reviewed when assessing his Complaint, Amended Complaint, and Motion for Reconsideration under Rule 59(e) does not constitute a meritorious claim. Nor do these allegations exhibit exceptional circumstances. Because both are required to merit relief under Federal Rule of Civil Procedure 60(b), if the Court were to consider the Motion for Reconsideration under Rule 60(b), the Court would deny it under that Rule as well.

A. Standard of Review: Rule 60(b)

Federal Rule of Civil Procedure 60(b) allows a court to

relieve a party . . . from a final judgment, order, or proceeding for the following reasons: (1) mistake, inadvertence, surprise, or excusable neglect; (2) newly discovered evidence that, with reasonable diligence, could not have been discovered in time to move for a new trial under Rule 59(b); (3) fraud (whether

previously called intrinsic or extrinsic), misrepresentation, or misconduct by an opposing party; (4) the judgment is void; (5) the judgment has been satisfied, released, or discharged; it is based on an earlier judgment that has been reversed or vacated; or applying it prospectively is no longer equitable; or, (6) any other reason that justifies relief.

Fed. R. Civ. P. 60(b). Providing relief under Rule 60(b) constitutes “an extraordinary remedy that should not be awarded except under exceptional circumstances.” *Mayfield v. Nat’l Ass’n for Stock Car Auto Racing, Inc.*, 674 F.3d 369, 378 (4th Cir. 2012) (citing *Ackermann v. United States*, 340 U.S. 193, 202 (1950)). The party seeking relief under Rule 60(b) “must make a threshold showing of timeliness,^[4] ‘a meritorious claim or defense,’ and lack of unfair prejudice to the opposing party.” *Coleman v. Jabe*, 633 F. App’x. 119, 120 (4th Cir. 2016) (quoting *Aikens v. Ingram*, 652 F.3d 496, 501 (4th Cir. 2011)) (stating that even a “postjudgment change in decisional law . . . rarely provide[s] sufficiently extraordinary circumstances to justify relief under Rule 60(b)(6)” (citations omitted)). A party must also demonstrate “exceptional circumstances.” *Dowell v. State Farm Fire & Cas. Auto. Ins. Co.*, 933 F.2d 46, 48 (4th Cir. 1993) (quoting *Werner v. Carbo*, 731 F.2d 204,

⁴ Federal Rule of Civil Procedure 60 requires that “[a] motion under Rule 60(b) . . . be made within a reasonable time—and for reasons (1), (2), and (3) no more than a year after the entry of the judgment or order or the date of the proceeding.” Fed. R. Civ. P. 60(c)(1). Sloan filed the Motion for Reconsideration twenty-seven days after the Court entered its September 6, 2019 Memorandum Opinion and Order. Therefore, the Motion for Reconsideration would be timely under Rule 60. *See* Fed. R. Civ. P. 60(c)(1).

207 (4th Cir. 1984)). Only after a showing of these “exceptional circumstances” may a Court find relief under one of the six factors.⁵ *Mayfield*, 674 F.3d at 378.

B. Because the Motion for Reconsideration Fails to State a Meritorious Claim and Does Not Establish Exceptional Circumstances, It Would Fail to Justify a Reversal of This Court’s Decision

Because Sloan filed the Motion for Reconsideration within twenty-seven days of the Court’s September 6, 2019 Memorandum Opinion and Order dismissing his Amended Complaint, Sloan would have timely filed the Motion for Reconsideration under Rule 60. *See* Fed. R. Civ. P. 60(c)(1). Therefore, given Sloan’s persistent filing and his *pro se* status, the Court would evaluate whether the Motion for Reconsideration sets forth the “meritorious claim or defense” to satisfy Rule 60(b) and, next, whether he identifies any “exceptional circumstances” required for relief under Rule 60(b)(6). *Coleman*, 633 F. App’x. at 120 (quoting “*Aikens*, 652 F.3d at 501); *Dowell*, 933 F.2d at 48 (quoting *Werner*, 731 F.2d at 207). Sloan’s assertions in the Motion for Reconsideration would not satisfy either of these threshold requirements.

First, Sloan, as in his first two Complaints, would fail to state a “meritorious claim or defense” in the instant Motion for Reconsideration. *See Coleman*, 633 F. App’x at 120. As stated in this Court’s September 6, 2019 Opinion, “Federal Rule of Civil Procedure 8

⁵ Because Sloan does not meet the threshold requirements of Rule 60(b), the Court would not need to reach the subsections of the Rule.

'requires a showing of entitlement to relief,' more than just bare allegations." (Sep. 6, 2019 Mem. Op. 6 (quoting *Francis v. Giacomelli*, 588 F.3d 186, 192 (4th Cir. 2009) (emphasis in original)). In that Memorandum Opinion, the Court concluded that in his Amended Complaint, "Sloan did not 'clearly identify each federal or state law allegedly violated.' . . . He ties no later factual allegations to any specific law violated[, and] . . . his over 130-paragraph Amended Complaint includes many of the same 'unnecessary . . . factual allegations' this Court warned him to exclude." (*Id.* 7 (quoting Dec. 21, 2018 Order 5).) Similar to the Amended Complaint, the Motion for Reconsideration once again fails to tie factual allegations to a specific law violated. It also restates unnecessary factual allegations previously stated in both the original Complaint and the Amended Complaint. As Sloan himself states in the motion, "[n]one of the above [allegations are] new. All this was explained at the beginning of this case when the complaint was filed." (Mot. Recons. ¶ 89.) For the same reasons he did not demonstrate a meritorious claim in his Complaint and his Amended Complaint, Sloan would fail to state a meritorious claim in his 141-paragraph Motion for Reconsideration.

Similarly, Sloan could not show "exceptional circumstances" as required by Rule 60(b). *Dowell*, 933 F.2d at 48 (quoting *Werner*, 731 F.2d at 207). Simply reasserting old claims, without valid legal arguments to support these claims, does not rise to the level of demonstrating the "exceptional circumstances" required by Rule 60(b)(6). *Id.* Because the Motion for Reconsideration would fail to meet the threshold requirements of

Rule 60(b), it would also falter under that Rule. The Court now turns to Rule 60(d)(3).

V. Sloan's Motion Provides No Valid Evidence of Fraud Perpetrated on This Court by Defendants or Their Attorneys as Required by Rule 60(d)(3)

Sloan's Motion for Reconsideration would also founder under Rule 60(d)(3), the final rule that would allow the Court to reconsider its prior decision.

A. Standard of Review: Rule 60(d)(3)

Rule 60(d)(3) permits a court to "set aside a judgment for fraud on the court." Fed. R. Civ. P. 60(d)(3). Fraud on the court requires that a litigant show more than "ordinary fraud" by the opposing party. *Fox v. Elk Run Coal Co., Inc.*, 739 F.3d 131, 136 (4th Cir. 2014). The litigant must demonstrate that the fraud "not only . . . involve[s] an intentional plot to deceive the judiciary, but it must also touch on the public interest in a way that fraud between individual parties generally does not." *Id.* Examples include "bribery of a judge or juror, or improper influence exerted on the court by an attorney, in which the integrity of the court and its ability to function impartially is directly impinged." *Great Coast Express Inc. v. Int'l Bhd. Teamsters*, 675 F.2d 1349, 1356 (4th Cir. 1982).

B. Because Sloan Could Not Establish the Influence of Fraudulent Behavior on The Court, No Basis for Reversing This Court's Decision Would Exist Under Rule 60(d)(3)

Finally, for the reasons stated above, the Court evaluates whether Sloan's motion would address fraud on the court as required for relief under Rule

60(d)(3). *Fox*, 739 F.3d at 136. The Motion for Reconsideration would not provide grounds for reversing this Court's decision on the basis of fraud.

Sloan would fail to demonstrate that "the integrity of the court and its ability to function impartially is directly impinged" by the actions of the defendants. *Great Coast Express*, 675 F.2d at 1356. Sloan's claims contain multiple bald assertions of fact and legal conclusions which are wide-ranging and cover multiple events and defendants. But Sloan's primary, repeated concern is that a group of judges in Virginia decided a custody case involving his daughter without the necessary jurisdiction. Sloan states, "these four judges named in the complaint, including two past judges and one future judge, did not have even the slightest scintilla of jurisdiction over the case." (Mot. Recons. 2.) The Motion for Reconsideration then elaborates by saying, without cognizable legal or factual basis, that the judges in question "are terrorists who formed a terrorist group . . . with the plan to kidnap my mother and children and have them brought to Virginia where they could assert jurisdiction over them," and that the judges exhibited a "pattern of complete lawlessness." (*Id.* ¶¶ 2, 20.) Even if these unsupported factual assertions could plausibly advance fraudulent conduct, they would not articulate any undue influence the defendants may have had over this Court and its rulings. Rule 60(d)(3) requires a demonstration of fraud involving the judgment in question, or the judgment Sloan is asking the Court to reverse. *See* Fed. R. Civ. P. 60(d)(3). In sum, Sloan could not to demonstrate any fraudulent activity related to this Court or its prior Orders.

Sloan also protests the failure of the former Motions to Dismiss to “(address] the important central facts of this case which are that the subject child was born . . . in New York City . . . and Virginia has never had proper legal jurisdiction over this child.” (*Id.* ¶ 48.) This statement fails to demonstrate how the defendants, their attorneys, or their motions successfully compromised “the integrity of the court and its ability to function impartially.” *Great Coast Express*, 675 F.2d at 1356. Without a clear basis for claiming direct fraud on this Court, Sloan would fail to meet the requirements for relief under Rule 60(d)(3), if the Court were to consider the Motion for Reconsideration as brought under Rule 60(d)(3).

VI. Conclusion

For the foregoing reasons, and as to every basis considered, the Court will deny Sloan’s Motion for Reconsideration. (ECF No. 76.)

An appropriate Order shall issue.

/s/ M. Hannah Lauck
United States District Judge

Date: 5/14/2020
Richmond, Virginia

App.22a

**FINAL ORDER OF THE DISTRICT COURT
ACCOMPANYING MEMORANDUM OPINION
(MAY 14, 2020)**

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
RICHMOND DIVISION

SAMUEL H. SLOAN,

Plaintiff,

v.

MARIA CHILDRESS, ET AL.,

Defendants.

Civil Action No. 3:18cv260

Before: M. Hannah LAUCK,
United States District Judge.

For the reasons stated in the accompanying Memorandum Opinion, the Court DENIES Sloan's Motion for Reconsideration. (ECF No. 76.)

Let the Clerk send a copy of the Memorandum Opinion and this Order to all counsel of record; to Sloan at his address of record; and, to Patricia S. Connor, Clerk, United States Court of Appeals for the Fourth Circuit, 1100 East Main Street, Suite 501, Richmond, Virginia 23219.

App.23a

It is SO ORDERED.

/s/ M. Hannah Lauck
United States District Judge

Date: 5/14/2020
Richmond, Virginia

**MEMORANDUM OPINION OF THE DISTRICT
COURT FOR THE EASTERN DISTRICT OF
VIRGINIA GRANTING MOTION TO DISMISS AND
DISMISS SLOAN'S AMENDED COMPLAINT
(SEPTEMBER 6, 2019)**

IN THE UNITED STATES DISTRICT COURT FOR
THE EASTERN DISTRICT OF VIRGINIA
RICHMOND DIVISION

SAMUEL H. SLOAN,

Plaintiff,

v.

MARIA CHILDRESS, ET AL.,

Defendants.

Civil Action No. 3:18cv260

Before: M. Hannah LAUCK,
United States District Judge.

This matter comes before the Court on seven motions to dismiss:

- (1) Defendant Judge William G. Petty's ("Judge Petty") Renewed Motion to Dismiss Amended Complaint ("Judge Petty's Motion to Dismiss"), (ECF No. 51);

(2) Defendants Norman K. Moon, United States District Judge (“Judge Moon”),¹ William P. Barr, Attorney General of the United States;² and the United States Department of Justice’s (“DOJ” and, collectively, the “Federal Defendants”) Motion to Dismiss Amended Complaint (the “Federal Defendants Motion to Dismiss”), (ECF No. 54);

(3) Defendants Maria Childress, Chris Bolling, Shayam Raman, and Susan Swecker’s (collectively, the “Democratic Party Defendants”) Motion to Dismiss Pursuant to Rules 12 and 8 of the Federal Rules of Civil Procedures

¹ Sloan alleges that Judge Moon took actions both in his capacity as a United States District Judge and as a Virginia state court judge. The Federal Defendants Motion to Dismiss seeks to dismiss Sloan’s allegations regarding Judge Moon’s actions as a federal judge.

² Sloan originally brought suit against Jefferson Beauregard Sessions, III, the former United States Attorney General. Sloan did not specify whether he brought suit against Sessions in his individual or official capacity. However, because Sloan’s sole allegation against “the Attorney General” in the Amended Complaint is that the Attorney General is “properly named as [a] defendant[] here because [he] supervise[s] the [Federal Bureau of Investigation (“FBI”)],” and this must be done in the Attorney General’s official capacity, the Court interprets Sloan’s allegations as though he intended to name Sessions in his official capacity.

On February 14, 2019, William P. Barr was sworn in as the United States Attorney General. U.S. DEP’T OF JUSTICE, *Office of the Attorney General: Meet the Attorney General*, <https://www.justice.gov/ag> (last accessed July 25, 2019). Because Sloan named Sessions in his official capacity, the Court substitutes Barr for Sessions as the defendant in this case.

(the “Democratic Party Defendants Motion to Dismiss”), (ECF No. 56);

(4) Defendant the Honorable Ralph S. Northam, Governor of Virginia’s Motion to Dismiss Amended Complaint (“Governor Northam’s Motion to Dismiss”), (ECF No. 57);

(5) Defendant Mark Herring, Attorney General of Virginia’s Motion to Dismiss Amended Complaint (“Attorney General Herring’s Motion to Dismiss”), (ECF No. 59);

(6) Defendants Judge Lawrence Janow, Judge J. Michael Gamble, and Norman K. Moon, United States District Judge’s³ (collectively, the “Virginia Judges”) Motion to Dismiss Amended Complaint (the “Virginia Judges’ Motion to Dismiss”), (ECF No. 61); and,

(7) Defendant Frank G. Davidson, III’s Motion to Dismiss Plaintiffs Amended Complaint Pursuant to Federal Rules of Civil Procedure 12(b)(6) and 8 (the “Davidson Motion to Dismiss”), (ECF No. 63).⁴

Sloan responded to each of the motions to dismiss. (ECF Nos. 67-73.) None of the defendants replied to Sloan’s response and the time to do so has expired.

³ The Virginia Judges’ Motion to Dismiss seeks to dismiss Sloan’s allegations regarding Judge Moon’s alleged actions during his tenure as a judge on the Virginia Court of Appeals.

⁴ Each of the defendants included in their motions to dismiss a notice consistent with the requirements set forth in *Roseboro v. Garrison*, 528 F.2d 309 (4th Cir. 1975), and Local Civil Rule 7(K) for the United States District Court for the Eastern District of Virginia.

This matter is ripe for disposition. The Court dispenses with oral argument because the materials before it adequately present the facts and legal contentions, and argument would not aid the decisional process. As explained below, because Sloan failed to comply with the Court's prior order and Federal Rule of Civil Procedure 8, the Court will grant the motions to dismiss and dismiss with prejudice Sloan's Amended Complaint. Even if the Court were to consider Sloan's Amended Complaint, the Court would likely find that it lacks subject matter jurisdiction as to several of the defendants and that Sloan failed to state a claim against the remaining defendants. The Court, then would likely dismiss Sloan's complaint under these alternate theories as well.⁵

I. Background

A. Summary of Allegations in Sloan's Original Complaint

Sloan filed his original 86-page complaint in this Court seemingly seeking to hold Judge Janow, Judge Gamble, now-Judge Petty, Judge Moon, Davidson, Charles Roberts, and Darrell Jay Roberts accountable

⁵ The Court recognizes that two defendants—Charles Edward Roberts and Darrell Jay Roberts—have failed to respond to Sloan's Amended Complaint. These two defendants, proceeding *pro se*, previously filed an Answer to Sloan's original complaint. (ECF No. 24.) Because Sloan failed to comply with the substantive and procedural dictates for filing his Amended Complaint articulated in this Court's December 21, 2018 Order after the Court warned him that such failure would "result in dismissal of this action without prejudice," (Dec. 21, 2018 Order 5, ECF No. 49 (capitalization omitted)), the Court will dismiss the Amended Complaint as to all defendants, including the Roberts defendants.

for kidnapping Sloan's daughter while Sloan and his daughter resided in the United Arab Emirates.⁶ Sloan alleged that these defendants mistakenly believed that the Sloan family possessed great wealth, which the defendants could obtain by gaining custody of Sloan's daughter. Additionally, Sloan maintained that "[t]he Roberts were determined to kidnap the child so they could raise her as a Christian, rather than as a Muslim as both her parents were." (Compl. 17, ECF No. 1.) Sloan asked this Court to find Judge Janow, Judge Gamble, Judge Petty, Davidson, and Judge Moon guilty of kidnapping, conspiracy to commit kidnapping, and hiding these crimes. Sloan suggested that the Court place these defendants "in a secure location from which there will be no escape such as Guantanamo Bay." (*Id.* 84.)

In his original complaint Sloan also sought an order from this Court declaring the "Virginia Felony Disenfranchisement Law" unconstitutional, (*id.* 3), and alleged that the Democratic Party Defendants wrongly excluded him from the ballot as a candidate

⁶ The Court takes judicial notice of the fact that Sloan "has been a party to at least 35 separate actions filed in the federal courts since 1990." *Sloan v. Smith*, No. 6:09cv5, 2009 WL 453298, at *1 n.1 (W.D. Va. Feb. 24, 2009). As Judge Moon recognized in his 2009 decision, Sloan "has filed a number of complaints in the federal courts . . . which likewise arose out of plaintiff's attempt to characterize his loss of custody of his daughter as a kidnap[pl]ing and a violation of his civil rights." *Id.* at *1 (footnotes omitted).

for United States Congress.⁷ Sloan sought numerous other types of relief as well.⁸

In response to his original complaint, many of the defendants filed a motion to dismiss and Charles Roberts and Darrell Roberts filed a joint Answer. The Court reviewed Sloan's original complaint and found that it "plainly offends Federal Rule of Civil Procedure 8."⁹ (Dec. 21, 2018 Order 3, ECF No. 49.) "[I]n deference to Sloan's *pro se* status, and in the interest of justice," the Court allowed Sloan to file an Amended Complaint and provided him clear directions as to what that Amended Complaint must include. (*Id.* 3-5.) Sloan then filed his Amended Complaint.

⁷ Specifically, Sloan claimed that even though he collected 1,226 signatures in support of his nomination and paid the filing fee, "Defendant Maria Childress, who is the Chairwoman of the Democratic Party for the 6th Congressional District, threw him off the primary ballot several days later without giving any reason therefore [sic] and without even returning his many phone calls." (Compl. 2.)

⁸ For instance, Sloan requested that his mother's former home "be restored to the possession of Plaintiff and the Sloan Family," (Compl. 83); that the Court "reverse[] and declare[] [n]ull and [v]oid" Judge Gamble's orders granting custody of Sloan's daughters to "the Roberts family," (*id.*); and, that his prior convictions "be set aside and declared null and void." (*Id.* 84.) Finally, he sought a judgment in the amount of "\$50 million, the same amount Defendants thought they were going to get from the estate of the father of Plaintiff." (*Id.* 85.)

⁹ Rule 8(a) requires that a pleading seeking relief contain "a short and plain statement of the claim showing that the pleader is entitled to relief." FED. R. Civ. P. 8(a)(2).

B. Summary of Allegations in Sloan's Amended Complaint

Although Sloan reduced his eighty-six pages of allegations to twenty-five pages in his Amended Complaint, he repeats many of his initial allegations with a similar absence of chronological or logical cohesion. For instance, without serious underpinning facts, Sloan maintains that Judge Janow, Judge Petty, Judge Moon, and Davidson “are clearly guilty of kidnapping and conspiring to kidnap Plaintiff's daughter and the cover-up of these crimes.”¹⁰ (Am. Compl. 25, ECF No. 50.) He again requests that this Court “place[these defendants] under arrest and place[them] in a secure location from which there will be no escape such as Guantanamo Bay.” (*Id.*)

Sloan also renews his assertions that the Democratic Party Defendants wrongly excluded him from the ballot in a recent election, stating that Childress told Sloan's campaign manager “that ‘her boss’ had told her not to allow the name of Plaintiff to appear on the ballot.” (*Id.* 17.) Sloan maintains that he does not know who serves as Childress's “boss” and that, as a result, he named Raman, Swecker, Bolling, Governor Northam, and Virginia Attorney General Herring as defendants. (*Id.*) He again seeks an order from this

¹⁰ Sloan alleges that he contacted the FBI on “innumerable” occasions to report the kidnapping of his daughter and his mother. (Am. Compl. 13-14.) He states that “[i]n spite of all these calls, the FBI undertook no investigation of these kidnappings.” (*Id.* 14.) He supports his claim against the DOJ and United States Attorney General Barr by positing that they “are properly named as defendants here because they supervise the FBI and thus should have required the FBI to investigate these crimes to this day.” (*Id.*)

Court declaring the “Virginia Felony Disenfranchisement Law” unconstitutional, (*id.* 22), alongside a spattering of seemingly unrelated additional avenues of relief that mirror those in his first complaint.¹¹

The defendants filed the instant motions to dismiss in response to Sloan’s Amended Complaint. Sloan’s reply to each followed.

II. Sloan Failed to Comply With Federal Rule of Civil Procedure 8 and Failed to Obey This Court’s December 21, 2018 Order¹²

In each of the pending motions, the defendants assert that the Court must dismiss Sloan’s Amended

¹¹ As he did in his original complaint, Sloan again asks that the Court “restore[] to the possession of Plaintiff and the Sloan Family” his mother’s home (Compl. 83; Am. Compl. 23); that the Court “reverse[] and declare[] [n]ull and [v]oid” Judge Gamble’s orders granting custody of Sloan’s daughters to “the Roberts family,” (Compl. 83; Am. Compl. 24); that his prior convictions “be set aside and declared null and void,” (Compl. 84; Am. Compl. 24); and a judgment in the amount of \$50 million “the same amount Defendants thought they were going to get from the estate of the father of Plaintiff,” (Compl. 84; Am. Compl. 24).

¹² District courts have a duty to construe *pro se* pleadings liberally. *Bracey v. Buchanan*, 55 F. Supp. 2d 416, 421 (E.D. Va. 1999). “This principle of liberal construction, however, has its limits.” *Suggs v. M & T Bank*, 230 F. Supp. 3d 458, 461 (E.D. Va. 2017), *aff’d sub nom. Suggs v. M&T Bank*, 694 F. App’x 180 (4th Cir. 2017). A *pro se* plaintiff must allege facts sufficient to state a cause of action. *Bracey*, 55 F. Supp. 2d at 421 (citation omitted). The Court cannot act as a *pro se* litigant’s “advocate and develop, *sua sponte*, statutory and constitutional claims that the [litigant] failed to clearly raise on the face of [the] complaint.” *Newkirk v. Circuit Court of Hampton*, No. 3:14cv372, 2014 WL 4072212, at *1 (E.D. Va. Aug. 14, 2014). Even construing Sloan’s Amended

Complaint because Sloan failed to comply with this Court's December 21, 2018 Memorandum Order and Rule 8. In its December 21, 2018 Order, the Court found that Sloan's Complaint "plainly offend[ed] Federal Rule of Civil Procedure 8." (Dec. 21, 2018 Mem. Order 3.) The Court stated that Sloan's Amended Complaint "must omit any unnecessary incorporation of factual allegations for particular claims and any claim against any defendant that is not well-grounded in the law and fact." (*Id.* 5 (citing *Sewraz v. Guice*, No. 3:08cv35, 2008 WL 3926443, at *2 (E.D. Va. Aug. 26, 2008).) The Court also stated that Sloan must include "a short statement of the facts giving rise to his claims for relief" and that he "must clearly identify each federal or state law allegedly violated." (*Id.*) The Court explained that "failure to strictly comply with the Court's directives and with applicable rules will result in dismissal of this action without prejudice." (*Id.* (capitalization omitted).)

Federal Rule of Civil Procedure 8 "requires a showing of entitlement to relief," more than just bare allegations. *Francis v. Giacomelli*, 588 F.3d 186, 192 (4th Cir. 2009) (emphasis in original). The well-pleaded facts must "permit the court to infer more than the mere possibility of misconduct." *Id.* at 193. In doing so, a court is not bound to accept as true "legal conclusions couched as factual allegations." *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544, 555-56 (2007) (quoting *Papasan v. Allain*, 478 U.S. 265, 286 (1986)). The Federal Rules of Civil Procedure require such pleading "to 'give the defendant fair notice of what the . . . claim is and the

Complaint liberally, the Court finds that it does not comport with the Court's December 21, 2018 instructions.

grounds upon which it rests.” *Id.* at 555 (quoting *Conley v. Gibson*, 355 U.S. 41, 47 (1957)). While the long-standing practice allows a court to construe *pro se* pleadings liberally, *Hill v. Braxton*, 277 F.3d 701, 707 (4th Cir. 2002), “[t]his principle of liberal construction, however, has its limits,” *Suggs*, 230 F. Supp. 3d at 461.

Sloan’s Amended Complaint, though significantly shorter, does not comply with Federal Rule of Civil Procedure 8. Sloan did not “clearly identify each federal or state law allegedly violated.” (Dec. 21, 2018 Order 5.) Sloan’s only mention of any law in the Amended Complaint is his introductory statement avowing his purported reliance on the “First, Fifth and Fourteenth Amendments to the Constitution of the United States including Freedom of Religion, the Civil Rights Acts including 42 U.S.C. 1983, 28 U.S.C. 1331, the Voting Rights Acts, the RICO Corrupt Practices Acts, and the right to Petition the Government” as his grounds for invoking this Court’s jurisdiction. (Am. Compl. 1.) He ties no later factual allegations to any specific law violated. Similarly, although Sloan has omitted much of the prolix “Nature of the Case” found in his original Complaint, his over 130-paragraph Amended Complaint includes many of the same “unnecessary . . . factual allegations” this Court warned him to exclude. (Dec. 21, 2018 Order 5; *see generally* Am. Compl.) For these reasons, Sloan’s prolix Amended Complaint fails to give Defendants reasonable notice of the causes of action brought against them. *See Twombly*, 550 U.S. at 555 (quoting *Conley*, 355 U.S. at 47).

Sloan’s Amended Complaint also does not obey this Court’s December 21, 2018 Memorandum Order.

The Court previously informed Sloan that “[t]he particularized amended complaint must stand or fall on its own accord.” (Dec. 21, 2018 Order 5.) In his Amended Complaint, however, Sloan states that he “[r]epeats and [r]ealleges each and every allegation made in paragraphs 1 through 332 of the original complaint and in all of the paragraphs of the above amended complaint,” (Am. Compl. 22.) Because Sloan attempts to bring the same frivolous claims in his Amended Complaint that this Court dismissed in his original Complaint—and he did so in a way that violates Federal Rule of Civil Procedure 8 and directly contradicts this Court’s December 21, 2018 Memorandum Order—the Court will, in accordance with its prior warning, dismiss Sloan’s Amended Complaint. For this reason, the Court grants each of the pending motions to dismiss.

III. If the Court Were to Consider the Substance of the Pending Motions, It Would Likely Lack Subject Matter Jurisdiction over Many Defendants

Even if the Court were to consider Sloan’s Amended Complaint, the Court would have to dismiss his claims against most of the named defendants based on a lack of subject matter jurisdiction over them.

A. Standard of Review: Rule 12(b)(1)

In a motion to dismiss under Federal Rule of Civil Procedure 12(b)(1) challenging the Court’s subject-matter jurisdiction, the burden rests with the plaintiff, as the party asserting jurisdiction, to prove that federal jurisdiction is proper. *See Int’l Longshoremen’s Ass’n v. Va. Int’l Terminals, Inc.*, 914 F. Supp. 1335, 1338 (E.D. Va. 1996) (citing *McNutt v. Gen. Motors Acceptance*

Corp., 298 U.S. 178, 189 (1936); *Adams v. Bain*, 697 F.2d 1213, 1219 (4th Cir. 1982)). A motion to dismiss pursuant to Fed. R. Civ. P. 12(b)(1) can attack subject-matter jurisdiction in two ways. First, a Rule 12(b)(1) motion may attack the complaint on its face, asserting that the complaint fails to state a claim upon which subject-matter jurisdiction can lie. *See Int'l Longshoremen's Ass'n*, 914 F. Supp. at 1338 (citing *Adams*, 697 F.2d at 1219). In such a challenge, a court assumes the truth of the facts alleged by plaintiff. *See id.*

Alternatively, a Rule 12(b)(1) motion may also challenge the existence of subject-matter jurisdiction in fact, apart from the pleadings. *See Richmond, Fredericksburg & Potomac R.R. Co. v. United States*, 945 F.2d 765, 768 (4th Cir. 1991); *see also Int'l Longshoremen's Ass'n*, 914 F. Supp. at 1338 (citing *Adams*, 697 F.2d at 1219). In such a case, because a party challenges the court's "very power to hear the case," the trial court is free to weigh evidence to determine the existence of jurisdiction. *Int'l Longshoremen's Ass'n*, 914 F. Supp. at 1338 (quoting *Mortensen v. First Fed. Sav. & Loan Ass'n*, 549 F.2d 884, 891 (3d Cir. 1977)). "[N]o presumptive truthfulness attaches to the plaintiff's allegations, and the existence of disputed material facts will not preclude the trial court from evaluating for itself the merits of jurisdictional claims." *Int'l Longshoremen's Ass'n*, 914 F. Supp. at 1338 (quoting *Mortensen*, 549 F.2d at 891); *see also Adams*, 697 F.2d at 1219.

B. Immunity Likely Would Protect Eight of the Defendants from Liability

Were the Court to evaluate jurisdiction, it would likely find an absence of subject matter jurisdiction

over the Virginia Judges, now-Judge Petty, the Federal Defendants, Governor Northam, and Virginia Attorney General Herring under either Rule 12(b)(1) standard because immunity protects those defendants from liability. For instance, Sloan attempts to bring a claim against many judges for their actions as a member of the judiciary. As an example, Sloan asserts that he “tried several times to appeal to the Virginia Court of Appeals. However, every time he did that, within a few days Judge Norman Moon, a judge of that court dismissed the appeal.” (Am. Compl. 9.) The Supreme Court of the United States, however, long has recognized that judges are entitled to absolute immunity from liability. *See Bradley v. Fisher*, 80 U.S. (13 Wall) 335, 347 (1871) (“a general principle of the highest importance to the proper administration of justice [is] that a judicial officer, in exercising the authority vested in him, shall be free to act upon his own convictions, without apprehension of personal consequences to himself.”). Because judicial immunity protects judges from personal liability for actions taken while acting as a member of the judiciary, even if the Court were to evaluate Sloan’s Amended Complaint, it would have to dismiss Sloan’s allegations against each of the four judges he accuses of violating his rights when they handled Sloan’s prior cases.

Sloan also contends that a fifth judge, Judge Petty, took several improper actions in his previous role as Commonwealth Attorney for Lynchburg. For instance, Sloan alleges that he “only served 18 months in Powhatan and Dillwyn Prisons in Virginia even though defendant Commonwealth Attorney Willia[m] G. Petty had tried to have him sentenced to 15 years in prison.” (Am. Compl. 17-18.) However, prosecutorial

immunity would bar Sloan's allegations against now-Judge Petty for actions taken during his tenure as Commonwealth Attorney for Lynchburg. *See Andrews v. Ring*, 585 S.E.2d 780, 785 (Va. 2003) ("In each case where a prosecutor is involved in the charging process, under Virginia law, that action is intimately connected with the prosecutor's role in judicial proceedings and the prosecutor is entitled to absolute immunity from suit for such actions.") For this reason, even looking beyond Sloan's Rule 8 and other procedural failures, the Court likely would dismiss the allegations against now-Judge Petty for actions he took while working as a prosecutor.

Sloan also has not illustrated how that he can overcome the United States' asserted sovereign immunity in order to pursue his claims against either DOJ or United States Attorney General Barr.¹³ *See F.D.I.C. v. Meyer*, 510 U.S. 471, 475 (1994) ("Absent a waiver, sovereign immunity shields the Federal Government and its agencies from suit Sovereign immunity is jurisdictional in nature." (internal citations omitted)). Nor has he demonstrated that he can overcome Eleventh Amendment¹⁴ immunity to pursue his claims

¹³ The Court notes that Sloan's sole allegation against the United States Department of Justice and Attorney General Barr is that they "are properly named as defendants here because they supervise the FBI and thus should have required the FBI to investigate these crimes to this day." (Am. Compl. 14.) This single sentence cannot suffice to establish a claim showing Sloan is entitled to relief, as required by Rule 8 or Rule 12(b)(6). Fed. R. Civ. P. 8 and 12(b)(6). For this reason, even if the Court concluded that Sloan could overcome the immunity afforded to these defendants, it would likely dismiss Sloan's claims against them.

¹⁴ The Eleventh Amendment of the United States Constitution provides: "The Judicial power of the United States shall not be

against Governor Northam¹⁵ or Attorney General Herring¹⁶ as officials of the Commonwealth of Virginia. *See Constantine v. Rectors & Visitors of George Mason Univ.*, 411 F.3d 474, 482 n.4 (4th Cir. 2005) (“the essence of the immunity is that the State cannot be sued in federal court at all, even where the claim has merit, and the importance of immunity as an attribute of the States’ sovereignty is such that a court should address that issue promptly once the State asserts its immunity.”).

In sum, Sloan has not established that he can overcome the immunity afforded to each of the four judicial defendants, now-Judge Petty during his previous tenure as Lynchburg’s Commonwealth Attorney, the DOJ, United States Attorney General Barr, Governor Northam, and Virginia Attorney General Herring. Thus, even were the Court to liberally construe

construed to extend to any suit in law or equity, commenced or prosecuted against one of the United States by Citizens of another state, or by Citizens or Subjects of any Foreign State.” U.S. CONST. amend. XI.

¹⁵ Sloan’s sparse allegations against Governor Northam include “Ralph Northam, then Governor of Virginia” may serve as Maria Childress’s boss, (Am. Compl. 17.), and that “in 2018 the Governor of Virginia signed an order restoring his civil rights so Sloan was able to run for US Congressman,” (*id.* 16). Even if the Court were to consider Sloan’s allegations against Governor Northam, Sloan likely cannot meet his burden under Rules 8 or 12(b)(6) with these scant factual allegations. *See* Fed. R. Civ. P. 8 and 12(b)(6).

¹⁶ Sloan mentions Virginia Attorney General Herring in his Amended Complaint only once, saying that “Mark Herring, Attorney General of Virginia” may serve as Maria Childress’s boss. (Am. Compl. 17.) This single factual allegation (a tentative one at that) likely cannot suffice to meet Sloan’s burden under Rules 8 or 12(b)(6). *See* Fed. R. Civ. P. 8 and 12(b)(6).

the allegations in Sloan's Amended Complaint against each of those eight defendants, the Court would have to find Sloan's Amended Complaint lacking any basis for the Court to exercise subject matter jurisdiction as to these claims, meaning all eight defendants would have to be dismissed.

IV. Even If the Court Were to Assess Sloan's Amended Complaint as to the Remaining Four Defendants, Dismissal for Failure to State a Claim Would Have to Ensnue

Further, even if the Court were to consider Sloan's allegations against the three Democratic Party Defendants and Davidson—those defendants not protected by immunity—the Court would likely have to dismiss Sloan's Amended Complaint for failure to allege facts sufficient to state a claim against them.

A. Standard of Review: Rule 12(b)(6)

“A motion to dismiss under Rule 12(b)(6) tests the sufficiency of a complaint; importantly, it does not resolve contests surrounding the facts, the merits of a claim, or the applicability of defenses.” *Republican Party of N.C. v. Martin*, 980 F.2d 943, 952 (4th Cir. 1992) (citing 5A Charles A. Wright & Arthur R. Miller, *Federal Practice and Procedure* § 1356 (1990)). To survive Rule 12(b)(6) scrutiny, a complaint must contain sufficient factual information to “state a claim to relief that is plausible on its face.” *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 570 (2007); *see also* Fed. R. Civ. P. 8(a)(2). Mere labels and conclusions declaring that the plaintiff is entitled to relief are not enough. *Twombly*, 550 U.S. at 555. Thus, “naked assertions of wrongdoing necessitate some factual enhancement

within the complaint to cross the line between possibility and plausibility of entitlement to relief.” *Francis v. Giacomelli*, 588 F.3d 186, 193 (4th Cir. 2009) (internal quotation marks omitted).

A complaint achieves facial plausibility when the facts contained therein support a reasonable inference that the defendant is liable for the misconduct alleged. *Twombly*, 550 U.S. at 556; *see also Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009). This analysis is context-specific and requires “the reviewing court to draw on its judicial experience and common sense.” *Francis*, 588 F.3d at 193 (citation omitted). The Court must assume all well-pleaded factual allegations to be true and determine whether, viewed in the light most favorable to the plaintiff, they “plausibly give rise to an entitlement to relief.” *Iqbal*, 556 U.S. at 676-79; *see also Kensington Volunteer Fire Dep’t v. Montgomery Cty., Md.*, 684 F.3d 462, 467 (4th Cir. 2012).

B. Sloan Likely Fails to Allege Sufficient Plausible Facts to State a Claim

Beyond his patent failure to abide by Rule 8 or this Court’s December 21, 2018 Order, Sloan’s Amended Complaint likely would not meet the standard required by Rule 12(b)(6) to sustain claims against the remaining Democratic Party Defendants and Davidson.

Sloan alleges that Maria Childress told his campaign manager that “her boss’ had told her not to allow the name of Plaintiff to appear on the ballot.” (Am. Compl. 17.) He also states that “[i]n spite of completing in every way the requirements to get on the ballot, the name of Sam Sloan did not appear in

the primary ballot.” (*Id.*) Sloan states that “[w]e¹⁷ do not know what the name of her boss is but we infer that her boss must be” Governor Northam, Virginia Attorney General Herring, Shayam Raman, Susan Swecker, or Chris Bolling. (*Id.*) Sloan’s choice to name all five as defendants as possible “bosses” involves speculation that *Iqbal* and *Twombly* discourage. *See Iqbal*, 556 U.S. at 676-79; *Twombly*, 550 U.S. at 555. And as the Democratic Party Defendants point out, Sloan “fails to show how this Court would have the jurisdiction to nullify an election that has already taken place and has been certified by the Virginia State Board of Elections.” (Mem. Supp. Democratic Party Defs. Mot. Dismiss 2, ECF No. 65.) Even if the Court were to assess Sloan’s Amended Complaint and assuming the Court could set aside the completed election, this two-paragraph sparse claim likely would not give rise to a claim against any of the Democratic Party Defendants. Sloan utterly fails to set forth sufficient well-pleaded factual allegations that “plausibly give rise to an entitlement to relief.” *Iqbal*, 556 U.S. at 676-79.

Sloan’s claims against Davidson—apparently in Davidson’s role as an attorney in cases involving the Sloan family—also would likely not raise a viable cause of action. Sloan’s contentions against Davidson include that “Frank G. Davidson III filed a custody petition on August 27, 1986 at a time when he knew the child was no longer in the Commonwealth of Virginia,” (Am. Compl. 4), and that Davidson received “[a]llmost all of the proceeds for the sale [of Sloan’s

¹⁷ Sloan brings his Amended Complaint as the sole named plaintiff, however, several times throughout the Amended Complaint he uses the pronoun “we.” (*See* Am. Compl. 17.)

mother's home] . . . as legal fees," (*id.* 18). Sloan alleges that Davidson "started all this litigation and . . . claimed to be the guardian ad litem for" Sloan's mother. (*Id.*) Sloan maintains that the Virginia Judges, Judge Petty, and Davidson "are clearly guilty of kidnapping and conspiring to kidnap Plaintiff's daughter and the cover-up of these crimes."¹⁸ (*Id.* 24-25.) Although Sloan repeatedly spatters incendiary allegations

¹⁸ Even if the Court were to address Sloan's allegation that Davidson, the Virginia Judges, and Judge Petty kidnapped Sloan's daughter, the Supreme Court of the United States has recognized that a private individual cannot maintain a criminal prosecution. *See Leeke v. Timmerman*, 454 U.S. 83, 87 (1981). For this reason, Sloan, an individual, could not criminally prosecute these defendants. *See id.*

Similarly, Sloan could not pursue a cause of action against these defendants under a theory of false imprisonment because the statute of limitations bars such a claim. *See Jordan v. Shands*, 500 S.E.2d 215, 218 (Va. 1998) (holding that because false imprisonment constitutes an action for personal injury, a two-year statute of limitations applies). Because Sloan alleges that Davidson, the Virginia Judges, and Judge Petty kidnapped his daughter in 1990, the statute of limitations period for any possible false imprisonment claim has long since passed. *See Jordan*, 500 S.E.2d at 218.

Finally, Sloan cannot maintain his cause of action based on these allegations under the Racketeer Influenced and Corrupt Organizations Act, 18 U.S.C. § 1961, *et seq.* ("RICO") because the applicable statute of limitations bars such a claim. Sloan alleges that his daughter was kidnapped in approximately 1990. Sloan filed his original Complaint on April 23, 2018, and his Amended Complaint on January 18, 2019, at least twenty-seven years later. Even if Sloan did not discover the alleged conspiracy until several years after his daughter had been kidnapped, any claim brought under RICO would be barred by the four-year statute of limitations. *See Rotella v. Wood*, 528 U.S. 549, 553-54 (2000) (finding that RICO's four-year statute of limitations begins when "a plaintiff knew or should have known of his injury").

throughout his Amended Complaint, these “naked assertions of wrongdoing necessitate some factual enhancement within the complaint to cross the line between possibility and plausibility of entitlement to relief.” *Francis*, 588 F.3d at 193 (4th Cir. 2009) (internal quotation marks omitted). Because even a liberal reading of Sloan’s Amended Complaint remains bereft of any such factual enhancement, even a more substantive evaluation of his Amended Complaint would likely result in a dismissal of the claims against Davidson for failure to state a claim.

V. Conclusion

For the foregoing reasons, the Court will grant each of the pending motions to dismiss, (ECF Nos. 51, 54, 56, 57, 59, 61, 63), and dismiss with prejudice Sloan’s Amended Complaint. (ECF No. 50).

An appropriate order shall issue.

/s/ M. Hannah Lauck
United States District Judge

Date: 9/6/2019
Richmond, Virginia

**FINAL ORDER OF THE DISTRICT COURT
ACCOMPANYING MEMORANDUM OPINION
(SEPTEMBER 6, 2019)**

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
RICHMOND DIVISION

SAMUEL H. SLOAN,

Plaintiff,

v.

MARIA CHILDRESS, ET AL.,

Defendants.

Civil Action No. 3:18cv260

Before: M. Hannah LAUCK,
United States District Judge.

For the reasons stated in the accompanying Memorandum Opinion, the Court GRANTS each of the Motions to Dismiss. (ECF Nos. 51, 54, 56, 57, 59, 61, 63.) The Court DISMISSES WITH PREJUDICE Sloan's Amended Complaint. (ECF No. 50.)

Should Sloan wish to appeal this Order, written notice of appeal must be filed with the Clerk of Court within sixty (60) days of the date of entry hereof.¹⁹

¹⁹ See Fed. R. App. P. 4(a)(1)(B).

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Failure to file a notice of appeal within the stated period may result in the loss of the right to appeal.

Let the Clerk send a copy of the Memorandum Opinion and this Order to all counsel of record and to Sloan at his address of record.

It is SO ORDERED.

/s/ M. Hannah Lauck
United States District Judge

Date: 9/6/2019
Richmond, Virginia

**MEMORANDUM ORDER
OF THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
(DECEMBER 12, 2018)**

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
RICHMOND DIVISION

SAMUEL H. SLOAN,

Plaintiff,

v.

MARIA CHILDRESS, ET AL.,

Defendants.

Civil Action No. 3:18cv260

Before: M. Hannah LAUCK, United States District
Judge.

The Court has reviewed the Complaint filed by Plaintiff Samuel Sloan, which numbers 86 pages and includes over 330 individual paragraphs. (*See Compl.,*

ECF No. 1.) Sloan brings his Complaint against numerous defendants¹ and seeks a variety of relief.² He requests a jury trial to decide the Complaint.

In his prolix Complaint, Sloan appears to bring several unrelated claims. For instance, Sloan avers that he was wrongly excluded from the ballot as a candidate for United States Congress.³ Sloan also alleges that several defendants engaged in a conspiracy to kidnap his daughter.⁴ The Complaint then alleges

¹ Sloan names fifteen defendants: Maria Childress, Shayam Raman, Susan Swecker, Chris Bolling, Mark Herring, Ralph Northam, Lawrence Janow, J. Michel Gamble, William G. Petty, Frank G. Davidson III, Norman K. Moon, Charles Edward Roberts, Darrell Jay Roberts, Jefferson Beauregard Sessions III, and the United States Department of Justice (collectively, "Defendants").

² For instance, Sloan seeks an order allowing him "to run as a Democratic Party candidate," restoration of the possession of his family home, reversal of court orders, reversal of his criminal convictions, an order declaring the "Felony Disenfranchisement [sic] Law of Virginia" unconstitutional, and an award of \$50 million. (Compl. 83-84, ECF No. 1.) Sloan also asks the Court to find Defendants Judge Janow, Judge Gamble, Judge Petty, Frank G. Davidson III, and Judge Moon guilty of kidnapping, conspiracy to commit kidnapping, and hiding these crimes, and for the court to place these defendants "in a secure location from which there will be no escape such as Guantanamo Bay." (*Id.*)

³ Specifically, Sloan claims that even though he collected 1,226 signatures in support of his nomination and paid the filing fee, "Defendant Maria Childress, who is the Chairwoman of the Democratic Party for the 6th Congressional District, threw him off the primary ballot several days later without giving any reason therefore [sic] and without even returning his many phone calls." (Compl. ¶113-5.)

⁴ Throughout the Complaint, Sloan spatters details of an alleged conspiracy in which Judge Janow, Judge Gamble, Judge Petty, Frank G. Davidson III, Judge Moon, Charles Roberts, and Darrell

that Sloan was wrongly convicted of two crimes: failure to appear⁵ and attempted abduction of his daughter.⁶

Jay Roberts conspired among themselves and with others to kidnap Sloan's daughter. Sloan alleges they succeeded in kidnapping his daughter while she and Sloan resided in the United Arab Emirates. Sloan alleges that Judge Janow, Judge Gamble, Judge Petty, Frank G. Davidson III, Judge Moon, Charles Roberts, and Darrell Jay Roberts desired to kidnap Sloan's daughter because they mistakenly believed that the Sloan family possessed great wealth, which they could obtain by having custody of Sloan's daughter. Additionally, Sloan maintains that "[t]he Roberts were determined to kidnap the child so they could raise her as a Christian, rather than as a Muslim as both her parents were." (Compl. ¶ 68.)

⁵ Sloan avers that this trial "had never been scheduled or taken place." (Compl. ¶ 46.) Sloan maintains that "Lynchburg Commonwealth Attorney Bill Petty had himself postponed the trial date because he was not ready for trial." (*Id.* ¶ 47.) He states that, "[h]aving been informed that the trial had been continued, Sloan had naturally not come to court." (*Id.* ¶ 48.)

⁶ In support of this claim, Sloan states that he had legal custody of his daughter at the time of the alleged abduction. Sloan alleges that these charges were brought against him because "the Roberts [family were [sic] trying to get legal custody of Samuel Sloan's daughter." (Compl. ¶ 49.)

Several Defendants⁷ have filed Motions to Dismiss under Rules 8(a),⁸ 12(b)(1),⁹ and 12(b)(6).¹⁰

The proffered Complaint plainly offends Federal Rule of Civil Procedure 8, which requires a short and plain statement of the grounds for this Court's jurisdiction and a statement of the claims showing that the plaintiff is entitled to relief. *See generally North Carolina v. McGuirt*, 114 Fed. App'x 555 (4th Cir. 2004) (affirming the district court's dismissal with prejudice of plaintiffs 79-page third amended complaint, finding it "virtually impossible to separate the legal significant from the legally insignificant facts"); *Nevijel v. North Coast Life Ins.*, 651 F.2d 671 (9th Cir. 1981) (affirming the district court's dismissal with prejudice of plaintiff's amended complaint, which was 23 pages long and had 24 pages of addenda). Sloan's prolix Complaint cannot proceed because it fails to give

⁷ Thirteen of the fifteen Defendants in this matter filed Motions to Dismiss, including: Frank Davidson, (ECF No. 12), Judge Petty, (ECF No. 15), Mark Herring, (ECF No. 18), Maria Childress, (ECF No. 20), Judge Janow, Judge Gamble, Judge Moon, (ECF No. 22), Jefferson Sessions, the United States Department of Justice, Judge Moon, (ECF No. 31), Ralph Northam, (ECF No. 33), Chris Bolling, (ECF No. 41), Shayam Raman, (ECF No. 42), and Susan Swecker, (ECF No. 43) (collectively, the "Motions to Dismiss"). Sloan filed several responses. (ECF Nos. 27, 28, 36, 47, 48.) No defendant filed a reply and the time to do so has expired.

⁸ Rule 8(a) requires that a pleading seeking relief contain "a short and plain statement of the claim showing that the pleader is entitled to relief." Fed. R. Civ. P. 8(a)(2).

⁹ "[A] party may assert the following defense[] by motion: (1) lack of subject-matter jurisdiction." Fed. R. Civ. P. 12(b)(1).

¹⁰ Rule 12(b)(6) allows dismissal for "failure to state a claim upon which relief can be granted." Fed. R. Civ. P. 12(b)(6).

Defendants reasonable notice of the causes of action brought against them. Even complex factual and legal allegations must comply with Rule 8. *See generally Vicom, Inc. v. Harbridge Merchant Services, Inc.*, 20 F.3d 771 (7th Cir. 1994) (affirming the district court's dismissal of the Racketeer Influenced and Corrupt Organizations Act ("RICO") claims in the plaintiffs' 119-page, 385 paragraph amended complaint and finding that even a complaint stating a RICO charge must comply with the requirements of Rule 8(a)).

It is hereby ORDERED that, no later than close of business January 18, 2019, Sloan SHALL file an Amended Complaint which outlines in simple and straightforward terms why the plaintiff thinks that he is entitled to relief and why the Court has jurisdiction over his case. *See Fed. R. Civ. P. 8(a)(1-2)*. The Court does so in deference to Sloan's *pro se* status, and in the interest of justice. However, the Court admonishes Sloan that many of the pending Motions to Dismiss seemingly have merit.¹¹

¹¹ Because the Court orders Sloan to file an amended complaint, the Court DENIES the Motions to Dismiss WITHOUT PREJUDICE. (ECF Nos. 12, 15, 18, 20, 22, 31, 33, 41, 42, 43.)

Even were the Court to consider the Motions to Dismiss on the merits, the Court would likely grant the relief sought. For example, as pointed out in Mark Herring, the Attorney General of Virginia's, Motion to Dismiss, "[t]he only mention of the Virginia Attorney General is in paragraph 15, in which Mr. Sloan asserts that the Virginia Attorney General is responsible for enforcing an 'obviously' unconstitutional law." (Herring Mot. Dismiss 1, ECF No. 19.) This single sentence cannot suffice to establish a claim showing Sloan is entitled to relief, as required by Rule 8. Further, Federal Rule of Civil Procedure 12(b)(6) allows dismissal for "failure to state a claim upon which relief can be granted." Fed. R. Civ. P. 12(b)(6). Such an allegation against

Sloan not only must clarify the allegations in his amended complaint, he must also take care not to include claims against improper parties. Federal Rule of Civil Procedure 18(a) provides that: “A party asserting a claim, counterclaim, crossclaim, or third-party claim may join, as independent or alternative claims, as many claims as it has against an opposing party.” Fed. R. Civ. P. 18(a). Nevertheless, when a plaintiff seeks to bring multiple claims against multiple defendants, she or he must also satisfy Federal Rule of Civil Procedure 20, which provides:

(2) *Defendants.* Persons . . . may be joined in one action as defendants if:

(A) any right to relief is asserted against them jointly, severally, or in the alternative with respect to or arising out of the same

the Virginia Attorney General does not meet the requirements of Rule 12(b)(6).

Similarly, as Frank G. Davidson III maintains in his Motion to Dismiss, the RICO Act’s four-year statute of limitations bars any claim Sloan may bring under that law. (Davidson Mot. Dismiss 4, ECF No. 13.) In the Complaint, Sloan appears to rely on the RICO Act, 18 U.S.C. § 1961, *et seq.*, to support his claim that Defendants Judge Janow, Judge Gamble, Judge Petty, Frank G. Davidson III, Judge Moon, Charles Roberts, and Darrell Jay Roberts conspired to kidnap his daughter.

Sloan alleges that his daughter was kidnapped in approximately 1990. Sloan filed the Complaint on April 23, 2018, at least seventeen years later. Even if Sloan did not discover the alleged conspiracy until several years after his daughter had been kidnapped, any claim based on the RICO statute would be barred by the four-year statute of limitations. *See Rotella v. Wood*, 528 U.S. 549, 553-54 (2000) (finding that RICO’s four-year statute of limitations begins when “a plaintiff knew or should have known of his injury”).

transaction, occurrence, or series of transactions or occurrences; and

(B) any question of law or fact common to all defendants will arise in the action.

Fed. R. Civ. P. 20(a)(2). “Rule 20 does not authorize a plaintiff to add claims ‘against different parties [that] present[] entirely different factual and legal issues.’ *Sykes v. Bayer Pharm. Corp.*, 548 F. Supp. 2d 208, 218 (E.D. Va. 2008) (alterations in original) (quoting *Lovelace v. Lee*, No. 7:03CV00395, 2007 WL 3069660, at *1 (W.D. Va. Oct. 21, 2007)). If Sloan submits a complaint that fails to comport with the joinder requirements, he risks severance of unrelated claims, or dropping of an unrelated party pursuant to Federal Rule of Civil Procedure 21.¹²

The amended complaint SHALL COMPLY with the following directions:

1. At the very top of the amended pleading, Samuel Sloan must place the follow caption in all capital letters: “AMENDED COMPLAINT FOR CIVIL ACTION NUMBER: 3:18cv260.”
2. The first paragraph of the particularized amended complaint must contain a list of defendant(s). Thereafter, in the body of the particularized amended complaint, Sloan must set forth legibly, in separately numbered paragraphs a short statement of the facts

¹² Federal Rule of Civil Procedure 21 provides: “Misjoinder of parties is not a ground for dismissing an action. On motion or on its own, the court may at any time, on just terms, add or drop a party. The court may also sever any claim against a party.” Fed. R. Civ. P. 21.

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giving rise to his claims for relief. Thereafter, in separately captioned sections, Sloan must clearly identify each federal or state law allegedly violated. Under each section, Sloan must list each defendant purportedly liable under that legal theory and explain why he believes each defendant is liable to him. Such explanation should reference the specific numbered factual paragraphs in the body of the particularized amended complaint that support that assertion.

3. Sloan shall also include the relief he requests —what in the law is called a “prayer for relief.”
4. The particularized amended complaint must stand or fall on its own accord. Sloan may not reference statements in the prior complaint.
5. The particularized amended complaint must omit any unnecessary incorporation of factual allegations for particular claims and any claim against any defendant that is not well-grounded in the law and fact. *See Sewraz v. Guice*, No. 3:8cv35, 2008 WL 3926443, at *2 (E.D. Va. Aug. 26, 2008).

Sloan SHALL comply with the Federal Rules of Civil Procedure and the Local Rules for the Eastern District of Virginia. Sloan is ADVISED the failure to strictly comply with the Court’s directives and with applicable rules WILL result in DISMISSAL OF THIS ACTION WITHOUT PREJUDICE.

Let the Clerk send a copy of this Memorandum Order to all counsel of record and to Sloan at his address of record.

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It is so ORDERED.

/s/ M. Hannah Lauck
United States District Judge

Date: 12/21/2018
Richmond, Virginia

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**ORDER OF THE UNITED STATES
COURT OF APPEALS FOR THE FOURTH
CIRCUIT DENYING PETITION FOR REHEARING
(JANUARY 8, 2021)**

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

SAMUEL H. SLOAN,

Plaintiff-Appellant,

v.

MARIA CHILDRESS; SHAYAM RAMAN; SUSAN
SWECKER; CHRIS BOLLING; MARK HERRING;
RALPH NORTHAM; LAWRENCE JANOW;
J. MICHAEL GAMBLE; WILLIAM G. PETTY;
FRANK G. DAVIDSON, III; NORMAN K. MOON;
CHARLES EDWARD ROBERTS; DARRELL
ROBERTS; JEFFERSON BEAUREGARD
SESSIONS III; UNITED STATES
DEPARTMENT OF JUSTICE,

Defendants-Appellees.

No. 20-1566

(3:18-cv-00260-MHL)

The court denies the petition for rehearing and rehearing en banc. No judge requested a poll under Fed. R. App. P. 35 on the petition for rehearing en banc.

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Entered at the direction of the panel: Judge Wynn,
Judge Floyd, and Judge Thacker.

For the Court

/s/ Patricia S. Connor
Clerk



**SUPREME COURT
PRESS**

No. _____

In the
Supreme Court of the United States

SAMUEL H. SLOAN,

Petitioner,

v.

MARIA CHILDRESS, SHAYAM RAMAN, SUSAN SWECKER,
CHRIS BOLLING, MARK HERRING, RALPH NORTHAM,
LAWRENCE JANOW, J. MICHAEL GAMBLE, WILLIAM G.
PETTY, FRANK G. DAVIDSON III, NORMAN K. MOON,
CHARLES EDWARD ROBERTS, DARRELL JAY ROBERTS,
WILLIAM P. BARR, UNITED STATES DEPARTMENT
OF JUSTICE, UNITED STATES OF AMERICA,

Respondents.

On Petition for a Writ of Certiorari to the
United States Court of Appeals for Fourth Circuit

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SAMUEL H. SLOAN
PETITIONER PRO SE
1664 DAVIDSON AVENUE,
APARTMENT 1B
BRONX, NY 10453
(917) 659-3397

JUNE 7, 2021

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**VERIFIED COMPLAINT
(APRIL 23, 2018)**

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
RICHMOND DIVISION

SAMUEL H. SLOAN,

Plaintiff,

v.

MARIA CHILDRESS, SHAYAM RAMAN, SUSAN
SWECKER, CHRIS BOLLING, MARK HERRING,
RALPH NORTHAM, LAWRENCE JANOW,
J. MICHAEL GAMBLE, WILLIAM G. PETTY,
FRANK G. DAVIDSON III, NORMAN K. MOON,
CHARLES EDWARD ROBERTS, DARRELL JAY
ROBERTS, JEFFERSON BEAUREGARD
SESSIONS III, UNITED STATES
DEPARTMENT OF JUSTICE,

Defendants.

No. 3:18cv260

JURISDICTION

1. Jurisdiction of this case is based on the First, Fifth and Fourteenth Amendments to the Constitution of the United States including Freedom of Religion, the Civil Rights Acts including 42 USC 1983, the

Voting Rights Acts, the RICO Corrupt Practice Acts, and the right to Petition the Government.

NATURE OF THE CASE

2. Plaintiff is a long time resident of the Commonwealth of Virginia. Plaintiff is a candidate for Election as a Democrat to the United States Congress from the 6th Congressional District. That District includes Roanoke, Lynchburg, Harrisonburg, Staunton, Lexington and places in between.

3. Petitioners campaigning for Sloan collected 1226 signatures nominating him to run for United States Congress. This was more than enough as only one thousand signatures are required. These petitions were submitted before 4:00 PM on Thursday March 29, 2018 at 915 Main Street, Room 304, in Lynchburg to Maria Childress who is the Chairwoman of the Democratic Party for the 6th Congressional District.

4. Plaintiff paid the filing fee of \$3480.00 to the Virginia Department of Elections at 1100 Bank Street in Richmond and complied in every way with the requirements to run for election as a Democrat.

5. Nevertheless, Defendant Maria Childress, who is the Chairwoman of the Democratic Party for the 6th Congressional District, threw him off the primary ballot several days later without giving any reason therefore and without even returning his many phone calls.

6. Samuel Sloan is actively a member of the Democratic Party. He actively campaigned for Hillary Clinton for President and produced and handed out fliers for her. He twice shook Hillary Clinton's hand, once in New Hampshire and once in Iowa, during the

election campaign. He has run for US Congress twice in New York as a Democrat. In 2014 he ran in the 15th Congressional District of New York. In 2016 he ran in the 13th Congressional District of New York. The Virginia Democratic Party has no valid reason to reject Sam Sloan as a candidate and he offers the best chance for the Democrats to win this Republican Held seat because he is by far the most qualified candidate and the other Democrats running do not even reside in the district.

7. Plaintiff seeks to declare Unconstitutional the Virginia Felony Disenfranchisement Law. In Virginia, 79% of the inmate population is Black whereas only 19.7% of the general population is Black. In Virginia, Blacks are routinely sent to prison for minor offenses such as traffic violations for which White men are never imprisoned. In Virginia, 208,343 Black men cannot vote because of the felony disenfranchisement law, enough to change the results of this and many other elections. The same law has already been declared unconstitutional by the US Supreme Court decision in *Hunter v. Underwood*, 471 U.S. 222 (1985), an Alabama case.

8. When announcing he was running for Congress, Plaintiff Sam Sloan informed Maria Childress that he was "Persona Non-Grata" among the powers that be in Lynchburg, but she apparently thought he was joking.

THE PARTIES

9. Plaintiff Samuel H. Sloan resides at 18 West Princeton Circle, Apartment 38, Lynchburg VA 24503. Until recently, Plaintiff resided at 1018 Orchard Street, Forest Acres VA 24551. Plaintiff is a book publisher who has published more than 850 books. Plaintiff is

the author of "The Slave Children of Thomas Jefferson" and several other books. Plaintiff is the sole owner of Ishi Press, a publishing company. Plaintiff argued orally before the United States Supreme Court and won against the Securities Exchange Commission in *SEC vs Samuel H. Sloan*, 436 U.S. 103 (1978). The Wikipedia Profile of Samuel H. Sloan is available online at https://en.wikipedia.org/wiki/Sam_Sloan

10. Defendant Maria Childress is Chairwoman of the Democratic Party for the 6th Congressional District. She uses the office of the Lynchburg Democratic Party located at 915 Main Street, Room 304, Lynchburg VA 24502. Her email address is mchildressdem@gmail.com

11. Shayam Raman is the Political Director of the Democratic Party of Virginia. His mailing address is not published. His email address is shyam@vademocrats.org. He was cced on all the emails Maria Childress sent to Plaintiff.

12. Susan Swecker is the Chairwoman of the Democratic Party of Virginia. Her mailing address is not published. His email address is swecker@vademocrats.org.

13. Ralph Northam is the Governor of Virginia. He is a Democrat.

14. Chris Bolling is the Executive Director to the Democratic Party of Virginia. Her mailing address is not published. His email address is chris@vademocrats.org.

15. Mark Herring is the Attorney General for Virginia. He enforces the obviously unconstitutional

law that prohibits 200,000 Black men from voting who have been convicted of felonies.

16. Lawrence Janow is a former Juvenile and Domestic Relations judge of Amherst County Virginia. He is the prime perpetrator of a scheme to kidnap the children of Plaintiff, all of whom were born in New York and California and none of whom were born in Virginia, and to bring them to Amherst County where they would be "awarded" to Amherst residents. Among the children illegally awarded by Judge Janow were Sarah Wilson, Rebecca Wray and Kerry Durney. Lawrence Janow resides at 519 Kenmore Rd, Falconersville, VA 24521.

17. J. Michael Gamble is a former circuit judge in the 24th Judicial Circuit. He is also a former law partner in the firm of Janow & Gamble and then a partner in the firm of Pendleton and Gamble. As a partner in Pendleton and Gamble, he filed several court cases against Plaintiff claiming to represent Alma Dawson in a deathbed marriage to Leroy B. Sloan, father of Plaintiff. Then after becoming a judge, Gamble assigned all the Sloan cases to himself in spite of the obvious conflict of interest and in spite of being disqualified from hearing any of these cases by order of Chief Judge Mosby Perrow III.

18. Judge Gamble retired on February 15, 2015. As long as Gamble remained a judge it was impossible or ineffective for Plaintiff to bring a suit to recover his daughter and property because Judge Gamble assigned all Sloan cases to himself and refused to recuse himself in spite of being obviously disqualified by conflict of interest. J. Michael Gamble resides on 297 Ridge Drive, Amherst VA 24521.

19. Judge Gamble disqualified or removed three different attorneys from representing Sloan, Steve Martin, James Hengeley and James H. Massie, and then appointed David Bice who was known for not offering any defense for those whom he supposedly represented.

20. Norman K. Moon is a former Virginia State Court of Appeals and then a federal judge who joined the conspiracy to kidnap the children of plaintiff by dismissing all the appeals to the Virginia Court of Appeals before they could even be heard and then threw out the federal cases plaintiff attempted to file. Judge Moon resides at 304 Trents Ferry Road where Plaintiff grew up in Lynchburg near the Sloan Family residence that was taken away by Judge Gamble.

21. Lawrence Janow, J. Michael Gamble, William G. Petty, Frank G. Davidson III and Norman K. Moon all want to stop Plaintiff from being elected to US Congress, because they know that if elected Sloan will be able to bring about an investigation of them and they will all be convicted and sent to prison for kidnapping Shamema Honzagool Sloan, Plaintiff's daughter.

22. William G. Petty, Frank G. Davidson III and Norman K. Moon all live in the immediate area of each other in the Boonsboro district of Lynchburg and all live within walking distance of 917 Old Trent's Ferry Road, the former Sloan Family residence, and send their children to Paul Munro Elementary School, the same school Plaintiff wanted his daughter to attend. William G. Petty resides at 109 Whitley Way, Lynchburg VA 24503.

23. Frank G. Davidson III is the mastermind of the scheme to kidnap the children of Plaintiff so as to

covert them to the Jerry Falwell version of the Christian religion. He also appeared claiming to be the “guardian ad Litem” of Dr. Marjorie Sloan even though she had sued him and he had sued her. His office address is 916 Main St, 3rd Fl, Lynchburg, VA 24504. He resides at 226 Salisbury Circle, Lynchburg VA 24502.

24. Jefferson Beauregard Sessions III is the Attorney General of the United States. The address is 950 Pennsylvania Avenue NW, Washington DC 20530

25. Charles Edward Roberts describes himself as a religious fanatic. He has been determined to kidnap all the children of Plaintiff Samuel H. Sloan “to teach them about Jesus”. He repeatedly states every few minutes, “I’ve been saved and I’m going to heaven.” He wears military style dress even though he was rejected by the military and never served. He resides at 427 Amelon Road, Madison Heights VA 24572.

26. Darrell Jay Roberts is the son of Charles Roberts. He is gay. He helped his father kidnap the daughters of Plaintiff by providing the airplane tickets to bring them from Abu Dhabi, United Arab Emirates to Virginia, USA. He lives at 141 Odins Bow Drive in Madison Heights, Virginia 24572.

27. After Plaintiff’s daughter was kidnapped from him at age 8, Sloan and his daughter were not allowed to see each other for ten years until she turned 18. The Roberts Family were obviously guilty of kidnapping the child but they were protected from criminal investigation by William G. Petty, J. Michael Gamble, Lawrence Janow and Frank G. Davidson III.

28. Because of being kidnapped and held by the Roberts, Shamema never went to school and does not have a high school diploma from any accredited school.

Instead she was educated in the Roberts's church. Charles Roberts often carried a weapon and often stated that he would shoot and kill Sam Sloan if he tried to approach his daughter.

29. Charles Roberts was opposed to Shamema going to college and insisted that she join the US Marines. Had Shamema been raised by her parents she would probably now be a medical doctor as her grandmother was or a lawyer as her grandfather was or a published author like her father is. Instead she now works as an electrician.

NATURE OF THE CASE

30. Lawrence Janow, J. Michael Gamble, William G. Petty, Frank G. Davidson III, Norman K. Moon along with Charles Edward Roberts and Darrell Jay Roberts are members of a RICO criminal gang conspiring to kidnap the children of Plaintiff and have been operating under the mistaken belief that the Sloan Family is possessed of great wealth arising from the fact that Alfred P. Sloan Jr. was the richest man in the world being the control stockholder of General Motors Corp, then the largest industrial corporation of the world.

31. Leroy B. Sloan, the father of Samuel H. Sloan, was in the Audit Division of the Internal Revenue Service and was a Special Agent for the Treasury Department. He was also an attorney and a member of the Virginia State Bar.

32. Plaintiff Samuel H. Sloan was born in Richmond Virginia on September 7, 1944. His father was an attorney and Special Agent of the United States Treasury Department. His mother was a medical

doctor and child psychiatrist and then Acting Director of the Memorial Child Center in Richmond.

33. In 1955, the Sloan family moved to Bedford County in an area that was later annexed into Lynchburg, where Samuel H. Sloan attended Boonsboro School and E. C. Glass High School and where he graduated in 1962.

34. Prior to his death on January 19, 1986 (the same date as the Space Shuttle Challenger disaster) Leroy B. Sloan often bragged to his drinking buddies and to his lady friends about his relationship to General Motors. He said that his father Howard Creighton Sloan (1873-1940) had set up a Sloan Family Trust consisting of General Motors Stock worth \$50 million and this \$50 million would be distributed to his heirs upon his death but not until then.

35. There was no truth to this. There is no Sloan Family Trust and there is no \$50 million in General Motors stock. All of this was the product of his imagination.

36. On New Years Eve 1985, one of his former lady friends Alma Coates Dawson went to the emergency room of the Lynchburg General Hospital where Leroy B. Sloan was attached to life support equipment. Alma Coates Dawson was the long time client of the Law Firm of Pendleton and Gamble, the law firm of J. Michael Gamble, and they had represented her in her many court cases against her former husbands.

37. Plaintiff seeks to recover the Sloan Family Home located at 917 Old Trents Ferry Road in Lynchburg Virginia that was stolen by Michael Gamble acting as a judge. Lawyer Michael Gamble as law partner in Pendleton & Gamble, filed several suits against the

Sloan family in representing Alma Coates Dawson who claimed to be a heir to Leroy B. Sloan.

38. Then, after being appointed as a judge Michael Gamble took over the jurisdiction of the same cases that he had filed. Sloan protested vehemently at this.

39. Chief Judge Mosby Perrow III issued an order disqualifying all judges of the 24th Judicial Circuit from hearing any of the Sloan cases precisely because Michael Gamble as a private lawyer was suing Sloan.

40. In spite of being disqualified as a judge, Michael Gamble heard ALL the Sloan cases anyway and naturally ruled in favor of himself and his clients in all of the cases.

41. All of these decisions were illegal under conflict of interest and all these cases should be reversed, including the decision and order taking away the Sloan Family Residence should be reversed and the home should be to the Sloan Family.

NATURE OF THE CASE

42. Petitioner-Appellant, a long time resident of Bedford County Virginia, having been born in Richmond and having attended both elementary school and high school at Boonsboro School in Bedford County Virginia, filed a voter registration application with the voter registration office in the City of Bedford. This voter registration was denied, but a notice was sent to petitioner informing him of his right to appeal to the circuit court.

43. Accordingly, petitioner filed with the Bedford Circuit Court in the 24th Judicial Circuit of Virginia.

Sloan said that what he was charged with doing was taking his daughter on a walk in the back yard of his home in Lynchburg and that child never left the Sloan premises.

44. Bill Petty's theory that Sloan had committed a felony based on letters that had actually been written by Richard Bozulich in Japan and not by Sloan was that Sloan intended to take his daughter out of state and thus his intention to do so was a felony. Petty contended that Bozulich was the same person as Sloan and that Bozulich was Sloan's alter ego.

45. This claim was utterly false. Richard Bozulich is a well known person in Japan and is by no means the same person as Samuel H. Sloan. The conviction of Sam Sloan by Petty rests on this false claim.

46. In order to get custody of his children, to get the Sloan Family residence and to get the supposed \$50 million, plaintiffs Davidson, Janow, Gamble and Petty brought obviously bogus cases against Sloan including failure to appear for a trial that had never been scheduled or taken place and attempted abduction of his own daughter whereas Sloan had legal custody of his daughter.

47. These bizarre legal theories have never been adopted by any court in Virginia or anywhere else for that matter. Secondly, Sloan was charged with failure to appear for trial even though no trial had been scheduled nor had taken place. Lynchburg Commonwealth Attorney Bill Petty had himself postponed the trial date because he was not ready for trial.

48. Having been informed that the trial had been continued, Sloan had naturally not come to court. Again this was a bizarre legal theory that a person

count be convicted of failure to appear for a trial that had never occurred has not been accepted in any other case.

49. The reason these nonsense charges were brought was the Roberts Family were trying to get legal custody of Samuel Sloan's daughter, Shamema Honzagool Sloan. Bill Petty who is now a judge of the Virginia Court of Appeals was in league with the Roberts and Petty brought these obviously false charges so as to enable the Roberts to get custody of Shamema.

50. Judge Updike, the judge in Bedford County, did not know about this case because this has all taken place years before he became a judge. However, Sloan contended that Judge Updike must look behind the case and see what Sloan was actually charged with doing.

51. Attempted abduction of his own daughter was not a felony or indeed a crime at all because Sloan had legal custody of his daughter in New York where his daughter had been born. The New York custody case had never been transferred to Virginia, in accordance with the Uniform Child Custody Act. Sloan contended that court should not just look at the order but look behind the order to see what was alleged.

52. Petitioner-Appellant contends that not only was he not convicted of a felony because the acts alleged were not a felony and also the felony disenfranchisement law is unconstitutional. The case on point is the US Supreme Court decision in *Hunter v. Underwood*, 471 U.S. 222 (1985), an Alabama case.

53. The facts are the same as here. The courts found that the Alabama law which restricted the

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voting rights of those who had committed a crime of moral turpitude was a violation of the 14th Amendment because the purpose of the law was to stop Blacks from voting.

54. The situation in Virginia is the same as Alabama. Just as the law in Alabama, the felony disenfranchisement law in Virginia dates back to the reconstruction era where the purpose of the law was to stop Blacks from voting. In Virginia, 79% of the inmate population is Black whereas only 19.7% of the general population is Black. In Virginia, Blacks are routinely sent to prison for minor offenses such as traffic violations for which White men are never imprisoned. In Virginia, 208,343 Black men cannot vote because of the felony disenfranchisement law, enough to change the results of many elections.

55. In the case of *Hunter v. Underwood*, Underwood was a White man whereas his co-plaintiff, Edwards, was Black. However, that did not matter to the court, because the court found that the purpose and effect of the law was to stop Blacks from voting. Virginia is one of only four states that still has a felony disenfranchisement law. The others are Kentucky, Iowa and Florida.

56. Since 1997, 19 states have amended felony disenfranchisement policies in an effort to reduce their restrictiveness and expand voter eligibility. These include: Nine states either repealed or amended lifetime disenfranchisement laws, Two states expanded voting rights to persons under community supervision (probation and parole). Five states eased the restoration process for persons seeking to have their right to vote restored after completing sentence.

57. Three states improved data and information sharing: The Statistics for Virginia are: Total Disenfranchisement (2004): 377,847 Rate: 6.76% African American Disenfranchisement: 208,343 Rate: 19.76% At present, 7.7% of the adult African-American population, or one out of every thirteen, is disenfranchised.

58. This rate is four times greater than the non-African-American population rate of 1.8%. 6) *Id.* at 1-2. In three states, at least one out of every five African-American adults is disenfranchised: Florida (23%), Kentucky (22%), and Virginia (20%). 7) *Id.* at 1-2. Nationwide, 2.2 million African-Americans are disenfranchised on the basis of involvement with the criminal justice system, more than 40% of whom have completed the terms of their sentences. 8) *Id.* at 17. Source "Expanding the Vote State Felony Disenfranchisement Reform, 1997-2008" http://www.sentencingproject.org/doc/publications/fd_statedisenfranchisement.pdf *Richardson v. Ramirez*, 418 U.S. 24 (1974), held that convicted felons could be barred from voting without violating the Fourteenth Amendment. However, this was limited by *Hunter v. Underwood*, 471 U.S. 222 (1985).

59. In that case the crimes included "treason, murder, arson, embezzlement, malfeasance in office, larceny, receiving stolen property, obtaining property or money under false pretenses, perjury, subornation of perjury, robbery, assault with intent to rob, burglary, forgery, bribery, assault and battery on the wife, bigamy, living in adultery, sodomy, incest, rape, miscegenation, [and] crime against nature." Underwood had been convicted of "presenting a worthless check" which is not on the above list of crimes.

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60. In the case presented here, what Sloan was “convicted” of was not a crime at all. He was convicted of the “attempted abduction” of his own daughter. This was not a crime at all because Sloan had legal custody of his own daughter by virtue of the order of the Bronx New York Supreme Court where the child had been born.

61. The entire case file in the Bronx Supreme Court is available online at

www.bronxcountyclerkinfo.com/law
Case No. 17815 Year 1981
Sloan vs. Awadallah

The case file comprises nearly one thousand pages of papers, pleadings and transcripts.

62. By contrast, in Virginia no petition for custody was filed by the Roberts or by their attorney Frank G. Davidson III, there was no service of process, there were no papers or pleadings, there were no hearings or transcripts and in short none of the things one would expect to find in a contested child custody case were there.

63. The actual kidnapers of Sloan’s daughter were Lawrence Janow, J. Michael Gamble, William G. Petty, Frank G. Davidson III plus the Roberts Family, Charles Roberts and his son Jay Roberts.

64. After spending four years from 1986 until 1990 trying to kidnap Sloan’s daughter and then having her brought from overseas to Virginia so they could claim custody of her, they finally succeeded in having Sloan’s daughter kidnapped from the front yard of Sloan’s house in Fujairah United Arab Emirates while Sloan was sleeping.

65. This carefully planned kidnapping took place on the same day that the Ruler of Dubai, Shaikh Rasheed, had died and a curfew and obligatory period of mourning had been placed on the United Arab Emirates, so Sloan did not realize that his daughter had been taken to the airport until it was too late. Otherwise, the kidnapping would not have succeeded.

66. Janow, Gamble, Petty, Davidson and the Roberts Family were determined to kidnap this child for two reasons. First, the father of Samuel Sloan, Leroy B. Sloan, had often claimed that he was a relative of Alfred P. Sloan, Jr., the controlling stockholder of General Motors Corporation and the richest man in the world, and that Leroy Sloan's father had set up a Sloan Family Trust with \$50 million dollars worth of General Motors stock in the trust that would become available to his heirs but only after Leroy Sloan's death.

67. Secondly, the Roberts were a family of religious fanatics and followers of Jerry Falwell and they wanted to get Sloan's daughter, Shamema, by a Pakistani woman named Honzagool, so they could "teach her about Jesus". They knew that Shamema Sloan's mother Honzagool was a devoutly religious Muslim who wanted to raise her daughter as a Muslim.

68. The Roberts were determined to kidnap the child so they could raise her as a Christian, rather than as a Muslim as both her parents were. The reason Lawrence Janow, J. Michael Gamble, William G. Petty, and Frank G. Davidson III thought they could get the \$50 million dollars was the claim that their client Alma Coates Dawson had married Leroy B. Sloan on his death bed. This death bed marriage had taken in the emergency room of the Lynchburg

General Hospital while Leroy Sloan was suffering from a brain seizure and was attached to life support equipment.

69. A marriage under these circumstances was obviously invalid. Leroy Sloan died shortly thereafter. Alma Coates Dawson was a long time client of Pendleton and Gamble, the law firm of Michael Gamble, who had previously been a partner in the Law Firm of Janow & Gamble. Pendleton and Gamble had appeared for and represented Alma Coates Dawson in several other cases mostly involving the many marriages of Alma Dawson, who had been married at least four times.

70. After the death of Leroy B. Sloan, his eldest son, the plaintiff here, was appointed by the Lynchburg Circuit Court as Administrator C.T.A of the Estate of Leroy B. Sloan, a position he holds to this day.

71. Only three days after the death of Leroy B. Sloan in 1986, Michael Garrett, a junior partner in the law firm of Pendleton and Gamble (and who is now a family court judge) called Samuel Sloan and asked him about his grandfather, Howard Creighton Sloan, the man who supposedly had set up the \$50 million trust.

72. Sam Sloan informed Michael Garrett that there was no such thing as the Sloan Family Trust and that the story about \$50 million was just a fantastic story made up by Leroy B. Sloan to impress his many girlfriends, including Alma.

73. Undaunted, the Law Firm of Pendleton & Gamble proceeded to serve subpoenas on all the banks in Lynchburg demanding access to the safe deposit boxes of Leroy B. Sloan. They thought the boxes would

contain information about the Sloan Family Trust and the \$50 million in General Motors stock.

74. When they did not get access, they no doubt believed that the boxes had been cleared out and closed before they could not get to them. They probably never guessed the truth, which was that Leroy B. Sloan did not have a safe deposit box at all. Helen Marjorie Sloan had a box at First Federal Savings and Loan on Main Street in Lynchburg and she had loaned the key to the box to Leroy B. Sloan, who had referred to it as his box.

75. After the death of Leroy B. Sloan, Samuel Sloan never went into the box, although his brother Creighton Sloan went into the box. The safe deposit vault has since been taken over by the Bank of the James. What happened to the box and its contents we do not know and are now trying to find out. We are fairly certain that it did not contain \$50 million in General Motors stock.

76. The death of Leroy Sloan occurred under suspicious circumstances. Leroy Sloan was in Lynchburg but was talking on the telephone to his son Sam Sloan who was in New York. In the middle of this conversation, Leroy Sloan had dropped dead on the telephone because he had died.

77. Sam Sloan wanted an autopsy performed because he suspected that Alma Dawson might have killed him. With Steve Martin as his lawyer, Sam Sloan petitioned the Lynchburg Circuit Court for an autopsy. This petition was opposed by Alma Dawson who was represented by Pendleton and Gamble, Michael Gamble's law firm.

78. The petition for an autopsy was granted. The autopsy took place and found that Leroy Sloan had died of natural causes. Still believing in the story about the \$50 million, Lawrence Janow, Michael Gamble and Frank Davidson wanted to kidnap Shamema, the granddaughter of Leroy B. Sloan, and through her to get the \$50 million.

79. Samuel Sloan confounded their plan by thereafter having five more children, and the Roberts proceeded to try to kidnap those children too, eventually succeeding in getting custody of another of Sloan's daughters, Jessica.

80. All this time, the Pendleton and Gamble Law Firm and the Sloan family were filing suits against each other. There were ten cases mostly filed by Pendleton & Gamble against Sam Sloan. These cases were all filed in Lynchburg. These cases can all be found in the files of the Lynchburg Circuit Court, many under the name of *Sloan v. Sloan*. These cases take up an entire shelf in the Lynchburg Courthouse. This is the biggest file in terms of size and number of documents filed in the entire 300-year history of the Lynchburg Circuit Court.

81. The Amherst County Family Court is "a court not of record". Judge Janow apparently decided that this meant that records were not to be kept. There is now no case file in the Amherst J&D Court. If there ever were any documents, they are now gone. It has often been stated that Charles and Shelby Roberts had legal custody of Shamema and therefore they had the right to have her kidnapped from the United Arab Emirates. However, this was not true.

82. It is not true that the Roberts ever had legal custody of Shamema, prior to having her kidnapped in 1990. Although their attorney, Frank G. Davidson III, personally appeared physically before Judge Janow on August 25, 1986, he had not filed a petition before Judge Janow or anybody else for the custody of Shamema.

83. The files of that court which are still supposed to be sealed and preserved will show that Frank G. Davidson never filed anything in writing in that or any other court. Nevertheless, on September 4, 1986, Judge Janow called on the telephone to Judge Kristin Booth Glen of the New York State Supreme Court in Manhattan while Judge Glen was conducting a hearing in the Sloan case.

84. Judge Janow demanded to Judge Glen in New York that Sloan's daughter Shamema Sloan, aged 4, be detained and extradited to Virginia. Judge Glen informed Judge Janow that she had seen Shamema the previous day in her courtroom when Sam Sloan had brought his daughter to court with him, but on the day in question Sloan had not brought his daughter to court, so therefore Judge Glen could not detain her.

85. Based on the representation by Judge Janow, Judge Glen called the New York City Police and had Sam Sloan and his mother arrested in the courtroom. They were taken to the police station on Elizabeth Street where Sloan and his mother were put in jail. However, two hours later, Sam Sloan was released from jail because the police had called the Amherst County Commonwealth Attorney Ed Meeks's office and had found there was no warrant for Sloan's arrest.

86. On the very same day, September 4, 1986, Judge Janow said he had issued an order "awarding custody of Shamema Sloan to the Amherst County Department of Social Services".

87. This order was legally invalid because Judge Janow knew that Shamema Sloan was not in the Commonwealth of Virginia and therefore Virginia had no jurisdiction over her. Judge Janow also knew that the Bronx New York Supreme Court had awarded custody of Shamema and the case had not been transferred to Virginia. In addition, under *Rader vs. Montgomery County Department of Social Services*, 5 Va. App. 523, 365 S.E.2d 234 (1988), Judge Janow had no jurisdiction to award custody to the Department of Social Services unless the Department of Social Services had filed a petition for custody which had not happened.

88. In the case presented here, Petitioner-Appellant Samuel Sloan was a declared candidate for Governor of the Commonwealth of Virginia (See the Richmond Times Dispatch December 1992 "Convict is Running for Governor"). Please note, at the time of the Richmond Times Dispatch article, Sloan was not yet convicted but he was in the Lynchburg Virginia City Jail as bond had been denied by Judge Gamble.

89. Section 2 of the Fourteenth Amendment to the Constitution of the United States the following: Section 2. Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for President and Vice President of the United States, Representatives in Congress, the Executive and Judicial officers of a State, or the members of the Legislature

thereof, is denied to any of the male inhabitants of such State, being twenty-one years of age, and citizens of the United States, or in any way abridged, except for participation in rebellion, or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such State.

90. At the time this case was before the Lynchburg Circuit Court, the Lynchburg Commonwealth Attorney, Bill Petty offered through Sloan's court appointed counsel, that Sloan would be let out of jail with time served provided that he agree to abandon his claim of custody of his daughter Shamema Honzagool Sloan. Sloan refused this offer as his daughter was dear to him. Also, Sloan did not realize the extreme lengths that Bill Petty would go to secure a criminal conviction and a sentence of 15 years against Sloan such as the claim made by Petty that Richard Bozulich of Tokyo Japan was a non-existent person and the alter-ego of Samuel Sloan.

91. The conviction of Sam Sloan was based in large part of letters written by Richard Bozulich and mailed from Japan which Sloan had never seen and did not even know about, much less write.

92. A simple Google search (although Google did not exist yet in 1993) will show that Richard Bozulich is a well known and widely published author and is definitely is not the same person as Sam Sloan. In her summation to the jury, Kimberley Slayton White, assistant to Bill Petty, stated that Bozulich was the same person as Sloan and if not Bozulich should have come to court to prove he was not Sloan.

93. The obvious answer should have been that Bozulich would have been foolish to come from Japan to court under these circumstances because then he would be arrested for the same false charges they were making against Sloan.

94. Coincidentally Bozulich had been planning to come to Virginia with his girlfriend of McLean Virginia at this time but had decided to cancel the trip. After the trial but while this case was pending, Sloan was able to make collect calls to Japan from his jail cell and speak to Bozulich.

95. Since we now know that the jail officials were listening in on and recording these calls, that means that Bill Petty and his assistant Kimberly Slayton White knew that Bozulich was a separate person. In addition, they could easily have called Bozulich themselves as his number was listed.

96. Nevertheless, they continued to claim that Bozulich and Sloan were the same person during the trial and during post trial proceedings and the appeal knowing that their claims were false.

97. At the time of the arrest and trial of this case, Sloan was a declared candidate for Governor of Virginia. This was reported in the Richmond Times Dispatch in December 1992 in an article entitled "Convict Wants to Run for Governor." This headline was not accurate because Sloan had not yet been convicted of anything at that time. However, he was in Lynchburg City Jail and bond had been denied by Judge Gamble.

98. Now, Sloan wants to run for governor again, this time so he can bring about the arrest, criminal prosecution and conviction of the kidnappers of his

daughter and mother, namely Frank G. Davidson III, J. Michael Gamble, Lawrence Janow and William G. Petty, plus Charles Roberts and Jay Roberts. It is manifestly obvious that these six individuals are guilty of conspiring to kidnap Shamema Honzagool Sloan from her home, while her father, grandmother and other members of the Sloan household were in their home in United Arab Emirates in October 1990.

99. Among other things, the airplane tickets by which Shamema was brought from the United Arab Emirates to Virginia show that they were purchased by Jay Roberts son of Charles Roberts at a travel agency on Church Street in Lynchburg Virginia. These Airplane tickets are attached hereto.

100. The Roberts and Petty have often led others including the FBI to believe that the Roberts had legal custody of Shamema. This was not true. There was no court order awarding custody to the Roberts. Also, the child was not even in the Commonwealth of Virginia at the time. The child was in New York City where Shamema had been born and where her father Samuel Sloan had legal custody of her by virtue of the order of Judge Anthony Mercorella of the Bronx Supreme Court in *Sloan v. Awadallah*, Bronx Supreme Court, 17815/1981, an order which is still in effect.

101. Judge Lawrence Janow knew the child was in New York because on September 4, 1986, Judge Janow called New York Supreme Court Judge Kriston Booth Glen on the telephone when Judge Glen was on the bench to hear a child custody case involving Sloan's two older children, Peter and Mary Sloan, by a different wife named Anda. Judge Janow called Judge Glen asking Judge Glen to detain the child, Shamema aged 4, and have her extradited to Virginia.

Judge Glen told Judge Janow she could not do that because the Sloans had not brought the child to court that day although she had seen the child in court the previous day, September 3.

102. Based on Judge Janow's representation, Judge Glen called the New York City Police and had Samuel Sloan and his mother Dr. Marjorie Sloan arrested and taken to the police station on Elizabeth Street, where Sloan was jailed and his mother was given a chair to sit on outside the jail cell of Sam Sloan. Judge Glen also disqualified herself from hearing the child custody case involving Peter and Mary Sloan because of these events, so that case was never heard.

103. Judge Glen issued the following order: "I am recusing myself from this hearing and motion & case because it would be inappropriate to sit as a judge for the support and visitation hearings involving Mr. Sloan when I took some part in his arrest in this courtroom on September 4, 1986. I believe it would not be fair to Mr. Sloan to have the same judge who witnessed his arrest for custodial interference, also decide the pending visitation issues. Accordingly this action is referred to IAS Trial Support Office for reassignment to another IAS Part."

104. However, only two hours later, Sam Sloan and his mother were released from custody because the police had called the Amherst County Commonwealth Attorney and found there was no warrant for Sloan's arrest. This was because the Amherst County Commonwealth Attorney Ed Meeks had nolle processed the complaint the Roberts had made against Sloan, finding the Roberts had no case and no claim for the custody of the child.

105. For that reason, the Roberts thereafter went to the Lynchburg Commonwealth Attorney Bill Petty who was at odds with the Amherst County Commonwealth Attorney. Ed Meeks always stated from then on that the claims by the Roberts were without basis and without jurisdiction and must be dismissed. That is the reason this case was tried in Lynchburg and not in Amherst, even though the case arose in the Amherst County Family Court.

106. The first attorney to represent Sloan in this case was Steve Martin. However, while Sloan was in Abu Dhabi with his daughter for four years, Michael Gamble of the law firm of Pendleton and Gamble made a deal with Steve Martin that he would be accepted as a partner in their law firm provided that Martin remove himself as the attorney for Sloan.

107. Steve Martin agreed to this, since it seemed moot as Sloan was in Abu Dhabi and was obviously not going to return under the current circumstances. However, after Sloan's daughter was kidnapped in October 1990 in the United Arab Emirates, there was a hearing before Judge Janow where Ed Meeks strenuously objected to the removal of Steve Martin as Sloan's attorney, but Judge Janow granted this motion over the objection of Meeks.

108. Sloan was still in Abu Dhabi arranging for international Interpol arrest warrants for the Roberts Family. On November 13, 1990, Sloan subsequently arrived in Amherst County Department of Social Services to recover his daughter. Sloan found out that there was no case pending against him. However, Judge Janow found out that Sloan was on his way and started a new case and issued an order for the arrest of Sloan.

109. This order was obviously invalid because it was said to be based on the 1986 non-appearance of Sloan, even though Sloan had never been ordered to appear. This was a misdemeanor charge and the statute of limitations for a misdemeanor is one year. Nevertheless, Sloan was arrested and the Roberts were allowed to keep Shamema whom they had just kidnapped.

110. Sloan's next attorney was the Lynchburg Public Defender, James Hengeley. However, Judge Michael Gamble had previously as a private lawyer and a partner of the law firm of Pendleton & Gamble filed suit against both Sam Sloan and his mother Dr. Helen Marjorie Sloan on the grounds that the client of Pendleton & Gamble, one Alma Coats Dawson, had married Leroy B. Sloan on his death bed in the emergency room of the Lynchburg General Hospital on New Year's Eve December 31, 1985 and Leroy Sloan had died shortly thereafter.

111. Because Judge Gamble had at least one active lawsuit pending against Sloan, Hengeley found himself in a conflict of interest. Actually, it should have been Gamble who was removed for conflict of interest.

112. When Gamble refused to leave the case, Hengeley found himself in conflict because it was against the interests of his other clients to be engaged in a court case against Judge Gamble. So Hengeley moved before Judge Gamble to be removed from the case.

113. Sloan was brought to court from jail and objected but the motion was granted by Judge Gamble. Alma Coates Dawson had believed, along with many

others, that Leroy B. Sloan and the Sloan Family was possessed of great wealth and that there was a Sloan Family Trust that had been set up by Leroy Sloan's father, Howard Creighton Sloan, and the money in the trust would become available to the Sloan heirs upon the death of Leroy Sloan but not before that.

114. Leroy Sloan was a heavy drinker and when he was drunk he would talk about this Sloan Family Trust and the \$50 million dollars it supposedly contained. What drove this fable was that Alfred P. Sloan, Jr. was the Chairman and controlling stockholder of General Motors Corporation, the largest industrial corporation in the world and Alfred P. Sloan, Jr. was the richest man in the world. Indeed, still today the Alfred P. Sloan Foundation is one of the largest and richest foundations in the world with assets exceeding one billion dollars.

115. Among the beneficiaries of the Alfred P. Sloan Foundation is the Sloan-Kettering Cancer Institute, the largest and wealthiest cancer research hospital in the world. Alfred P. Sloan died there in that hospital of cancer in 1966.

116. Thus, if it were really true that the Sloan Family of Lynchburg and Bedford County Virginia were the heirs of the Alfred P. Sloan Foundation, then the \$50 million that the heirs to Leroy Sloan was supposedly going to receive would be a piddling, trivial amount, considering the billion dollars that Alfred P. Sloan had.

117. However, it was not true. There is no known proven or biological connection between Alfred P. Sloan and Leroy B. Sloan. You can be sure we have researched and we have found nothing. It is a fact that

the ancestors of both Alfred P. Sloan and Leroy B. Sloan came from the same area of Northern Ireland. So, if one could go back far enough it is entirely possible or even likely that a relationship could be found. However, both Sloan families have run into the same problem that almost everybody with Irish ancestry has, which is that the Irish have not kept genealogical records such as birth and death records or else if they have been kept they have not allowed them to be seen or copied by the Mormon Church, which has been doing almost all of the genealogical research of this kind.

118. In the case of Leroy B. Sloan, the situation is even more severe. His paternal grandfather Creighton Sloan (1842-1916) was "born at sea, Irish." He arrived in New York as a newborn baby on a ship. However, there is no record of who his parents were. It is possible that his mother had died on the ship while giving birth to Creighton Sloan. Such events were not uncommon in those times. The maternal great-grandmother of Samuel Sloan was Christina Stina Sophia Jonsdotter and she had also died on the ship while crossing the Atlantic Ocean and was buried at sea in 1869, so she never made it to America but her three children did.

119. Alfred Pritchard Sloan Jr. was born on May 23, 1875 and died on February 17, 1966. He had originally been the manager of a company that made ball bearings that were used in cars. His company was taken over by General Motors which was controlled by Durant. Mr. Durant was a reckless spender on new products that he just assumed would sell. In the 1920s, General Motors was virtually bankrupt. Then it was discovered that Mr. Durant had pawned almost

all of his General Motors shares, so he no longer controlled it. So, the bankers took over General Motors and put Alfred P. Sloan in charge. With Alfred P. Sloan in charge, General Motors soon became the leading car manufacturing company in the world, overtaking and passing Ford Motor Company, which had been the leading car manufacturing company until that time.

120. Ford Motor Company had made only one car, the Model T. Alfred P. Sloan introduced a different concept. The Cadillac would be made for rich people to drive whereas the Chevrolet would be made for poor people to drive, with a different car for each class of person. This plan was successful and soon General Motors had taken over and passed Ford Motors.

121. All this is described in Alfred P. Sloan's book, "My Years With General Motors." All of this means nothing to this case because there is no proof nor evidence at all that Alfred P. Sloan was related to Leroy B. Sloan.

122. Leroy B. Sloan did often talk about the General Motors stock that he owned and that he would be leaving those shares to his heirs as their inheritance. However, the amount that he owned was not \$50 million dollars worth. It was less than 200 shares, including mostly fractional shares. Leroy Sloan had acquired those shares not by inheritance but through a General Motors stock dividend reinvestment plan where every time General Motors declared a dividend that money would be used to acquire more General Motors fractional shares and sent to Leroy Sloan in the mail where he would put them in the box.

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123. In addition, almost all of his shares plus his war bonds were held jointly with Helen Marjorie Sloan, so there is no way that Alma Coates Dawson could have gotten the money.

124. Just before all of this happened, Alma Coates Dawson had married a close friend of Leroy Sloan named Dick Friend. Leroy Sloan and Dick Friend were residing in adjoining rooms at the Elks National Home in Bedford. Her married name was Alma Coates Dawson, as she was divorced from her first husband, Howard F Harris, and from her second husband, whose name was Dawson. Her maiden name was Alma Irine Coates. She had been born on 3 July 1919 in Massies Mill, Nelson County, Virginia. She died in Lynchburg on 23 May 2001.

125. Alma believed that Dick Friend was wealthy, as he would often leave her large tips of as much as ten dollars at the Red Lobster restaurant where Alma worked as a waitress. One of the first thing Alma did after being married to Dick Friend was she called the local Cadillac dealer and bought a Cadillac on the phone. The Cadillac dealer had the car delivered to the residence were Alma and Dick Friend had started living together.

126. When the Cadillac dealer came in the house to ask for the check to pay for the car, Alma asked Dick Friend for the check. Dick Friend told Alma that he thought Alma was paying for the car because he did not have any money!

127. Dick Friend and Alma had both thought that they would be living off the alimony check she would still be receiving from Mr. Dawson. When that check also did not arrive, Alma went out to the law office of

Pendleton and Gamble and asked that they arrange a divorce.

128. Instead, Pendleton and Gamble obtained an annulment of the marriage so that the alimony payments from Mr. Dawson would be restored. The ground for the annulment was that Dick Friend was impotent and could not get an erection! This was legally questionable because Dick Friend was 80 years old and no woman can reasonably marry an 80 year old man on the expectation of having an active sex life.

129. Having obtained the annulment of the marriage through the law office of Pendleton and Gamble, Alma Dawson then went back to the Elk's National Home in Bedford where Dick Friend and Leroy Sloan were living in nearby rooms. Leroy Sloan had become completely senile by this time and Alma was able to get him into her car. She took him down to Preston Sawyer's law office on Court Street in Lynchburg and she said that they wanted to get married.

130. While waiting in Preston Sawyer's law office, Leroy B. Sloan collapsed on the floor having a brain seizure. Preston Sawyer called 911. An ambulance arrived and took Leroy B. Sloan to the Emergency Room of the Lynchburg General Hospital, where he was attached to life support equipment.

131. Alma followed in her own car. There Alma insisted on completing the marriage ceremony saying that Leroy would die soon and they wanted to be married before he died.

132. Leroy Sloan died shortly thereafter. All this became the subject of a case filed in Lynchburg Circuit Court, Sloan vs. Dawson. The law firm of Pendleton

and Gamble with later Judge Michael Gamble representing Alma Dawson and Steve Martin representing the Sloan family was litigated in Lynchburg Circuit Court, but the case never went to trial and no judgment was ever rendered.

133. This was just one of several cases filed by Michael Gamble against the Sloan family, all in the Lynchburg Circuit Court.

134. When Michael Gamble later became a judge he got all the Sloan cases assigned to himself which was obviously illegal as he was the lawyer on the other side.

135. In December 1992, Chief Judge Mosby Perrow III issued an order disqualifying all of the judges of the 24th Judicial District from hearing any of the Sloan cases on the grounds of conflict of interest in that the lawsuits between Michael Gamble who by this time was also a judge against Sloan created an impermissible conflict of interest. This means that Judge Moon who was also a judge in the 24th Judicial District should also have been deemed disqualified.

136. Judge Moon as a judge of the Virginia Court of Appeals dismissed all of Sloan's appeals almost as soon as they were filed before even the record could be transmitted and the time came to filing briefs. Then when Appellant filed a federal case about the kidnapping of his daughter, Judge Moon who by then was a federal judge sua sponte dismissed that case too.

137. Plaintiff has several times filed or attempted to file a federal case about this. Each time the federal judge, either Judge Turk or Judge Moon has dismissed the case within a few days before even service of process could go out and the defendants notified. These

federal judges were seeking to protect their local Lynchburg judges from being prosecuted for kidnapping.

138. The child that is the subject of this case, Shamema Honzagool Sloan, was born at Columbia Presbyterian Hospital in New York City on October 15, 1981. The father of the child is petitioner. The mother is Honzagool, from Village Damik, Chitral District, KPK, Pakistan, who was married to the father of the child.

139. This became a child custody case in the Bronx New York Supreme Court although there was no divorce proceeding between the parents. There were extensive hearings in court before Judge Anthony Mercorella and Judge Irwin Silbowitz over a period of more than two months with testimony of many witnesses.

140. When Pakistani militants found out about this case, they took over the case. They fired the court appointed attorney for the mother, Philip Newman, and hired their own lawyer William J. Lake.

141. The Pakistanis contacted the media and got articles published about this case on the front pages of the New York Daily News and the New York Post and on Channel 7 and Channel 11 TV News in New York City, plus in some supermarket tabloids.

142. One reason for this was the mother of the child was beautiful. More than one hundred newspaper articles about this case were published in the newspapers of Pakistan, some featuring her picture.

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143. The end result of two months of court proceedings was the mother was awarded custody with weekly visitation to the father.

144. News of these court proceedings reached her family in Pakistan. The father arranged for Prince Siraj Ul Mulk, a Prince of Chitral who was her relative and also a commercial airlines pilot, to come to take her to her family in Pakistan.

145. She went to Pakistan on August 27, 1982 and left the baby at the age of only 10-months with the father, the plaintiff, and said she would return in two weeks.

146. When she did not return, the father became fearful because other Pakistanis in New York might try to grab the child on the pretext of taking the child to the mother in Pakistan.

147. Sloan took the child to North Carolina where his younger brother Creighton Sloan resided. Then Creighton Sloan with whom Sam Sloan has not been on good terms since they were teenagers contacted a Pakistani Social Worker in New York named Khalid Shah and paid to have him fly down to North Carolina to have him pick up the child and take the child to Pakistan.

148. Realizing this, Sloan grabbed the baby away from Khalid Shah and took the baby to Orange, Virginia.

149. After that, he had to keep the child hidden so that even his brother would not know where the child was. Samuel Sloan hired several baby-sitters with the understanding they were not to reveal to anybody not

even to Samuel Sloan's family including his brother or to anybody from Pakistan where the child was.

150. In August 1985 Sloan was contacted by Frank Davidson III a lawyer in Lynchburg Virginia and said he wanted to meet with him to discuss the child.

151. Sloan agreed to meet him in Frank Davidson's office. There at the meeting was Charles Roberts, the husband of Shelby Roberts, one of the baby sitters that Sloan was employing.

152. At the meeting, Frank Davidson revealed that Charles Roberts was interested in getting custody of the child. Sloan said that under no circumstances was he agreeing to give any sort of custody to Charles Roberts and furthermore it was not his to give as legal custody was still with the natural mother Honzagool by order of the New York Supreme Court.

153. Sloan did not really know Charles Roberts at this time although he had met him briefly on occasions where Shelby Roberts was working for Sam Sloan typing court papers going back to 1975, but he knew that Roberts had described himself as a religious fanatic and that Roberts repeatedly says that he has been saved and is going to Heaven.

154. Roberts had sent representatives of the Temple Baptist Church, including Rev. Charles Esterline and Rev. Earl Clarkson, to the Sloan Family home in Lynchburg, pestering them to join the Temple Baptist Church, the church of the Roberts, but the Sloan Family had declined to join that church.

155. When Sloan said to Frank Davidson that there was no way that Charles Roberts could ever get

legal custody of Shamema, Frank Davidson replied that he could get custody by filing a motion to intervene in any proceeding in Virginia to obtain custody of the child.

156. When Sloan went home after this meeting and told his mother about it, his mother said that the relationship with Shelby Roberts as a baby sitter should be terminated immediately.

157. Just as they were about to leave to pick up the child from the baby sitter, Shelby Roberts called and said that her husband Charles had no right to speak about the child and she had not even known about the meeting in Frank Davidson's office which had taken place without her knowledge or consent. She just wanted to continue her relationship as a baby sitter unchanged.

158. Shelby Roberts spoke to Sloan in such a nice and convincing way that Sloan felt it would be cruel to terminate her just because of the inappropriate actions of her husband. So he decided not to go pick up the child from the baby sitter even though his mother and girlfriend Polly were already sitting in the car waiting to go.

159. An important factor was that in the meantime Sloan had visited Pakistan and visited the home of the mother Honzagool several times. Although she had expressed an interest in knowing how the child was doing, she had never said that she wanted to have the child brought to her nor had she ever said that she wanted to return to America.

160. More than a hundred newspaper articles had appeared some with pictures of the mother in newspapers and on TV in Pakistan, so the mother had in

effect gained movie star status. Many Pakistani men had expressed an interest in marrying the mother especially because of her reputation for great beauty and it was even being said that she was the most beautiful woman in Pakistan.

161. Many Pakistani men lined up to try to marry her even though she was still legally married to the father of the child. This created a great danger that somebody from Pakistan would grab the child so that by possessing the child he could marry the mother.

162. With nearly one million Pakistanis residing in New York, this placed the child and her father in great danger. Concerned about this threat from the Pakistanis in New York and Charles Roberts in Virginia, Sloan consulted legal counsel.

163. Someone recommended Michael Gamble, an attorney in Amherst Virginia, to be his attorney. In November 1985, Sloan went to Michael Gamble's office in Amherst and had a long meeting with him in which he described the meeting and the incident in Frank Davidson III's office.

164. Sloan told Michael Gamble the whole story regarding the mother, the Pakistanis in New York and the threatening letters he had received from them and told him about the plan Frank Davidson III had revealed of filing a motion to intervene in Virginia Family Court and get custody of the child for Charles Roberts.

165. Michael Gamble suggested that in view of this situation Sloan should file for custody in Amherst Family Court because his former law partner Lawrence Janow was the judge there and he was confident that

Judge Janow would go according to Michael Gamble's recommendation.

166. Also, in Lynchburg Family Court, Sloan's mother, Dr. Marjorie Sloan, had filed for custody there but Judge Dale Harris there had dismissed the case as without jurisdiction.

167. In addition, Sloan had retained another Lynchburg Lawyer, Cecil Taylor, to represent him in this case. Cecil Taylor had been his mother's attorney. In December 1982, Samuel Sloan had mailed to Cecil Taylor a retainer fee in the amount of one thousand dollars to file a case in Lynchburg Family Court.

168. Cecil Taylor had cashed Sloan's check and Sloan was led to believe that the case had been filed. It took more than a year before Sloan found out that Cecil Taylor had never filed the case. Sloan demanded his money back and Cecil Taylor refused to give the money back but after months of acrimonious arguing Taylor had given back \$750, or \$250 what Sloan had paid.

169. The conclusion of the meeting with Michael Gamble was that Michael Gamble agreed to represent Sloan in the case in Amherst Family Court and accepted a check for \$250 as the retainer fee. Sloan was happy about the \$250 fee especially since he had previously paid Cecil Taylor one thousand dollars for the same case.

170. However, a few days later Sloan received a letter in the mail from Michael Gamble with the check enclosed and a note saying that he had found out that his secretary was a close personal friend of Shelby Roberts and the Roberts might be seeking custody of

this child so therefore he could not represent Sloan due to conflict of interest.

171. Having received back the \$250 he paid to Michael Gamble, Sloan went looking for another attorney and eventually found Steve Martin, another Amherst lawyer.

172. All this time, child custody proceedings were going on between a previous wife of Sloan in New York, Anda Baumanis of Riga Latvia. Anda and Sloan were divorced but the court had ordered visitation.

173. Due to disobedience by Anda of a New York Court Order, Anda had not allowed Sloan to visit his children for two years. After lengthy proceedings before New York Judge Kristin Booth Glen, Sloan's children Peter Sloan aged 6 and Mary Sloan aged 5, were scheduled to be brought to the office of Dr. Richard Bennett a New York psychologist on August 6, 1986 for a meeting with Sam Sloan and an evaluation.

174. Realizing that this created the possibility of introducing his daughter Shamema aged 4 to her half-brother and half-sister Peter and Mary whom they had never met, Sloan drove Shamema to New York in his car, driving to Washington National Airport and taking the shuttle flight to New York without telling anybody he was doing this.

175. The meeting was a great success and the three children got along famously and were happy to meet each other. Years later they were still remembering this event.

176. However, after the meeting, while driving back to Lynchburg, Sloan received a call from his

attorney Steve Martin. Sloan had not told Steve Martin about his plan to take Shamema to New York, but Steve Martin said he had found out about it from Frank Davidson III.

177. After the meeting, the children, Peter Sloan aged 7 and Mary Sloan aged 6 had gone home and told their mother about the meeting with Shamema. Anda was enraged had called Shelby Roberts. Shelby Roberts had called her attorney, Frank G. Davidson III. Frank Davidson had called Steve Martin and now Steve Martin was calling Sam Sloan.

178. All these calls had happened within a few minutes after Sloan and his daughter Shamema had left the office of the psychologist in New York.

179. What this meant was his cover had been blown. The only reason for having Shelby Roberts as a baby sitter was to keep either the Pakistanis in New York or in Pakistan and to keep Creighton Sloan from knowing the whereabouts of the child for fear that the child would be abducted.

180. We knew that already Creighton had been in contact with the Pakistanis, so now everybody knew where the child was. This meant that the relationship with Shelby Roberts as the baby sitter had to be terminated as quickly as possible without upsetting the child.

181. Meanwhile, the original New York court order by Judge Anthony Mercorella was still in effect. Sloan was trying to figure out a delicate way to accomplish this when circumstances intervened.

182. Shamema had been born on October 15, 1981 and this was now August 1986 so Shamema was about

to enter school for the first time. The best elementary school in Lynchburg and the closest school to the Sloan home at 917 Old Trents Ferry Road in Lynchburg was the Paul Munro School, which was walking distance from Sloan's home.

183. So therefore, on August 24, 1986 Sloan went to that school to enroll his daughter there. There to enroll his own children in that same school was Frank G. Davidson III.

184. He explained to Sloan that his own children were adopted because he was incapable of fathering a child, a problem that Sloan does not seem to have. When he asked why Sloan was there, Sloan told Davidson that he was there to enroll his daughter Shamema in elementary school.

185. Davidson replied that the Roberts would not agree with that because they wanted to enroll Shamema in the Temple Baptist School because they were members of the Temple Baptist Church.

186. Sloan replied that the Roberts had nothing to say about this because this was Sloan's child and Shelby Roberts was nothing more than an employee.

187. The next morning, Sloan received a call from his attorney Steve Martin. Martin informed Sloan that Frank G. Davidson III had gone to Amherst County Family Court to make a request that Judge Janow order the child to be enrolled in the Temple Baptist School. Sloan thought this to be absurd but decided to go to the Amherst Court House with his mother to see what was going on.

188. Sloan arrived at the court house but did not enter the courtroom. His lawyer Steve Martin came

out of the courtroom and informed Sloan that Judge Janow had held a conference with Davidson in which he had asked Davidson how he had made such a request as Davidson had not appeared in the case and had not requested custody of the child.

189. Davidson had replied that he would be filing for custody in a few days. Based on that representation, Judge Janow had issued an order which "allowed" the child to be enrolled in Temple Baptist School.

190. This order did not mention the Roberts or give them legal custody of the child. It simply meant that unnamed persons could enroll the child in that school if they wanted to. A copy of the order is attached.

191. It seems from subsequent events that Judge Janow must have thought that the Roberts had possession of the child, but they did not. Sloan had decided not to leave his daughter with Shelby Roberts that day. Instead, Shamema had been left Dr. Jessie Enslin, a medical doctor and a close friend of the grandmother of the child, Dr. Marjorie Sloan.

192. So, in view of these events, it was obvious that the child would not be left with Shelby Roberts any more. It was well known that Charles Roberts was a self-described religious fanatic and a follower of Jerry Falwell and had an arsenal of guns and weapons in his house.

193. Dr. Marjorie Sloan was a child psychiatrist who had treated many patients similar to Charles Roberts as psychiatric patients. Dr. Marjorie Sloan said, "These people are dangerous", and that they had better get out of town quick.

194. Petitioner-Appellant drove to Roanoke Airport with Shamema and caught the last flight of the night to Pittsburgh after leaving a message to Sloan's computer partner Don Dailey to pick up the car at the airport as the keys had been left in the car.

195. Petitioner-Appellant and his mother did not intend this departure to be permanent. They thought it would blow over in a few days and they could safely return. That was not to be.

196. Dr. Marjorie Sloan never got to return to her house in Lynchburg which she had designed and built. It took four years but eventually in 1990 she was kidnapped out of her hospital room in the Bangkok General Hospital in Bangkok, Thailand.

197. The Sloan Family was shocked and startled when all this took place. They did not know what had happened until years later. They always assumed that if the Roberts wanted to seek custody they would sign and file a custody petition and the courts would schedule hearings and possibly discovery. The idea was not considered that without any kind of service of process a lawyer could just walk into the courtroom and tell the judge that his clients who were not related in any way to the child wanted to send a child to a religious school contrary to the religious beliefs of the parents and such a requested would be granted.

198. Not only that but this was only the beginning. When the child was then taken back to New York where the child had been born and custody had previous been decided, Judge Janow proceeded to call Judge Glen, the judge on another case involving other Sloan children and ask that this child aged 4 be detained and rendered and extradited to Virginia.

199. Subsequently, the FBI in Roanoke Virginia with an agent named John P. Butler whom we now believe was a fake name the FBI gave for what reason we do not know said that the Roberts had legal custody. Also Robert Chipperfield of the US State Department in Washington DC said that as far as they were concerned the Roberts had custody in Virginia.

200. However, none of this was true. No written court order was ever issued by Judge Janow or anybody else giving the Roberts legal custody of this child or even mentioning the Roberts by name.

201. The fact that Judge Janow called Judge Kristin Booth Glen on the telephone while Sloan was standing in the courtroom before Judge Glen for a custody hearing for two of his other children, Peter and Mary Sloan, shows that Judge Janow must have also been calling the US State Department and the FBI giving them this false information.

202. This shows that Judge Janow was guilty of a federal crime because giving false information to an FBI agent is itself a federal crime even if not under oath as the famous Martha Stewart case shows. It is obvious that Judge Janow was calling other judges as well with this false information.

203. In December 1986, Judge Richard Miller of the Lynchburg Circuit Court froze the bank accounts of Helen Marjorie Sloan at Sovran Bank in Lynchburg without any notice or opportunity for a hearing to Dr. Sloan. The purpose of this freeze on her bank account was obviously to force her to return to the United States of America and to surrender her granddaughter to Judge Janow.

204. Judge Miller knew and the court papers state that Dr. Marjorie Sloan was in Dubai, United Arab Emirates. The name of that case is Creighton Sloan son and next friend of Helen Marjorie Sloan vs. Sovran Bank.

205. The court claimed to act on "medical evidence presented" and a power of attorney which had been recorded. This was all false. There was no medical evidence presented and no power of attorney was recorded either. A search of the court files and records of the Lynchburg Circuit Court shows that the only power of attorney given by Helen Marjorie Sloan was to her eldest son, Samuel Sloan, the appellant here.

206. Creighton Sloan was NOT a next friend of Dr. Marjorie Sloan. She was deathly afraid of him and had escaped from his house twice in North Carolina after he had kidnapped her from her home in Lynchburg or from her job at Western State Hospital in Staunton Virginia and had taken her there and extorted money from her as he was jobless. Creighton Sloan had bought that house in North Carolina with money he had stolen from his mother, as he was not gainfully employed at that time.

207. Later, Helen Marjorie Sloan filed suit against Sovran Bank in the Albemarle County Circuit Court in Charlottesville with David C. Dickey of Stanardsville as her attorney. Sovran Bank moved to transfer the case to Lynchburg.

208. The motion was granted in spite of the opposition by Dickey. The case file left Charlottesville on the transfer order but somehow never reached Lynchburg. The case file disappeared. Probably

Creighton Sloan or somebody close to him must have stolen it.

209. The clerk of the Lynchburg Circuit Court is now Eugene Wingfield, the same man who as a Lynchburg Police Officer arrested Samuel Sloan and extradited him via a flight from San Francisco California to Lynchburg in December 1992.

210. In March 1994, Judge Gamble took away the Sloan Family Home at 917 Old Trents Ferry Road in Lynchburg and had it sold to a Mr. Stanley Taylor for the ridiculously low amount of \$75,000, with almost all of the proceeds of the sale given to Cecil Taylor and Frank G. Davidson III as attorneys fees, knowing that Samuel Sloan was getting out of prison in just one month in March 1994 and would be going back with his children to live in that house.

211. Judge Gamble committed this illegal act so that Samuel would not have a home where he could keep his many children. Four of Samuel Sloan's children had been living there at the time of his arrest.

212. Judge Gamble claimed he had the right to do this because of a power of attorney and because Creighton Sloan was the legal guardian of Dr. Marjorie Sloan. Both claims were false. This power of attorney that does not exist. There is no such document in the files. There are no medical records in the case file either. Creighton Sloan had a known psychopathic hatred of his mother and wanted to destroy her and everything she had. She was terrified of him and that is why she went abroad. With modern DNA testing we suspect that he was not really her son as he never referred to her as his mother. DNA testing has not shown him to be her son.

213. Creighton Sloan had briefly been appointed Guardian of Dr. Sloan in Aiken South Carolina on an ex-party basis but then he had been removed as Guardian by Judge Roe down there. In addition, Judge Gamble had been disqualified from hearing that case or any case involving the Sloan Family since Judge Gamble as a private lawyer had filed several cases against Samuel Sloan and his mother Dr. Marjorie Sloan.

214. It has just been discovered within the past few weeks that Judge Sue H. Roe has never been a lawyer. When Sue H. Roe announced her retirement recently, it was discovered that Sue H. Roe was never a lawyer. She had never been to law school or taken or passed the bar exam. Here is her biography. It looks like she must have been a lawyer but notice there is no mention of Law School. http://www.scstatehouse.gov/sess121_2015-2016/bills/5414.htm

From this biography one would never guess that she was never a lawyer.

215. Indeed, Judge Gamble himself had written a list of reasons why he was disqualified on the grounds of a conflict of interest and had asked Samuel Sloan to sign a waiver of disqualification. Not only did Samuel Sloan refuse to sign a waiver of disqualification, but when Samuel Sloan was brought in chains from Dillwyn Prison to the court hearing in Lynchburg, Sloan protested so vehemently to Judge Gamble hearing this case that Judge Gamble held him in contempt of court, but Judge Gamble could not punish him because Sloan was already in prison.

216. Not only was Judge Gamble in violation of conflict of interest but all the lawyers there were too.

The lawyers were Cecil Taylor and Frank G. Davidson III. Cecil Taylor had been first the lawyer for Dr. Marjorie Sloan. Then Samuel Sloan hired him and paid him one thousand dollars retainer fee but Cecil Taylor had returned all but \$250 of that fee. In high school, Samuel Sloan had been a classmate of the daughter of Cecil Taylor, Mary Taylor. Samuel Sloan dated Mary Taylor. Mary Taylor got pregnant. Back in that time in 1962 if a girl got pregnant she was expelled from the school. So Mary Taylor got kicked out of E. C. Glass due to being pregnant. Therefore, Mary Taylor did not graduate with Samuel Sloan and her other classmates. After her child was born, Mary Taylor went back to school and graduated the next year in 1963. It is perhaps due to this that Cecil Taylor held great animosity towards Samuel Sloan. Cecil Taylor should have disqualified himself for that reason as well.

217. When Cecil Taylor had filed this *Sloan vs. Sloan* case, he had asked that Frank G. Davidson III be appointed as attorney for Helen Marjorie Sloan. If you look at the court papers you will see the words "we ask for this". This was beyond ridiculous. It was Frank G. Davidson III who had started all this litigation by his theory that the Roberts Family could file a case for custody of Shamema Honzagool Sloan.

218. Dr. Sloan had her own attorney, David C. Dickey of Stanardsville VA, but the court did not appoint her real attorney. Instead it appointed an attorney against her, Frank G. Davidson.

219. In 1990, Helen Marjorie Sloan had filed a civil case against Frank G. Davidson III and against Michael Gamble, Lawrence Janow, Judge Miller, Bill Petty and the rest of their gang. Dr. Sloan was in the

United Arab Emirates but she got it notarized by the US Embassy in Abu Dhabi and got Howell Robinson, a close friend of Leroy Sloan, to take it down to the Lynchburg Circuit Court and file it.

220. The case was assigned by the Virginia Supreme Court to Judge Ballou in Roanoke because all the local Lynchburg judges and lawyers were obviously disqualified by conflict of interest.

221. The complaint by Dr. Marjorie Sloan alleged that all of the above persons were conspiring to kidnap her and her granddaughter, a complaint that was obviously proven true when these things happened the following month.

222. Then the aforementioned defendants proceeded to carry out the plan which was alleged by kidnapping Helen Marjorie Sloan out of her hospital room in the Bangkok General Hospital in Thailand in September, 1990. However, Dr. Sloan was not brought to Virginia. Instead she was brought to Maryland where several of the defendants forced her to sign statements disavowing her complaint. These statements were obviously legally invalid as Dr. Sloan was a prisoner, she was being held in custody and could not refuse.

223. These statements purportedly signed by Dr. Sloan were then filed in the Lynchburg Circuit Court.

224. After a few months in custody in Maryland, the Maryland authorities ruled that they could not legally hold her as she was competent and no danger to herself or others.

225. Instead of releasing her, she was taken to South Carolina which according to them does not have such strong laws protecting the elderly. She was held

in custody in Aiken, South Carolina in Mattie C. Hall Center until her death in 2002.

226. We do not understand how and why Bill Petty got involved in this but he was involved from the very beginning.

227. Leroy B. Sloan died in January 1986 while he was talking on the telephone with his son Samuel Sloan who was in New York. Leroy Sloan died in the presence of Alma Coates Dawson who claimed she had just married him.

228. Alma took his checkbooks and other personal effects. Within a few weeks of the death of Leroy Sloan. Alma Coates Dawson started writing checks by forging his signatures to the checks. The signatures were clearly forgeries especially she had dated the checks with a date long after Leroy Sloan had died.

229. Samuel Sloan was appointed by the courts as Administrator of his father's estate, a position he still holds to this day. Samuel Sloan notified the bank of the forgeries. The bank called in Alma Dawson to ask her about this. She admitted that she had signed Leroy Sloan's name to the checks after he had died.

230. The bank recovered its money by taking the money out of the back account that Alma Dawson had with that bank. The Bank reported this to the Commonwealth Attorney's Office. When the Lynchburg Commonwealth Attorney declined to prosecute this case, Sloan went to the Commonwealth Attorney's Office demanding to see Bill Petty about this.

231. Sloan knew that the law firm of Pendleton and Gamble, Michael Gamble's Law Firm, was planning to file suit over this so it was important that Alma

Dawson be prosecuted for this forgery. Sloan went to the office of the Lynchburg Commonwealth Attorney Bill Petty. However, Bill Petty's associate informed Sloan that Petty was refusing to see him.

232. In view of what happened subsequently, it seems likely that already in February 1986 when these events took place, Bill Petty was planning some sort of action against Samuel Sloan, but we cannot imagine what.

233. Having kidnapped Shamema successfully in 1990, the Roberts proceeded to try to get Sloan's other children by the same method. Samuel Sloan brought three of his other children, Michael, Jessica and George, to live in his mother's house at 917 Old Trents Ferry Road in Lynchburg. In January 1991, Renuka also known as Shanti tried to escape with Shamema and Jessica from the Roberts home. The Roberts caught them trying to escape and called the police. The Police took Shanti and Jessica to a shelter in Roanoke.

234. Shanti and Jessica got out of the shelter and came to the Sloan home at 917 Old Trents Ferry Road in Lynchburg. By that time, Sloan had brought Dayawathie and his other two children, Michael and George, from New York.

235. The Roberts called the police and the police presumably under Bill Petty picked up Shanti and Jessica. The Roberts started a court proceedings to get Jessica in much the same way as they had gotten Shamema.

236. Realizing the danger, Shanti escaped again and either took a bus or hitchhiked in trucks to Oakland California where Jessica has been born.

237. The Roberts called in a complaint to Alameda child protective services in California and got Jessica detained there.

238. Samuel Sloan as the father of Jessica was notified and served and so went to the court hearing that had been scheduled in Fremont California. There he found out that Judge Gamble had faxed documents about the Shamema case to Judge Jeffrey Horner in Alameda County California. The Roberts were in touch with social services there.

239. When the next court hearing in Lynchburg Circuit Court took place, Judge Gamble said he had found out that Sloan had attended the court hearing in California and revoked his bond for leaving the state, even though it was the actions of Judge Gamble that had caused him to be summoned to California and leave the state.

240. Following this, California Social Services petitioned Judge Horner to return Jessica to her mother Shanti as Shanti had done nothing wrong. Judge Horner refused. After several requests by Social Services to return Jessica to her mother and after Jessica had herself repeatedly asked to be returned to her mother, a California social services worker named Sharon Collins realized that something was seriously wrong because California judges are supposed to be biased in favor of the parents and they just about never refuse requests like this.

241. So Sharon Collins hit upon a plan. She waited until Judge Jeffrey Horner went away on vacation. Then, she checked the Jessica case file out of court so any substitute judge would not be able to see the derogatory remarks by Judge Horner in the file. Then

she applied to a substitute judge while Judge Horner was away for the release of Jessica from custody, so Jessica was returned to her mother.

242. When Judge Horner returned from vacation and found out about this he was outraged, but under California law there was nothing he could do but reprimand the social worker.

243. Under California law a judge cannot on his own order a child into the custody of social services.

244. This is or should be the law in Virginia too but Judge Janow ordered Shamema into social services custody without social services requesting it or even knowing about it and while Shamema was not in Virginia but was in New York or in Abu Dhabi.

245. After Jessica's mother got her back in California, Judge Janow again awarded custody of Jessica to the Roberts without any notice, opportunity for a hearing, service of process or any of the other things that are supposed to happen.

246. In short, Judge Janow, Judge Gamble, Commonwealth Attorney Bill Petty and the Roberts Family are all part of a criminal gang trying to get the entire Sloan family into their custody even though none of them had been born in Virginia.

247. While Samuel Sloan was in Lynchburg City Jail, he had a cellmate named Rolf Beneke a/k/a Adrian Van der Kamp. Beneke claimed he had escaped from East Germany through a tunnel under the Berlin Wall.

248. After they both got out of Lynchburg City, Beneke thereafter called Sloan numerous times on the telephone to say he had been to the Temple Baptist Church in Madison Heights Virginia where Shamema

was being taken by the Roberts and he had seen Shamema there. Beneke offered to kidnap Shamema Honzagool Sloan back on payment of \$25,000.

249. Samuel Sloan was anxious to get any information he could about his daughter who had been kidnapped away from him in the United Arab Emirates. However, Sloan told Beneke he had only fifteen dollars to his name. Beneke kept repeatedly calling with these offers.

250. Meanwhile Beneke was facing a multitude of charges in Lynchburg, mostly white collar crimes including swindling the brother of Howell Robinson, the brother of Leroy Sloan's best friend.

251. Sloan never called Beneke. It was always Beneke calling Sloan. Turned out not surprisingly that Beneke was an under-cover agent working for the Lynchburg City Police. Beneke obviously had made a deal with police officer Eugene C. Wingfield who is now Clerk of the Lynchburg Circuit Court to get him off his charges if he would help get Sloan.

252. Eugene Wingfield was sitting next to Beneke when he was making all these calls. All of these conversations were tape recorded. Later, Commonwealth Attorney Bill Petty had Sloan indicted for solicitation to commit a felony, even though it was Beneke who was soliciting Sloan, not the other way around.

253. Using an undercover agent like this was a violation of the Miranda Rule we often hear on TV when a police officer tells an offender "You have the right to remain silent. Anything you say may be used against you." Bill Petty knew that Sloan was anxious to get his kidnapped daughter back and tried to set him up.

254. At trial in the Lynchburg Circuit Court, Rolf Beneke testified at length and all these tape recorded conversations were played to the jury. Fortunately, the jury saw through this and found Sloan not guilty. Otherwise Sloan might be sitting in jail now.

255. However, what Bill Petty accomplished by this was he got James H. Massie, Sloan's defense attorney, disqualified from representing Sloan. Petty notified Massie that Beneke would be the principal prosecution witness.

256. Several years earlier, Massie had been the court appointed attorney representing Beneke. Therefore, Petty demanded that Massie recuse himself because Massie was well aware of Beneke's long criminal career and therefore would be too effective as defense counsel.

257. Petty's demand that Massie be disqualified came as a motion before Judge Gamble. Sloan was brought from the jail to the court. Sloan Objected to the removal of Massie as his defense attorney as Massie knew the case better than anybody. Furthermore, Sloan objected to Judge Gamble being the judge on the case again especially since Chief Judge Mosby Perrow III had previously ruled that all of the judges for the 24th Judicial District were disqualified because Judge Gamble himself had filed several lawsuits against Sloan and the Sloan family and all these cases were actively pending.

258. Nevertheless, Petty's motion to disqualify Massie from being Sloan's defense attorney was granted. Judge Gamble then appointed David Bice to be Sloan's defense attorney. Sloan did not know Bice at the time except he knew that the brother of Bice

was his dentist. However, we now know that David Bice is the weakest defense attorney and does not put up any defense for his clients.

259. At trial David Bice did not offer any defense at all although many valid defenses were available. The ruling by Judge Gamble was wrong. James H. Massie knew the case better than anybody because he had been Sloan's attorney during the child custody proceedings in Amherst that were the underpinnings of this case. There is simply no rule that just because a defense attorney had represented another defendant years before in an unrelated case is disqualified from being a defense attorney in this case.

260. Judge Gamble had brought about the removal of three of Sloan's defense attorneys. The first was Steve Martin that Sloan had retained in early 1986 after Michael Gamble had disqualified himself from representing Sloan and had returned his check to Sloan \$250.

261. Later while Sloan was residing with his mother and daughter residing in Abu Dhabi, United Arab Emirates, Pendleton & Gamble had offered Steve Martin a law partnership providing that Steve Martin agree to stop representing Sloan.

262. Steve Martin accepted this offer so after Shamema was kidnapped and brought to Amherst Virginia, Steve Martin who was still attorney of record for Sloan was called to the court by Judge Janow.

263. Judge Janow removed Martin from being Sloan's lawyer, so when Sloan attempted a few months later to recover his kidnapped daughter he no longer had an attorney.

264. Judge Janow claimed he had spoken to Judge Louis Fusco of the Bronx Supreme Court and Judge Fusco had agreed to transfer the Shamema Child Custody Case to Virginia. However, this was not true. There is no court order transferring the case from New York to Virginia.

265. Judge Fusco was the chief judge in the Bronx Supreme Court but he was not the judge in the Shamema Child Custody Case. Judge Anthony Mercorella and Judge Irwin Silbowitz were the judges in the Shamema case.

266. To transfer the case from New York to Virginia, the parents would have had to be notified and a hearing held. No such thing had ever happened.

267. Sloan has never been allowed to see the case file in Amherst J & D or Family Court. In general, parties to a case are allowed to see the case file so they can see what the judge is seeing. However, Judge Janow had not permitted Sloan to see the file.

268. However, after James H. Massie became his attorney, Massie allowed Sloan to sit next to him while Massie was looking at the file. As far as Sloan knew, only he and his daughter were in the case. The Roberts has not been served and were not parties to the case. Sloan wanted the New York Court Order modified so that if the mother returned from Pakistan years later she would not automatically get the child. He was more concerned about the possibility that some Pakistani in New York would take the child claiming to represent the mother.

269. Sloan was shocked to discover a memo by Judge Janow dated May 26, 1986 which was months before any case or hearing was filed in Amherst

Family Court. This reflected an ex-party meeting Judge Janow had had with Frank G. Davidson on that date without Sloan or anybody else knowing about it to discuss plans on how to get custody of Sloan's daughter for the Roberts.

270. This memo stated that the Roberts were interested in getting custody of Sloan's daughter Shamema and they discussed ways in which they with Judge Janow's help they could go about getting custody.

271. In other words, Janow and Davidson were plotting a conspiracy to get custody of Sloan's daughter away from Sloan. According to the memo, they had decided not to do anything to rock the boat until Sloan did something.

272. This explains how it happened that when Sloan went to Paul Munro Elementary School on August 24, 1986 to enroll his daughter in that school, Frank Davidson who was also there to enroll his own son in that school, went immediately to Judge Janow in Amherst for an order to enroll Sloan's child aged 4 in the Temple Baptist Church and School.

273. Shelby Roberts had previously worked for Sam Sloan as a secretary, which is how she knew the Sloan Family. Judge Jeffrey Horner in Fremont California was enraged when he came back from vacation and found out that Jessica had been returned to Jessica's mother in his absence. He yelled and screamed in the courtroom at Sharon Collins, the social worker who had returned Jessica to her mother, for doing this.

274. This was strange behavior. We found out that Judge Horner was in contact with Judge Gamble

in Virginia. Judge Gamble had wanted Jessica extradited to Virginia and had faxed documents to Judge Horner, just as Judge Janow had called Judge Kristin Boothe Glen in New York on September 4, 1986 asking that Shamema Sloan be detained and extradited to Virginia.

275. Later Judge Janow awarded custody of Jessica to Charles and Shelby Roberts. This was as usual by Judge Janow without service of process or notice or opportunity for a hearing on either of the parents of Jessica, Shanti Onofre or Samuel Sloan. This was in year 2000, when Jessica was a pre-teenager

276. After Jessica had been detained by Alameda County California Social Services, Jessica was returned to her mother in late 1992, while Samuel Sloan was being extradited to Virginia.

277. Jessica was mentally disturbed by the more than one year in foster care, being locked up with other foster kids. Jessica never fully recovered. She was no longer the happy child as she had been previously. Shanti Onofre, Jessica's mother, firmly believes that Jessica's death in 2010 was caused by Charles and Shelby Roberts and by Judge Janow and Judge Gamble for having Jessica locked up for more than one year in foster care.

278. Judge Gamble himself prepared a "waiver of disqualification" for Sloan to sign. Now only did Sloan refuse to sign it but he demanded Judge Gamble disqualify himself. Here is what the "waiver of disqualification" said:

279. "VIRGINIA: IN THE CIRCUIT COURT OF THE COUNTY OF AMHERST IN RE: CUSTODY OF SHAMEMA HONZAGOOL SLOAN, a minor, Case

#7312; APPEAL OF CONTEMPT MATTER OF M. ISMAIL SLOAN, Case #7309 WAIVER OF DISQUALIFICATION On this day came the parties on the appeal of M. Ismail Sloan in the above styled matters. The undersigned J. Michael Gamble, Circuit Court Judge, has advised the parties that there are circumstances which could require that he recuse himself from this case. Further, J. Michael Gamble has advised all parties that he will recuse himself unless all parties waive in writing their possible objections to his service as Judge in these cases. These circumstances are as follows: (1) M. Ismail Sloan consulted with J. Michael Gamble in 1985 about representing him in the matters involved in this case at a time when J. Michael Gamble was a practicing attorney. Although J. Michael Gamble did not take the case M. Ismail Sloan did talk with J. Michael Gamble about the facts of the case for about one hour. Also, J. Michael Gamble accepted a retainer fee which he returned by mail the same day. (2) Stephen C. Martin, a former law partner of J. Michael Gamble, represented M. Ismail Sloan in earlier proceedings in the matters in this case. Confidential or privileged information was provided to Stephen C. Martin as a result of such representation. (3) Donald G. Pendleton, a former law partner of J. Michael Gamble, represented a person claiming to have an adverse interest in M. Ismail Sloan in the estate of the father of M. Ismail Sloan. Possibly confidential or privileged information was given to Donald G. Pendleton, at the time he was the partner of J. Michael Gamble. (4) Lawrence Janow, Juvenile and Domestic Relations District Court Judge of Amherst County, who has heard many of the proceedings in this case, was a law partner of J. Michael Gamble from 1974-1990. (5) J. Michael Gamble

has heard many discussions of this case by numerous sources. (6) Linda B. Carroll, the former legal secretary of J. Michael Gamble, is a close friend of Mr. and Mrs. Charles Roberts, a party to these proceedings. Notwithstanding the above disclosures, we the undersigned waive the right to request J. Michael Gamble to recuse himself, and waive the disqualification of J. Michael Gamble to hear the matters involved in this appeal. We fully understand that by hearing this appeal J. Michael Gamble does not necessarily agree to hear any other proceedings which may come before this court in this matter. Given under our hands this 7th day of August, 1991.

280. In spite of giving all of the above reasons why Judge Gamble was disqualified, Judge Gamble then insisted on being the judge anyway on all of the Sloan cases. The order of Judge Janow dated August 25, 1986 stated "Effective September 7, 1986 at 2:00 p.m., the father shall have physical custody of Shamema Honzagool Sloan until further Order of the Court with reasonable visitation to be allowed Mr. and Mrs. Charles Roberts as Counsel agrees". However, it also stated "the court orders that this matter remain in status quo and allows the child, Shamema Honzagool Sloan to be enrolled in Temple Baptist School". The child Shamema was only four years old at the time. The parents of the child, Samuel Sloan and Honzagool, were Muslims and were not members of the Roberts religion, which is a fanatical branch of Jerry Falwellism. Obviously it was unacceptable for Sloan to be required to send his daughter to a religious school.

281. Sloan was never served with this order because by the time this order was written and issued

the Sloan Family had left town and gone back to New York.

282. The reason Shanti had cooperated in the kidnapping of Shamema was the Roberts had hired and Paid a professional kidnapper named Boonchoo in Thailand to kidnap Shamema. Boonchoo had threatened to have Shanti's daughter Jessica killed if Shanti did not co-operate.

283. Here is the testimony of both Shanti and Charles Roberts later before Judge Janow in Amherst Family Court:

Answer: Boonchoo, when I was in United Emirates, he called me in the house and he tell me he want I to turn Shamema to his side, otherwise he's going to kill me and he going to tell something, I stole from his -- something., something like that, he told me. Then I get really scared and then I call Charles and Shelby and I tell them, "What happened, he was telling me something like I stole stuff and I have to turn Shamema to their side, otherwise they're going to kill me." I don't really get this scared, because they was in another country and I was in another country, far away. That's all. [Testimony of Charles Roberts page 59] BY THE COURT: (Continuing) Q How much was paid for these services? A Actually, I don't know if this was pertinent or not, but I don't have anything to hide. I paid him two installments of five thousand dollars. When Renuka went over there, she did not have a visa because there was no Thai embassy in the UAE, so she went straight over there without a visa and

they held her there for a while. and then she contacted us and we told her to contract John Sobell - We contacted him and he went to the airport and located her and then they made arrangements to send her to Singapore to get a visa to come back into the country. [Testimony of Charles Roberts page 60] MR. SLOAN: Are you aware that Boonchoo threatened to kill Renuka if he didn't turn Shamema over to you.

THE WITNESS: I wasn't aware that he threatened to kill her. She called me by telephone and said he had scared her or upset her and I called John Sobell to find out just what was going on and he said it was just his way of trying to get her back on their side.

284. This testimony clearly shows that Judge Janow knew that the Roberts had brought about the making of death threats to get Shamema. The reason the Roberts were brave enough to have Shamema kidnapped and brought to USA was that Lynchburg Commonwealth Attorney Bill Petty was in on the kidnapping and had been helping the kidnapping to take place. If Bill Petty had not been involved, the Roberts would have been arrested as soon as they arrived in Virginia with Shamema. The Roberts did not turn Shamema over to Amherst Social Services. Instead they just kept Shamema in their house without even telling Amherst Social Services that Shamema was there. If this had happened in any other state, the Roberts, Bill Petty, Michael Gamble and Lawrence Janow would all have been arrested and would be serving long prison sentences now, as they are all obviously guilty. However, in Virginia the entire

judicial system is corrupt. No judge has been removed in Virginia for misconduct since the 1920s or nearly one hundred years ago, whereas judges are removed in other states all the time.

285. The facts and circumstances of this case show that Judge Updike of the Bedford Circuit Court should have conducted a fact hearing to determine what Sloan was convicted of doing since Sloan contended that what he had done or not done was perfectly legal. It can be demonstrated that not only was Sloan not guilty of anything but the actual criminals were Lawrence Janow, Michael Gamble, William Petty and Frank Davidson, all of whom are still practicing lawyers in Virginia and all but Davidson have been or are still judges in Virginia, with Bill Petty being a judge of the Virginia Court of Appeals. The fact that Virginia allows career criminals like Petty, Janow, and Gamble to sit as judges in the courts even on cases where they should be conflicted out demonstrates the corruption in the entire Virginia System. This demonstrated that the Virginia Felony Disenfranchisement Law is Unconstitutional.

286. It is well known that Black men are routinely convicted of crimes for which White men are never charged. Petty, Janow Gamble and Davidson are all guilty of the most heinous crime imaginable, the kidnapping of a young child age 8 when she was kidnapped and an 80-year-old woman all so they could get the vast wealth that they mistakenly believed that the Sloan family had, yet they have never been even questioned much less prosecuted for these crimes. There is no statute of limitations on the crimes committed by Petty, Gamble, Janow and Davidson so

they should be arrested and prosecuted and the statute should be declared unconstitutional.

287. Here is one of only two orders issued by Judge Janow in this case. It states: "Effective September 7, 1986 at 2:00 p.m., the father shall have physical custody of Shamema Honzagool Sloan until further Order of the Court with reasonable visitation to be allowed Mr. and Mrs. Charles Roberts as Counsel agrees."

288. However, it also states "the court orders that this matter remain in status quo and allows the child, Shamema Honzagool Sloan to be enrolled in Temple Baptist School". The child Shamema was only four years old at the time. The parents of the child Samuel Sloan and Honzagool were not members of the Robert's Religion which is a fanatical branch of Jerry Falwellism. Obviously it was unacceptable for Sloan to be required to send his daughter to a religious school and a church of which he was not a member. Sloan was never served with this order because by the time this order was written and issued the Sloan Family had left town with his mother and daughter and had gone back to New York. Later, the original New York order by Judge Mercorella was modified by Judge Lauren Backal to give full legal custody to Sam Sloan.

289. The Roberts were not family members of the child. Their only connection with this child was Shelby Roberts had been employed by Samuel Sloan and his Mother Dr. Helen Marjorie Sloan as a secretary and a baby sitter for Shamema and during a period when Samuel Sloan was seriously injured in an automobile accident.

290. Here is the order issued by Judge Janow dated September 4, 1986. Judge Janow purports to award custody of Shamema to the Amherst Country Department of Social Services who had not petitioned for this custody and had never even heard about this case. Judge Janow knew that Shamema was not in Virginia and that she was in New York. He had issued this order so that Shamema could be detained in New York and rendered and brought to Virginia where he obviously planned to award custody to the Roberts. Judge Janow knew that Shamema was in New York because he had just spoken to New York Supreme Court Justice Kristin Booth Glen who had informed Judge Janow that Judge Glen had seen Shamema in her courtroom the previous day. This was the only order in effect until after Shamema had been kidnapped by the Roberts and brought to Virginia in October 1990.

291. Here is the airplane ticket and airline reservation issued to bring Shamema Honzagool Sloan from Abu Dhabi United Arab Emirates to Washington DC on October 7, 1990. Note that the ticket says it was purchased by Jay Roberts, son of Charles and Shelby Roberts. This ticket is proof positive that Shamema Sloan had been kidnapped by the Roberts Family.

292. Custody order of the Bronx Supreme Court which modified the original order of that court and awarded full custody to the father, petitioner appellant here. This proves that the child custody case had never been transferred to Virginia and therefore Judges Janow and Gamble had no jurisdiction to award custody to the Roberts.

NEW YORK SUPREME COURT COUNTY
OF BRONX PART TT-17

M. ISMAIL SLOAN

-against-ABDULLAH AWADALLAH

INDEX NUMBER 17815/1981

Present: HON Lorraine Backal, Justice

The following papers numbered 1 to 5 on this motion for an order modifying custody order No. 1 on Calendar of October 7, 1994 Upon the foregoing papers this motion for an order modifying the child custody provisions of an order of this court dated June 7, 1982 that awarded custody of the parties infant issue, Shamema Honzagool Sloan, date of birth October 15, 1981, to the defendant - mother, Honzagool, is granted on default. Pursuant to the June 7, 1982 order, defendant - mother was granted custody of the infant issue provided she remain with the child in the State of New York. On or about October 1, 1982, defendant-mother abandoned plaintiff - father, M. Ismail Sloan, and the infant issue in the United States and returned to her native Pakistan. To date, defendant - mother has not returned to the United States. Plaintiff father has been the de facto custodial parent of the infant issue since the time of defendant—mother's departure and has provided the child with a caring and stable home for the past twelve years. Accordingly, it is in the child's best interest that the custody order of this court be modified to the extent of awarding custody of

the infant issue, Shamema Honzagool Sloan, to the plaintiff - father, M. Ismail Sloan This shall constitute the decision and order of the court. Dated: October 25, 1994

/s/ L. Backal

Lorraine Backal, A. J. S. C. 53

Certificate of Service

Petitioner Appellant Hereby States That on October 14, 2017 he served the within Petition for Appeal by mailing a true copy of the same to: Virginia Supreme Court 100 N 9th St, Richmond, VA 23219 Court of Appeals of Virginia 109 North Eighth Street Richmond, VA 23219-2321 Phone - (804) 371-8428 Mark R. Herring Attorney General's Office 202 North Ninth Street Richmond, Virginia 23219 Phone: (804) 786-2071 Judge James W. Updike Jr. 123 E Main St #201, Bedford, VA 24523 Bedford County Commonwealth Attorney's 123 E. Main St, Suite 302 Bedford County Courthouse Bedford, VA 24523 Phone: 540-586-7628 Sherman Calloway Virginia Cares 1651 Papoose Way Lutz Fla 33559

293. Note that the plaintiff here defeated the United States Securities Exchange Commission in oral argument before the United States Supreme Court which addressed the question of standing here. *SEC vs. Samuel H. Sloan*, 436 U.S. 103 (1978).

294. The reason they have wanted this child is religious. The mother of the child is Honzagool, a devoutly religious Muslim woman from Chitral, a remote area high in the Hindu Kush mountains of

Northwest Pakistan. Knowing that the child had been raised as a Muslim, they kidnapped the child so that the child would be raised as a Christian.

295. Charles Roberts constantly states that he has been saved and he is going to Heaven. He says that salvation and eternal life are not earned by good deeds but are received only as the free gift of God's grace through the believer's faith in Jesus Christ as redeemer from sin. Thus, Roberts believes that even though he has committed great sins such as kidnapping a child, he will still go to Heaven through his faith in Jesus Christ as redeemer from sin.

296. COURT OF APPEALS OF VIRGINIA *SAMUEL HOWARD SLOAN*, Appellant, v. *COMMONWEALTH OF VIRGINIA*, Appellee. Court Record No. 1215-17-3 Circuit Court No. CL17000260-00 FROM THE CIRCUIT COURT OF BEDFORD COUNTY PETITION FOR APPEAL

297. The first attorney to represent Sloan in this case was the Lynchburg Public Defender, James Hengeley. However, Judge Michael Gamble had previously as a private lawyer and a partner of the law firm of Pendleton & Gamble had filed suit against both Sam Sloan and his mother Dr. Helen Marjorie Sloan on the grounds that the client of Pendleton & Gamble, one Alma Coats Dawson, had married Leroy B. Sloan on his death bed in the emergency room of the Lynchburg General Hospital on New Year's Eve December 31, 1985 and Leroy Sloan had died shortly thereafter.

298. Alma Coates Dawson had believed, along with many others, that Leroy B. Sloan and the Sloan Family was possessed of great wealth and there was

a Sloan Family Trust that had been set up by Leroy Sloan's father, Howard Creighton Sloan, and the money in the trust would become available to the Sloan heirs upon the death of Leroy Sloan but not before that.

299. Thus if it were really true that the Sloan Family of Lynchburg and Bedford County were the heirs of the Alfred P. Sloan Foundation, then the \$50 million that the heirs to Leroy Sloan was supposedly going to receive would be a piddling, trivial amount.

300. However, it was not true. There is no known proven or biological connection between Alfred P. Sloan and Leroy B. Sloan. You can be searched and we have found nothing. It is a fact that the ancestors of both Alfred P. Sloan and Leroy B. Sloan came from the same area of Northern Ireland. So, if one could go back far enough it is entirely possible or even likely that a relationship could be found. However, both Sloan families have run into the same problem that almost everybody with Irish ancestry have found, which is that the Irish have not kept genealogical records such as birth and death records or if they have been kept they have not allowed them to be seen or copied by the Mormon Church, which has been doing almost all the genealogical research of this kind.

301. In the case of Leroy Sloan the situation is even more severe. His paternal grandfather Creighton Sloan (1842-1916) was "born at sea, Irish." He arrived in New York as a newborn baby on a ship. However, there is no record of who his parents were. It is possible that his mother had died on the ship while giving birth to Creighton Sloan. Such events were not uncommon in those times. The maternal great-grandmother of Samuel Sloan was Christina Stina

Sophia Jonsdotter and she also died on the ship while crossing the Atlantic Ocean and was buried at sea in 1869, so she never made it to America but her three children did.

302. One of the first things Alma did after being married to Dick Friend was she called the local Cadillac dealer and bought a Cadillac. The Cadillac dealer had the car delivered to the residence where Alma and Dick Friend had started living together. When the Cadillac dealer came in the house to ask for the check to pay for the car, Alma asked Dick Friend for the check. Dick Friend told Alma that he thought Alma was paying for the car because he did not have any money!

303. Dick Friend and Alma had thought that they would be living off the alimony check she would still be receiving from Mr. Dawson. When that check also did not come, Alma went out to the law office of Pendleton and Gamble and asked that they arrange a divorce.

304. Instead, Pendleton and Gamble obtained an annulment of the marriage so that the alimony payments from Mr. Dawson would be restored. The ground for the annulment was that Dick Friend was impotent and could not get an erection! This was legally questionable because Dick Friend was 80 years old and no woman can reasonably marry an 80 year old man on the expectation of having an active sex life.

305. Having obtained the annulment of the marriage through the law office of Pendleton and Gamble, Alma Dawson then went back to the Elk's National Home where Dick Friend and Leroy Sloan were living in nearby rooms.

306. Leroy Sloan had become completely senile by this time and Alma was able to get him into her car. He took him down to Preston Sawyer's law office on Court Street in Lynchburg and said that they wanted to get married.

307. All this became the subject of a case filed in Lynchburg Circuit Court, *Sloan vs. Dawson*. The law firm of Pendleton and Gamble with later Judge Michael Gamble representing Alma Dawson and Steve Martin representing the Sloan family was litigated in Lynchburg Circuit Court, but as far as we know never went to trial and no judgment was ever rendered. This was just one of several cases filed by Michael Gamble against the Sloan family, all in the Lynchburg Circuit Court.

308. When Michael Gamble later became a judge he got all the Sloan cases assigned to himself which was obviously illegal as he was the lawyer on the other side.

309. In November 1992 Chief Judge Mosby Perrow III issued an order disqualifying all the judges of the 24th Judicial District from hearing any of the Sloan cases on the grounds of conflict of interest in that the lawsuits between Michael Gamble who by this time was also a judge against Sloan created an impermissible conflict of interest. This means that Judge Moon who was also a judge in the 24th Judicial District should also have been deemed disqualified.

310. Judge Moon as a judge of the Court of Appeals dismissed all Plaintiff's appeals almost as soon as they were filed before even the record could be transmitted and the time came to filing briefs. Then when Appellant filed a federal case about the kidnapping

of his daughter, Judge Moon, who by then was a federal judge, sua sponte dismissed that case too.

311. Among many other places, Sloan collected signatures at the First Baptist Church of South Lynchburg, located at 2500 Tazewell St., Carl B. Hutcherson, Jr. Pastor, and at Solid Rock Baptist Church in Madison Heights VA with David W. Cash as pastor.

312. Plaintiff has three times filed or attempted to file federal cases regarding the kidnapping of this daughter. The first case was dismissed only two days after it was filed and it was obvious that Judge Turk never read the complains because he said he was dismissing in under Younger vs. Harris which was nonsense as this is an International Child Abduction case and Younger vs. Harris has nothing to do with the kidnapping of a child.

313. Here is a case filed by Plaintiff less than five minutes after Obama was sworn in as President on January 20, 2009. Plaintiff believed that the new president, President Obama, would bring about justice in this case but that was not to be as that case was also dismissed just a few days later before even service went out with the judge saying it was "an old story".

SAMUEL H. SLOAN, a/k/a M. Ismail Sloan,
Plaintiff-Appellant

v.

CHRISTOPHER P. SMITH; J. L. AYERS,
III, Sheriff; MICHAEL COX; WILLIAM
STARKE MUNDY, III; JAMES C. TURK;
WILLIAM G. PETTY; RICHARD S. MILLER;
ROY B. WILLETT; LAWRENCE JANOW;

MICHAEL GAMBLE; STEPHEN R. PAT-
TISON; A. MICHAEL SCOTT, SR.; RAY
FITZGERALD; JOHN P. BUTLER; EUGENE
WINGFIELD; FRANK G. DAVIDSON, III;
RICHARD GROFF; LISA L. SCHENKEL;
ALAN B. HOWARD; SUE H. ROE; CATH-
ERINE H. KENNEDY; DORCHEN LEID-
HOLDT; ROSEMONDE PIERRELOUIS;
ALEXANDER KARAM; SALVATORE J.
MODICA; LANE VANCE; VERIO.NET;
KHALID SHAIKH MUHAMMED; GEORGE
W. BUSH; GEORGE H.W. BUSH; UNITED
STATES DEPARTMENT OF JUSTICE;
UNITED STATES OF AMERICA; ASHLEY
HOUCK; CHARLES ROBERTS; JAY ROBERTS,

Defendants-Appellees

NOTICE OF APPELLATE CASE OPENING

Originating Court United States District Court
for the Western District of Virginia at Lynch-
burg Originating Court Case Number 6:09-
cv-00005-NKM Date notice of appeal filed in
04/22/2009

314. Meanwhile, Michael Gamble and the Law Firm of Pendleton and Gamble were filing cases against Plaintiff on behalf of their client Alma Coates Dawson who claimed to have married Leroy B. Sloan father of plaintiff on his death bed in the Emergency Room of the Lynchburg General Hospital. These cases sought to get the money they believed was in the Estate of Leroy B. Sloan and to get the house located at 917 Old Trents Ferry Road in Lynchburg and sought to get custody of his children for conversion to Christianity and Jerry Falwellism. Here are the case

numbers of cases in the Lynchburg Circuit Court about Leroy Sloan and Samuel H. Sloan.

CH91-16681-00
86-14991
89-14790
86-14751
90-15643
89-14877
14986
16165
16681
90-15617

315. In the Alison D. case, the New York Courts prohibited non-parents, in that case a lesbian lover, and other third parties from seeking custody or visitation with a child.

“Prior to today’s decision, New York law on this issue was tragically stuck in 1991, when the Court of Appeals ruled in the Alison D. case that non-biological, non-married, non-adoptive parents are legal strangers to the children they raised with a same-sex partner.”

Alison D. case *IN THE MATTER OF ALISON D. (ANONYMOUS), APPELLANT, v. VIRGINIA M. (ANONYMOUS), RESPONDENT*, 77 N.Y.2d 651, 572 N.E.2d 27, 569 N.Y.S.2d 586 (1991).

316. Although the Roberts and Judge Janow exchanged correspondence with Judge Fusco in New York, who was NOT the judge in the Shamema Honzagool case, Judge Janow failed to disclose that it was a third party, the Roberts, who were seeking custody. Judge Janow’s letter implies that he wanted to grant custody to the father. His letter states that

the father is living in Virginia with the child. The Roberts are never mentioned in the letter.

317. The Roberts never had custody of the child in Virginia or anywhere else. Even if they did, they had the child kidnapped in Fujairah United Arab Emirates where the child had been living with her mother and grandmother for more than four years and where close relatives of her mother from Pakistan were also residing.

318. After having the child kidnapped in the United Arab Emirates, the child was transported to Kuwait, to Iraq, to London England and to New York before being brought to Virginia. In none of those places did the Roberts have legal custody of the child.

319. Judge Gamble's decision completely falsifies the facts. It states that Shamema has been living in Virginia for five years while the father was living in New York and the United Arab Emirates. This was false. In reality the child had been living for three years in Virginia while her father was also there but after that the child had been residing in the United Arab Emirates with her father and her grand mother Dr. Marjorie Sloan, for more than four years from 1986 until 1990.

320. Then, the grandmother was kidnapped out of her hospital room at the Bangkok General Hospital in Bangkok Thailand in September 1990 by a professional kidnapper, the same kidnapper hired by the Roberts, named Boonchoo. After kidnapping the grandmother, Boonchoo came back to kidnap the child, but the child had fled with her father to Mesai in Northeast Thailand.

321. Boonchoo's men then chased them from country to country knowing a rich reward awaited

them if they could catch them and they finally succeeded in kidnapping the child in October 1990 in the front yard of her father's house, while her father was sleeping in the house.

322. Less than thirty-six hours after the child was kidnapped in the United Arab Emirates, she was brought to the Roberts home in Madison Heights Virginia.

323. Judge Janow, Michael Gamble, Bill Petty and Frank G. Davidson III all knew all this. They knew that the child had been kidnapped because they had been involved with it. Thus they are equally guilty with the Roberts.

324. Creighton Sloan had difficulty holding a job and was often fired. He had a history of stealing money from his mother. Starting in 1984, he sent instructions to the Virginia Supplemental Retirement System and to the Social Security Administration instructing them to send her pension and Social Security checks to his bank account.

325. As she was retired from the Commonwealth of Virginia, having worked since 1943 for state agencies, she was receiving a monthly check of \$2500 from the state. When the check did not arrive, she called and found out what Creighton had done. She then countermanded his orders by directing them to send the funds to her own bank account again.

326. This cycle continued repeatedly. To stop these raids on her bank account, she set up a trust account with Robert McCallum at Sovran Bank in Lynchburg, specifically instructing him not to give any money or any information about her accounts to Creighton Sloan.

327. Unfortunately, Robert McCallum left that bank not long thereafter and a new bank officer Massie Ware took his job. Massie Ware started sending money to Creighton again. When Marjorie Sloan was arrested in New York Supreme Court on September 4, 1986, she realized that Creighton was behind this and the only way to escape from his was to leave the country, so she applied for a passport. She had never previously received a passport.

328. When she arrived in Argentina, she found that Creighton had canceled all her credit cards so she lacked the funds to pay her hotel bills. Finding that Creighton had used an old no-longer-valid North Carolina power of attorney which had not been recorded (Judge Miller stated that it had been recorded), she sent by mail to Massie Ware of Sovran Bank a revocation of that power of attorney, and she had access to her bank account again.

329. That was when Creighton Sloan filed a case "Creighton Sloan Son and Next Friend of Helen Marjorie Sloan vs. Sovran Bank". Although she was not a defendant and was never served, Judge Miller directed all the money in her bank accounts to be sent to Creighton except for her Trust account which was frozen.

330. This led her to write letters to Judge Miller informing him that Creighton had been stealing her money for years. Attorney Gary Fuelner, a partner in the Law Firm of Chadbourne & Parke, wrote that she was living a life of luxury in Abu Dhabi, the richest country of the world, was not suffering from any physical or mental disability, was full of her senses and simply did not wish to return to the United States. The letter is attached in the exhibits.

331. During her four years in Abu Dhabi, Creighton again started stealing her pension and Social Security Checks, so she had her checks sent to the United States Embassy in Abu Dhabi. Then she went once a month to the US Embassy to pick up her check. This was the only way to stop Creighton from stealing her checks. If the checks were mailed, Creighton could easily have it routed to his own bank account. Only by insisting that she pick it up the checks personally, could she be sure of getting the money.

332. On each of these visits to the US Embassy to pick up her check, the US Consular Officer there would question her about her general welfare and competence. This was because Creighton was constantly claiming that she had been kidnapped and was being held prisoner. The US Consular Officers in Abu Dhabi also visited her personal residence from time to time to make sure she was still OK. The record by the US Embassy of these visits should be available from a Freedom of Information Act request.

333. Although she did not have the fabled \$50 million dollars, Marjorie Sloan did have \$170,000 in her Sovran Bank account, enough to interest the law firm of Pendleton and Gamble in getting her money.

334. The lawsuit filed alleged that the income of Marjorie Sloan from her pension and Social Security checks was \$4000 per month but her expenses were \$2000 per month so her house needed to be sold to pay her living expenses.

335. If it were not so ridiculous and tragic it would be shocking. The fact that Judge Gamble allowed this to succeed demonstrated what a crooked judge he was. Then he sold the house for the paltry sum of \$75,000

even though the house was worth three times that and all of that \$75,000 went to pay the legal fees of the crooked attorneys who had filed the case. Marjorie Sloan and the Sloan family got none of the money and had no place to live.

336. Samuel Sloan was in jail but was getting out in one month but Judge Gamble made sure the sale went through before he could get out and get a lawyer to represent himself and his mother.

337. Creighton Sloan was NOT the custodian for his mother. NCNB Bank, later Bank of America, was. But the bank never got any of the money because Creighton took it, so it never set up the trust account. Creighton again started stealing his mother's money and deposited the checks for \$4000 into his own bank accounts from 1990 until she died in 2002.

338. During the trial, Judge James Lumpkin bragged that he had ordered the execution of all six Briley Brothers, although only two have actually been executed. Plaintiff was unfamiliar with the Briley Brothers and did not realize what Judge Lumpkin was talking about. This is the only case in history where more than one person has been executed for the same crime.

339. When Shamema was kidnapped from the home of Samuel Sloan and his family in Fujairah United Arab Emirates while Plaintiff Samuel H. Sloan was sleeping, it happened that Shaikh Rashid, the Ruler of Dubai died on that day and the entire country was put under curfew and a period of mourning and nobody could leave their house.

340. Thus, when Sloan woke up and discovered his daughter was not there, he assumed that she was

in a neighbor's house. However, when two days passed and the curfew was lifted and his daughter had not returned, Plaintiff feared his daughter had been kidnapped, so he called FBI agent John P. Butler in his office in Roanoke Virginia and reported his daughter had been kidnapped.

341. Under FBI Regulations when a child aged 8 as in this case has disappeared or been kidnapped, all federal agencies are supposed to put out an AMBER alert. However, John P. Butler did not put out an Amber alert in this case and indeed the kidnapping of Shamema Honzagool Sloan on October 7, 1990 has never been reported. This proves that the FBI was a co-conspirator and was in-on and a co-conspirator in the kidnapping of Plaintiff's daughter.

WHEREFORE, whereas the name of Plaintiff that has been removed from the primary ballot of June 12, 2018 by Maria Childress and the Democratic Party, Plaintiff must be restored to that ballot by order of this court and allowed to run as a Democratic Party candidate and

(2) Whereas Judge Michael Gamble illegally took the Sloan Family residence at 917 Old Trents Ferry Road, that house must be restored to the possession of Plaintiff and the Sloan Family as Judge Gamble had been disqualified from hearing that case by order of Chief Justice Mosby Perrow III since Judge Gamble was also representing the plaintiffs in suits against Sam Sloan.

(3) WHEREAS Judge Gamble illegally took away custody of Sloan's daughters Shamema and Jessica and gave them to the Roberts Family those orders must be reversed and declared Null and Void, as there

is no legal bases for taking a child away from the natural parents and giving her to unrelated third parties who only wanted the child for purposes of religious conversion.

(4) The convictions of Plaintiff Samuel H. Sloan for attempted abduction of his own daughter and failure to appear for a trial that never took place must be set aside and declared null and void because Plaintiff Sam Sloan had custody of his daughter by order of the Bronx New York Supreme Court and under the Uniform Child Custody Act custody proceedings could not be transferred to another state such as Virginia.

(5) The Felony Disenfranchisement Law of Virginia must be declared unconstitutional and null and void. Sloan was falsely convicted of non-crimes while he was a declared candidate for Governor of Virginia in 1992-1993 and he was prevented from running for public office for 25 years because of these wrongfully obtained convictions.

(6) Judgment should be awarded in favor of Plaintiff for \$50 million, the same amount Defendants thought they were going to get from the estate of the father of Plaintiff.

(7) WHEREAS Defendants Lawrence Janow, J. Michael Gamble, William G. Petty, Frank G Davidson III and Norman K. Moon are clearly guilty of kidnapping and conspiring to kidnap Plaintiff's daughter and the cover-up of these crimes, and since they have insider friends who will spring them from the jails, they should be placed under arrest and placed in a secure location from which there will be no escape such as Guantanamo Bay.

**BRIEF IN SUPPORT OF MOTION TO DISMISS
(MAY 17, 2018)**

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
RICHMOND DIVISION

SAMUEL H. SLOAN,

Plaintiff,

v.

MARIA CHILDRESS, ET AL.,

Defendants.

Civil Action No. 3:18cv260-MHL

Defendant Judge William G. Petty (“Judge Petty”), by counsel, moves the Court pursuant to Rules 12(b)(1) and 12(b)(6) and Rule 8(a) of the Federal Rules of Civil Procedure to dismiss all claims in this action against him on the grounds that Plaintiff has not pleaded federal claims, that Plaintiff has failed to state a claim upon which relief may be granted, that Plaintiff’s claims are time barred because of applicable statutes of limitations and that Judge Petty is protected by immunity because he was a Commonwealth’s Attorney during the period of which Plaintiff complains.¹

¹ Since 2006, Judge Petty has been on the Virginia Court of Appeals bench.

In support of his Motion to Dismiss, Judge Petty relies upon Plaintiff's Complaint filed on April 23, 2018 and the following brief. Therefore, Judge Petty respectfully states the following:

I. Rule 12 Motion to Dismiss

In his very lengthy Complaint, Plaintiff begins by reciting certain facts regarding his attempt to qualify for the Democratic Party primary in Virginia set for June 2018.² Regarding that, Plaintiff points to the fact that he has been a former Democratic candidate in New York and that certain laws regarding felony disenfranchisement are unconstitutional. Regarding his statement as to Judge Petty as a defendant, he merely states that Judge Petty (and three other defendants) "all want to stop Plaintiff from being elected. . . because they know [Plaintiff] will . . . bring about an investigation" that will land each in jail. In the remainder of the 83 page complaint, Plaintiff lays out facts and allegations that occurred in the late 1980s or early 1990s, well over 25 years prior to the filing of this Complaint. The closest Plaintiff comes to actually making an allegation against Judge Petty is at paragraphs 63, 66, and 69 of the Complaint, where Plaintiff alleges that Judge Petty (then a Commonwealth's Attorney) kidnapped Plaintiff's daughter sometime in the 1980s. However, any possible allegation is but conclusory and speculative, as there are no actual facts pleaded by Plaintiff to show that Judge Petty kidnapped anyone.

² How Judge Petty today has any role in the nomination process is unclear; he has none.

A. No Civil Right of Action for Kidnapping

At best, and read in the light most favorable to Plaintiff, this allegation would lead to a criminal charge against Judge Petty. Plaintiff, however, is not a federal (or state) prosecutor and cannot bring a private prosecution against Judge Petty. The United States Supreme Court has addressed the right of private prosecution in federal court. *Leeke v. Timmerman*, 452 U.S. 83(1981). In *Leeke*, the Supreme Court affirmed the precedent it set in *Linda R.S. v. Richard D.*, 410 U.S. 614 (1973), which denies the right of private prosecution, and serves as a bar to criminal prosecution in federal courts by persons not federal government employees. In his Complaint, Plaintiff does not plead that he is a federal prosecutor or otherwise an employee of the federal government because, one would surmise, he is neither.

B. False Imprisonment Is a Virginia Cause of Action, but Plaintiff Is Not Proper Party to Bring It

There is no civil action for “kidnapping” in Virginia. The closest civil action to kidnapping is false imprisonment. The Virginia Supreme Court has defined false imprisonment as “the direct restraint by one person of the physical liberty of another without adequate legal justification.” *Jordan v. Shands*, 500 S.E.2d 215, 218 (Va. 1998). Furthermore, Plaintiff has not pleaded that his daughter is incapacitated or that Plaintiff has any authority to act in her stead. In fact, Plaintiff, at paragraph 29, states that she could have been a doctor or lawyer but is an electrician. Because she is not incapacitated, Plaintiff’s daughter, and not Plaintiff, would be the one who must bring such an action. *See*

Va. Code Ann. § 8.01-229. Such an action would, of course, also be time barred. Va. Code Ann. § 8.01-243.

C. Claims are Time-Barred

Reading the Complaint plainly and in the light most favorable to Plaintiff, an action for false imprisonment is time barred after two years, or 2001, from the time Plaintiff's daughter became an adult in 1999. *See* Va. Code Ann. § 8.01-243. Other federal courts have addressed the issue on whether "statute of limitations" issues exist on the face of a complaint and, thus, are subject to a Rule 12 motion to dismiss. "Normally, affirmative defenses require reference to materials outside of the complaint and, therefore, cannot be raised by means of a Civ. R. 12(B)(6) motion to dismiss. *Loyer v. Turner* (1998), 129 Ohio App. 3d 33, 35, 716 N.E.2d 1193. However, an exception exists where the existence of the affirmative defense is obvious from the face of the complaint." *Mankins v. Paxton*, 753 N.E.2d 918, 924, 142 Ohio App. 3d 1, 9, 2001 Ohio App. LEXIS 1245, *10 (citing *Esselburne v. Ohio Dept. of Agriculture*, 582 N.E.2d 48 (1990)). Here, the affirmative defense is obvious from the face of the pleadings and, thus, the allegations cannot go forward.

D. Allegations of Acts of Commonwealth's Attorney

In his bizarre Complaint, at least between paragraphs 44 and 49, Plaintiff states that Judge Petty, in his then position as Commonwealth's Attorney, maliciously prosecuted him on the "theory" that Plaintiff was the same person as someone else. Even if taken as true, "[i]n each case where a prosecutor is involved in the charging process, under Virginia law, that action is intimately connected with the prosecutor's

role in judicial proceedings and the prosecutor is entitled to absolute immunity from suit for such actions.” *Andrews v. Ring*, 266 Va. 311, 321, 585 S.E.2d 780, 785 (2003). Because of such immunity, this matter must be dismissed as to Judge Petty.

E. Appeal from Criminal Prosecution

Taken in the light most favorable to Plaintiff, the allegations against Judge Petty in the Complaint appear to be an effort to appeal a criminal conviction that occurred in the 1990s. In Virginia, one has 30 days after a final order entered by the Circuit Court to appeal to the Court of Appeals or Virginia Supreme Court. *See* Va. Code Ann § 8.01-675.3 and Va. Sup. Ct. Rule 5:9. This is not a matter to be “appealed by Complaint to this District Court.” Furthermore, as this matter was filed in 2018, it is time barred.³

II. Rule 8 Motion to Dismiss

Rule 8(a) of the Federal Rules of Civil Procedure require that all pleadings must contain

- (1) a short and plain statement of the grounds for the court’s jurisdiction, unless the court already has jurisdiction and the claim needs no new jurisdictional support;
 - (2) a short and plain statement of the claim showing that the pleader is entitled to relief;
- and

³ *Res judicata*, collateral estoppel, or other issue preclusion would also apply. *See* Judge Moon’s decision in the 2009 case of *Sloan v. Smith, et al.*, Case No. 6:09cv00005 (W.D. Va. 2009), attached as Exhibit A.

(3) a demand for the relief sought, which may include relief in the alternative or different types of relief.

Fed. R. Civ. P. 8(a). Even under the relaxed standards provided to *pro se* litigants, this Complaint fails on all three subsections of Rule 8(a).

As set forth above, the Complaint is a rambling recitation of conclusory statements interlaced with a non-chronological family history that fails to set forth why this Court has jurisdiction, what claims Plaintiff has against Judge Petty, and what relief is sought.

The only, barely, cognizable claim in this hodgepodge of conclusory statements is a claim that Judge Petty is guilty of kidnapping. Under federal law, kidnapping is a criminal charge for which Plaintiff wants Judge Petty to be confined to Guantanamo Bay. While this court would have jurisdiction to hear a federal kidnapping charge, Plaintiff has no authority to prosecute a criminal charge and, even if he did, the punishment for that is not civil in nature and does not include confinement in Cuba. *See*, 18 U.S. Code § 1201. As stated above, any relief for false imprisonment would rest in Plaintiff's daughter, not Plaintiff. Plaintiff simply makes no allegations of damages caused by Judge Petty that would entitle Plaintiff to any relief under any recognizable theory. Because of this, the Complaint should be dismissed, with prejudice, as to Judge Petty.

III. Conclusion

Plaintiff fails to state a claim upon relief can be made and fails to concisely state the jurisdiction of the court or set forth any relief that he would be entitled

App.147a

to and, therefore, the Complaint should be dismissed,
with prejudice, as to Defendant William G. Petty.

Respectfully submitted,

WILLIAM G. PETTY

By Counsel

/s/ Thomas N. Jamerson
William F. Etherington
(VSB # 14152)
Thomas N. Jamerson
(VSB # 75035)
1001 Boulders Parkway
Suite 510
Richmond, VA 23225
(804) 788-1500
(804) 788-0135 (facsimile)
wetherington@bealelaw.com
tjamerson@bealelaw.com

**REPLY TO THE LAWSUIT
(MAY 19, 2018)**

The United States District Court
for the Eastern District of Virginia
701 East Broad St., Suite 3000
Richmond, VA 23219

Re: Case 3:18—cv-00260-MHL

To Honorable Judge this may concern:

In reply to the lawsuit filed against me, Darrell J. Roberts and my father, Charles E. Roberts I offer the following reply;

Enclosed herewith you will find a couple of exhibits.

Exhibit A: Affidavit by Shamema H. Sloan: perhaps the strongest eye-witness testimony against Samuel H. Sloan. His claims that my parents kidnapped Shamema are exposed as lies in an Affidavit signed by the alleged kidnapped daughter, Shamema Sloan, who was indeed kidnapped, ONLY by her biological father, Samuel Howard Sloan (a.k.a. M. Ismail Sloan). It was signed and witnessed by a Notary Public of the Commonwealth of Virginia on September 30, 2010 when Shamema was then 28, almost 29, years of age and an ex-Marine. In it she identifies her biological father as the only kidnapper as well the number of times he successfully kidnapped her and also mentions yet another attempt on his part to kidnap her. If you examine the criminal record of Samuel H. Sloan it will reveal that all of the facts, in a multitude of frivolous false claims against my family spanning

many years and costing them thousands, are in actuality polar opposite to the truth.

Exhibit B. My Testimony by Shamema Sloan dated 15 MAY 1998 and you will see the notation of "4th Period" under the date. This refutes Sam's claims that Shamema was not allowed to attend school. She did, in fact, graduate from Lynchburg Christian Academy (now renamed Liberty Christian Academy) in the year 1999, WITH Honors.

Exhibit C. Commencement Exercise Program of Shamema Sloan, Lynchburg Christian Academy, Twenty-Eighth Annual Commencement dated May 29, 1999 in which Shamema Honzagool Sloan is named and identified as graduating with honors.

Exhibit D. Shamema's Cap & Gown Graduation Photos. The photos are legitimate. My wife and I attended her graduation and my wife took the pictures shown at the bottom.

In addition to the exhibits C and D, Samuel H. Sloan was seen by me (Darrell J. Roberts) not only in the balcony of the old Thomas Road Baptist Church building where the graduation was held, he was also seen and with Shamema in the parking lot after the commencement was over. I have seen the photograph of that moment.

Exhibit E. Letter from Shamema's biological mother, K. Honzagool to my parents.

In this letter she;

1. States that, after her divorce from Mr. Sloan, (Mr. Sloan per mistake in her letter) she was granted custody of Shamema (a.k.a.

Shameema in her mother's letters) by the New York Supreme Court in Bronx, NY.

2. Identifies Mr. Sloan as the real kidnapper.
3. States that Mr. Sloan remained a fugitive from the N.Y. state legal system.
4. Characterizes Mr. Sloan as a sick and abnormal person.
5. States that she is relieved over the fact that Shamema was now in the care of Charles and Shelby Roberts rather than that of Mr. Sloan.
6. Expresses that Mr. Sloan shows no concern for his other half a dozen children.
7. States that Mr. Sloan has made Shamema and herself the target of his vengeance and cynicism over the years.
8. States that Mr. Sloan tried to get her to join him to battle my parents for custody after he had already stolen the child from her and deported her without her child. She states; "In my judgment, his proposition was mala fide and devoid of any genuineness. He was neither concerned with Shamema's welfare and nor bothered about respect for my legal or norm norms."
9. Identifies a pattern of behavior which continues to this day by pointing with the next line of her letter; "it was yet another devious tactic of his to settle scores with you." She has already stated that Mr. Sloan used dissertations then "full of falsehood, concoctions,

and slandering practically everyone, his brother, you both (Charles & Shelby Roberts) the judge, attorneys, etc.” This is a pattern of behavior which has been repeated for years where my family is concerned. Mr. Sloan does not use the law lawfully, he misuses it to harass people. Anyone who has prevented him from getting his way ends up in his lawsuits. Just look at the list of names on this one. The only thing I did was sell a prepaid airline ticket! Unfortunately, based on his past behavior, whoever handles this case will end up in the next lawsuit if Mr. Sloan does not get his way. He was banned from filing any further lawsuits in the Western District based on his claims regarding Shamema and my Parents.

Also, as for him being disqualified as a candidate, why am I being named in this lawsuit apart from the reasoning I mention in the previous paragraph? I was a travel agent at the time her contacting my parents by phone, wanting to come back home to the USA with the help of yet another woman who had a child by Samuel H. Sloan, I was the one who arranged the prepaid airline tickets. At the time I documented the Passenger Name Record with remarks indicating that she was the victim of parental abduction and was being returned to the United States.

Now to address specific items in his AFFIDAVIT IN SUPPORT OF ORDER TO SHOW CAUSE:

Item 3. His filing fee. There is still an outstanding judgment, awarded to my father, Charles E. Roberts, by the court in Lynchburg, against Samuel Sloan in the amount of approximately \$31,000.00. If Mr. Sloan

can now afford this filing fee, the money spent in printing this lawsuit, why has he made no attempt to begin payments on court ordered judgment against him?

Item 6. No valid reason to reject Sam Sloan? He has cited the reason for rejecting him and that is the Virginia Felony Disenfranchisement Law! That is not a new law, nor was it instituted to keep Sam Sloan from running for candidacy. He disqualified himself by becoming a felon—by breaking the laws of the Commonwealth of Virginia. “Ignorance of the law is no excuse.”

Item 7&8. Quoting Mr. Sloan; “I believe” He continues “. . . the powers that be in Lynchburg know that if I am elected many of them will be in jail because they are guilty of kidnapping my daughter Shamema who was eight years old when she was kidnapped. Shamema was kidnapped for reasons of religion”. “The Roberts Family of Madison Heights Virginia found out that I and my wife were raising our daughter as a Muslim and for that reason hired and paid a professional kidnapper named Boonchoo to kidnap the child aged 8 in the United Arab Emirates and bring her to Virginia to teach her about Jesus.

1. He left out the fact that he kidnapped her and brought her to Virginia. He leaves out, willfully, that he knew our family were Christians and he asked for a babysitter for 2 weeks and was gone for years without sending a penny support to help. It was not until they filed for custody, in order to provide her a stable home, that he suddenly had interests. I know this to be true as I still

lived at home when HE BROUGHT HER to our family.

2. Boonchoo was a private investigator who helped track Mr. Sloan down years after he had violated the court order, abducting Shamema and taking her out of the country to avoid prosecution.

Item 9. He states "The same group also kidnapped my mother Dr. Marjorie Sloan." I have no clue what that is all about! A family member of Samuel Sloan stated that Samuel Sloan had taken advantage of his mother's demented state to carry her with him when he fled the country and lived off of her funds abroad until her account was seized. How and when she actually got back to the USA I know not. I presumed she came when he came back in hopes of getting Shamema again.

Item 10. " . . . it is entirely reasonable to conclude that I am being thrown off the ballot for reasons of religion and that is unconstitutional." False. The fact is Sam Sloan is a felon and that is most likely why he was rejected. It appears that Sam may be attempting to make the matter a religious issue to further his cause. As far as I know, there are no laws in place that currently prohibit Muslims from serving in public office as demonstrated by our previous administration.

In regards to being a Muslim, Shamema, upon returning from the United Arab Emirates, stated that once in an international airport restaurant, Sam ordered pork. When she confronted him on it, he excused it saying; "It's ok-no one can see me here." Also, it is my understanding that Muslims are allowed to have up to four wives IF they provide for each one

with a separate home. Here in the United States this is called bigamy. In the case of Shamema, Sam Sloan did not even provide for her. I am sure contacting his many ex-wives (more than four) and his children could shed some light on that.

Now, may I will address a few of the key points in the NATURE OF THE CASE document.

Item 4. His filing fee. Since Sam Sloan found it necessary to address the same point here in item 4 as in item 3 of the AFFIDAVIT IN SUPPORT OF ORDER TO SHOW CAUSE I too will repeat my response: There is still an outstanding judgment, awarded to my father, Charles E. Roberts, by the court in Lynchburg, against Samuel Sloan in the amount of approximately \$31,000.00. If Mr. Sloan can now afford this filing fee, the money spent in printing this lawsuit, why has he made no attempt to begin payments on court ordered judgment against him?

Item 7. "Plaintiff seeks to declare Unconstitutional the Virginia Felony Disenfranchisement Law." The laws of the land are to protect innocent, law abiding citizens from those whose nature is contrariwise. Based on the numerous court cases of the past and the court orders that resulted Samuel Sloan seems to have no regard for laws that exist nor the courts that rule. This is demonstrated by his habitual violation of court orders. After being tipped off I caught him in person when he was stalking my mother and Shamema on their way home from school in Madison Heights. This is after a court order was issued for him to stay on the north side of the James River and out of Amherst County. I was fortunate to get a photograph of him, introduced in court as an exhibit, which proved he had violated that order. The existing law which he

now claims is unconstitutional was not so until it interfered with his agenda. This is another example of Mr. Sloan wanting to remove any obstacle that interferes with what he wants. In this case - the law is in his way.

Item 25. My father has NEVER described himself as a religious fanatic. He loves the Lord Jesus Christ as do his children and grandchildren. That is Sam's description. Interestingly Sam once faked conversion to Christianity (from Islam) hoping to gain access to Shamema through a church function.

. . . continued. . . . He states "He has been determined to kidnap all the children of Plaintiff Samuel H. Sloan . . ." My father was only involved in Shamema's life until Shamema, who then had custody of her sister Jessica (now deceased) asked my parents to care for her during her high school years, while Shamema was deployed overseas. I saw a letter she had written to Sam while she was in the Marines threatening to kick his backside if he made trouble for them over it.

. . . continued. . . . regarding my dad Mr. Sloan wrote; "He wears military style dress even though he was rejected by the military and never served." This again is a half truth meant to jab my father's character. My father NEVER wore military style dress. He wore work uniforms from "Dickies" as he was a machinist. They would be matching shirts and pants in tan, green or blue. This probably made matching them easier for the same reason he was rejected by the Air Force (for which he made an effort to enlist) - he is color blind.

Item 26. Referring to me he says; "He is gay." Considering that the Democratic party does not oppose homosexuality and that Samuel Sloan wishes to be on their ballot, what possible reason other than attempting to malign character could he have for bringing that up? Would the Democratic party approve of his discrimination based on sexual preference? While it is true that I practiced a homosexual lifestyle while younger, at the age of 24 I had a spiritual encounter with God. I have now been happily married for more than 27 years to the same woman. I shared my background with her when it first became evident that there was a mutual attraction as I did not want her to find out things from my past later and feel I had been less than honest. I am not gay—I am a New Creation as described in II Corinthians 5:17. My personal story has been aired on radio drama in many languages and in many countries so my past is not a secret that I have kept hidden. But, for what intent and purpose would he feel the need to speak of it?

Item 27. "The Roberts Family were obviously guilty of kidnapping the child but they were protected from criminal investigation . . ." I am confident that the Affidavit, the two letters from Honzagool and all of the criminal records on Samuel Sloan prove this to be yet another "falsehood" "concoction" and "slander" with intent to "settle a score". Mr. Samuel Sloan has demonstrated this to be his behavioral pattern over and over and over again. In this case and many others however, it has been in print which constitutes LIBEL.

Mr. Sloan once posted my parents full names, dates of birth, address, and Social Security Numbers, as well as that of a deceased aunt, on the internet at a time when identity theft was just beginning to be

rampant. I contacted the FBI and, as a result of their intervention, the page was taken off the internet.

Item 28. "Shamema never went to school and does not have a high school diploma from any accredited school." I respectfully direct your attention back to Exhibits B, C, & D, which include her receiving her diploma. Shamema, AFTER GRADUATION from Lynchburg Christian Academy, which IS accredited, joined the Marines. My parents paid for her to attend Lynchburg Christian Academy all through high school so she would automatically receive a four year scholarship to Liberty University if she chose to use it. It was her choice to join the marines instead.

In a nutshell, "Just Cause" as to why he should not be allowed on the ballot:

1. Because Samuel H. Sloan is a felon and the law prohibits it. Samuel Sloan is not above the law nor an exception to it.
2. Samuel H. Sloan has shown that his desire is to imprison innocent people who had the misfortune of their paths crossing with his.
3. Men or women who are elected officials, whether the Democratic or Republican Party, should be men or women who look at the facts and base their decisions on those facts. Sam Sloan chooses not to accept the facts or abide by judges decisions in court cases and disregards court orders as demonstrated by his repeat offences.

This letter, signed by my father, Charles E. Roberts, also, serves as reply for both of us. In it I have attempted to respond with FACTS. It is my hope that

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you will look at them and see them for the reality that they are and that you will act accordingly in the best interest of all of the law-abiding citizens named in this lawsuit.

Best Regards,

/s/ Darrell J. Roberts

141 Odin's Bow Dr.
Madison Heights, VA 24572

/s/ Charles E. Roberts

427 Amelon Rd.
Madison Heights, VA 24572

/s/ Michaelene Slagle Garner

Signatures witnessed by
Notary Public
Commonwealth of Virginia
Reg No. 7722687
Exp. 07/31/2021

AFFIDAVIT OF SHAMEMA H. SLOAN

I, Shamema H. (Sloan) Stone, being of sound mind and body, do solemnly state that I have never been abducted or kidnapped by anyone, any time, anywhere, except by my biological father, Samuel H. Sloan by name (a.k.a. M. Ismail Sloan) who successfully did so twice and attempted a third time unsuccessfully.

I was first abducted from New York and brought to Virginia in 1982 when I was 9 months old and placed in the care of Charles and Shelby Roberts, acquaintances of my father. Four years later (1986) I was again abducted by my biological father during visitation and taken out of the country and kept for four years then after my return to the U.S.A. and during a break in court hearings (1991) he attempted unsuccessfully to abduct me again just prior to my tenth birthday. Each time it was in violation of a standing court order.

During the four years following my second abduction I was taken to many foreign countries but eventually The United Arab Emirates became my place of residence. In 1989 I was able to contact the Roberts' and told them I wanted to return to the U.S.A. By 1990 the necessary documents (visa and passports) were in place so they provided us (my half sister Jessica, her mother and me) prepaid airline tickets and we escaped (ran away) back to America but we were not kidnapped or coerced in any way to do so.

/s/ Shamema H. Sloan

Signature

City of Madison Heights

State of VA

TESTIMONY OF SHAMEMA H. SLOAN

15 May 1998

4th Period

FCA's

- Background
- Salvation Experience
- Where are you now?
- 3 important verses

I love these testimony things. As a general rule, people don't realize what they're getting themselves into when they ask me about myself. This isn't a story I normally tell people. Mainly, because I don't like sympathy. I don't like knowing that people think "She's just like that because of what happened to her." Maybe it's true, but I'd like to think that I'm me because that's just who I am. So, anyway, all that's beside the point. Here it is: The Shamema Sloan Story.

I was born on the small, insignificant island of Manhattan, New York, to two people brought together through very strange circumstances. My father, Samuel Sloan, by name, is what you'd call a polygamist. That is, one who practices the rare art form of being involved with numerous women simultaneously. Assured that his calling in life was to carry the family name into every culture, he left his job on the stock market, his wife, and two children in search of a willing woman to share in the experience. Well, I don't know if she was willing or not, but he met my mom in Pakistan in late 1980. After marrying her, he carted her back to America with him. It was here that I came into being.

Well, as soon as my mother realized what scum my father was, she immediately left him. Being only 18, and in a strange country, speaking a foreign language, she quickly retreated to living with a radical group of Muslims who shared her religious beliefs as well as her native language. I was taken into custody by the religious leaders and kept in a mosque. My father was granted visitation rights by the state of New York. These sessions were served in the fenced in back yard of the central mosque. To insure that I would remain on the premises, they would take my father's shoes, put sugar in his car engine, and find other ways of manipulating his forms of transportation. Unfortunately for them, my father, much like me, is not so easily relinquished. Climbing a large rock pile barefooted, he loaded my 9 month old figure into a truck he had parked down the block out of the sight of the Muslims. We were well on our way to Virginia before they realized what was happening.

I was placed into the hands of Charles and Shelby Roberts (who had taken care of him when he had been in a car wreck) with many assurances that I would be picked up in a few days. Those days, quickly turned into years. It was during this time that I attended Temple Christian School kindergarten. I was taught about God, and love, and other important elements. At the age of four, I was led to Christ by my new "mom". And just in time, too. A few months later, my father returned for me. Since the Roberts had been given my custody, he requested visitation. It was on one of these visitations that I was kidnapped for the second time.

We embarked on the most fascinating yet frightening journey of my life. Our first stop was Brazil.

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From there we traveled to such places as: France, China, Thailand, and India (22 countries all together.) In India, where we lived for approximately a year, my father picked up two more wives. We finally settled in the small country of United Arab Emirates, just south of Saudi Arabia.

Perhaps I lost my childhood during these years. Perhaps I gained it. Either way, the experience was irreplaceable. I was provided with a brother (Michael) and a sister (Jessica) during these years. It quickly became my responsibility to care for them, and I must admit, I did a pretty good job. (considering I was about 6 or 7 myself!) During this time, God provided my parents with the ability to locate us, and we received letters and packages from them faithfully. When I was eight, the insidious mother of my sister, and I began to imagine wild schemes of getting back to America. My parents provided us with plane tickets to America and we "ran away." I arrived back in America two weeks before my 9th birthday. Only a few weeks later, the U.A.E. airports were shut down by Americans due to the expending Gulf War. Narrow escape.

The strange part was that I never really realized that anything was out of the ordinary while I was absent from the States. I never missed America, or cried myself to sleep, anything like that. It's quite amazing when I look back on some of the things I experienced. (not mentioned in here) Amazing that God gave me the power to make it through without any psychological problems or anything.

Amazing that he was right by my side all that time and I never really realized. (Romans 8: 38 + 39) Also, despite my lack of education during my first, second, and third grade years, upon returning to the

United States, an assessment test revealed that I was as knowledgeable as the majority of people my age. I was immediately allowed to be entered into the fourth grade. (Now, I can honestly say that I've only attended 8 grades!) The first thing I did was rededicate myself to God with many thanks for helping me through. It would have been physically impossible for me to have made it without Him.

Since then everything has been relatively normal. Or, at least, as much as can be expected. We have to go to court about 3 or 4 times a year (though he's kinda laid off lately) for custody cases, and he unsuccessfully attempted kidnapping again in 1991. I've greatly prospered since then. My walk with God is closer than it's ever been before, and though I'm satisfied. I know there's a lot more out there for me. I think I'm capable of doing a lot more than I am doing. The hardest part of being a Christian is definitely surrendering your will. Despite all God's done for me, I still have little internal struggles about how much I should do for Him. Needless to say, the answer's obvious, but that's hard to admit sometimes.

I think the greatest verse ever is Hebrews 12; 29: "For our God is a consuming fire." I like it, not only because it's short and I can memorize it easily, but it's really true. God begins a little spark in the heart of a believer, and before you know it, everyone's on fire. I've found, too, that once you get caught up in it, God takes completely over your life, and there's no turning back!! One verse that I've completely taken to heart, though, is found in Matthew 10:16. Jesus had just called his disciples and granted them the power to cast out evil spirits and heal people. before sending them out into the world, he gives them these instructions: "Behold,

I send you forth as sheep in the midst of wolves: be ye therefore wise as serpents, and harmless as doves."

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**AMENDED COMPLAINT
(JANUARY 18, 2019)**

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
RICHMOND DIVISION

SAMUEL H. SLOAN,

Plaintiff,

v.

MARIA CHILDRESS, SHAYAM RAMAN, SUSAN
SWECKER, CHRIS BOLLING, MARK HERRING,
RALPH NORTHAM, LAWRENCE JANOW,
J. MICHAEL GAMBLE, WILLIAM G. PETTY,
FRANK G. DAVIDSON III, NORMAN K. MOON,
CHARLES EDWARD ROBERTS, DARRELL JAY
ROBERTS, JEFFERSON BEAUREGARD
SESSIONS III, UNITED STATES
DEPARTMENT OF JUSTICE,

Defendants.

Case No. 3:2018cv260

JURISDICTION

Jurisdiction of this case is based on the First, Fifth and Fourteenth Amendments to the Constitution of the United States including Freedom of Religion, the Civil Rights Acts including 42 USC 1983, 28 USC

1331, the Voting Rights Acts, the RICO Corrupt Practice Acts, and the right to Petition the Government.

**NATURE OF THE CASE AND
THE FACTS OF THE CASE**

1. This action arises initially from the kidnapping and adult and child abuse of Plaintiff's mother and daughter in 1990.

2. These kidnappings took place after four years starting in 1986 during which defendants persistently and repeatedly attempted to kidnap Plaintiff's mother and daughter and have then brought by force against their will back to America.

3. Plaintiff's mother, Dr. Helen Marjorie Sloan, age 80, was kidnapped out of her hospital room in the Bangkok General Hospital in Bangkok Thailand in September 1990 by one Boonchoo.

4. He kidnapped her by having her injected by a drug that knocked her out and then having her taken out unconscious on a stretcher.

5. This kidnapping was witnessed by her grandchildren, Shamema, Michael and Jessica, who were in the hospital room with their grandmother when this kidnapping took place.

6. Plaintiff's daughter, Shamema Honzagool Sloan, age 8, was kidnapped one month later in Fujairah, United Arab Emirates, in October 1990.

7. Both of these kidnappings were carried out by one Boonchoo and by his assistant John L. Sobell, who had been paid substantial funds by certain of the defendants to carry out these kidnappings.

8. After these kidnappings, Dr. Helen Marjorie Sloan was taken first unconscious on a stretcher to Maryland and then transported to various places and finally to Aiken, South Carolina where she was kept under confinement until she died in 2002, 12 years later.

9. After the kidnapping of Shamema Honzagool Sloan in the United Arab Emirates in October 1990, by Charles, Shelby and Jay Roberts, she was taken to their home in Madison Heights Virginia which is in Amherst County Virginia and is near Lynchburg.

10. Shamema was held there for ten years during which time she was never allowed to see nor to contact her natural mother, Honzagool of Chitral Pakistan, or her father, Samuel Howard Sloan, the plaintiff here.

11. During this entire time, the natural parents of the child had legal custody of Shamema by order of judges Mercorella and Silbowitz the Bronx New York Supreme Court.

12. The entire case file in the Bronx Supreme Court is available online at www.bronxcountyclerkinfo.com/law Case No. 17815 Year 1981 *Sloan vs. Awadallah*

13. That case file comprises nearly one thousand pages of papers, pleadings and transcripts.

14. True copies of the court orders of the Bronx Supreme Court have been filed by Plaintiff with this court as exhibits.

15. Defendants here, including LAWRENCE JANOW, J. MICHAEL GAMBLE, WILLIAM G. PETTY, FRANK G. DAVIDSON III, NORMAN K. MOON, CHARLES EDWARD ROBERTS, DARRELL JAY ROBERTS, led others to believe that the case in Bronx New York had

been transferred to Virginia. However, this was not true. There was no transfer order nor proceedings to transfer a completed case to another state or jurisdiction.

16. The Roberts caused to be published newspaper articles stating that they had adopted Shamema or that Shamema was their foster child. This was false and misleading and not true either.

17. No child custody proceedings took place in Virginia until 1991 after the child had been kidnapped in 1990 and brought to Virginia, except that Frank G. Davidson III filed a custody petition on August 27, 1986 at a time when he knew the child was no longer in the Commonwealth of Virginia. A copy of the Davidson petition is included among the submitted exhibits.

18. There was a total absence of jurisdiction not even a scintilla of jurisdiction for the Virginia Courts to claim jurisdiction over this child especially since the child had been born in New York City and had lived the majority of her life in other countries including the United Arab Emirates.

19. The Roberts kidnapped this child because they wanted the child to convert her to their fanatical Jerry Falwell branch of Christianity.

20. After kidnapping the child, they baptized the child and required her to attend church and participate in Christian Worship Services.

21. The parents of the child, including Plaintiff, are Muslims and objected vehemently to having this child kidnapped and raised in Christianity.

22. Included among the exhibits filed in this case by Defendant Darrel Jay Roberts is a color picture of Shamema receiving a diploma from none other than Jerry Falwell himself.

23. In September 1990, when Plaintiff realized that his daughter was missing and had been kidnapped, he immediately called FBI Agent John P. Butler at the Roanoke Virginia branch office of the FBI.

24. Plaintiff now believes that John P. Butler was a pseudonym but nevertheless that the person he spoke to was a real FBI Agent.

25. Plaintiff informed Butler that his daughter had been kidnapped.

26. Plaintiff and Butler had had numerous telephone conversations over the previous four years because Butler was trying to arrest plaintiff at the behest of Defendant William G. Petty who was at that time the Lynchburg Virginia Commonwealth Attorney.

27. The reason William G. Petty got involved in this case was the Amherst County Commonwealth Attorney Ed Meeks had correctly determined that Virginia had no jurisdiction over any child custody case involving Shamema Honzagool Sloan and had dismissed all the cases.

28. Knowing that Ed Meeks had dismissed all the cases, the Roberts Family had gone to the Lynchburg Commonwealth Attorney who agreed to take the cases even though Lynchburg had no jurisdiction over the matter.

29. Defendant William G. Petty is an active member of the Jerry Falwell Baptist Church who wanted the child too and took the cases for that reason.

30. In June 1991, Defendant Judge Lawrence Janow "Awarded Custody" of Shamema Honzagool Sloan to Charles and Shelby Roberts. This was eight months after the Roberts had paid to have the child kidnapped in the United Arab Emirates in October 1990.

31. Judge Janow knew that the Roberts had kidnapped the child and had brought her to Virginia.

32. This was the first time that anybody other than the parents of the child had been given custody of the child by any court order.

33. On September 4, 1986, Plaintiff appeared with his mother before Judge Kristin Booth Glen in Manhattan Supreme Court, New York New York for a scheduled custody hearing involving Plaintiff's two other children, Peter Julius Sloan and Mary Rachel Sloan, ages 7 and 6, by a wife named Anda of Riga Latvia.

34. Just as the custody hearing was about to begin, the telephone rang. It was Judge Larry Janow calling from the Amherst County Family Court claiming that Plaintiff had kidnapped his daughter Shamema.

35. Hearing this, Judge Glen suspended the hearing. She said that she had seen the child as Plaintiff and his mother had brought the child with them to court the previous day, although the child was not present on the current day.

36. The police came and Plaintiff and his mother were arrested and taken into custody.

37. Walter Anderocci, the attorney for Anda, said he was in contact with Creighton Sloan and Creighton

was prepared to come to court and take Plaintiff's mother to North Carolina.

38. Upon hearing this, Plaintiff's mother said, "I want nothing to do with Creighton."

39. Plaintiff and his mother were taken to the New York Police Department located at 19 Elizabeth Street, New York NY 10013. Sloan was put in jail. Plaintiff's mother was given a chair to sit on outside his jail cell.

40. Two hours later, Sloan and his mother were released. The police officer explained that they had called the Amherst County Commonwealth Attorney's office and had been informed that there was no warrant for their arrest.

41. This was the first of many instances where plaintiff and his mother were subject to detention based on statements by Judge Larry Janow.

42. On September 4, 1986, the same day as the telephone call from Judge Janow and the aborted hearing before Judge Glen in New York, Judge Janow issued an order "awarding custody of Shamema Sloan to the Amherst County Department of Social Services". A copy of this so called order is included in the exhibits previously submitted.

43. This order was legally invalid because Judge Janow knew that Shamema Sloan was not in the Commonwealth of Virginia and therefore Virginia had no jurisdiction over her.

44. Judge Janow also knew that the Bronx New York Supreme Court had awarded custody of Shamema and the case had not been transferred to Virginia.

45. In addition, under *Rader vs. Montgomery County Department of Social Services*, 5 Va. App. 523, 365 S.E.2d 234 (1988), Judge Janow had no jurisdiction to award custody to the Department of Social Services unless the Department of Social Services had filed a petition for custody which had not happened.

46. Realizing that Judge Larry Janow along with the Roberts Family plus Creighton Sloan and Frank G. Davidson III would try again and again to have detained both Plaintiff's mother and child, the mother and child obtained passports and fled the country.

47. In a relentless chase around the world, the bad guys tried to have them detained in Rio Gallegos at the bottom of Argentina, in Paris France, in Budapest Hungary, in Dubai United Arab Emirates and in other places around the world.

48. Plaintiff and his mother and daughter were chased from country to country by these people seeking to have them detained and rendered back to America.

49. When the Sloan Family consisting of Plaintiff, his mother and his daughter, reached Dubai United Arab Emirates in November 1986 for the World Chess Olympiad, the US Consular Officer John Lister of the US Embassy there informed Hugh Myers and other members of the US Delegation and Team players that Sloan was "wanted by the law" back in the United States for kidnapping his daughter Shamema.

50. In Virginia, except for the bare petition for custody filed by Frank G. Davidson III for the Roberts several days after Sloan had left the Commonwealth of Virginia with his mother and daughter, there was no service of process, there were no papers or pleadings,

there were no hearings or transcripts and in short none of the things one would expect to find in a contested child custody case were there.

51. The entire case file if it ever existed in the Amherst County Juvenile and Domestic Relations Court or in the Amherst County Circuit Court has been shredded. No documents remain nor even the name of the case remain in the court files.

52. Plaintiff tried several times to appeal to the Virginia Court of Appeals. However, every time he did that, within a few days Judge Norman Moon, a judge of that court dismissed the appeal before the case could be transmitted to that court and normal records and briefs filed.

53. Thus, there is no record of this case ever reaching the Virginia Court of Appeals.

54. After his mother and daughter had both been kidnapped, Plaintiff returned to the USA where he spent two months researching case law in the Columbia University Law Library. There he found case law showing that the federal courts have jurisdiction over a case such as this case under the International Child Abduction Remedies Act among others.

55. However, when he filed his case, Sloan vs. Pattison in federal court in Lynchburg, Judge Turk dismissed the case obviously without ever reading the complaint only two days later.

56. After that, Sloan tried various ways to get around Judge Turk such as by filing a case in other jurisdictions or under different legal theories such as *Sloan vs. Spagnolo* alleging that the Roberts were abusing the child by not allowing her to go to school.

This was because the Temple Baptist Church and School and Jerry Falwell's Liberty Christian Academy are not registered as schools with the Virginia Department of Education.

57. Judge Turk had left instructions that all cases filed by Sloan anywhere in Virginia be transferred to him and he dismissed all the cases immediately after filing.

58. Sloan then named Judge Turk as a defendant. However, by then Judge Moon, the same judge who had dismissed all of Sloan's appeals to the Virginia Court of Appeals, was now a judge in the federal courts and he summarily dismissed Sloan's case there.

59. Before all this and before she had been kidnapped, Dr. Helen Marjorie Sloan, mother of Plaintiff, filed her own case in the Lynchburg Circuit Court, *Sloan vs. Miller*. The documents in that case are included in the previously submitted exhibits here.

60. The complaint in the *Sloan vs. Miller* case which was notarized by the US Embassy in Abu Dhabi named many of the same defendants here and she alleged that these people were all trying and conspiring to have her kidnapped and brought back to America.

61. These defendants proceeded to carry out the very kidnapping that she correctly alleged that they were trying to accomplish.

62. Behind all this was their mistaken belief that Plaintiff and his family were extremely wealthy. This was because Alfred P. Sloan, Jr. was the richest man in the world because he was the chairman and

controlling stockholder of General Motors Corporation, the largest industrial corporation of the world.

63. Leroy B. Sloan, the father of Plaintiff, often said that he owned General Motors stock. This led defendants to believe that the stock he owned was in the millions. However, in reality, Leroy Sloan owned less than two hundred shares and the stock he owned had been purchased in the monthly stock dividends reinvestment plan, and had not been acquired by inheritance.

64. On December 31, 1985, New Year's Eve, Alma Coates Dawson, a client of the Law Firm of Defendant J. Michael Gamble, purported to marry Leroy B. Sloan in the emergency room of the Lynchburg General Hospital while Leroy Sloan was suffering from brain seizures and was attached to life support equipment.

65. Leroy B. Sloan died shortly thereafter.

66. After this death bed marriage, the law firm who had represented Alma Coates Dawson in her many marriages, the Law Firm of Pendleton and Gamble, filed a renunciation of the Will of Leroy B. Sloan meaning that Alma Coates Dawson was claiming the "widow's share" of Leroy Sloan's estate.

67. Not only did Alma Dawson claim that she was entitled to the \$50 million in General Motors stock she believed Leroy B. Sloan had, but she claimed that as Leroy Sloan had been a special agent for the United States Treasury Department and an auditor for the Internal Revenue Service, he had amassed great wealth by taking bribes from taxpayers or from would-be or should-be taxpayers.

68. Leroy B. Sloan had often said he had his stock certificates in a safe deposit box in the Central Fidelity Bank on Main Street in Lynchburg. Therefore the Law Firm of Pendleton and Gamble served subpoenas on Central Fidelity Bank and on all of the other banks in Lynchburg seeking access to his safe deposit box.

69. However, in reality, Leroy B. Sloan never had a safe deposit box in Lynchburg or anywhere else. Helen Marjorie Sloan, Plaintiff's mother, had a safe deposit box there.

70. That box has since disappeared. The vault containing that box now belongs to Bank of the James on Main Street in Lynchburg.

71. Dr. Helen Marjorie Sloan never had the opportunity to get into that box after she was forced to flee Lynchburg on August 25, 1986, because she was never able to return to Lynchburg.

72. All efforts to locate the box or its contents including with the Virginia Department of Abandoned Property have failed.

73. The General Motors stock if it exists is now worthless as General Motors filed for bankruptcy.

74. Following the death bed marriage, the law firm of Pendleton and Gamble filed several court cases against Plaintiff and his mother Helen Marjorie Sloan. Copies of the pleadings are included in the exhibits already submitted here.

75. After J. Michael Gamble was appointed as a circuit court judge in 1991, he took jurisdiction over all

the Sloan cases even though he was obviously disqualified as he had filed them as attorney for Alma Coates Dawson.

76. Chief Judge Mosby Perrow Jr. several times ordered that all judges in the 24th judicial district were disqualified from hearing any of the Sloan cases due to conflict in interest. The conflict was obviously because Judge Gamble was one of those judges and he had filed several court cases pending against Sloan.

77. None of those court cases have ever been resolved and all of them are still technically pending to this day.

78. All of the defendant judges here are judges of the 24th Judicial District, yet none of them have disqualified or removed themselves from these cases.

79. Helen Marjorie Sloan also filed a case against Sovran Bank for freezing her bank account. The pleadings in that case were lost by the courts and the attorney filing them David C. Dickey has since died but the pleadings have recently been found and are included in the submitted exhibits here.

80. Following the kidnapping of Sloan's daughter from the front yard of Sloan's residence in Fujairah, United Arab Emirates, Sloan almost immediately called the FBI Office in Roanoke Virginia to inform them of the kidnapping of his eight-year-old child.

81. After that, Sloan called the FBI innumerable other times and spoke to different FBI agents about this.

82. In spite of all these calls, the FBI undertook no investigation of these kidnappings.

83. The reason we know that the FBI did not investigate these kidnappings is that had they done so they would have interviewed the people involved and with knowledge of the facts including Renuka, Shantilatha, Dayawathie, the Plaintiff and the kidnapping victims Shamema Honzagool Sloan and her grandmother Dr. Helen Marjorie Sloan.

84. None of these people were ever contacted or interviewed, so we know that the FBI never investigated this crime.

85. It is submitted that the FBI was required by law to issue an Amber Alert that the child age 8 had gone missing. The FBI never did so.

86. The Department of Justice and the Attorney General are properly named as defendants here because they supervise the FBI and thus should have required the FBI to investigate these crimes to this day.

87. The obvious reason why the FBI never investigated this was they and the US Attorney in Roanoke believed that Charles and Shelby Roberts had legal custody of Shamema Honzagool Sloan by order of Judge Lawrence Janow.

88. However, this was not true. Judge Janow had never issued an order awarding custody of Shamema to the Roberts. The order in effect at the time Sloan left the Commonwealth with his mother and daughter had given custody of Shamema to Plaintiff himself. That order is included in the exhibits.

89. Even though the defendants disapproved of the life-style, the religion, and the many wives and children of Plaintiff, they could not legally ignore the

fact that an eight-year-old child had been kidnapped by non-relatives, the Roberts.

90. It was total fiction that the Roberts had legal custody of Shamema but nevertheless law enforcement agencies around the world were informed by the Roberts, Bill Petty and Judge Janow and led to believe that the Roberts had legal custody of Shamema.

91. On the day before an appeal hearing was scheduled to be heard in the Virginia Supreme Court, Plaintiff was arrested in the back yard of his mother's house at 917 Old Trents Ferry Road in Lynchburg Virginia where he was visiting with his daughter.

92. Sloan was charged by defendant William G. Petty with "attempted abduction" of his own daughter.

93. This was a felony charge but the charge was bogus because in order to be a felony the child must have been taken out of state but here the child had never even left the vicinity of her grandmother's house.

94. After she was kidnapped and taken to Virginia in October 1990, Shamema went on a self-declared strike and refused to speak to the Roberts or to anybody associated with them for several years.

95. When asked why she never talked, the Roberts said that she was "a quiet child".

96. However, Shamema had been a non-stop talker before she had been kidnapped in the United Arab Emirates. Thus she was an abused child, abused by the Roberts and their church as shown by the fact that she never talked.

97. Shamema was a victim of child abuse in several respects, one being she was led to be confused as to who

her real parents were. Shelby Roberts said to her “I am your mother” and Shamema got scared and ran away. After that, she was required to call Shelby Roberts “Mom” and Charles Roberts “Dad”.

98. To this day, Shamema, now 36 with two children, does not fully understand what happened.

99. When Sloan was arrested in 1992, he was a declared candidate for Governor of Virginia. This was later announced in the Richmond Times Dispatch.

100. However, plaintiff was not able to run for governor or any other elected position because of the felony disenfranchisement law, as he was convicted of a felony in January 1993, even though the acts he was charged with were not really felonies.

101. Sloan wanted to be able to run for election so he could bring his case to the people about his mother and daughter being kidnapped, the same case presented here.

102. Finally, in 2018 the Governor of Virginia signed an order restoring his civil rights so Sloan was able to run for US Congressman from the 6th Congressional District.

103. Sloan and his campaign manager Shantilatha circulated petitions and collected all the required signatures and paid all the required fees and filed with the Virginia Department of Elections.

104. In spite of completing in every way the requirements to get on the ballot, the name of Sam Sloan did not appear in the primary ballot.

105. No reason for this has been given except that the Democratic Party Chairman for this district,

Defendant Maria Childress, told Shantilatha that "her boss" had told her not to allow the name of Plaintiff to appear on the ballot.

106. We do not know what the name of her boss is but we infer that her boss must be either Shayam Raman, Political Director of the Democratic Party of Virginia, Susan Swecker is the Chairwoman of the Democratic Party of Virginia, Chris Bolling Executive Director to the Democratic Party of Virginia, Ralph Northam, then Governor of Virginia, or Mark Herring, Attorney General of Virginia.

107. Plaintiff is a long time resident of the Commonwealth of Virginia and was born in Richmond.

108. Plaintiff was a candidate for Election as a Democrat to the United States Congress from the 6th Congressional District. That District includes Roanoke, Lynchburg, Harrisonburg, Staunton, Lexington and places in between.

109. Judge Gamble removed Sloan's two criminal defense attorneys from defending him over the strenuous objections by Sloan and Judge Gamble appointed in their place an attorney who he know was not going to defend Sloan.

110. Plaintiff only served 18 months in Powhatan and Dillwyn Prisons in Virginia even though defendant Commonwealth Attorney Willian G. Petty had tried to have him sentenced to 15 years in prison

111. Plaintiff intended upon his release from prison to return back to his mother's house located at 917 Old Trent's Ferry Road in Lynchburg Virginia, the same house where he had been arrested in 1992.

112. However, in order to deprive Sloan and his children of a place to live, only three weeks before Sloan was due to be released, Judge Gamble ordered his mother's house sold to a Mr. Taylor.

113. However, Mr. Taylor died only two weeks later so then Judge Gamble ordered the house sold to another person.

114. All this was done without the slightest scintilla of jurisdiction. No summons and complaint had been served on either Plaintiff or on his mother who was locked up in Aiken, South Carolina. There was no reason nor legal basis to sell the house. There was no mortgage nor taxes owed on the house.

115. As there was no jurisdiction for the same of the house, the sale of the house was null and void and still belongs to Plaintiff's family.

Almost all of the proceeds for the sale were paid as legal fees to Cecil Taylor and to Frank G. Davidson III, the same person who had started all this litigation and who now claimed to be the guardian ad litem for Helen Marjorie Sloan.

116. None of the proceeds were received by Plaintiff or by his mother.

117. Following Sloan's release from prison, the Roberts started following Sloan around in their car trying to catch him doing something that they could claim was a parole violation so he would be sent back to prison.

118. Realizing this, Sloan had his parole case transferred to San Francisco California where the Roberts' further efforts to have Sloan arrested again were unsuccessful.

119. Even after Sloan's case was transferred to California, the Roberts and their attorneys continued to write letters to Senators, Congressmen, the President and other politicians demanding that Sloan be arrested and brought back and put back in prison.

120. Plaintiff's Father, Leroy B. Sloan, had been an attorney and a special agent for the Internal Revenue Service where he had been part of a team of investigators trying to investigate Jerry Falwell of Lynchburg Virginia.

121. Jerry Falwell was almost the only tele-evangelist who did not go to prison. The reason that he did not go to prison was he was protected by the Lynchburg Area Judges, some of whom are defendants here.

122. The Lynchburg defendants here had an animus towards Leroy B. Sloan because he had been trying to put their pastor, Jerry Falwell, into prison especially for securities law violations by selling worthless Church Bonds.

123. The sale of worthless church bonds was the major reason why several banks and savings and loans in Texas went bankrupt, but Jerry Falwell who had sold those bonds was protected from prosecution by some of these same judges here and he had never had to pay the money back.

124. The defendants had animus towards plaintiff's mother because she was a child psychiatrist and many of the most devoted followers of Jerry Falwell were mentally ill and were sent to prison or mental hospital upon the recommendation of plaintiff's mother.

125. Plaintiff's mother was also a doctor on the staff of the Lynchburg Training School and Hospital, otherwise known as "the Colony" where severely mentally retarded and basket cases were kept near to the home of the Roberts.

126. The two attorneys who represented the Roberts in court were Linda Williams Groome and Lisa Schenkel. Both of them were employees of Jerry Falwell and were primarily teachers in the Thomas Road Baptist Church and Liberty Christian Academy.

127. Judge J. Michael Gamble and Judge Janow were long time law partners before they both became judges.

128. When a case goes on appeal, the appellate court judges are supposed to be independent from each other and from the lower court judge. However, Judge Gamble heard all the appeals from Judge Janow, in spite of the objections by Plaintiff.

129. Here Judge Janow, Judge Gamble, Judge Moon, now Judge Petty and the late Judge Turk live near to each other and worked as a team together so Plaintiff never had a chance to have his cases heard by an independent judge.

130. Plaintiff had to wait until all of the above judges retired or removed by the state legislature before he could file a case with any chance for a hearing, especially since all of these judges refused to recuse themselves in spite of the repeated demands by Plaintiff that they do so.

131. At a hearing before Judge Roy B. Willett in 1994, Shelby Roberts testified that she and her husband Charles Roberts had paid \$40,000 to have

Shamema picked up and brought from the United Arab Emirates to Virginia. This included the money they had paid to Boonchoo.

132. At a hearing before Judge Janow with Charles Roberts present, Shantilatha testified that Boonchoo had told her that if she did not cooperate by helping the Roberts get Shamema, her baby will be dead. It was this threat that caused her to cooperate with the Roberts.

133. Upon hearing this testimony, Judge Janow commented that "it was perfectly understandable" that the Roberts would use this kind of threat to get Shamema brought into their custody.

134. Plaintiff returned just last week in 2019 from Pakistan where he visited the home of Honzagool, the mother of Shamema, in Chitral, in Northwest Pakistan. There, the cousin of Honzagool, who a lawyer and is now a judge in the Civil Court of Swat, could not understand how a court in Virginia where Honzagool has never lived could have taken custody away from the mother and given it to an unrelated third party without notice or the opportunity for a hearing to the mother.

135. Plaintiff was forced to explain this by revealing that the courts in Virginia are even more crooked, incompetent and corrupt than the courts in Pakistan.

COUNT ONE

(1) Plaintiff Repeats and Realleges each and every allegation made in paragraphs 1 through 332 of the original complaint and in all of the paragraphs of the above amended complaint.

(2) Petitioners campaigning for Sloan collected 1226 signatures nominating him to run for United States Congress. This was more than enough as only one thousand signatures are required. These petitions were submitted before 4:00 PM on Thursday March 29, 2018 at 915 Main Street, Room 304, in Lynchburg to Maria Childress who is the Chairwoman of the Democratic Party for the 6th Congressional District.

(3) Plaintiff paid the filing fee of \$3480.00 to the Virginia Department of Elections at 1100 Bank Street in Richmond and complied in every way with the requirements to run for election as a Democrat.

(4) Nevertheless, Defendant Maria Childress, who is the Chairwoman of the Democratic Party for the 6th Congressional District, threw him off the primary ballot several days later without giving any reason therefore and without even returning his many phone calls.

(5) Plaintiff seeks to declare Unconstitutional the Virginia Felony Disenfranchisement Law. In Virginia, 79% of the inmate population is Black whereas only 19.7% of the general population is Black. In Virginia, Blacks are routinely sent to prison for minor offenses such as traffic violations for which White men are never imprisoned. In Virginia, 208,343 Black men cannot vote because of the felony disenfranchisement law, enough to change the results of this and many other elections. The same law has already been declared unconstitutional by the US Supreme Court decision in *Hunter v. Underwood*, 471 U.S. 222 (1985), an Alabama case.

(6) Plaintiff Samuel H. Sloan has a residence at 18 West Princeton Circle, Apartment 38, Lynchburg

VA 24503. Until recently, Plaintiff resided at 1018 Orchard Street, Forest Acres VA 24551.

(7) Plaintiff is a book publisher who has published more than 900 books. Plaintiff is the author of "The Slave Children of Thomas Jefferson" and several other books. Plaintiff is the sole owner of Ishi Press, a publishing company.

(8) Plaintiff argued orally before the United States Supreme Court and won against the Securities Exchange Commission in *SEC vs Samuel H. Sloan*, 436 US 103 (1978). The Wikipedia Profile of Samuel H. Sloan is available online at https://en.wikipedia.org/wiki/Sam_Sloan

WHEREFORE, whereas the name of Plaintiff that has been removed from the primary ballot of June 12, 2018 by Maria Childress and the Democratic Party, Plaintiff must be restored by order of this court and allowed to run as a Democratic Party candidate and the election subsequently held must be declared void.

(9) Whereas Judge Michael Gamble illegally took the Sloan Family residence at 917 Old Trents Ferry Road, that house must be restored to the possession of Plaintiff and the Sloan Family as Judge Gamble had been disqualified from hearing that case by order of Chief Justice Mosby Perrow III since Judge Gamble was also representing plaintiff Alma Coates Dawson in suits against Sam Sloan.

(10) WHEREAS Judge Gamble illegally took away custody of Sloan's daughters Shamema and Jessica and gave them to the Roberts Family, those orders must be reversed and declared Null and Void, as there is no legal bases for taking a child away from the natural parents and giving her to unrelated third

parties who only wanted the child for purposes of religious conversion.

(11) The convictions of Plaintiff Samuel H. Sloan for attempted abduction of his own daughter and failure to appear for a trial that never took place must be set aside and declared null and void because Plaintiff Sam Sloan had custody of his daughter by order of the Bronx New York Supreme Court and under the Uniform Child Custody Act custody proceedings could not be transferred to another state such as Virginia.

(12) The Felony Disenfranchisement Law of Virginia must be declared unconstitutional and null and void. Sloan was falsely convicted of non-crimes while he was a declared candidate for Governor of Virginia in 1992-1993 and he was prevented from running for public office for 25 years because of these wrongfully obtained convictions.

(13) Judgment should be awarded in favor of Plaintiff for \$50 million, the same amount Defendants thought they were going to get from the estate of the father of Plaintiff.

(14) WHEREAS Defendants Lawrence Janow, J. Michael Gamble, William G. Petty, Frank G Davidson III and Norman K. Moon are clearly guilty of kidnapping and conspiring to kidnap Plaintiff's daughter and cover-up of these crimes, and since they have insider friends who will spring them from the jails, they should be placed under arrest and placed in a secure location from which there will be no escape such as Guantanamo Bay.

(15) and this action be tried by Jury

**BRIEF IN SUPPORT OF RENEWED
MOTION TO DISMISS AMENDED COMPLAINT
(JANUARY 25, 2019)**

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
RICHMOND DIVISION

SAMUEL H. SLOAN,

Plaintiff,

v.

MARIA CHILDRESS, ET AL.,

Defendants.

Civil Action No. 3:18cv260-MHL

Defendant Judge William G. Petty (“Judge Petty”), by counsel, moves the Court pursuant to Rules 12(b)(1) and 12(b)(6) and Rule 8(a) of the Federal Rules of Civil Procedure to dismiss all claims in this action against him on the grounds that Plaintiff, in his Amended Complaint filed January 18, 2019 (the “Amended Complaint”), has failed to comply with this Court’s December 21, 2018 Memorandum Order (the “Memorandum Order”), has not pleaded federal claims, has failed to state a claim upon which relief may be granted, has pleaded claims that are time barred because of applicable statutes of limitations, and that Judge Petty is protected by the doctrine of immunity

because he was a Commonwealth's Attorney during the period of which Plaintiff complains.¹ Judge Petty adopts and incorporates by reference his Motion to Dismiss and Brief in Support of the Motion to Dismiss that he filed on May 17, 2018 ("First Motion to Dismiss").

In support of the instant Motion to Dismiss, Judge Petty relies upon Plaintiff's Amended Complaint, the Memorandum Order and this brief. Therefore, Judge Petty respectfully states the following:

I. The Memorandum Order

In its Memorandum Order, the Court stated that Plaintiff's Complaint "plainly offends Federal Rule of Civil Procedure 8 which requires a short and plain statement for . . . jurisdiction and a statement [setting forth why] the plaintiff is entitled to relief." Memorandum Order at page 3. Specifically, Plaintiff's Complaint offends Rule 8 because it "fails to give Defendants reasonable notice of the causes of action brought against them." *Id.* The Court ordered that the Amended Complaint set forth "in simple and straightforward terms" the relief he seeks and the jurisdiction of the Court. Plaintiff has failed to do either.

II. Rule 8 Motion to Dismiss

The Plaintiff has failed to satisfy the requirements of the Memorandum Order. Like the Complaint, the Amended Complaint is but a stream of consciousness mishmash of nonsense and conclusory invective. Rule

¹ Since 2006, Judge Petty has been on the Virginia Court of Appeals bench.

8(a) of the Federal Rules of Civil Procedure require that all pleadings must contain

- (1) a short and plain statement of the grounds for the court's jurisdiction, unless the court already has jurisdiction and the claim needs no new jurisdictional support;
- (2) a short and plain statement of the claim showing that the pleader is entitled to relief; and
- (3) a demand for the relief sought, which may include relief in the alternative or different types of relief.

Fed. R. Civ. P. 8(a). While the Amended Complaint is shorter, it is still 25 pages and 150 paragraphs. Furthermore, it adds new allegations regarding a kidnapped wife and the intrigue of a mysterious "Boonchoo." If this were a film, it would drop immediately to DVD because no one could follow it. Unfortunately, it is not a film and it cannot be ignored at RedBox. As an Amended Complaint, it fails to inform Judge Petty (or any other defendant) of the nature of the claims against him and it certainly fails to set out facts and derived claims as to each defendant, as required by the Memorandum Order.

Plaintiff's statement regarding jurisdiction is nothing more than a recitation of certain amendments to the United States Constitution and several statutes. There is no statement regarding how this Court has grounds to hear the matter(s) presented, if indeed there are any.

In its 135 confused and longwinded paragraphs, Judge Petty is rarely mentioned or referenced in the

Amended Complaint. At paragraph 15, Judge Petty is alleged to have “led [unnamed] others to believe a case had been transferred to Virginia from New York.” At paragraph 26, Plaintiff states that Judge Petty was the Lynchburg Commonwealth’s Attorney “at that time,” although it is unclear when that was. At paragraph 27, Plaintiff makes a conclusory statement that Judge Petty was involved “in this case” because another Commonwealth’s Attorney determined that the Commonwealth had no jurisdiction. At paragraph 28, Plaintiff again proffers the conclusory statement that Judge Petty “agreed to take the cases even though there was no jurisdiction in Lynchburg.” (Plaintiff alternates between “case” and “cases” throughout the Amended Complaint, adding even more confusion to an already barely comprehensible Amended Complaint.) Or is Plaintiff simply stating that, as Commonwealth Attorney, Judge Petty handled certain matters that were referred his office in their normal course? Our guess is as good as Boonchoo’s. At paragraph 29, Plaintiff alleges that Judge Petty is a member of “Jerry Falwell Baptist Church,” “who wanted the child,” spurring Judge Petty to take the “cases.” These are hardly statements that lay out facts or any clear claim against Judge Petty or why Plaintiff is entitled to any relief.

At paragraphs 90 and 129, Plaintiff vaguely asserts that Judge Petty, with others, misled unnamed law enforcement agencies about the legal custody of a child and that he lived near other judges, who inferentially were working to deny Plaintiff an independent hearing. No time frame or statement or actions by Judge Petty is offered. Paragraph 90’s use of “[it] was plain fiction” can be applied to the entirety of the

Amended Complaint. In paragraph 14 of "Count One,"/Prayer at page 25, Plaintiff simply concludes, without any supporting factual allegations, that Judge Petty is "clearly guilty" of kidnapping and covering-up the kidnapping, for which he should be sent to Guantanamo Bay to await a trial. This is sheer lunacy.

Because of the foregoing, the Amended Complaint should be dismissed, with prejudice, as to Judge Petty.

III. Rule 12 Motion to Dismiss

Judge Petty incorporates by reference the argument set forth in his First Motion to Dismiss. Because of this, the Amended Complaint should be dismissed, with prejudice, as to Judge Petty.

IV. Conclusion

Plaintiff fails to state a claim upon relief can be made and fails to concisely state the jurisdiction of the court or set forth any relief that he would be entitled to and, therefore, the Amended Complaint should be dismissed, with prejudice, as to Judge Petty.

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Respectfully submitted,

WILLIAM G. PETTY

By Counsel

/s/ Thomas N. Jamerson
William F. Etherington
(VSB # 14152)
Thomas N. Jamerson
(VSB # 75035)
1001 Boulders Parkway
Suite 510
Richmond, VA 23225
(804) 788-1500
(804) 788-0135 (facsimile)
wetherington@bealelaw.com
tjamerson@bealelaw.com

EXHIBIT A
AWADALLAH WRIT OF HABEAS CORPUS
(DECEMBER 9, 1981)

EXHIBIT A

Plaintiff filed a child custody case for his daughter Shamema Honzagool almost immediately after her mother had given birth on October 15, 1981 because her affairs had been taken over by Militants from Pakistan. These Pakistan militants were associated with Columbia University in New York. They were enraged that a Pakistan girl had been married to an American Man. This case is entitled M. Ismail Sloan

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vs. Abdul Awadallah and Honzagool Index No. 17815/1981 and generated a tremendous amount of newspaper and television publicity including front page pictures in the New York Daily News and the New York Post and more than one hundred newspaper articles in Pakistan. Here is the complaint filed in this case.

PETITION FOR WRIT OF HABEAS CORPUS

SUPREME COURT OF THE STATE OF
NEW YORK, COUNTY OF BRONX

ISMAIL SLOAN,

Petitioner,

v.

ABDUL AWADALLAH and HONZAGOOOL,

Respondents.

Index Number. 17815/81

TO: THE SUPREME COURT OF THE COUNTY OF BRONX:

The petition of Ismail Sloan shows that:

1. The petition is made on behalf of petitioner's daughter, Shamema Honzagool Sloan, who is detained by Abdul Awadallah, a male person unrelated to petitioner's daughter, and by petitioner's wife, Honzagool (the mother of Shamema Honzagool Sloan) at 312 East 187th Street, Bronx, New York 10454.

2. Petitioner's daughter, Shamema Honzagool Sloan a/k/a Shamema Honzagool ("Shamema"), was born on October 15, 1981 at Columbia Presbyterian Medical Center, 622 West 168th Street, New York, New York. (The birth certificate improperly identifies the infant as "Shamema Honza Gool", which was done to permit respondents to apply for various welfare

benefits as if the child were illegitimate.) Respondent Abdul Awadallah has induced respondent Honzagool to reside with Shamema in a building located at 312 East 187th Street, Bronx, New York, in which he maintains an apartment. Respondent Honzagool and Shamema moved into such apartment and they now reside there.

3. A court or judge of the United States does not have exclusive jurisdiction to order the release of Shamema.

The Relief Sought

4. The purpose of this writ is to seek the removal of petitioner's daughter Shamema from the custody of her mother, respondent Honzagool, and place Shamema in the custody of her father, the petitioner Ismail Sloan. Such a change of custody would be in the best interests of the child for the following reasons.

- a. Honzagool is an illiterate 19 year old from a remote region of Pakistan, barely speaks English and cannot function in this society, whereas petitioner is a financial consultant and author with various publications to his credit;
- b. Honzagool is living in open and notorious adultery with respondent Abdul Awadallah, the self-styled "Sheikh" or "Imam" of a religious cult and respondent Abdul Awadallah is exploiting his relationship with Honzagool to fraudulently obtain various monies from a number of welfare agencies, while petitioner on the other hand, intends to take Shamema

to reside with himself and his mother, a child psychiatrist;

- c. Honzagool has indicated a desire to return with the infant Shamema to her native region of Pakistan which would be highly damaging to the best interests of the child because the Chitral district, where Honzagool's family lives, is a remote and underdeveloped region in which no medical services are available and the infant mortality rate is approximately 50%.

For all those reasons, it is imperative that this Court immediately intervene to prevent petitioner's rights and those of his child from being irremediably damaged.

The Marriage and the Parties

1. Petitioner Ismail Sloan and respondent Honzagool were lawfully married in a ceremony on February 21, 1980 in Village Damik, District Chitral, N.W.F.P., Pakistan.

2. Petitioner Ismail Sloan is a financial consultant in the Wall Street Financial District. He received his undergraduate education at the University of California at Berkeley. He is presently a masters degree candidate in the New York University Department of Linguistics. He is a frequent traveler to countries of the Middle East, including Pakistan. He is the author of a dictionary published in Pakistan on the Khowar language, which is the native language spoken by respondent Honzagool.

3. Respondent Honzagool is a 19 year old and is a native and a citizen of Pakistan. She has virtually no formal education. She is unable to read or write her

native language, which is Khowar, nor can she read, write or speak the national language of Pakistan, which is Urdu. She has only a limited ability to speak English and cannot read or write English.

4. Abdul Awadallah is the fictitious name of the respondent by that name, who is a converted American Muslim. Petitioner has attempted to ascertain the real, legal or original name of Abdul Awadallah but has been unable to do so.

Honzagool's Abandonment of Petitioner and Cohabitation with Abdul Awadallah

5. On or about April 19, 1981 respondent Honzagool, the lawful wife of petitioner, abandoned the marital residence of petitioner and respondent without justifiable cause. From that date until October, 1981, petitioner was unable to determine the whereabouts of Honzagool.

6. At some time thereafter, respondent Honzagool took up residence with respondent Abdul Awadallah, with whom she now resides.

7. Respondent Honzagool is now and, for some time in the past has been, residing in a state of open and notorious adultery with respondent Abdul Awadallah, to the detriment of the best interest of Shamema, the child of the marriage between petitioner and respondent Honzagool.

The Best Interests of the Infant Shamema Would Be Served by Residing with Petitioner

Petitioner Ismail Sloan is ready, willing and able to support his child, Shamema Sloan, as well as his wife, respondent Honzagool. In the event of the death

or disability of petitioner, the mother of petitioner, Dr. Majorie Sloan, who is a medical doctor practicing at Western State Hospital in Stanton, Virginia, is ready, will and able to support her granddaughter, Shamema Sloan.

9. Respondent Abdul Awadallah is unemployed. He is the head of a small Islamic religious cult headquartered at the apartment which he shares with Honzagool. He is known as "the Sheik" and is called the "Imam" of this religious cult. He bills himself as a lecturer on "mystic dance." His control over respondent Honzagool is based at least in part on claims of religious superiority over petitioner Ismail Sloan. He is unable to speak Khowar, the language of Honzagool, and communicates with her in English which she barely speaks or understands. He is unable to provide proper financial support to Honzagool and to Shamema Sloan. His telephone number has been disconnected. The rent to the apartment in which he lives with respondent Honzagool is paid for primarily by funds received from the New York City Department of Social Services in the form of Aid to Dependent Children.

10. Respondent Abdul Awadallah has grossly interfered with the parental rights of petitioner Ismail Sloan. He has threatened to kill petitioner. He has repeatedly harassed petitioner and has assaulted him physically. He has asserted to petitioner that he is the de facto father of the child of petitioner and may be the biological father as well. He has told petitioner that he (Abdul Awadallah) is primarily the one responsible for feeding the child, holding the child, changing the diapers of the child and, in general, caring for the child.

11. Recently, respondent Honzagool has been spending all or most of her days away from the child while visiting "friends". Respondent Abdul Awadallah, who is unemployed and stays at home, has become the primary caretaker of the child. Respondent Honzagool has been prevented from taking the child from the house.

12. All of the above circumstances are detrimental to the best interest of the child, Shamema Sloan. In addition, the child may be in physical danger. Therefore, custody of the child should be awarded to her legal father, petitioner Ismail Sloan.

Honzagool's Desire to Return to Chitral, Pakistan

13. Another reason why the requested change of custody is in the child's best interests is that Honzagool now wishes to return with her to Pakistan. After respondent Honzagool abandoned her husband, petitioner Ismail Sloan, on April 19, 1981, she demanded, through her relatives, that she be returned to Chitral, Pakistan so that the child of this marriage would be born in Pakistan and be raised there. Petitioner Ismail Sloan refused to finance her return to Pakistan on the ground that he wanted the child to be born in the United States and to enjoy the benefits of United States citizenship.

14. Respondent Honzagool now wishes and intends to depart with her child from the United States and to return with it to her home in Village Damik, Chitral, N.W.F.P., Pakistan.

15. The removal of the child of petitioner to Chitral, Pakistan would result in a gross interference with the parental rights of petitioner and would be detrimental to the best interests of the child. Chitral

is the most backward and underdeveloped area of Pakistan. There are no doctors in the area of respondent Honzagool's village in Chitral. Because of the local custom of concealment of women, which is strictly observed, women are not allowed to travel to visit a doctor or a hospital in any case. Children's diseases go untreated in Chitral and the infant mortality rate in the area is approximately 50%. Therefore, it would obviously not be in the best interests of the child to be exposed to the severe risk of disease and death entailed in growing up in Chitral.

Abdul Awadallah's Fraudulent Exploitation of Honzagool and Shamema

16. One of the most pernicious aspects of Honzagool's cohabitation with Abdul Awadallah is that this ignorant 19 year Pakistani girl is being ruthlessly exploited by Abdul Awadallah for the purpose of obtaining monies from unsuspecting welfare agencies. This systematic pattern of fraudulent activity includes the following:

- a. Honzagool has applied to the New York City Department of Social Service for welfare assistance (obviously with the assistance of Abdul Awadallah, as she cannot read or write English) falsely claiming to be unmarried. Various forms of welfare assistance are being received by her from this agency and are being converted by Abdul Awadallah;
- b. Since the birth of Shamema, Honzagool has also applied for and has been receiving aid to dependent children from the New York City Department of Social Services. In applying for

such aid, Honzagool has fraudulently represented that the child is illegitimate (in furtherance in which she refused to permit the name "Sloan" to appear on the child's birth certificate so as to make the child appear illegitimate) and that the father of the child is unwilling to support her. Again, the funds have actually been paid over to Abdul Awadallah; and

- c. None of these applications reveal that petitioner is actually attempting to support her and has caused his mother, Dr. Marjorie Sloan, to send checks for \$500 to Honzagool, none of which has been disclosed to the welfare authorities. Also, such checks have simply been cashed and the monies converted by Abdul Awadallah.

17. No previous application has been made in this Court for the relief requested herein.

WHEREFORE, your petitioner prays that a writ of habeas corpus issue, directed to respondents, requiring the respondents to produce the said Shamema Honzagool Sloan before a justice of this Court at Special Term Part 5 thereof, County of Bronx, on December, 1981.

/s/ Ismail Sloan
Bragar Spiegel Schulman
Rubin & Driggin
attorneys for petitioner
477 Madison Avenue
New York, New York 10022

Dated: December 9, 1981

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EXHIBIT B
ANSWER FILED IN BRONX SUPREME COURT
BY APPOINTED COUNSEL PHILIP NEWMAN
(DECEMBER 22, 1981)

EXHIBIT B

Here is the answer filed by Court Appointed Counsel Philip Newman who is still practicing law in the Bronx Supreme Court.

NOTICE OF CROSS-MOTION

SUPREME COURT OF THE STATE OF
NEW YORK, COUNTY OF BRONX

ISMAIL SLOAN,

Plaintiff,

v.

ABDUL AWADALLAH and HONZA GOOL,

Defendant.

Index Number. 17815/81

SIRS:

PLEASE TAKE NOTICE, that upon the annexed affidavit of HONZA GOOL, sworn to the 22nd day of December, 1981, and upon all pleadings and proceedings heretofore had herein, the defendant will cross-move this Court at a Special Term, Part I, held in and for the County of Bronx at the Courthouse located at 851 Grand Concourse, Bronx, New York on the 7th day of January, 1981 at 9:30 o'clock in the afternoon of that day or as soon thereafter as counsel can be heard for an Order Granting attorney's fees, support and temporary alimony and for an Order denying petitioner's Writ of Habeas Corpus and for such other and further relief as to this court may seem just and proper.

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Yours, etc.

GALLIN & NEWMAN, ESQS.
Attorneys for Defendant
Office & Post Office Address
860 Grand Concourse
Bronx, New York 10451
(212) 585-3512

Dated: Bronx, New York
December 22, 1981

To: Bragar Spiegel Schulman
Rubin Drigrrin, Esqs.
Attorneys for Plaintiff-Petitioner
477 Madison Ave.
New York, New York 10022

AFFIDAVIT IN SUPPORT OF CROSS-MOTION

SUPREME COURT OF THE STATE OF
NEW YORK, COUNTY OF BRONX

ISMAIL SLOAN,

Plaintiff,

v.

ABDUL AWADALLAH and HONZA GOOL,

Defendant.

Index Number. 17815/81

HONZA GOOL, being duly sworn, deposes and says:

1. I am making this reply affidavit in response to the petition for Writ Habeas Corpus brought against me. The relief requested in that petition is for the custody of my infant daughter Shamema Honza Gool. I love my daughter very much.

In spite of the extraordinary circumstances I have been thrown into by the diabolical petitioner, Sloan, I am doing the very best I can to take care of my baby daughter, who I pray is never separated from me and who would be seriously damaged should she be separated from me.

2. I am receiving public assistance because I receive no support from my husband. Furthermore, I

receive the assistance friends who have been wrongfully vilified because they choose to help me.

3. The facts are that the petitioner came to my country in March, 1980 and approached my parents and told my parents that he wanted to marry me. The petitioner, who is a graduate of Berkley University and presently candidate for a master's degree in linguistics in New York University paid \$600.00 in consideration for the marriage.

4. Consequently, bringing me here to this country, he felt that he could hit me when he wanted and treat me as a chattel not as a person. As a matter of fact, in April of 1981, he threw me out of the apartment with just my coat and my shoes even though I was three months pregnant. He knew I was pregnant because he took me to the doctor to confirm my pregnancy. He now chastises me for seeking shelter with friends who are also of Muslim sect.

5. Originally when I was thrown out, I was taken in by a former countryman, Sher Malik of 215 Alexander Avenue, Bronx, New York. He was kind enough to assist me because my husband, the petitioner even though he know I was three months pregnant went back to Pakistan and left me alone. He didn't give me any money then and has never given me any money. Even though he is a "financial consultant and author" with various publications to his credit.

6. The petitioner is attempting to obtain custody of my daughter in spite of the fact that he brought a petition in Family Court and when he didn't like way it was turning out, he discontinued it. I am requesting that this court deny the petition for the petitioner and

grant me an Order of support and temporary alimony because Shamema is his daughter and thus far he has done no act commensurate with childhood.

7. It is quite ironic for the petitioner who took me away from my country to a strange place and then throw me out to chastise the very people who take care of me.

I am enrolling in the English as A Second Language School, a school in the Bronx. I will start my classes at the end of January. After I graduate, I plan to obtain a job and as soon as I can, I will move out by myself in my own apartment with my daughter, who I love very much.

8. The scandalous allegations regarding Abdul Awadallah are totally untrue. Mr. Awadallah and his wife are friends and teachers who have taken me in after my own husband throw me out. We are all Muslims and that is why they have been willing to help me and I have received no help from my husband.

9. It is ridiculous to state that it in the best interest of my daughter to take her away from me, the trauma connected with such a separation would be irreparable to my daughter.

Furthermore, it is even more ridiculous and totally unfounded to state:

“In addition, the child may be in physical danger, therefor, custody of the child should be awarded to her legal father”.

10. The petitioner is trying every argument he can, however unsubstantiated to convince this court that there is some merit to his arguments. However, there is no merit to his argument that I intend to leave the country. I plan to learn to speak the English

language and to read and write it as well. I intend to bring my daughter up as an American Citizen so that she can benefit from growing up in this country.

11. The petitioner has had visitation with our daughter even though he has never bought any clothes or given me any money for the child support. I do not intend to deny him visitation provided it is supervised due to his stated intention to take the child from me.

WHEREFORE, your respondent respectfully prays that the Writ of Habeas Corpus be denied and the cross-petition for child support, temporary alimony and attorney's counsel fees be granted.

I have heard/read this affidavit and the contents thereof are true.

/s/ Honza Gool

Sworn to before me this __ day of December, 1981

/s/ Phillip Newman

Notary Public

State of New York

No. 60-1364675

Qualified in Westchester County

Term Expires March 30, 1983

App.213a

STATE OF NEW YORK
COUNTY OF BRONX

AZIZ Ur REHMAN being duly sworn deposes and states:

That I am competent 1- the Chitral dialogue of Pakistan and have read the foregoing affidavit to Honza Gool Sloan.

I read and write English language and also speak the Chitral language (dialogue). Chitral is a dialogue language of Pakistan and is not a written language but just an argot.

/s/ Aziz Ur Rehman

Sworn to before me this ___ day of December, 1981

/s/Phillip Newman

Notary Public

State of New York

MO. 60-136-1675

Qualified in Westchester County

Term Expires March 30, 1983

STATE OF NEW YORK
COUNTY OF NEW YORK

Hope M. Stefenson, being duly sworn, deposes and says:

1. I am not a party to the action and am over 18 years of age. I reside in Westport, Connecticut.

2. On April 13, 1982, I served the foregoing Petitioner's Post-Trial Memorandum upon William Lake, Esq., attorney for respondent in this action at 55 West 125th Street, New York, New York 10027, the address designated by said attorney for that purpose, by depositing a true copy of same enclosed in a post-paid properly addressed wrapper in an official depository under the exclusive care and custody of the United States Postal Service within the State of New York.

/s/ Hope M. Stefenson

Sworn to before me this 13th day of April, 1982

/s/Phillip Newman

Notary Public

State of New York

MO. 60-136-1675

Qualified in Westchester County

Term Expires March 30, 1983

PETITIONER'S POST-TRIAL MEMORANDUM
(MAY 26, 1982)

SUPREME COURT OF THE STATE OF
NEW YORK, COUNTY OF BRONX

ISMAIL SLOAN,

Petitioner,

v.

ABDUL AWADALLAH and HONZAGOOOL,

Respondents.

Index Number. 17815/1981

Statement of the Case

This is a habeas corpus child custody proceeding in a complex factual setting. In this proceeding, the petitioner-father seeks to obtain custody of his five-month old child. In view of the length of the trial, no attempt will be made to get forth all of the pertinent facts in detail here. The most essential facts are as follows:

Petitioner, Ismail Sloan ("Sloan"), is a native born U.S. citizen. He is 37 years old and works as a financial consultant. He also the author of a Khovar-English Dictionary, Khovar being the language spoken in the Chitral District of the Northwest Frontier Province of

Pakistan ("Chitral"). Respondent Honzagool ("Honza-gool") is a 19-year old citizen of Pakistan who married Sloan in her home village of Damik in Chitral on February 21, 1980. They have a baby daughter ("Shamema") who was born on October 15, 1981 at Columbia Presbyterian Hospital in New York City, and whose name is listed on the birth certificate as Shamema Honza Gool. Respondent Honzagool testified at the trial that she has not had sexual intercourse with any man other than Sloan since the marriage and that Sloan is the father of her child. Petitioner Sloan acknowledges that he is the father of the child.

Respondent Honzagool herself testified that she cannot read or write in any language; that she cannot speak English; that she has never worked; that she has no means of support; and that the Department of Social Services has terminated her welfare payments.

It was conceded during the trial that the environment in which Honzagool had been living from the time of Shamema's birth through February 1982, to wit, the home of respondent Abdul Awadallah ("Awadallah") was an unsuitable environment in which to raise a young child. Respondent Honzagool refused to disclose her current address to the Court and the record now before the Court is absolutely silent regarding the present conditions under which Honzagool and Shamema are living.

As a result, her present whereabouts are unknown, except at those times when she is actually physically present in court. Nothing is known about the physical surroundings and circumstances in which Shamema, the child, is being kept and it is apparent that, wherever she may be, Honzagool has resided with her child at her current address for less than four weeks. It is also

not known whether the family she is living with intends to keep her there permanently, to shuttle her about from family to family, to send her back to live with Awadallah or to send her and the baby back to Pakistan after this case has been concluded. Neither Honzagool nor any other members of the “Pakistani community” offered any testimony at the trial regarding the circumstances under which Shamema is currently being kept.

Conclusion

On the basis of the record now before this Court and the legal authorities set forth in this brief, this Court is foreclosed from awarding custody of Shamema to Honzagool because, among other reasons, (i) Honzagool cannot provide for herself, let alone for Shamema, (ii) this Court has no information concerning the conditions under which Honzagool and Shamema are living, (iii) an award of custody to Honzagool is tantamount to an award of custody to such undesignated person or persons with whom Honzagool may be living from time to time, (iv) Honzagool has permitted substantial interference with Sloan’s right to visit with Shamema, (v) Honzagool intends to depart with Shamema for Chitral and as she herself testified, there is no assurance that she will be able to return to New York—even if she wishes to return and (vi) Honzagool is subject to deportation by the Immigration and Naturalization Service and, therefore, an award of custody of Shamema to Honzagool could deprive Shamema of the rights which she possesses as an American citizen. The Court should therefore award custody of Shamema to Sloan.

Argument

Point I—Respondent Honzagool Is Incapable of Functioning in American Society or of Taking Care of and Raising the Child on Her Own

Initially, it should be pointed out that the sole issue before the court is a determination of the “best interests of the child.” Although this case involves a child who is only five months old, there is no legal presumption that custody of the child should be awarded to the mother. Domestic Relations Law Section 240. Moreover, the so-called “tender years presumption” has specifically been declared unconstitutional. *Barkley v. Barkley*, 60 A.D.2d 954, 402 N.Y.S.2d 228, (3rd Dept. 1978). In *Barkley*, the court awarded custody of a fourteen month old child to the father even though the father and the mother were equally fit and even though the father would be required to hire a third party baby sitter to care for the child. Recent appellate court decisions have repeatedly emphasized that any doctrines of “maternal superiority” are now outdated. *See, e.g., Andrews v. Andrews*, 74 A.D.2d 546, 425 N.Y.S.2d 120 (1st Dept. 1980).

In the case presented here, the mother, Honzagool, comes from a remote village in the Hindu Kush branch of the Himalaya mountains in the extreme northwest of Pakistan. Her home district of Chitral has historically been considered to be a part of Afghanistan and was not fully incorporated into Pakistan until 1970. Honzagool’s education stopped at the fifth grade. She has never learned to read or write her mother language, which is Khowar, or the national language of Pakistan, which is Urdu, or any other language at all. Although Sloan sent her to school to take courses in English as

a second language and also hired a private tutor to teach her three times a week, she still has not learned to read or write English and claims to speak it to only a limited degree. There are only eight other Khowar speakers in the United States, one of whom, her cousin Aziz-Ur-Rehman, is the subject of an outstanding warrant for arrest and deportation. So far, none of the Khowar speakers have shown the willingness and/or ability to provide her and the child with appropriate support. In fact, one Khowar speaker, Sher Malik, who acted as her unofficial interpreter at the trial, refused to provide her with living quarters after she left or was taken away from Sloan in 1981.

It is conceded that Honzagool is completely incapable of caring adequately for this child on her own. Not only is she illiterate, but she has no job, no income and no living place of her own. She testified that she is living entirely on charity which she receives from members of the "Muslim community." Previously, she was receiving Aid for Dependent Children; however, her checks were cut off in February 1982. She has allowed herself to be manipulated and even exploited by others who do not have her best interests at heart. For example, a witness who testified on behalf of Honzagool said that during Honzagool's pregnancy, Aziz-Ur-Rehman actually attempted to arrange for an abortion for Honzagool, without obtaining the consent of Honzagool herself. Also, it appears that Awadallah was keeping Honzagool in his home because Nadia, his wife, was collecting rent from her in the amount of \$160.00 per month, which was half of her welfare check, and because Honzagool was performing cooking and housekeeping chores for Nadia. We note that Honzagool met Nadia at the time she made an

application for welfare and that, according to Nadia's testimony, Honzagool moved into Nadia's house within five hours of their initial meeting.

For these and numerous other reasons which are self-evident from observing the respondent herself, respondent's counsel has never argued that she is capable of adequately caring for the child herself, but rather that the people with whom she is residing are capable of helping her to care for herself and the child. However, the record before this Court is silent both about the character or qualifications of the people with whom she is living and about whether she intends to stay there or move elsewhere after this case has been concluded. Instead, after the respondent's case had rested, respondent's counsel offered to supply the court with a list of names of nine Pakistani families who were willing to take in Honzagool and provide her and Shamema with a place to live. He stated that he would provide this list in affidavit form at the time of the submission of post-trial briefs. Such information is no part of the record before this Court, which record, of course, is now closed, and cannot be given any weight by the Court.

This point raises a fundamental question. If this Court awards custody of the infant to Honzagool, it is really awarding custody to that person or those persons with whom Honzagool is residing or who are otherwise controlling her affairs. Since the record is absolutely silent as to who these people are, the Court is foreclosed from awarding custody to Honzagool for the people with whom Honzagool is residing are not subject to the jurisdiction of this Court. In addition, it is evident that Honzagool has moved to her new residence just to satisfy the court in this case. There is no reason to

believe that she actually wants to live in her current situation, whatever it may be, on a long term basis. If she continues to live in that situation, she will have to learn to speak the language of that home, which is probably Punjabi. She will have to learn to adopt different customs and to eat different kinds of food from which she is accustomed to in her native Chitral. Moreover, the infant Shamema will be totally denied her birthright by being raised in a culture and learning to speak a language which is totally alien to that of either her mother or her father. Consequently, the facts indicate that she has taken up her current residence just as a "showcase" for the duration of this trial.

Presumably, Honzagool does not wish any actual harm to come to her child and there is not that much proof of overt abuse or neglect on her part. Her illiteracy and inability to function in American society are not her fault but rather the result of her upbringing in a culture and society where women are denied the opportunity for an education or even the right to leave their house without the permission of a father or male family members, which is rarely granted. Therefore, it has been argued that it would be an unjust deprivation of her own rights to take the child away from her for reasons which are beyond her control. However, New York courts have repeatedly rejected arguments of this sort, since the father also has rights which are equally balanced with those of the mother. *See e.g., People v. Uzielli*, 260 N.Y.2d 329, 332 23 A.D.2d 260, *aff'd*, 16 N.Y.2d 1057, 266 N.Y.S.3d 131, 213 N.E.2d 460 (1965). Moreover, the records of Columbia Presbyterian Hospital, which were admitted into evidence at the trial, show that Shamema has only been taken in twice since birth for regular

checkups (the last time being late November 1981, four and one-half months ago) and that Honzagool has a record of missing appointments which were made by the hospital both before and after the baby was born. Due to her illiteracy and her obvious ignorance of the need of regular medical attention on the part of an infant, she may neglect the child and bring about its severe illness or even death without any malicious intention on her part.

An analogous situation is presented by the case of *Thomas J.D. v. Catharine K.D.*, 79 A.D.2d 1015, 435 N.Y.S.2d 338 (2d Dept. 1981). That case involved a mother who was struggling to do her best to take care of her children but was suffering from periodic recurrences of mental illness for approximately five to ten days, twice a year. The trial court established a special procedure under which the children would be cared for by third parties when the mental illness occurred. The appellate court reversed, on the law, as follows:

“It is manifestly clear from this record that both parties are deeply concerned parents who love their children very much. Moreover, we are not unmindful of the fact that Special Term has expended substantial effort and has demonstrated great compassion in formulating a procedure by which the defendant would not be deprived of the custody of her children on account of an illness over which she has no control and against which she has long struggled. We, of course, are not unsympathetic to the defendant’s plight. Yet, we are commanded by law and by sound considerations to resolve custody disputes, not of sympathy for the circumstances of the parent,

but out of concern for the best interests of the child. (See Domestic Relations Law, §§ 70, 240; *Obey v. Degling*, 37 N.Y.2d 768; 375 N.Y.S.2d 91; 337 N.E.2d 601; *Entwistle v. Entwistle*, 61 A.D.2d 380; 402 N.Y.S.2d 213, 44 N.Y.2d 851; *Matter of Mouscardy v. Mouscardy*, 63 A.D.2d 973, 405 N.Y.S.2d 759; see, also, *Matter of Bennett v. Jeffreys*, 40 N.Y.2d 543; 387 N.Y.S.2d 821, 356 N.E.2d 277).

qualified to care for their own children and are therefore, entitled to do so." *Matter of Jabril P.*, 105 Misc.2d 219, 431 N.Y.S.2d 899 (Family Ct., N.Y.C. 1980).

Sloan is capable of providing for the needs of this infant. In preparation for establishing a permanent home for this child, he has moved to his family residence in Lynchburg, Virginia where he intends to take the child if awarded custody. The prospective residence for the child is a three story split level fully paid-for home in a residential neighborhood which has been appraised as having a value of \$55,000 for property tax purposes. Sloan's mother, who also lives there, is a practicing child psychiatrist who testified that she has more than \$100,000 in the bank and is willing to provide financially for every care and need of the child including a full time governess, if necessary or appropriate. There can be no doubt that the future of this child is secure if raised in such an environment. Moreover, Sloan, as the parent, has the absolute right to raise this child over and above the right of any third parties with whom Honzagool may chose, or be forced, to reside. "No court can, for any but the gravest reasons, transfer a child from its natural parent to any other person." (citations omitted). The

right of a parent, under natural law, to establish a home and bring up children is a fundamental one and beyond the reach of any court." *People v. Strasser*, 303 N.Y. 53, 104 N.E.2d 895 (1952). "A child's best interest is that it be raised by its parent unless the parent is disqualified by gross misconduct." *Bennett v. Jeffreys*, 40 N.Y.2d 543, 387 N.Y.S.2d 821, 825 (1976).

Sloan also testified that he is willing to grant Honzagool unlimited visitation with the child, to pay for her airplane fare for regular visits to Virginia, to give her own apartment in Lynchburg or to give her own private room in the Sloan family dwelling so that she can be near the child, as she desires. Honzagool, on the other hand, wishes to deprive Sloan of any access to the child at all and has from time to time expressed a desire to take the baby back to Pakistan. Under normal circumstances, the parent most willing to allow visitation to the other parent should be awarded custody. *Gloria S. v. Richard B.*, 80 A.D.2d 72, 437 N.Y.S.2d 411, 415, (2nd Dept. 1981).

The thrust of the respondent's contention that the father is unfit to have custody of the child has centered almost entirely on the claim that he has engaged in unorthodox sexual activity including, in particular, the claim that his sexual activity with Honzagool which produced this child was either bigamous or adulterous. However, the courts have ruled that, "amorality, immorality, sexual deviation and aberrant sexual practices do not ipso facto constitute unfitness of a parent for custody." *Feldman v. Feldman*, 45 A.D.2d 320, 358 N.Y.S.2d 507, 510 (1974). *See also Saunders v. Saunders*, 60 A.D.2d 701, 400 N.Y.S.2d 588 (1977). This is especially true where, as here, the allegedly "deviant" sexual activity not only has had no

effect on the child but actually occurred entirely before the child was even born. Moreover, the testimony itself is unworthy of belief and, if true, merely proves that Honzagool is incapable of taking care of herself and her child. According to Honzagool's testimony, as translated by Sher Malik who is clearly not unbiased, Sloan had mistreated her sexually throughout the time they were living together but she had never complained about it to anyone, including her cousin, Aziz-vi-Rehman, who was living with her and Sloan throughout much of this time.

The only other testimony in any way probative came from Sloan's former wife, Anda Sloan. However, Anda Sloan's testimony before this court paralleled the testimony she gave at her divorce trial between Sloan and her before Judge Ascione. At the conclusion of a trial which lasted one and one-half days, Judge Ascione denied Anda Sloan a divorce on the ground of cruel and inhuman treatment, clearly because he did not believe her testimony. In particular, Judge Ascione's decision stated: "I find that the defendant did not subject the plaintiff to cruel and inhuman treatment." Judge Ascione spent a lot of time on that case, when the recollections of the parties were fresh. It would clearly be improvident for this court to rule that Judge Ascione's decision was wrong, based on the limited testimony before this court.

Under these circumstances, the applicable case law requires that custody of the child be awarded to the petitioner-father. Indeed, there is not even a single reported case where a mother in the position of Honzagool has been awarded custody nor is there a single case where a court has even entertained a contention that a father should be declared to be unfit

on the basis of the allegations of the type presented by respondent's counsel here.

Point II—Respondent Mother's Refusal to Permit Visitation on the Part of the Petitioner Father Requires an Award of Custody to the Father

On November 5, 1981, Judge Mainzer of the Family Court of the City of New York, County of Bronx, entered a temporary order of visitation on behalf of the father with visitations to take place each Saturday from 2:00 to 3:00 p.m. It is undisputed that on each of the next six Saturdays, Sloan attempted to exercise his visitation rights. On three of these six occasions he was told that Honzagool and the baby were not home and he was not even allowed in the door. On the other three occasions he was allowed to see the baby, once with police escort. However, when the police were not present, he was harassed by Awadallah and was once pushed to the floor while holding the baby. Also, his camera was forcibly taken away from him by Awadallah while he was attempting to take a photograph of his own baby. Since that time respondents have made it clear that they will not under any circumstances allow the petitioner to visit his own child and threats have been made against the life of the petitioner.

In the trial before this court, respondent, by her own testimony and through counsel, has maintained that she will not allow the petitioner to have normal visitation with his child. She has refused to reveal even the address where the child is being kept. She even stopped taking the baby to the doctor for fear that in some way this would give petitioner information about the child. In a short colloquy after both sides

had rested and the summations had been completed, the court asked her, through the interpreter, Sher Malik, whether she would cooperate if visitation were awarded to the father. At first she said "no", but then stated that she would allow the father to see the child, "only if the police are present at all times." (We note that Honzagool was not under oath at the time she made such statements and that petitioner was not given an opportunity to question respondent again regarding her obvious disinclination to permit petitioner to visit with his child.) It is obvious that under these circumstances it would be unwise to follow the course of other cases where the mother is awarded custody of the child but the father is granted liberal visitation rights, because of the great and obvious hostility which the respondent and her "friends" bear towards the petitioner. This renders visitation unsafe and unwise for both the father and the child. Also, there exists an apparent likelihood that respondent will abscond with her child if faced with a strengthened court order awarding visitation to Sloan and prohibiting her from departing the jurisdiction with Shamema, and that she will take the baby to parts unknown or to Pakistan. The possibility that the respondent will "disappear" with the child is obvious in view of the history of this case. Respondent disappeared from the marital home she shared with petitioner in April 1981. In spite of petitioner reporting her as a missing person with a resulting police investigation of the matter and a search of Sher Malik's apartment, plus the hiring of a private detective agency by the petitioner, petitioner was unable to learn anything about the whereabouts of Honzagool until October 1981 when he saw her in Bronx Family Court in the company of Sher Malik. Still, he did not know where

she was residing but knew only that she was about to give birth imminently. By calling virtually every hospital in New York City with obstetrical facilities every day for the next few weeks and by inquiring whether a person by the name of Honzagool had gone into labor, he learned on October 15, 1981 that she had just given birth to a baby daughter. Sloan was able to get a Bronx Family Court summons Issued and served upon her the next day, following which she quickly checked herself and the baby out of the hospital. Only in this way did he invoke the jurisdiction of the New York courts, as a result of which he eventually learned her address. However, recently she has moved to a new address which she refuses to reveal, in spite of the requirement that a parent reveal the residential address of her child in child custody proceedings. *Matter of Jacqueline F.*, 47 N.Y.2d 215, 417 N.Y.S.2d 884, 889 (1979). In view of this history, it is evident that the likelihood of respondent disappearing with her baby into points unknown is great and there is no viable alternative but to award custody to the father.

A similar situation was presented by *Entwistle v. Entwistle*, 61 A.D.2d 308, 402 N.Y.S.2d 213 (1978). In its opinion, the court noted:

“There is reason to believe that the respondent took affirmative action to keep the appellant ignorant of her whereabouts . . . The appellant was forced to employ an investigator to ascertain the location to which his own two children had been removed . . . It is readily apparent that the respondent’s very act of preventing the two children of tender age from seeing and being with their father is an

act so inconsistent with the best interests of the children as to, per se, raises a strong probability that the mother is unfit to act as a custodial parent." 402 N.Y.S.2d at 215-216 (emphasis added).

It should be noted here that the witness produced by respondents' counsel to buttress her claim that petitioner should be denied not only custody but also visitation was petitioner's former wife, Anda Sloan, who is the mother of their two children, Peter Sloan and Mary Sloan. In spite of her vituperative remarks about the petitioner, she admitted that Peter Sloan and Mary Sloan "love their father very much." She also testified that he had never interfered with her custody of them, had never even threatened to take them away from her and that petitioner had regularly stayed home and taken care of Peter while Anda Sloan was working when Peter was an infant. As to any claims of his actual mistreatment of the children, she only cited one instance in the years they were living together with their children. That concerned an occasion when she returned home from work and found some photographs there which had not been present previously. From this, she jumped to the conclusion that Sloan had gone out and picked up some pictures from the local camera shop during the time that he was supposed to be at home taking care of Peter. However, she cited no basis for this belief, other than this summary conclusion, and did not claim to have witnessed his absence.

The fact that the New York Supreme Court has awarded the petitioner the right to weekly visitation with his children after a trial demonstrates that court's determination of his fitness as a parent and its

disbelief of any claims by Anda of mistreatment on his part.

During the course of the lengthy trial of this case, the respondent mother allowed her infant daughter to be passed around the courtroom from hand to hand and from man to man indiscriminately within the view of the court. By the end of the trial, scores of people had handled the child at one time or another. Virtually the only person in the courtroom who was not allowed to hold the child was the petitioner father. This indiscriminate attitude of allowing persons of unknown character and background to hold the child while preventing the very father of the child from exercising his paternal rights demonstrates the mother's unfitness to be the custodial parent of this child.

Point III—Respondent Is an Illegal Alien Subject to Deportation and Consequently Should Not Be Given Custody of the Child

“Custody of children should be established on a long-term basis.” *Obey v. Degling*, 37 N.Y.2d 768, 375 N.Y.S.2d 91, 93 (1975). In the case presented here, respondent Honzagool is a native and a citizen of Pakistan. She was brought to the United States by the petitioner father to be his wife. However, now that she is here, she contends that this is a bigamous marriage and that she is not married to the petitioner father. In open court, Honzagool's counsel volunteered that her case is currently under investigation by an investigator from the United States Immigration and Naturalization Service by the name of Rossi. He also stated that she had been requested to appear before the Immigration and Naturalization Service on March 22, 1982 but that her attorney had obtained a postponement of that

appearance because the trial of the instant case was also being conducted on that date. It is unknown, of course, whether the Immigration and Naturalization Service will actually institute proceedings for the arrest and deportation of Honzagool. However, it is undisputed that her current status is that of an illegal alien. The applicable statute is 8 U.S.C. § 61251(c), which states:

“Fraudulent entry. An alien shall be deported as having procured a visa or other documentation by fraud within the meaning of paragraph (19) of section 212(a) (8 USC § 1182(a)(19)), and to be in the United States in violation of this Act within the meaning of subsection (a)(2) of this section, if (1) hereafter he or she obtains any entry into the United States with an immigrant visa or other documentation procured on the basis of a marriage entered into less than two years prior to such entry of the alien and which, within two years subsequent to any entry of the alien into the United States, shall be judicially annulled or terminated, unless such alien shall establish to the satisfaction of the Attorney General that such marriage was not contracted for the purpose of evading any provisions of the immigration laws; or (2) it appears to the satisfaction of the Attorney General that he or she has failed or refused to fulfill his or her marital agreement which in the opinion of the Attorney General was hereafter made for the purpose of procuring his or her entry as an immigrant.”

There are numerous cases, which generally fall under the classification of "marriage fraud" cases, where aliens have been deported based upon facts similar to those presented here. *See e.g. Ex Parte Soucek*, 101 F.2d 405 (7th Cir. 1939); *United States v. Diogo*, 320 F.2d 898 (2d Cir. 1963); *Karayannes v. Brownell*, 348 F.2d 80 (D.C. Cir. 1957). *See also Reid v. Immigration and Naturalization Service*, 420 U.S. 619 (1975). In addition, numerous state court decisions have found marriages to be fraudulent where entered into for the purpose of gaining entry into the United States. *See Pastore v. Pastore*, 100 N.Y.S.2d 552 (Sup. Ct. Cayuga Co. 1950); *Brillis v. Brillis*, 207 Misc. 104, 137 N.Y.S.2d 32 (Sup. Ct. Queens Co. 1954); *Morganie v. Morganie*, 21 N.Y.2d 875, 389 N.Y.S.2d 217 (1968).

It has been argued, however, that since Honzagool is not at the moment the subject of an order of deportation, she should not be deprived of custody until there is evidence that such deportation is imminent. This contention should be rejected. Admittedly, there is by no means any guarantee that she will be deported. To the contrary, her cousin, Aziz-ur-Rehman, who accompanied her to United States in the first instance, has been in America totally illegally for approximately two years, has been arrested but was released on \$2,000 bail, has jumped bail and now had a warrant issued for his arrest, but still is present in the United States and may yet continue to remain here for a long time to come.

On the other hand, Aziz-Ur-Rehman was financially capable of posting a \$2,000 bail and hired a lawyer, Jeffrey Pollack, Esq., to represent him in the deportation proceedings, thereby prolonging his case. His main contention before the INS has been that he should be

allowed to remain in the United States until the conclusion of this child custody proceeding so that he can protect the interests of his cousin Honzagool and so that he can take her and the baby back to Pakistan if she is awarded custody by this court.

If the INS determines that Honzagool is here illegally, she is likely to be arrested and taken to the INS detention center on the spot, and since she testified that she has no money at all, she will presumably be unable to post a bond of \$2,000 or to hire a lawyer to represent her. The normal procedure in such cases is that she will be taken before an INS judge within a few days and then would likely be summarily put on an airplane back to Pakistan. Indeed, from the facts of this case, it appears unlikely that she would even object to deportation. She has stated that she intends to take a trip to Pakistan in any case. Apparently, only three things are keeping her here: (1) she does not have funds for an airplane ticket, (2) Sloan has her passport (although by now it is likely that she has obtained a replacement) and (3) her cousin Azia-ur-Rehman is not willing to leave the United States voluntarily and has been using her presence as his "passport" to keep him in the United States. However, deportation would automatically "solve" these problems since (1) by being deported, she would automatically be provided with an airplane ticket for her and, if she desires it, for her child, at U.S. Government expense and (2) the INS has developed procedures which permit a foreign national to be boarded onto an airplane and sent back to his or her home country without the necessity of a passport. As for Aziz-ur-Rehman, the fact that a warrant has been recently issued for his arrest and deportation means

that her usefulness to him here has come to an end. In fact, at the trial, Josiane Canada, a friend of Honzagool and an acquaintance of Azia-ur-Rehman, testified as the respondent's witness that she had spoken to Azia-ur-Rehman and that he told her that he wished "to take the baby back to Pakistan."

One common misconception regarding the U.S. immigration laws concerns Honzagool's right to remain in the United States in view of her having given birth to a child in the United States. The fact is that this circumstance is of no benefit to her under existing U.S. law except that, once her child achieves the age of 21, Shamema will be able to petition to have her mother admitted as an immediate relative to the United States. Specifically, 8 U.S.C. 5115(b) states:

"Immediate relatives defined: The immediate relatives referred to in subsection (a) of this section shall mean the children, spouses, and parents of a citizen of the United States, provided, that in the case of parents, such citizen must be at least twenty-one years of age [in order to file an immediate relative visa petition.]

The validity of this procedure is well established. *See Perdido v. Immigration and Naturalization Service*, 420 F.2d 1179, 1181 (5th Cir. 1969), where the court observed:

"It is undisputed that the Perdido children have every right to remain in this country. The parents, however, enjoy no such right."

As a result, the Perdido parents were ordered to be deported to the Philippines in spite of the obvious

hardship on their children, ages one and two respectively, whom they were forced either to take out of the country or to leave behind. *See also Qureshi v. INS*, 519 F.2d 1174 (5th Cir. 1975). In fact, cases of this sort are routinely decided by the INS every day and a high percentage of all illegal aliens actually deported have, or can claim to have, citizen children born in the United States.

Moreover, the notion that Honzagool should be given custody until deportation is actually imminent assumes that petitioner will be able to stay abreast of any new developments in her case. In fact, proceedings before the INS are confidential, the files being normally sealed, and third parties are not permitted to know about them. Thus, it is unlikely that petitioner will be able to learn about imminent deportation proceedings, file a motion for an order to show cause, obtain a hearing and secure an order awarding a change of custody, all within the few days before actual deportation takes place. Moreover, a state court judge will not even have the Jurisdiction to order the United States Immigration and Naturalization Service to stay deportation until a hearing can be had.

The reality of a possible deportation cannot be disputed. In fact, at a conference before Judge Mercorella on March 5, 1982, Philip Newman, who was then Honzagool's lawyer, advised the court that his client was unwilling to have the petitioner's name listed as the father on the birth certificate, although his paternity was undisputed, because in the event that she is deported she does not want the father to be in a position to prevent her from taking the baby out of the country. This position is unchanged and respondents' counsel still has not agreed to have the father's name

listed on the birth certificate. It is also obvious that the respondent and her "Pakistani friends" have had five months since the birth of Shamema to make specific arrangements to transport the baby out of the country in the event of the deportation or other departure of Honzagool and there can be little doubt that they are actively looking into this matter or have actually completed arrangements for the departure of the child. Although this court can and, in fact, already has ordered that this child not be taken out of the United States, that order only binds the actual respondents in this case, namely Awadallah and Honzagool, and would not prohibit third parties, such as the unknown Pakistani family with whom Honzagool and Shamema are actually now residing, from securing the departure of the child. For example, if Honzagool is actually arrested and deported, the physical custody of Shamema will automatically fall in the hands of those persons with whom the baby is then living, and the facts and circumstances of this case suggest that those persons will immediately make arrangements to send the baby out of the country, which they will be able to do without a violation of any court order on their part, or on the part of Honzagool, who will have already presumably deported. In addition, there is the obvious point that any order of the New York State courts will become just a worthless piece of paper once the baby is taken out of the jurisdiction and arrives in Pakistan. *See O'Shea v. Brennan*, 88 Misc. 2d 233, 387 N.Y.S.2d 212, 215 (Sup. Ct. Queens Co. 1976). Accordingly, custody should be given to the Father.

Point IV—Respondent Has Declared an Intention and Desire to Take the Infant Out of the United States and, as a Result, Respondent Must Be Denied Custody

The petition for a writ of habeas corpus specifically alleges that Honzagool intends to take the baby out of the United States. This has never been denied. Rather, respondents' counsel has vaguely stated that Honzagool "wants to live in the United States." However, at a conference in chambers before Justice Mercorella on March 5, 1982 and again in her testimony in open court on March 24, 1982, Honzagool stated that she wants to take the baby "on a trip" to see her family in Chitral "as soon as this case is over."

In his summation, Honzagool's attorney vigorously argued that, inasmuch as Honzagool has not seen her family for two years, she should be granted her wish to take this baby back to Pakistan so that Honzagool's mother can see the child, among other things. He represented that Honzagool was "certain" to return with the child.

It is undisputed that Chitral is an extremely remote and backward area of Pakistan which is surrounded by high mountains and snowbound for seven months out of the year. Although there are flights in and out of Chitral during the winter, the demand for seats and the infrequency of flights as a result of the prevalent bad weather are such that it takes an average of one month to get into Chitral and an average of another month to catch a flight out of Chitral. It is also undisputed that the nutritional and health standards are extremely poor in Chitral and only five doctors are available for a population of 250,000 spread out over a 200 mile long area. Honzagool herself testified that she had never seen a doctor in her entire life until she

was taken out of Chitral by Sloan in 1980 and that her mother has not seen a doctor in her life. Islamic custom, as it is observed in Chitral, prohibits women from being seen by male doctors and in fact there are no female doctors in Chitral.

The petition for a writ of habeas corpus alleges, and petitioner testified at the trial, that the infant mortality rate in Chitral is approximately 50%. Respondent's attorney represented to the court that he was going to present the testimony of doctors and other experts who would establish that the infant mortality rate is less than 50% in Chitral, but, in fact, no such expert testimony or evidence was ever produced. (Respondents did produce a student at Columbia University who said that he was a relative of the former Prime Minister Bhutto, who was since deposed and executed, that he had visited Chitral for one week in 1979 as an official government representative, and that doctors are available "everywhere in Pakistan." His testimony was obviously worthless and, in cutting short petitioner's cross-examination of this witness, Justice Mercorella ruled that because the witness had virtually no knowledge about Chitral, he would give no weight to his testimony.) It is obvious that even a favorable witness from respondents' point of view would have been forced to testify that the health conditions in a primitive and remote area of North West Pakistan are far below those in the United States.

In any event, it is not necessary to prove that the infant mortality rate there is 50%. The law is clear that a parent who is a citizen of a foreign jurisdiction and who has expressed an intention or desire to take the child out of the United States, even for a short trip, must be denied custody. Indeed, there is not even a

single reported case where a child who is a U.S. citizen was awarded to the custody of a non-citizen parent where that parent desired to take the child out of the United States. This is true even in cases where the intention was to take the child to a modern advanced country where the health facilities were comparable to those available in the United States, such as France or Australia, and where the non-citizen parent was manifestly more fit than the citizen parent, which is clearly not the case here. For example, *O'Shea v. Brennan, supra*, involved a situation where the U.S. citizen mother, who had already been awarded custody, applied to the court for permission to take her seven-year old daughter to Australia, inasmuch as she had married an Australian man. In response, the father petitioner for a change of custody, which was granted. This case is directly on point. There, the court observed:

“Once the infant is removed to Australia, this court loses its jurisdiction over her . . . This court will jealously guard the treasured birthright of this child . . . The benefits, environment, educational opportunities, cultural climate, as well as the economic standards of the father are known factors which will act towards the benefit of the child if custody is awarded to the father. However, these factors would be unknown if the mother is permitted to remove the infant to Australia.”
387 N.Y.S.2d at 215-216 (emphasis added).

Similarly, *People v. Uzielli*, 23 A.D.7d 260, 260 N.Y.S.2d 329 (1st Dept. 1965) involved infants who were actually born in France and had dual French-American citizenship. The mother was awarded custody by the French courts. However, the father succeeded

in bringing the children to the United States, where he was awarded custody by the New York courts. In addition, the court ruled that under no circumstances would it permit the children to be taken back to France, even for a short visit. The court stated that: "Obviously so long as the French decree remains in its present form, respondent dare not take or permit the child to be taken to France." 260 N.Y.S.2d at 334.

This ruling has particular relevance to the instant case because at the trial, the respondents produced a witness from Iraq who testified as an expert on Islamic law and who stated that under the law of Pakistan, the mother, Honzagool, is automatically entitled to the custody of the child "until at least the age of seven." This means that once Honzagool is able to take the baby to Pakistan, ostensibly on a short trip, she will automatically be entitled to custody there and under no circumstances will the petitioner father be able to secure the return of the child to the United States. Obviously, the case law requires that under these circumstances this court should ensure that the child will not be taken to Pakistan for any reason until it reaches its majority. The only way to ensure this is to award the custody of Shamema to the U.S. citizen father.

In *Ex parte Djurovic*, 205 Misc. 216, 130 N.Y.S.2d 389 (Sup. Ct. N.Y. Co. 1954) both parents were citizens of Yugoslavia. The father, however, had sought political asylum in the United States whereas the mother had secreted the children from him and apparently intended to take them back to her native country. The mother was represented by an attorney provided by the Yugoslav counsel. In view of the fact that the mother apparently wanted to take the children out

of the United States, the Djurovic court awarded custody of the children to the father.

The applicable case law is summarized in Law and the Family-New York by Foster and Freed, Vol. 2, § 29:18, which states:

“While the courts will ordinarily award the custody of children of tender years to their mother, the custody of such children may be awarded to their father where the mother intends to remove them to a foreign country thereby effectively depriving the father of all rights of visitation. This is particularly true where the children are native-born citizens of the United States.”

There can be no doubt in this case about Honzagool’s inclination to take the baby back to Pakistan. In addition to her own testimony, her best friend, Fatima Malik, who testified on her behalf and who was obviously trying to present her case in the most favorable light, stated that even before the baby was born, Honzagool wanted to be “released” from her husband (petitioner), to go back to her native village in Pakistan, to have the baby born there, and to spend the rest of her life in that village, but that she had been forced to remain in the United States by petitioner, who took her passport. It is thus only as a result of the actions of the petitioner that this child was actually born in the United States and became a U.S. citizen in the first instance. It is true that Fatima Malik also testified that Honzagool is now willing to remain in the United States “because of her baby” but her desire to return at least temporarily to Pakistan has never been doubted. Another friend of Honzagool, who also testified as her witness, was Josiane Canada, who

added that she had spoken to Honzagool's cousin, Aziz-ur-Rehman, and that he told her that he was "going to take the baby back to Pakistan" and furthermore that petitioner Sloan "will never get the baby." Her former English teacher, Hazel Fershleiser, also testified that she met Honzagool with her baby in Brooklyn within the past month and Honzagool said that she was planning to take the baby back to Pakistan as soon as this trial is concluded. Finally, her attorney, Mr. Lake, represented to the court that she wants to take the baby on a trip to Pakistan.

At trial, the court suggested that Honzagool might be allowed to go back to Pakistan with the provision that Sloan be awarded custody of the child while she is gone. To this, she strenuously objected, stating that she "will never go anywhere without this baby". If this court awards custody to Honzagool, with the provision that she will never be allowed to take the baby back to Pakistan until it reaches majority, it will be creating a dangerous situation. Honzagool obviously wants to visit her family in Pakistan, which is totally understandable. She has testified that she will never go without the baby and will never surrender custody of the baby to Sloan, even temporarily. On the other hand, it is unreasonable to expect that she will be prepared to wait for 18 years, until her child grows up, to realize the long sought reunion with her family. Therefore, the temptation to violate the court order will be great, especially when it becomes apparent that the legal remedies have been exhausted. However, once she takes the child to Pakistan, she will not be able to return because if she does she will be subject to being held in criminal contempt and actual imprisonment. Also, Honzagool herself testified that she will not be

allowed to depart from her family's house in Chitral without the permission of her male family members. In view of the fact that her cousin, Aziz-ur-Rahman, was the only family member willing to accompany her to America on her initial trip here, plus the fact that there is now an outstanding warrant for his arrest and deportation, plus the scandal which this case will no doubt cause in Pakistan by the publicity generated in the press, it is difficult to believe that having returned to Chitral she will ever be allowed by her family to return here, or will be able to raise the funds and complete the formalities for visas and airline tickets. Moreover, the claim that she will be able to return to the United States.

Point V—Islamic Law and Related Considerations Require an Award of Custody to the Father

In the marriage agreement between petitioner Sloan and members of the family of respondent Honzagool, it was specified that the marriage and the upbringing of any children would be conducted strictly in accordance with the Hanafi school of the Sunni branch of Islamic law. This is undisputed, but there has been conflicting expert testimony as to what the applicable Islamic law is. The main dispute has been over the Islamic law regarding the custody of children. An expert from the World Muslim League (which he called the "Muslim World League") Who was for 15 years a Judge of a Family Court in Iraq but who admitted that he knew nothing about the manner in which Islamic law is interpreted or applied in Chitral, testified that in countries such as Iraq and Pakistan, custody goes to the mother "until at least seven years" and often longer, after which custody is turned over to the father. On the other hand, a professor from the

Islamia College of the University of Peshawar in Pakistan testified that "in all cases the child belongs to the father." It is noteworthy that Peshawar is the nearest major (or minor) city to Chitral and is the capital of the province in which Chitral is located.

The law of Pakistan divides the country into "settle areas" and "tribal areas", the tribal areas being a few small regions adjacent to the border with Afghanistan in which the government of Pakistan has never been able to exercise effective authority, and consequently has been forced to allow the tribes to settle their own disputes, including especially family disputes, in accordance with tribal laws and customs. Chitral, which was never ruled by tribal chieftains but rather had its own king (or "mehtar"), has been legally classified as a "tribal area" with respect to marital and family disputes but is regarded as "settled" ever since 1970 in other types of matters. Therefore, for example, the marriage of infant females (such as Shamema) is allowed in Chitral whereas the civ. laws of Pakistan prohibit the marriage of a girl until she reaches the age of 16 years. (This latter provision is widely ignored even in the settled areas.)

The characteristic feature of the tribal areas is that there, Koranic law is strictly applied and the civil law of Pakistan is totally ignored. Professor Abdul Ahad Bahar of the University of Peshawar testified that it is explicitly set forth in the Koran that the custody of the child shall go to the father. He based this upon a quotation from surah 233 of the Koran, "The Cow", which, in translation, states:

"After divorce, the mother shall give suck to their offspring for two whole years, if the father desires to complete the term, but he

shall bear the cost of their food and clothing.
... No mother shall be treated unfairly on account of her child, nor father on account of his child. If ye decide on a foster mother for your offspring, there is no blame on you provided ye pay what ye offered on equitable terms—but fear God.” Translation by Abdullah Yusuf Ali, p. 93, Daru Kitab Al-Masri Dar Ketab Al-Lebanane.

The judge of the Iraqi Family Court testified, on the other hand, that his interpretation is based upon the “oral tradition” rather than upon the Koran itself. No specific oral tradition was cited. Nevertheless, petitioner concedes that jurisdictions such as Iraq, Egypt and the Islamic republics of the Soviet Union, including Tajikistan S.S.R., which has a border only eight miles from Chitral at one point, interpret Islamic law as requiring that initial custody be awarded to the mother. This is also the rule under the civil law of Pakistan (but not under the tribal law). However, it is noteworthy that this rule only applies after divorce. Moreover, under Islamic law a man can divorce his wife at any time, without any reason, merely by saying “I divorce you” three times, whereas a woman has no right to divorce except under five extremely limited circumstances which are (1) extreme cruelty, (2) forceable sodomy, (3) impotence, (4) prolonged absence from the marital residence and (5) apostacy (conversion from Islam). Moreover, unless a wife can prove one of the five grounds for divorce, she is not even allowed to leave her husband’s house without his permission and he can even keep her a prisoner there indefinitely. Even the Iraqi Family Court Judge testified that a woman can only get custody of the child if (1)

she is divorced or (2) she can convince the court that her husband has been extremely cruel to her or to the child. Otherwise, she cannot take the child away from the father and even cannot leave the house.

This circumstance leads to the perception by non-Muslims that under Islamic law, women can be treated like slaves or mere chattel. We will not attempt to pass judgment on the Islamic law here. Suffice it to say that the religious law does not permit a wife such as Honzagool here cavalierly to take off to another man's residence with the child, unless she has been severely mistreated by her husband and is in a position to prove it to a court.

Indeed, it is evident that precisely for this reason, respondents' counsel has attempted to prove that Honzagool was actually severely mistreated by the husband and for that reason she was justified in fleeing his residence. It is up to this court, as the trier of the fact, to determine if this testimony is credible or not, assuming Islamic law is deemed to be relevant.

The accusation has also been made, primarily in newspapers, radio and television reports and in representations by counsel, rather than in actual testimony, that this case involves the mistreatment of Honzagool by the petitioner who forced her into sex acts prohibited by Islam. The general Muslim public appears to believe that the allegation here is one of sodomy, since that is the only sex act regarded as being prohibited by Islam. However, Honzagool has given no testimony in this regard. Moreover, the same surah of the Koran, "The Cow," states:

"Keep away from women in their monthly courses and do not approach them until they

are clean. But when they have purified themselves, ye may approach them in any manner, time or place. . . . Your wives are as tilth unto you, so approach your tilth when or how ye will." *Id.* page 88.

On this basis, Professor Abdid Ahad Bahar testified that the Koran allows "every kind of sex." Indeed, in Christianity, celibacy and sexual purity are regarded as virtues of the highest order, whereas, in Islam, they are condemned. A Muslim man is required to marry, provided that he can afford it. Having married, he is required to provide sexual satisfaction to his wife and she is required to provide sexual satisfaction to her husband. A woman cannot refuse sex to her husband except when she is gravely ill and in other extreme circumstances. This accounts for the high birth rate in all Muslim areas and the frustration experienced by population control experts in those regions.

A very recent New York Court of decision ordered a change of custody to the father because of violations by the mother of Jewish religious law. *See Friederwitzer v. Friederwitzer*, N.Y. Court of Appeals, Feb. 16, 1982. This case is applicable here.

In this case, a number of witnesses have testified that, throughout the marriage, Honzagool was in the habit of spending at least one night each week in the house of Sher Malik. Sloan testified to this effect, as did Sher Malik, and also his wife, Fatima Malik, as well as Honzagool herself. Sher Malik, obviously aware that this conduct constitutes a grave violation of Islamic law, testified that she did so with her husband's permission. However, this testimony is hearsay and, in any event, hardly credible. Moreover, it is undisputed that on April 20, 1981, Honzagool left Sloan's house

for good and took up residence first with Sher Malik, then with Abdul Awadallah, and, most recently, with an unknown Pakistani family in Queens.

It is clear that under the religious law, this conduct is justified only if Honzagool were forced to leave her husband as a result of his extreme cruelty. However, in spite of the innuendos of cruelty and mistreatment in this case, it has never been alleged that Honzagool left her husband's bed and board for that reason. To the contrary, her girlfriend, Fatima Malik, testified that once every week Honzagool came to her house, complained about being mistreated and spent the night there, but then returned voluntarily by herself to her husband's apartment. It is clear that Honzagool was in no way being forced to live with Sloan. Rather, the testimony establishing that she left him not because of cruelty but because he refused to take her back to Chitral to have the baby there. (Also, she expressed anger because of the fact after she left him he went to Chitral without taking her with him.)

One cannot help but be sympathetic with the desire of Honzagool to return to her remote mountain village in North West Pakistan to visit her family and friends there. Also, her desire to give birth to her child among friends in the familiar surroundings provided by the dirt floor in the mud hut in Chitral where she and her mother live, as opposed to a New York City hospital, is perfectly understandable. At the same time, her conduct clearly violates Islamic law. Indeed, the fact that she is living with a man not her husband carries with it the presumption under Islamic law that she is committing adultery, whether she actually is nor not. She could have lessened (but not removed) the appearance of impropriety by living with her cousin

Aziz, but has not done so. Therefore, the religious law requires that custody of Shamema be given to the father.

Point VI—Collateral Issues

Respondent has refused and continues to refuse to list petitioner's name as the father on the birth certificate. In addition, respondents' counsel has gone to great lengths to prove that the respondent is not legally married to the petitioner under the law of New York State. The respondent has also invited the newspapers and other media to the trial, apparently in an effort to widely publicize this fact. In so doing, it appears that the respondent and her "friends" are trying the best they can to lose this case. Publicity about bigamy seems guaranteed to insure the deportation of the respondent. It appears that this court is now forced to rule that the marriage is invalid under New York State law. However, this in no way helps the respondent. Under Section 24 of the Domestic Relations law, Shamema is still the legitimate child of petitioner, because there has been a marriage ceremony, even though the marriage may be "void or voidable." Moreover, even if Shamema is deemed illegitimate, the rights of a father to the custody of his illegitimate child are now no different from his rights to custody of his legitimate child. In other words, legitimacy or illegitimacy is irrelevant. *See e.g., Richard D. v. Wendy P.*, 47 N.Y.2d 943, 419 N.Y.S.2d 949 (1979); *Alberto B. v. Rosa O.*, 102 Misc. 2d 147, 423 N.Y.S.2d 111, 113 (1979); *Wallace v. Teal*, 100 Misc. 976, 420 N.Y.S.2d 336, 339 (1979).

In addition, in cases where, as here, a mother has attempted to defeat a father's custody petition by

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having her own children declared illegitimate, the courts have awarded custody to the father. *See Hill v. Hill*, 20 A.D.2d 923, 429 N.Y.S.2d 751 (1964).

Conclusion

For all of the reasons set forth above, custody of Shamema should be awarded to the petitioner.

Respectfully submitted,

Ishmail Sloan, Petitioner

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EXHIBIT C
DECISION OF THE BRONX SUPREME COURT
GIVING LEGAL CUSTODY TO MOTHER
(JUNE 7, 1982)

EXHIBIT C

After two weeks of trial before Judge Anthony Mercorella and Judge Irwin Silbowitz in the Bronx Supreme Court, this was the decision of the court giving legal custody to the mother "as long as she remains together with the child in the State of New York".

PETITIONER'S POST-TRIAL MEMORANDUM
(MAY 26, 1982)

SUPREME COURT OF THE STATE OF
NEW YORK, COUNTY OF BRONX

ISMAIL SLOAN,

Petitioner,

v.

ABDUL AWADALLAH and HONZAGOOOL,

Respondents.

Index Number. 17815/81

Before: Honorable Anthony MERCORELLA, Justice.

A petition having been made by the above named petitioner for a Writ of Habeas Corpus, such petition being duly verified on December 10, 1981 and a writ having been thereupon duly allowed in the above matter, by Hon. Irwin M. Silbowitz, Justice of the Supreme Court, and the said writ having been duly issued to the Clerk of the Court on the 10th day of December, 1981 and the respondents Abdul Awadallah and Honzagool having been duly commanded by such writ to have the body of the child, Shamema Honza Gool, before Hon. Irwin M. Silbowtiz, a Justice of the Supreme Court, at the County Courthouse at 851 Grand Concourse, Bronx, N.Y. on December 15, 1981 and the said respondents having duly appeared at

such time and place and having thereupon produced the said child, and the respondents having submitted the affidavit of Honzagool in opposition to the relief sought by the petition sworn to the 22nd day of December, 1981 as and for their written return to the said writ and the issues thereby raised having duly come on for hearing at the above captioned time and place and the body of Shamema Honza Gool having also been duly produced into Court at such time and place and William S. Beslow, Esq. appearing for the petitioner and William J. Lake Esq. appearing for the respondents and after hearing allegations and proofs of the parties, and due deliberation having been had and the Court having made and filed its decision in writing, it is hereby:

ADJUDGED AND DECLARED, that Shamema Honza Goal, who was born in New York City on October 15, 1981, is the legitimate daughter of the petitioner Ismail Sloan, and it is further

ORDERED AND ADJUDGED that the name of the said child, Shamema Honza Gool, shall henceforth be Shamema Honzagool Sloan and no other and it is further

ORDERED AND ADJUDGED that the custody of Shamema Honzagool Sloan be and the same hereby is awarded to her mother, Honzagool, at least during her formative years while of tender age provided respondent Honzagool remains together with the child in the State of New York and it is further

ORDERED AND ADJUDGED that Honzagool shall permit Ismail Sloan, the father to said Shamema Honzagool Sloan, to see and visit with the said child every Sunday from 12:00 noon until 2:00 P.M. and

that such visitation shall be exercised at the residence of Honzagool unless Honzagool notifies Ismail Sloan at least five days in advance that such visitation shall take place at a specified local mosque or other place of worship and it is further

ORDERED AND ADJUDGED that only the petitioner, Ismail Sloan, the respondent, Honzagool, and the child, Shamema Honzagool Sloan, are permitted to be present during these visitations and no one else is allowed to be present and it is further

ORDERED AND ADJUDGED that the paternal grandmother of the child, Doctor Helen M. Sloan, shall be allowed to visit with the child at the same time and under the same conditions when petitioner Ismail Sloan is permitted to visits the child, or in the event that petitioner Ismail Sloan is unable to visit with the child at the specified time, Honzagool shall permit his mother to visit with the child at that time and it is further

ORDERED AND ADJUDGED that respondent Honzagool is directed to disclose her residence to petitioner forthwith and is directed to inform petitioner of any changes in her residence and it is further

ORDERED AND ADJUDGED that Shamema Honzagool Sloan is not to be removed from New York State until she has reached the age of 14 years except upon an order of this court and it is further

ORDERED and ADJUDGED that should respondent Honzagool permit the child to be taken out of New York State except upon the order of this court, the custody of the child is hereby automatically awarded to the petitioner and it is further

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ORDERED AND ADJUDGED that during the specified hours of visitation the petitioner shall be prohibited from harassing, intimidating, assaulting or striking the respondent and it is further

ORDERED AND ADJUDGED that this court may modify, alter or change this order, by the making of such further provision or provisions with respect to the custody of such child as it may at any time in the future deem necessary or proper and it is further

ORDERED AND ADJUDGED that petitioner is granted leave to apply for a change in custody should the circumstances warrant.

Enter,

/s/ Anthony Mercorella
J.S.C.

EXHIBIT D
LETTER DENYING PASSPORT MARCH, 1982
(MARCH 16, 1982)

EXHIBIT D

THE MOTHER HONZAGOOL AND THE MILITANTS WHO CONTROLLED HER APPLIED FOR A PASSPORT SO AS TO TAKE THE CHILD TO PAKISTAN. THE REQUEST FOR A PASSPORT WAS DENIED BECAUSE OF THIS COURT CASE. HERE IS THE LETTER DATED MARCH 1982 DENYING THE PASSPORT. AS A RESULT, THE MOTHER RETURNED TO PAKISTAN ON AUGUST 27, 1982 LEAVING THE CHILD ONLY TEN MONTHS OLD WITH THE FATHER. HER ATTORNEY TRIED TO GET BRONX SOCIAL SERVICES TO HOLD THE CHILD DURING HER "TEMPORARY" VISIT TO PAKISTAN, BUT BRONX SOCIAL SERVICES SAID THEY COULD NOT HOLD A CHILD AS A STAKE HOLDER SO THE FATHER, PLAINTIFF HERE, GOT PHYSICAL CUSTODY OF THE CHILD.

PASSPORT OFFICE

This form of communication is used to expedite consideration of your case or inquiry. Should a reply be necessary, it should be addressed as follows to insure prompt receipt:

New York Passport Agency
630 Fifth Avenue
New York, NY 10111

In reply refer to: US Hold 3/ 8/82

Date: March 16, 1982

Honza Gool
312 East 187th Street
Apartment 2
Bronx, NY 10458

RE: YOUR DAUGHTER, SHAMEMA H. GOOL

Our office in Washington D.C., has indicated that at this time we cannot issue a passport to your child Shamema H. Gool.

Please submit a letter requesting a refund of your Ten Dollar (\$10.00) passport fee, the Five (\$5.00) dollar execution fee is not returnable by law.

Please return this letter with your request.

/s/ {Illegible}
Passport Agent

EXHIBIT E
BRONX SUPREME COURT ORDER
AWARDING FULL CUSTODY
(OCTOBER 27, 1994)

EXHIBIT E

After the passage of some years during which the mother never returned from Pakistan, Plaintiff applied for a change of custody. The Bronx Supreme Court required that Plaintiff serve process on the mother in Pakistan. This was difficult and time consuming because the mother resides in Chitral, a remote area of Northwest Pakistan. Eventually, service of process was completed on the mother in Pakistan. Then a hearing was held in the Bronx Supreme Court which resulted in full custody being awarded to the father, the plaintiff. Meanwhile, the same militants who had controlled the mother had been placed on the US State Department Watch List so they are effectively barred from visiting the United States again. Here is the order of the Bronx Supreme Court awarding full custody to the father, the Plaintiff here.

ORDER OF THE SUPREME COURT

NEW YORK SUPREME COURT
COUNTY OF BRONX

M. ISMAIL SLOAN,

v.

ABDULLAH AWADALLAH.

Part-11-17

Index Number. 17815/81

Before: Hon. Lorraine BACKAL, Justice.

The following papers numbered 1 to 5 read on this motion for an order modifying custody order.

No 1 on calendar of October 7, 1994

Notice of motion—order to Show Cause—Exhibits and Affidavits Annexed

Papers number 1-5

Upon the foregoing papers this motion for an order modifying the child custody provisions of an order of this court dated June 7, 1982 that awarded custody of the parties' infant issue, Shamema Honzagool Sloan, date of birth October 15, 1981 to the defendant mother, Honzagool, is granted on default. Pursuant to the June 7, 1982 order, defendant mother was granted custody of the infant issued provide she remain with the child in the State of New York. On or about October 1, 1982, defendant mother abandoned plaintiff-father,

M. Ismail Sloan, and the infant issue in the united states and returned to the native Pakistan. To date, defendant-mother has not returned to the United States. Plaintiff-Father has been the de facto custodial parent of the infant issue since the time of defendant-mother's departure and has provided the child with a caring and stable home environment for the past 12 years. Accordingly it is in the child's best interest that the custody order of this court dated June 7, 1982 be modified to the extent of awarding custody of the infant issue, Shamema Honzagool Sloan, to the Plaintiff-Father M. Ismail Sloan.

This shall constitute the decision and order of the court.

/s/ Lorraine Backal

A.J.S.C

Dated: October 25, 1994

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EXHIBIT F
APPOINTMENT OF SLOAN AS ADMINISTRATOR
(JUNE 19, 2017)

EXHIBIT F

Here is the appointment of Samuel H. Sloan, the Plaintiff here, as Administrator of the Estate of his father, Leroy B. Sloan. His administration is still in effect.

**QUALIFICATION CERTIFICATE FOR SMALL
ASSET ESTATE COMMONWEALTH OF VIRGINIA**

COMMONWEALTH OF VIRGINIA
VA. Code § 64.2-1411
Court File No. WB#55 PG#539

Lynchburg Circuit Court

I, the duly qualified clerk/deputy clerk of this Court, CERTIFY that on 02/21/1986 (Date)

Name(s) of Person(s) Qualifying:

Samuel H. Sloan

duly qualified in this Court, under applicable provisions of law, as Administrator cta of the estate of

Leroy B. Sloan.

Deceased

The powers of the fiduciary(ies) named above continue in full force and effect.

\$20,000.00 bond has been posted.

The maximum amount of estate, guardianship, conservatorship or committeeship assets that may be collected pursuant to this certificate shall not exceed \$25,000.

ANY PERSON MAY PAY OR DELIVER TO THE FIDUCIARY NAMED IN THIS CERTIFICATE ANY ASSET, BELONGING, OWED, OR DISTRIBUTABLE TO THE SPECIFIED DECEASED PERSON, INCAPACITATED WARD, OR MINOR HAVING A VALUE,

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ON THE DATE OF PAYMENT OR DELIVERY, OF
NO MORE THAN \$25,000.

This certificate may only be used once and is not effective if it does not have an impression seal of the court clerk. Photocopies of this certificate are not effective. The pay or shall retain possession of this certificate.

Given under my hand and the seal of this Court on

June 19, 2017

Date

Eugene C. Wingfield

Clerk

by /s/ Liz Walker

Deputy Clerk

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LETTER REQUESTING
COPY OF THE APPOINTMENT
(JUNE 21, 2017)

Sam Sloan
1664 Davidson Ave., Apt. 1B
Bronx NY 10453-7877
Tel. 917-507-7226
917-659-3397
samhsloan@gmail.com

Liz Walker
Deputy Clerk
Lynchburg Circuit Court
900 Court
Lynchburg, Virginia 24505

Re: Estate of Leroy B. Sloan

Dear Ms. Walker:

Enclosed please find two dollars as payment for a copy of the appointment of me as Executor of my father's estate.

My father died in Lynchburg on January 19, 1986. I was appointed executor of his estate.

My father's documents were in a safe deposit box at Central Fidelity Bank on Main Street in Lynchburg. That physical location is now occupied by Bank of the James.

Central Fidelity Bank was taken over by Wells Fargo. I have been to Wells Fargo and they inform me that all the boxes have been moved out to various places, not necessarily to the same place.

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I have been assuming that the box was escheated to the state. However, the state offices inform me that they have no record of receiving the belongings of either my father Leroy B. Sloan or my mother Dr. Helen Marjorie Sloan.

In order to get Wells Fargo to undertake a search for this safe deposit box and its contents I need a copy of the court order appointing me as the executor of my father's estate.

Very Truly Yours

/s/ Sam Sloan

App.266a



OFFICIAL RECEIPT
LYNCHBURG CIRCUIT COURT
WILLS/FIDUCIARY

Date: 06/23/2017
Receipt#: 17000013215
Cashier: ECW
Instrument: WB55PG539
Indexed: Slaon, Leroy
Principal: Sloan, Leroy
Received of: Slaon, Leroy
Cash: \$2.00

Time: 11:40:34
Transaction#: 17062300036
Register#: A379

Case #: 680CWFWB55PG539
Filing Type: Other
Recorded: 06/23/2017
Payment: Full Payment
AT: 11:39
LOC: 01
PCT:100%

Account Code	Description	Paid
302	Wills & Admin	\$2.00

Tendered: \$2.00
Amount Paid: \$2.00

EXHIBIT G
JUDGE GAMBLE WAIVER OF DISQUALIFICATION
(AUGUST 7, 1991)

EXHIBIT G

Judge J. Michael Gamble prepared this waiver of disqualification form and asked Sam Sloan to sign it saying that without his signature on this form he would have to recuse himself. Sloan refused to sign this form and instead demand that Judge Gamble be disqualified. Then Judge Gamble did the opposite. He took jurisdiction over all the Sloan cases and insisted that he be the judge. Among other things, Judge Gamble took away Sloan's daughter Shamema and awarded her to the Roberts. This is unknown in the law. A judge cannot take somebody's child and award her to a stranger. Judge Gamble also took the Sloan Family Home located at 917 Old Trents Ferry Road and "sold" it to a relative of the attorney Cecil Taylor for the ridiculously small sum of \$75,000. Virtually all of this \$75,000 was given to the attorneys as their legal fees. Dr. Marjorie Sloan and the Sloan Family got nothing for the house.

WAIVER OF DISQUALIFICATION

VIRGINIA: IN THE CIRCUIT COURT
FOR THE COUNTY OF AMHERST

IN RE: CUSTODY OF
SHAMEMA HONZAGOOL SLOAN, a minor,
Case #7321;

APPEAL OF CONTEMPT
MATTER OF M. ISMAIL SLOAN, Case #7369,

On this day came the parties on the Appeal of M. Ismail Sloan in the above-styled matters. The undersigned J. Michael Gamble, Circuit Court Judge, has advised the parties that there are circumstances which could require that he recuse himself from this case. Further, J. Michael Gamble has advised all parties that he will recuse himself unless all parties waive in writing their possible objections to his service as Judge in these cases. The circumstances are as follows:

(1) M. Ismail Sloan consulted with J. Michael Gamble in 1985 about representing him in the matters involved in this case at a time when J. Michael Gamble was a practicing attorney. Although J. Michael Gamble did not take the case M. Ismail Sloan did talk with J. Michael Gamble about the facts of the case for about one hour. Also, J. Michael Gamble accepted a retainer fee which he returned by mail the same day.

(2) Stephen C. Martin, a former law partner of J. Michael Gamble, represented M. Ismail Sloan in earlier

proceedings in the matters in this case. Confidential or privileged information was provided to Stephen C. Martin as a result of such representation.

(3) Donald G. Pendleton, a former law partner of J. Michael Gamble, represented a person claiming to have an adverse interest in M. Ismail Sloan in the Estate of the father of M. Ismail Sloan. Possibly confidential or privileged information was given to Donald G. Pendleton, at the time he was the partner of J. Michael Gamble.

(4) Lawrence Janow, Juvenile and Domestic Relations District Judge of Amherst County, who has heard many of the proceedings in this case, was a law partner of J. Michael Gamble from 1974-1979.

(5) J. Michael Gamble has heard many discussions of this case by numerous sources.

(6) Linda B. Carroll, the former legal secretary of J. Michael Gamble, is a close friend of Mr. and Mrs. Charles Roberts, a party to these proceedings.

Notwithstanding the above disclosures, we the undersigned waive the right to request J. Michael Gamble to recuse himself, and waive the disqualification of J. Michael Gamble to hear the matters involved in this Appeal. We fully understand that by hearing this Appeal J. Michael Gamble does not necessarily agree to hear any other proceedings which may come before this Court in this matter.

Given under our hands this 7th day of August, 1991.

EXHIBIT H
ALMA DAWSON SET ASIDE OF WILL
(MARCH 25, 1986)

EXHIBIT H

Alma Coates Dawson was a former lady friend of Leroy B. Sloan and they had broken up some years before. Leroy B. Sloan was by then residing in the Elks National Home in Bedford Virginia. He was senile and his mind was gone. After having not seen each other for some time, on New Years Eve 1985 Alma Dawson went to the Elks National Home and realizing his condition, dragged him down to the office of Attorney Preston Sawyer to get married! However, Leroy B. Sloan collapsed on the floor in the office of Preston Sawyer. Emergency 911 was called and the life-saving crew came and took Leroy B. Sloan to the Emergency Room of the Lynchburg General Hospital. Alma Dawson went there in her own car and insisted on being married to him even though he was suffering a brain seizure and was on life support equipment. Leroy B. Sloan died shortly after this emergency room marriage. Here Alma Dawson represented by Pendleton & Gamble purports to set aside the Will of Leroy B. Sloan and take from his estate as his wife and heir.

RENUNCIATION OF WILL

VIRGINIA: IN THE CIRCUIT COURT FOR
THE CITY OF LYNCHBURG

IN RE: ESTATE OF LEROY BAYFIELD SLOAN

RENUNCIATION OF WILL
BY ALMA C. SLOAN, WIDOW

Serve On: Samuel H. Sloan, Administrator
917 Old Trents Ferry Road
Lynchburg, Virginia 24503

TO THE HONORABLE JUDGES OF SAID COURT:

Know All Men by This Present That:

WHEREAS. Leroy Bayfield Sloan, a resident of the City of Lynchburg, Virginia, departed this life on the 19th day of January, 1986, seized and possessed of certain real and personal estate; and,

WHEREAS, the said Leroy Bayfield Sloan in his lifetime made his Last Will and Testament, which has been probated before the Clerk of the Circuit Court of the City of Lynchburg, Virginia, and recorded in the aforesaid Clerk's Office in Will Book 55, at page 539, reference to which Will is hereby made for the terms, conditions, devises and legacies therein.

WHEREAS, I, Alma C. Sloan, widow of the said Leroy Bayfield Sloan, deceased, am entitled to a dower share in the said Estate of Leroy Bayfield Sloan, as per Virginia Code Section 64.1-19, as amended, and do hereby renounce said Will.

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NOW, THEREFORE, I, Alma C. Sloan, widow of Leroy Bayfield Sloan, deceased, of Lynchburg, Virginia, do hereby elect to claim my dower interest in my late husband's estate, real, personal and mixed, as I would have, had the said Leroy Bayfield Sloan died intestate.

WITNESS my hand and seal this 25th, day of March, 1986.

/s/ Alma C. Sloan

STATE OF VIRGINIA
AT LARGE, to-wit:

Subscribed and sworn to before me in my jurisdiction aforesaid this 25th day of March, 1986, by Alma C. Sloan.

My commission expires: 6/13/87.

/s/ {Illegible}
Notary Public

/s/ Donald G. Pendleton
Pendleton and Gamble
P.O. Box 1226
Amherst, Virginia 24521
Counsel for Anna C. Sloan

EXHIBIT I
GARY FEULNER LETTER TO JUDGE MILLER
(FEBRUARY 28, 1987)

EXHIBIT I

Letter dated 28 January 1987 from Gary R. Feulner partner in the Prestigious Washington DC Law Firm of Chadbourne & Parke to Judge Richard Miller and lawyers in the Creighton Sloan vs. Sovran Bank case stating that he had had dinner with Dr. Helen Marjorie Sloan that her vision is sharp, her mind is clear, she is fully with her senses and there is no reason she should be deprived of access to her assets.

Feulner states she is living a life of luxury in Abu Dhabi, the richest country of the world, and has every reason to want to stay there.

Gary Feulner concludes that after reviewing the order by Judge Miller and the papers in this case "the case should not proceed and the orders should not stand in their present form".

Nevertheless, in spite of this letter, there was no change. The criminal conspiracy to kidnap Dr. Helen Marjorie Sloan aged 76 and her granddaughter Shamema Honzagool Sloan aged 4 and to bring them by force to the United States continued for another 4 years until 1990 when Dr. Helen Marjorie Sloan was kidnapped in September 1990 and Shamema Honzagool Sloan was kidnapped in October 1990.

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**LETTER FROM GARRY R. FEULNER
(FEBRUARY 28, 1987)**

CHADBOURNE, PARKE & AFRIDI
LEGAL CONSULTANTS
AHMED RASHID BUILDING
P.O. Box 3961
ABU DHABI
UNITED ARAB EMIRATES
TEL: 329134; TELEX: 23632
FACSIMILE: 526905

M.A.K. AFRIDI
DANIEL J. GREENWALD, III
OF COUNSEL
NICHOLAS B. ANGELL
ASSOCIATED ADVOCATES
A.R. HILAL & ASSOCIATES

Hon. Judge Richard Miller
Circuit Court of the City of Lynchburg
P.O. Box 4
Lynchburg, Virginia 24505
U.S.A.

Re: *Sloan v. Sovran, N.A.*

Dear Judge Miller:

I am an American attorney associated with Chadbourne & Parke, a New York law firm, and I am a member of the New York and Washington D.C. bars. As it happens, I am a graduate of the University of the

Virginia School of Law, but I am not a member of the Virginia Bar. I am presently in charge of the Abu Dhabi office of Chadbourne, Parke & Afridi, licensed legal consultants in the United Arab Emirates.

We have been contacted locally by Mr. Ismail Sloan, a/k/a Samuel H. Sloan, in connection with the possible representation of the interests of his mother, Dr. Helen Marjorie Sloan in connection with the above-captioned matter. We have at this point made no determination to undertake such representation. A matter of this sort is very much outside the scope of our normal commercial practice, but we feel obligated to make available such legal services as we can where a need appears that cannot otherwise be satisfied.

From a preliminary discussion concerning the above-captioned litigation, it is apparent that Dr. Sloan's interests can best be protected by engaging a lawyer in Virginia, and that the only services which we might reasonably perform on behalf of Dr. Sloan would be to assist in engaging such counsel and thereafter to assist as necessary locally, e.g., in the preparation of affidavits, forwarding of information, etc., as might be necessary. I have so advised Mr. Sloan.

Nevertheless, even for such a limited purpose I am mindful of the need to exercise extreme caution in a matter where the competence of a prospective client is apparently in question. In fact, I would be very much inclined to consider seeking court approval in connection with any such representation in order to validate it and, indeed, in order obviate any subsequent challenge to our fees in connection of such representation.

I note that in considering this matter, we have been careful to distinguish between the interests of Dr. Sloan and her son Ismail, who has been quite candid with us in revealing court orders and other information relating to child custody litigation in which he is involved in Amherst County, Virginia. I should add that Mr. Sloan is in no way attempting to conceal his presence or that of his family, or his activities in Abu Dhabi. In fact, he had contacted officials at the U.S. Embassy in Abu Dhabi even prior to consulting us.

At this point, I have reviewed Bill of Complaint filed 11 December 1986 and the Decree entered 2 January 1987 in the above-captioned case, and while I am hesitant to comment, not being privy to supporting evidence that may have been submitted to the court, nevertheless it seems to me that the complaint in this matter is remarkably thin and the order, by contrast, remarkably broad. This alone inclines me to the belief that legal assistance is required on behalf of Dr. Sloan and that the case should not proceed, and the orders should not stand in their present form, without the appointment of counsel on behalf of Dr. Sloan.

The complaint, to the extent that it alleges that a retired physician commenced several months of foreign travel and that her expenses during that period may (or may not) have been greater than when she lived with relatives in the United States, would describe a number of retired persons in my acquaintance.

To the extent that the complaint implies that the decision to reside in Abu Dhabi is itself evidence of mental instability, this reflects an amusing but regrettable ignorance. As it happens, the United Arab Emirates has the highest per capita income of any

country in the world, and Abu Dhabi is the richest of the seven individual Emirates. Fully 80% of the population of the U.A.E. consists of expatriates, including approximately 25,000 British citizens and 5,000 Americans, who are about equally divided between Abu Dhabi and Dubai, the two principal urban areas in the U.A.E. Many of these individuals have resided here for a long time, but new companies and new people arrive each year. Indeed, a record number of visas were issued in Abu Dhabi last year, despite a relative economic decline owing to reduced oil prices. Abu Dhabi, in particular, is experiencing a tourist mini-boom, with the major hotels (Intercontinental, Sheraton, Meridian and Hilton) bringing in substantial tour groups each week during the "winter" season, usually from Northern Europe. For your information, Ramada and Holiday Inn are also represented in Abu Dhabi. The rate of crime is much lower than in the United States. I often leave my car doors unlocked, leave my apartment keys with doormen, repairmen, etc., and one may feel free to drive or walk in any areas of Abu Dhabi.

Without pretending to any special expertise, I have met Dr. Sloan (I treated her to lunch with her granddaughter). I found her in relatively good physical condition for her age. She needed no help getting in and out of vehicles, or up and down stairs, her vision is sharp and she read (from a relatively exotic menu) both rapidly and fluently. We talked for about two hours on a range of subjects including her family, her former employment, and her foreign travel. At a minimum, it is not at all clear to me that she should be deprived of the right to dispose of her own assets. I have also conferred with a local U.S.-trained psychiatrist, Dr. Ghada Al-Asadi, a Syrian national, who examined

Dr. Sloan in interviews totaling several hours, and who has expressed to me a similar view, although I cannot and do not pretend to represent the medical judgment of Dr. Al-Asadi.

Accordingly, a court order which does not even allow for Dr. Sloan's her minimal living expenses pending a final determination of the matters at issue seems unjustified. More troubling is the fact that the extant decree does not simply freeze Dr. Sloan's assets, but gives her son Creighton the power to operate her accounts without any accountability to or supervision by the court. If such supervision is in fact exercised, as might be hoped, it is not evident in the order. Unfortunately, it appears that Creighton Sloan has to some extent relied in the past on income and support from his mother, and that his record of financial responsibility is open to question. This suggests a potentially serious disregard for the interests and assets of Dr. Sloan, who has to date never even received notice from the court regarding this action against her interests. To the extent that this may have been at one point due to her travel status, I believe the court is now aware that she can be addressed at P.O. Box 2507, Abu Dhabi, U.A.E.

At this point I am concerned that any efforts to obtain Virginia counsel in this matter will be hampered by Dr. Sloan's inability to pay or to make arrangements for payment of the necessary fees owing to the court order. Her son Ismail reports that he has experienced difficulty in obtaining counsel in Lynchburg owing to his family's personal relationships over the years with many lawyers there.

I therefore respectfully suggest, as one on whom this matter has been thrust without my entirely

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wishing it, that the court consider whether it may be appropriate to appoint a guardian ad litem, perhaps on a temporary basis, to protect the interests of Dr. Sloan, and in particular to raise immediately the issues whether the extant order should be modified (1) to address the possible abuse of Dr. Sloan's assets by her son Creighton and (2) to provide at least minimum support payments for her maintenance in Abu Dhabi pending a more permanent resolution of her situation. Legal action by Dr. Sloan against the various parties involved in this matter would be a subject for further decision by either such a guardian or by counsel subsequently appointed by Dr. Sloan. We would be willing to cooperate with such counsel to the extent necessary locally.

I understand that the court and/or counsel for Creighton Sloan is in contact with the U.S. Embassy in Abu Dhabi in regard to the health and welfare of Dr. Sloan. For your information, the relevant Embassy officials are also aware that we have been contacted and are considering representation of Dr. Sloan. I have also made them aware of my preliminary impressions in this matter.

Very truly yours,

/s/ Gary R. Feulner

cc: Killis T. Howard, Esq.
Leighton Houck, Esq.

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P.S.: Subsequent to preparation of the foregoing letter, I have been advised that Dr. Sloan has received notice from Killis T. Howard, Esq. of a hearing scheduled for 13 March 1987 in Lynchburg, and has been told that Creighton Sloan has made arrangements to supply to Dr. Sloan a one-way plane ticket to Washington, D.C., plus approximately \$385 in spending money. Dr. Sloan has indicated informally that this is not really an acceptable arrangement, as it effectively continues to deprive her of her right to travel freely and to dispose of her own assets. I do not think that this latest development affects the merit of the suggestions offered above.

/s/ G.R. Feulner

EXHIBIT M
CHARLES ROBERTS PETITION
FOR A WRIT OF MANDAMUS
(AUGUST 30, 1990)

EXHIBIT M

CHARLES ROBERTS VS. WILLIAM G. PETTY

Not realizing that Bill Petty was his best friend, Charles Roberts sued Bill Petty for a Warrant for the Arrest of Sam Sloan, on a petition for a writ of mandamus dated August 31, 1990.

This suit was ineffective because no such warrant existed. Also, there was no prior order granting custody of Shamema Honzagool Sloan to Charles Roberts.

Because of this lawsuit, Bill Petty disqualified himself from being the prosecutor in the subsequent criminal case against Ismail Sloan a/k/a Samuel Sloan. Perry was also a defendant in the case Helen Marjorie Sloan vs. Judge Miller.

However, when the criminal case against Sloan came for trial, Petty could not find any other Commonwealth Attorney willing to prosecute this case, so he prosecuted it anyway by having his sub-ordinate Kimberly Slayton White be the public prosecutor while he waited outside and listened through the door. Then, whenever Kimberly Slayton White had a legal question, she would say "I have to go ask my boss" and she would leave the courtroom and come back with the answer he gave.

PETITION FOR A WRIT OF MANDAMUS

VIRGINIA: IN THE CIRCUIT COURT
FOR THE CITY OF LYNCHBURG

CHARLES ROBERTS,

Petitioner,

v.

WILLIAM G. PETTY,

Commonwealth's Attorney for the City of Lynchburg,

Defendant.

Come now the petitioner Charles and petitions this Court for a Writ of Mandamus pursuant to Section 8.01-644 of the Code of Virginia as follows:

(1) By Order entered by the Amherst County Juvenile and Domestic Relations District Court on September 9, 1986 (attached hereto), petitioner and his wife, Shelby Roberts, were granted physical custody of Shamema Sloan.

(2) Shamema Sloan was taken out of the country by her natural father, Ismail Sloan a/k/a Samuel Sloan in violation of a previous court order after which an abduction order was issued in the City of Lynchburg against Mr. Sloan which warrant is still pending.

(3) The petitioner has learned that Mr. Sloan is presently in Thailand and is seeking a renewal of his visa which expires September 2. He is further advised that Thai authorities have requested background

information regarding Mr. Sloan and specifically the status of the pending warrant in Lynchburg, Virginia.

(4) The petitioner has sought to obtain a copy of the aforesaid warrant from the Lynchburg Police Department; however, he has been advised by Officer Dennis Lariviere that he has been instructed by William G. Petty, Commonwealth's Attorney for the City of Lynchburg, not to release a copy of the warrant.

(5) That the petitioner is entirely without remedy unless it be afforded by the interposition of the Court.

Wherefore petitioner prays a writ of mandamus against said William G. Petty, Commonwealth's Attorney for the City of Lynchburg, be granted and that he be commanded to order the release of a certified copy of the warrant against Ismail Sloan a/k/a Samuel Sloan presently on file in the Lynchburg Police Department.

/s/ Charles Roberts

Subscribed and sworn to before me this 31st day of August, 1990.

/s/ Carole H. Brown
Notary Public
My Commission Expires
August 3, 1992

**ORDER OF THE AMHERST COUNTY JUVENILE
AND DOMESTIC RELATIONS DISTRICT COURT
(SEPTEMBER 5, 1986)**

VIRGINIA: IN THE AMHERST COUNTY
JUVENILE AND DOMESTIC RELATIONS
DISTRICT COURT FOR THE TWENTY-FOURTH
JUDICIAL DISTRICT

RE: SHAMEMA HONZAGOO SLOAN

This 4th day of September, 1986, appeared Frank G. Davidson, III, Esquire, Attorney for Mr. and Mrs. Charles Roberts, and Stephen Martin, Esquire, Attorney for Ismail Sloan, upon a request for hearing by Frank G. Davidson, III, Esq., Attorney for Mr. and Mrs. Roberts, and, it appearing that the Court entered an Order dated April 2, 1986, granting joint custody of Shamema Honzagool Sloan to the custodians, Mr. and Mrs. Charles Roberts, and to the biological father, Ismail Sloan, with physical custody to Mr. and Mrs. Charles Roberts, and an Order dated August 25, 1986, granting joint custody to Mr. and Mrs. Roberts and Ismail Sloan with physical custody to be turned over to Ismail Sloan on September 7, 1986, (copies of which are hereto attached), and that the father, Ismail Sloan, contrary to the Court Orders and the best interest of the child, has failed to return Shamema Honzagool Sloan from visitation pursuant to said Orders, and the whereabouts of the child are unknown to the Court and Mr. and Mrs. Charles Roberts, therefore, the Court doth ADJUDGE, ORDER, and DECREE as follows:

(1) That the Order of this Court dated August 25, 1986, is suspended and the Order of this Court dated April 2, 1986, is, therefore, reinstated thereby leaving physical custody of Shamema Honzagool Sloan with Mr. and Mrs. Charles Roberts until further Order of this Court;

(2) That the child is in the physical possession of the Natural Father and that the child remaining with the Natural Father is and has been contrary to the Order(s) of this Court;

(3) That the appropriate law enforcement agency and department of social services and/or equivalent agency shall pick up and seize said Shamema Honzagool Sloan and place said child in the custody of the Amherst County Department of Social Services pending further Order of this Court;

(4) That Shamema Honzagool Sloan is a missing child pursuant to Section 15.1-131.9;

(5) And, that certified copies of this Order shall be mailed/delivered to or served on Frank G. Davidson, III, Esq., Mr. and Mrs. Charles Robert, Stephen Martin, Esquire, Amherst County Department of Social Services, Amherst County Sheriff's Department, Mr. Ismail Sloan, David Embrey, Esquire, Honzagool (Sloan), J. Thompson Shrader, Esquire, and all other interested parties.

Entered: /s/ {Illegible} _____

Dated: 9/5/86

NOTICE OF APPLICATION
FOR WRIT OF MANDAMUS

VIRGINIA: IN THE CIRCUIT COURT
FOR THE CITY OF LYNCHBURG

CHARLES ROBERTS,

Petitioner,

v.

WILLIAM G. PETTY,
Commonwealth's Attorney for the City of Lynchburg,

Defendant.

Take notice that the undersigned will on Friday, August 31, 1990, at 2:30 o'clock P.M. or as soon thereafter as counsel may be heard, move the Circuit Court of the City of Lynchburg, Virginia, sitting at the courthouse in Lynchburg, Virginia to award the petitioner a writ of mandamus in accordance with the prayer of the petitioned for a writ of mandamus, a copy of which is attached hereto and made a part of this notice.

Given under my hand this 31st day of August, 1990,

CHARLES ROBERTS

By /s/ {Illegible}
Of Counsel

PROOF OF SERVICE

VIRGINIA: IN THE CIRCUIT COURT
OF THE CITY OF LYNCHBURG

CHARLES ROBERTS,

Petitioner,

v.

WILLIAM G. PETTY, Commonwealth's Attorney
for the City of Lynchburg, Virginia,

Defendant.

Chancery No. Ch90016150

Returning shall be made hereon, showing service of: Notice of Application and Petition for Writ of Mandamus filed August 31, 1990, attached:

Executed on the 31st day of August, 1990, in the City of Lynchburg, Virginia, by delivering a true copy of the above mentioned papers attached to each other, to William G. Perry Commonwealth's Attorney for City in person.

I.W. Simpson, Jr.
Sheriff, City of Lynchburg, VA.

By: {Illegible}
Deputy Sheriff

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**NOTICE OF ORDER
TO DISCONTINUE THE CASE
(MAY 12, 1993)**

LARRY B. PALMER, CLERK
CLERK'S OFFICE
Lynchburg Circuit Court
P.O. Box 4
Lynchburg, Virginia 24505
804-847-1590

William W. Sweeney, Judge
J. Michael Gamble, Judge
J. Samuel Johnston, Jr., Judge
Richard S. Miller, Judge
Mosby G. Perrow, III, Judge

R. Edwin Burnette, Jr., Esq
800 Main Street
Lynchburg, VA 24504

In re: Charles Roberts vs. William G. Petty
CH90016150

Dear Mr. Burnette:

As directed by the Judges of this Court, this office has identified the above-styled case as being a case pending in this Court for more than two years, and there appears to have not been any order or proceeding held in this case.

Pursuant to Sec. 8.01-335, Code of Virginia, as amended, consider this as notice that unless sufficient cause can be shown to the Court for not striking this

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case from the docket, the case will be stricken from the docket and discontinued. All responses should be made to the Court on or before 9:00 a.m., on June 4, 1993.

Please do not hesitate to contact us should you have any questions.

With kind personal regards and best wishes,

Very truly yours,

/s/ Larry B. Palmer
Clerk

App.290a

ORDER OF THE LYNCHBURG CIRCUIT COURT
STRIKING THE CASE FROM DOCKET
(JUNE 4, 1993)

VIRGINIA: LYNCHBURG CIRCUIT COURT

CHARLES ROBERTS

v.

WILLIAM G. PETTY

CH90016150

Before: Mosby G. PERROW, Judge.

This cause has been pending in this Court for more than two years and there have not been any order or proceeding held in this case.

It appearing to the Court that notice as required by Sec. 8.01-335, Code of Virginia, has been duly given to all parties that unless good cause could be given for not doing so, the case would be dismissed from the docket.

No objections having been noted, the Court doth order that this case be stricken from the docket and placed among the ended cases.

Enter:

/s/ Mosby G. Perrow

Judge

EXHIBIT N
CHIEF JUDGE MOSBY PERROW III
DISQUALIFIED ALL OF THE JUDGES OF THE
24TH JUDICIAL CIRCUIT
(JUNE 18, 1991)

EXHIBIT N

Virginia Supreme Court is asked to assign judges because Judge Gamble has been ruled off the case by Chief Judge Mosby Perrow III.

Because of the many suits filed by Pendleton and Gamble, Judge Gamble's Law Firm, against the Sloan Family including Sam Sloan and his mother Dr. Helen Marjorie Sloan, and Judge Gamble being appointed as a judge, the Chief Judge Mosby Perrow III disqualified ALL of the judges of the 24th Judicial Circuit from hearing any of the Sloan cases and asked the Virginia Supreme Court to assign out-of-area judges to these cases.

However, Judge Gamble ignored the order of the Chief Judge and kept jurisdiction over them and refused to recuse himself and herd the cases himself.

Judge Gamble removed three different criminal defense attorneys from representing Sloan, also convicted Sloan in absentia in an appeal from the Amherst J & D Court, and also appointed a "Special Commissioner" to sell the Sloan Family residence at 917 Old Trents Ferry Sloan and tried to get Sloan convicted and sentenced 15 years in prison when Sloan had done nothing remotely wrong and illegal.

**ORDER OF DISQUALIFICATION
(JUNE 18, 1991)**

VIRGINIA: IN THE CIRCUIT COURT
FOR THE CITY OF LYNCHBURG

ALMA D. SLOAN,

Plaintiff,

v.

SAMUEL H. SLOAN, Administrator of the
Estate of LEROY B. SLOAN, Deceased,
and H. MARJORIE SLOAN,

Defendants.

Case No. CL89014790

Before: Mosby G. PERROW, Chief Judge.

The Judges of the Twenty-Fourth Judicial Circuit,
being so situated in respect to the above styled case
pending in this Court as to render it improper, in their
opinion, for them to preside at the trial thereof, such
fact is hereby entered of record.

Entered this 18th day of June, 1991.

/s/ Mosby G. Perrow
Chief Judge

**LETTER FROM TWENTY-FOURTH
JUDICIAL CIRCUIT
(JUNE 18, 1991)**

TWENTY-FOURTH JUDICIAL
CIRCUIT OF VIRGINIA
COMMONWEALTH OF VIRGINIA
CITIES OF LYNCHBURG AND BEDFORD
COUNTIES OF AMHERST, BEDFORD,
CAMPBELL AND NELSON

Richard S. Miller, Judge
900 Court Street
Lynchburg, Virginia 24504
(804) 8474490

Mosby G. Perrow, III, Judge
900 Court Street
Lynchburg, Virginia 24504
(804) 8474490

Frederick A. Hodnett
Assistant Executive Secretary
Supreme Court of Virginia
Third Floor
Supreme Court Building
100 North Ninth Street
Richmond, VA 23219

Re: M. Ismail Sloan, Individually, and on behalf of his
son, Michael R. Sloan, an infant, v. Officer F. D.
McFarland, Michael W. Cox, and Lynchburg
Police Department
Case No. CL90015617

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M. Ismail Sloan, Individually, and on behalf of his son, Michael R. Sloan, an infant v. Charles Roberts, Captain Coffey, and Sharon Haberer
Case No. CL90015643-01

Alma D. Sloan v. Samuel H. Sloan, [a/k/a M. Ismail Sloan] Administratrix of the Estate of Leroy B. Sloan, Deceased, and H. Marjorie Sloan
Case No. CL89014790

Helen Marjorie Sloan, M.D. v. Sovran Bank, N.A., and Creighton Wesley Sloan
Case No. CH90016156

Creighton Wesley Sloan, Son and next friend of Helen Marjorie Sloan v. Sovran Bank, N.A.
Case No. CH86014986

Dear Fred:

I am enclosing a copies of orders of disqualification of the Judges of the Twenty-Fourth Judicial Circuit in each of the above five cases. We are of the opinion, in the language of Canon 3(C), that the impartiality of the Judges of this Circuit "might reasonably be questioned." Mr. Sloan is a prolific pro se litigator and you will recall that Judges Ballou and Peatross have previously been designated to handle other filings.

The first two cases listed in the caption appear to be related matters and could possibly be heard together. In each motion for judgment Mr. Sloan seeks compensatory damages against the named defendants by reason of their alleged participation in a kidnapping. In the first case F. D. McFarland, a Lynchburg Police Officer, and the Lynchburg Police Department are represented by Walter C. Erwin, Deputy City Attorney, City Hall, Lynchburg, VA 24505 (1-804-847-1310),

and Michael W. Cox is represented by William S. Kerr, P. O. Box 706, Appomattox, Virginia 24522 (1-804-352-5366). In the second case Charles Roberts is represented by Linda W. Groome, Davidson, Sakolosky & Richards, P.C., P. O. Box 798, Lynchburg, VA 24505 (1-804-847-4444). No responsive pleadings have been filed on behalf of Sharon Haberer who was served pursuant to the Virginia Longarm Statute, Sections 8.01-328 et seq of the Virginia Code, as amended.

The third case listed in the caption is a motion for judgment filed against Samuel H. Sloan [a/k/a M. Ismail Sloan] as administrator of the Estate of Leroy B. Sloan and H. Marjorie Sloan as surety, which alleges that the administrator has converted assets of the estate. Mr. Sloan has filed a counterclaim against the plaintiff beneficiary in this proceeding. Donald G. Pendleton originally represented Alma D. Sloan but was granted leave to withdraw. Alma D. Sloan is apparently unrepresented at this time and there is no current address for her in the court file. Samuel H. Sloan, a/k/a M. Ismail Sloan, is proceeding pro se. No responsive pleadings have been filed on behalf of H. Marjorie Sloan. The last address in the file for Samuel H. Sloan, a/k/a M. Ismail Sloan, and H. Marjorie Sloan is 917 Old Trents Ferry Road, Lynchburg, Virginia 24503.

The fourth and fifth cases listed in the caption are chancery matters that have been consolidated for trial. The fourth case is a bill of complaint for accounting filed in the Circuit Court for the City of Charlottesville, Virginia, on December 8, 1987, and transferred to the Lynchburg Circuit Court by order entered in the Circuit Court for the City of Charlottesville, Virginia, on September 4, 1990. Helen Marjorie Sloan is

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represented by David C. Dickey, 202 East Main Street, Standardsville, Virginia 22937 (1-804-985-7744); Sovran Bank, N.A., is represented by Leighton S. Houck of Caskie & Frost, P.O. Box 6360, Lynchburg, Virginia 24505 (1-804-846-2731); and Creighton Wesley Sloan is represented by Killis T. Howard, P. O. Box 99, Lynchburg, Virginia 24505 (1-804-528-1067).

The fifth case in the caption arises out of a trust agreement executed by Helen Marjorie Sloan on August 26, 1985. The plaintiff is Creighton Wesley Sloan, son and next friend of Helen Marjorie Sloan. The plaintiff seeks to enjoin waste of trust assets and to determine the competency of the testator. Creighton Wesley Sloan is represented by Killis T. Howard and Sovran Bank, N.A., is represented by Leighton S. Houck.

The Clerk of the Circuit Court for the City of Lynchburg, Virginia, is Juanita E. Shields, whose address is P.O. Box 4, Lynchburg, Virginia 24505, and whose telephone number is 1-804-847-1590. The Court's docket secretaries are Vicki K. Hunt and Brenda Nuckles (1-804-847-1490), either of whom would be glad to assist in scheduling any hearing.

We appreciate your assistance in arranging for the designation of a Judge to hear these matters.

With best wishes and kindest regards, I am

Very truly yours,

/s/ Mosby G. Perrow, III
Chief Judge

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MGP, III/vkh

Enclosures

cc: M. Ismail Sloan
Marjorie H. Sloan
Walter C. Erwin, Esq.
William S. Kerr, Esq.
Linda W. Groome, Esq.
David C. Dickie, Esq.
Sharon Haberer
Killis T. Howard, Esq.
Leighton S. Houck, Esq.

**LETTER FROM ADMINISTRATIVE ASSISTANT
(DECEMBER 29, 1994)**

TWENTY-FOURTH JUDICIAL CIRCUIT OF VIRGINIA
COMMONWEALTH OF VIRGINIA
CITIES OF LYNCHBURG AND BEDFORD
COUNTIES OF AMHERST, BEDFORD,
CAMPBELL AND NELSON

Richard S. Miller, Judge
Lynchburg Circuit Court
900 Court Street
P.O. Box 4
Lynchburg, Virginia 24505
(804) 8474490

Mosby G. Perrow, III, Judge
Lynchburg Circuit Court
P.O. Box 4
900 Court Street
Lynchburg, Virginia 24505
(804) 8474490

Frederick A. Hodnett
Assistant Executive Secretary
Supreme Court of Virginia
100 North Ninth Street
Richmond, VA 23219

Re: Creighton Wesley Sloan, Son and next friend of
Helen Marjorie Sloan v. Sovran Bank, N.A.
(Lynchburg Circuit Court File Nos. CH86014986
and CH90016156 Consolidated)

Alma D. Sloan v. Samuel H. Sloan, Administrator
of the Estate of Leroy B. Sloan, Deceased, and H.

App.300a

Marjorie Sloan, His Surety (Lynchburg Circuit
Court File No. CL89014790)

Dear Mr. Hodnett:

In reference to the above matter, you will find enclosed a copy of Judge Perrow's letter to you dated June 18, 1991, forwarding copies of orders of disqualification of the Judges of the Twenty-Fourth Judicial Circuit for each of the captioned cases. Copies of the disqualification orders are also enclosed.

Mr. Sloan has recently requested that a Judge or Judges be designated to hear these matters and we would appreciate your assistance in arranging for these designations.

Thank you for your assistance.

Very truly yours,

Vicki K. Hunt
Administrative Assistant

/vkh

Enclosures

cc: J. Samuel Johnston, Jr., Judge
Hon. Mosby G. Perrow, III, Judge
Hon. Richard S. Miller, Judge
Hon. William W. Sweeney, Judge
Hon. J. Michael Gamble, Judge
Larry Palmer, Clerk
M. Ismail Sloan
Leighton S. Houck, Esq.
Killis T. Howard, Esq.
David C. Dickey, Esq.

**ORDER OF DISCHARGE OF DEBTOR
(MARCH 4, 1995)**

UNITED STATES BANKRUPTCY COURT
CHAPTER 7 DISCHARGE OF DEBTOR

IN RE ISMAIL M. SLOAN, 231-56-6416, aka
SAMUEL H. SLOAN

Case Number 94-33552 dtc

Before: Thomas E. CARLSON, Bankruptcy Judge.

Address of Debtor
2550 Webster St.
San Francisco, CA 94115

It appearing that a petition commencing a case under title 11, United States Code, was filed by or against the person named above on 9/8/94, and that an order for relief was entered under chapter 7, and that no complaint objecting to the discharge of the debtor was filed within the time fixed by the court (or that a complaint objecting to discharge of the debtor was filed and, after due notice and hearing, the objection was not sustained);

IT IS ORDERED that:

1. The above-named debtor is released from all dischargeable debts.
2. Any judgment heretofore or hereafter obtained in any court other than this court is null and void as a

determination of the personal liability of the debtor with respect to any of the following:

- a. debts dischargeable under 11 U.S.C. § 523;
- b. unless heretofore or hereafter determined by order of this court to be nondischargeable, debts alleged to be excepted from discharge under clauses (2), (4), (6), and (15) of 11 U.S.C. § 523(a);
- c. debts determined by this court to be discharged.

3. All creditors whose debts are discharged by this order and all creditors whose judgments are declared null and void by paragraph 2 above are enjoined from instituting or continuing any action or employing any process or engaging in any act to collect such debts as personal liabilities of the above-named debtor.

By the Court:

Thomas E. Carlson
Bankruptcy Judge

Date 03/04/95

App.303a

ORDER OF LYNCHBURG CIRCUIT COURT
DISCONTINUING THE CASE
AND STRIKE THE DOCKET
(JANUARY 20, 1999)

VIRGINIA: AT LYNCHBURG CIRCUIT COURT

ALMA D. SLOAN,

Plaintiff,

v.

SAMUEL H. SLOAN, Admr. & C.,

Defendants.

Case No. CL89014790

Before: Mosby G. PERROW, Chief Judge.

It appearing to the Court that for more than three (3) years there has been no order or proceeding in this case. Pursuant to Sec. 8.01-335(B), Code of Virginia, as amended, the Court Both ADJUDGE and ORDER that this case be discontinued and stricken from the docket.

The Clerk shall mail or deliver a true copy of this order to all counsel of record.

Enter: January 20, 1999

/s/ Mosby G. Perrow, III
Judge

EXHIBIT O
BILL OF COMPLAINT TO ANNUL MARRIAGE
OF ALMA COATES DAWSON (SLOAN)
(MAY 23, 1986)

Exhibit O

Because of the suspicious circumstances of the death bed marriage and death of Leroy B. Sloan while in the presence of Alma Coates Dawson, Steve Martin, Sloan's attorney, filed a case requesting an autopsy of Leroy B. Sloan and opposing the claim of Alma to inherit from the estate of Leroy B. Sloan.

This motion was opposed by Pendleton & Gamble, Judge Gambles Law Firm.

Here is the complaint and answer.

App.305a

**BILL OF COMPLAINT TO ANNUL MARRIAGE
OF ALMA COATES DAWSON (SLOAN)
(MAY 23, 1986)**

VIRGINIA: IN THE CIRCUIT COURT FOR THE
CITY OF LYNCHBURG

LERROY B. SLOAN, by his Administrator, c.t.a.
SAMUEL H. SLOAN
917-Old Trent's Ferry Rd.
Lynchburg, Virginia 24503,

Petitioner,

v.

ALMA COATES DAWSON (SLOAN)
Cavalier Apartments
2925 Rivermont Ave.
Lynchburg, Virginia 24509,

Defendant.

CIT 86014991

Comes now your petitioner, Samuel H. Sloan, and after being duly sworn, and in support of his verified bill of complaint respectfully states as follows:

1. This Court has subject matter jurisdiction over this action under Section 20,89-1 of the Code of Virginia of 1950, as amended.

2. Your petitioner is the administrator, c.t.a, of the estate of Leroy Bayfield Sloan, who was the petitioner's natural father (*see* copy of letters testamentary attached hereto as Exhibit "A").

3. Leroy Bayfield Sloan was born May 2, 1910 and died on January 19, 1986 in the City of Lynchburg, Virginia (*see* death certificate attached hereto as Exhibit "B").

4. On December 31, 1985 Leroy B. Sloan was married to Alma Coates Dawson while in the emergency room at Lynchburg General Hospital while Mr. Sloan was being treated for a serious coronary and circulatory collapse.

5. Prior to December 31, 1985 Leroy B. Sloan had been in failing health and had become forgetful and disoriented.

6. The marriage between Leroy B. Sloan and the defendant was procured by the defendant and at her suggestion and insistence for the primary purpose of convincing the defendant to turn over all his assets to her and to take a dower portion of any estate he may have had upon his death.

7. Defendant defrauded plaintiff by convincing him that she was marrying him to take care of him, when in fact her real motives were to improve her own financial position.

8. The facts in support of defendant's fraud are as follows:

- (a) Defendant had on at least one occasion asked Leroy Sloan to marry her and been refused.

- (b) Defendant had expressed to Leroy Sloan's son that she was entitled to some of his money and had told Leroy Sloan's friend, Mike Robinson, that she planned to get one-third of his estate.
- (c) In late December, 1985 Leroy B. Sloan had expressed intentions to marry one Maggie Coffey of Lynchburg, Virginia.
- (d) On December 31, 1985, the defendant, a divorced friend of Leroy Sloan, removed him from the Elks Home where he had been residing for the past two and a half years, drove him to the Lynchburg City Court Clerk's Office to obtain a marriage license. At the Clerk's Office Mrs. Dawson and Mr. Sloan asked Mr. Preston Sawyer, a Lynchburg attorney, to marry them. He agreed. After walking to Mr. Sawyer's office on Court Street Mr. Sloan immediately collapsed with an attack of some type and appeared to be having a seizure and to be unable to breathe. Mrs. Dawson insisted that she had to marry Mr. Sloan in spite of his grave condition and requested Mr. Sawyer to continue with the marriage, thereby delaying his removal to the hospital. Mr. Sawyer refused. The rescue squad was called and took the deceased to the Lynchburg General Hospital Emergency Room where he was treated by the duty physician.
- (e) Mrs. Dawson again insisted on marrying Mr. Sloan then and there and the chaplain was called to the emergency room and married

App.308a

Mrs. Dawson and Mr. Sloan in a treatment room.

- (f) Mr. Sloan left the hospital several days later and was taken by Mrs. Dawson to her home at 210 Forestdale Drive, Lynchburg, Virginia. Although he had a serious condition, he was not seen by his doctor and had little contact with friends and family over the last two weeks of his life.
- (g) During those two weeks Mrs. Dawson, over Mr. Sloan's objections, attempted to obtain his charge cards and a key to his lock box from a close friend, Mr. Mike Robinson, who followed Mr. Sloan's request and refused to turn them over.
- (h) Mrs. Dawson took Mr. Sloan to the Elks Home on approximately January 16, 1986 and had him resign his membership and then asked the Elks Home to send her the approximately Eighteen Hundred Dollars (\$1800.00) which Mr. Sloan had in an account at the Elks Home. She signed Mr. Sloan's name on the resignation and was refused by the Elks Home staff.
- (i) Mr. Sloan died on January 19, 1986 with no doctor in attendance.
- (j) He left a will leaving his estate to his two sons,
- (k) Three days after his death, on January 22, 1986, Mrs. Dawson by her lawyer notified Mr. Camillus Robinson, who she believed was managing some of Mr. Sloan's affairs,

that she was seeking one-third of Mr. Sloan's gross estate as his widow. This intention was further stated to the Central Fidelity Bank Trust Department on January 23, 1986. Subsequent to Mr. Sloan's death, Mrs. Sloan, without authority, signed Mr. Sloan's name to four checks to withdraw funds from Mr. Sloan's bank account, which funds were subsequently repaid by direction of the bank.

9. All of these actions by Mrs. Dawson constituted a fraud upon Leroy B. Sloan. As a result of said actions the marriage between Alma Coates Dawson and Leroy B. Sloan is void.

WHEREFORE, plaintiff respectfully requests that the marriage between Leroy B. Sloan and Alma Coates Dawson be annulled.

/s/ Samuel H. Sloan

Date: 5/23/86

/s/ Stephen C. Martin, Esquire
Martin & Nicks
P.O. Box 447
Amherst, Virginia 24521
804/946-5510
Counsel for Samuel H. Sloan

EXHIBIT A TO BILL OF COMPLAINT

State of Virginia:
City of Lynchburg:

To- wit:

I, Juanita E. Shields, Clerk of the Circuit Court of the City of Lynchburg, in the State of Virginia, do hereby certify that on the 21st day of February, 1986,

Samuel H. Sloan duly qualified in my said Court as Administrator c.t.a. of Leroy. B. Sloan, deceased, and gave bond as such according to law in the penalty of \$ 20,000, 00,

And I do further certify that the said qualification is still in full force and effect and has not been revoked:

Given under my hand and the seal of said court this 21st day of February ,1986.

/s/ Juanita E. Shields

EXHIBIT B TO BILL OF COMPLAINT

COMMONWEALTH OF VIRGINIA
CERTIFIED COPY OF DEATH RECORD

COMMONWEALTH OF VIRGINIA—CERTIFICATE OF DEATH

DEPARTMENT OF HEALTH—DIVISION OF VITAL
RECORDS AND HEALTH STATISTICS—RICHMOND

For Local Health Department

Registration Area Number: 214

Certificate Number: 47

Decedent

Full name of Decedent: Leroy Bayfield Sloan

Sex: Male

Race: Caucasian

Date of Death: January 19, 1986

Age: 75

Date of Birth: May 2, 1910

Place of Death

Name of the Hospital or Institution of Death: None

City or Town of Death: Lynchburg

Address: 210 Forestdale Drive

State: Virginia

City or Town of Residence: Lynchburg

Street Address: 210 Forestdale Drive

Zip Code: 24502

Personal Data of Decedent

Name of the Father Deceased: Howard C. Sloan

App.312a

Maid Name: Emily Bayfield
Citizen if what Country: U.S.A
Birthplace: Illinois
Married:
If Married Name of Spouse: Alma Coates Sloan
Social Security Number: 325 03 4606
Usual or Last Occupation: Auditor, ret.
Kind of Business or Industry: J.S. Government
Informant-or source of Information:
Samuel Sloan & Alma C. Sloan

Medical Certification

Cause of Death

Immediate Case: Ventricular fibrillation
Due to: text not legible
Interval Between Onset and Death: 9 years
Date Signed: 1-20-86

Funeral Director

Burial
Place of Burial Removal Etc.:
Spring Hill Cemetery, Lynchburg, Virginia
Name of Funeral Home and Address:
W.D. Diuguid, Inc. Lynchburg, VA 24505

Registrar

Signature not legible
Date Record filed: 1-22-86

This is to certify that this is a true and correct reproduction of the original record filed with the Lynchburg Department of health, Lynchburg, Virginia.

App.313a

/s/ signature not legible

Date issued: 2-13-86

App.314a

**EXHIBIT O-1
COVER LETTER TO BILL OF COMPLAINT
(MAY 28, 1986)**

MARTIN & NICKS
ATTORNEYS AT LAW
P.O. BOX 447
AMHERST, VIRGINIA 24521
TEL (804) 946-5510

Stephen C. Martin
H. Troy Nicks
Mrs. Juanita Shields, Clerk
Lynchburg Circuit Court
P.O. Box 60
Lynchburg, Virginia 24505

Re: Leroy B. Sloan, by his Administrator, c.t.a
Samuel H. Sloan, v. Alma Coates Dawson
Sloan

Dear Mrs. Shields:

Enclosed please find a bill of complaint to annul a marriage, together with one copy for filing. Also enclosed please find our check for \$47.00, together with a check made out to the Lynchburg Sheriff's Department in the amount of \$5.00 to cover the service of process. Thanks very much for your cooperation.

Sincerely,

/s/ Stephen C. Martin

App.315a

**EXHIBIT O-2
SUBPOENA IN CHANCERY
(MAY 28, 1986)**

COMMONWEALTH OF VIRGINIA
IN THE CIRCUIT COURT OF THE CITY OF LYNCHBURG

The party upon whom this writ and the attached paper are served is hereby notified that unless within twenty-one (21) days after such service, response is made by filing in the Clerk's Office of this court a pleading in writing, in proper legal form, the allegations and charges may be taken as admitted and the court may enter a decree against such party, without further notice, either by default or after hearing evidence. Appearance in person is not required by this subpoena.

Done in the name of the Commonwealth of Virginia, this 28th day of May, 1986.

Juanita E. Shields
Clerk

/s/ K.J. Fridocy
Deputy Clerk

Stephen C. Martin
P.O. Box 447
Amherst, Virginia

EXHIBIT O-3
ANSWER OF ALMA COATES DAWSON (SLOAN)

VIRGINIA: IN THE CIRCUIT COURT FOR THE
CITY OF LYNCHBURG

LEROY B. SLOAN, by his Administrator, c.t.a.
SAMUEL H. SLOAN,

Plaintiff,

v.

ALMA COATES DAWSON (SLOAN),

Defendant.

The defendant, Alma Coates Dawson Sloan, by her attorney, for answer to a Bill of Complaint hereto filed against her by the plaintiff, answers and says as follows;

1. She admits the allegations contained in Paragraphs 1, 2, 3 and 4 of said Bill of Complaint.

2. She neither admits nor denies the allegations contained in Paragraph 5 of said Bill of Complaint, and demands strict proof thereof.

3. She denies the allegations contained in Paragraphs 6, 7, 8 and 9 of said Bill of Complaint and demands strict proof thereof.

WHEREFORE, the defendant having answered the said Bill of Complaint prays that the same be dismissed.

App.317a

Alma Coates Dawson Sloan

By Counsel

/s/ Donald G. Pendleton
Pendleton and Gamble
P.O. Box 1226
Amherst, Virginia 24521

**EXHIBIT O-4: AFFIDAVIT OF ATTORNEY
IN SUPPORT OF SUBPOENA DUCES TECUM**

VIRGINIA: IN THE CIRCUIT COURT FOR THE
CITY OF LYNCHBURG

LEROY B. SLOAN, by his Administrator, c.t.a.
SAMUEL H. SLOAN,

Plaintiff,

v.

ALMA COATES DAWSON (SLOAN),

Defendant.

Donald G. Pendleton, duly sworn, says that he is the attorney for Alma Coates Dawson Sloan in the above styled action.

Said action is a civil action now pending in this Court wherein the plaintiff, as administrator of his deceased father's estate, is seeking to have the marriage between his deceased father, Leroy B. Sloan, and the defendant, Alma Coates Dawson Sloan annulled.

That the Sovran Bank, 801 Main Street, Lynchburg, Virginia, has copies of bank records and cancelled checks pertaining to the checking account of the said Leroy B. Sloan, as well as a list of the contents of a safety deposit box which the decedent had there, which are in their possession or under their control and the Sovran Bank is not a party to these proceedings.

App.319a

That the above information is material to the proceedings in this cause.

WHEREFORE, I pray that a Subpoena Duces Tecum be issued.

/s/ Donald G. Pendleton

STATE OF VIRGINIA

AT LARGE, to-wit:

I, Barbara G. Ramsey, a Notary Public in and for the State of Virginia, At Large, do hereby certify that Donald G. Pendleton, whose name is signed to the foregoing Affidavit of Attorney in Support of Subpoena Duces Tecum, has acknowledged the same before me in my jurisdiction aforesaid.

My commission expires: 6/13/87.

Given under my hand this 3rd day of June, 1986.

/s/ Barbara G. Ramsey
Notary Public

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**EXHIBIT O-4
SUMMONS**

Commonwealth of Virginia
Sheriff of City of Lynchburg, to-wit:

To the Sheriff of said City, Greeting:

WE COMMAND YOU, in the name of the
Commonwealth of Virginia, that you summon:

Larry Crank
Sovran Bank
801 Main Street
Lynchburg, Virginia

to produce copies of all bank records and cancelled
checks for one (1) year prior to the death of Leroy B.
Sloan on January 19, 1986, as well as a list of the
contents and copies of any documents in the lock box
of the said Leroy B. Sloan in his possession at the time
and date shown below:

Time 10:00 a.m.
Date: June 16, 1986
Place: Clerk's Office, Circuit Court
City of Lynchburg 900 Court Street
Lynchburg, Virginia

WITNESS, Juanita Shields, Clerk of the Circuit
Court of the City of Lynchburg, Virginia, this 11th day
of June, 1986.

/s/ Juanita Shields
Clerk of the Court

App.321a

Re: Leroy B. Sloan, by his Administrator, c.t.a
Samuel H. Sloan, v. Alma Coates Dawson
(Sloan)

Donald G. Pendleton
Pendleton and Gamble
P.O. Box 1226
Amherst, Virginia 24521
Of Counsel for Defendant

App.322a

**EXHIBIT O-5
NOTICE FROM CLERK
(OCTOBER 21, 1988)**

Clerk's Office
Lynchburg Circuit Court
P.O. Box 4
Lynchburg, Virginia 24505

To: Stephen C. Martin, Esq.
P.O. Box 447
Amherst, VA 24521

and

To: Donald G. Pendleton, Esq.
P.O. Box 1226
Amherst, VA 24521

In Re: Leroy B. Sloan, by & c.v. Alma
Coates
Dawson Sloan

Take Notice:

That in the above suit now pending in the Circuit Court for the City of Lynchburg, Virginia, no order or proceeding has been entered or taken therein for more than two years.

Unless on or before the 7th day of November, 1988, at 2 p.m., in the Court House of said City sufficient cause be shown to the said Court for not striking said suit from its docket and discontinuing same under the provisions of § 8.01-335, *as amended*, of the Code of Virginia, the same will be so stricken from the docket and discontinued.

App.323a

This notice is given at the direction of the Judge
of said Court.

Yours very truly,

/s/ Juanita Shields
Clerk, Circuit Court of the City
of Lynchburg

App.324a

EXHIBIT O-6
COURT STRIKES CASE FROM DOCKET
(NOVEMBER 7, 1988)

VIRGINIA: AT LYNCHBURG CIRCUIT COURT

LEROY B. SLOAN, by his Administrator, c.,

Complainant,

v.

ALMA COATES DAWSON SLOAN,

Defendant.

It appearing to the Court that for more than two years there has been no order or proceeding in this case, and that notice as required by the provisions of Section 8.01-335, as amended, of the Code of Virginia, has been duly given, the Court doth so adjudge; and it appearing to the Court proper so to do, the Court pursuant to the provisions of said Code Section doth order that this case be discontinued and stricken from its docket.

Enter: 11/7/88

/s/ signature not legible

Judge

**EXHIBIT O-7
LETTER FROM ISMAIL SLOAN OPPOSING
REQUEST OF MARTIN TO WITHDRAW
(MAY 20, 1990)**

ISMAIL SLOAN
ISMAIL COMPUTER COMPANY
P.O. Box 11829
Fujairah
United Arab Emirates
Tel: 011-9717027562 (office)
011-9717027516 (res.)
Fax: 011-9717027526

Stephen C. Martin
Attorney for the Estate
P.O. Box 1226
Amherst, Virginia 24521
U.S.A.

Dear Steve,

I have received your request to withdraw as counsel of record for the estate. About two days later, after I had already drafted my response, I received a copy of a complaint filed by your new law partner in his new case against me and my mother.

Under the circumstances, it is out of the question for me to agree for you to withdraw as counsel of record. It took me a long time to obtain your services as the attorney for the estate. You were paid a retainer fee and have since been paid up to date for your hourly billings. You have suffered no inconvenience by being the attorney for the estate.

App.326a

The only reason you now have for wanting to withdraw as counsel for the estate is that you want to give a free hand to your new law partner to proceed against the estate.

Not only cannot I agree to allow you to withdraw as counsel, but I must insist that you immediately appear on behalf of the estate and vigorously defend against the suit which your law partner has brought. As you know, the estate has enough money left in its bank account to pay you reasonable legal fees.

Very Truly Yours,

/s/ M. Ismail Sloan

copy to: Juanita Shields, Clerk
Lynchburg Circuit Court

**EXHIBIT O-8
OPPOSITION TO PETITION
(MAY 16, 1990)**

VIRGINIA: IN THE CIRCUIT COURT FOR THE
CITY OF LYNCHBURG

LEROY B. SLOAN, by his Administrator, c.t.a.
SAMUEL H. SLOAN,

Plaintiff,

v.

ALMA COATES DAWSON,

Defendant.

Comes now the plaintiff, Samuel H. Sloan, as Administrator c.t.a. for the Estate of Leroy B. Sloan, in opposition to the petition of the attorney for the Estate, Stephen C. Martin, to withdraw as counsel of record for the estate, and says the following:

1. This is in opposition to the petition of the attorney for the Estate, Stephen C. Martin, to withdraw as counsel for the estate.

2. This lawsuit arose because of the efforts of Alma Coates Dawson to marry my father, Leroy B. Sloan, then aged 75, on December 31, 1985, at a time when my father was in the midst of a brain seizure and was attached to various life support equipment in the emergency room of the Lynchburg General Hospital.

3. My father died on January 19, 1986, just 19 days later, and two days after that I was informed by Donald G. Pendleton, the attorney for Alma Coates Dawson, that his client wished to make a claim for the "widow's share" of my father's estate. One month later, I was appointed Administrator c.t.a. of my father's estate after the Central Fidelity Bank, which had been named as the executor in my father's will, declined to serve. The reason that the Central Fidelity Bank declined to serve was the small value of the assets in my father's estate.

4. After I was appointed Administrator c.t.a., I secured on behalf of the estate the services of a lawyer, Stephen C. Martin, who commenced this action against Alma Coates Dawson. Stephen C. Martin now wishes to withdraw as counsel of record for the estate.

5. The only reason given by Stephen C. Martin for his request to withdraw as counsel of record for the estate is that he has since formed a law partnership with Donald G. Pendleton, the attorney for the other side. He says that this relationship creates a conflict of interest.

6. There is no doubt that his new partnership with his legal adversary in this case puts him in an awkward position. However, logically speaking, it also places his law partner in exactly the same position. Therefore, they should both be seeking simultaneously to withdraw as counsel for their respective clients. However, this is not the case. While Stephen C. Martin wishes to withdraw as counsel for my side, there is no indication whatever that Donald G. Pendleton intends to withdraw as counsel for Alma Coates Dawson. To the contrary, I received word only about three weeks ago that Officer Calloway, who

works for the Sheriff of the City of Lynchburg, was going around Lynchburg seeking to locate my present whereabouts on the request of Donald G. Pendleton. I am sure that Donald G. Pendleton knows my exact current address, in view of his partnership with Stephen C. Martin, but instead he preferred to send the sheriff on a wild goose chase looking for me.

7. Stephen C. Martin also states in his petition that I have been out of communication with him. This is not true. I have called him on the telephone quite often, relative to the inactive nature of this case. The fact is that there has been not much need to communicate with him because the litigation involving the estate has been essentially dormant. It now appears that the litigation is about to heat up again. In fact, only two days after I received a copy of this petition to withdraw as counsel, I learned that Donald G. Pendleton had filed a new suit against me as the administrator of the estate and also against my mother. It is obvious that the reason that Stephen Martin wishes to withdraw as counsel for the estate is that he wants to avoid defending against the lawsuit being brought by his new law partner.

8. It should be mentioned that being the attorney for the estate has not inconvenienced Mr. Martin in any way. All legal bills have been paid up to date. The estate still has enough money left to be able to continue paying such reasonable legal bills as might be incurred. Some time around last August (I cannot remember the exact date) I called Stephen C. Martin on the telephone to inform him that I was thinking of closing out the estate because the Lynchburg Commissioner of Accounts, Preston Sawyer, Jr., had requested that I do so. I asked Stephen C. Martin to submit a

final legal bill so that all the bills of the estate could be paid. However, Stephen C. Martin informed me that all the legal bills were paid up to date and no additional charges had been incurred.

9. It is evident that the real reason that Stephen C. Martin wishes to withdraw as counsel for the estate is to give a free hand to his new law partner, Donald G. Pendleton, to proceed against the estate. There is simply no other possible reason why Stephen C. Martin would wish to withdraw as counsel at this particular time. In that light, it is obviously out of the question for me to agree for Stephen C. Martin to withdraw.

10. Going back into the history of this case, after my father died and I became aware of the threatened litigation by Alma Coates Dawson, I approached many attorneys in Lynchburg asking them to represent the estate. Indeed, I started approaching attorneys even before my father had died because already, in the last 19 days while he was still alive, Alma Dawson was doing everything she could to get his money. She even told me while my father was still alive that she wanted to make a claim for a one-third share of his estate in the event that he died. Because of this, I would say that I approached a majority of all of the attorneys practicing in Lynchburg, asking them to represent me and my father. All of them declined to take this case, citing a potential conflict of interest. Generally speaking, the reason for this was that Lynchburg is a small town. My father was a lawyer and virtually every lawyer in Lynchburg knew him and knew my mother, whose name is Dr. Helen Marjorie Sloan. They also knew my father's friends and they knew Donald G. Pendleton. Some of them

even knew Alma Coates Dawson. They knew that this was going to be a sticky and heavily litigated case and would not provide the easy money which they were accustomed to receiving. Therefore, every attorney in Lynchburg wanted to avoid this case.

11. For this reason, I was forced to go outside of Lynchburg and I eventually found Stephen C. Martin in Amherst.

12. The reason I mention this now, is that if Stephen C. Martin is allowed to withdraw, the estate will suddenly be defenseless. Donald G. Pendleton will be able to attack the estate and the estate will have no attorney with which to defend itself: I will have to go walking in the street searching here and there for an attorney. It is quite possible that I will not be able to find an attorney and if I do find one the estate might not have enough funds left to pay a reasonable retainer fee.

13. On the other hand, Stephen C. Martin is fully familiar with the facts of this case. He has already received a retainer fee and there is no need for any further fees to be paid at the moment. He met with me many times and discussed the facts of this case with me in great detail. I realize the danger that he may have already passed some privileged information about this case to his new law partner. While this may create problems, nevertheless the estate really has no choice but to continue with Stephen C. Martin as its lawyer. Also, I am confident that the estate will win this case provided that the true facts are available to the courts. For these reasons, it is contrary to the interests of justice that Stephen C. Martin be allowed to withdraw.

14. I want to take this opportunity to say a few things about the merits of this case. The estate presently has an account at Sovran Bank with only \$2420.49 in the account. I estimate the total known assets and liabilities of the estate outside of that account to be less than two hundred dollars. I am entitled to pay myself an administrator's fee of something like five hundred dollars but have not bothered to do so.

15. From what I understand, Donald G. Pendleton fancies himself as a big shot lawyer who never bothers with cases involving less than six figures. Why would he be interested in a case involving an estate with only \$2420.49 in the bank?

16. The answer is that when my father was alive, he was unfortunately a braggart. Everybody who knew my father knew that he liked to tell tall tales. One such tale that my father often told was that when his father died in Cook County, Chicago in around 1936, he had left 4000 shares of General Motors stock in trust, but that the money could not be touched until his son (my father) died. After stock splits and accumulated dividends, this 4000 shares in 1936 had become worth some huge amount, perhaps as much as \$50,000,000 in today's money.

17. I was surprised to learn that many of my father's best friends who should have known better, actually believed this story. The one person who knew that the story was not true was my mother. She had nursed my father's father during the last years of his life. He died completely destitute of Parkinson's disease and was buried in a pauper's grave. There was no will and no estate.

18. My father's father had apparently been a stockmarket speculator at some point in his life, but all of the companies he invested in went out of business. To this very day, some of his stock certificates are on top of my mother's refrigerator in her house in Lynchburg. About ten years ago, I sent photocopies to R. H. Smyth & Co. in New York, -a division of Herzog & Co., which specializes in old stock certificates. They informed me that these certificates had no value whatever, not even as collectors items.

19. In spite of all this, Alma Dawson sincerely believed that my father had stashed away somewhere \$50,000,000 worth of General Motors stock. She asked me about this many times during the 19 days between the incident in the Emergency Room of the Lynchburg General Hospital and my father's death 19 days later. I have no doubt that she will always believe that story about the \$50,000,000. Even Donald Pendleton and his law partner Michael T. Garrett asked me about it as well.

20. Another thing which Alma Dawson believed was that my mother's house at 917 Old Trent's Ferry Road in Lynchburg belonged at least in part to my father. She had big plans in early 1986 to move into that house. Actually, the story about that house was as follows: My mother, Helen Marjorie Sloan, was a practicing medical doctor with a high income. On the other hand, my father worked for the IRS and had a relatively low income. My mother always had much more money than my father. Unlike most families where the husband supports the wife, in my family the situation was rather the opposite. Finally, in 1961, my mother decided to build a house at 917 Old Trent's Ferry Road. (She had purchased the land much

earlier, in 1956). However, the law in Virginia in 1961 was that if one member of a married couple owned a house, then the house belonged jointly to both of them. My mother was going to pay for this house 100% with her own money. Therefore, she naturally did not want to invest so much in a house and thereafter have it belong half to my father. For this reason, they decided to get a divorce so that the house would belong entirely to my mother. That is the reason that they were divorced in 1961 and the house was also built in 1961. These transactions were handled by Cecil Taylor, a Lynchburg lawyer.

21. I understand that since then, the law of Virginia has changed. There is now a way for a married person to buy and sell a house without the spouse becoming half owner of the house. However, that loophole did not exist in 1961. Otherwise, I am sure that my mother and father would never have divorced and that they would have remained married right up until my father's death in 1986.

22. Again, this is one of the things which both Alma Dawson and Michael Garrett asked me about. They were quite disappointed to learn that half of my mother's house did not belong to my father. Actually, I myself did not know the story recounted above until after my father's death. I was never really sure whether they were married or divorced. They never discussed the subject.

23. The third great disappointment which Alma Dawson faced was to learn that even though they were divorced, my father's financial affairs were managed entirely by my mother right up until the time of my father's death. Since my father worked for the IRS, everybody assumed that he was the financial expert

in the family. In reality, my father, being a lawyer, knew the tax law but he could barely do arithmetic. My mother handled the finances. In fact, my mother prepared my father's income tax returns right up until the year that he started working for the IRS.

24. As recently as 1983; my mother was residing in Staunton where she worked as a doctor in residence at the Western State Hospital. She had rented her house at 917 Old Trent's Ferry Road to my father at a rather nominal rent. This is the reason that Alma Dawson got the idea that the house belonged to my father. My father was always there and my mother was never there.

25. In August, 1983, my father suffered a massive heart attack in that house. Fortunately, Dr. Whitehouse is almost a next door neighbor to my mother's house, so he came over and brought my father back to life. After that, my father was sent to the Virginia Baptist Hospital and from there went to the Lynchburg Medical Center, a nursing home. From there, he was admitted into the Elk's National Home in Bedford, because he was a life long members of the Elk's, even though he was technically too sick to be admitted into the Elk's Home under their rules.

26. One of my father's best friends at the Elk's National Home was Dick Friend. Prior to his retirement, Dick Friend had been the owner of a well known restaurant in Madison Heights. It was widely assumed that Dick Friend had money. Alma Dawson came frequently to the Elk's National Home and she saw my father and Dick Friend there. Dick Friend was a big tipper at restaurants. It was said that he would order a cup of coffee and leave a five or a ten dollar tip. Alma Dawson, who is a woman of limited capability

and who has always worked as a restaurant waitress in her life, was impressed by this, so in late 1984 she decided to get married to Dick Friend.

27. According to Dick Friend's two sons, with whom I discussed this matter in great detail, Alma Dawson kidnaped Dick Friend out of the Elk's National Home. For about two or three weeks, his children did not know where he was. Then, suddenly, Dick Friend showed up on the doorstep of one of his son's house, accompanied by a friend, both of them being heavily drunk. Dick Friend had been bodily thrown out by Alma Dawson.

28. What had happened in the meantime was that Alma Dawson had discovered that Dick Friend did not have any money after all. Shortly after abducting Dick Friend from the Elk's National Home, Alma had said that, as a married couple, they needed a car. She proposed the purchase of a yellow Cadillac. (I am perhaps mistaken about the color and make of the car, but that is immaterial). Dick Friend had *said* that this sounded like a mighty fine idea. Both of them expected the other one to pay for the car. When Alma found out that Dick Friend did not have the money to buy a new car, she threw him out.

29. In reality, Dick Friend had no money at all. His sons were paying his bills at the Elk's National Home and were providing him with a small allowance. It was with that allowance that Dick Friend was leaving those five and ten dollar tips.

30. After kidnaping him out of the Elk's National Home, Alma Dawson had gotten legally married to Dick Friend. When she found out that he had no money, she realized that she had made a blunder

because not only would she get no money from him, but she would lose her alimony and her pension from Sweet Briar College, where she had worked as a waitress for many years. I am not completely sure about this, but, as best I understand it, her original maiden name was Alma Coates. She then married Dawson, who died. After that, she married somebody else, who paid her alimony. She prefers to use the name Dawson rather than the other man's name because of bitter feelings towards the latter. Her third husband therefore was Dick Friend.

31. Upon realizing that she would not gain any financial profit out of her marriage to Dick Friend but rather would suffer a loss, she went to her trusty attorney, Donald G. Pendleton, who arranged to have the marriage annulled. Once the marriage was legally annulled, she went back to the Elk's National Home, where she latched onto Dick Friend's best friend, namely, my father.

32. Dick Friend, incidentally, harbored no bitter feelings towards Alma Dawson. He felt that he got a good fling out of Alma Dawson, besides which it did not cost him any money. The two or three weeks that he had spent with Alma Dawson had provided with a memorable experience which was rare for a man in his age and condition. The difference was, however, that while Dick Friend felt that he had gotten a good time with Alma, when she did exactly the same thing with my father, my father died.

33. On approximately December 24, 1985, I received a telephone call from Howell Robinson, my father's best friend, who said that my father's condition had gotten much worse during the past few weeks and that "he is not going to be long for this world." I

thanked him for this sad news but did not do anything because my father had been in such bad shape since 1983 that we considered it remarkable that he was still alive at all. At this time, I was working as a Wall Street Financial Consultant in New York City. At approximately midnight on the night of December 31st, I was working late in my office at 40 Exchange Place in New York City when I received another telephone call. I was expecting the caller to tell me that my father had died. Instead, he told me that my father had gotten married.

34. I then called Howell Robinson who told me the details of what had happened and also told me that already Alma was asking around about where my father's money could be located.

35. What had happened, in short, is that on the morning of December 31st, Alma had picked up my father at the Elk's National Home. She had taken him down to the office of the clerk of the Lynchburg Circuit Court and said that they wanted to get married. (I am not sure if Juanita Shields was the person working there on that day or not). The clerk had informed them that while the court was officially open, none of the judges were available, being that it was New Year's Eve. Someone in the court suggested that a retired judge, Preston Sawyer, had an office only about one block away and still had the power to perform marriages. Therefore, Alma Dawson forced my father, who walked with a walker and could not walk unaided, to walk the distance of one block from the courthouse to Preston Sawyer's office. Upon reaching his office, my father sat down and Preston Sawyer asked his secretary to type the marriage forms. While the forms were being typed, my father, exhausted by the

long walk considering his age and condition, turned green, keeled over and fell on the floor unconscious.

36. Preston Sawyer immediately called the ambulance. However, Alma Dawson insisted that the marriage ceremony should be performed anyway. Preston Sawyer contended that he could not perform a marriage ceremony with my father being unconscious on the floor. Alma however insisted that my father only a few minutes earlier had expressed a willingness to get married and that the fact that he had now lost consciousness was irrelevant. She also said that she was afraid that my father was going to die before the marriage ceremony could be performed.

37. There was apparently some sort of argument or exchange of words between Preston Sawyer and Alma Dawson about this before the ambulance could arrive. After my father was put inside the ambulance, Alma Dawson started talking to the ambulance driver about this and the departure of the ambulance was delayed. Finally, my father was taken to the Emergency Room in the ambulance and Alma Dawson followed in her own car, carrying with her the marriage forms which had been typed in Preston Sawyer's office. In the hospital, my father was diagnosed as being in the middle of a brain seizure and was hooked up to various equipment to keep him alive. Alma again called Preston Sawyer to ask him to come down to the hospital to perform the marriage ceremony. She also offered to have the ambulance bring my father back to Preston Sawyer's office after my father's condition had stabilized. Preston Sawyer refused, saying that he was closing his office for the day.

38. Alma Dawson, obviously believing like most others present that my father was going to die at any

moment, then started asking around for somebody else who would be willing to perform this marriage. At that point, the always helpful and friendly staff of the Lynchburg General Hospital pointed out that there was a chaplain on 24 hours duty in the hospital and that he had the power to perform marriages.

39. I later on spoke to the chaplain in question. He was about 25 years old and had just recently arrived from Texas. He knew nothing about my father, my mother (who had previously been a doctor on the staff of the Lynchburg General Hospital), or about Alma Dawson. He said that he performed the marriage ceremony in spite of my father's obvious incapacity because the marriage had already been "approved" by Preston Sawyer, a well known Lynchburg lawyer, to such an extent that even the forms had been typed by Preston Sawyer's office.

40. Within a few days, this incident was reported on a local Lynchburg radio talk show as a heart-warming episode involving an elderly couple whose only desire was finally to get married before the man died and who was assisted in doing so by the kindly Lynchburg General Hospital Emergency Room staff. Nobody apparently considered the possibility that the couple was not really a couple and that the elderly man in question had an actual family which had slipped his mind due to his senility and the isolation of being confined to the Elk's National Home.

41. As mentioned before, I was sitting in my office in the Wail Street Financial District of New York City when I learned that this had happened. I immediately called my mother, who was attending a family reunion in Key Largo, Florida at the Lime. Since it is difficult to get flights to Lynchburg, I went

to the airport and caught a flight to Charlotte, North Carolina. I had no car there but I had an old friend named John Karmondy living in Charlotte and he agreed to drive we from Charlotte to Lynchburg in view of the emergency situation. By the time that I arrived, my father had been transferred to the Virginia Baptist Hospital. We arrived at the hospital in the afternoon. My father said nothing about getting married and I did not bring up the subject. My father did, however, state that he wanted me to check some items in his safe deposit box. I reminded him that I did not have the authority to go into his box and also I did not have the key. The reason for this was that my father did not keep the key to his own box. He entrusted the key to my mother.

42. My father then told me to go to the bank, get some forms authorizing me to go into the box, and come back the next morning for him to sign the forms. However, when I returned the next morning at about 10:00 A.M., I found out that Alma Dawson had already checked him out of the hospital about one hour earlier. I was concerned about this as it has been clear that my father was in no condition to leave the hospital.

43. Finally, I tracked my father down to 210 Forestdale Drive in Lynchburg, where Alma Dawson lived. It was quite a spacious and beautiful house. I was surprised to see Alma Dawson living at such a place because I knew that she had never had any money in her life, aside from the money she got from her various husbands. While talking to my father and Alma Dawson in this house, I began to imagine that my father was not as senile as he appeared to be. This

house seemed to offer a more comfortable living situation than the Elk's National Home. Although Alma mentioned that they were planning to move out of the house and into an apartment soon, I did not attribute any importance to this remark.

44. It was not until later that I found out that the situation was vastly different than it seemed to be. Less than fifteen minutes after I left the house, a foreclosure auction started. The house was sold to the highest bidder, Gail Boswell Associates, for \$55,000. It later became clear that the reason that Alma Dawson had been in such a big hurry to check my father out of the hospital that morning and to take him over to this house was that she wanted him to bid at the auction and to buy the house for her. The reason I found out all about this is that after I learned what had really happened, I myself went to Gail Boswell Associates and bought the house from them.

45. The story about that house also has some relevance to this case. The house was owned by an attractive young woman named Deborah Singleton, aged about 32 years old. She had the remarkable distinction of having already buried two husbands. She had been married twice to men with high incomes, both less than 40 years old. Both had died suddenly. In both cases, there had been a substantial life insurance policy with respect to which Deborah Singleton had been the sole beneficiary. Although the house at 210 Forestdale Drive was a family type dwelling, Deborah Singleton had never occupied the house with either of her two husbands. Rather, she had bought the house herself with the insurance money after her second husband died. I later on spoke to the bank officer who had given her the loan. He said that as

soon as she bought the house, she had quit her job at the bank. She started frequenting the discos and was actively looking for a third husband. With no income and an expensive life style, she quickly exhausted the money she had gotten from her late husband's insurance. She never really started making payments on the house. When the bank started foreclosure proceedings, she was informed that she could get a good price for the house by listing the house with a real estate agent. However, she was so careless with money that she did not want even to be bothered with that. Finally, there was nothing that the bank could do but foreclose and sell the house at public auction at a distress price. Had Deborah Singleton sold it normally, she could have gotten \$67,000 for it, which is the price I got for it when I owned it and sold it myself later on.

46. Although the house was sold at auction on January 2, 1986, Deborah Singleton, Alma Dawson and my father were not required to move out right away. They were given one month before they were scheduled to be evicted. The reason I decided to buy the house myself was that my father seemed to be comfortable there and I did not want him to be thrown out on the street. Therefore, I secretly contacted Gail Boswell Associates and arranged to buy the house. By that time, my mother had arrived from Florida and she actually paid the initial payment of \$1000 urgent money to secure the transaction. Neither my father nor Alma Dawson ever knew about this because my father died in that house before the deal could be closed.

47. I never found out how it happened that Alma Dawson was living in that house in the first place. Alma claimed that she was only renting a room, but

this was not reasonable. Even a small room in such a house would cost more than Alma could afford. Alma was 66 and Deborah was 32. They were not relatives and did not seem to have anything in common. I could not help but notice one similarity between them, however. Both were women with low income and earning capability. Both of them did not at present have a steady job. Finally, both of them had primarily earned their livelihood by getting their money from wealthy husbands. On January 19, 1986, the night my father died, he was alone in that house with Alma Dawson and Deborah Singleton. There were no other witnesses to my father's death. I called him on the telephone from New York City at around 9:30 P.M. that night and spoke to him for around a half hour. We discussed matters of family history, mainly the question of whether his ancestors came from what is now Northern Ireland or from what is now the Irish Republic. (I think that they came from Northern Ireland, he thought from the Irish Republic). No mention was made of Alma Dawson or of his current situation in this entire conversation. About one hour after the conclusion of this telephone conversation, my father died. The Lynchburg Lifesaving Crew was belatedly called by Alma Dawson, but arrived around midnight, long after my father was already dead.

49. Going back to the events of January 2, 1986, when the house was being sold at public auction, at that time my mother was still at a family reunion with her four brothers and one sister in Key Largo, Florida. In spite of the emergency situation and the fact that my father had entrusted my mother with all of his financial affairs, she was not able to pry herself loose from her relatives immediately. Actually, the truth is

that my mother's brothers and sister always disliked my father for the last fifty years. They also apparently don't like me because they believe that I strongly resemble my father, as opposed to my brother, who they somehow think more resembles my mother. I am sure that they would riot be sympathetic to the idea of my mother rushing to Lynchburg to help get my father out of trouble. I suspect that my mother did not even tell them why she was in a big rush to leave Florida. Otherwise, they might have tried to detain her there longer. Instead, she probably told them that she was going to Charlotte to see Creighton, who, coincidentally, lived there. Anyway, on January 2, 1986, John Karmondy drove me back to Charlotte, North Carolina, while simultaneously my mother flew from Florida up to Charlotte. My mother then rented a car with her visa card because my brother, Creighton, had taken her own car, which was an Audi, and was not likely to be willing to return it. Actually, my mother wanted to lay down the law and insist that Creighton give back the Audi, but I convinced her to rent a car and avoid the family feud which would have undoubtedly erupted if my mother had insisted on taking back the Audi. We then drove to Lynchburg, arriving on January 3. In Lynchburg, Alma Dawson started calling repeatedly on the telephone. She demanded that I hand over to her the key to my father's safe deposit box, the key to his mailbox (box number 75 in the downtown post office), and his gasoline credit card. I told her that my mother had the key to my father's safe deposit box and I would ask my mother if she wanted to give this key to Alma Dawson. The other two items I did not personally have. Actually, there was a story about the gasoline credit card. Previously, Alma Dawson had served in effect as a

chauffeur to my father, who gave up driving years ago. He had therefore entrusted the gasoline credit card with her. Apparently, when Alma was short of money, she had sometimes bought a set of tires on my father's gasoline credit card and given or sold the tires to her son. At some point, my father had gotten angry about this. Alma was living in an apartment house near the bridge on Rivermont Avenue in Lynchburg. She claimed that my father broke into her apartment, stole back his gasoline credit card, and also stole some of her personal jewelry as well. Whatever the truth to this bizarre story, it was a known fact that Alma Dawson and my father were not on friendly terms throughout much of 1985. My father stopped having Alma Dawson drive him around. (He always paid her for this service, incidentally.) Instead, he had another lady named Mary Anne Lewis pick him up at the Elk's National Home and drive him around. Unfortunately, Mary Anne Lewis died suddenly in the Virginia Baptist Hospital in late 1985. Apparently, my father, being senile, simply forgot that he was having a feud with Alma Dawson and that she was publicly accusing him of stealing her jewelry. On December 10, 1985, my father went with some of his friends to the Red Lobster Restaurant in the Ramada Hotel and it happened that Alma Dawson was working there as a waitress. This is how they re-established contact. A few days later, she went to Florida. She came back from Florida after Christmas and on December 31st, early in the morning, went out and picked up my father at the Elk's National Home. This was either the first or the second time that she picked him up under this renewed relationship. Then, she took him to the Lynchburg Circuit Court to get married. This date is easy to remember because many witnesses assumed

that they were in such a big rush to get married on that day because it was the very last day of the year and that they needed to get married for tax reasons. They did not realize that Alma Dawson had such a nominal income that she paid virtually no taxes.

50. Again, like in the case of Dick Friend, Alma Dawson failed to realize that my father did not keep anything of value with him. Sometimes I think that my father was more alert than we all think he was and that he actually planned that it would turn out like this (except that he didn't plan that he would die in the middle of it). My father had long ago assigned virtually everything of value to my mother. Right up almost until his death, he bought savings bonds jointly in my mother's name. As mentioned previously, he lived in my mother's house until 1983 when it became no longer safe for him to live alone. This is the reason that many people, including even myself, were not completely sure whether my mother and my father were still married or not. Of course, being something of a ladies man, my father always told women such as Alma Dawson, Mary Anne Lewis and also his girlfriend, whose name was Maggie Coffey, that he was divorced, but who could be sure that this was true. In mid-December, 1985, he apparently told some of his friends that he was thinking of getting married to Maggie Coffey.

51. In any case, Alma Dawson tried in every possible way to get my father's money during the remaining 19 days of his life but, as far as I can determine, did not get much of anything. On January 16, 1986, just three days before my father died, she presented a letter to the Elk's National Home, pur-

portedly signed by my father, resigning his membership in the Elk's National Home. She thereupon cleaned out his room and took all of his personal effects to 210 Forestdale Avenue. I have a copy of the letter to the Elk's. I showed it to someone who shared an office with my father for many years. He says that the signature on that letter is not the signature of my father. It seems quite possible that Alma Dawson forged my father's signature. It is inconceivable that my father would resign his membership in the Elk's National Home. Ever since I was a small boy, my father always said that one reason he belonged to the Elk's Club is when he got old he would go to live in the Elk's National Home. Also, the rent was so cheap, something less than \$200 per month including free medical care, that a person would have to be crazy or senile to resign from a deal like that. Alma Dawson, on the other hand, would clearly have wanted him to resign so as to burn his bridges behind him, since it was a known fact that if he resigned he would not be allowed to join again. She would have wanted to make sure that he could not break up with her and go back to the Elk's again.

52.I must mention here that Walter Carwile, Director of the Elk's National Home, states that my father accompanied Alma Dawson on January 16, 1986, when the letter was presented and she cleaned out his room at the Elk's. He therefore assumed that the letter was actually signed by my father, even though he did not personally watch it being signed. This was apparently the last time in his life that my father went anywhere in public. Everyone who saw him on that day, and on the preceding day when Alma took him the Central Fidelity bank to add her

name to one of his checking accounts, has remarked that it was obvious that he was not going to live much longer.

53. My father died three days later. About ten days after that, Alma Dawson and Deborah Singleton held a yard sale in front of 210 Forestdale Drive. At that yard sale, all of my father's personal effects, including the items from his room which had been cleaned out at the Elk's National Home, were sold. As far as I know, the only things of economic value which my father really had in that room were a few suits of clothing and some books as well as some letters and personal correspondence. These items probably did not fetch much at the yard sale, but they would have been of great sentimental value to me and my family.

54. I was not informed about the yard sale. On the afternoon of the sale, Howell Robinson called me and told me that the sale had been advertised in the Lynchburg News that morning. I immediately rushed to 210 Forestdale Drive, but the sale was already over. Also, the house itself had been vacated. The only thing left was a cardboard sign which said "yard sale". I took the sign back to my mother's house at 917 Old Trent's Ferry Road. It is still there. This sale of course was illegal as Alma Dawson was legally required to hand my father's assets over to the administrator of his estate, namely me. She had no legal right to sell his assets at a yard sale.

55. Regarding the suits of clothing taken from the Elk's National Home: One thing which my father had was many suits. When my father was going to be buried, the Diuguid Funeral Home called me up and asked me to provide a suit for my father to be buried in. I told them that Alma Dawson had taken all the

suits and I provided her telephone number. They called Alma Dawson, but she couldn't be bothered to provide a suit for my father's funeral. Therefore, I had no choice but to authorize Diuguid's to purchase a new suit for my father to be buried in.

56. Finally, Alma Dawson did get some of my father's money in one way. She got his checkbook from Sovran Bank and forged his signature to four checks, emptying out his bank account. However, even in this case, Alma Dawson's low IQ resulted in her undoing. The date on each of the four checks was after the date of my father's death. I brought this matter to the attention of Larry Crank, the bank officer concerned. He confronted her with this and she confessed to having forged my father's signature on each of the four checks. Since she also had a bank account with the same bank, the bank officer just transferred the money out of her account and back into my late father's account. I approached Bill Petty, the Lynchburg Commonwealth Attorney, and tried to get him to prosecute Alma Dawson for this obvious forgery case, but he declined to do so.

57. Nevertheless, I have heard that Alma Dawson did collect on a government insurance policy on my father in the amount of \$4,000. Unfortunately, I have not been able to obtain any details on this. It is clear that she had no legal right to collect on any government insurance policy, but it is possible that the government made a mistake and that an erroneous payment was made. If true, this \$4,000 is an item which the estate should try and collect.

58. I realize that most of this goes far afield from the original petition by Stephen C. Martin to withdraw

as counsel. Nevertheless, since it seems that this litigation is about to become active again, I decided to use this opportunity to put these facts on the record. Basically, I view the current situation as an uneasy truce. As long as Don Pendleton does not do anything, I will also not do anything. If, as I expect, he starts to litigate, I will also start to litigate, frankly, I believe that Don Pendleton wants to join the growing list of attorneys who are trying to get my mother's money. He is also probably planning to work with his former law partner. Judge Janow, in this connection. I have always suspected that the reason that Judge Janow has been so hot to get me and my mother these past four years has to do with the friendship between Judge Janow and Don Pendleton, both of whom live in Amherst.

59. Getting back to the original point regarding this motion to withdraw, when I hired Stephen Martin I mentioned the fact that Donald Pendleton was known to be the attorney for Alma Dawson and that coincidentally both of them lived in the small community of Amherst. I asked if he was not concerned about a potential conflict of interest, especially since so many other attorneys had refused this case on these grounds. Steve Martin replied that he is on the opposite side of Don Pendleton in many cases, so this would be just another case against that same attorney.

60. Having said that, I do not believe that Stephen Martin can now be allowed to withdraw as counsel, leaving the estate defenseless against future litigation by Don Pendleton. Indeed, it is clear that the reason Don Pendleton has been quiet recently is that if he takes any court action, he will have to face Steve Martin. AS a result, I believe that the petition by

App.352a

Stephen C. Martin to withdraw as counsel of record should be denied.

WHEREFORE, the undersigned respectfully requests that the petition to withdraw as counsel of record be denied.

Respectfully Submitted

/s/ Samuel H. Sloan

P.O. Box 11829

Fujairah

United Arab Emirates

Tel: 011-9717027562 (office)

011-9717027516 (res.)

Fax: 011-9717027526

EXHIBIT O-9
OPINION IN *SEC V. SLOAN*, 436 U.S. 103, 56 L
ED 2D 148, 98 S CT 1702
(MAY 15, 1978)

SUPREME COURT OF THE UNITED STATES

SECURITIES AND EXCHANGE COMMISSION,

Petitioner,

v.

SAMUEL H. SLOAN,

Defendant.

No. 76-1607

Before: REHNQUIST, Justice.

Mr. Justice Rehnquist delivered the opinion of the Court.

Under the Securities Exchange Act of 1934, ch. 404, 48 Stat. 881, the Securities and Exchange Commission has the authority “summarily to suspend trading in any security . . . for a period not exceeding ten days” if “in its opinion the public interest and the protection of investors so require.”¹ Acting pursuant

¹ This authority is presently found in § 12(k) of the Act, which was added by amendment in 1975 by Pub. L. 94-29 § 9, 89 Stat. 118. It provides in pertinent part:

to this authority the Commission issued a series of consecutive orders suspending trading in the common stock of Canadian Javelin, Ltd. (CJL), for over a year. The Court of Appeals for the Second Circuit held that such a series of suspensions was beyond the scope of the Commission's statutory authority. 547 F. 2d 152, 157-158 (1976). We granted certiorari to consider this important question, 434 U. S. 901 (1977), and, finding ourselves in basic agreement with the Court of Appeals, we affirm. We hold that even though there be a periodic redetermination of whether such action is required by "the public interest" and for "the protection of investors," the Commission is not empowered to issue, based upon a single set of circumstances, a series of summary orders which would suspend trading beyond the initial 10-day period.

I

"If in its opinion the public interest and the protection of investors so require, the Commission is authorized summarily to suspend trading in any security (other than an exempted security) for a period not exceeding ten days. . . . No member of a national securities exchange, broker, or dealer shall make use of the mails or any means or instrumentality of interstate commerce to effect any transaction in, or to induce the purchase or sale of, any security in which trading is so suspended."
15 U. S. C. § 78λ(k) (1976 ed.).

This power was previously found in §§ 15(c)(5) and 19(a)(4) of the Act, which for all purposes relevant to this case were substantially identical to the current statute, § 12(k), except that § 15(c)(5) authorized summary suspension of trading in securities which were traded in the over-the-counter market, while § 19(a)(4) permitted summary suspension of trading in securities which were traded on the national exchanges. 15 U. S. C. §§ 78o(c)(5) and 78s(a)(4). Congress consolidated those powers in § 12(k).

On November 29, 1973, apparently because CJL had disseminated allegedly false and misleading press releases concerning certain of its business activities, the Commission issued the first of what was to become a series of summary 10-day suspension orders continuously suspending trading in CJL common stock from that date until January 26, 1975. App. 109. During this series of suspensions respondent Sloan, who owned 13 shares of CJL stock and had engaged in substantial purchases and short sales of shares of that stock, filed a petition in the United States Court of Appeals for the Second Circuit challenging the orders on a variety of grounds. On October 15, 1975, the court dismissed as frivolous all respondent's claims, except his allegation that the "tacking" of 10-day summary suspension orders for an indefinite period was an abuse of the agency's authority and a deprivation of due process. It further concluded, however, that in light of two events which had occurred prior to argument, it could not address this question at that time. The first event of significance was the resumption of trading on January 26, 1975. The second was the commencement of a second series of summary 10-day suspension orders, which was still in effect on October 15. This series had begun on April 29, 1975, when the Commission issued a 10-day order based on the fact that the Royal Canadian Mounted Police had launched an extensive investigation into alleged manipulation of CJL common stock on the American Stock Exchange and several Canadian stock exchanges. App. 11-12. This time 37 separate orders were issued, suspending trading continuously from April 29, 1975, to May 2, 1976. The court thought the record before it on October 15 inadequate in light of these events and dismissed respondent's appeal

“without prejudice to his repleading after an administrative hearing before the SEC . . . ,” which hearing, though apparently not required by statute or regulation, had been offered by the Commission at oral argument. 527 F. 2d 11, 12 (1975), cert. denied, 426 U. S. 935 (1976).

Thereafter respondent immediately petitioned the Commission for the promised hearing. The hearing was not forthcoming, however, so on April 23, 1976, during the period when the second series of orders was still in effect, respondent brought the present action pursuant to § 25 (a) (1) of the Act, 15 U. S. C. § 78y (a)(1) (1976 ed.), challenging the second series of suspension orders. He argued, among other things, that there was no rational basis for the suspension orders, that they were not supported by substantial evidence in any event, and that the “tacking” of 10-day summary suspension orders was beyond the Commission’s authority because the statute specifically authorized suspension “for a period not exceeding ten days.”² The court held in respondent’s favor on this latter point. It first concluded that despite the fact that there had been no 10-day suspension order in effect since May 2, 1976, and the Commission had asserted that it had no plans to consider or issue an order against CJL in the foreseeable future, the case was not moot because it was “capable of repetition, yet evading review.” 547 F. 2d, at 158, quoting from

² Respondent also argued that the orders violated his due process rights because he was never given notice and an opportunity for a hearing and that § 12(k) was an unconstitutional delegation of legislative power. The court found it unnecessary to address these issues.

Southern Pacific Terminal Co. v. ICC, 219 U. S. 498, 515 (1911).

The court then decided that the statutes which authorized summary suspensions—§ 12 (k) and its predecessors—did not empower the Commission to issue successive orders to curtail trading in a security for a period beyond the initial 10-day period. 547 F. 2d, at 157-158. We granted certiorari, specifically directing the attention of the parties to the question of mootness, 434 U. S. 901 (1977), to which we now turn.

II

Respondent argues that this case is not moot because, as the Court of Appeals observed, it is “capable of repetition, yet evading review.”³ The Commission, on the other hand, does not urge that the case is demonstrably moot, but rather that there simply are not enough facts on the record to allow a proper determination of mootness. It argues that there is no “reasonable expectation” that respondent will be harmed by further suspensions because, “the investing public now ha[ving] been apprised of the relevant facts, the concealment of which had threatened to disrupt the market in CJL stock, there is no reason to believe that it will be necessary to suspend trading again.” Brief for Petitioner 15, quoting from Pet. for Cert. 12 n. 7. Cf. *Weinstein v. Bradford*, 423 U. S. 147, 149 (1975). The Commission concedes, however, that respondent, in his capacity as a diversified investor, might be

³ Respondent also contends that he has suffered collateral legal consequences from the series of suspension orders, and thus the case is not moot. Cf. *Sibron v. New York*, 392 U. S. 40, 57 (1968). We find it unnecessary to address this further contention.

harméd in the future by the suspension of some other security which he owns. But it further contends that respondent has not provided enough data about the number or type of securities in his portfolio to enable the Court to determine whether there is a “reasonable” likelihood that any of those securities will be subjected to consecutive summary suspension orders.⁴

Contrary to the Commission’s contention, we think even on the record presently before us this case falls squarely within the general principle first enunciated in *Southern Pacific Terminal Co. v. ICC*, *supra*, and further clarified in *Weinstein v. Bradford*, *supra*, that even in the absence of a class action a case is not moot when “(1) the challenged action was in its duration too short to be fully litigated prior to its cessation or expiration, and (2) there was a reasonable expectation that the *same complaining party* would be subjected to the same action again.” *Weinstein v. Bradford*, *supra*, at 147 (emphasis added). That the first prong of this test is satisfied is not in dispute. A

⁴ The Commission contends that to determine the mathematical probability that at least one of the securities held by respondent will be subjected to consecutive suspension orders it is necessary to know, in addition to other information admittedly available in the Commission’s own records, the number of publicly traded corporations of which respondent is a shareholder. This datum cannot be ascertained with any accuracy on this record, however, claims the Commission, because respondent has made various representations regarding that number at various stages of the litigation. Compare App. 153 with Brief in Response 18. The Commission adds that the probability could be determined with even greater accuracy if respondent revealed the nature of his portfolio because certain securities—those listed on the New York Stock Exchange, for example—are seldom summarily suspended.

series of consecutive suspension orders may last no more than 20 days, making effective judicial review impossible during the life of the orders. We likewise have no doubt that the second part of the test also has been met here. CJL has, to put it mildly, a history of sailing close to the wind.⁵ Thus, the Commission's protestations to the contrary notwithstanding, there is a reasonable expectation, within the meaning of *Weinstein v. Bradford, supra*, that CJL stock will again be subjected to consecutive summary suspension orders and that respondent, who apparently still owns CJL stock, will suffer the same type of injury he suffered before. This is sufficient in and of itself to satisfy this part of the test. But in addition, respondent owns other securities, the trading of which may also be summarily suspended. As even the Commission admits, this fact can only increase the probability that respondent will again suffer the type of harm of which he is presently complaining. It thus can only buttress our conclusion that there is a reasonable expectation of recurring injury to the same complaining party.

⁵ Within the last five years the Commission has twice issued a series of orders, each of which suspended trading in CJL stock for over a year. In the various staff reports given to the Commission in connection with and attached to the second series of orders, the Division of Enforcement indicates in no less than six separate reports that either the Commission or the various stock exchanges view CJL as a "chronic violator." App. 20, 22, 24, 26, 28, 31. And reference is made to "the continuous [CJL] problems." *Id.*, at 61. Furthermore, counsel for the Commission represented at oral argument that there were in fact three separate bases for the second series of suspensions—alleged market manipulation, a change in management of the company, and a failure to file current reports. Tr. of Oral Arg. 17-18.

III

A

Turning to the merits, we note that this is not a case where the Commission, discovering the existence of a manipulative scheme affecting CJK stock, suspended trading for 10 days and then, upon the discovery of a second manipulative scheme or other improper activity unrelated to the first scheme, ordered a second 10-day suspension.⁶ Instead it is a case in which the Commission issued a series of summary suspension orders lasting over a year on the basis of evidence revealing a single, though likely sizable, manipulative scheme.⁷

⁶ Neither does the first series of orders appear to be of this type. Rather, like the second series, it appears to be predicated mainly on one major impropriety on the part of CJK and its personnel, which impropriety required the Commission, in its opinion, to issue a year-long series of summary suspension orders to protect investors and for the public interest.

⁷ As previously indicated, see n. 5, *supra*, the Commission advances three separate reasons for the suspensions, thus implicitly suggesting that perhaps this is a case where the Commission discovered independent reasons to suspend trading after the initial suspension. We note first that there are doubts whether these "reasons" independently would have justified suspension. For example, we doubt the Commission regularly suspends trading because of a "change in management." A suspension might be justified if management steps down under suspicious circumstances, but the suspicious circumstance here is the initial reason advanced for suspension—the manipulative scheme—and thus the change in management can hardly be considered an independent justification for suspension. More importantly, however, even assuming the existence of three independent reasons for suspension, that leaves 34 suspension orders that were not based on independent reasons and thus the question still remains. Does the statute empower the Commission to continue to "roll over" suspension orders for the same allegedly

Thus, the only question confronting us is whether, even upon a periodic redetermination of “necessity,” the Commission is statutorily authorized to issue a series of summary suspension orders based upon a single set of events or circumstances which threaten an orderly market. This question must, in our opinion, be answered in the negative.

The first and most salient point leading us to this conclusion is the language of the statute. Section 12 (k) authorizes the Commission “summarily to suspend trading in any security . . . *for a period not exceeding ten days. . . .*” 15 U. S. C. § 78I(k) (1976 ed.) (emphasis added). The Commission would have us read the underscored phrase as a limitation only upon the duration of a single suspension order. So read, the Commission could indefinitely suspend trading in a security without any hearing or other procedural safeguards as long as it redetermined every 10 days that suspension was required by the public interest and for the protection of investors. While perhaps not an impossible reading of the statute, we are persuaded it is not the most natural or logical one. The duration limitation rather appears on its face to be just that—a maximum time period for which trading can be suspended for any single set of circumstances.

Apart from the language of the statute, which we find persuasive in and of itself, there are other reasons to adopt this construction of the statute. In the first place, the power to summarily suspend trading in a

improper activity simply upon a redetermination that the continued suspension is “required” by the public interest and for the protection of investors?

security even for 10 days, without any notice, opportunity to be heard, or findings based upon a record, is an awesome power with a potentially devastating impact on the issuer, its shareholders, and other investors. A clear mandate from Congress, such as that found in § 12 (k), is necessary to confer this power. No less clear a mandate can be expected from Congress to authorize the Commission to extend, virtually without limit, these periods of suspension. But we find no such unmistakable mandate in § 12 (k). Indeed, if anything, that section points in the opposite direction.

Other sections of the statute reinforce the conclusion that in this area Congress considered summary restrictions to be somewhat drastic and properly used only for very brief periods of time. When explicitly longer term, though perhaps temporary, measures are to be taken against some person, company, or security, Congress invariably requires the Commission to give some sort of notice and opportunity to be heard. For example, § 12 (j) of the Act authorizes the Commission, as it deems necessary for the protection of investors, to suspend the registration of a security for a period not exceeding 12 months if it makes certain findings "*on the record after notice and opportunity for hearing. . .*" 15 U. S. C. § 781 (j) (1976 ed.) (emphasis added). Another section of the Act empowers the Commission to suspend broker-dealer registration for a period not exceeding 12 months upon certain findings made only "*on the record after notice and opportunity for hearing.*" § 78o (b) (4) (1976 ed.) (emphasis added). Still another section allows the Commission, pending final determination whether a broker-dealer's registration should be revoked, to temporarily

suspend that registration, but only “*after notice and opportunity for hearing.*” § 78o (b) (5) (1976 ed.) (emphasis added). Former § 15 (b) (6), which dealt with the registration of broker-dealers, also lends support to the notion that as a general matter Congress meant to allow the Commission to take summary action only for the period specified in the statute when that action is based upon any single set of circumstances. That section allowed the Commission to summarily postpone the effective date of registration for 15 days, and then, *after appropriate notice and opportunity for hearing*, to continue that postponement pending final resolution of the matter⁸ The section which replaced § 15 (b) (6) even further underscores this general pattern. It requires the Commission to take some action—either granting the registration or instituting proceedings to determine whether registration should be denied—within 45 days. 15 U.

⁸ The former § 15(b)(6) provided in pertinent part:

“Pending final determination whether any registration under this subsection shall be denied, the Commission may by order postpone the effective date of such registration for a period not to exceed fifteen days, but if, after appropriate notice and opportunity for hearing (which may consist solely of affidavits and oral arguments), it shall appear to the Commission to be necessary or appropriate in the public interest or for the protection of investors to postpone the effective date of such registration until final determination, the Commission shall so order. Pending final determination whether any such registration shall be revoked, the Commission shall by order suspend such registration if, after appropriate notice and opportunity for hearing, such suspension shall appear to the Commission to be necessary or appropriate in the public interest or for the protection of investors. . . .” 15 U. S. C. § 78o(b)(6).

S. C. § 78o (b) (1) (1976 ed.). In light of the explicit congressional recognition in other sections of the Act, both past and present, that any long-term sanctions or any continuation of summary restrictions must be accompanied by notice and an opportunity for a hearing, it is difficult to read the silence in § 12 (k) as an authorization for an extension of summary restrictions without such a hearing, as the Commission contends. The more plausible interpretation is that Congress did not intend the Commission to have the power to extend the length of suspensions under § 12 (k) at all, much less to repeatedly extend such suspensions without any hearing.

B

The Commission advances four arguments in support of its position, none of which we find persuasive. It first argues that only its interpretation makes sense out of the statute. That is, if the Commission discovers a manipulative scheme and suspends trading for 10 days, surely it can suspend trading 30 days later upon the discovery of a second manipulative scheme. But if trading may be suspended a second time 30 days later upon the discovery of another manipulative scheme, it surely could be suspended only 10 days later if the discovery of the second scheme were made on the eve of the expiration of the first order. And, continues the Commission, since nothing on the face of the statute requires it to consider only evidence of new manipulative schemes when evaluating the public interest and the needs of investors, it must have the power to issue consecutive suspension orders even in the absence of a new or different manipulative scheme, as long as the public interest requires it.

This argument is unpersuasive, however, because the conclusion simply does not follow from the various premises. Even assuming the Commission can again suspend trading upon learning of another event which threatens the stability of the market, it simply does not follow that the Commission therefore must necessarily have the power to do so even in the absence of such a discovery. On its face and in the context of this statutory pattern, § 12 (k) is more properly viewed as a device to allow the Commission to take emergency action for 10 days while it prepares to deploy its other remedies, such as a temporary restraining order, a preliminary or permanent injunction, or a suspension or revocation of the registration of a security. The Commission's argument would render unnecessary to a greater or lesser extent all of these other admittedly more cumbersome remedies which Congress has given to it.

Closely related to the Commission's first argument is its second—its construction furthers the statute's remedial purposes. Here the Commission merely asserts that it "has found that the remedial purposes of the statute require successive suspension of trading in particular securities, in order to maintain orderly and fair capital markets." Brief for Petitioner 37. Other powers granted the Commission are, in its opinion, simply insufficient to accomplish its purposes.

We likewise reject this argument. In the first place, the Commission has not made a very persuasive showing that other remedies are ineffective. It argues that injunctions and temporary restraining orders are insufficient because they take time and evidence to obtain and because they can be obtained only against

wrongdoers and not necessarily as a stopgap measure in order to suspend trading simply until more information can be disseminated into the marketplace. The first of these alleged insufficiencies is no more than a reiteration of the familiar claim of many Government agencies that any semblance of an adversary proceeding will delay the imposition of the result which they believe desirable. It seems to us that Congress, in weighing the public interest against the burden imposed upon private parties, has concluded that 10 days is sufficient for gathering necessary evidence.

This very case belies the Commission's argument that injunctions cannot be sought in appropriate cases. At exactly the same time the Commission commenced the first series of suspension orders it also sought a civil injunction against CJL and certain of its principals, alleging violations of the registration and antifraud provisions of the Securities Act of a recognized authority in this area of the law called attention to the fact that the Commission was gradually carrying over the summary suspension power granted in the predecessors of § 12 (k) into other areas of its statutory authority and using it as a *pendente lite* power to keep in effect a suspension of trading pending final disposition of delisting proceedings. 2 L. Loss, Securities Regulation 854-855 (2d ed. 1961).

The author then questioned the propriety of extending the summary suspension power in that manner, *id.*, at 854, and we think those same questions arise when the Commission argues that the summary suspension power should be available not only for the purposes clearly contemplated by § 12 (k), but also as a solution to virtually any other problem which might occur in the marketplace. We do not

think § 12 (k) was meant to be such a cure-all. It provides the Commission with a powerful weapon for dealing with certain problems. But its time limit is clearly and precisely defined. It cannot be judicially or administratively extended simply by doubtful arguments as to the need for a greater duration of suspension orders than it allows. If extension of the summary suspension power is desirable, the proper source of that power is Congress. *Cf. FMC v. Seatrain Lines, Inc.*, 411 U. S. 726, 744-745 (1973).

The Commission next argues that its interpretation of the statute—that the statute authorizes successive suspension orders—has been both consistent and longstanding, dating from 1944. It is thus entitled to great deference. *See United States v. National Assn. of Securities Dealers*, 422 U. S. 694, 719 (1975); *Saxbe v. Bustos*, 419 U. S. 65, 74 (1974).

While this undoubtedly is true as a general principle of law, it is not an argument of sufficient force in this case to overcome the clear contrary indications of the statute itself. In the first place it is not apparent from the record that on any of the occasions when a series of consecutive summary suspension orders was issued the Commission actually addressed in any detail the statutory authorization under which it took that action. As we said just this Term in *Adamo Wrecking Co. v. United States*, 434 U. S. 275, 287 n. 5 (1978):

“This lack of specific attention to the statutory authorization is especially important in light of this Court’s pronouncement in *Skidmore v. Swift & Co.*, 323 U. S. 134, 140 (1944), that one factor to be considered in giving weight to an administrative ruling is

`the thoroughness evident in its consideration, the validity of its reasoning, its consistency with earlier and later pronouncements, and all those factors which give it power to persuade, if lacking power to control.’”

To further paraphrase that opinion, since this Court can only speculate as to the Commission’s reasons for reaching the conclusion that it did, the mere issuance of consecutive summary suspension orders, without a concomitant exegesis of the statutory authority for doing so, obviously lacks “power to persuade” as to the existence of such authority. *Ibid.* Nor does the existence of a prior administrative practice, even a well-explained one, relieve us of our responsibility to determine whether that practice is consistent with the agency’s statutory authority.

“The construction put on a statute by the agency charged with administering it is entitled to deference by the courts, and ordinarily that construction will be affirmed if it has a ‘reasonable basis in law.’ *NLRB v. Hearst Publications*, 322 U. S. 111, 131; *Unemployment Commission v. Aragon*, 329 U. S. 143, 153-154. But the courts are the final authorities on issues of statutory construction, *FTC v. Colgate-Palmolive Co.*, 380 U. S. 374, 385, and ‘are not obliged to stand aside and rubber-stamp their affirmance of administrative decisions that they deem inconsistent with a statutory mandate or that frustrate the congressional policy underlying a statute.’ *NLRB v. Brown*, 380 U. S. 278, 291.” *Volkswagenwerk v. FMC*, 390 U. S. 261, 272 (1968).

And this is just such a case—the construction placed on the statute by the Commission, though of

long standing, is, for the reasons given in Part III-A of this opinion, inconsistent with the statutory mandate. We explicitly contemplated just this situation in *FMC v. Seatrain Lines, Inc.*, *supra*, at 745, where we said:

“But the Commission contends that since it is charged with administration of the statutory scheme, its construction of the statute over an extended period should be given great weight. . . . This proposition may, as a general matter, be conceded, although it must be tempered with the caveat that an agency may not bootstrap itself into an area in which it has no jurisdiction by repeatedly violating its statutory mandate.”

And our clear duty in such a situation is to reject the administrative interpretation of the statute.

Finally, the Commission argues that for a variety of reasons Congress should be considered to have approved the Commission’s construction of the statute as correct. Not only has Congress re-enacted the summary suspension power without disapproving the Commission’s construction, but the Commission participated in the drafting of much of this legislation and on at least one occasion made its views known to Congress in Committee hearings⁹ Furthermore, at least

⁹ In 1963, when Congress was considering the former § 15(c)(5), which extended the Commission’s summary suspension power to securities traded in the over-the-counter market, the Commission informed a Subcommittee of the House Committee on Interstate and Foreign Commerce of its current administrative practice. One paragraph in the Commission’s 30-page report to the Subcommittee reads as follows:

“Under section 19(a)(4), the Commission has issued more than one suspension when, upon reexamination

one Committee indicated on one occasion that it understood and approved of the Commission's practice.¹⁰ See *Zuber v. Allen*, 396 U. S. 168, 192 (1969); *United States v. Correll*, 389 U. S. 299, 305-306 (1967); *Fribourg Navigation Co. v. Commissioner*, 383 U. S. 272, 283 (1966).

at the end of the 10-day period, it has determined that another suspension is necessary. At the same time the Commission has recognized that suspension of trading in a security is a serious step, and therefore has exercised the power with restraint and has proceeded with diligence to develop the necessary facts in order that any suspension can be terminated as soon as possible. The Commission would follow that policy in administering the proposed new section 15(c)(5)." Hearings on H. R. 6789, H. R. 6793, S. 1642 before a Subcommittee of the House Committee on Interstate and Foreign Commerce, 88th Cong., 1st Sess., 219 (1963).

¹⁰ The Senate Committee on Banking and Currency, when it reported on the proposed 1964 amendments to the Act, indicated that it understood and did not disapprove of the Commission's practice. It stated:

"The Commission has consistently construed section 19(a)(4) as permitting it to issue more than one suspension if, upon reexamination at the end of the 10-day period, it determines that another suspension is necessary. The committee accepts this interpretation. At the same time the committee recognizes that suspension of trading in a security is a drastic step and that prolonged suspension of trading may impose considerable hardship on stockholders. The committee therefore expects that the Commission will exercise this power with restraint and will proceed with all diligence to develop the necessary facts in order that any suspension can be terminated as soon as possible." S. Rep. No. 379, 88th Cong., 1st Sess., 66-67 (1963).

While we of course recognize the validity of the general principle illustrated by the cases upon which the Commission relies, we do not believe it to be applicable here. In *Zuber v. Allen, supra*, at 192, the Court stated that a contemporaneous administrative construction of an agency's own enabling legislation "is only one input in the interpretational equation. Its impact carries most weight when the administrators participated in drafting and directly made known their views to Congress in committee hearings." Here the administrators, so far as we are advised, made no reference at all to their present construction of § 12 (k) to the Congress which drafted the "enabling legislation" here in question—the Securities Exchange Act of 1934. They made known to at least one Committee their subsequent construction of that section 29 years later, at a time when the attention of the Committee and of the Congress was focused on issues not directly related to the one presently before the Court.¹¹ Although the section in question was re-enacted in 1964, and while it appears that the Committee Report did recognize and approve of the Commission's practice, this is scarcely the sort of congressional approval referred to in *Zuber, supra*.

We are extremely hesitant to presume general congressional awareness of the Commission's construction based only upon a few isolated statements in the thousands of pages of legislative documents. That

¹¹ The purpose of the 1964 amendments was merely to grant the Commission the same power to summarily deal with securities traded in the over-the-counter market as it already had to deal with securities traded on national exchanges. The purpose of the 1975 amendments was simply to consolidate into one section the power formerly contained in two

language in a Committee Report, without additional indication of more widespread congressional awareness, is simply not sufficient to invoke the presumption in a case such as this. For here its invocation would result in a construction of the statute which not only is at odds with the language of the section in question and the pattern of the statute taken as a whole, but also is extremely far reaching in terms of the virtually untrammelled and unreviewable power it would vest in a regulatory agency.

Even if we were willing to presume such general awareness on the part of Congress, we are not at all sure that such awareness at the time of re-enactment would be tantamount to amendment of what we conceive to be the rather plain meaning of the language of § 12 (k). On this point the present case differs significantly from *United States v. Correll, supra*, at 304, where the Court took pains to point out in relying on a construction of a tax statute by the Commissioner of Internal Revenue that “to the extent that the words chosen by Congress cut in either direction, they tend to support rather than defeat the Commissioner’s position. . . .”

Subsequent congressional pronouncements also cast doubt on whether the prior statements called to our attention can be taken at face value. When consolidating the former §§ 15 (c) (5) and 19 (a) (4) in 1975, see n. 1, *supra*, Congress also enacted § 12 (j), which allows the Commission “to suspend for a period not exceeding twelve months, or to revoke the registration of a security, if the Commission finds, on the record after notice and opportunity for hearing, that the issuer of such security has failed to comply with any provision of this chapter or the rules and regulations thereunder.” 15 U. S. C. § 781(j) (1976 ed.).

While this particular power is not new, *see* 15 U. S. C. § 78s (a) (2), the effect of its exercise was expanded to include a suspension of trading.¹² “*With this change,*” stated the Senate Committee on Banking, Housing and Urban Affairs, “*the Commission is expected to use this section rather than its ten-day suspension power, in cases of extended duration.*” S. Rep. No. 94-75, p. 106 (1975) (emphasis added). Thus, even assuming, *arguendo*, that the 1963 statements have more force than we are willing to attribute to them, and that, as the Commission argues, § 12 (j) does not cover quite as broad a range of situations as § 12 (k), the 1975 congressional statements would still have to be read as seriously undermining the continued validity of the 1963 statements as a basis upon which to adopt the Commission’s construction of the statute.

In sum, had Congress intended the Commission to have the power to summarily suspend trading virtually indefinitely we expect that it could and would have authorized it more clearly than it did in § 12(k). The sweeping nature of that power supports this expectation. The absence of any truly persuasive legislative history to support the Commission’s view, and the entire statutory scheme suggesting that in fact the Commission is not so empowered, reinforce our conclusion that the Court of Appeals was correct

¹² Under the new provision, when the Commission suspends or revokes the registration of a security, “[n]o . . . broker, or dealer shall make use of the mails or any means or instrumentality of interstate commerce to effect any transaction in, or to induce the purchase or sale of, any security the registration of which has been and is suspended or revoked pursuant to the preceding sentence.” 15 U. S. C. § 78(j) (1976 ed.).

in concluding no such power exists. Accordingly, its judgment is *Affirmed*.

MR. JUSTICE BRENNAN, with whom MR. JUSTICE MARSHALL joins, concurring in the judgment.

Although I concur in much of the Court's reasoning and in its holding that "the Commission is not empowered to issue, based upon a single set of circumstances, a series of summary orders which would suspend trading beyond the initial 10-day period," *ante*, at 106, I cannot join the Court's opinion because of its omissions and unfortunate dicta.

I

The Court's opinion does not reveal how flagrantly abusive the Security and Exchange Commission's use of its § 12 (k) authority has been. That section authorizes the Commission "summarily to suspend trading in any security . . . for a period not exceeding ten days. . . ." 15 U. S. C. § 78I(k) (1976 ed.). As the Court says, this language "is persuasive in and of itself" that 10 days is the "maximum time period for which trading can be suspended for any single set of circumstances." *Ante*, at 112. But the Commission has used § 12 (k), or its predecessor statutes, *see ante*, at 105 n. 1, to suspend trading in a security for up to 13 years. *See App. to Brief for Canadian Javelin, Ltd., as Amicus Curiae* la. And, although the 13-year suspension is an extreme example, the record is replete with suspensions lasting the better part of a year. *See App. 184-211*. I agree that § 12 (k) is clear on its face and that it prohibits this administrative practice. But even if § 12 (k) were unclear, a 13-year suspension, or even a 1-year suspension as here,

without notice or hearing so obviously violates fundamentals of due process and fair play that no reasonable individual could suppose that Congress intended to authorize such a thing. *See also* 15 U. S. C. § 78I(j) (1976 ed.) (requiring notice and a hearing before a registration statement can be suspended), discussed *ante*, at 121-122.

Moreover, the SEC's procedural implementation of its § 12 (k) power mocks any conclusion other than that the SEC simply could not care whether its § 12 (k) orders are justified. So far as this record shows, the SEC never reveals the reasons for its suspension orders.¹³ To be sure, here respondent was able long after the fact to obtain some explanation through a Freedom of Information Act request, but even the information tendered was heavily excised and none of

¹³ The only document made public by the SEC at the time it suspends trading in a security is a "Notice of Suspension of Trading." Numerous copies of this notice are included in the Appendix and each contains only the boilerplate explanation:

"It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors; [therefore, trading is suspended]."

See App. 11, 13, 16, 19, 21, 23, 25, 27, 30, 33, 36, 39, 41, 44, 47, 50, 53, 56, 59, 62, 65, 67, 69, 71, 73, 76, 79, 82, 85, 88, 91, 94, 97, 100, 103, 106. The sole exception to this monotonous pattern is the notice which issued after respondent lodged his verified petition with the SEC. That notice recounted the allegations of the petition and stated in some detail why it was necessary to continue the suspension of Canadian Javelin stock. *See id.*, at 109-110.

it even purports to state the reasoning of the Commissioners under whose authority § 12 (k) orders issue.¹⁴ Nonetheless, when the SEC finally agreed to give respondent a hearing on the suspension of Canadian Javelin stock, it required respondent to state, in a verified petition (that is, *under oath*) why he thought the unrevealed conclusions of the SEC to be wrong.¹⁵ This is obscurantism run riot.

Accordingly, while we today leave open the question whether the SEC could tack successive 10-day suspensions if this were necessary to meet first one and then a different emergent situation, I for one would look with great disfavor on any effort to tack suspension periods unless the SEC concurrently adopted a policy of stating its reasons for each suspension. Without such a statement of reasons, I fear our holding today will have no force since the SEC's administration of its suspension power will be

¹⁴ In each instance, the explanation consists only of memoranda from the SEC's Division of Enforcement *to* the Commission. *See, e. g., id.*, at 12, 14, 15. In at least one instance, the memorandum postdates the public notice of suspension. Compare *id.*, at 11 with *id.*, at 12. In no case is there a memorandum *from* the Commission explaining its action. The Court apparently assumes that the memoranda of the Division of Enforcement adequately explain the Commission's action, although the basis for any such assumption is not apparent. Moreover, since the recommendations portion of each memoranda is excised, presumably as permitted (but not required) by Exemption 5 of the Freedom of Information Act, *see EPA v. Mink*, 410 U. S. 73, 89 (1973), there is no statement of reasons in any traditional sense in any of the memoranda.

¹⁵ *See* Brief for Respondent 19; App. to Brief for Respondent 20a-21a.

reviewable, if at all, only by the circuitous and time-consuming path followed by respondent here.

II

In addition, I cannot join the Court's reaffirmance of *Adamo Wrecking's* increasingly scholastic approach to the use of administrative practice in interpreting federal statutes. *See ante*, at 117-118. This reaffirmance is totally unnecessary in this case for, as the Court notes, whatever that administrative construction might be in this case, it is "inconsistent with the statutory mandate," *ante*, at 118, which is clear on the face of the statute. *Ante*, at 112.

Worse, however, is the Court's insistence that, to be credited, an administrative practice must pay "specific attention to the statutory authorization" under which an agency purports to operate. *Ante*, at 117, quoting *Adamo Wrecking Co. v. United States*, 434 U. S. 275, 287 n. 5 (1978). As my Brother STEVENS noted in dissent in *Adamo*, *see id.*, at 302, *Norwegian Nitrogen Co. v. United States*, 288 U. S. 294 (1933)—perhaps our leading case on the use of administrative practice as a guide to statutory interpretation—says not a word about attention to statutory authority. Nor does it reduce the value of administrative practice to its "persuasive effect" as the Court would apparently do here. Instead, as I understand the case, *Norwegian Nitrogen* focuses on the "contemporaneous construction of a statute by the men charged with the responsibility of setting its machinery in motion," *id.*, at 315, precisely because their action is itself evidence of assumptions—perhaps unspoken by either the administrators or Congress—brought to a regulatory problem by all involved in its solution. Indeed, common experience tells us that it is assumptions

which everyone shares which often go unspoken because their very obviousness negates the need to set them out.

Therefore, while I do not dispute that well-reasoned administrative opinions which pay scrupulous attention to every jot and tittle of statutory language are more persuasive than unexplained actions—and certainly more in keeping with a norm of administrative action that ought to be encouraged—I cannot dismiss, as the Court apparently does, less well-reasoned, or even unexplained, administrative actions as irrelevant to the meaning of a statute.

MR. JUSTICE BLACKMUN, concurring in the judgment.

I join the Court in its judgment, but I am less sure than the Court is that the Congress has not granted the Securities and Exchange Commission at least some power to suspend trading in a nonexempt security for successive 10-day periods despite the absence of a new set of circumstances. The Congress' awareness, recognition, and acceptance of the Commission's practice, *see ante*, at 119-120, nn. 9 and 10, at the time of the 1964 amendments, blunts, it seems to me, the original literal language of the statute. The 1975 Report of the Senate Banking Committee, stating that the Commission was "expected to use" § 12 (j)'s amended suspension-of-registration provision "in cases of extended duration," *ante*, at 122, certainly demands new circumspection of the Commission, but I do not believe it wholly extinguished Congress' acceptance of restrained use of successive 10-day suspensions when an emergency situation is

presented, as for instance, where the Commission is unable adequately to inform the public of the existence of a suspected market manipulation within a single 10-day period. Section 12 (j)'s suspension remedy provides no aid when a nonissuer has violated the securities law, or where the security involved is not registered, or in the interim period before notice and an opportunity for a hearing can be provided and a formal finding of misconduct made on the record.

Here, the Commission indulged in 37 suspension orders, all but the last issued "quite bare of any emergency findings," to borrow Professor Loss' phrase. Beyond the opaque suggestion in an April 1975 Release, No. 11,383, that the Commission was awaiting the "dissemination of information concerning regulatory action by Canadian authorities," shareholders of CJL were given no hint why their securities were to be made nonnegotiable for over a year. Until April 22, 1976, see Release No. 12,361, the SEC provided no opportunity to shareholders to dispute the factual premises of a suspension, and, in the absence of any explanation by the Commission of the basis for its suspension orders, such a right to comment would be useless. As such, I conclude that the use of suspension orders in this case exceeded the limits of the Commission's discretion. Given the 1975 amendments, a year-long blockade of trading without reasoned explanation of the supposed emergency or opportunity for an interim hearing clearly exceeds Congress' intention.

EXHIBIT O-10
ADDENDUM TO THE AFFIDAVIT

VIRGINIA: IN THE CIRCUIT COURT FOR THE
CITY OF LYNCHBURG

SAMUEL H. SLOAN, administrator C.T.A. of
the Estate of LEROY B. SLOAN, deceased,

Plaintiff,

v.

ALMA DAWSON,

Defendant.

Comes now the plaintiff, Samuel H. Sloan, administrator C.T.A. of the Estate of LEROY B. SLOAN, deceased, and, after being duly sworn, states:

1. This is an addendum to the affidavit previously filed with this court dated about May, 1790 in opposition to the motion by the counsel for the estate, who has recently become the law partner of the counsel for the defendant, to withdraw as counsel of record in this case.

2. The purpose of this affidavit is to present an exhibit to this court, namely a copy of the letter of resignation which purports to have been signed by my father on January 16, 1986, three days before *he* died, for the purpose of resigning his membership in the Elk's National Home in Bedford, Virginia.

3. As I have mentioned in my previous affidavit, my father had the life long plan of living out his retirement years in the Elk's National Home and it is unthinkable that he could have ever resigned his membership voluntarily.

4. Also included in the same exhibit is a copy of a check number 915 drawn on my father's bank account in favor of Alma Dawson dated February 18, 1986. (I am sorry for the poor condition of the photocopy, but this is the condition in which it was given to me by the bank.)

5. Looking at the check, it is important to note the date and the signature. My father died on January 19, 1986. Therefore, he was in no condition to sign a check on February 18, 1986. Also, this was not a simple error in the date. The check was deposited at Sovran Bank by Alma Dawson into her own bank account on the same date, February 18, 1986, as the stamps and the signature on the back of the check demonstrate.

6. The inescapable fact is that Alma Dawson, the defendant herein, forged my late father's signature on the check. Indeed, a few days later, the Sovran Bank Branch Manager, Larry Crank, called Alma Dawson into his office and she admitted the forgery. Because she also had an account with Sovran Bank, he simply deducted the funds from her bank account and restored it to my late father's account.

7. The enclosed photocopy shows only one of four checks on the same bank account wherein Alma Dawson forged my father's signature after he had already died. All four checks were handled by Larry Crank in the same manner.

8. Now look at the signature on the letter of resignation from the Elk's National Home. It can be seen that the signature there is the same as the forged signature on the check. What this proves is that both were signed by the same person. In other words, Alma Dawson also signed the letter of resignation to the Elk's National Home.

9. In short, the truth is that my father never resigned from the Elk's National Home. Anybody who knew my father will agree that he was very proud of his membership in the Elk's and would never dream of resigning.

10. What this in turn means is that my father never voluntarily left the Elk's and went off to live with Alma Dawson. Rather, she was the one who removed him from there in his incapacitated condition. In this lawsuit, she is claiming the right to inherit part of his estate. However, since she forged my father's signature on both the checks and the letter of resignation it seems clear that she lacks a valid legal claim.

11. By the way, these four checks were at that time submitted to William G. Petty, the Lynchburg Commonwealth Attorney, with a request that Alma Dawson be prosecuted on a forgery charge. However, the reality is that my father's personal best friend was Joe Oppleman, who was a long time political opponent of Mr. Petty (who is an elected official) and for that reason there was no snowball's chance that Mr. Petty would ever do anything to help my family. This also explains the fact that to the contrary Mr. Petty has been trying to have me and my mother arrested for the past four years, after the Commonwealth Attorney in Amherst County, which had actual jurisdiction over

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that other case (the Shamema case), declined to prosecute.

12. Since the date of my father's will, I have changed my name to M. Ismail Sloan. As a result, I sign my name both ways, at various times.

13. Further the affirmant sayeth not.

/s/ M. Ismail Sloan

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**EXHIBIT O-11
LEROY SLOAN RESIGNATION LETTER
(JANUARY 16, 1986)**

ELKS NATIONAL HOME
OF THE BENEVOLENT AND PROTECTION ORDER OF ELKS
A HOME AWAY FROM HOME
BEDFORD, VA 24523-1399
TEL (703) 589-8292

William P. Pickett
Executive Director
Elks National Home
Bedford, VA 24523

Dear Brother Pickett:

This is to notify you that I wish to resign from the Elks National Home as of this date, as I have married.

My new address is P. O. Box 2185, Lynchburg, VA 24501.

Sincerely,

/s/ Leroy Sloan

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EXHIBIT O-12
ORDER DENYING PETITION TO WITHDRAW
(JUNE 14, 1990)

TWENTY-FOURTH JUDICIAL CIRCUIT OF VIRGINIA
Commonwealth of Virginia
Cities of Lynchburg and Bedford
Counties of Amherst, Bedford,
Campbell and Nelson

Stephen C. Martin, Esq.
Martin & Nicks
P.O. Box 447
Amherst, Virginia 24521

Re: Leroy B. Sloan, etc. v. Alma Coates Dawson
(Sloan)

Dear Mr. Martin:

Your petition for leave to withdraw as counsel of record due to conflict of interest in the captioned case with notice and proposed order were received by the Clerk on June 8, 1990, On November 7, 1988, the case was stricken from the docket under Section 8.01-335 since there had been no order entered or proceeding in the matter for a period of two years. Therefore, it would be inappropriate to enter your proposed order.

Sincerely,

/s/ Mosby G. Perrow III

Judge

MGP, III/vkh
cc: Donald G. Pendleton, Esq.

**EXHIBIT O-13
MARTIN PETITION FOR LEAVE TO WITHDRAW
AS COUNSEL OF RECORD FOR SLOAN DUE
TO CONFLICT OF INTEREST**

VIRGINIA: IN THE CIRCUIT COURT FOR THE
CITY OF LYNCHBURG

LEROY B. SLOAN, by his Administrator, c.t.a.
SAMUEL H. SLOAN,

Plaintiff,

v.

ALMA COATES DAWSON (SLOAN),

Defendant.

Comes now the undersigned attorney for Samuel Sloan and in support of his Petition for Leave to Withdraw as Counsel of Record respectfully alleges as follows:

1. On May 23, 1986 Samuel H. Sloan, as administrator, c.t.a. of the estate of Leroy B. Sloan, filed a suit in the Circuit Court of the City of Lynchburg to annul the marriage of Alma Dawson Sloan and Leroy B. Sloan on the basis the marriage took place while Leroy B. Sloan was seriously ill and mentally incapable of knowing the consequences of the step he was taking and that Alma Coates Dawson Sloan procured the marriage by fraud, in order to obtain Leroy Sloan's assets.

2. Since the filing of the aforesaid suit Samuel Sloan has been out of the United States and, although he has sent correspondence or made telephone contact from various countries around the world, he has for all practical purposes been out of communication with the undersigned.

3. On January 1, 1989 the undersigned joined the firm of Pendleton and Gamble and became a partner of Donald G. Pendleton, the attorney of record for Alma Coates Dawson Sloan, the defendant in the aforesaid suit.

4. Because of the partnership with Donald G. Pendleton the undersigned believes it would be a conflict of interest to represent the estate of Leroy B. Sloan in this matter.

5. The undersigned has sent a letter and a copy of this Petition and Order to Samuel H. Sloan at his last known address on April 24, 1990, a copy of which is attached. Mr. Sloan has declined to agree to allow the undersigned to be relieved as counsel of record and has urged the undersigned to proceed with the case even though he is a partner of Donald G. Pendleton who has been counsel on various matters for Alma Dawson (Sloan). A copy of the notice of hearing, this petition, and order were then sent to Mr. Sloan by certified mail.

WHEREFORE, the undersigned respectfully requests that he be granted leave to withdraw as counsel of record in this matter.

/s/ Stephen C. Martin
Counsel for Samuel Sloan

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EXHIBIT O-14
NOTICE OF MARTIN PETITION TO WITHDRAW
AS COUNSEL OF RECORD FOR SLOAN

VIRGINIA: IN THE CIRCUIT COURT FOR THE
CITY OF LYNCHBURG

LEROY B. SLOAN, by his Administrator, c.t.a.
SAMUEL H. SLOAN,

Plaintiff,

v.

ALMA COATES DAWSON (SLOAN),

Defendant.

To: M. Ismail Sloan
a/k/a SAMUEL H. SLOAN
P.O. Box 11829
Fujeirah, United Arab Emirates

PLEASE TAKE Notice that the attached Petition for Leave to Withdraw as Counsel of Record in the above-captioned matte will be presented to the Circuit Court of the City of Lynchburg on July 25, 1990 at 9:00 a.m. for entry. You are invited to attend and present any objections which you may have.

/s/ Stephen C. Martin
Attorney of record for Plaintiff

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EXHIBIT P
SLOAN'S COMPLAINT AGAINST
PHONE CONVERSATION BETWEEN
JUDGE GLEN AND JUDGE JANOW
(SEPTEMBER 4, 1986)

EXHIBIT P

Sloan complains to New York State Commission on Judicial Conduct about phone conversation between Judge Glen of the New York State Supreme Court and Judge Larry Janow of the Amherst County J & D Court on September 4, 1986

COMPLAINT
(NOVEMBER 18, 2005)

New York State Commission on Judicial Conduct
Complaint Form — Confidential

Download, complete and mail this form to the
Commission office nearest you:

61 Broadway, New York, NY 10006
38-40 State Street, Albany, NY 12207
400 Andrews Street, Rochester, NY 14604

The law requires that complaints to the Commission be in writing and signed by the complainant. (See Section 44.1 of the Judiciary Law of the State of New York.) A complaint does not have to be sworn or notarized. You may submit a complaint by letter or by using this complaint form. If you submit a letter, please include the kind of information requested by this form.

Background Information

Today's Date: November 18, 2005
Your Name: Samuel H. Sloan
Address: 1664 Davidson Avenue. Apt. 10
Bronx NY 10453
Home Phone: 917-507-7226
Business Phone: 347-869-2465

Are you represented by a lawyer? No

Complaint Information

Judge's Name: Kristin Booth Glen
Judge's Court: Supreme Court
County: New York
Date(s) of Incident(s): September 4, 1986

Details of Complaint:

Below and on the back of this sheet, describe the alleged misconduct. Include as much detailed information as possible, such as what happened, where and when; the names of witnesses; who said what to whom, and in what tone of voice; etc. Use additional sheets if necessary.

Notarized Affidavit detailing the alleged misconduct is on the attached sheets

Complainant's Signature:

/s/ Samuel H. Sloan

STATE OF NEW YORK)
COUNTY OF BRONX

1. I hereby request that disciplinary proceedings be brought against Judge Kristin Booth Glen. Although the incident in question occurred 19 years ago, Judge Glen has just been elected to the position of New York Surrogate. I believe that Judge Glen's misconduct in September 1986 was more than mere misconduct. It was a crime for which Judge Glen should be punished with some years in prison. Because of the actions of Judge Glen, I was prevented from seeing two of my children until they became adults, and I was forced to flee the country with my mother and my one remaining child, because Judge Glen was in league with a gang of kidnappers who were trying to kidnap my daughter and my mother.

2. I believe that Judge Glen should not be allowed to take public office as a New York Surrogate. She is

clearly disqualified from assuming such an important and powerful position. Accordingly, I request an immediate hearing and disposition of this matter, prior to January 1, 2006, the date when Judge Glen is scheduled to take office.

3. The cases are Sloan vs. Sloan, 36654/1980 and Sloan vs. Sloan, 8485/1986, Supreme Court, New York County. Until yesterday, the original court file on Sloan vs. Sloan, 36654/1980 was scheduled for destruction. I was able to get the Clerk of New York County to have the case file brought back from Philadelphia, where it was being microfilmed as a preliminary to the shredding of the file. I reviewed the file yesterday and copied the attached order signed by Judge Glen. I request that the New York State Commission on Judicial Conduct take control of the original file, to safeguard against it being shredded.

4. This case was pending before Judge Kristin Booth Glen from April to September, 1986. Attached hereto is the only order Judge Glen ever signed in the case. It states:

“I am recusing myself from this hearing and motion & case because it would be inappropriate to sit as a judge for the support and visitation hearings involving Mr. Sloan when I took some part in his arrest in this courtroom on September 4, 1986. I believe it would not be fair to Mr. Sloan to have the same judge who witnessed his arrest for custodial interference, also decide the pending visitation issues. Accordingly this action is referred to IAS Trial Support Office for reassignment to another IAS Part.”

KBG

5. The above court order greatly misrepresents what really happened. What really happened was that Judge Glen herself called the New York City Police and told them to arrest me. She said that she had done this on the basis of a telephone call she said that she had just received from "Judge Larry Janow" of Amherst, Virginia. I was arrested and taken to the police station on Elizabeth Street in Chinatown, but I was released only two hours later when the police discovered that I had committed no crime, there was no warrant for my arrest and they had no grounds to hold me. I immediately returned to the courthouse on 60 Centre Street and went to Judge Glen's courtroom, hoping to get the hearing which Judge Glen had repeatedly postponed since April. I arrived back in Judge Glen's courtroom before 4:00 PM, but Judge Glen had already gone for the day and her courtroom was empty.

6. I realized that I was dealing with crazy, lunatic, mentally disturbed judges and that I dare not return to her courtroom, as I would not only not get my two children back, but I would lose my one remaining child, Shamema. This left me with no choice but to flee the country with my one remaining child, Shamema, age 4. I had to abandon all hope of seeing my daughter Mary again and to this day, 19 years later, I have never seen her again, although I am talking to my other child, Peter, on the phone right now while I am typing this.

7. The actions of Judge Glen including receiving a telephone call about me while a hearing was taking place and then on the basis of this telephone call calling to police and having me arrested was a clear violation of numerous provisions of the Code of Judicial Conduct including Section 100.3 (B) (6) of

that code, and of the Rules of the Appellate Division, First Department (22 NYCRR §§ 701.2[a], [c], 701.4) (“First Department Rules”); and Judge Glen should be disciplined for cause, pursuant to Article 6, Section 22, subdivision a, of the New York State Constitution and Section 44, subdivision 1, of the Judiciary Law. She should not be allowed to take office as New York Surrogate.

8. The Canons of Judicial Conduct, 22 NYCRR 100.3 (B) (6), provide:

A judge shall accord to every person who has a legal interest in a proceeding, or that person’s lawyer, the right to be heard according to law. A judge shall not initiate, permit, or consider ex parte communications, or consider other communications made to the judge outside the presence of the parties concerning a pending or impending proceeding

9. Obviously, Judge Glen did more than merely “consider” communications made ex-parte. She actually ordered me to be arrested in the basis of what she had heard on the telephone and she cancelled a hearing which had been pending since April, 1986.

10. Common sense should have dictated that Judge Glen not call the police and have me arrested. Rather than call Judge Glen, the caller could have called 911. Anybody can call the police. There are police officers all over the courthouse. The fact that I had not committed an arrestable offense should have been evident.

11. As background as to how this case came before Judge Glen, in 1981 there was a two day trial before Supreme Court Judge Alfred Ascione. At that

time, counsel for my ex-wife was the Law Firm of Parker Duryee. (As an aside, I have recently learned that Parker Duryee was a man who was a close associate and blood relative of a railroad tycoon named Sam Sloan, who was one of the richest men in America. I believe that Parker Duryee thought that I was a descendant of that Sam Sloan and that I had a lot of money. That law firm certainly spent an extraordinary amount of time and effort litigating this case, and this produced a voluminous case file which I am asking this body to review.)

12. When Parker Duryee finally realized that I had no money, they dropped the case. In 1982, my ex-wife remarried and moved, leaving no forwarding address. For the next three years I was unable to locate my children. I finally found them in 1985 when I found Anda's name in a parking violations computer in the Kings County Supreme Courthouse. Judge Ascione had awarded me two hours weekly visitation with my children, Peter and Mary, which I had been unable to exercise because I did not know where they were. Thereafter, Anda did allow me to visit the children five times in 1985, but then cut off visitation again. As a result, I filed a petition in Brooklyn Family Court to enforce my visitation rights.

13. On the scheduled hearing date in Brooklyn Family Court, my ex-wife Anda arrived with her new attorney, Walter Anderocci. While waiting for my case to be called, Anderocci called the police, who arrested me. This was obviously a tactic to stop the hearing from taking place. I was put in a police van and transported to Manhattan Supreme Court, where I was brought before Judge Schackman in case number 36654/1980. Judge Schackman eventually ordered my

release. I asked that he hear the underlying question of Anda's violation of the order of Judge Ascione by denying my visitation rights, but Judge Schackman then disqualified himself from hearing my case.

14. I rushed back to Brooklyn Family Court, but they said that my case there had been dismissed due to my non-appearance when the case had been called, as I had been in jail.

15. On April 14, 1986, filed a habeas corpus petition in Brooklyn Supreme Court, Sloan vs. Sloan, Index No. 8864/1986. My petition was signed and a hearing was held before Judge Kron. I testified at the hearing but the judge told me that I should try to get along with my ex-wife. An observer in the courtroom stated that the judge had handled the highly contentious matter "with aplomb", but I found Judge Kron's statement to be ridiculous and stupid, because I was trying my best to get along with my ex-wife; but she was obviously not willing to get along with me. She had violated the writ of habeas corpus by not bringing the children to court as required by the order and she has expressed no willingness to allow me visitation with the children. Nevertheless, Judge Kron dismissed my petition.

16. The reason I had filed these habeas corpus cases in Brooklyn was that my ex-wife Anda was now living in Brooklyn with my children, Peter and Mary. After Judge Kron dismissed my petition there, I filed another habeas corpus petition in Manhattan Supreme Court where Judge Ascione had ordered that I have two hours weekly visitation. The name of this new case was Sloan vs. Sloan, Index No. 8485/1986. It was assigned to Judge Kristin Booth Glen, who was handling matrimonial cases at the time.

17. Although my habeas corpus petition, which I am requesting that you review, described in horrifying detail not only the fact that my ex-wife was contumacious in refusal to comply with the order of Judge Ascione, but also the fact that she was abusing and neglecting the children, Judge Glen refused to sign my habeas corpus petition. This is another grounds for this complaint to the New York State Commission on Judicial Conduct, because under the circumstances of this case and under CPLR 7003 Judge Glen was required by law to sign such a petition.

18. Instead, Judge Glen scheduled a hearing in Case no. 36654/1980 and at the first hearing, Judge Preston Booth Glen ordered both Anda and I to submit to psychological testing and evaluation. This was ridiculous because I had already been awarded two hours weekly visitation with the children and there was no dispute about the fact that Anda was refusing to comply with the court order. Therefore, there was nothing to be done except either hold Anda in contempt, or give me custody of the children or possibly admonish her and give her another chance to comply. Instead, by ordering psychological testing, Judge Glen was reopening the entire matter of giving me visitation with the children. She did this even though Anda's attorney had not moved for a change in visitation. Please check the court file and you will find that Anda's counsel filed nothing, zero, in writing.

19. Judge Glen referred this matter to Martha Petluka of the Office of Family Services in the Supreme Court Building. (That office ceased to exist when Mrs. Petluka retired a few years later.) Mrs. Petluka required us both to hire a psychologist named Dr. Richard Bennett, who would evaluate us. The fee

we were required to pay was one thousand dollars each in advance.

20. Dr. Bennett arranged to see me with my children, Peter and Mary, in his office on August 6, 1986. This was to prove to be a significant date because I brought to this meeting my other daughter, Shamema, who I had been raising as a single parent after Shamema's mother, Honzagool, had gone back to her native Pakistan when Shamema was only nine months old and had never returned. By bringing Shamema to this meeting with Peter and Mary, the three half-brothers and sisters got to meet each other for the first time. All three children vividly remember this event to this day, even though they were only 7, 6 and 4 years old at the time. They were never to see each other again until they were adults, when they got back together.

21. However, it was because of this meeting in the office of Dr. Richard Bennett on August 6, 1986 that the proverbial s hit the fan and all h broke loose because when I brought my daughter, Shamema, back to Virginia that evening I received a call from my attorney in Virginia, Steve Martin, who informed me that both Anda in New York and Shelby Roberts, the baby sitter I had hired in Virginia to take care of Shamema in the absence of her mother, were enraged and angry that I had introduced the brothers and sisters to each other. I was astounded by this development because I had not told either of them or indeed anybody at all, not my lawyer, not anybody, that I was taking Shamema to New York to meet her brother and sister. This entire operation had been conducted in top secrecy. Also, as far as I knew, Anda and Shelby Roberts did not know about each other and did

not even know that the other person existed. I now realized that Anda and Shelby were in contact with each other, which was extremely upsetting because I had hidden Shamema with Shelby Roberts for the express purpose of hiding and protecting Shamema from Anda, because Anda had invited to her home a man named Raja Eshan Aziz who wanted to kidnap Shamema and take her to Pakistan. Raja Eshan Aziz was a close associate of Khalid Shaikh Mohammed who was later named the mastermind of the World Trade Center Bombing. Honzagool, the mother of Shamema, had been married to the brother of Raja Ehsan Aziz after her return to Pakistan.

22. Because I now realized that Anda and Shelby Roberts were in contact with each other, I did not bring Shamema to court with me on September 4, 1986, because I was apprehensive that something would happen. My fears were proven justified. Instead, I hid Shamema with my friend Sayed Durali Shah in Far Rockaway, Queens, New York and his wife and eight children there. My daughter still vividly remembers being left with that family on that day, even though she was only four years old at the time. Shamema was upset that my mother and I did not take her with us on that day and cried all day long until we returned. I have often stated that if the arrest ordered by Judge Kristin Booth Glen on September 4, 1986 had held up, I would never have revealed the location of Shamema and that Sayed Durali Shah, who I had met in Afghanistan, would have protected Shamema in the Afghan tradition and raised her to adulthood.

23. My fears proved to be well founded, as Judge Kristin Booth Glen stated in open court on September

4, 1986 that if I had brought my child to court on that day she was going to have the child detained and sent to Virginia, where without my knowledge Charles and Shelby Roberts had filed a custody petition on August 27, 1986, one week earlier.

24. I have explained this background so that you can understand that the situation was so severe that it became necessary for me and my mother to flee the country to get away from Judge Kristin Booth Glen. My daughter has since grown up and joined the United States Marines. I have often told her that if I had not left her with Sayed Durali Shah and his eight children on that fateful day, Shamema still would have fought the War in Afghanistan. The only difference would have been that instead of fighting on our side, she would have been fighting on the other side, as her mother is an ethnic Afghan.

25. The main point here is that by accepting a telephone call in the middle of a scheduled hearing on September 4, 1986 and then by calling the police and ordering them to arrest me, Judge Kristin Booth Glen placed the entire lives of my family in jeopardy. Of course, I realize that Judge Kristin Booth Glen could not possibly have known that by her actions she could be delivering my daughter, Shamema, into the hands of the man since named as the mastermind of the attack on the World Trade Center on 9-11. However, Judge Kristin Booth Glen certainly did know that she was engaging in an outrageous violation of the Code of Judicial Conduct by accepting a telephone call from anybody while a hearing before her was in progress and then calling the police and telling them to arrest me. This violation is so serious that Judge Kristin Booth Glen should be removed as a judge and not

allowed to take office as New York Surrogate on January 1, 2006.

26. I have learned that Judge Glen got on the ballot by surviving a close and hard-fought primary contest in which she narrowly defeated her opponent by just a few votes. Several other persons made charges of misconduct against Judge Glen at that time, but they were apparently ignored by the voters. I wish to point out and emphasize that I was not involved in any political way in that election. I know nothing of her adversary. I did not even know that Judge Glen was running until after the primary was over. If I had known, I would certainly have gone out and campaigned heavily against her as did several other former litigants who had been maltreated by Judge Glen.

27. The date was September 4, 1986, a date I remember well because of the events which changed the lives of my family and especially my children on that date.

28. On that date a final hearing had been scheduled for the custody of my two children, Peter and Mary, in the New York Supreme Court at 60 Centre Street. My ex-wife Anda had been refusing for more than a year to comply with a court order giving me two hours of weekly visitation with my children, since she had remarried. I had filed several petitions for habeas corpus with respect to these children. In violation of CPLR 7003, Judge Glen had refused to sign the petition. She had postponed the matter several times over a period of months. She had ordered me and my ex-wife to submit to examination by a psychologist, Dr. Bennett, who had charged us each \$1000. Dr. Bennett was supposed to have his

report ready in time for the hearing, which was scheduled for September 4, 1986.

29. I brought my mother, Dr. Marjorie Sloan, who was an eminent and distinguished child psychiatrist, with me to the hearing. When the case was called, the attorney for Anda, Walter Anderocci, stated and indeed insisted that he needed urgently to speak in private to the judge.

30. Judge Glen refused to agree to this. When Anderocci persisted, Judge Glen told him that she found his conduct objectionable.

31. At about that time, the clerk informed the judge that she had received a telephone call. Judge Glen went back into chambers to receive this call. When she returned some time later, she stated that she had received a call from "Judge Larry Janow" in Virginia. Judge Janow had stated that he was the judge in the case of the custody of another of my children, Shamema, aged 4. Charles and Shelby Roberts, who were unrelated to the child, had filed a petition for the custody of the child. Judge Janow wanted the child removed to Virginia. Judge Glen had stated that she had seen me with a four year old child when I had come to her courtroom to check on the status of the case the previous day. Judge Glen had concluded that this was the same child that Judge Janow wanted. Therefore, Judge Glen had called the police and ordered my arrest. As a result, she was disqualifying herself from the case.

32. As Judge Glen was explaining all this, I turned around and found several New York City Police Officers standing behind me. Walter Anderocci stated that he had arranged for my mother to be

transported to my brother, Creighton's, house in North Carolina. My mother replied sharply that she wanted nothing to do with Creighton. She preferred to go to jail with me, she said. With that, the New York City Police Officers carted us off to the Police Station on Elizabeth Street in Chinatown and locked us up in jail.

33. Only about two hours later, however, the police unlocked the doors to the jail cells and let us out. They stated that they had been on the phone with the Commonwealth Attorney in Amherst County, Virginia and had learned that there was no warrant for our arrest and that Charles and Shelby Roberts did not have legal custody of my daughter. They also said that the silly assed judge had no right to order us arrested and her order meant nothing. Therefore, they were letting us go. They specifically referred to Judge Kristin Booth Glen as a "silly assed judge". That was their exact words.

34. My mother and I immediately went back to the same courtroom where we had been arrested a few hours earlier. It was not yet 4:00 PM and I was still hoping to get the hearing that had been delayed for nearly a year for custody or visitation with my two children, Peter and Mary Sloan. However, Judge Kirstin Booth Glen had left the courthouse. The courtroom was empty.

35. What Judge Glen did was plainly illegal. Because of what Judge Glen did, I realized that the situation was unsafe for me, my mother and my daughter. Judge Janow had not told Judge Glen that Charles and Shelby Roberts had only filed for custody on August 27, 1986, one week earlier. No hearing had been held on the matter. There was no jurisdiction in

Virginia because neither the child nor either of the parents of the child had been in Virginia since the time of filing. The mother of the child was in Pakistan and I, the father of the child, was in New York. In any event, the courts of Virginia had no jurisdiction because the custody of the child had already been decided by Judge Anthony Mercorella of the Bronx Supreme Court in Sloan vs. Awadallah, 17815/1981. Virginia had no jurisdiction to modify this award.

36. Had I been allowed to speak, I could have addressed these issues and demonstrated that what I was saying was factually correct. However, Judge Kristin Booth Glen had given me no opportunity to say anything. Based on nothing more than a telephone call from a person she did not know, she had called the police and ordered my arrest. She had also cancelled the custody hearing which had been pending for nearly a year.

37. Realizing that both Judge Glen and Judge Janow were acting crazily, it was clear that my family was in imminent danger. Therefore, my mother decided that she had no choice but to flee the country. I agreed to go with her, as I had already been scheduled to go to Argentina as the chess trainer and manager for the Polgar Sisters. My mother had never had a passport in her life, because she had been born in a rural area of Iowa in 1910 and no birth certificate had ever been issued for her. Nevertheless, she managed to convince the US Passport Office in Rockefeller Center to issue a passport for her and off we went to Rio Gallegos, Argentina.

38. Soon thereafter, we discovered that my brother Creighton had frozen all the bank accounts of our mother and had cancelled her credit cards, so she had

no funds to travel on or to live on. I soon figured out what should have been obvious all along that Creighton was the mastermind of this entire plot. Creighton had known both Anda and Charles and Shelby Roberts and had introduced them to each other. That is how Judge Janow in Virginia had known that a custody hearing had been scheduled with respect to my other children in New York in September 4, 1986.

39. We soon became aware that Charles and Shelby Roberts were feverously trying to kidnap my daughter Shamema and Creighton was trying to kidnap his own mother. My mother, my daughter and I became vagabonds traveling from country to country without funds. Went to Argentina, Brazil, Paraguay, Spain, France, Austria and Hungary. Eventually, we reached Dubai, United Arab Emirates, where I got a job working as a journalist for a newspaper, the Gulf News. I earned enough money that we were able to survive until I was able to open a computer business there.

40. Exactly four years later, on September 3, 1990, Creighton finally succeeded in having his mother kidnapped in Bangkok, Thailand and brought back to America, where he had her locked up until she died 12 years later, in 2002. Creighton looted her bank accounts, stealing more than one million dollars in her funds. Shamema was kidnapped on October 7, 1990 in Fujairah, United Arab Emirates and was brought to Virginia where she was held prisoner by the Roberts for ten years until she became of legal age, when she joined the US Marines, and went to fight in Iraq.

41. My children, Peter and Mary Sloan, who were the subject of the custody proceeding that was supposed to have been heard on September 4, 1986,

never got to see their father again. My daughter Mary, who is now 26, refuses to see me because she believes that I abandoned her when she was a child. She thinks that I just stopped coming to see her. She does not realize that her mother cancelled all visitation when she remarried and that I went to court more than 50 times and filed three habeas corpus petitions and two family court proceedings all in a fruitless attempt to see her.

42. My son Peter recently established contact with me because he has become a chess master and sees me at chess tournaments. At the same time, he had no contact with his father at all from 1982 until he became an adult, except for a few visits that were allowed in 1985.

43. My children have suffered problems because of having no father. In spite of being bright and talented, scoring in the 99 percentile on standardized tests, they have a history of failure and near failure in school and being left back. They both have serious problems which they might not have had it not been for the actions of Judge Kristin Booth Glen.

44. The actions of Judge Glen were illegal. If there were valid grounds for having me arrested, Judge Janow could simply have contacted the police in Virginia where he was a judge and the police could then have contacted the New York City Police who would then have come to the courtroom and arrested me. This is obvious. Accordingly, Judge Glen should have realized that the call was bogus. Judge Glen simply had no right to call the police and have me and my mother arrested.

45. CPLR 7003 © provides for penalties for this violation.

§7003. (c) Penalty for violation. For a violation of this section in refusing to issue the writ, a judge, or, if the petition was made to a court, each member of the court who assents to the violation, forfeits to the person detained one thousand dollars, to be recovered by an action in his name or in the name of the petitioner to his use.

46. The actions of Judge Kristin Booth Glen on September 4, 1986 have had a devastating impact on my life and the lives of my children and they were illegal. Accordingly, Judge Glen should be removed as a judge, disbarred from the practice of law and not be allowed to take office as New York Surrogate on January 1, 2006.

WHEREFORE, I hereby request and pray that Judge Kristin Booth Glen be removed as a judge, disbarred from the practice of law and not be allowed to take office as New York Surrogate on January 1, 2006.

/s/ Samuel H. Sloan
1664 Davidson Avenue, Apt. 1B
Bronx NY 10453
samsloan@samsloan.com
<http://www.samsloan.com/notoglen.htm>
917-507-7226
347-869-2465

/s/ Samuel H. Sloan

App.408a

/s/ Kayo Kimura
Notary Public, State of New York
No. 01KI6112896
Qualified in Kings County
Commission Expires July 12, 2008
New York, New York 10022

[The following text is heavily obscured by a large black redaction box.]

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on September 11, 1986 ...
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Date: 9/10/86
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COUNTY CLERK, NEW YORK COUNTY CLERK'S MINUTES OF SUPREME COURT ACTIONS AND PROCEEDINGS		493
JUDICI NO. 8485	ATTORNEYS:	
Plaintiff <i>Stewart H. Sloman</i>	Defendant <i>Paul S. Zolbert</i>	For Plaintiff ADDRESS <i>11 - 86 St.</i>
Defendant <i>Edw. B. Sklar</i>	Plaintiff ADDRESS	For Defendant ADDRESS
Date 4/16	Index Number Assigned 7A570	APR 28 1986 <i>declined to report of John Deegan</i>

App.410a

EXHIBIT Q
SLOAN'S COMPLAINT ABOUT MISCONDUCT OF
JUDGE GAMBLE AND JANOW
(FEBRUARY 3, 1991)

EXHIBIT Q

Sloan complains to the Virginia Judicial Inquiry and Review Commission about the misconduct of Judge Gamble and Judge Janow.

**COMPLAINT REGARDING
JUDGE LAWRENCE JANOW**

M. Ismail Sloan
917 Old Trent's Ferry Road
Lynchburg, VA 24503
Tel: (804) 384-6862

Reno Harp III
Judicial Inquiry and Review Commission
P.O. Box 367
Richmond, VA 23203

Re: Judge Lawrence Janow Amherst County Juvenile
and Domestic Relations Court

Dear Mr. Harp:

I wish to make a complaint regarding Judge Lawrence Janow of the Amherst County Juvenile and Domestic Relations Court.

My complaint is so long and difficult to explain that it is impossible to summarize the matter in a few pages. Let me say, however, that I have a friend who is a lawyer in Virginia who has been watching this case from the sidelines over the past five years and who told me recently that he has never seen or heard of a case which is more suitable for inquiry by the Judicial Inquiry and Review Commission.

The basic fact is that Judge Lawrence Janow and I have been personal enemies for many years. His personal hostility towards me has long been well known. Now, for the past five years, he has been attacking me and my family relentlessly, trying to decimate and destroy my family life and trying to kidnap my children and have them all given away for adoption.

Because of this, my family was forced to flee from the United States in 1986. Subsequently, after four years of constant effort, Judge Janow succeeded in having my entire family kidnapped in Thailand and the United Arab Emirates and brought back here in September and October, 1990. More than that, only this past Friday, January 25, he had the police pick up my wife and my two-year-old daughter and remove them from my home. My wife, believing that Judge Janow intends to take her baby for adoption as well, has, as a result, fled the State of Virginia and has absconded to parts unknown.

While all this has been going on, Judge Janow has not had proper jurisdiction over any case involving me or my family. In the first place, we have never in our lives resided in Amherst County. The only connection I have ever had with Amherst County is that in 1982 I hired a woman to work as a baby sitter to take care of my then eight month old daughter, Shamema Sloan. That baby-sitter resides in Amherst County. Although she was fully paid for her services as a baby sitter, she has, now, more than eight years later, kidnapped the child that she was hired to take care of. She wants to be able to keep this child for adoption.

The woman in question is named Shelby Roberts. She is an obese lady, is 52 years old and weighs 260 pounds. She happens to be a neighbor of the former secretary of Judge Janow, which is how he came to know about this case. She is also a fanatical follower of Jerry Falwell.

Since I know that Judge Janow is, himself, not a follower of Jerry Falwell, it has long been a mystery to me why he is determined to such a fanatical degree to kidnap my children and have them given away for

adoption. I must mention here that I have six children plus possibly one more on the way, so when Judge Janow undertakes to kidnap all my children, this is not only a major for undertaking for him but also a serious threat to me.

One discovery that I have made in this regard is that Judge Janow has adopted his own children. I enclose a copy of an order in which Judge Janow adopted a child now to be known as "Patrick Scott Welch Janow". The remarkable thing about this order is that every lawyer and judge whose name is mentioned in this order is in some way involved in this case. At that time, Judge Janow was a partner in the law firm of Pendleton, Janow and Gamble. Gamble is the lawyer whom I originally hired to represent me in this case, but he quickly withdrew and returned my retainer fee, citing a conflict of interest. Pendleton is the lawyer who represents a woman who claims to have married my father in the emergency room of the Lynchburg General Hospital just before he died and is suing for her "widow's share" of my father's estate. You may recall this case, because it was widely publicized in the newspapers and on television in 1986 when it occurred.

Don Pendleton was heavily involved in trying to gain control over my father's assets during the last 19 days of my father's life. My father died on January 19, 1986 and Judge Janow started getting involved in trying to steal my own children on January 13, 1986, so you can see that these two events occurred at almost exactly the same time.

I must mention here that Judge Janow has a history of doing things like this. There have been numerous scandals reported in the newspapers

regarding Judge Janow. A few years back, there was a case of two 17-year-old murderers who were let out on bail by Judge Janow, much to the outrage of the community. It turned out that Judge Janow was a close family friend of the murderers and had represented them in legal matters before he became a judge.

I have found out that Judge Janow has a terrible reputation in Amherst County. Judge Janow is hated by so many people there that it becomes impossible to determine whether some of these stories about Judge Janow are based upon fact, or whether they are merely being spread by those who simply don't like him.

For example, it is being said that Judge Janow is a notorious womanizer and that he has often been known to beat and mistreat women. I am told that his first wife divorced him when she caught him in bed with another woman. (That first wife, if my information is correct, was the daughter of one of the most prominent people in Amherst County. Naturally, I will not mention her name here.) One of my informants who is a 62 year old man who has lived his entire life in Lynchburg, remembers Judge Janow as a youthful offender. He sums it up simply by saying that, "Lawrence Janow is bad when it comes to women."

Again, I cannot tell you whether any of these rumors are true or not. The difficulty is increased by the fact many of the events in question appear to have occurred years ago and few people have been in the area long enough to remember him. At the same time, I can assure you that I am not making all this up. This is, in fact, the reputation of Judge Janow in Amherst County. It seems obvious to me that if a man has a reputation of being a "notorious womanizer", he

should especially not be a judge of Juvenile and Domestic relations court. That particular job places him in the position of being the judge over the lives of numerous young women with children who are having trouble with their present or former husbands and who need help from a judge. The potential for abuse in such a situation by the judge himself is obvious. As mentioned previously, my own wife is terrified of Judge Janow and has left the State of Virginia just to get away from him.

Getting down to the particular facts of my own case, my wife, whose name is Vithanage Santhilatha, just arrived in America with our daughter, Jessica, on October 9, 1990, which is less than four months ago. Almost immediately, she was tricked by Frank Davidson III, the lawyer for Charles and Shelby Roberts, who are trying to adopt my daughter, Shamema Sloan, into filing a custody suit against me before Judge Janow. This occurred on October 23, 1990, just two weeks after their arrival in the United States.

As I am sure that you know, both the Virginia Uniform Child Custody Act and the Federal Parental Kidnapping Act provide that a child must in a state for at least six months before a petition for the custody of the child can be filed in that state. Santhilatha and Jessica were never residents of Amherst County at all. They were just passing through. They never intended to stay there for any extended period. Santhilatha, who is from Sri Lanka, had just come to the United States on a six months tourist visa.

I know well the devious strategies and tricks of Frank Davidson III, so I immediately understood what was at the bottom of this custody petition. Frank Davidson III is an attorney who specializes in adoptions.

He, like Judge Janow, has adopted his own children. He likes to steal children from their parents and give them to others for a high legal fee. That is how he came to represent Charles and Shelby Roberts.

His general legal strategy is to get a natural parent to file a custody petition and then to get his own clients to intervene as third parties and try to take away the child. I am not exactly sure why he does it this way but I suppose that the reason must be that a third party might find it difficult to file a custody suit directly but might find it more easy to intervene in a suit filed by a natural parent

Thus, when confronted with a suit filed for the custody of Jessica by Frank Davidson III, I realized immediately what he was up to. You must understand that Santhilatha and I are on the best of terms. She calls me every day and I was the one who obtained the tourist visa for her to come to America. She had, actually, no reason to file a suit against me for the custody of Jessica.

When I asked her about this, she told me that, sure enough, Frank Davidson III had been coming frequently to the house where she was staying, had expressed a special interest in Jessica, had often played with Jessica and had even asked permission on numerous occasions take Jessica out on a ride alone with him in his car.

In spite of not knowing what kind of man Frank G. Davidson III was, Santhilatha had been instinctively afraid of him. She had allowed him as her lawyer to play with Jessica but had refused to allow him to take her for a ride in his car. In reality, Frank Davidson III is not a known child molester (which is what someone

else might be thinking, based upon these facts). Rather, he is a man who likes to adopt children. He was clearly testing Santhilatha, to see how far she would let him go. Otherwise, what would a man aged around 45 being doing with such an interest in playing with a two year old girl?

This explains why Judge Janow and Frank Davidson III are targeting me and my family. I am apparently capable of producing children who are highly intelligent, good looking and, in the case of Shamema, gifted. I am able to do this in spite of the extremely poor quality and somewhat backward nature of the mothers. (Both Santhilatha, the mother of Jessica, and Honzagool, the mother of Shamema, are completely illiterate, even in their own native languages). On the other hand, both Frank Davidson III and Judge Janow are either incapable of or else are too lazy to produce their own children, so they have been trying to steal my children instead.

Getting back to the case of Jessica and Santhilatha, after the custody petition was filed on October 23, 1990, Judge Janow entered an order dated December 19, 1990 in which Santhilatha and I were enjoined from contacting each other. Santhilatha contacted me and told me that she was quite happy about this. She simply did not know the nefarious methods of Judge Janow. Her exact words to me were "I won the case." What she did not understand was that this was just going to be the first step towards losing her daughter. Santhilatha and Jessica were dependent upon me for financial support. The plan of Judge Janow and of Frank Davidson III was to cut me off from supporting my children thereby leaving the children homeless

and destitute, in which case the state would take the children and they would be given away for adoption.

Not only did I try to explain this to Santhilatha but I filed a federal complaint on December 17, 1990 against Frank Davidson III and Judge Janow for doing exactly this. A copy of this federal complaint is enclosed. Incidentally, after filing such a federal case against a judge, one would imagine that normally the judge would withdraw and disqualify himself from the case. However, I knew in advance that there was no chance of Judge Janow doing that, because if he does that then he will have to give up his plans of stealing all of my children.

So far, I have sued Judge Janow three time and my mother once. Each of these suits has alleged that he is either attempting to kidnap or else has already kidnapped one of my children. Still, he remains as the judge on my cases. (Several collateral cases filed before other judges, but all of those other judges ultimately found those cases to be meritless and dismissed them. There is now no case against me anywhere in the entire world, except for the cases before Judge Janow).

After Judge Janow entered his order dated December 19, 1990, things continued fairly normally for the next month with Santhilatha blissfully unaware of the evil intentions of Judge Janow. I continued to give Santhilatha money secretly, even though this meant violating Judge Janow's order. Then, on January 12, 1991, Santhilatha was caught by the police after having been observed being picked up by me in front of the Winn-Dixie in Madison Heights. Shelby Roberts took all of her money away from her, including the one hundred dollars which I had just given her. She was

taken to the police station in Amherst County but not booked, as she was obviously not guilty of anything. She was checked into the Economy Lodge (formerly known as the Green Tree Inn) in Madison Heights. The police told her not to call me again and that if she did so, her baby was going to be taken away from her.

On Monday, January 14, she was taken to the court of Judge Janow. He ordered Rick Groff, a welfare case worker, to take her to a shelter for homeless women in Roanoke. There are two shelters for homeless women in Lynchburg but Roanoke was selected to keep her away from me. She was ordered not to contact me. However, two days Later, she called me again, anyway. When Judge Janow learned about that, he had her transferred to another more secure shelter known as the "Trust House", where she could be kept more strictly under confinement. However, the Trust House is intended for women who are running away from husbands and boyfriends, which was not the case here. Two days later, she was able to sneak out and call me again. After that, she was transferred to yet another shelter.

Eventually, she was able to get back to my house in Lynchburg. She arrived on Saturday, January 19, and she succeeded in hiding out in my house for nearly one week. Judge Janow found out about this on Friday, January 25. Acting pursuant to his instructions, two police cars came to my house and picked her up at about 5:00 P.M. on that day. At that time, I was not at home but was at the Virginia Baptist Hospital because one of my children was sick. Without my knowledge, Santhilatha and Jessica were taken to yet another shelter, this time in Lynchburg. They escaped from that shelter the following morning. This time, however,

instead of contacting me, Santhilatha fled the state altogether. I believe that she is now in California. She calls me every day, but refuses to say where she is because she is afraid, with good reason, that Judge Janow will send the police and have her arrested there.

It must be recalled that all this is based upon a custody petition which Santhilatha herself filed. Since then, she has been trying to withdraw that petition. Judge Janow refuses to allow her to do so. On January 14, when she found out that she was going to be taken to a shelter in Roanoke, she asked Judge Janow to cancel the court case instead. Rick Groff, the social worker, said that he had conveyed the message to Judge Janow but the reply was that the judge would not allow her to withdraw her own petition. In addition, Judge Janow indicated that if she wanted to withdraw her custody petition this meant that she longer wanted custody of her baby and, therefore, she wanted to give it away. In that case, Judge Janow intended to give her baby away for adoption.

Starting on about Wednesday, January 15, Santhilatha started calling her assigned legal aid lawyer, Marian Baker, every day to say that she wanted to cancel her court case. The answer from Judge Janow which came back through Marian Baker was, "Does that mean, that you no longer want your baby?" In reply, Santhilatha said that she merely wanted to get out of the shelter where she had been confined pursuant to the orders of Judge Janow. She understood that once the case was canceled, Judge Janow would have no further jurisdiction over her.

According to Marian Baker, she called Judge Janow several times about this and finally filed a

motion to dismiss the case on Tuesday, January 21. However, on Thursday, the answer came back. Judge Janow would not agree to cancel the child custody case involving Jessica because he wanted to keep Santhilatha to testify against me in the Shamema case filed by Charles and Shelby Roberts.

I think that if you have been reading this letter carefully, you have caught the point. Judge Janow himself is the one who wants Santhilatha, my wife and the mother of our daughter, as a witness to testify against me in another case. This might surprise others, but it does not surprise me. This is typical of the things which Judge Janow has been doing all along. The only remarkable thing about this is that Judge Janow admitted this publicly to another lawyer.

I want to make two important points about all this. The first is that while I have repeatedly referred to "orders, instructions and directives" of Judge Janow, there have, in fact, been no officially entered orders at all, other than his initial order dated December 19, 1990 in which he took jurisdiction over this case. When I make such statements as that he ordered Rick Groff to take my wife to a shelter in Roanoke or that he ordered the police to pick up my wife from my house, I am talking about verbal telephone "orders" which did not involve any court appearance. This is the reason that I keep filing civil lawsuits against Judge Janow. There is no right of appeal from a verbal instruction given to the police over the telephone. I cannot go to a higher court. Moreover, such verbal orders have had and will continue to have a devastating effect upon me and my family. It took a long time and effort to get my wife and our daughter back into our home. Then, just one telephone call from Judge Janow

and now she is hiding out, possibly in California, and is unlikely to return except in the unlikely event that Judge Janow agrees to allow her to cancel her own case as she has been requesting him to do.

The second point is that these events are almost an exact repetition of the events which occurred in 1986 which caused me and my family eventually flee from the United States altogether. On January 13, 1986, not knowing the reputation of Judge Janow, I filed a petition for the custody of my daughter, Shamema Sloan. My petition was unopposed. Nobody else filed a petition. Still, Judge Janow refused to hear it, postponing the matter many times. Finally, after a delay of seven months, in August, 1986, Judge Janow announced that he was postponing the case again, until October. At this point, tried to withdraw my custody petition, just as Santhilatha is now trying to withdraw her custody petition.

Finally, on August 25, 1986, I fired Shelby Roberts as my baby-sitter and removed my daughter Shamema from the State of Virginia on the same day. At this point, Judge Janow, who had been sitting on the case and refusing to take any action at all, was galvanized into action. On the recommendation of Judge Janow, Charles and Shelby Roberts filed a petition for the custody of Shamema on August 27, 1986, two days later. On about September 5, 1986, acting pursuant to the custody petition filed by them, Judge Janow awarded custody to the Department of Social Services. All of this was done ex-parte, since we had never been served with a summons, being out of the State of Virginia at that time. Judge Janow then had a nationwide arrest order issued for us. Fortunately, we had by then escaped from the country. All this was

done by Judge Janow, based upon nothing more than a petition filed by a mere baby-sitter who had no legally recognizable standing to sue for the custody of the child.

Again, this is only part of the story. The main point I want to make is that Judge Janow is acting in a manner which is completely improper for a judge. A judge is supposed to avoid not only impropriety but the appearance thereof. Judge Janow's actions clearly appear to be improper. He facilitated the kidnapping of my children from a foreign country and then he took jurisdiction over them when he clearly does not have jurisdiction under the Virginia Uniform Child Custody Act. He has continued to attack me personally as a judge even though I already have three pending lawsuits against him.

Incidentally, several attorneys whom I have consulted have cautioned me not to write this letter on the grounds that Judge Janow might sue me. However, the possibility that Judge Janow might sue me or even throw me in jail for contempt is inconsequential when compared with the fact that he is trying to take away by kidnapping or otherwise all of my children. Secondly, I am immune from being sued by Judge Janow because if he does that he really will have to withdraw from the cases, which will effectively end his campaign to steal all of my children. I am sure that no other judge in the entire United States of America would be so zealously interested in stealing all of my children as it Judge Janow. As noted previously, all of the other judges have dismissed their cases against me, those other cases having been filed essentially in sympathy with Judge Janow. Finally, if he sues me, I will have the opportunity to defend on

the grounds that the accusations are true. I can assure you that I did not invent the accusations contained in this letter. I have witnesses for everything. For example, I would probably have to serve a subpoena to compel his testimony, but I can definitely produce the man who told me that Judge Janow was divorced by his wife when she caught him in bed with another man and that he has a reputation for beating and abusing women. Of course, I do not have the slightest idea of whether Judge Janow actually beats his wife or not. I only know that he has a very bad reputation for doing things like this in Amherst County where he lives.

Finally, I have been cautioned that Judge Janow might actually kill me for writing this letter. However, that is of no moment. Already, Charles Roberts is out actively trying to kill me. He is heavily armed and dangerous and happens to be an extremely stupid man. Charters Roberts is every day trying to shoot deer, dogs, cats and other harmless animals in front of his house. He has even taught my nine-year-old daughter, Shamema, how to fire a handgun. Judge Janow is presumably not so readily disposed towards violence as is Charles Roberts. However, I suppose that Judge Janow is much smarter and therefore more dangerous. Nevertheless, that is just of the risks which I have to take if I want to get my kidnapped children back. Incidentally, there have been quite a large number of murders in Lynchburg just in the past two and a half months since I was forced to come back here. A juvenile and domestic relations court substitute judge was murdered in Lynchburg just a few weeks ago, a perhaps you already know.

I submit that under these circumstances, Judge Janow should not be sitting as a judge and certainly he should not be sitting as a judge in cases involving me. I want to mention in conclusion that I am familiar with the practice in the Supreme Court of New York County. There are many judges to choose from there, but only a handful of them are allowed to handle domestic relations cases. Before a judge is assigned to such cases, there is a special background check for his suitability to see if he has a secure family life. I had a case in that county and my judge had been married to the same woman for 37 years. This was not an accident. Too many judges in New York have been caught sleeping with the female litigants appearing in the cases before them, and this is the reason that these special background checks are required. I believe that a similar background check should be made of domestic relations judges in Virginia. I feel certain that Judge Janow would not pass.

Very Truly Yours

M. Ismail Sloan

Only two days after I filed the above complaint with the Virginia Judicial Inquiry and Review Commission, I received back a brief note signed by Reno Harp III stating that this complaint did not concern a matter which would be considered by that commission.

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EXHIBIT V
MANDAMUS PETITION TO REMOVE JUDGE
(APRIL 25, 2018)

EXHIBIT V

Sloan vs Janow, Mandamus Petition to Remove
Judge Janow from this case and to require the return
on the \$1000 (one thousand dollars) bond.

PETITION FOR A WRIT OF MANDAMUS
AND PROHIBITION TO REQUIRE THE
RETURN OF A ONE THOUSAND DOLLARS
CASH APPEARANCE BOND
(MAY 3, 1991)

VIRGINIA: IN THE CIRCUIT COURT
OF AMHERST COUNTY

M. ISMAIL SLOAN,

Petitioner,

v.

JUDGE LAWRENCE JANOW,

Respondent.

Comes Now, M. Ismail Sloan, and, being duly sworn, petitions for a writ of mandamus and/or prohibition pursuant to Sections 8.01-644 through 648 of the Code of Virginia to require the return of a cash appearance bond in the amount of one thousand dollars which is being unlawfully held by the respondent, Judge Lawrence Janow of the Amherst County Juvenile and Domestic Relations Court, on the following grounds:

1. On November 13, 1990, I was arrested on two. capias issued by Judge Lawrence Janow on charges of

contempt of court. These charges dated back to 1986. The Amherst County Commonwealth Attorney has since stated that he had not previously been aware of these charges, as Judge Janow had apparently kept the capias on his person.

2. In these charges, it was alleged that I was in criminal contempt of court for disobedience an order dated August 25, 1986 and that I had failed to appear in court on September 8, 1986.

3. In fact, however, I had never been personally served with either the order dated August 25, 1986 or the order dated September 8, 1986. I left the State of Virginia on August 25, 1986 and did not return until November 12, 1990, the day before I was arrested. I did not even see the order dated August 25, 1986, until December, 1986, several months later. In addition, the order dated August 25, 1986 did not specifically order me to do or not to do anything.

4. As a result, it is clear that I did not know about the orders dated August 25, 1986 and September 8, 1986 until long after they were entered. I cannot be charged with contempt for failing to obey these orders. I was also not personally served with a previous order dated April 2, 1986, although that order was not mentioned in either capias anyway.

5. Regarding the court hearing on September 8, 1986, I did not know about that hearing either, because that hearing was not scheduled until after Charles and Shelby Roberts filed a petition for the custody of my daughter, Shamema Honzagool Sloan, which was on August 27, 1986, after I had already left the state with my daughter. I was never served with their petition.

6. Subsequent to my arrest on November 12, Judge Janow stated orally on November 13, 1990 that the September 8, 1986 date was a mistake and I should have been charged with failure to appear in court on October 8, 1986. However, it is clear from the docket sheet that no court hearing took place on October 8, 1986. I cannot be charged with failure to attend a court hearing which never took place. (I was not notified in time of that court date either).

7. When I was arrested on November 13, 1990, Magistrate Dudley set a bond in the amount of \$1,000 (one thousand dollars), cash or bond. That evening, after dark, at about 6:30 P.M., I was brought from the jail to the courtroom. Judge Janow appeared and stated that he had reopened the court in the night because he was going out of town the following morning and he wanted to make sure that no other judge would hear my case. He raised my bond to \$10,000 (ten thousand dollars) in cash and stated that he intended to keep me in jail for one full year. He also told me that he had removed my attorney, Steve Martin, from the case.

8. On the next day, November 14, 1990, with no attorney to represent me, I filed a handwritten notice of appeal from my cell in the Amherst County Jail. I induced a police officer in the jail to carry my notice of appeal across the street to the Amherst County Courthouse.

9. On November 16, 1990, Judge Goad of the Amherst Country Circuit Court heard my appeal of the bond. This hearing lasted all day, including adjournments. When Judge Goad learned that the court orders with respect to which I was being charged with contempt had never been personally served upon

me, he said that in that case he should throw out the entire proceeding. It appeared, however, that during the lunch break, Judge Goad had received a call from Judge Janow. In the afternoon session, Judge Goad stated saying that this was an appeal from a non-final order (Judge Janow's contention) and he had no choice but to put me back in jail.

10. Finally, when it was nearing 5:00 P.M., after consulting the legal authorities, Judge Goad decided that he had jurisdiction to hear my appeal and he thereupon reduced my bond back to the same \$1,000 (one thousand dollars) which had originally been set by Magistrate Dudley. I raised this bond and was released the same evening.

11. The terms of my bond as set by Judge Goad were that I was to appear in court at 9:30 A.M. on December 19, 1990. This date had previously been set by Judge Janow. Apparently, Judge Janow had intended to keep me in jail for more than one month without a hearing until that date.

12. I appeared in court on December 19, 1990 at 9:30 A.M., after my proceeding in federal court to enjoin Judge Janow from further proceedings had been turned down by Judge Turk of the United States District Court just a few minutes earlier.

13. When I appeared in court on December 19, 1990 at 9:30 A.M., I found that Judge Janow was not present and my case was not on the docket sheet. Another substitute judge was there and he said that he knew nothing about this case. I noted my appearance. June Wood, the Clerk of the Amherst County Juvenile and Domestic Relations Court, said

that she would ask Judge Janow about this when he came in.

14. Later the same afternoon, I again went to the Amherst County J & D Courthouse. On this occasion, I was told by June Wood that the matter of contempt would be taken up on February 4, 1991 at 2:00 P.M.

15. On February 4, 1991 at 2:00 P.M., I again appeared in the Amherst County Juvenile and Domestic Relations Court. This time, a lengthy four or five hour hearing was held involving about six lawyers regarding the custody of my daughter, Shamema Honzagool Sloan. No mention was ever made of the two capias or of the contempt proceedings. The custody matter was thereafter adjourned without date.

16. The next day, I called June Wood and asked for my one thousand dollars back. After consulting with Judge Janow, she said that the money would be kept and would not be returned until all the custody proceedings involving my daughter, Shamema Honzagool Sloan, had been concluded.

17. Subsequently, I wrote letters about this to Judge Janow and to W. Edward Meeks, the Amherst County Commonwealth Attorney. Copies of these letters are annexed hereto and are fully incorporated herein by reference. I never received a reply to either one of these letters.

18. After sending these letters, I again called June Wood and asked for my money back. Again after consulting with Judge Janow, she stated that the money would be kept indefinitely and that I should not call the court again to inquire as to this matter.

19. I had been hoping to raise this matter at the time of my appeals in the related but different case involving my daughter Shamema Honzagool Sloan but was not able to do so. Since it now appears that those matters will go up to the Court of Appeals and may drag on for months or even years, I am now filing this petition for a writ of mandamus.

20. It is highly unfair and prejudicial for this contempt matter to be kept open indefinitely. I have two small children to take care of, aged one year and two years and ten months, and I need this one thousand dollars to take care of my family. More than that, the alleged pendency of these contempt proceedings is being used as justification for denying me the custody of my daughter, Shamema Honzagool Sloan. Once these contempt proceedings are dismissed, Judge Janow will have a difficult time finding an excuse to deny me access to my daughter.

21. It is submitted that this matter of contempt is no longer before the court. I appeared with my attorney to contest this matter on December 19, 1990, but the judge was not there and the matter was not taken up or adjourned. At that point, the matter concluded. In any event, I appeared again on February 4, 1991, a date on which I had been told the matter would be taken up, but again the matter was not taken up nor was it adjourned. Thus, the case of contempt is no longer before the court.

22. It is submitted that these contempt proceedings are frivolous anyway because it is well established that I was not personally served with the court order with respect to which I am allegedly in contempt. Without personal service, I cannot be found to have knowingly violated this court order. In

addition, the order dated August 25, 1986 did not require me to do anything.

23. It is submitted that both Judge Janow and the Commonwealth Attorney know that the charges are frivolous and did not proceed forward with them for that reason.

24. It is submitted that by appearing in court on December 19, 1990, I discharged the bond and therefore I am entitled to my money back, regardless of any other proceedings before the court.

25. I have been advised that I should not raise this issue because if I do so, Judge Janow will order a hearing, revoke my bond and put me back in jail on this or perhaps on some new contempt charges. For this reason, I request a writ of prohibition against Judge Janow.

26. These contempt proceedings should be declared null and void and a writ of prohibition should be issued prohibiting Judge Janow from reinstating and/or proceeding on these contempt charges.

27. The petitioner has a clear legal right to the return of his cash appearance bond. This matter is not discretionary. The retention of this bond by Judge Janow is unlawful. Under these circumstances, a writ of mandamus and/or prohibition should issue pursuant to the pertinent sections of the Code of Virginia requiring Judge Janow to return the one thousand dollars cash bond.

28. There is no other adequate remedy at law.

WHEREFORE, the petitioner demands a writ of mandamus requiring the return of the one thousand dollars cash appearance bond and a writ of prohibition

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prohibiting Judge Janow from reinstating or proceeding on these contempt charges.

/s/ M. Ismail Sloan

Sworn to before me this 3rd day of May, 1991

/s/ {Illegible}

Notary Public

My Commission Expires

July 29, 1991

Receipt for Fees Collected

County of Amherst Virginia 5.29 1991 Received M. Ismail Sloan \$ 4.00/100 Four of 00/100 Dollars for Petition. In the matter of M. Ismail Sloan vs. Judge Lawrence Janow

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ORDER OF THE
COURT OF APPEALS OF VIRGINIA
(MAY 17, 1994)

IN THE COURT OF APPEALS OF VIRGINIA

IN RE: M. ISMAIL SLOAN,

Petitioner,

Record No. 0181-94-3

Upon a Petition for a Writ of
Mandamus and/or Prohibition

Before: BARROW, KOONTZ and BRAY, Judges

This petition for a writ of mandamus and/or prohibition is dismissed for the following reason:

Petitioner asks this Court to issue the writ requiring (1) the circuit court to order the preparation of the five trial transcripts at Commonwealth expense, (2) the disqualification of Judge Gamble from appearing as the judge in this case and (3) that all of these child custody proceedings brought by Charles and Shelby Roberts be dismissed for lack of jurisdiction and all of the orders entered in this proceeding be vacated for lack of jurisdiction, so that the custody of the child shall revert to her natural parents.

Petitioner's complaints arise from the circuit court's actions in his child custody dispute with the Amherst County Department of Social Services. That case is pending before this Court. *Sloan v. Department of Social Servs.*, Record No. 1747-93-3.

"[T]he extraordinary remedy of mandamus may not be used as a substitute for an appeal. Mandamus 'lies to compel, not to revise or correct action, however erroneous it may have been, and is not like a writ of error or appeal, [which is] a remedy for erroneous decisions.'" *Richlands Medical Ass'n v. Commonwealth*, 230 Va. 384, 387, 337 S.E.2d 737, 740 (1985) (citations omitted).

Here, if the circuit court erred in (1) denying petitioner's request for free copies of transcripts, (2) denying petitioner's recusal motion, and/or (3) failing to dismiss the proceedings for lack of jurisdiction, then petitioner may address these matters on appeal to this Court. Mandamus and/or prohibition does not lie as a substitute for petitioner's appeal of these allegedly erroneous actions.

The Commonwealth shall recover of petitioner all unpaid fees and costs in this cause which are to be taxed by the clerk.

Costs due the Commonwealth by petitioner:

Filing fee \$25.00

A Copy, Teste:

By: Richard R. James, Clerk

/s/ {Illegible}
Deputy Clerk

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ORDER OF DISQUALIFICATION
(JUNE 20, 1991)

VIRGINIA: IN THE CIRCUIT COURT
FOR AMHERST COUNTY

M. ISMAIL SLOAN,

Petitioner,

v.

JUDGE LAWRENCE JANOW,

Respondent.

No. 6508

The Judges of the Twenty-Fourth Judicial Circuit, being so situated in respect to the above styled case pending in this Court as to render it improper, in their opinion, for them to preside at the trial thereof, such fact is hereby entered of record.

Entered this 20 day of June, 1991.

/s/ Mosby G. Perrow
Chief Judge

LETTER FROM THE CHIEF JUSTICE TO THE
ASSISTANT EXECUTIVE SECRETARY OF THE
SUPREME COURT OF VIRGINIA
(JUNE 20, 1991)

TWENTY-FOURTH JUDICIAL CIRCUIT OF VIRGINIA
COMMONWEALTH OF VIRGINIA
Cities of Lynchburg and Bedford
Counties of Amherst, Bedford, Campbell and Nelson

Frederick A. Hodnett
Assistant Executive Secretary
Supreme Court of Virginia
Third Floor
Supreme Court Building
100 North Ninth Street
Richmond, VA 23219

Re: M. Ismail Sloan v. Judge Lawrence Janow
No. 6508

Dear Fred:

I am enclosing a copy of an order of disqualification of the Judges of the Twenty-Fourth Judicial Circuit in the above case. We are of the opinion, in the language of Canon 3(C), that the impartiality of the Judges of this Circuit "might reasonably be questioned." Mr. Sloan is a prolific *pro se* litigator and you will recall that Judges Ballou and Peatross have previously been designated to handle other filings.

The captioned case is a Petition for a Writ of Mandamus filed in the Circuit Court for Amherst County. M. Ismail Sloan's address is 917 Old Trents Ferry Road, Lynchburg, Virginia 24503. A demurrer

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has been filed on behalf of Judge Janow by Barbara Gaden, Assistant Attorney General, Office of the Attorney General, Supreme Court Building, 101 North Eighth Street, Richmond, VA 23219.

The Clerk of the Circuit Court for Amherst County is Roy C. Mayo, whose address is P. O. Box 462, Amherst, Virginia 24521, and whose telephone number is 1-804-929-9321. The Court's docket secretary is Kathy Tomlin (1-804-929-9329), and she will be glad to assist in scheduling any hearing.

We appreciate your assistance in arranging for the designation of a Judge to hear these matters.

With best wishes and kindest regards, I am

Very truly yours,

/s/ Mosby G. Perrow, III
Chief Judge

MGP, III/vkh

Enclosure

cc: M. Ismail Sloan

Barbara Gaden, Assistant Attorney General

Mr. Roy C. Mayo, III, Clerk

**DEMURRER
(JUNE 18, 1991)**

VIRGINIA: IN THE CIRCUIT COURT
FOR THE COUNTY OF AMHERST

M. ISMAIL SLOAN,

Petitioner,

v.

JUDGE LAWRENCE JANOW,

Respondent.

Case No. F6508

COMES NOW the respondent, the Honorable Lawrence Janow, Judge, by counsel, and for his demurrer to the petition for a writ of mandamus and prohibition to require the return of a \$1,000 cash appearance bond ("the petition"), states as follows:

1. Petitioner prays for (a) a writ of mandamus requiring the return of a \$1,000 cash appearance bond, and (b) a writ of prohibition prohibiting Judge Janow from reinstating or proceeding on contempt charges now pending against the petitioner.

2. Although the petition is lengthy, very few allegations contained therein are relevant to the issue of the relief requested by the petitioner. These allegations are as follows:

- (a) The late Honorable Robert C. Goad, Judge, set a \$1,000 bond for the petitioner's appearance on December 19, 1990, to answer contempt charges. Petition ¶ 11.
- (b) The matter of the petitioner's contempt was later continued to February 4, 1991. Petition ¶ 14.
- (c) On February 4, 1991, the contempt matter was neither taken up nor was it adjourned. Petition ¶ 21.
- (d) The petitioner has declined to raise the contempt issue for resolution by the Juvenile and Domestic Relations District Court. Petition ¶ 25.
- (e) There is no other adequate remedy at law. Petition ¶ 28.

3. The petition shows, on its face, that there has been no adjudication or resolution of the matter for which a bond was required to compel petitioner's appearance and that the pendency of the matter is due at least in part to the petitioner's refusal to seek a resolution.

4. The modification or waiver of a bond during the pendency of these proceedings is an issue left to the discretion of the Juvenile and Domestic Relations District Court Judge. Similarly, the resolution of the contempt charges is also a matter for the judge's discretion.

5. Accordingly, the petition fails to show a ministerial act for which mandamus or prohibition lie, and further fails to state facts upon which relief should be granted.

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WHEREFORE, the respondent demurs to and moves to dismiss the petition for writ of mandamus and prohibition herein on the grounds that the petition is not sufficient at law or in equity and fails to state a cause of action upon which relief may be granted.

Respectfully submitted,

The Honorable Lawrence Janow
Judge

By: {Illegible}
Counsel

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**LETTER FROM THE
ASSISTANT ATTORNEY GENERAL
(JUNE 18, 1991)**

COMMONWEALTH OF VIRGINIA
OFFICE OF THE ATTORNEY GENERAL

Mary Sue Terry
Attorney General

H. Lane Kneedler
Chief Deputy Attorney General

Deborah Love-Bryant
Chief-of-Staff

K Marshall Cook
Deputy Attorney General
Finance & Transportation Division

R. Claire Guthrie
Deputy Attorney General
Human & Natural Resources Division

Gall Starling Marshall
Deputy Attorney General
Judicial Affairs Division

Stephen D. Rosenthai
Deputy Attorney General
Public Safety & Economic Development Division

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FEDERAL EXPRESS

The Honorable Roy C. Mayo, III
Clerk
Circuit Court for the County of Amherst
100 Court Street
Amherst, Virginia 24521

Re: In Re M. Ismail Sloan, Case No. F6508

Dear Mr. Mayo:

Enclosed for filing please find a Demurrer on behalf of respondent, the Honorable Lawrence Janow, Judge, in the above-captioned case.

Thank you for your attention to this matter.

Sincerely yours,

/s/ Barbara J. Gaden
Assistant Attorney General

2:85-C7765/224
Enclosure
cc: Mr. M. Ismail Sloan

ORDER ON PETITION FOR WRIT OF
MANDAMUS AND PROHIBITION
(JULY 24, 1992)

IN THE COURT OF APPEALS OF VIRGINIA

IN RE: M. ISMAIL SLOAN,

Petitioner,

Record No. 1211-92-3

Upon a Petition for a Writ of
Mandamus and Prohibition

Before: BAKER, DUFF and ELDER, Judges

The "Petition for a Writ of Mandamus and Prohibition" is dismissed for the following reasons:

Petitioner, through lengthy and rambling pleadings, seems to be requesting that respondents be prohibited from hearing any case involving petitioner. A writ of mandamus is to compel a public official to perform a purely ministerial duty imposed by law. *Richlands Medical Assoc. v. Commonwealth*, 230 Va. 384, 386, 337 S.E.2d 737, 739 (1985). Petitioner does not allege the failure of respondents to perform any ministerial acts. A writ of prohibition lies to prevent a lower court from hearing cases in which it has no jurisdiction or is exceeding its jurisdiction. *County School Board of Tazewell v. Sneed*, 198 Va. 100, 104, 92 S.E.2d 497, 501 (1956). No such allegation is made by petitioner.

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For the foregoing reasons the said petition is dismissed. It is therefore ordered that the respondents recover of the petitioner their costs by them expended about their defense herein.

A Copy,

Teste:

Patricia G. Davis, Clerk

By: /s/ {Illegible}
Deputy Clerk

Respondents' costs:
Attorney fee \$50.00

Teste:

Patricia G. Davis, Clerk

By: /s/ {Illegible}
Deputy Clerk

ORDER OF THE AMHERST COUNTY JUVENILE
AND DOMESTIC RELATIONS DISTRICT COURT
(AUGUST 25, 1986)

VIRGINIA: IN THE AMHERST COUNTY
JUVENILE AND DOMESTIC RELATIONS
DISTRICT COURT FOR THE
TWENTY-FOURTH JUDICIAL DISTRICT

RE: IN THE MATTER OF
SHAMEMA HONZAGOO SLOAN,

This 25th day of August, 1986, appeared Ismail Sloan with Counsel, Stephen Martin; Mr. and Mrs. Charles Roberts with Counsel, Frank G. Davidson, III; and J. Thompson Shrader, Esquire, Court appointed guardian *ad litem* for Shamema Honzagool Sloan with regard to the issue of enrollment of Shamema Honzagool Sloan in school and based upon the fact of the child having attended Temple Baptist School in the past, and the final hearing is set for October 8, 1986, at 1:30 p.m., the Court Orders that this matter remain in status *quo* and allows the child, Shamema Honzagool Sloan, to be enrolled in Temple Baptist School by Mr. and Mrs. Charles Roberts pending the outcome of the final hearing

Effective September 7, 1986, at 2:00 p.m., the father shall have physical custody of Shamema Honzagool Sloan until further Order of the Court with reasonable

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overnight visitation to be allowed Mr. and Mrs.
Charles Roberts as Counsel agrees.

Entered: /s/ Lawrence Janow
Judge

Date: August 25, 1986

cc: All Parties & Counsel
Curt Service Unit

**ORDER OF THE
AMHERST COUNTY JUVENILE AND
DOMESTIC RELATIONS DISTRICT COURT
(AUGUST 25, 1986)**

Name: Sloan, Ismail
Street Address: 917 Old Trent's Ferry
City: Lynchburg
State: Virginia
SSN: 231-56-7957
DOB: 9-7-44
Sex: M
Status: Adult
Type Offense Charged: MISD.
Charges under: State

Charges

2 Charges of contempt of court—Failing to Appear;
Violating term of order.

Bond (if Applicable)

\$ 10,000 Cash

To the Sheriff or Jailor:

You are hereby commanded to take custody of
and safely keep the person named above in accordance
with the appropriate instructions on the back of this
card.

/s/ Lawrence Janow

Judge

Date: 11-13-90

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**LETTER FROM SLOAN TO THE
AMHERST COMMONWEALTH ATTORNEY
(MARCH 13, 1991)**

M. Ismail Sloan
917 Old Trent's Ferry Road
Lynchburg, VA 24502
Tel: (804) 384-6862

W. Edward Meeks
Amherst Commonwealth Attorney
Amherst, VA 24521

Dear Fred:

I am writing this letter with regard to my \$1,000 (one thousand dollar) appearance bond. As you will recall, this was the bond set by Judge Goad on November 16, 1990, being reduced from the bond of \$10,000, as set by Judge Janow. It concerned a matter of contempt of court.

The terms of this bond were that I was to appear in the Amherst County Juvenile and Domestic Relations Court at 9:30 A.M. on December 19, 1990.

I did, in fact, appear in that court on December 19, 1990 at 9:30 A.M. You will recall that I had to rush over from the federal court hearing before Judge Turk to make this appearance. However, Judge Jarrow was not there. Another judge was present, but he said that he did not know anything about this. Also, my case was not on the calendar.

Later that day, I was told that the matter would be taken up by the court at a hearing on February 4, 1991.

I attended court on February 4, 1991, as did you. However, there was no mention of the contempt case or of the appearance bond. The matter was simply forgotten about. The other case which was heard on that day was adjourned without date.

As far as I am concerned, the matter is now over. If you were unwilling or unable to proceed forward with that contempt case on the date set, then I should get my money back.

As I am sure that you are aware, the case for having me held in contempt of court is totally devoid of merit. In the first place, I was never served with any of the court orders with respect to which I was allegedly in contempt, nor was I served with the original custody petition. In fact, the first time that I was ever personally served with anything at all in this case was when Michael Cox arrested me on November 13, 1990, pursuant to the capias. You, yourself, have admitted that you were not previously aware of this capias and that Judge Janow had apparently been carrying it around in his hip pocket for the last four years.

Furthermore, the orders with respect to which I was allegedly in contempt did not require me to do anything. For example, there was an order dated August 25, 1986 which "allowed" my daughter to be enrolled in the Temple Baptist School. However, I Personally was not directed to do anything.

I think that both you and Judge Janow are fully aware of these gross procedural defects and for that

reason are unwilling to go forward. This is the real reason why this matter keeps getting forgotten about.

It is unfair and prejudicial for you and/or Judge Janow to keep my money and constantly leave this matter hanging over me when you are fully aware that the case against me has no merit at all. For this reason, I demand that my one thousand dollars be refunded to me immediately.

More than that, the appearance bond was nothing more than that: an undertaking that I appear. I did appear on the date and at the time requested. Having done that, the bond is discharged and I am entitled to my money back.

I have, of course, directly asked Judge Janow to give me my money back, through the clerk of his court. Knowing as you do the state of relations between me and Judge Janow, it will not come as a great surprise to you that he refuses to refund my money. However, you, technically, are my legal adversary and if you are willing to agree to give me my money back, I do not see how the judge can object.

You will recall that all these points were discussed before Judge Goad on November 16, 1990. After a perusal of the court record, it was found that there was no certificate of personal service of any kind at all. Judge Goad therefore stated that if the matter was never served, then the entire proceeding ought to be dismissed. At that point you objected, saying that you were not fully familiar with the facts of this case and that Judge Janow might well know something about this case which did not appear in the record. Therefore, you contended that the matter ought to be

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continued, rather than dismissed outright as Judge Goad indicated he would otherwise do.

That was four months ago. It has since become apparent that Judge Janow does not know anything more than what appears in the record. For example, at the hearing on February 4, 1991, he clearly had his dates and facts mixed up. For example, at one point he said that I did not attend court on August 25, 1986, whereas the record clearly shows that I was present on that date. It is wrong to rely on the faulty memory of a judge to supplement the written record before the court.

Under these circumstances, I think it is clear that the matter of contempt was never properly before the court and, if it was, it has since been dropped for lack of prosecution. Therefore, in either case, am entitled to my money back.

Very Truly Yours,

/s/ M. Ismail Sloan

Copy To: Judge Lawrence Janow
Barbara J. Gaden

App.454a

**LETTER FROM SLOAN TO
JUDGE LAWRENCE JANOW
(MARCH 21, 1991)**

M. Ismail Sloan
917 Old Trent's Ferry Road
Lynchburg, VA 24502
Tel: (804) 384-6862

Judge Lawrence Janow
Amherst County Juvenile and
Domestic Relations Court
Amherst, VA 24521

Dear Judge Janow,

I absolutely and unconditionally demand that you return the \$1,000 (one thousand dollars) bail money which you have taken from me on November 16, 1990.

That bail money was taken as a bond that I appear in court at 9:30 A.M. on December 19, 1990 on a hearing you had scheduled regarding contempt of court.

I did, in fact, appear in court at 9:30 A.M. on December 19, 1990 but you were not present. I noted my appearance anyway, but the substitute judge who was present said that my case was not on the calendar and that he did not know anything about this.

Later that day, I was told that the matter would be taken up at 2:00 P.M. on February 4, 1991.

Again, I appeared at 2:00 P.M. on February 4, 1991. You were present on that day along with a room full of lawyers, almost all of whom had been appointed by you. However, again, this matter of contempt was

not taken up. That matter was simply forgotten about. The case which was heard at that time was thereafter adjourned without date.

It is obvious that the reason that you keep failing to take up this matter of contempt is that you are well aware the contempt charges are utterly without merit. The entire proceeding is based on an order of service by publication which was published in the Amherst New Era Progress at a time when all of the legitimate parties to this case, including myself, the mother and the child, were residing completely outside of the United States. Obviously, not many people in Pakistan read the Amherst New Era Progress, nor do many people in Amherst County, for that matter. (That publication has a total circulation of about 5,000).

There was no personal service of any court papers on me, and without personal service, you simply do not have any right to hold me in contempt or to have me arrested, as you did on November 13, 1990.

More than that, even if I had been personally served, I could not be held in contempt because your orders were so deliberately vague and ambiguous that they could be interpreted in many different ways. For example, you say that you are charging me with contempt for failing to obey your order dated August 25, 1986, which "allowed" my daughter, Shamema Honzagool, to be enrolled in the Temple Baptist School. This order arose because my daughter was then four years old and was just getting ready to enter kindergarten for the first time. I wanted to enroll her in the Paul Munro School, which is regarded as the best elementary school in the City of Lynchburg and also by coincidence happens to be just three minutes walk from my house. However, you had the completely

ridiculous idea that I should be required to take my daughter all the way out to Amherst County to attend a Baptist school which did not even have its own building but was located inside a church, knowing full well that both myself and the mother of my child are Muslims.

The whole idea was so ridiculous that any judge would order such a thing that this was what convinced me that you are a complete lunatic. My attorney informed me in advance that this was about to happen and this contributed greatly to my decision to depart from the State of Virginia. (Actually, my departure from the State of Virginia was pre-planned, because I had been scheduled to attend a chess tournament in Argentina long before. To be more exact, I did not come back to Virginia because I, by that time, had found out that there was a judge in Amherst County, Virginia who was completely crazy.)

Because of this, and knowing that I could not be personally served, you asked Mr. Frank Davidson III to file a custody petition for Shamema and then you almost immediately entered an order for service by publication. (My information from my attorney at that time is that it was actually your idea that Mr. Davidson file a custody petition, something which Mr. Davidson himself was initially reluctant to do).

Being a judge concerned with these matters, you know perfectly well that your jurisdiction does not extend more than one mile beyond the county line of Amherst County. My house in Lynchburg is only a few hundred yards from the James River which marks the county line of Amherst County, but you obviously knew that you did not have any jurisdiction over a child residing in the United Arab Emirates, especially

when her mother was in Pakistan, which is only three hundred miles away, across the Gulf of Oman.

I went to the library a few days ago and obtained a copy of your order for service by publication as published in the Amherst New Era Progress on October 2, 1986. It orders me to appear in court at 1:30 P.M. on November 3, 1986. However, I have checked the docket sheet and there was no court session on November 3, 1986 or, for that matter, on October 8, 1986 (another date which has sometimes been mentioned). Since there was no court at all on these dates, you actually have no idea of whether I appeared on those dates or not, and I cannot be held in contempt for failure to appear at a hearing which never took place.

Indeed, the last entry on the docket sheet is actually dated September 8, 1986, the date of your order for service by publication. After that, there were no further proceedings. According to Section 8.01-335 of the Code of Virginia, any case in which there has been no order of any kind for a period of more than two years is subject to dismissal for want of prosecution. Mr. Davidson did not want to go forward with a hearing on this matter. In fact, I wrote several letters from the United Arab Emirates both to my attorney and to you during this period in which I demanded that a hearing take place so that I could file a notice of appeal. My letters were ignored. Thus, the failure to prosecute this action was part of a deliberate strategy both by yourself and by Mr. Davidson.

Nevertheless, from your dingy courtroom in the basement of the Health Department building, you claim to have exclusive world-wide, jurisdiction over this matter, even without personal service of process.

However, almost simultaneously with the filing of the custody petition in your court, the Roberts, on September 5, 1986, filed a custody petition in the Supreme Court of New York State. That custody petition was not personally served either, for the same reasons. At best, you have no more than equal jurisdiction with the courts of New York State and most would agree that your jurisdiction is much less, than theirs, because, there, the New York Court awarded custody to the mother in 1982. You also obviously know that you have no jurisdiction for another reason, because this child has not now been in the State of Virginia for six months, as required by Section 20-126 of the Code of Virginia, as well as by the Uniform Child Custody Act and the Federal Parental Kidnaping Prevention Act. You have tried to give various explanations as to why you feel that you have jurisdiction but New York no longer has jurisdiction, but nobody, not even the Roberts' attorney, can follow your arguments or even understand what you are taking about.

A new case started on October 19, 1990, after Mr. Roberts had succeeded in kidnaping my daughter from the United Arab Emirates, which was an act done, according to him, with your approval. His petition dated October 19, 1990 asks for an injunction against the Amherst County Department of Social Services against the removal of Shamema from his home. You apparently regard this new petition as part of the old petition which goes back to September, 1986.

You apparently believe that Mr. Roberts had the right to kidnap my daughter to effectuate your judgment that my Muslim daughter should be required to attend the Temple Baptist Church. My daughter has since been enrolled in the now newly reconstructed

Temple Baptist Church and School, the same school you wanted her to attend back in 1986, over my vehement protests. This obviously violates Article I, Section 16 of the Virginia Constitution, but you just as obviously care nothing about the law.

The more I do legal research into this matter, the more I discover how grossly illegal your activities have been. For example, you simply cannot remove Shamema from my custody unilaterally without notice and the opportunity for a hearing. There must be a removal proceeding in accordance with Section 16.1-279 of the Code of Virginia. No such proceeding has ever taken place. In addition, that proceeding must be initiated by the Department of Social Services, and cannot be done by the judge on his own motion, as you in effect have done. The Amherst County Department of Social Services has never initiated such a proceeding and, to the contrary, has repeatedly complained that they want to be divested of this matter, which is consuming the time and the limited financial resources of Amherst County.

Anyway, the main point of this letter is that I want my money, and you have no legal right to keep my money any more than you have the right to keep my daughter. Also, the only legal grounds for requiring the posting of a bond in the first place is that I am a flight risk, and you know that I cannot possibly go anywhere as long as you have got my daughter detained and held a prisoner.

By the way, I want to mention that Vithanage Santhilatha (also known as Renuka), after running away from you and Mr. Davidson, has been calling me every day from California. She has put \$923 (nine hundred twenty-three dollars) in collect telephone

charges onto my telephone bill. Before that, I understand that she put more than \$600 (six hundred dollars) in long distance telephone charges onto the telephone bill of Charles and Shelby Roberts. This fact may have contributed to their decision to kick Santhilatha out of their house. Before that, she put \$3,000 (three thousand dollars) in less than two months on my telephone bill in the United Arab Emirates, most of these calls being to Charles and Shelby Roberts, to my brother and their ally, Creighton Sloan in South Carolina, and to Boonchoo in Thailand, as well as to me. All this took place while I was with my mother, Shamema, Jessica, and Michael in Thailand and Santhilatha had returned unexpectedly from Sri Lanka, broken into my house and started using my telephone. I have never mentioned this before, but when I arrived back in the United Arab Emirates after all this, I was arrested over the telephone bill. (In the United Arab Emirates and other Arab countries on the Persian Gulf, a foreigner can be arrested for failure to pay his bills, including the telephone bill).

Right now, I need to get back the one thousand dollars which you have illegally taken from me, so that I can pay the telephone bill for the collect calls from Santhilatha, which amounts to \$923. I cannot refuse her collect calls, because she has my daughter, Jessica, with her. You, of course, caused this entire situation, by frightening Santhilatha into believing, with considerable justification, that you were getting ready to take her daughter, Jessica, away from her, just as you have taken Shamema away from me.

For these reasons, there is absolutely no justification or excuse for you to withhold my money. I

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therefore demand that you return my money immediately.

While I am on this subject, I want to renew my demand, which I have been making at various times continuously starting in 1986, that you disqualify yourself from this case. Chief Judge Mosby Perrow has issued an order disqualifying all of the judges of the 24th Judicial District from participating in this case, and you are one of those judges. Also, I assume that it was you who sent Stan Ogden of the Virginia State Police out to my house one month ago to question me as to whether I had any plans or intentions to kill you. Mr. Ogden told me in fact that he has never been to question Mr. Roberts, ever though he is supposed to be is investigating, as requested by Interpol, the kidnaping by Roberts of my daughter. Also, it is obviously you who keeps sending the police to my house to serve me with various court orders, although, from what I understand, these orders are not being served upon Roberts. I think that everybody, including even my opponents, realizes that you are actually biased against me and that my demands that you disqualify yourself are well founded.

Very Truly Yours,

/s/ M. Ismail Sloan

Copy To: Ed Meeks

James Massey, III

TRANSCRIPT OF PROCEEDINGS
RELEVANT EXCERPTS
(JANUARY 12, 1993)

IN THE CIRCUIT COURT
FOR THE CITY OF LYNCHBURG

COMMONWEALTH OF VIRGINIA,

Plaintiff,

v.

M. ISMAIL SLOAN A/K/A
SAMUEL HOWARD SLOAN,

Defendant.

0934-93-3

Before: Honorable James M. LUMPKIN, Judge.

[January 12, 1993 Transcript, p. 6]

MR. BICE: Judge, if I may, I feel I do need to notify the court that—that one of the members of the panel is a—is a client of mine and it's Larry Banton, Lawrence Banton.

It may be just as well—we either have concluded it or just about to conclude it fairly in an uncontested divorce proceeding.

I just don't know if that's fair to the Commonwealth.

THE COURT: Well, if you—he is your client?

MR. BICE: He's my client.

I guess rather than—rather than embarrassing him or bringing it up, you might just want to—we have three extras. You might just want to excuse him.

THE COURT: Do you want to agree to excuse him?

MS. WHITE: That's fine, Judge.

THE COURT: All right. Sheriff, Mr. Banton will be excused by agreement.

All right. What else?

MR. BICE: All right. Your Honor, I guess the initial matter that we would like to address with the court is our motion in limine and I'm filing that today and the reason that's being filed as late as today is simply because the transcripts—I received the transcripts last week and having reviewed them I've noticed that within the transcripts are a number of references to possible harm coming to the Roberts, who are the guardians, present guardians of the child Shamema Sloan, Shamema being the daughter of the defendant.

The concern that I have is the defendant is charged with solicitation of another to commit or to—to abduct a person and he is not charged with solicitation with another to commit assault and battery or to harm another in anyway whatsoever.

It's my concern that if all of the phone transcripts come in unedited that he will be irreparably harmed and that the—the—a lot of what is in these phone transcripts is just simply not probative

whatsoever to the issue before the court and that being did he, specifically, request another person to abduct his daughter and to—to keep so that she would be withheld from the custody of the foster parents regarding—and—and the concern that I, also, have is that no instruction by the court is going to be sufficient to cure the harm done.

I've set that out in my motion. I believe it's the last paragraph.

THE COURT: That's right.

MR. BICE: Okay.

THE COURT: All right. Does that cover it?

MR. BICE: Yes.

THE COURT: All right. Miss White.

MS. WHITE: Judge, I have the copies for the court of the three telephone transcripts that are involved in this case. One call was made May 19th and one May 20th and one June 16th and I'll present those to the court.

I have copies that are made for members of the jury and I've, also, prepared that limiting instruction that's often given to juries when they have a tape and a transcript at the same time, to caution them to determine what's on the tape by what they hear rather than what they read, and I'll introduce that at the appropriate time.

But, Judge, what the Commonwealth's position is that any comments that Mr. Sloan made with regards to harm befalling, if I can use his terms, on the Roberts is actually sum and substance of

his—of his plans to abduct his—have his daughter abducted from the Roberts.

In particular, if I could call the court's attention to the June 16 transcript at page four at the very top, Mr. Sloan is discussing with Mr. Beneke—at the bottom of page three Mr. Beneke says, "Absolutely. I can get your daughter out of there if that's what you want to do." Sloan says, "Sure. Basically, the thing is—the thing is to get my daughter out of there. Now, if some misfortune befalls Mr. Roberts in the course of getting my daughter out of there, that's his tough luck and, you know, another way to do it might actually be—in some respects safer it might be—in some respects easier to do something to Mr. Roberts, although that would be illegal and then sort of see my daughter kind of fall into my lap later on."

Judge, that's just one—one of the passages that involves Mr. Sloan talking about some harm occurring to Mr. Roberts and it seems to the Commonwealth that that's—that's wrapped right up in there in his attempt to solicit Mr. Beneke to abduct his daughter. It's part of the plan.

What the Commonwealth has to do is show that Mr. Sloan was attempting to—to convince Mr. Beneke to abduct his daughter and in showing that he was actually attempting to get Mr. Beneke to do this is to show that Mr. Sloan actually had some plans and some ideas about how to go about to do this.

It's all part and parcel of the abduction plan.

MR. BICE: Of course, Your Honor, our position is that there's no specific request anywhere within any

of those transcripts for him to—to actually seize the child and that, basically, what the Commonwealth is relying on is, hopefully, enough prejudicial statements coming out that will incline the jury to find him guilty of something and given that the charge before them is abduction, then they are going to go ahead and find him guilty of abduction.

THE COURT: Are you making two points now: One, possibility of harm to the Roberts and, two, that there's nothing in that to substantiate a solicitation charge?

MR. BICE: Well, it's my position that there isn't, but I don't know what other evidence they intend to present.

So, I'm not moving to quash the abduction—the solicitation charge. I just am very concerned about these comments.

THE COURT: All right. How many references are there, such as, Miss White just read?

MR. BICE: There are probably about six and I would have to go Through, you know, depending on how you classify.

THE COURT: Do either of you have them marked?

MR. BICE: I do have them marked. I left the transcripts out in the courtroom.

THE COURT: Well, are they in each conversation?

MR. BICE: I believe they are, primarily—yes, they are in each conversation, but they are—but they are easily excluded from the rest.

In fact, what I would propose to the court is rather than the playing of the tapes that the Commonwealth restrict—I mean we're going to be—this whole process of presenting the transcripts is going to take hours if we have to—if we have to proceed on listening to the tapes and the questioning of the investigator.

If instead the Commonwealth simply reads the question and ask the investigator to read back what Mr. Sloan said through the pertinent parts of the tapes—because there's an awful lot of discussion about purchasing of a house, the sale of books, and whatever in those transcripts. If they are limited to simply the pertinent parts that address obtaining the child, then it's going to be a much briefer procedure and its certainly something that can be easily done.

THE COURT: How long are the tapes totally?

MS. WHITE: Judge, I listened to them again last night. They are a total of an hour and five minutes for all three of them.

It's the Commonwealth's position that, of course, the tape is the best evidence of those conversations.

Even the references to the selling of the house and Mr. Sloan's book being published and those—the book being published—each of those are part and parcel of the plan to solicit the felony of abduction.

The house was the first thing that was being offered as some sort of payment to Mr. Beneke to commit the felony. The book—Mr. Sloan admits himself that the whole reason behind the book is

to get his daughter back. He has high hopes of making twenty, thirty, forty, fifty thousand dollars and those were his words in the sale of that book and he was going to use those proceeds to pay Mr. Beneke or anyone Mr. Beneke helped him to get to solicit that felony.

THE COURT: All right. Thank you, both.

Of course, it may very well be prejudicial, but being prejudicial is not reason enough to exclude otherwise admissible evidence.

MR. BICE: The concern that I have, Judge, is not that its prejudicial. Certainly, they are going to present a lot of evidence today that may be prejudicial against him.

THE COURT: I expect that's what they intend to do.

MR. BICE: Right. It's the probative value of the evidence.

THE COURT: I understand.

MR. BICE: And I just—if he—were he charged with a—with the crime of solicitation to commit a felony, to wit, murder or malicious wounding, assault and battery, anything that—that would constitute harm against the Roberts, then we would have no argument; but he's just not charged with that and I don't want him to be on trial today for something that he is not charged with.

THE COURT: At what stage of the case would you intend to introduce this?

MS. WHITE: Judge, those are going to come in, actually, through my last witness who's Rolf Beneke.

THE COURT: Have each of you got a separate witness list?

MS. WHITE: I do, Judge.

THE COURT: Have you got it?

MR. BICE: Judge, frankly, Mr. Sloan is our witness.

THE COURT: All right. Do you expect to call all of these?

MS. WHITE: Yes, sir. And I'll tell you the first two will probably take some period of time. Numbers three, four, five, and six and seven will take a very short amount of time.

THE COURT: All right.

MS. WHITE: And really the only ones that will take a long amount of time would be one, two, thirteen, and I have Investigator Wingfield on there twice just because he relates to both of the major charges against Mr. Sloan.

THE COURT: And will each of these be in the courtroom when we go in?

MS. WHITE: Number ten, Janet Bogacik—I can never say her name, Bogacik. She is from Cosmo Travel Agency, and number eleven is the one who's my boss that I said something to Mr. Bice about and he won't be in the courtroom.

THE COURT: All right.

MR. BICE: For the record—

TIDE COURT: Then the others will be in the courtroom?

MS. WHITE: As far as I know. They are supposed to be, Judge.

THE COURT: Because I want the jury to know if they recognize any of them at the beginning.

All right. There was a motion to quash the indictment relating to failure to appear.

Do you wish to be heard any further on that now, Mr. Bice?

MR. BICE: Judge, the concern that's been raised and Miss White mentioned this is if the charge is not quashed, then we're facing the prospect of having to have Mr. Petty, the Commonwealth's Attorney, come up and testify.

Frankly, it just—I think the facts are fairly clear that the case had been continued by order of January the second and so there was no order or there was no case set on January the tenth for him to appear at.

For that reason I think that we have two serious charges that we really do need to address and I just suggest that in some respects it's piling on and in other respects—but, frankly, I just don't see how somebody can fail to appear for a case that's already been continued.

THE COURT: All right. And your response is?

MS. WHITE: Judge, my response to that is really an equitable one.

Should Mr. Sloan be permitted when he leaves the jurisdiction and notifies not only his attorney but,

also, Mr. Petty in my office that he has left and that he's absolutely not going to be in court on January 10th—should he be able to then use his failure to appear and what the court must do in order to not call the jury in as a defense to not appear on January 10th when he was required to do so?

The evidence that Mr. Petty would introduce would really be uncontradicted evidence, that which Mr. Sloan has already admitted to at the motions hearing, that, in fact, he knew that the trial date was January 10th, that he—that he conveyed information to various court officials, including Mr. Petty, that he had to be out of the jurisdiction on an urgent matter and that he would not appear on January 10th, and that he, in fact, did not attend trial on January 10th.

THE COURT: Well, I think that's a jury issue. I will deny that motion to quash on the basis of what's presented. Of course, I don't know what the evidence will be yet, but on the basis of what's presented the motion will be denied.

Then at the time you may make a motion to strike and we'll see.

MR. BICE: All right, Judge.

THE COURT: All right. Now, jury voir dire—you've given me a list of questions in addition to the statutory questions.

Do you have any objection to those?

MS. WHITE: No, sir.

THE COURT: All right. And the matter of change of venue will depend upon what the jurors' responses are.

MR. BICE: Okay.

THE COURT: To my questions and to counsels' questions.

MR. BICE: I presented a plea of not guilty form that is used in this jurisdiction and is signed my client and myself that sets forth that he has reviewed or we have reviewed his rights.

THE COURT: You want this made a matter of record in the case?

MR. BICE: If it please the court, yes.

THE COURT: All right.

MR. BICE: You did read through that?

MR. SLOAN: Yes.

THE CLERK: Mr. Bice, there's no date.

THE COURT: Now, it's always possible that what is presented as the evidence in the case may change the court's opinion and call for a different ruling, but as of now I will indicate to you that the motion in limine will be denied. The mere fact that it's prejudicial, of course, is not grounds for denial.

Now, sometime between now and the calling of Mr. Beneke—is that the pronouncement?

MR. BICE: Yes.

THE COURT: —I will have hoped to have read these transcripts and I'll make a definitive ruling at that time.

MR. BICE: Okay.

THE COURT: All right.

MS. WHITE: Judge, this may be the appropriate time for me to—to share with the defendant and the court the instruction that we think would be proper to be read by the court to the jury at the time that the transcripts are offered to the court.

I pulled this from the Arnold case of the Court of Appeals.

(Pause)

THE COURT: All right. Any problem with that?

MR. BICE: Well, of course, I tend to—we object just because we—

THE COURT: I understand your objection.

MR. BICE: Okay. Thank you.

THE COURT: All right. Now, let's have him arraigned.

Does the clerk do the arraigning here?

THE CLERK: Yes.

MS. WHITE: Judge, as I've notified the court and Mr. Bice, I need to move to amend the felony failure to appear indictment.

THE COURT: All right.

MS. WHITE: For the record, I'll read what the indictment should be and then I'll let you take my Exhibit "A" and amend it.

THE COURT: You're going to read the amended indictment?

MS. WHITE: Yes, Judge.

THE COURT: All right.

MS. WHITE: The felony failure to appear indictment should say on or about January 10, comma, 1992, in the City of Lynchburg, Virginia, M. Ismail Sloan AKA Samuel Howard Sloan unlawfully, feloniously, and after having been indicted on a felony charge of attempted abduction and after having been released on bond pursuant to Article One Title nineteen point two of the Code of Virginia did willfully fail to appear before the Circuit Court for the City of Lynchburg as required by his bond in violation of Virginia Code Section nineteen point two dash one two eight.

THE COURT: So, the only change would be the last five words?

MS. WHITE: As required by his bond.

THE COURT: As required by his bond?

MS. WHITE: Yes, sir.

THE COURT: All right. Mr. Bice, any response?

MR. BICE: We've been notified of the amendment.

THE COURT: All right.

MR. BICE: And we're aware that they have the right to.

THE COURT: It will be admitted as an amendment.

All right.

MS. WHITE: That actually tracks the language of that statute.

THE COURT: All right. Arraign Mr. Sloan, please.

THE CLERK: Mr. Sloan, please, stand.

MR. SLOAN: (Complies.)

THE CLERK: The grand jury charges that on or about May 19, 1992, through June 16, 1992, in the City of Lynchburg, Virginia, M. Ismail Sloan AKA Samuel Howard Sloan unlawfully and feloniously did command, entreat, or otherwise attempt to persuade Rolf E. Beneke to commit a felony, Virginia Code Section eighteen point two dash two nine, all against the peace and dignity of the Commonwealth.

How say you? Are you guilty as charged in the indictment or not guilty?

MR. SLOAN: Not guilty.

MR. BICE: Judge, for the record, I believe that that indictment, also, was clarified by the Commonwealth to be not a felony but to commit an abduction.

THE COURT: A felony, to wit, an abduction.

MS. WHITE: Yes, sir. That's correct.

THE COURT: All right.

MR. BICE: Your plea is still not guilty?

MR. SLOAN: Not guilty, yes, sir.

THE CLERK: The grand jury charges—

MR. BICE: Please, remain standing.

MR. SLOAN: (Complies.)

THE CLERK: The grand jury charges that on or about September 5, 1991, in the City of Lynchburg, Virginia, Ismail M. Sloan AKA Samuel Howard Sloan unlawfully and feloniously and by force,

intimidation, or deception and without legal justification or excuse did attempt to abduct Shamema H. Sloan, age nine, with the intent to deprive such person of her liberty, Virginia Code Section eighteen point two dash four seven and eighteen point two dash two six, against the peace and dignity of the Commonwealth.

Are you guilty as charged in the indictment or not guilty?

MS. WHITE: Judge, before you take the defendant's plea that should be M. Ismail Sloan rather than Ismail M. Sloan.

THE COURT: All right.

(Whereupon, an off—the—record discussion was had.)

THE COURT: All right. Go ahead.

MS. WHITE: Did you take his plea?

THE COURT: How do you plead, guilty or not guilty?

MR. SLOAN: Not guilty.

THE CLERK: The grand jury charges that on or about January 10, 1992, in the City of Lynchburg, Virginia, M. Ismail Sloan AKA Samuel Howard Sloan unlawfully, feloniously, and after having been indicted on a felony charge of attempted abduction and after having been released on bond pursuant to Article One Title nineteen point two of the Code of Virginia did willfully fail to appear before the Circuit Court for the City of Lynchburg as required by his bond, Virginia Code Section nineteen point two dash one two eight, against the peace and dignity of the Commonwealth.

Are you guilty as charged in the indictment or not guilty?

MR. SLOAN: Not guilty.

MR. BICE: Sit down.

MR. SLOAN: (Complies.)

THE COURT: On your pleas of not guilty do you wish to be tried by the court or by a jury?

MR. SLOAN: By a jury.

THE COURT: All right. Raise your right hand.

MR. SLOAN: (Complies.)

(Mr. Sloan is sworn by the Court.)

THE COURT: What is your full and proper name?

MR. SLOAN: I was born Samuel Howard Sloan in Richmond, Virginia and I changed any name legally in 1979 in New York to M. Ismail Sloan; however, what's happened is that Virginia still has my name on my driver's license, my mother still has my name on her will, and my father still has my name Samuel Howard Sloan on his will and, therefore, I wind up using two names, because my mother's and father's—and some of my children's birth certificates, also, have the name Samuel Howard Sloan.

THE COURT: All right.

MR. SLOAN: But this particular child, because it was born after the name change—the birth certificate on the child that is the subject of this case is M. Ismail Sloan, which is, also, the name I got married to her mother under.

THE COURT: And it's pronounced Ismail?

MR. SLOAN: Yes, Ismail.

THE COURT: All right. How old are you?

MR. SLOAN: I'm forty-eight.

THE COURT: How far have you been through school?

MR. SLOAN: Well, I attended graduate school at New York University in linguistics.

THE COURT: All right. Have you discuss this case with your attorney, Mr. Bice?

MR. SLOAN: Yes, I have.

THE COURT: How many times have you talked with him about the case?

MR. SLOAN: I think I discussed it with him about ten times. I'm not sure exactly.

THE COURT: And you're ready for trial?

MR. SLOAN: Yes, I am.

THE COURT: Did you tell him of any witnesses on your behalf?

MR. SLOAN: Well, since I was arrested and extradited from San Francisco I don't know of anybody in this area and, therefore, I don't have any witnesses here. I don't know anybody here really.

THE COURT: All right. Do you understand each of the charges?

MR. SLOAN: Yes, I do.

THE COURT: And do you understand the minimum and maximum possible punishment if you're found guilty?

MR. SLOAN: Of a felony, yes.

THE COURT: All right. And do you understand on your pleas of not guilty you have a right to a jury and you discussed it with Mr. Bice and after the discussion it's your decision the case be tried by a jury?

MR. SLOAN: Yes, it is.

THE COURT: And you understand each question I've asked you and each answer you've given me?

MR. SLOAN: Yes.

THE COURT: All right. Let the record show the court finds the defendant understands the nature and the consequences of the charges and his pleas are voluntarily and intelligently entered as is his election to a trial by a jury.

All right, sheriff.

A COURT OFFICER: Yes.

THE COURT: Counsel, ready?

MR. BICE: Yes. Thank you, Judge.

MS. WHITE: Yes.

(Whereupon, counsel and parties
proceed to open court.)

(The jury panel is called and
the matter proceeded as follows:)

THE CLERK: Members of the jury, please, stand and raise your right hand.

(Jurors sworn by the Clerk.)

THE CLERK: You may be seated.

MR. BICE: Judge, should we have called the extra juror?

THE COURT: Did you call—

MR. BICE: The one added to the list.

A COURT OFFICER: Timothy Spencer, number twenty-six.

THE COURT: Ladies and gentlemen, good morning to you. I understand this is your first day on jury service.

All right. Thank you.

There are three charges to be tried in this courtroom by a jury which will be made up of some of your number.

Will you hand me each of the indictments, please?

THE CLERK: (Complies.)

THE COURT: I'll read the indictments to you and then we'll ask certain questions of you, I will and the attorneys will. The purpose of that, of course, is to draw a jury that is indifferent in this matter.

The first charge is on or about September 5th of 1991 in the City of Lynchburg, Virginia, M. Ismail Sloan also known as Samuel Howard Sloan unlawfully and feloniously and by force, intimidation, or deception and without legal justification or excuse did attempt to abduct Shamema H. Sloan, age nine, with the intent to deprive such person of her liberty.

The second indictment is that on or about May 19th, 1992, through June 16, 1992, in the City of Lynchburg, Virginia, M. Ismail Sloan also known

as Samuel Howard Sloan unlawfully and feloniously did command, entreat, or otherwise attempt to persuade Rolf E. Beneke to commit a felony.

The third indictment is that on or about January 10th of 1992 in the City of Lynchburg, Virginia, M. Ismail Sloan also known as Samuel Howard Sloan unlawfully, feloniously, and after having been indicted on the felony charge of attempted abduction and after having been released on bond pursuant to Article One Title nineteen point two of the Code of Virginia did willfully fail to appear before the Circuit Court for the City of Lynchburg as required by his bond.

On each of those charges the defendant has entered a plea of not guilty and that's why you're here, that is, to decide the case. So, the three charges amount to, one, a charge of attempted abduction and, two, a charge of solicitation to commit a felony, to wit, abduction, and, number three, failure to appear in a felony trial.

The defendant has entered a plea of not guilty and that is why you are here.

Mr. Sloan, would you stand a moment, please?

MR. SLOAN: (Complies.)

THE COURT: Thank you. Turn around so everybody can see you.

MR. SLOAN: (Complies.)

THE COURT: Thank you. Take your seat, please.

MR. SLOAN: (Complies.)

THE COURT: Ladies and gentlemen, are any of you related to or do you know the accused?

His whole proper name, again, is M. Ismail Sloan, S-l-o-a-n, and he's also known as Samuel Howard Sloan.

Anybody related to or know the defendant?

A JUROR: I don't know him, but I worked with the man that has custody of his daughter.

THE COURT: All right. And your name, sir?

A JUROR: Frederick L. Schwartz.

THE COURT: Frederick Schwartz?

A JUROR: Yes, sir.

THE COURT: And you work with whom?

A JUROR: Mr. Roberts.

THE COURT: All right. How long have you worked with him?

A JUROR: Five years.

THE COURT: Has this matter been discussed?

A JUROR: Yes, sir.

THE COURT: This custody matter has been discussed?

A JUROR: Yes, sir.

THE COURT: All right. In light of that, if you were selected as a juror, would you be able to be fair to both sides?

A JUROR: No, sir.

THE COURT: I appreciate your candor.

Does, counsel, have any other questions of him?

MR. BICE: No, thank you, Judge.

THE COURT: All right. Mr. Schwartz, you'll be excused. See the sheriff. I expect the sheriff will want to see you before you leave.

Anybody else?

All right. Do any of you folks have a personal interest in the trial or the outcome of this case?

Now, I've been given a list of potential witnesses in the case. I'm told that most or all of them are in the courtroom now and as I call their names I'll ask them to stand and remain standing and ask you afterwards if you are related to or do you know any of them.

Excuse me.

Shelby Roberts.

Richard Groff is it?

MR. GROFF: Yes, sir.

THE COURT: Please, correct me on the pronunciation.

Justin Mays.

John Litaker.

Bo Daniels.

Is it S. I. Mack?

R. D. Viar.

E. C. Wingfield.

Barbara Clay.

Janet Bogacik.

MS. WHITE: judge, she's on call.

THE COURT: Oh, she's on call.

MS. WHITE: It might help to tell the jury that she's a travel agent at Cosmo Travel Agency on Memorial Avenue.

THE COURT: All right. William G. Petty.

Is he on call?

MS. WHITE: Yes, sir, he is. He's the Commonwealth's Attorney for the City of Lynchburg.

THE COURT: All right. E. C. Wingfield.

Did I call your name?

MR. WINGFIELD: Yes.

THE COURT: All right. Rolf Beneke.

MS. WHITE: Mr. Beneke is here. He's ill. He may actually be in the bathroom, Judge.

THE COURT: All right.

Thank you. Take your seats.

Now, I would ask the jurors are any of you related to or do you know, first of all, any of those folks who just stood as potential witnesses in the case?

All right. Let's see.

Are you Miss Blatzer?

A JUROR: I'm Miss Blatzer, yes.

I'm acquainted with Bo Daniels' mother.

THE COURT: With whose mother?

A JUROR: With Bo Daniels' mother. He's the young man over there.

THE COURT: All right. How long and how well do you know her?

A JUROR: An acquaintance for fifteen or fourteen years.

THE COURT: Have you ever discussed this matter with her or Mr. Sloan?

A JUROR: No, sir.

THE COURT: At any proceeding?

A JUROR: No, sir.

THE COURT: All right. Thank you.

And you, sir.

A JUROR: I'm Frank Dearing and I know Mr. Wingfield.

THE COURT: Okay. How long and how well?

A JUROR: I've known him since he was a little boy.

THE COURT: I see. And have you ever discussed this case or Mr. Sloan or any pending civil suit with him?

A JUROR: No, sir.

THE COURT: If you were selected as a juror, would you be able to be fair to both sides and would you be able to treat Mr. Wingfield as any other witness?

A JUROR: Right.

THE COURT: You're confident of that?

A JUROR: Yes.

THE COURT: All right. And, Miss Blatzer, I didn't ask you.

Would you be able to treat Mr. Daniels as you would any other witness if you were a juror in the case?

A JUROR: Yes, I would.

THE COURT: All right. Yes, ma'am, your name?

A JUROR: Merle Lee and I know Shelby Roberts.

THE COURT: How long and how well?

A JUROR: Probably, twenty years but not on a personal basis.

THE COURT: All right. Have you ever discussed Mr. Sloan with her or this case or anything relating to this case or any pending civil case related to this case?

A JUROR: No, sir.

THE COURT: All right. If he or she is called as a witness, would you be able to treat Shelby Roberts as you would any other witness?

A JUROR: Yes.

THE COURT: All right. Thank you.

MR. BICE: Judge, there's one more.

THE COURT: Yes. Your name, please?

A JUROR: Louise Marshall.

THE COURT: All right.

A JUROR: I know Mr. Wingfield on a businesslike basis but not very well.

THE COURT: You know Mr. Wingfield.

And the same question as to the others. If you were selected as a juror, could you be fair to both sides?

A JUROR: Yes.

THE COURT: Could you judge Mr. Wingfield as you would any other witness in the case?

A JUROR: Yes.

THE COURT: All right. Thank you.

Anybody else?

Now, there are several witnesses not now in the courtroom; Janet Bogacik, who is I'm told the travel agent.

Is that name familiar to any of you?

Yes. Your name?

A JUROR: Nancy Saltz. I've just been to Cosmo Travel and met her.

THE COURT: I'm sorry?

THE WITNESS: I've just been to Cosmo Travel and met her.

THE COURT: Oh, I see. All right.

Anybody else?

And your name again?

A JUROR: Nancy Saltz.

THE COURT: All right. William Petty, who is not now in the courtroom. He's the Commonwealth Attorney for the City of Richmond—Lynchburg, excuse me.

Do any of you know or are related to Mr. Petty?

Rolf Beneke, who is not now in the courtroom.

What's his occupation?

MS. WHITE: Judge,—

THE COURT: Is he a Lynchburg resident?

MS. WHITE: Yes, he is. He's a—he has a foreign accent
and he's a builder/contractor.

THE COURT: All right.

MS. WHITE: I think Investigator Wingfield is going
to see if he needs help.

THE COURT: All right. It's spelled B-e-n-e-k-e.

MS. WHITE: People may know him as Adrian actually.

MR. BICE: He has an alias, Adrian Vandercamp
(phonetic).

MS. WHITE: Here he is.

THE COURT: This is Mr. Beneke?

MS. WHITE: Yes.

THE COURT: All right. Take a seat, please.

MR. BENEKE: (Complies.)

THE COURT: Do any of you know or are you related
to Mr. Beneke?

All right. Thank you.

The attorneys in the case are Miss White for the
Commonwealth and Mr. Bice for the defense.

Are any of you related to or do you know either of
the attorneys in the case?

Yes, ma'am, your name?

A JUROR: Christine Pickle.

THE COURT: Which one?

A JUROR: I know Mr. Bice.

THE COURT: You know Mr. Bice?

A JUROR: Yes.

MR. BICE: Judge, my daughter goes to Bedford Hills School and she's the secretary there.

THE COURT: All right. Miss Pickle, would you be able to be fair to both sides if you're a juror in the case?

A JUROR: Yes.

THE COURT: All right. Anybody else?

Yes, ma'am. You are who? Your name, please?

A JUROR: Eleanor Braumiller.

THE COURT: All right.

A JUROR: I know Mr. Bice.

THE COURT: All right. Would you be able to be fair to both sides if you're a juror in the case?

A JUROR: Yes.

THE COURT: All right. No question in your mind?

A JUROR: No.

THE COURT: All right. Thank you.

Have any of you heard anything about this case from any source before coming into the courtroom? Have you heard anything about Mr. Sloan, read anything, heard anything on television, or otherwise about this case, about Mr. Sloan, about any related cases to this?

Anybody?

Let the record show there is no response.

I assume from your silence none of you have heard anything about the case or read anything about the case or seen anything on television or heard it on the radio or from any other source?

All right. I treat the silence as a negative response to the question.

Have any of you formed an opinion as to guilt or innocence of the accused?

Are you sensitive of any bias or prejudice against either side?

Anybody for any reason?

Do all of you understand that in this case as in any criminal case the defendant is presumed to be innocent and the burden is on the Commonwealth to prove guilt as to each charge, every element of each charge, and to prove it beyond a reasonable doubt?

Does everybody understand that?

Do you further understand that with the burden being on the Commonwealth there's no burden on the defense to produce any evidence?

Does everybody understand that?

And do you further understand that that being the case, there being no burden—I cite that as a cardinal rule of law, that there's no burden on the defendant to produce any evidence.

Do any of you disagree with that law?

Do you have a videotape here to show?

THE CLERK: No. sir.

THE COURT: You've had orientation?

A COURT OFFICER: Yes, sir.

THE COURT: All right. Thank you.

Now, two more questions and then we'll see what questions the attorneys have.

It is possible this case may last beyond today.

Would that cause anybody any irreparable harm; in other words, is there some conflict that you have in your personal schedule that you just can't overcome?

Miss Saltz is it?

A JUROR: I'm a college professor at Lynchburg College and the first day of classes is tomorrow and I have four classes.

THE COURT: Suppose you were ill?

I don't want to wish it on you, but if it happened, what will you do?

A JUROR: I haven't been sick yet. So, I don't know.

THE COURT: Well,—

A JUROR: I mean you can cancel a class but practically never on the first day.

THE COURT: I know it would be very difficult.

Anybody else?

(Whereupon, an off-the-record discussion was had between the Clerk and the Court.)

THE COURT: I have to ask each of you are any of you under eighteen years of age?

Are any of you who have not lived in the City of Lynchburg? You all live in the city, don't you?

Are there any of you who have not lived in the City of Lynchburg for six months?

Any of you who have not lived in the State of Virginia for twelve months?

All right. Anything else?

THE CLERK: Have any of you served on a jury in the last three years?

THE COURT: Your name, sir?

A JUROR: Rodney Bell.

THE CLERK: When was that?

A JUROR: I believe it was in 1990.

THE CLERK: 1990?

A JUROR: Yes, in this court.

THE COURT: Anybody else?

Yes, sir. When did you serve?

A JUROR: Ninety-one.

THE COURT: Ninety-one. And your name is?

A JUROR: Arnold Cheatham.

THE COURT: Counsel, step up here for a moment, please.

(Whereupon, an off-the-record discussion was had.)

THE CLERK: Mr. Cheatham, do you know what month?

A JUROR: (Indicates.)

THE CLERK: So, you probably never stayed and qualified.

A JUROR: Yes, sir.

(Whereupon, an off-the-record discussion was had.)

THE COURT: Mr. Bell, did you actually serve on the jury case?

A JUROR: Yes, sir.

(Whereupon, an off-the-record discussion was had.)

THE COURT: Ladies and gentlemen, one more question that I have is this and it's a catch all question.

Do any of you know of any reason why you wouldn't be able to give a fair trial to both sides, under the law and the evidence in this case?

Anybody?

All right. Thank you. Subject to the clerk checking on Mr. Bell's date, actual date—

A JUROR: It might have been eighty-nine. I believe it was ninety, but it may have been eighty-nine.

THE COURT: All right. Does counsel have further questions?

MS. WHITE: Judge, I just have one question.

I'm Kimberley White and Kimberly Slayton was my maiden name, because I'm newly married.

Do any members of the panel know or knew family members of Mr. Sloan?

His father, who is now deceased, was Leroy B. Sloan. He was an attorney here in Lynchburg and I believe, also, worked with the Internal Revenue Service here in Lynchburg.

Yes, ma'am?

A JUROR: I knew him.

MS. WHITE: Okay. Your name?

A JUROR: Merle Lee.

MS. WHITE: Okay. Miss Lee. would your knowledge or familiarity with Mr. Sloan's father cause you in anyway to put any weight one way or the other, either on the defense or on the Commonwealth's . . .

[. . .]

App.495a

EXHIBIT W
APPEAL OF CRIMINAL CONVICTION TO COURT
OF APPEALS OF VIRGINIA REHEARING AND
REHEARING EN BANC GRANTED
(APRIL 25, 2018)

EXHIBIT W

Appeal of Criminal Conviction to Court of Appeals
of Virginia

Rehearing and rehearing En Banc Granted

App.496a

ORDER OF THE COURT
OF APPEALS OF VIRGINIA
(OCTOBER 4, 1994)

IN THE COURT OF APPEALS OF VIRGINIA

M. ISMAIL SLOAN, A/K/A
SAMUEL HOWARD SLOAN,

Appellant,

v.

COMMONWEALTH OF VIRGINIA,

Appellee.

Record No. 0934-93-3

Circuit Court Nos. CR91003195-00 and
CR92003936-01

Upon an appeal from a judgment rendered by the
Circuit court of the City of Lynchburg

Before: COLEMAN, KOONTZ and ELDER, Judges.

For reasons stated in writing and filed with the
record, appellant's conviction of failure to appear
(CR92003936-01) is affirmed.

This Court previously denied the appellant's
petition for appeal with regard to appellant's conviction
of attempted abduction (CR91003195-00).

It is ordered that the trial court allow counsel for the appellant a fee of \$400 for services rendered the appellant on this appeal, in addition to counsel's costs and necessary direct out-of-pocket expenses.

The Commonwealth shall recover of the appellant the amount paid court-appointed counsel to represent him in this proceeding, counsel's costs and necessary direct out-of-pocket expenses, and the fees and costs to be assessed by the clerk of this court and the clerk of the trial court.

This order shall be certified to the trial court.

Costs due the Commonwealth by appellant in court of Appeals of Virginia:

Attorney's fee \$400.00 plus costs and expenses

Filing fee 25.00

A Copy,

Teste:

Richard R. James

Clerk

By: /s/ Marly V.P. Rlilg

Deputy Clerk

Appellee's Costs:

Attorney's fee \$50.00

Appellee's brief 35.20

Petition for rehearing and
suggestion for rehearing en banc 33.00

App.498a

Brief upon rehearing En banc 139.20

Teste:

Cynthia L. McCoy
Clerk

By: /s/ Marly V.P. Rilig
Deputy Clerk

Additional costs due the Commonwealth pursuant
to Court's June 6, 1995 order:

Attorney's fee \$200.00 plus costs and expenses

A Copy,

Teste:

Cynthia L. McCoy
Clerk

By: /s/ Marly V.P. Rilig
Deputy Clerk

App.499a

ITEMIZED STATEMENT OF COSTS
(APRIL 16, 1997)

IN THE COURT OF APPEALS OF VIRGINIA

M. ISMAIL SLOAN, A/K/A
SAMUEL HOWARD SLOAN,

Appellant,

v.

COMMONWEALTH OF VIRGINIA,

Appellee.

Record No. 0934-93-3

Circuit Court Nos. CR91003195-00 and
CR92003936-01

Attorney's fee: \$500
(Code § 14.1-196)

Appellee's brief: \$35.20
(Code § 14.1-182)

Petition for rehearing: \$33.00
and suggestion for rehearing en banc
(Rule 5A:30)

Brief upon rehearing: \$139.20
en banc
(Code § 14.1-182)

MEMORANDUM OPINION* OF THE COURT
OF APPEALS OF VIRGINIA
(OCTOBER 4, 1994)

IN THE COURT OF APPEALS OF VIRGINIA

M. ISMAIL SLOAN, A/K/A
SAMUEL HOWARD SLOAN,

Appellant,

v.

COMMONWEALTH OF VIRGINIA,

Appellee.

Record No. 0934-93-3

Circuit Court Nos. CR91003195-00 and
CR92003936-01

From the Circuit Court of the City of Lynchburg
James M. Lumpkin, Judge Designate

Before: Sam W. COLEMAN III, Judge.

In this criminal appeal, we hold that the amended indictment did not vary from the Commonwealth's evidence produced at trial. Therefore, we affirm the appellant's conviction for failure to appear in violation of his bond.

* Pursuant to Code§ 17-116.010 this opinion is not designated for publication.

M. Ismail Sloan, appellant, argues that the indictment varied fatally from the commonwealth's proof because the evidence proved that the January 10, 1992, trial was continued and that on that date, no trial was held. Therefore, according to Sloan, he could not be convicted of failure to appear for trial on January 10, when no trial was scheduled on that date. This argument, however, addresses whether the evidence is sufficient to support the conviction; it does not address whether the indictment varied from the proof adduced at trial. We do not

The offense with which appellant was charged is "willfully fail[ing] to appear before any court . . . as required." *See* Code § 19.2-128. To prove a violation of Code § 19.2-128 as charged in the indictment, the Commonwealth had to prove that the appellant was "required" to be present on January 10, 1992.

The Commonwealth presented evidence that appellant's trial had been scheduled for January 10, 1992; that prior to trial, the court had issued a *capias* for the defendant and had declared him a fugitive for leaving the Commonwealth in violation of the terms of his bond; and that by order dated January 3, 1992, the trial court continued "the jury trial scheduled for January 10, 1992," "until such time as the defendant is apprehended on the *capias* or surrenders." The Commonwealth further proved that appellant failed to appear in the Circuit Court for the City of Lynchburg on January 10, 1992; that he had been released on a bail piece conditioned upon his promise to appear "before any court or judge to which the case is rescheduled, continued, transferred, certified, or appealed"; that the case was scheduled for trial Janu-

ary 10, 1992; that although trial of the case was continued,¹ the appellant was required under the conditions of his bond to be present on that date; and that his failure to appear on January 10, 1992, was willful.

[. . .]

Koontz, J., dissenting.

I respectfully dissent. In simple terms, the issue in this appeal is whether the Commonwealth proved the offense charged in the indictment. *See Mitchell v. Commonwealth*, 141 Va. 541, 560, 127 S.E. 368, 374 (1925). In my view, it did not.

Code § 19.2-128 makes it a crime to willfully fail to appear before any Court “as required.” Pursuant to this statute, the indictment charged that Sloan willfully failed to appear before the trial court on January 10, 1992, “as required by [his] bond.”

January 10, 1992 was the date previously set for Sloan’s trial on an unrelated criminal charge. Acting upon information that Sloan had left the Commonwealth in violation of the conditions of his bond and a letter from Sloan expressing his intent not to appear on that date, the trial court on January 3, 1992 continued the case generally, declared Sloan a fugitive, and issued a *capias* for Sloan’s arrest. Sloan

¹ In fact, the Commonwealth introduced a letter dated January 3, 1992, that the defendant sent to the Commonwealth’s attorney, received January 9, 1992, the day before his scheduled trial date, stating “I am very, very sorry to say it will be impossible for me to appear in court . . . on January 10, the scheduled date for my trial.”

did not appear before the trial court on January 10, 1992.

Upon these facts, the majority concludes that the Commonwealth proved that Sloan "was required under the conditions of his bond" to appear in the trial court on January 10, 1992. The evidence in the record, in my view, simply does not support that conclusion. The pertinent conditions of Sloan's bond required that he appear before the trial court on any date to which his case was "rescheduled" or "continued." The trial court's order of January 3, 1992, although entered in anticipation that Sloan willfully would not appear on January 10,

[...]

App.505a

ORDER OF THE COURT OF
APPEALS OF VIRGINIA DENYING
PETITION FOR REHEARING
(NOVEMBER 18, 1994)

IN THE COURT OF APPEALS OF VIRGINIA

M. ISMAIL SLOAN, A/K/A
SAMUEL HOWARD SLOAN,

Appellant,

v.

COMMONWEALTH OF VIRGINIA,

Appellee.

Record No. 0934-93-3

Circuit Court Nos. CR91003195-00 and
CR92003936-01

Upon a Petition for Rehearing

Before: COLEMAN, KOONTZ and ELDER, Judges.

On consideration of the petitions of the appellant to set aside the judgment rendered herein on the 4th day of October, 1994 and grant a rehearing thereof, the said petitions are denied.

A Copy,

Teste:

Richard R. James

Clerk

By: Signature not legible

Deputy Clerk

App.506a

ORDER OF THE COURT OF
APPEALS OF VIRGINIA DENYING
PETITION FOR REHEARING EN BANC
(FEBRUARY 3, 1995)

IN THE COURT OF APPEALS OF VIRGINIA

M. ISMAIL SLOAN, A/K/A
SAMUEL HOWARD SLOAN,

Appellant,

v.

COMMONWEALTH OF VIRGINIA,

Appellee.

Record No. 0934-93-3

Circuit Court Nos. CR91003195-00 and
CR92003936-01

Upon a Petition for Rehearing En Banc

Before: COLEMAN, KOONTZ and ELDER, Judges.

on January 19, 1995 came the appellant, by court-appointed counsel, and filed a petition praying that the Court set aside the order entered herein on January 5, 1995 and reinstate the rehearing en banc proceedings in this case.

On consideration whereof, the petition is granted, the order entered on January 5, 1995 is vacated and the rehearing en banc proceedings are reinstated on

App.507a

the docket of this Court. In accordance therewith, the mandate entered herein on October 4, 1994 is stayed pending the decision of the Court en banc, and the appeal is reinstated on the docket of this Court.

The time for filing the appellee's answering brief shall commence from the date of this order.

A Copy,

Teste:

Richard R. James
Clerk

By: Signature not legible
Deputy Clerk

App.508a

ORDER OF THE COURT OF
APPEALS OF VIRGINIA
(JANUARY 5, 1995)

IN THE COURT OF APPEALS OF VIRGINIA

M. ISMAIL SLOAN, A/K/A
SAMUEL HOWARD SLOAN,

Appellant,

v.

COMMONWEALTH OF VIRGINIA,

Appellee.

Record No. 0934-93-3
Circuit Court Nos. CR91003195-00 and
CR92003936-01

It appears to the court that appellant's court-appointed counsel has not complied with this Court's order of December 15, 1994.

Thus the rehearing en banc proceedings are dismissed and the stay of this Court's October 4, 1994 mandate is lifted and the trial court's decision is affirmed.

A Copy,

Teste:

Richard R. James

Clerk

By: Signature not legible
Deputy Clerk

ORDER OF THE COURT OF
APPEALS OF VIRGINIA
(JUNE 6, 1995)

IN THE COURT OF APPEALS OF VIRGINIA

M. ISMAIL SLOAN, A/K/A
SAMUEL HOWARD SLOAN,

Appellant,

v.

COMMONWEALTH OF VIRGINIA,

Appellee.

Record No. 0934-93-3

Circuit Court Nos. CR91003195-00 and
CR92003936-01

Upon Rehearing En Banc

Before: MOON, Chief Judge., BAKER, BENTON,
COLEMAN, KOONTZ, WILLIS, ELDER, BRAY and
FITZPATRICK, Judges.

On October 4, 1994, in an unpublished opinion, a majority of a panel of this Court affirmed the conviction of M. Ismail Sloan, a/k/a Samuel Howard Sloan, for failure to appear in accordance with the terms of his bond in violation of Code § 19.2-128. Judge Koontz dissented from that opinion.

A rehearing en banc was heard on May 11, 1995. For the reasons stated in the panel's majority opinion, the Court, sitting en banc, affirms the judgment of the trial court. Accordingly, the stay of this Court's October 4, 1994 mandate is lifted. Chief Judge Moon, Judges Benton and Koontz would reverse the appellant's conviction for the reasons stated in Judge Koontz's dissent to the panel's opinion.

It is ordered that the trial court allow counsel for the appellant an additional fee of \$200 for services rendered the appellant on the rehearing portion of this appeal, in addition to counsel's costs and necessary direct out-of-pocket expenses. This amount shall be added to the costs due the Commonwealth in the October 4, 1994 mandate.

This order shall be certified to the trial court.

A Copy,

Teste:

Richard R. James
Clerk

By: Signature not legible
Deputy Clerk

App.511a

ORDER OF THE COURT OF
APPEALS OF VIRGINIA
(DECEMBER 15, 1994)

IN THE COURT OF APPEALS OF VIRGINIA

M. ISMAIL SLOAN, A/K/A
SAMUEL HOWARD SLOAN,

Appellant,

v.

COMMONWEALTH OF VIRGINIA,

Appellee.

Record No. 0934-93-3

Circuit Court Nos. CR91003195-00 and
CR92003936-01

Upon a Petition for Rehearing En Banc

This court's order of November 18, 1994 indicated that the Court granted the petition for rehearing en banc filed by appellant *pro se* in this case.

The Court hereby amends the order to indicate that a rehearing en banc is granted upon consideration of the petition filed by court-appointed counsel for the appellant.

The Court grants the appellee's motion to strike the petition for rehearing en banc filed by appellant *pro se*.

App.512a

The rehearing en banc shall proceed upon the petition for rehearing by appellant's counsel and upon such briefs as are filed by said counsel.

Counsel for the appellant shall be given 15 days from the date of this order to refile an en banc brief and appendix in accordance with Rule 5A:35(b). The time for the filing of appellee's answering brief shall commence from the date the appellant's en banc brief is refiled.

A Copy,

Teste:

Richard R. James

Clerk

By: Signature not legible

Deputy Clerk

ORDER OF THE COURT OF
APPEALS OF VIRGINIA
(NOVEMBER 18, 1994)

IN THE COURT OF APPEALS OF VIRGINIA

M. ISMAIL SLOAN, A/K/A
SAMUEL HOWARD SLOAN,

Appellant,

v.

COMMONWEALTH OF VIRGINIA,

Appellee.

Record No. 0934-93-3

Circuit Court Nos. CR91003195-00 and
CR92003936-01

Upon a Petition for Rehearing En Banc
Before the Full Court

On October 18, 1994, came the appellant, in proper person, and filed a petition praying that the Court set aside the judgment rendered herein on October 4, 1994, and grant a rehearing en banc thereof.

On consideration whereof, the petition for rehearing en banc is granted, the mandate entered herein on October 4, 1994, is stayed pending the decision of the Court en banc, and the appeal is reinstated on the docket of this Court.

App.514a

The parties shall file briefs in compliance with Rule 5A:35. It is further ordered that the appellant shall file with the clerk of this Court ten additional copies of the appendix previously filed in this case.

A Copy,

Teste:

Richard R. James
Clerk

By: Signature not legible
Deputy Clerk

App.515a

**ORDER OF THE COURT OF
APPEALS OF VIRGINIA
(NOVEMBER 18, 1993)**

IN THE COURT OF APPEALS OF VIRGINIA

M. ISMAIL SLOAN, A/K/A
SAMUEL HOWARD SLOAN,

Appellant,

v.

COMMONWEALTH OF VIRGINIA,

Appellee.

Record No. 0934-93-3

Circuit Court Nos. CR91003195-00 and
CR92003936-01

Upon a Petition for Rehearing

Before: BENTON, COLEMAN and WILLIS, Judges.

On consideration of the petition of the appellant to set aside in part the judgment rendered herein on the 19th day of October, 1993 and grant a rehearing thereof, the said petition is denied:

A Copy,

Teste:

Signature not legible

Acting Clerk

App.516a

ORDER OF THE COURT OF
APPEALS OF VIRGINIA DENYING
PETITION FOR REHEARING EN BANC
(JULY 24, 1995)

IN THE COURT OF APPEALS OF VIRGINIA

M. ISMAIL SLOAN, A/K/A
SAMUEL HOWARD SLOAN,

Appellant,

v.

COMMONWEALTH OF VIRGINIA,

Appellee.

Record No. 0934-93-3

Circuit Court Nos. CR91003195-00 and
CR92003936-01

Upon a Petition for Rehearing En Banc
Before the Full Court

On consideration of the petition for rehearing~
banc of the appellant to set aside the judgment
rendered herein on the 6th day of June, 1995 and
grant a rehearing en banc thereof, the said petition is
denied.

A Copy,

App.517a

Teste:

Richard R. James
Clerk

By: Signature not legible
Deputy Clerk

App.518a

**PAROLEE ORDER
(MAY 6, 1994)**

**COMMONWEALTH OF VIRGINIA
DEPARTMENT OF CORRECTIONS**

Director
P.O. Box 26963
Richmond, Virginia 23261
(804) 674-3000

To: Court Clerk, Sentencing Court(s)
From: Community Release Unit (804) 674-3046

Re: Ismail Sloan

VSP No:	Date:	Race:	Sex:	Dob:
204991	5/6/94	W	M	9/7/44

Please be advised that this prisoner will be released on/about 5/12/94 by the following parole type:

Discretionary

Sentencing Jurisdiction

Lynchburg City Circuit ct.

Date of Offense

1/13/93

Offense

Attempted Kidnap Solicit for Felony Not Guilty

Sentence

5 years

Planned locality of residence:

App.519a

Lynchburg, VA

Comments:

We hope that the parolee/release will make proper adjustment to the community with the assistance of the Probation and Parole officer.

App.520a

**PAROLEE ORDER
(MAY 6, 1994)**

**COMMONWEALTH OF VIRGINIA
DEPARTMENT OF CORRECTIONS**

Director
P.O. Box 26963
Richmond, Virginia 23261
(804) 674-3000

To: Chief Judge, Sentencing Court(s)
From: Community Release Unit (804) 674-3046

Re: Ismail Sloan

VSP No:	Date:	Race:	Sex:	Dob:
204991	5/6/94	W	M	9/7/44

Please be advised that this prisoner will be released on/about 5/12/94 by the following parole type:

Discretionary

Sentencing Jurisdiction

Lynchburg City Circuit ct.

Date of Offense

1/13/93

Offense

Attempted Kidnap Solicit for Felony Not Guilty

Sentence

5 days

Planned locality of residence:

App.521a

Lynchburg, VA

Comments:

We hope that the parolee/release will make proper adjustment to the community with the assistance of the Probation and Parole officer.

App.522a

**LETTER FROM DAVID B. BICE
(FEBRUARY 16, 1996)**

NELSON & BICE, P.C.
Attorneys at Law
716 Court Street
P.O. Box 1358
Lynchburg, Virginia 24505

John Randolph Nelson
David B. Bice
Telephone (804) 528-1078
Facsimile (804) 845-0510

Larry B. Palmer, Clerk
Lynchburg Circuit Court
Post Office Box 4
Lynchburg, Virginia 24505

Re: Commonwealth of Virginia v. Ismail Sloan
Ismail Sloan v. Commonwealth of Virginia

Dear Mr. Palmer:

Please find enclosed a list of expenses in the above captioned matters which I would appreciate your submitting for payment at your earliest convenience.

Thanking you for your assistance, I remain

Very truly yours,

Nelson & Bice, P.C.

/s/ David B. Bice

App.523a

ORDER OF THE SUPREME COURT OF VIRGINIA
(OCTOBER 25, 1995)

IN THE SUPREME COURT OF VIRGINIA

M. ISMAIL SLOAN, ETC,

Appellant,

v.

COMMONWEALTH OF VIRGINIA,

Appellee.

Record No. 951251

Court of Appeals No. 0934-93-3

From the Court of Appeals of Virginia

Upon review of the record in this case and consideration of the argument submitted in support of and in opposition to the granting of an appeal, the Court refuses the petition for appeal.

The Circuit Court of the City of Lynchburg shall allow court-appointed counsel the fee set forth below and also counsel's necessary direct out-of-pocket expenses. And it is ordered that the Commonwealth recover of the appellant the costs in this Court and in the courts below.

Justice Koontz took no part in the consideration of this case.

App.524a

A Copy,

Teste:

David B. Beach
Clerk

By: Signature not legible
Deputy Clerk

costs due the commonwealth by appellant in Supreme
Court of Virginia:

Attorney's fee \$200.00 plus costs and expenses

Teste:

David B. Beach
Clerk

By: Signature not legible
Deputy Clerk

App.525a

ORDER OF THE SUPREME COURT OF VIRGINIA
(JANUARY 19, 1996)

IN THE SUPREME COURT OF VIRGINIA

M. ISMAIL SLOAN, ETC,

Appellant,

v.

COMMONWEALTH OF VIRGINIA,

Appellee.

Record No. 951251

Court of Appeals No. 0934-93-3

Upon a Petition for Rehearing

On consideration of the motion filed by counsel and the petition. filed by the appellant, in proper person, to set aside the judgment rendered herein on the 25th day of October, 1995 and grant a rehearing thereof, the prayer of the said petition is denied.

Justice Koontz took no part in the consideration of this case.

Teste:

David B. Beach

Clerk

App.526a

**LETTER FROM DAVID B. BICE
(JUNE 16, 1996)**

NELSON & BICE, P.C.
Attorneys at Law
716 Court Street
P.O. Box 1358
Lynchburg, Virginia 24505

John Randolph Nelson
David B. Bice
Telephone (804) 528-1078
Facsimile (804) 845-0510

David B. Beach, Clerk
Supreme Court of Virginia
100 North Ninth street
Richmond, Virginia 23219

Re: Ismail Sloan a/k/a Samuel Howard Sloan v.
Commonwealth of Virginia

Circuit Court Number: CR91003195-00
CR92003926-01

Dear Mr. Beach:

Please find enclosed a Notice of Appeal which I would appreciate your filing in the above captioned matter at your earliest convenience.

Thanking you for your assistance, I remain

Very truly yours,

Nelson & Bice, P.C.

/s/ David B. Bice

DBB/ltt

xc: Larry B. Palmer, Clerk, Lynchburg Circuit Court

App.527a

NOTICE OF APPEAL
(JUNE 16, 1995)

IN THE SUPREME COURT OF VIRGINIA

M. ISMAIL SLOAN, A/K/A
SAMUEL HOWARD SLOAN,

Appellant,

v.

COMMONWEALTH OF VIRGINIA,

Appellee.

Circuit Court Nos. CR91003195-00 and
CR92003936-01

Comes now the Appellant, M. ISMAIL SLOAN, a/k/a, SAMUEL HOWARD SLOAN, by counsel who hereby notes his appeal of the decision of the Court of Appeals of Virginia upon rehearing en banc. A transcript of the case will be filed which has heretofore been filed with the Court of Appeals and thus already obtained from the Court reporter.

M. Ismail Sloan, a/k/a
Samuel Howard Sloan

By: Signature not legible
Of Counsel

App.529a

**LETTER FROM DAVID B. BICE
(NOVEMBER 18, 1993)**

NELSON & BICE, P.C.
Attorneys at Law
716 Court Street
P.O. Box 1358
Lynchburg, Virginia 24505

John Randolph Nelson
David B. Bice
Telephone (804) 528-1078
Facsimile (804) 845-0510

Patricia G. Davis, Clerk
Court of Appeals of Virginia
109 North Eighth street
Richmond, Virginia 23219

Re: Commonwealth of Virginia v. Ismail Sloan

Dear Ms. Davis:

Please find enclosed a Motion which I would appreciate your filing in the above captioned matter at your earliest convenience.

Thanking you for your assistance, I remain

Very truly yours,

Nelson & Bice, P.C.

/s/ David B. Bice

DBB/ltt
xc: Larry B. Palmer, Clerk,
Lynchburg Circuit Court

App.530a

MOTION FOR EXTENSION OF TIME TO
FILE DESIGNATION OF APPENDIX
AND OPENING BRIEF
(NOVEMBER 19, 1993)

IN THE CIRCUIT COURT FOR THE CITY OF
LYNCHBURG

COMMONWEALTH OF VIRGINIA,

Plaintiff,

v.

ISMAIL M. SLOAN, A/K/A
SAMUEL H. SLOAN,

Defendant.

Record No.

Comes now counsel for the Defendant, ISMAIL M. SLOAN a/k/a SAMUEL H. SLOAN, who requests an extension of the time limit in which to file the designation of appendix and a thirty (30) day extension of the time in which to file the opening brief, having conferred with the Attorney General's office, there is no objection to this request.

/s/ David B. Bice
Counsel for Defendant

App.531a

David B. Bice, Esquire
Nelson & Bice, P.C.
Post Office Box 1358
Lynchburg, Virginia 24505
(804) 528-1078

App.532a

ORDER OF THE COURT OF
APPEALS OF VIRGINIA
(OCTOBER 19, 1993)

IN THE COURT OF APPEALS OF VIRGINIA

M. ISMAIL SLOAN, A/K/A
SAMUEL HOWARD SLOAN,

Appellant,

v.

COMMONWEALTH OF VIRGINIA,

Appellee.

Record No. 0934-93-3

Circuit Court Nos. CR91003195-00 and
CR92003936-01

From the Circuit Court of the City of Lynchburg
Before: BENTON, COLEMAN and WILLIS, Judges.

Appellant's motion to not consider appellee's brief in opposition is granted. The brief in opposition was not timely filed, and no motion for extension of time was filed. Rule 5A:13.

This petition for appeal is granted in part and denied in part. And an appeal is awarded to the petitioner from a judgment of the Circuit court of the City of Lynchburg, dated January 13, 1993, with respect to the following question:

Whether the language of the indictment alleging a felony violation of bond specifically by reason of appellant's failure to appear on January 10, 1992 presents a fatal variance from the evidence presented.

No bond is required. The clerk is directed to certify this action to the trial court and to all counsel of record.

Pursuant to Rule 5A:25, an appendix is required in this appeal and shall be filed by the appellant at the time of the filing of the opening brief.

The remainder of the petition for appeal is denied for the following reason:

"When considering the sufficiency of the evidence on appeal of a criminal conviction, we must view all the evidence in the light most favorable to the Commonwealth and accord to the evidence all reasonable inferences fairly deducible therefrom." *Traverso v. Commonwealth*, 6 Va. App. 172, 176, 366 S.E.2d 719, 721 (1988).

An order of the circuit court awarded custody of appellant's daughter, Shamema Honzagool Sloan, to Mr. and Ms. Roberts. On September 5, 1991, appellant visited with his daughter at the home of appellant's mother. Richard Groff, who was present to supervise the visit, testified that appellant took his daughter to an awaiting rental car. After appellant started the car, Groff opened the door and grabbed the steering wheel. Appellant accelerated, dragging Groff approximately 100 yards, and attempted to push Groff away from the car. After a struggle ensued, Groff broke the key in the ignition, and Groff removed the daughter from appellant's rental car.

The evidence further proved that appellant had rented a car using the name Richard Bozulich. The rental was for a one-way trip from Lynchburg, Virginia to Greenville, South Carolina. Among the documents found in appellant's possession on September 5, 1991, were two airline tickets for travel from Greenville, south Carolina to the Orient and back. The tickets were in the names of Richard Bozulich and S. Honzagool. Appellant also had in his possession his passport, his daughter's passport, and his daughter's birth certificate. Appellant mentioned he had a suitcase in the trunk of the car on that day.

App.535a

**LETTER FROM DAVID B. BICE
(MAY 5, 1993)**

NELSON & BICE, P.C.
Attorneys at Law
716 Court Street
P.O. Box 1358
Lynchburg, Virginia 24505

John Randolph Nelson
David B. Bice
Telephone (804) 528-1078
Facsimile (804) 845-0510

Patricia G. Davis, Clerk
Court of Appeals of Virginia
109 North Eighth street
Richmond, Virginia 23219

Re: Commonwealth of Virginia v. Ismail M. Sloan
a/k/a Samuel H. Sloan

Dear Ms. Davis:

Please find enclosed a Motion for Extension of Time to File Petition for Appeal which I would appreciate your filing in the above captioned matter at your earliest convenience.

I have also enclosed a copy of our original Notice of Appeal which was initially forwarded on February 5, 1993.

Thanking you for your assistance, I remain

MOTION FOR EXTENSION OF TIME TO
FILE PETITION FOR APPEAL
(NOVEMBER 19, 1993)

IN THE CIRCUIT COURT FOR THE CITY OF
LYNCHBURG

COMMONWEALTH OF VIRGINIA,

Plaintiff,

v.

ISMAIL M. SLOAN, A/K/A
SAMUEL H. SLOAN,

Defendant.

Record No.

Comes now counsel for the Defendant, ISMAIL M. SLOAN a/k/a SAMUEL H. SLOAN, who states as follows:

(1) That the demands of his practice at this time will not permit an effective and adequate effort to prepare such a petition; and

(2) That having conferred with the commonwealth's Attorney for the City of Lynchburg, Virginia, that that office has no objection to a sixty (60) day extension of time to prepare and file Defendant's petition for appeal.

App.538a

Wherefore, counsel for the Defendant respectfully requests that the forty (40) day period in which to file a petition for appeal in the above referenced matter may be extended by an additional sixty (60) days.

/s/ David B. Bice
Counsel for Defendant

David B. Bice, Esquire
Nelson & Bice, P.C.
Post Office Box 1358
Lynchburg, Virginia 24505
(804) 528-1078

**STRAIGHT INDICTMENT
(JULY 6, 1992)**

**COMMONWEALTH OF VIRGINIA-IN THE
CIRCUIT COURT OF THE CITY OF LYNCHBURG**

The Grand Jury charges that:

On or about May 19, 1992 through June 16, 1992 in the City of Lynchburg, Virginia M. ISMAIL SLOAN a/k/a SAMUEL HOWARD SLOAN unlawfully and feloniously did command, entreat or otherwise attempt to persuade Rolf E. Beneke, to commit a felony,

Va. Code Section 18.2-29

SECOND COUNT

On or about the same date in the City of Lynchburg, Virginia, said person, unlawfully and feloniously

A True Bill,

Signature not legible

Foreman

THIS INDICTMENT found at the above Term, of the Circuit Court of Lynchburg, on the evidence of the witnesses listed on the reverse side who were duly sworn and sent to the Grand Jury by the Court.

**STRAIGHT INDICTMENT
(JULY 6, 1992)**

**COMMONWEALTH OF VIRGINIA-IN THE
CIRCUIT COURT OF THE CITY OF LYNCHBURG**

The Grand Jury charges that:

On or about January 10, 1992 in the City of Lynchburg, Virginia M. ISMAIL SLOAN a/k/a SAMUEL HOWARD SLOAN unlawfully and feloniously and after having been indicted on a felony charge of attempted abduction and after having been released on bond pursuant to Article I Title 19.2 of the Code of Virginia, did willfully fail to appear before the Circuit Court for the City of Lynchburg as required by his band,

Va. Code Section 18.2-29

SECOND COUNT

On or about the same date in the City of Lynchburg, Virginia, said person, unlawfully and feloniously

A True Bill,

Signature not legible

Foreman

THIS INDICTMENT found at the above Term, of the Circuit Court of Lynchburg, on the evidence of the

App.541a

witnesses listed on the reverse side who were duly sworn and sent to the Grand Jury by the Court.

App.542a

**CAPIAS
(JULY 6, 1992)**

COMMONWEALTH OF VIRGINIA

To: The Sheriff of the City of Lynchburg, Or Any Other
Authorized Officer:

YOU are hereby commanded, in the name of the
Commonwealth of Virginia, to arrest:

Name: M. Ismail Sloan A/k/a Samuel
Howard Sloan

Other Information: Dob 09/07/44
ss# 231-56-6416

and bring him or her before the CIRCUIT
COURT OF THE CITY OF LYNCHBURG, to answer
charges that he or she committed an offense in the
CITY OF LYNCHBURG, to, wit:

SOLICITATION TO COMMIT FELONY

FELONY FAILURE TO APPEAR

pending in said Court.

Dated this 6th day of July, 1992 in the Circuit
Court of the City of Lynchburg.

Larry B. Palmer
Clerk

By: Signature not legible
Deputy Clerk

App.543a

If bonded, appearance date shall be the 7th
working day after arrest.....

EXECUTED the aforesaid CAPIAS by arresting
the within named accused on this 7th day of October,
1992.

Signature not legible
Arresting Officer

ORDER APPOINTING ATTORNEY
(OCTOBER 8, 1992)

AT THE LYNCHBURG CIRCUIT COURT

COMMONWEALTH,

Plaintiff,

v.

M. ISMAIL SLOAN, A/K/A
SAMUEL HOWARD SLOAN,

Defendant.

Felony No. CR92003936 & CR91003195

Before: The Hon. Mosby G. PERROW, III, Judge.

This day came the Commonwealth's Attorney, and M. Ismail Sloan aka Samuel Howard Sloan, who stands charged with a felonies, to wit: solicitation to commit felony; felony fail to appear and also the defendant came to be advised on the charge of violate conditions of bond on the charge of attempted abduction, appeared in proper person, in custody, and it appearing that the defendant is without counsel, and is indigent, the Court, before accepting any plea of the accused, doth appoint the Public Defender, an able and competent attorney at law, practicing before this Court, to represent the defendant upon the charge.

And this case is continued to the November Term, 1992.

App.545a

/s/ Signature not legible
Deputy Clerk

App.546a

**LETTER FROM DEFENSE ATTORNEY
(OCTOBER 8, 1992)**

COMMONWEALTH OF VIRGINIA
OFFICE OF THE PUBLIC DEFENDER
City of Lynchburg
Suite 401-The Krise Building
203 Ninth Street
Lynchburg, VA 24504

James Hingeley
Public Defender
Telephone (804) 947-2244
Facsimile (804) 845-0510

The Honorable Mosby G. Perrow, III.
Lynchburg Circuit Court
P.O. Box 4
Lynchburg, VA 24505-0004

Re: Ismail M. Sloan a/k/a Samuel Howard Sloan

Dear Judge Perrow:

Thank you for letting me know that you appointed me on new charges filed in Circuit Court against Mr. Sloan. As I indicated in our conversation, I have a Motion for Leave to Withdraw pending in another case in which I am appointed to represent Mr. Sloan. A copy of my letter to Judge Gamble with a copy of the Motion for Leave to Withdraw is enclosed for your reference, along with Judge Gamble's reply to me, dated January 16, 1992, indicating that the motion would be considered when Mr. Sloan appeared in Lynchburg Circuit Court on the *capias*.

App.547a

I do not know Mr. Sloan's current position on my motion, and we of course cannot speculate about what Judge Gamble's eventual decision may be. Nevertheless, it should be perfectly clear that for the time being Mr. Sloan's and my positions are adverse. Under these circumstances, I anticipate that it will be extremely difficult for me to work with Mr. Sloan on the new charges, especially in view of the fact that he is unwilling for Judge Gamble to preside in hearings Mr. Sloan undoubtedly will press his attorney to schedule on an expedited basis. Therefore, I request that you assign another attorney to represent Mr. Sloan in the new cases, on the ground of the existing, actual conflict of interest between the two of us.

My actions in the pending case, as documented by the enclosed papers, will, I hope, convince you that I am not lightly asking to be excused from representing Mr. Sloan in the new charges. If you are unable to grant my request, I would ask that you give me an opportunity formally to present the reasons for my seeking not to represent Mr. Sloan on the new matters.

Thank you very much for your consideration. To keep Mr. Sloan advised, I have sent him a copy of this letter at the jail.

Sincerely,

/s/ James Hingeley
Public Defender

mwf
cc: Ismail Sloan

App.548a

**LETTER FROM DEFENSE ATTORNEY
(OCTOBER 8, 1992)**

COMMONWEALTH OF VIRGINIA
OFFICE OF THE PUBLIC DEFENDER
City of Lynchburg
Suite 401-The Krise Building
203 Ninth Street
Lynchburg, VA 24504

James Hingeley
Public Defender
Telephone (804) 947-2244
Facsimile (804) 845-0510

The Honorable Mosby G. Perrow, III.
Lynchburg Circuit Court
P.O. Box 4
Lynchburg, VA 24505-0004

Re: Commonwealth v. Ismail M. Sloan a.k.a.
Samuel Howard Sloan,
Circuit Court of the City of Lynchburg.

Dear Judge Gamble:

Judge Perrow informed me Thursday morning, October 8, 1992 that Ismail Sloan appeared in Lynchburg Circuit Court to be advised on some additional charges which have been filed against him. I presume that he has also appeared on the capias issued for his arrest in January, when he failed to appear for trial in the case in which you were then presiding.

App.549a

You may recall that I had filed a Motion for Leave of Court to Withdraw from representing Mr. Sloan in the case set for trial in January. You wrote to me on January 16, 1992 to confirm that my motion would be heard at such time as Mr. Sloan appeared in Lynchburg on the capias. Please let me know when it might be possible for this hearing to be scheduled.

Thank you for your consideration.

Sincerely,

/s/ James Hingeley
Public Defender

dg

cc: Honorable Mosby G. Perrow, III
Lynchburg Circuit Court
P.O. Box 4
Lynchburg, VA 24505

William G. Petty
Office of the commonwealth's Attorney
P.O. Box 1539
Lynchburg, VA 24505

Larry Palmer, Clerk
Lynchburg Circuit Court
P.O. Box 4
Lynchburg, VA 24505

Ismail M. Sloan

App:550a

**LETTER FROM JUDGE MICHAEL GAMBLE
(JANUARY 16, 1992)**

COMMONWEALTH OF VIRGINIA
City of Lynchburg and Bedford
Counties of Amherst, Bedford, Campbell and Nelson

J. Michael Gamble Judge
Amherst County Circuit Court
P.O. Box 1290
Amherst, VA 24521
(804) 946-9329 (Amherst)
(804) 929-9329 (Lynchburg)
(804) 929-9370 (Facsimile)

James Hingeley, Esquire
Office of Public Defender
Suite 401, Krise Building
203 Ninth Street
Lynchburg, VA 24504

In Re: Commonwealth v. Ismail M. Sloan a.k.a.
Samuel Howard Sloan, Circuit Court of
the City of Lynchburg.

Dear Mr. Hingeley:

Thank you for your letter of January 14, 1992 together with the enclosed motion. You are correct in your understanding that this motion will be considered at such time as Mr. Sloan is either arrested on the capias or surrenders to the capias which has been issued for his arrest.

App.551a

Sincerely yours,

/s/ Michael Gamble
Judge

JMG/kst
William G. Petty, Esquire
Larry Palmer, Clerk

App.552a

**LETTER FROM DEFENSE ATTORNEY
(JANUARY 14, 1992)**

COMMONWEALTH OF VIRGINIA
OFFICE OF THE PUBLIC DEFENDER
City of Lynchburg
Suite 401-The Krise Building
203 Ninth Street
Lynchburg, VA 24504

James Hingeley
Public Defender
Telephone (804) 947-2244

The Honorable J. Michael Gamble
Lynchburg Circuit Court
P.O. Box 1290
Amherst, VA 24521

Re: Commonwealth v. Ismail M. Sloan a.k.a.
Samuel Howard Sloan,

Dear Judge Gamble:

For your information in reference to the above case, I've enclosed a copy of a motion for leave to withdraw which I filed in the clerk's office on January 10, 1992.

It is my understanding that this motion will be taken up with any other matters requiring the court's attention at such time as Mr. Sloan comes before the Court on the capias which has been issued for his arrest.

App.553a

Thank you for your attention to this matter. If you have any questions, or require further information, please let me know.

Sincerely,

/s/ James Hingeley
Public Defender

dg
Enclosure

App.554a

MOTION
(NOVEMBER 19, 1993)

IN THE CIRCUIT COURT FOR THE CITY OF
LYNCHBURG

COMMONWEALTH OF VIRGINIA,

v.

ISMAIL M. SLOAN, A/K/A
SAMUEL H. SLOAN.

Record No.

Comes now James Hingeley, court-appointed attorney for Ismail Sloan, and moves the Court for leave to withdraw as counsel of record, and as grounds for the motion, says as follows:

1. By letter dated December 22, 1991 the defendant, Ismail Sloan, made a motion that the presiding judge in this case, the Honorable J. Michael Gamble, be disqualified from hearing the case for reasons set forth in the letter.

2. The undersigned counsel's and the defendant's views concerning the advisability of filing such a request for disqualification differed substantially, and the defendant proceeded to file the request for disqualification against the advice of counsel.

3. By letter to the Court dated January 6, 1992 the defendant renewed his motion for disqualification without further consultation with counsel, and by

letter to the commonwealth's Attorney dated January a, 1992, the defendant moved for a continuance of his trial date without consulting or notifying James Hingeley about his intentions.

4. The foregoing actions on the part of the defendant constitute both a constructive discharge of counsel, such as to justify his termination of the representation, and the entry of an appearance as counsel in the case by the defendant, prose.

5. Should counsel be required to remain in the case, counsel asserts that his assistance in the prosecution of the motion for disqualification would not be proper, because counsel believes in good faith that the position taken in the motion is merely for the purpose of harassing or maliciously injuring the judge and other persons named by the defendant in the letters of December 22, 1991 and January 6, 1992.

6. Despite counsel's request for the defendant's assistance in preparing for trial, the defendant has refused to cooperate with the necessary steps in preparing and presenting the defense in his case. As a result, the representation has been rendered unreasonably difficult by the client.

7. In the circumstances of this case, withdrawal of counsel can be effected without material prejudice to the client, who may be in a financial position to retain counsel of his own choosing, as suggested in part by the large number of Federal Express deliveries he is apparently able to afford. If the defendant cannot afford to retain counsel, the nature of the charges and the limited amount of factual evidence likely to be presented at trial would make it possible for a

successor court-appointed lawyer to render effective assistance of counsel to the defendant.

8. Alternatively, the defendant's assertion to the court that he successfully represented himself in the United States Supreme Court, and his grasp of legal principles reflected in his letter to the Commonwealth's Attorney, make it likely that the defendant would not be prejudiced by continuing to represent himself *pro se* in this case.

WHEREFORE, James Hingeley respectfully moves the Court for leave to withdraw as counsel of record in this case.

Respectfully Submitted,

/s/ James Hingeley

Lynchburg Public Defender Office
Suite 401, The Krise Building
203 Ninth Street
Lynchburg, VA 24504
(804) 947-2244

ORDER RELIEVING ATTORNEY
(OCTOBER 15, 1992)

IN THE CIRCUIT COURT FOR THE CITY OF
LYNCHBURG

COMMONWEALTH OF VIRGINIA,

Plaintiff,

v.

ISMAIL M. SLOAN, A/K/A
SAMUEL H. SLOAN, DOB 09/07/44

Defendant.

Felony No. CR91003195 & CR92003936

Before: The Hon. J. Michael GAMBLE, Judge.

This day came the Commonwealth's attorney and M. Ismail Sloan aka Samuel Howard Sloan aka Ismail M. Sloan, in his own proper person, in custody, and came also James Hingeley, his attorney previously appointed.

Thereupon the defendant's attorney made a motion for the Court to relieve him as court-appointed counsel for the defendant for reasons stated to the record. And the Court having heard all the evidence and argument of counsel, doth grant the motion to relieve James Hingeley as court-appointed attorney for the defendant.

App.558a

Thereupon the Court doth appoint James Massie to represent the defendant on the aforesaid charges.

And this case is continued to the November term, 1992.

A Copy,

Teste:

Larry B. Palmer
Clerk

By: Signature not legible
Deputy Clerk

**DEFENSE STATEMENT OF INDIGENCY
(OCTOBER 15, 1992)**

**FINANCIAL STATEMENT-ELIGIBILITY DETER-
MINATION FOR OF INDIGENT
DEFENSE SERVICES**

Presumptive Eligibility:

I currently do not receive public assistance.

**Names and addresses of employer(s) for defendant
and spouse:**

Self

Spouse

Assets:

Cash on hand \$18.39

Total Assets \$18.39

Exceptional Expenses

Court-ordered support payments/alimony

\$100/month

Total Expenses \$100

THIS STATEMENT IS MADE UNDER OATH:
ANY FALSE STATEMENT OF A MATERIAL FACT
TO ANY QUESTION CONTAINED HEREIN SHALL
CONSTITUTE PERJURY UNDER THE PROVISIONS
OF § 19.2-161 OF THE CODE OF VIRGINIA. THE MAX-
IMUM PENALTY FOR PERJURY IS CONFINEMENT
IN THE PENITENTIARY FOR A PERIOD OF TEN
YEARS.

App.560a

I hereby state that the above information is correct to the best of my knowledge.

Name of defendant (type or print)

Samuel H. Sloan

Ismail Sloan

/s/ Ismail Sloan

10/15/95

Date

Sworn/affirmed and signed before me this day.

/s/ Michael Gamble

Judge

10/15/95

Date

**ORDER-STATEMENT OF RECUSAL
(OCTOBER 20, 1992)**

IN THE CIRCUIT COURT FOR THE CITY OF
LYNCHBURG

COMMONWEALTH OF VIRGINIA,

Plaintiff,

v.

ISMAIL M. SLOAN, A/K/A
SAMUEL H. SLOAN, DOB 09/07/44

Defendant.

No. CR-91003195 & CR-92003936

Before: J. Michael GAMBLE, Mosby G. PERROW,
III., William W. SWEENEY, Richard S. MILLER,
Samuel JOHNSTON, JR., Judges.

The Defendant has pending in the Circuit Court of the City of Lynchburg the following felony charges: attempted abduction, solicitation to commit a felony, and felony failure to appear. The Judges of this Court have been advised by William G. Petty, Commonwealth Attorney of the City of Lynchburg, that it may be necessary for him to testify as a witness to material matters in one or more of these cases. Accordingly, by virtue of the fact that William G. Petty may testify as a witness, in one or more of these cases, the Judges of

App.562a

the Twenty-Fourth Judicial Circuit recuse themselves
from presiding in any of the above-styled matters.

/s/ J. Michael Gamble
Judge

/s/ Mosby G. Perrow, III
Judge

/s/ William W. Sweeney
Judge

/s/ Richard S. Miller
Judge

/s/ Samuel Johnston, Jr
Judge

ORDER-RELIEVING ATTORNEY
(NOVEMBER 2, 1992)

IN THE CIRCUIT COURT FOR THE CITY OF
LYNCHBURG

COMMONWEALTH,

v.

ISMAIL M. SLOAN, A/K/A
SAMUEL H. SLOAN,

Defendant.

Felony No. CR91003195 & CR92003936

Before: The Hon. J. Michael GAMBLE, Judge.

This day came the Commonwealth's attorney and Ismail M. Sloan aka Samuel Howard Sloan, in his own proper person, in custody, and came also James Massie, his attorney previously appointed.

Thereupon the defense attorney made a motion to withdraw as counsel for the defendant for reasons stated to the record. And the Court having heard and considered the motion, doth grant the motion for James Massie to withdraw as counsel and doth appoint David Bice to represent the defendant on the charges of attempted abduction; solicitation to commit felony; and felony failure to appear.

And this case is continued to the December term, 1992.

App.565a

ORDER-DENYING APPEAL
(NOVEMBER 5, 1992)

IN THE COURT OF APPEALS OF VIRGINIA

M. ISMAIL SLOAN, A/K/A SAMUEL SLOAN,
A/K/A ISMAIL M. SLOAN

Appellant,

v.

COMMONWEALTH OF VIRGINIA,

Appellee.

Record No. 2066-92-3

Circuit Court Nos. CR91003195 and
CR92003936

From the Circuit court of the City of Lynchburg

It appears that this appeal has been filed prematurely as the trial court has not entered a final order.

Accordingly, the notices of appeal received October 16 and November 5, 1992 are dismissed without prejudice to appellant's pursuit of an appeal to this Court once a final order has been entered.

The Commonwealth shall recover of the appellant the costs in this Court.

App.566a

A Copy,

Teste:

/s/ Patricia G. Davis
Clerk

Costs due the Commonwealth by appellant in
Court of Appeals of Virginia:

Filing fee \$25.00

Teste:

/s/ Patricia G. Davis
Clerk

**ORDER APPOINTING DESIGNATE JUDGE
(NOVEMBER 5, 1992)**

IN THE SUPREME COURT OF VIRGINIA

In all to whom These Presents Shall Come-Greeting:

Know Is, That I, Harry L. Carrico Justice of the Supreme Court of Virginia of authority vested in me by law, do hereby designate—

Honorable JAMES M. LUMPKIN, RETIRED
Judge of the THIRTEENTH JUDICIAL CIRCUIT to
preside in the CIRCUIT Court of THE CITY OF
LYNCHBURG

In the cases of
COMMONWEALTH OF VIRGINIA,

v.

M. ISMAIL SLOAN A/K/A SAMUEL H. SLOAN.

Criminal Numbers 91003195 and 92003936

To be heard on a date set by the Judge and continuing until the matters presented to him in these cases have been disposed of according to law.

In the place of THE JUDGES OF THE TWENTY-FOURTH JUDICIAL CIRCUIT who are so situated as to render it improper, in their opinion, for them to preside at the trial of the said cases.

App.569a

ORDER-OF CONTINUANCE
(DECEMBER 7, 1992)

AT THE LYNCHBURG CIRCUIT COURT

COMMONWEALTH,

v.

ISMAIL M. SLOAN,

Defendant.

Felony No. CR92003936

Before: The Hon. Mosby G. PERROW, III, Judge.

On motion of the defendant, by counsel, and with the concurrence of the Commonwealth's Attorney, the Court doth order that this case be continued to January 12., 1993, with a Jury.

A Copy,

Teste:

Larry B. Palmer

Clerk

By: Signature not legible

Deputy Clerk

App.570a

ORDER-MOTIONS
(DECEMBER 16, 1992)

AT THE LYNCHBURG CIRCUIT COURT

COMMONWEALTH,

v.

ISMAIL M. SLOAN A/K/A
SAMUEL HOWARD SLOAN,

Defendant.

Felony No. CR91003195 & CR92003936

Before: The Hon. James M. LUMPKIN, Judge.

This day came the Commonwealth's Attorney, and Ismail Sloan aka Samuel Howard Sloan, who stands indicted for felonies, to-wit: attempted abduction, solicitation to commit felony and felony fail to appear, appeared in proper person, in custody, and came also David Bice, defense counsel previously appointed.

Whereupon the defendant by counsel having previously filed a motion for relief, this day the Court heard evidence and argument of counsel and doth deny a motion for a preliminary on each of the charges for reasons stated to the record.

The Court doth deny the motion for a change of venue at this time, subject to be renewed on January 12, 1993, for reasons stated to the record.

App.571a

The Court doth take the motion to quash the indictments under advisement and order the Commonwealth to file a memorandum of law by December 26, 1992 and the defendant by January 5, 1993.

The Court grant the motion for a bond to be set and doth set the defendant's bond at \$75,000.00 with surety with 1/3 being cash only, returnable to January 5, 1993 at 9:00 a.m. at which time counsel and the defendant will be present for the Court's ruling on the motion to quash.

Whereupon this case is set for January 12, 1993 with a jury. And the defendant is remanded to jail pending posting bond.

A Copy,

Teste:

Larry B. Palmer

Clerk

By: Signature not legible

Deputy Clerk

App.572a

ORDER FOR DISCOVERY
(DECEMBER 16, 1992)

IN THE CIRCUIT COURT FOR THE CITY OF
LYNCHBURG

COMMONWEALTH OF VIRGINIA,

v.

ISMAIL M. SLOAN A/K/A
SAMUEL HOWARD SLOAN,

Defendant.

Felony No. CR91003195 & CR92003936

Before: The Hon. James M. LUMPKIN, Judge.

On motion of the defendant and the Commonwealth for discovery and inspection pursuant to Rule 3A: 11 in the above-captioned case, it is hereby ORDERED as follows:

1. The Commonwealth's Attorney shall permit the attorney for the accused to inspect and copy or photograph any relevant written or recorded statements or confessions made by the accused, or the substance of any oral statements or confessions made by the accused, to any law enforcement officer, the existence of which is known to the attorney for the Commonwealth.

2. The Commonwealth's Attorney shall permit the attorney for the accused to inspect and copy any relevant written reports of autopsies, ballistic tests,

fingerprint analyses, handwriting analyses, blood, urine and breath tests, and other scientific reports, and written reports of a physical or a mental examination of the accused or the alleged victim made in connection with the particular case, or copies thereof, that are known by the Commonwealth's Attorney to be within the possession, custody or control of the Commonwealth.

3. The Commonwealth's Attorney shall permit the attorneys for the accused to inspect, copy or photograph any designated books, papers, documents, tangible objects, buildings or places or copies or portions thereof, that are within the possession, custody or control of the Commonwealth, upon a showing that the items sought may be material to the preparation of the defense and that the request is reasonable. This does not authorize the discovery or inspection or statements made by Commonwealth witnesses or prospective Commonwealth witnesses to agents of the Commonwealth or reports, memorandum or other internal Commonwealth documents made by agents in connection with the investigation or prosecution of the case, except as provided above.

4. The attorney for the accused shall permit the Commonwealth to inspect, copy or photograph any written reports of autopsy examinations, ballistic tests, fingerprint, blood, urine and breath analyses, and other scientific tests that may be within the accused's possession, custody or control and which the defense intends to offer or introduce into evidence at trial or sentencing.

5. The attorneys for the accused shall disclose whether or not they intend to introduce evidence to establish an alibi and, if so, the attorney for the

accused shall disclose the place at which the accused claims to have been at the time of the commission of the alleged offense.

6. If the accused intends to rely upon a defense of insanity or feeble-mindedness, the attorney for the accused shall permit the Commonwealth to inspect, copy or photograph any written reports of physical or mental examination of the accused made in connection with the particular case. No statement made by the accused in the course of any examination provided for by this order shall be used by the Commonwealth in its case in chief.

7. The Commonwealth's Attorney shall also disclose all exculpatory evidence which is or is deemed to be within his possession and to which the defendant is entitled by law.

It is further ORDERED that all discovery pursuant to this order should be completed as soon as possible, and shall be completed no later than fourteen (14) days prior to trial.

If at any time after the final date for discovery, or during trial, counsel shall discover additional material previously requested or falling within the scope of this order that is subject to discovery or inspection under this order, he shall properly notify opposing counsel of the existence of such additional material.

James M. Lumpkin
Circuit Judge

Entered: December 16, 1992

App.575a

Requested

David B. Bice
Counsel for the defendant

Seen and Agreed

Kimberly S. White
Assistant Commonwealth's
Attorney for the City of
Lynchburg

A Copy,

Teste:

Larry B. Palmer
Clerk

By: Signature not legible
Deputy Clerk

App.576a

ORDER—JURY TRIAL
(JANUARY 12, 1993)

AT THE LYNCHBURG CIRCUIT COURT

COMMONWEALTH,

v.

ISMAIL M. SLOAN A/K/A
SAMUEL HOWARD SLOAN, DOB 9/7/44

Defendant.

Felony No. CR91003195-00 & CR92003936-00 & 01
Attempted Abduction; Solicitation to Commit Felony;
Felony Fail to Appear

Before: The Hon. James M. LUMPKIN, Judge.

This day came the Commonwealth's attorney, and M. Ismail Sloan aka Samuel Howard Sloan, who stands indicted for a felony, to-wit: attempted abduction; solicitation to commit felony; felony failure to appear, appeared in proper person, in custody, and came also David Bice, his attorney previously appointed.

Whereupon the defendant by counsel made a motion in limine for the reasons stated to the record, which motion the Court took under advisement.

The defendant by counsel made a motion to quash the indictment on the charge of felony failure to

appear for the reasons stated to the record, which motion the Court denied.

The defendant by counsel made a motion to change venue or change the venire, which motion the Court took under advisement.

Whereupon on motion of the Commonwealth's attorney, the court doth allow the indictments to be amended on the charges of felony fail to appear and attempted abduction.

Whereupon the defendant was arraigned and after private consultation with his said attorney pleaded not guilty to the Indictments, which pleas were tendered by the accused in person.

After being advised by the Court of his right to trial either by jury or by the Court and, after consultation with counsel, the accused did not waive his right to trial by jury and to which the Court approved.

The Court then impaneled twenty-three qualified jurors, free from exception for the trial of the defendant. Whereupon the Attorney for the Commonwealth and the attorney for the defendant each alternately exercised their rights to strike the names of five veniremen from the panel, as provided by law, and the remaining twelve jurors and one alternate juror, constituting the jury for the trial of the defendant, were duly sworn.

Whereupon the Court doth deny the defendant's motion to change venue or change the venire.

After opening statements, the evidence was presented by the Commonwealth in part. Thereupon the Court denied the defendant's motion in limine,

and the defendant by counsel noted his exception. And at the conclusion of the Commonwealth's evidence, the defendant by counsel made a motion to strike the Commonwealth's evidence for the reasons stated to the record, which motion the Court denied on the charges of attempted abduction and solicitation to commit a felony, and exception was noted. And the Court doth take the defendant's motion to strike the Commonwealth's evidence on the charge of felony failure to appear under advisement.

Thereupon the jury was adjourned until January 13, 1993, at 9:00 o'clock a.m. to which time this case is continued.

A Copy,

Teste:

Larry B. Palmer
Clerk

By: Signature not legible
Deputy Clerk

ORDER-SENTENCING
(JANUARY 13, 1993)

AT THE LYNCHBURG CIRCUIT COURT

COMMONWEALTH,

v.

ISMAIL M. SLOAN A/K/A
SAMUEL HOWARD SLOAN, DOB 9/7/44

Defendant.

Felony No. CR91003195-00 & CR92003936-00 & 01
Attempted Abduction; Solicitation to Commit Felony;
Felony Fail to Appear

Before: The Hon. James M. LUMPKIN, Judge.

This day came again the Commonwealth's attorney and M. Ismail Sloan aka Samuel Howard Sloan, appeared in proper person, in custody, and came David Bice, defense counsel previously appointed, and came also the jury previously sworn on January 12, 1993, for the trial of the defendant, according to their adjournment.

Whereupon the Court having heard the evidence on the defendant's motion to strike the Commonwealth's evidence on the charge of felony failure to appear, doth deny said motion.

Thereupon the defendant by counsel presented his evidence in full.

After hearing the evidence, the instructions of the Court and argument of counsel, the jurors were sent to the jury room to consider their verdict. They subsequently returned their verdict in open court, in the following words, to-wit: "On the charge of attempted abduction, we, the jury, find the defendant guilty and fix his punishment at: imprisonment for five years. Eleanor A. Braumiller, Foreman." "On the charge of solicitation to commit a felony, we, the jury, find the defendant not guilty. Eleanor A. Braumiller, Foreman." "On the charge of failure to appear, we, the jury, find the defendant guilty and fix his punishment at: a fine of \$1,800. Eleanor A. Braumiller, Foreman." The defendant by counsel moved to poll the jury and all the jurors affirmed their vote as to the verdict. Thereupon the jury was discharged.

The attorney for the defendant then renewed his motions to strike the Commonwealth's evidence for the reasons previously stated to the record, which motions the Court overruled. The Court enters judgment on the verdict of the jury, and hereby finds the defendant guilty of attempted abduction and felony failure to appear, and finds the defendant not guilty of solicitation to commit a felony.

The attorney for the defendant then moved the Court to set aside the verdict, for the reasons stated to the record, which motion was denied.

The defendant having been found guilty, the Court then asked if the defendant wanted to say if there was any reason why sentence should not be imposed, and nothing being offered or alleged in delay of judgment, it is accordingly the judgment of this Court that on the charge of attempted abduction the defendant be sentenced to confinement in the

penitentiary of this Commonwealth for the term of 5 years, and on the charge of felony failure to appear that the defendant pay a fine of \$1800.00, and that he pay the costs of this prosecution.

The defendant is hereby discharged from custody on the charge of solicitation to commit a felony.

Whereupon the defendant was advised of his right to appeal the judgment of this Court to the Court of Appeals, and accordingly appoints David Bice to represent the defendant if the defendant so desires to appeal.

Whereupon the defendant by counsel made a motion to reduce the defendant's sentences on the aforesaid charges, which motion was denied.

The Court further orders that as soon as possible after the entry of this order that the defendant be removed and safely conveyed from the jail of this Court to the said penitentiary, therein, to be kept, confined and treated in the manner provided by law.

The Court orders that the defendant be allowed credit for time spent in jail awaiting trial.

And the defendant is remanded to jail to await transfer to the penitentiary.

Date of Offense: 7/28/92; 1/10/92

A Copy,

Teste:

Larry B. Palmer

Clerk

**LETTER FROM M. ISMAIL SLOAN
TO JOHN P. BUTLER
(JANUARY 14, 1992)**

M. Ismail Sloan
Ismail Computer Company
P.O. Box 4829
Fujairah, United Arab Emirates
Tel: (97170) 27516 (res.)

John P. Butler
F.B.I.
Federal Building
P.O. Box 1562
Roanoke, Virginia 24007
U.S.A.

Dear Mr. Butler,

My family has been the victim of successive kidnappings. My 80-year-old mother, Dr. Helen Marjorie Sloan, was kidnaped out of her hospital room at the Bangkok General Hospital in Bangkok, Thailand on September 3, 1990. She was forcibly boarded onto Northwest Airlines flight 28 to Tokyo and America at 6:50 A.M. on the morning of September 5. The person who accomplished this kidnaping was a Thai lawyer named Boonchoo Yensabai, assisted by an American private detective named John Sobell.

This kidnaping was financed by Wesley Cassel Jacobson, the 77 year old brother of my mother, and by Creighton Wesley Sloan, my brother. Creighton and Cassel have for the past four years been involved in multiple litigation against my mother in an effort to obtain control of her assets. My mother had been

refusing to return to America out of a desire to avoid this litigation.

Within a few days thereafter, Boonchoo and Sobell, the same persons who kidnaped my mother, came back and tried to kidnap my three children, Shamema, then aged 8, Michael, aged 2, and Jessica, also aged 2. Apparently, Charles and Shelby Roberts had by then learned of their fantastic success in kidnaping my mother and had hired them to kidnap my children as well. They just barely failed. We escaped only because I hid my children in the Golden Triangle area of Northern Thailand and then managed to smuggle them across the southern boarder of Thailand into Malaysia a few days later. Altogether, we traveled 3600 miles by public bus in order to avoid these kidnapers.

After that, we made it back to what we believed was safety in the United Arab Emirates, where we have lived for the past four years. We arrived on September 23rd. However, on September 26th, Boonchoo found out about this and called up Vithanage Santhilatha of Sri Lanka, my companion and the mother of Jessica, on the telephone. He threatened to kill Santhilatha and hand over Jessica to the government for adoption unless she pushed Shamema out the door of our house, where two Thai men were waiting to take Shamema away. According to Santhilatha, she looked over the wall surrounding our house and, sure enough, saw two Thai men lurking outside.

Santhilatha thereafter called in the U.S. Consulate in Dubai and reported this incident to Eileen Lewison; the consular officer there.

Because of this incident, I had my entire family moved to a secure location in Abu Dhabi, 180 miles from here. They were hidden there for about one week. Finally, on the morning of October 7, I drove them all back to our home in Fujairah, thinking that the danger had passed.

Being tired from this long journey, I took a nap. When I awoke a few hours later, my entire family had disappeared. Shamema had left a note stating that they had all gone to a marriage party in Dibba, a town about 50 miles north of here.

It happened that Shaikh Rashid, the ruler of Dubai, died that very night and this entire nation went into a compulsory seven day period of mourning. All shops and offices were closed and traffic was discouraged from the streets. I was therefore not surprised when my family failed to return from this marriage party promptly. I assumed that they were stranded without transport in Dibba.

It took me a long time to discover the truth, which is as follows: After Boonchoo had called Santhilatha several times and threatened to kill her and steal her daughter, Santhilatha was contacted by Charles and Shelby Roberts who offered to give her money and an airplane ticket to America if she voluntarily handed my daughter, Shamema, over to them. Boonchoo was working for Charles and Shelby Roberts, who had paid him \$12,000 for his services up to that point and had agreed to pay him a total of \$25,000 upon delivery of Shamema to them. Being threatened with death on the one hand and being offered money and a ticket to America on the other, Santhilatha had decided to cooperate.

She took Shamema, Michael and Jessica to Abu Dhabi. Waiting for her there at the Albadie Travel Agency on Al Nasr Street were three round trip airplane tickets to America. These had been purchased by Jay Roberts (the son of Charles and Shelby Roberts) at the Holiday Travel Agency located at 757 Church Street, Lynchburg, Virginia. The total price paid for these tickets was in excess of \$4200. The adult ticket for Santhilatha was more than \$1800 and the tickets for the two children, Shamema and Jessica, were more than \$1200 each. These were round trip tickets with a reservation for all three to return to Abu Dhabi on December 2, 1990.

However, there was no ticket for Michael, my two year old son. For this reason, he had to be left behind. It happened that after collecting the tickets which had been sent by Jay Roberts, the four of them were standing on Hamdan Street in Abu Dhabi when Santhilatha was approached by a Syrian man named Mr. Jamal, who offered her a job working for his family as a housemaid. Santhilatha said that she did not need a job but that she had her own housemaid named Linda Duavis who was looking for a job. She offered to introduce Linda to his family the next morning. On this basis, Mr. Jamal agreed to allow her and the three children to spend the night in his house with his family.

Early the next morning, Santhilatha arose and told Mr. Jamal that she was going out to meet Linda and would bring her back in a few minutes. She asked Mr. Jamal not to wake Michael, as he was still sound asleep. She then left his house with the two other children.

She never returned. Instead of bringing back the promised housemaid, she went with the two children directly to Abu Dhabi International Airport, where they boarded Gulf Air Flight 971 to Bahrain at 9:00 A.M. In Bahrain, they transferred to Gulf Air Flight 003 to London. In London, they took TWA Flight 783 to Washington National Airport. They arrived in Washington National Airport at 12:20 Monday Midnight (actually very early Tuesday morning, October 9). They were met at the airport by the Roberts family and taken to Madison Heights, Virginia.

As soon as I realized that Shamema was really gone, I knew exactly what had happened to her. The Roberts family have been trying to get Shamema away from me ever since 1986. when I fired Shelby Roberts from her job as a baby-sitter. I therefore called Ed Meeks, the Amherst County Commonwealth Attorney, to inform him that Shamema had been kidnaped by the Roberts. He apparently sent an investigator to the Roberts family home at 420 Amelon Road in Madison Heights and found Shamema there. According to Ed Meeks, Shamema was thereafter taken into custody by the Amherst County Department of Social Services.

Meanwhile, back in Abu Dhabi, Mr. Jamal waited patiently for Santhilatha to return with the promised housemaid. Finally, that afternoon, he took Michael to the police station. He did not even know Michael's name, much less who his father was. However, when I reported to the police in Fujairah that my family, including three children, were missing, the police were able to connect the two cases together and return Michael to me.

Going back a bit, in Thailand, Boonchoo had caused to be published in the newspapers articles stating that Charles and Shelby Roberts had been allowed to adopt Shamema by court orders dated April 2, 1986 and August 25, 1986. This is completely untrue. The order dated April 2, 1986 awarded custody of Shamema to me. No mention was made of the Roberts. Shelby Roberts was merely a baby-sitter, employed by me at \$110 per week to take care of Shamema. The August 25, 1986 order awarded physical custody of Shamema to me but allowed the Roberts to have visitation with my daughter. This was in contravention of the Virginia statutes, which do not contemplate the award of visitation to non-relatives such as the Roberts. I am enclosing copies of these two orders plus the newspaper articles in question.

Being dissatisfied with having mere visitation rights, the Roberts filed a suit for custody on August 27, 1986. However, this suit was never served because we were all out of the State of Virginia at the time. Temporary custody was awarded to the Amherst Department of Social Services, pending a hearing which was never held. This is the reason that the Amherst Department of Social Services took Shamema into its custody in October, 1990.

I really do not know what they mean by "took into custody". I suspect that the Roberts are still being allowed to keep my daughter, under some sort of nominal court supervision. To this, I strenuously object because of the known hostility of the Roberts to both me and to the religion the actual mother of Shamema, whose name is Honzagool. Honzagool is a devout Muslim who lives in Chitral, Pakistan, high in the Hindu Kush mountains. The Roberts are fanatical

Jerry Falwell Baptists. There is no connection at all between the Roberts and Honzagool. I was a guest in the family home of Honzagool in Pakistan this past December.

Now, I want to turn to the question of the evidence and your jurisdiction. We have here an attempted kidnapping of my children in Thailand in September followed by a successful kidnapping of the same children in the United Arab Emirates in October. All of this was financed by Mr. Charles Gaberts and the Roberts family. My information is that first Mr. Roberts came to Dubai in the United Arab Emirates in July or August, 1990 with the plan of kidnaping Shamema personally himself. Presumably, he came to our house in Fujairah at that time and discovered the house to be empty, as we were in Thailand. He then went back. However, this trip was useful to him in setting up and arranging the subsequent kidnaping.

He and his family are known to have spent least \$16,000 for the purpose of kidnaping Shamema. At least \$12,000 was paid to Boonchoo and at least \$4200 was spent on airline tickets. I believe that the actual amount was much higher. Boonchoo is a big spender who stays at only the best hotels and eats at only the fanciest restaurants. I personally observed him spending large amounts of money on this case, and he clearly would not have done so had he not received a much larger amount. I am also told that immediately after Shamema disappeared on October 7, Boonchoo himself went missing and reportedly he went to either Australia or New Zealand.

The Roberts are a family of modest means. Mr. Roberts is a manual laborer who works on an assembly

line on the graveyard shift in a factory. Shelby Roberts is a secretary for John Stewart Walker, a real estate agency. According to Vithanage Santhilatha, Shelby told her that they were in the process of either selling or mortgaging their house in Madison Heights in order to raise the funds necessary to pay Boonchoo to get Shamema.

Mr. Roberts has long been interested in getting Shamema for two stated reasons. First, Shamema happens to be an exceptionally bright and gifted child. Charles Roberts has no daughter of his own, and he has always wanted one. They have two sons, both of whom are in their mid or late twenties. Charles and Shelby Roberts are about 52 years old.

The second reason is that they are religious fanatics. Mr. Roberts apparently sincerely believes that he is doing God's holy work by taking my daughter away from me so that she will be raised up as a Christian rather than as a Muslim. If I, myself, were a Christian, would never think of taking Shamema.

However, the main point is that Charles Roberts was not awarded custody of Shamema, not even in Amherst County, much less in the United Arab Emirates. It was therefore clearly illegal for him to come to the United Arab Emirates to try and take Shamema. It was even illegal for him to bring Shamema from Washington National Airport to stay in his home in Virginia, without the knowledge of either of her parents or, for that matter, of the Amherst County Department of Social Services. Shamema was born on October 15, 1981. Thus, she was eight years old when all this happened, but has since turned nine years old.

This case has been covered extensively in the local newspapers here. I am enclosing some newspaper clippings. The newspaper coverage has actually been quite restrained. They have never been willing to publish the fact that the actual purpose of the kidnaping of Shamema is to convert a child of Muslim parents to Christianity; However, there is no extradition treaty or any other sort of agreement between the United Arab Emirates and the United States. The Ruler of Fujairah has personally ordered that something be done about this case, but the relevant government ministries have not yet figured out what, if anything, they can do.

Going back to my mother, hers was a clear case of kidnaping as well. Creighton and Cassel have not been on good terms with my mother for many years. For at least the past four or five years, they have been trying by every possible means to catch her so that they can obtain control of her assets, estimated to be around \$300,000. It was because of them that she fled the United States in the first place.

If you can obtain copies of the cable traffic between the State Department in Washington and the U.S. Embassy in Abu Dhabi and the U.S. Consulate in Dubai over the past four years, you will see that there have been a constant stream of cables from the State Department reflecting demands by Creighton, Cassel and Charles and Shelby Roberts for information about my mother and my daughter. In particular, Cassel has been using every dirty trick possible to induce my mother to return. He has constantly notified her through the embassy of family emergencies requiring her presence. In about March, 1987, my mother was sent through the U.S. Embassy a one way non-

refundable airplane ticket from Abu Dhabi to Washington, D.C. She refused this ticket. In July, 1988, the U.S. Embassy was falsely told by Cassel that I was in jail in Guam and therefore my mother should come back to America immediately. The U.S. Embassy was so concerned about this that the U.S. Consul at that time, Robert Murphy, personally went to our home and interviewed my mother. My mother told him that she was happy where she was and absolutely was not willing to return to the United States.

In addition, because my brother, Creighton, had stolen my mother's social security check on a number of occasions, my mother was in the habit of personally going to the U.S. Embassy every month to collect her check. Every time she went, the consular officer there questioned her regarding the voluntariness of her presence in the United Arab Emirates, especially since Creighton and Cassel had repeatedly been alleging that I had kidnaped my mother and was holding her against her will. Each time, my mother told the concerned consular officer that she liked being where she was and had no desire to live with either Creighton or Cassel.

Incidentally, during almost this entire time, Creighton and Cassel never called my mother directly on the telephone. From mid-1986 until August, 1989, she never heard from either of them. Finally, Cassel called her, but only because a court hearing had been scheduled in Charlottesville for her to appear a few days later.

When my mother was forcibly taken from the Bangkok General Hospital on September 3, she was in extremely weak condition both physically and mentally. In fact, she had just passed a narrow escape

from death. I am enclosing a photograph of her at that time so that you can see that I am not exaggerating the situation. It was only because of her extremely weak condition that it was possibly to kidnap her.

It has always been clear that neither Creighton nor Cassel have any intention of taking care of my mother. They were only interested in getting her money. My best information is that as soon as she arrived in the U.S., she was dropped off in a nursing home in a secret location. I have no idea where she is, except that she is probably in Maryland. She has often stated that she does not want to live in a nursing home. She wants to live in her own home with her own grandchildren. This is the reason that she was so happy living in the United Arab Emirates. We had a five bedroom home, occupied by her, myself, three grandchildren and generally three or four household servants. This arrangement was far beyond the means of all but the most wealthy retired Americans.

I am including with this letter copies of two affidavits signed by my mother regarding these matters, the last of which was signed just a few days before she was actually kidnaped. I am also enclosing two of my own affidavits which were signed just after my mother was kidnaped.

In particular, one of these affidavits is a civil complaint filed by my mother in the Lynchburg Circuit Court in November, 1989 naming Creighton Sloan, Cassel Jacobson and Charles and Shelby Roberts among other defendants. If you read her complaint, you will see that she alleges that Creighton and Cassel are trying to force her to return to the United States and that Charles and Shelby Roberts are trying to kidnap her granddaughter, Shamema. In fact, her complaint

accurately predicted the future. All of her allegations have been proven true by subsequent events. The accuracy of her predictions also proves that she was of much sounder mind than the defendants were claiming.

I want to focus on one particular point. My mother gave my brother a power of attorney in 1984. She has always claimed that she was coerced into doing this. She revoked this power of attorney in October, 1986. The reason she did this was that at that point Creighton was trying to have my mother arrested and put in jail. My mother was in Rio Gallegos, Argentina. Knowing that, Creighton had canceled her Visa card and withdrawn all the funds from her checking accounts, so that she had no money to pay her hotel bill. She would have been jailed for non-payment of her bill had she not revoked that power of attorney and gotten the funds restored to her Sovran Bank account.

For this reason, Creighton thereafter sued the bank. Without any notice to my mother, Judge Miller declared null and void my mother's revocation of Creighton's power of attorney. Immediately thereafter, Creighton once again withdrew all the funds from my mother's checking accounts.

In February, 1987, my mother once again revoked my brother's power of attorney. A copy of this revocation is enclosed. Unlike the previous revocation, this revocation took place before the consular officer in the U.S. Embassy and was recorded in the Lynchburg Circuit Court in book 695, page 437. This second revocation has never been overturned by any court. Thus, Creighton has lost his right to exercise that 1984 power of attorney.

... attorney to kidnap my mother. In August, one of my mother's brothers sent \$4,000, through the U.S. State Department to pay my mother's medical bills at the Bangkok General Hospital. Creighton had been using all legal means at his disposal to prevent the payment of this bill. When he found out that the money was on its way despite his efforts to prevent this from happening, he got on an airplane and flew from Aiken, South Carolina to Bangkok, Thailand. He arrived at the U.S. Embassy on the morning of August 10th, the same time that the money arrived. I understand that using the 1984 power of attorney, he claimed the money for himself. He then hired Boonchoo and assigned the \$4,000 to him. He gave Boonchoo a power of attorney to commence legal action to obtain custody of my mother. After that, he went back to America, without ever contacting my mother. We were unaware that he had even come to Thailand until about two weeks later. At that time, we learned that he had visited the Makkasan Police Station, which is located just outside the door to the Bangkok General Hospital, and had registered a police case against my mother, but had never entered the hospital. Once again, he was trying to have my mother arrested.

In short, the money which had been sent to pay my mother's hospital bills had been stolen by my brother to pay a lawyer to bring a court case against my mother. If you knew the history of the troubled relationship between my mother and my brother you would know that this was only the most recent example of many similar things which my brother has done in the past. In fact, my brother has often openly stated that he hates his mother. He claims that she

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neglected him during his childhood because she was working so hard as a psychiatrist. He says that he does things like this to get even with her for her neglect of him in the past. He even goes so far as to state that he wishes that he had never been born.

In February, 1987, my mother gave a general power of attorney to me, a copy of which is enclosed. This was recorded with the Lynchburg Circuit Court in book 695, page 439. I therefore am clearly the only person who has any legal authority regarding my mother. Neither Creighton nor Cassel have any sort of valid power of attorney. Unless my mother has recovered miraculously from the condition she was in on September 3 when she was kidnaped, she is no longer in a position to handle her own affairs. Nevertheless, the whereabouts of my mother are being kept secret from me.

I am presently planning to come to America as soon as possible. In fact, I hope to be in your office in Roanoke within a week. I will be bringing with me my two year old son Michael, the one who was left behind in Abu Dhabi. I will be trying to recover my missing mother and my two missing children. I am sure that at the same time, Charles and Shelby Roberts will be trying to get my remaining child, Michael, away from me. Charles Roberts likes to go deer hunting with his sons, Jay and Larry. Therefore, they are heavily armed, with shotguns and hunting rifles in their house.

In short, I believe that all of the aforementioned people should be arrested and should be safely in jail before I come.

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Very Truly Yours

/s/ M. Ismail Sloan

App.598a

LETTER FROM M. ISMAIL SLOAN
TO JOHN TERRY
(JANUARY 28, 1990)

M. Ismail Sloan
P.O. Box 4829
Fujairah
United Arab Emirates

John Terry
F.B.I.
Federal Building
P.O. Box 1562
Roanoke, Virginia 24007
U.S.A.

Dear Mr. Terry,

I understand that you have been assigned to this case involving, among other things, the kidnaping of my daughter, Shamema Honzagool Sloan, by Mr. Charles Roberts of Madison Heights, Virginia and by the rest of the Roberts family.

Enclosed are two documents vital to this case. One is a copy of the three airline tickets by which my daughter, Shamema, along with my other daughter, Jessica Vithanage, and her mother, Vithanage Santhilatha, were brought to America. The other is a cable advice from the travel agency concerning the issuance of these three tickets.

These two documents were not easy to obtain. The travel agent here, Albadie Travel, refused to cooperate. As a result, I was forced to file a police case against them. Only this morning, Captain Jumma Al

Shamssi of the Al Asma Police Station in Abu Dhabi was able to obtain these photocopies for me.

What these documents show is that three TWA tickets were issued, dated October 7, 1990. These tickets were purchased by Jay Roberts (the son of Charles and Shelby Roberts) at the Holiday Travel Bureau Inc., located at 727 Church Street, Lynchburg, Virginia 24505, telephone number 804-847-6668.

Near the bottom of the cable from the travel agency is telephone number 804-929-8888. This is the home residence telephone number of Charles and Shelby Roberts in Madison Heights, Virginia.

At the top is written "Leave message for Ms. Renika". Renika is the nickname for Vithanage Santhilatha.

The Fujairah telephone number next to her name is 971-70-27817. That is the number of Christy De Guzman, a Filipina nurse who lives behind my house.

The price paid for the tickets was \$1864 for the one adult and \$1292 for each of the two children's tickets. Thus, the total price paid was \$4448 for the three round trip tickets.

The cable shows that a return reservation was made for the three of them to return to Abu Dhabi by TWA flight 784 from Washington, D.C. on December 2, 1990 at 6:44 A.M. I do not know the reason why they decided to issue round trip tickets for my two children. Perhaps, my eight year old daughter, Shamema, needed assurance that she would be allowed to return to her father after her "vacation" in America.

In short, the enclosed documents provide clear and convincing proof that Hr. Jay Roberts was among

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those responsible for kidnaping my daughter and bringing her to America without my knowledge or the knowledge of her mother, Honzagool, who is in Pakistan.

I want to provide you with a few additional details regarding this case:

In my previous letter to John P. Butler dated October 21, 1990, I mentioned that Boonchoo called Vithanage Santhilatha (also known as "Renuka") and threatened among other things to have her child taken away from her by the government and given for adoption unless she pushed Shamema out the gate, where two Thai men were waiting to take her away. Renuka thereafter looked over the wall and saw the two men.

I want to add that after this Renuka and Shamema locked all the doors to the house, including the internal doors, and hid under the bed in my mother's room. Thus, they were clearly very afraid of Boonchoo.

After that, Boonchoo kept calling. Among his other threats, he said that he had filed a case with the police that Renuka had stolen \$4,000 from a hotel in Bangkok, and that he was going to have her arrested in Fujairah. He also said that he had placed an order blocking her departure from all of the airports in the United Arab Emirates.

Later on, on October 7, after I had hidden the four of them in Abu Dhabi and then brought Renuka and the three children back to Fujairah, Shamema and Renuka started practicing escape routes out of the house. They started practicing climbing over the back wall so that if Boonchoo came in through the front

gate, they would go out over the back wall. I stopped them just as they were trying to hand two year old Jessica over the wall, with Renuka straddling the top of the wall and Shamema standing on a chair beside it. This was clearly a dangerous exercise. Right after that, I took a nap, and, when I woke up, they had disappeared.

I mention this because this shows that they were sincerely afraid of Boonchoo. I believe that this fear was the main factor which led Renuka to cooperate with Boonchoo's employer; Charles Roberts. It also should be added that since at least 1965, Mr. Roberts has had lawyers in the Lynchburg area on retainer trying to obtain custody or adoption rights to Shamema, without any success. This is clearly the reason why he finally decided to hire a criminal like Boonchoo, who could get the job done where the legitimate lawyers had failed.

Renuka knew Boonchoo and had good reasons to be afraid of him. This also requires some explanation: Renuka, of her own accord, went to Sri Lanka on about June 17, 1990, leaving Jessica behind with me. She said that she was pregnant and was going to get married to a boy she had met. She vowed never to return. However, about one month later, she started calling to say that she had changed her mind and wanted to come back. I was unwilling and financially unable to send her a return ticket. She finally raised the money herself and bought her own ticket to come back, arriving in the UAE on about August 5, 1990. She discovered our house to be empty, as we had already departed and were in Thailand.

Due to a mistake by the telephone company, one of our telephones was still working. (The other two were disconnected). Therefore, Renuka started making

long distance calls. She called Creighton and Shelby Roberts and got our number at the Bangkok General Hospital in Thailand from Creighton.

She lost contact with us again after my mother was kidnaped by Boonchoo on September 3 and we checked out of the hospital on September 4. Then, Boonchoo contacted her. He wanted to bring her to Thailand to use her to file a court case against us. There is no Thai embassy in the UAE, so Renuka came to Thailand on September 7 without a visa. She was rejected at the airport. She waited inside the airport transit lounge for two days. Boonchoo and John Sobell gave her about \$400 U.S. dollars inside the airport, plus a round trip ticket to Singapore. In Singapore, she was able to obtain a Thai visa and return to Bangkok.

By then, it was September 12, and her name was in the Bangkok newspapers about this. She was greeted at the Bangkok International Airport by photographers with cameras flashing. She was taken to lunch with the newspaper reporters at the Royal Orchard Hotel, one of the fanciest hotels in Bangkok. All of this was paid for by Boonchoo, who, in turn, was being paid by Charles Roberts. However, according to Renuka, later the same day, she twice escaped from Boonchoo and John Sobell. Both times, she was caught and brought back. Finally, Boonchoo had her locked in a brothel hotel for the night. The reason that he chose a whorehouse as a suitable accommodation for her was obviously that such places pay bribes to the police and any woman in such a place will not be locatable by the police, or by me. (This causes me to wonder whether my own mother Was not housed in a

whorehouse during the one or two nights when Boonchoo had her under his control.)

Fortunately, the same night, Renuka escaped from the whorehouse and, by chance, we found each other in the long distance telephone call office near the Bangkok General Post Office. We stayed in a tiny guest house for the night and the next day I took Renuka to the Golden Triangle area, where I had hidden the three children.

We knew that Boonchoo would have all the airports in Thailand blocked, preventing our departure. Therefore, we headed by road to the Southern boarder of Thailand. When we got to the boarder checkpoint, sure enough, there was an order that we should not be allowed to cross. The order was simply to be on the lookout for an American man traveling with three American children and a Sri Lankan woman. As a result, when we arrived at the boarder, we were spotted within seconds. Fortunately, we had brought with us a man whom we had met through our contacts in the Golden Triangle area who was engaged in the regular business of smuggling illegal Burmese across the boarder from Thailand to Malaysia. Through his help, we were able to get across the boarder into Malaysia, in spite of having been caught at the boarder of Thailand.

When Boonchoo called up Renuka on the telephone in Fujairah on September 26, he accused her of double-crossing him and causing him to lose a lot of money. These accusations were, of course, completely true. Renuka also knew that Boonchoo was a professional extortionist and was an extremely dangerous person to be involved with. This explains why she

decided to make a run for it and escape with Shamema to America.

One thing of which I am afraid is that now that Mr. Roberts has Shame-ma, he will try to get rid of Jessica and Renuka. They are no longer of any use to him and, in fact, are dangerous to keep around, because, inevitably, Renuka will be the best witness to testify against Mr. Roberts and the others. Also, Shamema has a strong attachment to her baby sister, Jessica, but Mr. Roberts will be interested in separating them. Renuka and Jessica, of course, have no home of their own and no place to go at this point.

For this reason, I request that you consider taking them into some form of custody, for their own protection.

The big problem which I face is that while it is clear that Mr. Roberts has committed a serious criminal offense by kidnaping my daughter, Shamema, the fact is that he is also protected by corrupt officials in the Lynchburg-Amherst area. Otherwise, he would be in jail already. In addition, Mr. Roberts is supported by one of the most powerful religious leaders in the entire United States, namely the Reverend Jerry Falwell. These factors make the otherwise trivially easy task of getting my daughter back extremely difficult.

I am concerned by the fact that until now, the concerned Amherst County officials have not even allowed me to speak to Shamema on the telephone. I was not even allowed to wish her a happy birthday on October 15th. I consider this to be completely illegal. I want to mention here that none of the Amherst County officials have ever met me in person, nor had

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they ever seen Shamema face to face until Mr. Roberts kidnaped her and brought her to Amherst County three weeks ago. Thus, they have no basis for deciding whether I am a good father or a bad father, for example. The fact that the Amherst County officials are behaving in such a completely illegal fashion has me greatly concerned. This is clearly harmful to the best interests of Shamema, who suddenly finds herself in an unfamiliar environment among strangers whom she has never met before, and, at the same time, is not even allowed to speak to her father on the telephone.

This is the reason that at the moment I am still trying to pursue this case through INTERPOL. My family has not been treated fairly by the courts in the Lynchburg area for the past several years and this pattern seems unlikely to change. Nevertheless, I do intend to come to Lynchburg, Virginia within a few days, after I have exhausted the procedures available here.

Very Truly Yours

/s/ M. Ismail Sloan

App.606a

LETTER FROM M. ISMAIL SLOAN
TO MASSIE
(DECEMBER 10, 1991)

M. Ismail Sloan
917 Old Trent's Ferry Road
Lynchburg, VA 24503

James Harbin Massie III
Seminole Shopping Center
Madison Heights, VA 24572

Dear Mr. Massie,

As I explained to you on the telephone, I was served with a summons in Virginia to appear in a case in San Leandro, California regarding my three-year-old daughter Jessica.

In short, what has happened there is that Renuka has been found to be an unfit mother, and the child has been removed from her care. They, therefore, have the obligation to determine if the child can be returned to me.

Renuka refused to tell the California authorities my address. However, they have been in touch with Mr. Roberts, who told them where I was so that I could be served with a summons. Naturally, Roberts also told them that I was a bad person who should not be allowed to have custody of Jessica.

You may recall that when we were in court in Amherst on September 25, Mr. Roberts made the statement that Jessica's doctor in California had been in contact with him in order to find out if Jessica had had her measles shots. However, Mr. Roberts at that

time refused to reveal the name of the doctor. Once again, Mr. Roberts is allowed to have more say about my children than I have.

I am enclosing the reports of the Department of Social Services in California. You will see that they mention that they have been in touch with Rick Groff about the Jessica case. Again, I was the last to know.

I spoke by telephone to the social worker in California, whose name is Rinda Neidiger. She was very emphatic that she will not allow Jessica to be returned to Renuka. I have also been told that Renuka says that she does not want Jessica anymore. According to one report, Renuka even threatened to abandon Jessica on the street, just as she almost abandoned Michael in Abu Dhabi. This means that I have to be the one to fight the case to get my daughter back.

I am required by the California order to appear in court in California on Thursday. There have already been several hearings on this matter without my knowledge. You will immediately understand the problem with this, as I am required to appear before Judge Gamble on Monday, December 16. This is the same problem I had before, with a case going on in New York about Michael while at the same time a case was going on in Amherst about Shamema.

I am afraid that the California case is more serious now and must take precedence. If you look at the reports from the California Department of Social Services, you will see the reason. The allegation there is one of sexual abuse against Renuka. Renuka is not going to contest the allegations. If I don't fight the case, I will lose Jessica forever. The only real evidence against me comes from Mr. Roberts. Due to his

allegations, they are unwilling to turn Jessica over to me. The likely result is that Jessica will be placed in permanent foster care. Naturally, they say that they intend to contact the Virginia authorities to gain more information about the cases there.

You do not have to tell me that this will cause problems for me in Virginia. However, I have not created this problem. All of these problems stem from Mr. Roberts. As long as the courts allow Mr. Roberts to keep Shamema, these problems will continue.

I fully anticipate that Mr. Roberts might fly to California to try to get Jessica for himself and to testify against me. There is no question that Roberts is aware of the case in California. You can see on page 3-4 of the shorter report a long discussion about Roberts.

I would like for you to complain to Judge Gamble about the fact that Roberts is continuing to cause trouble with respect to my other children. I fail to understand why this behavior continues to be tolerated by the courts.

I am sorry to say that it will be impossible for me to appear in the Amherst Circuit Court as scheduled on December 16, 1991. I suggest that you show these reports to the Judge so that he can understand the reason. I simply cannot afford the money to travel to California and then immediately back to Virginia again. As you know, my children are the most important persons in the world to me and they come first.

Renuka says that Shamema often talks to Jessica on the telephone and Shamema is always crying every

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time she talks to her. Perhaps this should be investigated. Renuka is clearly disturbed by the fact that Shamema is unhappy in the Roberts home and is always crying there. Renuka says that for this reason she has a plan to bring her Sri Lankan boyfriend Silva, also known as Chandi, to America to kill Roberts. She says that Silva has a lot of experience at this, because he killed four or five people in Sri Lanka. This last fact is almost undoubtedly true, as the people in Sri Lanka are always killing each other, every day. I have never met Silva by the way, but he knows Shamema. I was always trying to have him arrested in the United Arab Emirates for climbing the wall to get into my house while I was away.

Very Truly Yours

/s/ M. Ismail Sloan

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ORDER OF THE CIRCUIT COURT OF
THE CITY OF LYNCHBURG
(DECEMBER 19, 1991)

IN THE CIRCUIT COURT FOR THE CITY OF
LYNCHBURG

COMMONWEALTH OF VIRGINIA,

Plaintiff,

v.

ISMAIL M. SLOAN, A/K/A
SAMUEL H. SLOAN,

Defendant.

No.

Before: The Hon. J. Michael GAMBLE, Judge.

The defendant has been indicted for attempted abduction under § 18.2-47 of the Code of Virginia (1950), as amended and a trial is set for January 10, 1992 in the Circuit Court of the City of Lynchburg. On September 23, 1991, the defendant was released upon executing a personal recognizance bond in the amount of \$5,000.00 set by the Court. A condition of that bond was that the defendant not leave the territorial jurisdiction of the Commonwealth of Virginia. On December 16, 1991, the defendant was scheduled to appear in the circuit Court of Amherst County on two contempt of Court matters. By letter dated December 10, 1991

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to his attorney, James H. Massie, III, Esquire, the defendant indicated that he is in the State of California. A copy of such letter is attached hereto. This constitutes a violation of the terms of the bond dated September 23, 1991.

Accordingly, the Court doth ADJUDGE, ORDER, and DECREE that a capias be issued for the arrest of the defendant and that he shall be held in jail until such time as the trial of the above-styled case is completed unless otherwise ordered by the Court.

Entered this 19th day of December, 1991.

/s/ J. Michael Gamble
Judge

A Copy,

Teste:

Larry B. Palmer
Clerk

By: Signature not legible
Deputy Clerk

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**CAPIAS
(DECEMBER 23, 1991)**

COMMONWEALTH OF VIRGINIA

To: The Sheriff of the City of Lynchburg, Or Any Other
Authorized Officer:

YOU are hereby commanded, in the name of the
Commonwealth of Virginia, to arrest:

Name: M. Ismail Sloan A/k/a Samuel
Howard Sloan

Address: 917 Old Trent's Ferry Road
Lynchburg, Virginia

Other Information: Dob 09/07/44
ss# 231-56-6416

and bring him or her before the CIRCUIT
COURT OF THE CITY OF LYNCHBURG, to answer
charges that he or she committed an offense in the
CITY OF LYNCHBURG, to, wit:

Attempted Abduction-Violate Conditions of Bond
pending in said Court.

Dated this 23rd day of December, 1991 in the
Circuit Court of the City of Lynchburg.

Larry B. Palmer
Clerk

By: Signature not legible
Deputy Clerk

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SEE ATTACHED ORDER.....

EXECUTED the aforesaid CAPIAS by arresting
the within named accused on this 7th day of October,
1992.

Signature not legible
Arresting Officer

ORDER OF THE CIRCUIT COURT OF
THE CITY OF LYNCHBURG
(JANUARY 3, 1992)

IN THE CIRCUIT COURT FOR THE CITY OF
LYNCHBURG

COMMONWEALTH OF VIRGINIA,

Plaintiff,

v.

ISMAIL M. SLOAN, A/K/A
SAMUEL H. SLOAN,

Defendant.

No.

Before: The Hon. J. Michael GAMBLE, Judge.

The defendant has previously been indicted for attempted abduction by the grand jury of the City of Lynchburg. A jury trial in this case has previously been scheduled for January 10, 1992. A capias has been issued by the Court for the arrest of the defendant because of his failure to abide by the terms of his recognizance bond and remain within the Commonwealth of Virginia. The defendant is now a fugitive and has not been apprehended.

While a fugitive the defendant has requested in writing that J. Michael Gamble recuse himself from serving as Judge in the trial of his case on January 10,

1992. By virtue of this motion it is necessary to hold a hearing on the motion prior to a trial in this matter. Additionally, James Hingeley the attorney for the defendant and the Public Defender for the City of Lynchburg has indicated that it may be necessary for him to file a motion to withdraw as counsel for the defendant for reasons to be later set forth in said motion. For this additional reason the trial cannot proceed until such time as the motion by Mr. Hingeley has been heard by the Court.

Accordingly, and with agreement of the Commonwealth Attorney of the City of Lynchburg and the attorney for the defendant, the jury trial scheduled for January 10, 1992 in the Circuit Court of the City of Lynchburg is continued until such time as the defendant is apprehended on the capias or surrenders and the various motions can be heard and determined by the Court.

Entered this 3rd day of January, 1992.

/s/ J. Michael Gamble
Judge

A Copy,

Teste:

Larry B. Palmer
Clerk

By: Signature not legible
Deputy Clerk

**MOTION FOR RELIEF
(DECEMBER 15, 1992)**

IN THE CIRCUIT COURT FOR THE CITY OF
LYNCHBURG

COMMONWEALTH OF VIRGINIA,

Plaintiff,

v.

ISMAIL M. SLOAN, A/K/A
SAMUEL HOWARD SLOAN,

Defendant.

Record No.

Comes now your Defendant, ISMAIL M. SLOAN a/k/a SAMUEL HOWARD SLOAN, by counsel, in support of his motion states the following:

1. That he was indicted on July 6, 1992 for failing to appear, and for attempting to persuade ROLFE. BENEKE to commit a felony; and
2. That the Defendant was indicted on October 7, 1992 of attempted abduction; and
3. That he was arrested in the State of California on August 18, 1992, extradited to Virginia and has remained incarcerated since said date in the Lynchburg City Jail.

WHEREFORE, it is the request of your Defendant that he be granted the following relief:

A. That a bond hearing be held at the conclusion of which the Court would establish a bond in accordance with the guidelines set forth under Title 19.2 of the Code of Virginia, 1950, as amended, cum. supp.; and

B. That this Court issue an Order providing that the Defendant be granted a preliminary hearing on each of the felony charges which are currently pending against the Defendant; and

C. That the indictments pending against your Defendant be quashed; and

D. That the Defendant's Motion for Discovery heretofore filed with this Court be granted; and

E. That venue in this matter be transferred from the City of Lynchburg, Virginia as a result of negative publicity and the Defendant's pending litigation with various members of the judiciary which would render Defendant's ability to receive a fair trial within the city of Lynchburg, Virginia impossible.

Ismail M. Sloan, A/K/A
Samuel Howard Sloan,

/s/ David B. Bice
Counsel for Defendant

App.619a

**LETTER FROM KIMBERLEY S. WHITE
TO JUDGE LUMPKIN
(DECEMBER 22, 1992)**

OFFICE OF THE COMMONWEALTH'S
ATTORNEY OF THE CITY OF LYNCHBURG
monument terrace building
901 Church Street
P.O. Box 1639
Lynchburg, Virginia 24505
(804) 847-1503
Fax (804) 840-5088

Honorable James M. Lumpkin, Judge
Lynchburg Circuit Court
Lynchburg, VA 24505

Re: Commonwealth of Virginia v. Ismail Sloan

Dear Judge Lumpkin:

Enclosed is the Commonwealth's Memorandum of Law on the Motion to Quash the indictment. As required, I also have notified the defendant, by letter to his attorney, of the felony. we contend he solicited.

I have received a Motion for Transfer of Venue from the defendant, himself. The Commonwealth believes that this matter already has been resolved. I know of no changes in circumstances that would required further hearing on the matter.

Very truly yours,

/s/ Kimberley S. White

App.620a

**LETTER FROM KIMBERLEY S. WHITE
TO DAVID B. BICE
(DECEMBER 22, 1992)**

OFFICE OF THE COMMONWEALTH'S
ATTORNEY OF THE CITY OF LYNCHBURG
monument terrace building
901 Church Street
P.O. Box 1639
Lynchburg, Virginia 24505
(804) 847-1503
Fax (804) 840-5088

Mr. David B. Bice
P.O. Box 1343
Lynchburg, VA 24505

Re: Commonwealth of Virginia v. Ismail Sloan

Dear Mr. Bice:

Enclosed is my Memorandum of Law on the Motion to Quash. In addition, this letter is to inform you formally that the felony solicited by your client was abduction.

I have received a motion for transfer of venue from your client. It is my position that this matter has already been decided. I know of no changes in the circumstances that would require further hearing on the matter.

Very truly yours,

/s/ Kimberley S. White

App.621a

MEMORANDUM OF LAW
(DECEMBER 15, 1992)

IN THE CIRCUIT COURT FOR THE CITY OF
LYNCHBURG

COMMONWEALTH OF VIRGINIA,

v.

ISMAIL M. SLOAN, A/K/A
SAMUEL HOWARD SLOAN.

Record No.

A motion to quash an indictment attacks the sufficiency of the form of the indictment. Traditionally, the motion alleges that the indictment does not conform to Section 19.2-220 or Section 19.2-221 of the Code of Virginia. Such motions are set forth by Rule 3A:9(6)(1) of the Rules of the Supreme Court of Virginia. The Court of Appeals, in *Harward v. Commonwealth*, 5 Va. App. 468 (1988), commented on the use of these motions:

Many issues can be definitively ruled upon pretrial. Others may more appropriately, or must by necessity, be ruled upon contemporaneously during trial. Rule 3A:9 recognizes a class of defenses and motions must be raised before trial. Evidentiary rulings or relevance and materiality issues can only be made at trial and are not contemplated within Rule 3A:9.

Harward, 5 Va. App. at 474.

In *Spain v. Commonwealth*, 7 Va. App. 385 (1988), like in the case now before the Court, however, the defendant attacked the underlying facts supporting the indictment, rather than its form, through a motion to quash. The Spain Court dismissed the defendant's motion and said:

Spain's motion questioned the sufficiency of the expected trial evidence based upon Spain's theory of the case and was at least premature. He raised no cognizable claim concerning the indictment's compliance with Code Sections 19.2-220 and 19.2-221. Therefore, we find no error in the dismissal of the motion to quash the indictment.

Spain, 7 Va. App. at 390.

As in *Spain*, the defendant now before the Court in effect, has moved to strike the Commonwealth's case even before the Commonwealth has put on its evidence. At trial, the Commonwealth intends to put on evidence that, notwithstanding the continuance of the trial date, the defendant's bond required that he appear in the Circuit Court on January 10, 1992. It is the failure to appear as required by a bond that constitutes a violation of Section 19.2-128 of the Code of Virginia. (The Commonwealth will seek to amend the language of the indictment setting forth this violation as illustrated in Exhibit A). In addition, witnesses will be called by the Commonwealth to prove that the defendant's bond required him to appear in Court on January 10, 1992, that the defendant has notice of the appearance requirement, that

App.623a

the defendant was not informed of the jury trial continuance and therefore could not have been confused about his appearance requirement, and finally, that he did not appear on January 10, 1992.

For the foregoing reasons, the Commonwealth respectfully requests that the defendant's pretrial motion to strike, in the form of a motion to quash, be dismissed.

/s/ Kimberley S. White

Assistant

Commonwealth's Attorney

EXHIBIT A

The Commonwealth will move to amend the felony failure to appear indictment to read as follows: On or about January 10, 1992, in the City of Lynchburg, Virginia, M. Ismail Sloan, aka Samuel Howard Sloan, unlawfully, feloniously and after having been indicted on a felony charge of attempted abduction, and after having been release on bond, pursuant Article I Title 19.2 of the Code of Virginia, did willfully fail to appear before the Circuit Court for the City of Lynchburg as required by his bond, in violation of Virginia Code Section 19.2-128.

**PLEA OF NOT GUILTY
STATEMENT OF DEFENDANT
(JANUARY 12, 1993)**

1. My name is: M. Ismail Sloan a/k/a Samuel Howard Sloan

2. I am represented by counsel whose name is: David B. Bice

3. I have received a copy of the warrant (indictment information before being called upon to plead, and have read and discussed it with my attorney, and believe that I understand every accusation made against me in this case.

4. I have told my attorney all the facts and circumstances, as known to me, concerning the case against me, and I believe that my attorney is fully informed as to all such facts. My attorney has informed me and discussed with me as to the nature of the charge against me and as to any possible defense I might have in this case.

5. My attorney has advised me that the punishment which the law provides is as follows: A maximum of 15 years imprisonment (and a minimum of 3 years imprisonment) or, in the discretion of the jury, or the Judge without a jury, up to 36 months in jail and a fine of \$3500; also that probation is in the sole discretion of the Trial fudge; and that if I am convicted of more than one offense, the Court may order the sentences to be served consecutively, that is one after another

6. I understand that by pleading "Not Guilty" to any charge against me, the Constitution guarantees me: (a) the right to a speedy and public trial by jury

App.626a

and the jury of twelve persons must unanimously agree that I am guilty beyond a reasonable doubt before I can be convicted; (b) the right to see and hear all witnesses against me and the right to cross-examine those witnesses; (c) the right to use the process of the Court to compel the production of all evidence and attendance of witnesses in my behalf; (d) the right to have the assistance of a lawyer at all stages of the proceedings; (e) the right to require the Commonwealth to prove every material allegation against me beyond a reasonable doubt and to prove my guilt beyond a reasonable doubt; (f) the right to appeal the decision of this Court in the event that I am convicted; (g) the right to remain silent and not to take the stand or give testimony against myself and I understand that no inference may be drawn from my failure to testify and (h) I understand that if I fail to appear at any part of my trial that this may be deemed to be a waiver or forfeiture of my right to be present during the trial and that my trial may commence or continue in my absence.

7. No one connected with the state, such as the police or the Commonwealth's Attorney, or any other official, has in any manner threatened me or attempted to intimidate me in regard to any matter concerning the defense of my case.

8. I have had ample time to discuss my case with my attorney and have given him the names of any witnesses that I wish to be present. I am entirely satisfied with the services of my attorney to date.

9. I am entering this plea of not guilty freely and voluntarily.

10.I understand that I am entitled to a trial by jury; that I can consent to trial by the Court without a jury if the Judge and Commonwealth's Attorney agree. I have discussed the case with my attorney and the advisability of a trial by jury or by the Court without a jury and have decided that I wish to be tried by Jury (Judge or Jury).

11.I understand that in the event that I am found guilty by a jury or by the court without a jury, in order for me to exercise and not lose my right to appeal, my attorney, at my request, must file a written notice of appeal within thirty (30) days after final judgment. My attorney has fully explained this appellate procedure to me and I understand that I must promptly notify my attorney of my desire to take such an appeal or I will lose my right to appeal.

12.I have read and understand all. of the above.

Signed by me in the presence of my attorney, this
12th day of January 12, 1993

/s/ M. Ismail Sloan

Defendant

The above accords with my understanding of the facts in this case, and I certify that this was read by my client or that I read and explained it to my Client.

/s/ David B. Bice

Defendant's Attorney

App.628a

JURY LIST
(JANUARY 12, 1993)

1. Rodney Bell
2. Eleanor Braumiller
3. Margaret Buckner
4. Glen Cantrell
5. Edward Fulcher
6. Julia Furrow
7. Kimberly Harper
8. Patricia Howell
9. Wanda Krantz
10. Louise Marshall
11. Christine Pickle
12. Tara Powell
13. Charles Taylor

MISCELLANEOUS-EXCERPTS

You are the judges of the facts, the credibility of the witnesses, and the weight of the evidence. You may consider the appearance and manner of the witnesses on the stand, their intelligence, their opportunity for knowing the truth and for having observed the things about which they testified, their interest in the outcome of the case, their bias, and, if any have been shown, their prior inconsistent statements, or whether they have knowingly testified untruthfully as to any material fact in the case.

You may not arbitrarily disregard believable testimony of a witness. However, after you have considered all the evidence in the case, then you may accept or discard all or part of the testimony of a witness as you think proper.

You are entitled to use your common sense in judging any testimony. From these things and all the other circumstances of the case, you may determine which witnesses are more believable and weigh their testimony accordingly.

/s/ Signature not legible

App.630a

You may consider proof of the witness' prior conviction of a felony as affecting his credibility, but it does not render him incompetent to testify.

App.631a

It is not necessary that each element of the offense be proved by direct evidence, for an element may also be proved by circumstantial evidence. You may convict the defendant on circumstantial evidence alone, or on circumstantial evidence combined with other evidence, if you believe from all the evidence that the defendant is guilty beyond a reasonable doubt.

When the Commonwealth relies upon circumstantial evidence, the circumstances proved must be consistent with guilt and inconsistent with innocence. It is not sufficient that the circumstances proved create a suspicion of guilt, however strong, or even a probability of guilt.

The evidence as a whole must exclude every reasonable theory of innocence.

App.632a

If a person flees to avoid prosecution this creates no presumption that the person is guilty of having committed the crime. However, it is a circumstance which you may consider along with the other evidence.

App.633a

You may consider evidence that the defendant committed offenses other than the offenses for which he is on trial only as evidence of the defendant's motive, as evidence of the defendant's intent or as evidence of the defendant's scheme or plan in connection with the offense for which he is on trial and for no other purpose.

App.634a

2. A specific term of confinement in jail, but not more than twelve (12) months in jail; or

3. A specific fine, but not more than \$2,500.00; or

4. A specific term of confinement in jail, but not more than twelve (12) months and a specific fine, but not more than \$2,500.00.

If you find from the evidence that the Commonwealth failed to prove beyond a reasonable doubt that the defendant intended to remove Shamema Honzagool Sloan from the Commonwealth but proved all other elements then you shall find the defendant guilty of a misdemeanor and fix his punishment at:

1. A specific confinement in jail, but not more than twelve (12) months; or

2. A fine of a specific amount, but not more than \$2,500.00; or

3. A specific confinement in jail, but not more than twelve (12) months and a fine but not more than \$2,500.00

If you find that the Commonwealth has failed to prove beyond a reasonable doubt any of the elements of the offense, then you shall find the defendant not guilty.

App.635a

If the elements of an attempted crime have been proved beyond a reasonable doubt, then the attempt has been committed. Even if you find that some other person or thing prevented the crime from having been committed, that is no defense.

App.636a

The direct act required to be proved in an attempted crime is an act which shows a present intention to commit the crime. The act need not be the last act prior to the actual commission of the crime, but it must be more than mere preparation.

App.637a

The intent required to be proved in an attempted crime is the specific intent in the person's mind to commit the particular crime for which the attempt is charged. In determining whether the intent has been proved, you may consider the conduct of the person involved and all the circumstances revealed by the evidence.

App.638a

The defendant is charged with the crime of solicitation to commit abduction. The Commonwealth must prove beyond a reasonable doubt that the defendant commanded, entreated or attempted to persuade another person to commit abduction, with the intent that the abduction be committed.

If you find from the evidence that the Commonwealth has proved the above elements of the crime as charged, then you shall find the defendant guilty and fix his punishment at:

1. A specific term of imprisonment, but not less than one (1) year nor more than five (5) years; or
2. Confinement in jail for a specific time, but not more than twelve (12) months; or
3. A fine of a specific amount, but not more than \$2,500.00; or
4. Confinement in jail for a specific time, but not more than twelve (12) months, and a fine of a specific amount, but not more than \$2,500.00.

If you find that the Commonwealth has failed to prove the offense beyond a reasonable doubt, then you shall find the defendant not guilty.

App.639a

The defendant is charged with the crime of failing to appear. The Commonwealth must prove beyond a reasonable doubt that the defendant was charged with a felony offense and that the defendant willfully failed to appear before a court as require by his bond.

If you find from the evidence that the Commonwealth has proved the above elements of the crime charged, then you shall find him guilty and fix his punishment at:

1. A specific term of imprisonment, but not less than one (1) nor more than five (5) years; or
2. Confinement in jail for a specific time, but not more than twelve (12) months; or
3. A fine of a specific amount, but not more than \$2,500.00; or
4. Confinement in jail for a specific time, but not more than twelve (12) months, and a fine of a specific amount, but not more than \$2,500.00.

If you find that the Commonwealth has failed to prove the offense beyond a reasonable doubt, then you shall find the defendant not guilty.

App.640a

On the charge of attempted abduction, we, the jury, find the defendant guilty and fix his punishment at: imprisonment for five years.

/s/ Eleanor Braumiller
Foreman

On the charge of attempted abduction, we, the jury, find the defendant guilty of a misdemeanor and fix his punishment at:

Foreman

On the charge of attempted abduction, we, the jury, find the defendant not guilty.

Foreman

App.641a

On the charge of solicitation to commit a felony,
we, the jury, find the defendant guilty and fix his
punishment at:

Foreman

On the charge of solicitation to commit a felony,
we, the jury, find the defendant not guilty.

/s/ Eleanor Braumiller
Foreman

App.642a

On the charge of failure to appear, we, the jury,
find the defendant guilty and fix his punishment at: a
fine of \$1800

/s/ Eleanor Braumiller
Foreman

On the charge of failure to appear, we, the jury,
find the defendant not guilty.

Foreman

No. _____

In the
Supreme Court of the United States

SAMUEL H. SLOAN,

Petitioner,

v.

MARIA CHILDRESS, SHAYAM RAMAN, SUSAN SWECKER,
CHRIS BOLLING, MARK HERRING, RALPH NORTHAM,
LAWRENCE JANOW, J. MICHAEL GAMBLE, WILLIAM G.
PETTY, FRANK G. DAVIDSON III, NORMAN K. MOON,
CHARLES EDWARD ROBERTS, DARRELL JAY ROBERTS,
WILLIAM P. BARR, UNITED STATES DEPARTMENT
OF JUSTICE, UNITED STATES OF AMERICA,

Respondents.

On Petition for a Writ of Certiorari to the
United States Court of Appeals for Fourth Circuit

APPENDIX - Additional Volume II
App.643a to App.1084a

SAMUEL H. SLOAN
PETITIONER PRO SE
1664 DAVIDSON AVENUE,
APARTMENT 1B
BRONX, NY 10453
(917) 659-3397

JUNE 7, 2021

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MOTION FOR TRANSCRIPT
(FEBRUARY 1, 1993)

IN THE CIRCUIT COURT FOR THE CITY OF
LYNCHBURG

COMMONWEALTH OF VIRGINIA,

Plaintiff,

v.

ISMAIL M. SLOAN, A/K/A
SAMUEL HOWARD SLOAN,

Defendant.

Record No.

Comes now your Defendant, SAMUEL H. SLOAN a/k/a M. ISMAIL SLOAN, by counsel, who requests that this Court issue an order causing a transcript to be produced of the Defendant's jury trial which occurred on January 12 and January 13, 1993 in the Lynchburg Circuit Court with said fee to be paid by the Court as the Defendant is currently receiving the assistance of counsel appointed by the Court.

Ismail M. Sloan, A/K/A
Samuel Howard Sloan,

App.644a

/s/ David B. Bice
Counsel for Defendant

David B. Bice, Esquire
Nelson & Bice, P.C.
Post Office Box 1358
Lynchburg, Virginia 24505
(804) 528-1078

**MOTION TO SET ASIDE VERDICT
AND TO GRANT A NEW TRIAL
PURSUANT TO RULE 3A:15
(JANUARY 28, 1993)**

IN THE CIRCUIT COURT FOR THE CITY OF
LYNCHBURG

COMMONWEALTH OF VIRGINIA,

Plaintiff,

v.

ISMAIL M. SLOAN, A/K/A
SAMUEL HOWARD SLOAN,

Defendant.

Record No.

The Defendant, SAMUEL SLOAN a/k/a ISMAIL SLOAN, by counsel, moves this court to set aside the verdicts and sentence entered herein on January 13, 1993, and further to grant a new trial and as the grounds for this motion, Defendant says that

1. In proving the charge against the Defendant of attempted abduction, the Commonwealth relied upon circumstantial evidence including documents found on Defendant's person and in the car he was driving on the date of the alleged incident, which included two (2) passports, plane tickets and an itinerary describing the intended schedule of travel; and

2. That throughout the Commonwealth's case, the above referenced documents were cited in support that the theory that the Defendant intended to leave the Commonwealth of Virginia after having abducted his daughter; and

3. That throughout the Commonwealth's case, there were repeated suggestions made to the effect that the Defendant had improperly used the name of RICHARD BOZULICH or in fact was RICHARD BOZULICH; and

4. That on January 26, 1992 RICHARD BOZULICH who is residing in the country of Japan, contacted defense counsel and has offered to testify on the issue of the Defendant's authority to use his credit card and further, the reasoning behind Defendant's possession of the airline tickets and other assorted documents referred to herein above; and

5. That Defendant did not have the ability or did not believe that he could reasonably procure the presence of RICHARD BOZULICH at his trial to testify in his defense prior to trial; and

6. That the anticipated testimony of RICHARD BOZULICH is material to the charge of attempted abduction against the Defendant which if heard by a jury would result in an acquittal.

NOW, THEREFORE, your Defendant requests that the court grant the following relief:

A. That this court set aside the verdict of guilty for attempting to abduct his daughter SHAMEMA SLOAN; and

App.647a

B. That in order to preserve his right to a new trial, the twenty-one (21) day time period for a new trial be extended; and

C. That in order to preserve his right to appeal, that the thirty (30) day period to note an appeal, be extended; and

D. That the execution of Defendant's sentence be immediately suspended until the issues raised in this motion can be resolved; and

E. That this Court grant to the Defendant a new trial on the charge of attempted abduction.

Samuel Howard Sloan, A/K/A
Ismail M. Sloan

/s/ David B. Bice
Counsel for Defendant

David B. Bice, Esquire
Nelson & Bice, P.C.
Post Office Box 1358
Lynchburg, Virginia 24505
(804) 528-1078

App.648a

ORDER OF THE CIRCUIT COURT OF
THE CITY OF LYNCHBURG
(FEBRUARY 1, 1993)

IN THE CIRCUIT COURT FOR THE CITY OF
LYNCHBURG

COMMONWEALTH,

v.

M. ISMAIL SLOAN, A/K/A
SAMUEL HOWARD SLOAN, DOB 09/07/44

Defendant.

Felony No. CR92003936 & CR91003195

The defendant, M. Ismail Sloan aka Samuel Howard Sloan, by his attorney, David Bice, previously appointed, moves this Court to set aside the verdicts and sentence entered herein on January 13, 1993, and further to grant a new trial for reasons stated in the motion.

Thereupon the Court having considered the motions, doth deny the defendant's motion to set aside the verdicts and to grant a new trial.

A Copy,

Teste:

App.649a

Larry B. Palmer
Clerk

By: Signature not legible
Deputy Clerk

App.650a

**NOTICE OF APPEAL
(FEBRUARY 8, 1993)**

IN THE CIRCUIT COURT FOR THE CITY OF
LYNCHBURG

COMMONWEALTH OF VIRGINIA,

Plaintiff,

v.

ISMAIL SLOAN, A/K/A SAMUEL SLOAN,

Defendant.

Record No.

Comes now your Defendant, SAMUEL SLOAN a/k/a ISMAIL SLOAN, by counsel, who hereby gives notice of his appeal from the ruling of the Circuit Court for the City of Lynchburg, Virginia entered on January 13, 1993 wherein he was found guilty of attempted abduction and failing to appear. This is to further give notice that the trial transcript covering the testimony and other incidents of the Defendant's hearing will be filed, all in compliance with Rule 5A:8 of the Rules of the Supreme court of Virginia.

Samuel Sloan, A/K/A
Ismail M. Sloan

App.651a

/s/ David B. Bice
Counsel for Defendant

David B. Bice, Esquire
Nelson & Bice, P.C.
Post Office Box 1358
Lynchburg, Virginia 24505
(804) 528-1078

App.652a

MOTION FOR BOND HEARING
(FEBRUARY 23, 1993)

IN THE CIRCUIT COURT FOR THE CITY OF
LYNCHBURG

COMMONWEALTH OF VIRGINIA,

Plaintiff,

v.

ISMAIL M. SLOAN, A/K/A
SAMUEL HOWARD SLOAN,

Defendant.

Record No.

Comes now your Defendant, ISMAIL M. SLOAN,
by counsel, who respectfully requests that a date be
set for a determination of bond for the Defendant
pending a ruling by the court of Appeals.

Ismail M. Sloan, A/K/A
Samuel Howard Sloan,

/s/ David B. Bice
Counsel for Defendant

App.653a

David B. Bice, Esquire
Nelson & Bice, P.C.
Post Office Box 1358
Lynchburg, Virginia 24505
(804) 528-1078

App.654a

NOTICE OF FILING OF TRANSCRIPT
(MARCH 11, 1993)

IN THE CIRCUIT COURT FOR THE CITY OF
LYNCHBURG

COMMONWEALTH OF VIRGINIA,

Plaintiff,

v.

ISMAIL SLOAN, A/K/A SAMUEL SLOAN,

Defendant.

Record No.

PLEASE TAKE NOTICE: On march 11, 1993, the transcript of the proceedings in this matter was filed in the Office of the Clerk of this court. This notice is provided pursuant to Rule 5A:B(b) of the Rules of the supreme Court of Virginia.

Samuel Sloan, A/K/A
Ismail M. Sloan

/s/ David B. Bice
Counsel for Defendant

App.655a

David B. Bice, Esquire
Nelson & Bice, P.C.
Post Office Box 1358
Lynchburg, Virginia 24505
(804) 528-1078

**MOTION FOR JUDGMENT
(SEPTEMBER 27, 1989)**

IN THE CIRCUIT COURT FOR THE CITY OF
LYNCHBURG

AIMA D. SLOAN,

Plaintiff,

v.

SAMUEL H. SLOAN, Administrator of the Estate of
LEROY B. SLOAN, deceased 917 Old Trents Ferry
Road Lynchburg, Virginia 24503,

and

H. MARJORIE SLOAN, His Surety 917 Old Trents
Ferry Road Lynchburg, Virginia 24503,

Defendants.

Record No.

TO THE HONORABLE JUDGES OF SAID COURT:

Comes now the plaintiff, Alma D. Sloan, by counsel, and moves the Court for judgment against the defendants on the following grounds, to-wit:

1. The decedent, LeRoy B. Sloan, married the plaintiff, Alma D. Sloan, on the 31st day of December, 1985.

2. The said decedent, LeRoy B. Sloan, died on the 19th day of January, 1986, leaving surviving him, his wife, Alma D. Sloan, and his two sons, Samuel H. Sloan and Creighton Sloan. *See* Attachment "A".

3. The said Samuel H. Sloan qualified as administrator of his father's estate and probated his will in Will Book 55, at page 539, in the Clerk's Office of the Circuit Court for the City of Lynchburg and posted a surety bond in the amount of Twenty Thousand Dollars (\$20,000.00). *See* Attachment "B".

4. The said Alma D. Sloan filed a renunciation of the said Will on the 25th day of march, 1986, in the Clerk's Office of the Circuit Court for the City of Lynchburg.

5. The said Samuel H. Sloan, the Administrator of the Estate of LeRoy B. Sloan, along with H. Marjorie Sloan, the surety on said estate, fled the jurisdiction of the Commonwealth of Virginia and the United States of America and located in the United Arab Emirates, a republic located in the Persian Gulf, more specifically the sheikhdom of Abu Dhabi, taking with his all the assets of the said estate.

6. The said Samuel H. Sloan has failed to make distribution of the estate according to the laws of the Commonwealth of Virginia, and has prevented the plaintiff from obtaining personal jurisdiction over his due to his absence from the United States and his residing in a foreign country and further, he has prevented the plaintiff from proceeding against his surety, since he has sequestered her with his in said foreign country.

7. The said Samuel H. Sloan has converted the assets of the estate estimated to be over One Hundred

Thousand Dollars (\$100,000.00) to his own personal use and has failed to make an accounting to all the heirs of said estate according to the laws of the Commonwealth of Virginia.

8. The said plaintiff, Alma D. Sloan, the lawful widow of LeRoy B. Sloan, the decedent, has suffered humiliation, embarrassment and emotional distress as a result of the defendants' actions. She has been prevented from receiving her fair share of the estate according to the laws of the Commonwealth of Virginia.

WHEREFORE, the plaintiff, by counsel, respectfully moves this Court for judgment against the defendants, Samuel H. Sloan, as Administrator and individually, and H. Marjorie Sloan, as surety and individually, for judgment in the amount of One Hundred Thousand Dollars (\$100,000.00) for compensatory damages and One Hundred Thousand Dollars (\$100,000.00) in punitive damages, for total damages combined of Two Hundred Thousand dollars (\$200,000.00); and her costs in this behalf expended.

Aima D. Sloan

Signature not legible

Of Counsel

Donald G. Pendleton
Pendleton, Gamble, Martin, Henderson & Garreit
609-611 Main Street
P.O. Box 1226
Amherst, Virginia 24521

**ATTACHMENT A
(MARCH 14, 1986)**

State of Virginia:
City of Lynchburg:

To-wit:

I, Juanita E. Shields, Clerk of the Circuit Court of the City of Lynchburg, in the State of Virginia, do hereby certify that on the 21st day of February 1986.

Samuel H. Sloan

Duly qualified in my said Court as administrator, c.t.a. of Leroy B. Sloan, deceased.

And gave bond as such according to law in the penalty of \$20,000.00.

And I do further certify that the said qualifying is still in full force and effect and has not been revoked:

Given under my hand and the seal of said court

This 14th day of March 1986

/s/ Juanita E. Shields
Clerk

**AFFIDAVIT OF LEROY B. SLOAN
(MARCH 29, 1966)**

KNOW ALL MEN that I, Leroy B. Sloan, presently residing at No. 2711 Rivermont Avenue, in the City of Lynchburg, Virginia, being of sound and disposing mind and memory, do hereby make, declare and publish this, as my last Will and Testament, hereby revoking any and all wills and codicils heretofore made by me:

(1). It is my wish, and I do hereby will and direct that all of my just and legal debts be fully paid as soon after my death, as may be reasonably convenient by my hereinafter named personal representative.

(2). It is my further wish and will, and I do hereby accordingly give, bequeath and devise, in fee simple absolute, all the rest, residue and remainder of my entire assets and estate, both real and personal, of whatever kind or description, and where so ever situate, in equal shares, unto my two sons, namely: Samuel H. Sloan and Creighton W. Sloan, share and share alike.

(3). I hereby nominate and appoint the Fidelity National Bank, 901 Main Street, in the City of Lynchburg, Virginia, as the Executor of this, my last Will and Testament, and having perfect confidence in its ability and integrity, respectfully request that no surety be required upon its qualification hereunder.

IN TESTIMONY OF ALL WHICH, I have hereunto sot my hand, and affixed my seal, on March 29th, 1966, at Lynchburg, Virginia:

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/s/ Leroy B. Sloan
(SEAL).

The above signature of Leroy B. Sloan, Testator, was made, and the foregoing Will and Testament was acknowledged by him to be his last Will and Testament in the presence of us, two impotent witnesses, present at the same time; and we the two aid witnesses do hereunto subscribe the said Will and Testament, s attesting witnesses, on the date written next above, in the presence of the said Leroy B. Sloan, Testators and of each other, 11 three of us being together and present at the same time, which as done at the specific request of the said Leroy B. Sloan, who as, as we also hereby certify, of sound mind, and over the age of twenty—one years:

ATTESTING WITNESSES:

/s/ Richard S. Miller

/s/ William B. Kizer

Addresses not legible

**LAST WILL PAPER WRITING
(FEBRUARY 21, 1986)**

Virginia: In the Clerk's Office of the Circuit Court of the City of Lynchburg, on the 21st day of February, 1986.

A paper writing, bearing date on the 29th day of March, 1966, purporting to be the last will and testament of Leroy B. Sloan, deceased, was produced before the Clerk of the Circuit Court of the City of Lynchburg, Virginia, and said paper writing was proved according to law by the oath of Richard S. Miller, one of the subscribing witnesses thereto, who proved the due attestation of William B. Kizer, the other subscribing witness thereto, and thereupon the said paper writing was ordered to be recorded as the true last will and testament of the said Leroy B. Sloan, deceased.

On motion of Samuel H. Sloan, son and substantial legatee of Leroy B. Sloan, the decedent, who made oath as the law directs, and together with H. Marjorie Sloan, his surety, who made oath as to her sufficiency, entered into and acknowledged a bond in the penalty of \$20,000.00, conditioned according to law, certificate was granted the said Samuel H. Sloan for obtaining letters of administration in due form upon the personal estate whereof Leroy B. Sloan died possessed, with the last will and testament of the said Leroy B. Sloan, deceased, annexed. And the said bond was ordered to be recorded.

Central Fidelity Bank, successor to Fidelity National Bank, the executor named in said will declined to qualify as such executor.

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Teste:

/s/ Juanita E. Shields
Clerk

**STATEMENT OF INDIGENCY
(FEBRUARY 21, 1986)**

The following is a list of the names, ages, and addresses of the heirs of Leroy B. Sloan who died testate on the 19th day of January, 1986., who would have been the heirs of said decedent had said died intestate—and the degree of kinship of each to said decedent, to wit:

Name	Samuel H. Sloan
Age	41
Relationship	Son
Address	917 old Trents Ferry Road

Name	Creighton w. Sloan
Age	39
Relationship	Son
Address	Charlotte, North Carolina

Diligent inquiry has been made as to the foregoing names, ages and addresses, and said list is believed to be true and correct.

/s/ Samuel H. Sloan

Subscribed and sworn to before me this 21st day of February, 1986

/s/ Juanita E. Shields
Clerk

Virginia: In Lynchburg Circuit Court Clerk's Office

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The foregoing list was filed and admitted to record on
the 21st day of February, 1986

Teste:

/s/ Juanita E. Shields
Clerk

**ATTACHMENT B
(FEBRUARY 21, 1986)**

\$20,000.00 Know all Men by these Presents, That we Samuel H. Sloan and H. Marjorie Sloan are held and firmly bound unto the Commonwealth of Virginia, in the just and full sum of Twenty Thousand to the payment whereof, well and truly to be made, we bind ourselves, our heirs, executors, and administrators, and severally, firmly by these presents. And as to this bond, we hereby severally waive our homestead exemption any claim, right or privilege to discharge any liability arising thereunder to the Commonwealth, or by virtue of office or trust for which said bond is given, with coupons detached from bonds of this State.

Sealed with our seals, and dated this 21st day of February, in the year one thousand nine hundred and eighty six

The Condition of the above Obligation is such, That whereas the above bound

Samuel H. Sloan, son and substantial legatee of Leroy B. Sloan, has been granted by the Clerk of the Circuit Court of the City of Lynchburg, a certificate for obtaining letters of administration in due form upon the personal estate whereof Leroy B. Sloan died possessed, with the last will and testament of the said Leroy B. Sloan, deceased, annexed.

Now, if the said Samuel H. Sloan shall faithfully discharge the duties of his office or trust as Administrator c.t.a. to be void, else to remain in full force anti virtue.

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/s/ Samuel H. Sloan

/s/ H. Marjorie Sloan

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NOTICE OF MOTION FOR JUDGMENT
(SEPTEMBER 27, 1989)

COMMONWEALTH OF VIRGINIA

IN THE CIRCUIT COURT OF THE CITY OF LYNCHBURG

To: Samuel H. Sloan
H. Marjorie Sloan

You are hereby notified that unless within twenty-one (21) days after service of this Notice of Motion for Judgment on you, response is made by filing in the Clerk's Office of this court a pleading in writing, in proper legal form, judgment may be entered against you by default, without further notice.

Done in the name of the Commonwealth of Virginia, this 27th day of September 1989

/s/ Juanita E. Shields
Clerk

K.J. Jira decay
Deputy Clerk

Donald G. Pendleton
609-611 Main Street
Amherst, Virginia 24521

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**LETTER FROM DONALD G. PENDLETON
(MARCH 27, 1990)**

PENDLETON, GAMBLE, MARTIN,
HENDERSON & GARREIT
ATTORNEY AT LAW
P.O. BOX 1226
AMHERST, VIRGINIA 24521
609-611 MAIN STREET

Mrs. Juanita Shields, Clerk
Circuit court of the City of Lynchburg
P.O. BOX 4
Lynchburg, Virginia 24505

In Re: Alma D. Sloan vs. Samuel H. Sloan, Admr.,
et al

Dear Mrs. Shields:

Enclosed herewith please find two copies of the Motion for Judgment which was previously filed in the above styled matter. I would ask that said copies be served on the defendants, Samuel H. Sloan, and H. Majorie Sloan, at the address shown on the Motion for Judgment.

Please note that I have enclosed my check to cover the cost of service in this regard.

Thank you for your assistance in this matter.

With best regards, I am,

Sincerely yours

Donald G. Pendleton

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NOTICE OF MOTION FOR JUDGMENT
(APRIL 2, 1990)

COMMONWEALTH OF VIRGINIA

LYNCHBURG CIRCUIT-LAW
900 COURT STREET
LYNCHBURG VIRGINIA 24505

To: H. Marjorie Sloan
917 Old Trents Ferry Road
Lynchburg Virginia 24503

Case No. 680CL89014790-00

You are hereby notified that unless within twenty-one (21) days after Service of this notice of motion for judgment on you, response is made by Filing in the clerk's office of the court a pleading in writing, in proper Legal form, judgment may be entered against you by default.

Done in the Name of the Commonwealth of Virginia on April 02, 1990

/s/ Juanita E. Shields

Clerk

Deputy Clerk

Pendleton Donald G.
P.O. Box 1226
Amherst, Virginia 24521

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NOTICE OF MOTION FOR JUDGMENT
(APRIL 2, 1990)

COMMONWEALTH OF VIRGINIA

LYNCHBURG CIRCUIT-LAW
900 COURT STREET
LYNCHBURG VIRGINIA 24505

To: Samuel H. Sloan, Admr.
917 Old Trents Ferry Road
Lynchburg Virginia 24503

Case No. 680CL89014790-00

You are hereby notified that unless within twenty-one (21) days after Service of this notice of motion for judgment on you, response is made by Filing in the clerk's office of the court a pleading in writing, in proper Legal form, judgment may be entered against you by default.

Done in the Name of the Commonwealth of Virginia on April 02, 1990

/s/ Juanita E. Shields

Clerk

Deputy Clerk

Pendleton Donald G.
P.O. BOX 1226
Amherst, Virginia 24521

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NOTICE OF MOTION FOR JUDGMENT
(APRIL 2, 1990)

COMMONWEALTH OF VIRGINIA

LYNCHBURG CIRCUIT-LAW
900 COURT STREET
LYNCHBURG VIRGINIA 24505

To: H. Marjorie Sloan
917 Old Trents Ferry Road
Lynchburg Virginia 24503

Case No. 680CL89014790-00

You are hereby notified that unless within twenty-one (21) days after Service of this notice of motion for judgment on you, response is made by Filing in the clerk's office of the court a pleading in writing, in proper Legal form, judgment may be entered against you by default.

Done in the Name of the Commonwealth of Virginia on April 02, 1990

/s/ Juanita E. Shields

Clerk

Deputy Clerk

Pendleton Donald G.
P.O. Box 1226
Amherst, Virginia 24521

App.673a

**LETTER FROM DONALD G. PENDLETON
(APRIL 19, 1990)**

PENDLETON, GAMBLE, MARTIN,
HENDERSON & GARREIT
ATTORNEY AT LAW
P.O. BOX 1226
AMHERST, VIRGINIA 24521
609-611 MAIN STREET

Mrs. Juanita Shields, Clerk
Circuit court of the City of Lynchburg
P.O. BOX 4
Lynchburg, Virginia 24505

In Re: Alma D. Sloan vs. Samuel H. Sloan, Admr.,
and H. Marjorie Sloan, his surety

Dear Mrs. Shields:

As you know, our office represents the plaintiff in regards to the above referenced matter. We have requested service on both defendants, Samuel H. Sloan and H. Marjorie Sloan, at 917 Old Trents Ferry Road, Lynchburg, Virginia. This address was the address listed by the defendants when they qualified in your Court as administrator and surety on the Estate of Leroy B. Sloan. We have been notified by the Sheriff's Department that the defendants could not be found at the above referenced address.

Therefore, pursuant to Section 26-7.1 of the Code of Virginia, as amended, I enclose herewith an Affidavit setting forth the facts supporting the statutory designation of you as the agent for service of process on Samuel H. Sloan and H. Marjorie Sloan.

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The Code provides that where an administrator (and surety) qualifies before a Circuit Court Clerk, that in the event that that fiduciary cannot be found for service of process, that the act of qualifying designates the Clerk as agent for said service.

Therefore, I would ask you to do the following:

1. File in the Court's file the Affidavit in Support of Designation of Clerk as Attorney for Service of Process for Samuel H. Sloan.
2. File in the Court's file the Affidavit in Support of Designation of Clerk as Attorney for Service of Process for H. Marjorie Sloan.
3. Attach a Notice of Motion for Judgment to each of the enclosed copies of the Motion for Judgment.

Sincerely yours

Donald G. Pendleton

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**LETTER FROM M. ISMAIL SLOAN
TO JOHN P. BUTLER
(MAY 20, 1990)**

M. Ismail Sloan
Ismail Computer Company
P.O. Box 4829
Fujairah, United Arab Emirates
Tel: 011-9717027562 (Office)
011-9717027516 (res.)

Juanita Shields. Clerk
Lynchburg Circuit Court
P.O. Box 4
Lynchburg, Virginia 24505
U.S.A.

Dear Mr. Shields,

Enclosed is the answer and counterclaim to the new suit filed against me and my mother, plus an affidavit in opposition to the petition by Stephen C. Martin to withdraw as counsel of record for the estate in another related case which has been pending since 1986. Please file these accordingly.

You might want to consider the possibility of referring these cases to Judge Ballow, since they involve to some extent the same individuals, facts and circumstances as are involved in the case Sloan v. Richard S. Miller pending before him.

You will notice that I use the names Samuel H. Sloan and M. Ismail Sloan almost interchangeable. The reason for this is that I changed my name in 1979. However, in cases involving my late father, I must use

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the name Samuel H. Sloan because that is the name by which I am known in Lynchburg and the name which is used in my father's will. Also, my mother still calls me by that name. However, in any case involving my daughter, Shamema Sloan, I must use the name M. Ismail Sloan, because that is the name given to me as her father on her birth certificate.

This has caused a problem and delay because at first the U.S. Embassy refused to notarize my signature under the name of Samuel H. Sloan, but after a delay of about a week, they finally agreed. Otherwise, you would have received these papers a week ago.

Also, the latest letters you sent to us were addressed to "Saudi Arabia". The postmarks show that these actually went to Saudi Arabia but, by some miracle, eventually reached us.

Very Truly Yours,

/s/ Ismail Sloan

GROUNDS OF DEFENSE
(XXXX XX, XXXX)

IN THE CIRCUIT COURT FOR THE CITY OF
LYNCHBURG

AIMA DAWSON SLOAN,

Plaintiff,

v.

SAMUEL H. SLOAN, Administrator of the Estate of
LEROY B. SLOAN, deceased,

and

H. MARJORIE SLOAN,

Defendants.

Record No.

Comes now defendant Samuel H. Sloan and for his grounds of defense to the motion for judgment filed herein says as follows:

1. Defendant denies the allegations contained in paragraph 1 of the motion for judgment.

2. Defendant denies the allegations contained in paragraph 2 of the motion for judgment, except that defendant admits that Leroy B. Sloan died on January 19, 1986 and was survived by his two sons: Samuel H. Sloan and Creighton W. Sloan.

3. Defendant admits the allegations contained in paragraph 3 of the motion for judgment.

4. Defendant avers that he has no knowledge of the allegations contained in paragraph 4 of the motion for judgment and therefore denies the allegations contained therein.

5. Defendant denies the allegation contained in paragraph 5 of the motion for judgment, except that Defendant admits that the defendants presently reside in the United Arab Emirates, which is located on the Persian Gulf.

6. Defendant denies the allegations contained in paragraphs 6, 7 and 8 of the motion for judgment.

7. Defendant avers that the within action should be dismissed for improper service and lack of personal jurisdiction over the defendants.

8. Defendant avers that the within action is barred by the statute of limitations, laches and collateral estoppel.

9. Defendant avers that the counsel for the plaintiff in this action is disqualified of the grounds of conflict of interest in that he has formed a law partnership with Stephen C. Martin, the attorney for the defendant to this action, and as a result is in a position to receive access to privileged information regarding the defendants.

10. Defendant avers that within two weeks after the death of the said decedent, Leroy B. Sloan, the plaintiff herein sold at a yard sale conducted at 210 Forestdale Drive in Lynchburg all of the personal property and effects of the decedent, without any legal

authority to do so, and, among other things, thereby destroyed evidence pertinent to this case.

11. Defendant avers that the death of the said decedent was caused or, in any event, was greatly accelerated by the activities of the plaintiff in her efforts to seize control over all of the assets of the said decedent during the last 19 days of his life, at a time when the said decedent was of unsound mind. Among other things, upon information and belief, the plaintiff forged the signature of the said decedent on a letter dated January 16, 1986 resigning the membership of the said decedent in the Elk's National Home in Bedford and thereafter cleaned out the room and took away the personal property and effects of the decedent.

12. Defendant avers that the marriage alleged in paragraph 1 of the complaint took place in the Emergency Room of the Lynchburg General Hospital at a time when the said decedent was suffering from a brain seizure, was in a semi-conscious state, was attached to various life support equipment and was of unsound mind and therefore that this alleged marriage was void ab initio.

13. Defendant avers that after the death of the decedent, the plaintiff forged the signature of the decedent to four checks on an account of the decedent at Sovran Bank in an effort to take assets of the decedent which properly belonged to the estate of the decedent.

14. Defendant avers upon information and belief that after the death of the decedent the plaintiff obtained by fraudulent means the proceeds of a life

insurance policy of some sort which properly belonged to the estate.

15. Defendant avers that the plaintiff has harassed the family of the said decedent, including the defendants herein, with false, fictitious and imaginary claims, of which this lawsuit is one, and has caused the defendants to suffer distress, embarrassment and humiliation.

16. Defendant avers that the plaintiff is entitled to receive nothing of the estate of the decedent in accordance with the laws of the Commonwealth of Virginia.

WHEREFORE, defendant prays that this motion for judgment be dismissed and that the defendants recover from plaintiff costs in this behalf expended.

/s/ Samuel H. Sloan

P.O. Box 11829

Fujairah

United Arab Emirates

Tel: 011-9717027562

**GROUNDS OF DEFENSE
(XXXX XX, XXXX)**

IN THE CIRCUIT COURT FOR THE CITY OF
LYNCHBURG

AIMA DAWSON SLOAN,

Plaintiff,

v.

SAMUEL H. SLOAN, Administrator of the Estate of
LEROY B. SLOAN, deceased,

and

H. MARJORIE SLOAN,

Defendants.

Record No.

Comes now defendant Samuel H. Sloan and for his grounds of defense to the motion for judgment filed herein says as follows:

1. Defendant denies the allegations contained in paragraph 1 of the motion for judgment.

2. Defendant denies the allegations contained in paragraph 2 of the motion for judgment, except that defendant admits that Leroy B. Sloan died on January 19, 1986 and was survived by his two sons: Samuel H. Sloan and Creighton W. Sloan.

3. Defendant admits the allegations contained in paragraph 3 of the motion for judgment.

4. Defendant avers that he has no knowledge of the allegations contained in paragraph 4 of the motion for judgment and therefore denies the allegations contained therein.

5. Defendant denies the allegation contained in paragraph 5 of the motion for judgment, except that Defendant admits that the defendants presently reside in the United Arab Emirates, which is located on the Persian Gulf.

6. Defendant denies the allegations contained in paragraphs 6, 7 and 8 of the motion for judgment.

7. Defendant avers that the within action should be dismissed for improper service and lack of personal jurisdiction over the defendants.

8. Defendant avers that the within action is barred by the statute of limitations, laches and collateral estoppel.

9. Defendant avers that the counsel for the plaintiff in this action is disqualified of the grounds of conflict of interest in that he has formed a law partnership with Stephen C. Martin, the attorney for the defendant to this action, and as a result is in a position to receive access to privileged information regarding the defendants.

10. Defendant avers that within two weeks after the death of the said decedent, Leroy B. Sloan, the plaintiff herein sold at a yard sale conducted at 210 Forestdale Drive in Lynchburg all of the personal property and effects of the decedent, without any legal

authority to do so, and, among other things, thereby destroyed evidence pertinent to this case.

11. Defendant avers that the death of the said decedent was caused or, in any event, was greatly accelerated by the activities of the plaintiff in her efforts to seize control over all of the assets of the said decedent during the last 19 days of his life, at a time when the said decedent was of unsound mind. Among other things, upon information and belief, the plaintiff forged the signature of the said decedent on a letter dated January 16, 1986 resigning the membership of the said decedent in the Elk's National Home in Bedford and thereafter cleaned out the room and took away the personal property and effects of the decedent.

12. Defendant avers that the marriage alleged in paragraph 1 of the complaint took place in the Emergency Room of the Lynchburg General Hospital at a time when the said decedent was suffering from a brain seizure, was in a semi-conscious state, was attached to various life support equipment and was of unsound mind and therefore that this alleged marriage was void ab initio.

13. Defendant avers that after the death of the decedent, the plaintiff forged the signature of the decedent to four checks on an account of the decedent at Sovran Bank in an effort to take assets of the decedent which properly belonged to the estate of the decedent.

14. Defendant avers upon information and belief that after the death of the decedent the plaintiff obtained by fraudulent means the proceeds of a life

insurance policy of some sort which properly belonged to the estate.

15. Defendant avers that the plaintiff has harassed the family of the said decedent, including the defendants herein, with false, fictitious and imaginary claims, of which this lawsuit is one, and has caused the defendants to suffer distress, embarrassment and humiliation.

16. Defendant avers that the plaintiff is entitled to receive nothing of the estate of the decedent in accordance with the laws of the Commonwealth of Virginia.

WHEREFORE, defendant prays that this motion for judgment be dismissed and that the defendants recover from plaintiff costs in this behalf expended.

/s/ H. Marjorie Sloan
P.O. Box 11829
Fujairah
United Arab Emirates
Tel: 011-9717027562

**COUNTERCLAIM
(MAY 20, 1990)**

IN THE CIRCUIT COURT FOR THE CITY OF
LYNCHBURG

AIMA DAWSON SLOAN,

Plaintiff,

v.

SAMUEL H. SLOAN, Administrator of the Estate of
LEROY B. SLOAN, deceased,

and

H. MARJORIE SLOAN,

Defendants.

Record No.

Comes now the defendants Samuel H. Sloan, Administrator C.T.A. of the estate of Leroy B. Sloan, and H. Marjorie Sloan, and in addition to the grounds of defense heretofore filed in the above-styled action, files this counterclaim, and for the grounds therefor states as follows:

1. On December 31, 1985, Alma Coates Dawson, the plaintiff herein, married or attempted to marry Leroy B. Sloan, the said decedent, then aged 75, in the Emergency Room of the Lynchburg General Hospital at a time when the said decedent was suffering from a

brain seizure, was in a semi-conscious state, was attached to various life support equipment, was of unsound mind and was physically and mentally incapable of caring for himself.

2. Approximately two to three days later, the plaintiff herein removed the said decedent from the Virginia Baptist Hospital, to which he had by then been transferred, at a time when the said decedent was in no condition to leave the hospital.

3. The reason that the plaintiff removed the said decedent from the hospital was to take him to a public auction being held on the same date for a house located at 210 Forestdale Drive in the hopes that the said decedent would bid at the auction and buy the house for her.

4. Thereafter, the plaintiff tried to obtain by various means the key to the safe deposit box of the decedent, the gasoline credit card of the decedent, the mail box key of the decedent, access to all of the checking and bank accounts of the decedent, and all of the assets and other personal property of the decedent.

5. On or about January 15, 1986, the plaintiff brought the said decedent to the Langhorn Road Branch of the Central Fidelity Bank in Lynchburg for the purpose of having the said decedent give her the signing authority over his bank account.

On January 16, 1986, upon information and belief, the plaintiff forged the signature of the said decedent on a letter resigning the membership of the said decedent in the Elk's National Home in Bedford and thereafter cleaned out the room and took away the Personal property and effects of the decedent.

7. The purpose of this was to insure that the decedent would not try to escape from the plaintiff and return to his living quarters at the Elk's National Home.

8. On the evening of January 19, 1986, the said decedent suffered a severe cardiac failure at 210 Forestdale Drive in the presence of the plaintiff. However, the plaintiff did not call the Lynchburg Rescue Squad until nearly midnight, by which time the said decedent was already long since dead.

9. Within two weeks after the death of the said decedent, the plaintiff herein sold at a yard sale conducted at 210 Forestdale Drive in Lynchburg all of the personal property and effects of the decedent, including all of the clothing, papers and personal effects which she had removed from the Elk's National Home, without any legal authority to do so and without notifying the defendants, the administrator of the estate or any other of the heirs or beneficiaries of the estate.

10. After the death of the decedent, the plaintiff forged the signature of the decedent to four checks on an account of the decedent at Sovran Bank in an effort to take assets of the decedent which properly belonged to the estate of the decedent. All of these four checks were dated after the date of the death of the decedent.

11. Upon information and belief, after the death of the decedent, the plaintiff obtained by fraudulent means the proceeds of a life insurance policy of some sort or kind amounting to approximately \$4,000 which properly belongs to the estate.

12. The plaintiff has harassed the family of the said decedent, including the defendants herein, with

false, fictitious and imaginary claims, and has caused the defendants to suffer distress, embarrassment and humiliation.

13. By reason of the aforesaid facts and surrounding circumstances, the putative marriage between Alma Coates Dawson and Leroy B. Sloan is null and void ab initio. Alma Coates Dawson is entitled to receive nothing from the estate.

14. As a result of the aforesaid facts and circumstances, the death of the decedent was greatly accelerated and he would have lived longer had it not been for the unrelenting efforts of the plaintiff herein to obtain his assets during the last 19 days of his life.

WHEREFORE, the defendants pray that plaintiff's action against them be dismissed and that defendants have judgment against the plaintiff on this counterclaim in the sum of \$200,000 (two hundred thousand dollars) and their costs in this behalf expended.

/s/ Samuel H. Sloan

/s/ H. Marjorie Sloan

App.689a

**AFFIDAVIT IN SUPPORT OF DESIGNATION OF
CLERK AS ATTORNEY FOR SERVICE OF
PROCESS FOR SAMUEL H. SLOAN
(APRIL 10, 1990)**

IN THE CIRCUIT COURT FOR THE CITY OF
LYNCHBURG

AIMA D. SLOAN,

Plaintiff,

v.

SAMUEL H. SLOAN, Administrator of the Estate of
LEROY B. SLOAN, deceased 917 Old Trents Ferry
Road Lynchburg, Virginia 24503,

and

H. MARJORIE SLOAN, His Surety 917 Old Trents
Ferry Road Lynchburg, Virginia 24503,

Defendants.

Record No.

This day, Donald G. Pendleton, counsel for the plaintiff, Alma D. Sloan, personally appeared before me, Barbara G. Ramsey, a Notary Public for the State of Virginia, and made oath that:

1. LeRoy B. Sloan died on the 19th day of January, 1986.

2. On the 21st day of February, 1986, Samuel H. Sloan qualified as Administrator, C.T.A., of the Estate of LeRoy B. Sloan and probated the will of LeRoy B. Sloan in the Clerk's Office of the Circuit Court for the City of Lynchburg, and posted a surety band in reference to such estate. H. Marjorie Sloan appeared as surety for Samuel H. Sloan on said estate, who made oath as to her sufficiency, and entered into and acknowledged said bond as surety.

3. Said Samuel H. Sloan, the Administrator of the Estate of LeRoy B. Sloan, along with H. Marjorie Sloan, the surety on said estate, fled the jurisdiction of the Commonwealth of Virginia and the United States of America and located themselves in the United Arab Emirates, a republic located in the Persian Gulf, more specifically the sheikhdom of Abu Dhabi, taking with them all the assets of said estate.

4. The plaintiff, Alma D. Sloan, the lawful widow of LeRoy B. Sloan, the decedent, has been prevented from receiving her legal interest in the estate according to the laws of the Commonwealth of Virginia.

5. The defendant, Samuel H. Sloan, cannot be found and served within the Commonwealth of Virginia after the exercise of due diligence, as the Sheriff for the City of Lynchburg attempted to serve the defendant at 917 Old Trents Ferry Road, Lynchburg, Virginia, and said summons was returned not found, and the affiant has reason to believe that the defendant is not within the Commonwealth of Virginia.

6. The object of the proceeding filed herein relates to the proper administration or distribution of the aforesaid fiduciary estate and includes a proceeding to obtain a personal judgment against the defendants for

nonfeasance, misfeasance, and/or malfeasance in the performance of the fiduciary's duties.

7. Pursuant to § 26-7.1 of the Code of Virginia, as amended, the defendant, Samuel H. Sloan, Administrator, and H. Marjorie Sloan, surety, qualified and gave bond before the Clerk of the Circuit Court for the City of Lynchburg and by executing the required bond, have thereby designated the Clerk of said Court, Juanita E. Shields, as the true and lawful attorney of such persons upon whom notice, process or rule may be issued from a Court of this Commonwealth, when they cannot be found within the Commonwealth.

8. The foregoing designation has not been terminated and remains in effect as the fiduciary's final account does not "stand confirmed" as provided in § 26-33 of the Code of Virginia; nor has said designation been terminated by Order of the Court.

9. The above captioned proceeding arises from the facts set forth above, all of which is under the jurisdiction of the Circuit Court of the City of Lynchburg, Commonwealth of Virginia.

10. The defendant, Samuel H. Sloan, is a non-resident of the Commonwealth of Virginia, whose last known address is 917 Old Trents Ferry Road, Lynchburg, Virginia 24503, as shown in the Motion for Judgment, and/or P.O. Box 11829, Fujairah, United Arab Emirates, Saudi, Arabia, and, therefore, service of process shall issue and be served upon the defendant by serving Juanita E. Shields, the Clerk of the Circuit Court for the City of Lynchburg, as the designated attorney for service of process, pursuant to § 26-7.2 of the Code of Virginia, as amended; whereupon it shall

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be the duty of the Clerk to mail the same forthwith by registered mail, postage prepaid, to the defendant at his last known address as shown in the Court papers, the costs thereof to be advanced by the person requesting the service.

Given under my hand this 10th day of April, 1990.

/s/ Donald G. Pendleton

Subscribed and sworn to before me this 10th day of April, 1990.

Signature not legible

**AFFIDAVIT IN SUPPORT OF DESIGNATION OF
CLERK AS ATTORNEY FOR SERVICE OF
PROCESS FOR H. MARJORIE SLOAN
(APRIL 10, 1990)**

IN THE CIRCUIT COURT FOR THE CITY OF
LYNCHBURG

AIMA D. SLOAN,

Plaintiff,

v.

SAMUEL H. SLOAN, Administrator of the Estate of
LEROY B. SLOAN, deceased 917 Old Trents Ferry
Road Lynchburg, Virginia 24503,

and

H. MARJORIE SLOAN, His Surety 917 Old Trents
Ferry Road Lynchburg, Virginia 24503,

Defendants.

Record No.

This day, Donald G. Pendleton, counsel for the plaintiff, Alma D. Sloan, personally appeared before me, Barbara G. Ramsey, a Notary Public for the State of Virginia, and made oath that:

1. LeRoy B. Sloan died on the 19th day of January, 1986.

2. On the 21st day of February, 1986, Samuel H. Sloan qualified as Administrator, C.T.A., of the Estate of LeRoy B. Sloan and probated the will of LeRoy B. Sloan in the Clerk's Office of the Circuit Court for the City of Lynchburg, and posted a surety band in reference to such estate. H. Marjorie Sloan appeared as surety for Samuel H. Sloan on said estate, who made oath as to her sufficiency, and entered into and acknowledged said bond as surety.

3. Said Samuel H. Sloan, the Administrator of the Estate of LeRoy B. Sloan, along with H. Marjorie Sloan, the surety on said estate, fled the jurisdiction of the Commonwealth of Virginia and the United States of America and located themselves in the United Arab Emirates, a republic located in the Persian Gulf, more specifically the sheikhdom of Abu Dhabi, taking with them all the assets of said estate.

4. The plaintiff, Alma D. Sloan, the lawful widow of LeRoy B. Sloan, the decedent, has been prevented from receiving her legal interest in the estate according to the laws of the Commonwealth of Virginia.

5. The defendant, Samuel H. Sloan, cannot be found and served within the Commonwealth of Virginia after the exercise of due diligence, as the Sheriff for the City of Lynchburg attempted to serve the defendant at 917 Old Trents Ferry Road, Lynchburg, Virginia, and said summons was returned not found, and the affiant has reason to believe that the defendant is not within the Commonwealth of Virginia.

6. The object of the proceeding filed herein relates to the proper administration or distribution of the aforesaid fiduciary estate and includes a proceeding to obtain a personal judgment against the defendants for

nonfeasance, misfeasance, and/or malfeasance in the performance of the fiduciary's duties.

7. Pursuant to § 26-7.1 of the Code of Virginia, as amended, the defendant, Samuel H. Sloan, Administrator, and H. Marjorie Sloan, surety, qualified and gave bond before the Clerk of the Circuit Court for the City of Lynchburg and by executing the required bond, have thereby designated the Clerk of said Court, Juanita E. Shields, as the true and lawful attorney of such persons upon whom notice, process or rule may be issued from a Court of this Commonwealth, when they cannot be found within the Commonwealth.

8. The foregoing designation has not been terminated and remains in effect as the fiduciary's final account does not "stand confirmed" as provided in § 26-33 of the Code of Virginia; nor has said designation been terminated by Order of the Court.

9. The above captioned proceeding arises from the facts set forth above, all of which is under the jurisdiction of the Circuit Court of the City of Lynchburg, Commonwealth of Virginia.

10. The defendant, Samuel H. Sloan, is a non-resident of the Commonwealth of Virginia, whose last known address is 917 Old Trents Ferry Road, Lynchburg, Virginia 24503, as shown in the Motion for Judgment, and/or P.O. Box 11829, Fujairah, United Arab Emirates, Saudi, Arabia, and, therefore, service of process shall issue and be served upon the defendant by serving Juanita E. Shields, the Clerk of the Circuit Court for the City of Lynchburg, as the designated attorney for service of process, pursuant to § 26-7.2 of the Code of Virginia, as amended; whereupon it shall

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be the duty of the Clerk to mail the same forthwith by registered mail, postage prepaid, to the defendant at his last known address as shown in the Court papers, the costs thereof to be advanced by the person requesting the service.

Given under my hand this 10th day of April, 1990.

/s/ Donald G. Pendleton

Subscribed and sworn to before me this 10th day of April, 1990.

Signature not legible

App.697a

**NOTICE OF MOTION FOR JUDGMENT
(APRIL 23, 1990)**

COMMONWEALTH OF VIRGINIA

LYNCHBURG CIRCUIT-LAW
900 COURT STREET
LYNCHBURG VIRGINIA 24505

To: H. Marjorie Sloan Surety
Serve: Juanita E. Shields, Clk.
Atty. For Service of Process
Lynchburg Virginia

Case No. 680CL89014790-00

You are hereby notified that unless within twenty-one (21) days after Service of this notice of motion for judgment on you, response is made by Filing in the clerk's office of the court a pleading in writing, in proper Legal form, judgment may be entered against you by default.

Done in the Name of the Commonwealth of Virginia on April 23, 1990

/s/ Juanita E. Shields
Clerk

Deputy Clerk

Michael T. Garrett
P.O. Box 1226
Amherst, Virginia

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NOTICE OF MOTION FOR JUDGMENT
(APRIL 23, 1990)

COMMONWEALTH OF VIRGINIA

LYNCHBURG CIRCUIT-LAW
900 COURT STREET
LYNCHBURG VIRGINIA 24505

To: Samuel H. Sloan
Serve: Juanita E. Shields, Clk.
Atty. For Service of Process
Lynchburg Virginia

Case No. 680CL89014790-00

You are hereby notified that unless within twenty-one (21) days after Service of this notice of motion for judgment on you, response is made by Filing in the clerk's office of the court a pleading in writing, in proper Legal form, judgment may be entered against you by default.

Done in the Name of the Commonwealth of Virginia on April 23, 1990

/s/ Juanita E. Shields
Clerk

Deputy Clerk

Michael T. Garrett
P.O. Box 1226
Amherst, Virginia

ORDER OF THE CIRCUIT COURT FOF THE CITY
OF LYNCHBURG FOR LEAVE TO WITHDRAW
(AUGUST 2, 1990)

VIRGINIA: IN THE CIRCUIT COURT
FOR THE CITY OF LYNCHBURG

ALMA DAWSON SLOAN,

Plaintiff,

v.

SAMUEL H. SLOAN, Administrator of the Estate of
LEROY B. SLOAN, deceased,

This day came the plaintiff, Alma D. Sloan, and her attorneys of record, Donald G. Pendleton and Michael T. Garrett, and upon Motion for leave to withdraw as counsel of record, to avoid an possible appearance of impropriety; NOW THEREFORE, counsel for the plaintiff having given notice to the defendants, Samuel H. Sloan and H. Margie Sloan, of the presentation of this order and no appearance or objection being filed thereto by the defendants; and upon consideration whereof, the court deeming it proper to do so, doth hereby ADJUDGE, ORDER, and DECREE, that Donald G. Pendleton and Michael T. Garrett, are hereby withdrawn as counsel of record for Alma D. Sloan and relieved from all further obligations to appear in this cause on her behalf.

ENTERED this 2nd day of August, 1990.

App.701a

MOTION FOR LEAVE TO WITHDRAW
(AUGUST 1, 1990)

VIRGINIA: IN THE CIRCUIT COURT
FOR THE CITY OF LYNCHBURG

ALMA DAWSON SLOAN,

Plaintiff,

v.

SAMUEL H. SLOAN, Administrator of the Estate of
LEROY B. SLOAN, deceased,

Comes now Donald G. Pendleton and Michael T. Garrett, counsel of record for Alma Dawson Sloan, and hereby moves this Honorable Court for leave to withdraw as counsel of record, as certain facts have come the attention of plaintiff's counsel, and counsel for the plaintiff having discussed these matters with the plaintiff, seeks to avoid any possible appearance of impropriety, or conflict of interest, and does therefore move this Honorable Court to permit them to withdraw from further representation of the plaintiff in this matter.

/s/ Mosby G. Perrow
Judge

ADDENDUM TO THE AFFIDAVIT
(SEPTEMBER 7, 1990)

VIRGINIA: IN THE CIRCUIT COURT
FOR THE CITY OF LYNCHBURG

ALMA D. SLOAN,

Plaintiff,

v.

SAMUEL H. SLOAN, administrator C.T.A. of the
Estate of LEROY B. SLOAN, deceased, and H.
Marjorie Sloan, His Surety,

Defendants.

Case Number 680CL89014790-00

Comes now the defendant, Samuel H. Sloan, administrator C.T.A. of the Estate of LEROY B. SLOAN, deceased, and, after being duly sworn, states:

1. This is an addendum to the affidavit previously filed with this court dated about May, 1990 in opposition to the motion for judgment filed with this court by the attorney for the plaintiff.

2. The purpose of this affidavit is to present an exhibit to this court, namely a copy of the letter of resignation which purports to have been signed by my father on January 16, 1986, three days before he died, for the purpose of resigning his membership in the Elk's National Home in Bedford, Virginia.

3. As I have mentioned in my previous affidavit, my father had the life long plan of living out his retirement years in the Elk's National Home and it is unthinkable that he could have ever resigned his membership voluntarily.

4. Also included in the same exhibit is a copy of a check number 915 drawn on my father's bank account in favor of Alma Dawson dated February 18, 1986. (I am sorry for the poor condition of the photocopy, but this is the condition in which it was given to me by the bank.)

5. Looking at the check, it is important to note the date and the signature. My father died on January 19, 1986. Therefore, he was in no condition to sign a check on February 18, 1986. Also, this was not a simple error in the date. The check was deposited at Sovran Bank by Alma Dawson into her own bank account on the same date, February 18, 1986, as the stamps and the signature on the back of the check demonstrate.

6. The inescapable fact is that Alma Dawson, the plaintiff herein, forged my late father's signature on the check. Indeed, a few days later, the Sovran Bank Branch Manager, Larry Crank, called Alma Dawson into his office and she admitted the forgery. Because she also had an account with Sovran Bank, he simply deducted the funds from her bank account and restored it to my late father's account.

7. The enclosed photocopy shows only one of four checks on the same bank account wherein Alma Dawson forged my father's signature after he had already died. All four checks were handled by Larry Crank in the same manner.

8. Now look at the signature on the letter of resignation from the Elk's National Home. It can be seen that the signature there is the same as the forged signature on the check. What this proves is that both were signed by the same person. In other words, Alma Dawson also signed the letter of resignation to the Elk's National Home.

9. In short, the truth is that my father never resigned from the Elk's National Home. Anybody who knew my father will agree that he was very proud of his membership in the Elk's and would never dream of resigning.

10. What this in turn means is that my father never voluntarily left the Elk's and went off to live with Alma Dawson. Rather, she was the one who removed him from there in his incapacitated condition. In this lawsuit, she is claiming the right to inherit part of his estate. However, since she forged my father's signature on both the checks and the letter of resignation it seems clear that she lacks a valid legal claim.

11. By the way, these four checks were at that time submitted to William G. Petty, the Lynchburg Commonwealth Attorney, with a request that Alma Dawson be prosecuted on a forgery charge. However, the reality is that my father's personal best friend was Joe Oppleman, who was a long time political opponent of Mr. Petty (who is an elected official) and for that reason there was no snowball's chance that Mr. Petty would ever do anything to help my family. This also explains the fact that to the contrary Mr. Petty has been trying to have me and my mother arrested for the past four years, after the Commonwealth Attorney in Amherst County, which had actual jurisdiction over

App.706a

that other case (the Shamema case), declined to prosecute.

12. Since the date of my father's will, I have changed my name to M. Ismail Sloan. As a result, I sign my name both ways, at various times.

13. Further the affirmant sayeth not.

/s/ M. Ismail Sloan
(formerly Samuel H. Sloan)

Subscribed to and sworn before me this 7th day
of September, 1990

/s/ Charles J. Jess
Vice Consul of the
United States of America

App.707a

**LETTER FROM DONALD G. PENDLETON
(APRIL 26, 1990)**

PENDLETON, GAMBLE, MARTIN
HENDERSON, & GARRETT
ATTORNEYS AT LAW
P.O. Box 1226
AMHERST, VIRGINIA 24521

Mrs. Juanita Shields, Clerk
Circuit Court of City of Lynchburg
P.O. Box 4
Lynchburg, Virginia 24505

In Re: Alma Sloan vs. Samuel Sloan, et al

Dear Mrs. Shields:

Enclosed herewith please find our Check in the amount of \$27.14, which represents reimbursement to you for the costs expended in service of the Motion for Judgment on the defendants, Samuel Sloan and H. Marjorie Sloan.

Thank you for your assistance in this matter.

With best regards, I am,

Sincerely yours,

/s/ Donald G. Pendleton

DGP: bgr
Enclosure

App.708a

**LETTER FROM LEROY SLOAN
(JANUARY 16, 1986)**

**ELKS NATIONAL HOME
of the Benevolent and Protective Order of Elks**

"A Home Away from Home"

William P. Pickett
Executive Director
Elks National Home
Bedford, VA 24523

Dear Brother Pickett:

This is to notify you that I wish to resign from the Elks National Home as of this date, as I have married.

My new address is P.O. Box 2185, Lynchburg, VA 24501.

Sincerely,

/s/ Leroy B. Sloan

DGP: bgr
Enclosure

App.709a

**MEMORANDUM OF THE UNITED STATES
DISTRICT COURT FOR LYNCHBURG
(FEBRAURY 15, 1994)**

U.S. DISTRICT COURT

To: Clerk, Lynchburg Circuit Court

The attached order relates to Lynchburg Circuit case number CL89014790.

Your case file is being retained for 30 days as Mr. Sloan may note an appeal during that period. If Mr. Sloan files an appeal, your record will be needed by us until the appeal is disposed of. Thanks for your help.

/s/ Carolyn Proffitt
Deputy Clerk

App.710a

ORDER OF THE UNITED STATES
DISTRICT COURT FOR THE
WESTERN DISTRICT OF VIRGINIA
(FEBRUARY 15, 1994)

IN THE UNITED STATES DISTRICT COURT FOR
THE WESTERN DISTRICT OF VIRGINIA
LYNCHBURG DIVISION

ALMA D. SLOAN,

Plaintiff,

v.

SAMUEL H. SLOAN, administrator of the Estate of
LEROY B. SLOAN, deceased, ET AL.,

Defendants.

Civil Action No. 94-0002-L

Before: Jackson L. KISER, Chief United States
District Judge.

Upon consideration of Defendant's Petition of Removal, because said petition is without F. R. Civ. P 81(c)'s twenty day window for removal, the Petition of Removal is DENIED and this case is remanded to the state Court.

The Clerk is directed to send a copy of this Order to all parties of record.

ENTER this 15th day of February 1994.

App.711a

/s/ Jackson L. Kiser
Chief United States District Judge

App.712a

**NOTICE OF APPEAL
(APRIL 2, 1994)**

IN THE UNITED STATES DISTRICT COURT FOR
THE WESTERN DISTRICT OF VIRGINIA
LYNCHBURG DIVISION

ALMA D. SLOAN,

v.

SAMUEL H. SLOAN

No. 94-0002-L

Notice is hereby given that the undersigned appears to the United States Court of Appeals from all parts of the decisions and orders of the United States District Court for the Western District of Virginia dated February 15, 1994 and March 8, 1994 which denied the petition for removal and which denied the petition for a rehearing.

/s/ Samuel H. Sloan

No. 2044491

Dillwyn Correction Center

P.O. Box 670

Dillwyn, VA 23936

ORDER OF THE UNITED STATES
DISTRICT COURT TO RETURN THE RECORDS
OF THE LYNCHBURG CIRCUIT COURT
(SEPTEMBER 28, 1994)

IN THE UNITED STATES DISTRICT COURT FOR
THE WESTERN DISTRICT OF VIRGINIA
LYNCHBURG DIVISION

ALMA D. SLOAN,

Plaintiff,

v.

SAMUEL H. SLOAN, administrator of the Estate of
LEROY B. SLOAN, deceased, and H. Marjorie Sloan,
His Surety,

Defendants.

Civil Action No. 94-0002-L

The record of the Lynchburg Circuit Court, Case
No. CL89014790 is being returned herewith.

MORGAN E. SCOTT, JR.,
CLERK

By: /s/ Carolyn Proffitt
Deputy Clerk

App.715a

DOCKET DETAILS

U.S. District Court
Western District of Virginia (Lynchburg)
CIVIL DOCKET FOR CASE #: 94-CV-2
Internal Use Only

Sloan v. Sloan, et al
Assigned to: Chief Judge Jackson L. Kiser
Date Filed: 01/10/1994

Defendant

SAMUEL H. SLOAN, Administrator of the Estate
of Leroy B. Sloan, deceased

represented by

Samuel H. Sloan
620 Fifth Street
Lynchburg, VA 24505
804-846-5442
PRO SE

1/10/94

1 APPLICATION TO PROCEED IN FORMA
PAUPERIS AND SUPPORTING DOCU-
MENTATION by Samuel H. Sloan (cp)
[Entry date 01/11/94]

1/10/94

1 ORDER granting [1-1] motion (signed by
Chief Judge Jackson L. Kiser) (cp) [Entry
date 01/11/94]

App.716a

1/10/94

- 2 NOTICE OF REMOVAL of civil action from Lynchburg Circuit Court (cp) [Entry date 01/11/94]

1/13/94

- 3 ORDER, Requesting Transmittal of Original-Case File from Lynchburg Circuit Court (signed by Chief Judge Jackson L. Kiser) (cp)

1/19/94

- 4 STATE COURT RECORDS from Lynchburg Circuit Court (cp) [Entry date 01/20/94]

2/15/94

- 5 ORDER entered denying the Petition of Removal and remanding this case to the state court. (signed by Chief Judge Jackson L. Kiser) (cp)

2/15/94

- Case closed (cp)

2/28/94

- 6 MOTION to Reinstate by Samuel H. Sloan (cp)

3/3/94

- ANSWER of Samuel H. Sloan, Received. (cp) [Entry date 03/04/94]

3/8/94

- 7 ORDER denying [6-1] motion to Reinstate (signed by Chief Judge Jackson L. Kiser) (cp)

4/5/94

App.717a

8 NOTICE OF APPEAL by Samuel H. Sloan .
Order appealed: final order of 2/15/94 and
order of 3/8/94 by Judge Kiser) (cp) [Entry
date 04/06/94]

4/6/94

-- Transmittal Letter w/ Notice of Appeal and
certified copy of docket to USCA: [8-1] appeal
by Samuel H. Sloan (cp)

4/6/94

-- RECORD ON APPEAL in 2 volumes sent to
U.S. Court of Appeals: Re [8-1] appeal by
Samuel H. Sloan (cp)

4/11/94

-- USCA Case Number Re: [8-1] appeal by
Samuel H. Sloan USCA NUMBER: 94-1454
(cp) [Entry date 04/12/94]

5/16/94

-- Copy of order from USCA consolidating
appeals 94-1453 and 94-1454. (cp)

5/18/94

-- Supplemental Record on Appeal to USCA:
[8-1] appeal by Samuel H. Sloan (cp)

8/19/94

-- Copy of Printed Opinion of U. S. Court of
Appeals dismissing the appeal in this action.
(cp) [Entry date 08/22/94]

9/13/94

App.718a

- JUDGMENT OF USCA (certified copy) dismissing [8-1] appeal by Samuel H. Sloan (cp)

9/13/94

- NOTICE OF ISSUANCE OF MANDATE from USCA (cp)

9/13/94

- **Terminated pending appeal terminating [8-1] appeal (cp)

9/13/94

- **Remove appeal flag - no further appeals pending (cp)

9/27/94

- RECORD ON APPEAL returned from U.S. Court-of Appeals: [8-1] appeal (cp) [Entry date 09/28/94]

9/27/94

- RECORD ON APPEAL returned from u.s. Court of Appeals: [8-1] appeal (cp) [Entry date 09/28/94]

9/28/94

- State Court Records Returned (cp)

App.719a

**VOLUNTARY PETITION
(SEPTEMBER 8, 1994)**

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA

In Re

Sloan, M. Ismail

All Other Names used by the debtor in the last 6 years
(include married, maiden, and trade names)

Samuel H. Sloan

Soc. Sec./Tax I.D. No.

231-56-6416

Street Address of Debtor

2550 Webster Street
San Francisco, CA 97115

County of Residence or Principal Place of Business

SF 94115

Location of Principal Assets of Business Debtor

C/O Moody Moving & Storage
Concord, VA 24538

Venue

Debtor has been domiciled or has had a residence,
principal place of business or principal assets in this
District for 180 days immediately preceding the date
of this petition or for a longer part of such 180 days
than in any other District.

Information Regarding Debtor

App.720a

Type of Debtor

Individual

Chapter or Section of Bankruptcy Code Under
Which the Petition Is Filed

Chapter 7

Nature of Debt

Non-Business/Consumer

Business-Complete A & B below

A. Type of Business

Stockbroker

B. Briefly Describe Nature of Business

Securities Trader and Author of
Books

Debtor is not represented by an attorney

Estimated Number of Creditors

50-99

Estimated Assets (in thousands of dollars)

Under 50

Estimated Liabilities (in thousands of dollars)

100-499

Prior Bankruptcy Case Filed Within Last 6 Years

Location Where Filed

None

Individual/Joint Debtor(s)

App.721a

I declare under penalty of perjury that the information provided in this petition is true and correct.

/s/ M. Samuel Sloan
Signature of Debtor

Sept. 8, 1994

Date

/s/ M. Samuel Sloan
Signature of Debtor

TO BE COMPLETED BY INDIVIDUAL
CHAPTER 7 DEBTOR WITH PRIMARILY
CONSUMER DEBTS (*See* PL. 98-353 § 322)

I am aware that I may proceed under chapter 7, 11, or 12, or 13 of title 11, United States Code, understand the relief available under each chapter, and choose to proceed under chapter 7 of such title.

If I am represented by an attorney, exhibit "B" has been completed.

/s/ M. Samuel Sloan
Signature of Debtor

9-8-94

Date

Schedule A-Real Property

In re M. ISMAIL SLOAN
Debtor

Except as directed below, list all real property in which the debtor has any legal, equitable, or future interest, including all property owned as a co-tenant, community property, or in which the debtor has a life estate. Include any property in which the debtor holds rights and powers exercisable for the debtor's own benefit. If the debtor is married, state whether husband, wife, or both own the property by placing an "H," "W," "J," or "C" in the column labeled "Husband, Wife, Joint, or Community." If the debtor holds no interest in real property, write "None" under "Description and Location of Property."

Do not include interests in executory contracts and unexpired leases on this schedule. List them in Schedule G—Executory Contracts and Unexpired Leases.

If an entity claims to have a lien or hold a secured interest in any property, state the amount of the secured claim. See Schedule D. If no entity claims to hold a secured interest in the property, write "None" in the column labeled "Amount of Secured Claim."

If the debtor is an individual or if a joint petition is filed, state the amount of any exemption claimed in the property only in Schedule C—Property Claimed as Exempt.

Description and Location of Property

Residential Home
917 Old Trents Ferry Road
Lynchburg, VA 24503

App.723a

Nature of Debtor's Interest in Property

Has Power of Attorney

Current Market Value of Debtor's Interest, in Property,
Without Deducting Any Secured Claim or Exemption

\$150,000

Total \$150,000 (Report also on Summary of
Schedules.)

Charles Edward Roberts 420 Amelon Road Madison Heights VA 24572	Shelby H. Roberts 420 Amelon Road Madison Heights VA 24572	Cecil W. Taylor P.O. Box 1015 Lynchburg VA 24505
Creighton W. Sloan 102 Indian Creek Trail Aiken SC 29803	Anda Aravena 781 47th Street Brooklyn NY 11220	Bache & Co. 100 Gold Street New York NY 10004
Roger D. Moody Moody Moving & Storage, Inc. Concord VA 24538	Herzog, Heine & Co. 26 Broadway New York NY 10004	Weis, Voisin & Co. 17 Battery Place New York NY 10005

App.724a

<p>Charter New England Corp 50 Broad St. New York NY 10005</p>	<p>Edwards & Hanly 160 Broadway New York NY 10004</p>	<p>Paine Webber J & C 1285 Sixth Ave. New York NY 10019</p>
<p>Merrill, Lynch, Pierce, Fenner & Smith 717 Fifth Ave. New York NY 10022</p>	<p>Alma Coates Dawson c/o Pendleton & Gamble 619 Main St. Amherst VA 24521</p>	<p>J. Michael Gamble P.O. Box 1290 Amherst Courthouse Amherst VA 24521</p>
<p>Lawrence Janow Health Dept. Bldg. Amherst VA 24521</p>	<p>NationsBank NationsBank Building Richmond VA 23219</p>	<p>Appalachian Power 800 Main St. Lynchburg VA 24504</p>
<p>Cooperative Savings Bank 1003 Church Street Lynchburg VA 24504</p>	<p>Commonwealth of Virginia The Capitol Richmond VA 23219</p>	<p>Frank G. Davidson III P.O. Box 798 Lynchburg VA 24505</p>

App.725a

<p>Shanti Vithanage 2028 Pacific Ave., Apt. E Alameda CA 94501</p>	<p>Sheriff Michael Cox Amherst County Sheriff Amherst VA 24521</p>	<p>Dorothy C. Taylor 115 Lake Ridge Drive Forest VA 24551</p>
<p>Helen Marjorie Sloan Matte C. Hall Center 830 Laurens St. N Aiken SC 29802</p>	<p>Dayawathie Rankoth c/o Sanctuary for Families 105 Chambers St., Suite 5A New York NY 10007</p>	<p>S. J. Thompson Caskie & Frost 2306 Atherholt Road Lynchburg VA 24502</p>
<p>Shamema Honzagool Sloan 420 Amelon Road Madison Heights VA 24572</p>	<p>Peter J. Sloan 781 47th Street Brooklyn NY 11220</p>	<p>Mary R. Sloan 781 47th Street Brooklyn NY 11220</p>
<p>Honzagool c/o Zar Khan Village Damik, P.O. Jinjoret Chitral, Pakistan</p>	<p>Marian Rosenberg Sanctuary for Families, Inc. 105 Chambers St., Suite 5A</p>	<p>Anda Baumanis Sloan 781 47th Street Brooklyn NY 11220</p>

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	New York NY 10007	
New York Telephone 1095 Sixth Ave. New York NY 10036	Crestar Bank P.O. Box 678 Lynchburg VA 24505	Bell Atlantic 1310 N. Courthouse Road Arlington VA 22201
City of Lynchburg City Hall 900 Church Street Lynchburg VA 24504	Dr. Khawaja Mahmood c/o Khalid M. Azam 74-09 37th Ave., Suite 303 Jackson Heights NY 11372	Massie G. Ware, Jr. NationsBank 901 Main St. Lynchburg VA 24505
Lisa L. Schenkle 1602 Graves Mill Road Lynchburg VA 24506	Larry B. Palmer P. O. Box 4 Lynchburg VA 24505	Stephen R. Pattison The State Department Washington DC 20520
Northwest Airlines c/o Stacey Demas	William H. Petty Lynchburg Commonw. Atty	Barbara J. Gaden

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<p>Graham & James 885 Third Ave. New York NY 10022</p>	<p>901 Church St. Lynchburg VA 24504</p>	<p>Assistant Attorney General 101 North 8th St. Richmond VA 23219</p>
<p>United States of America c/o State Department Washington DC 20520</p>	<p>Linda W. Groome 100 Copley Place, Suite B Lynchburg VA 24502</p>	<p>Darrell Jay Roberts 3 Odins Bow Madison Heights VA 24572</p>
<p>Larry D. Roberts 202 Church St. Madison Heights VA 24572</p>	<p>Arden Van Upp 2550 Webster St. San Francisco CA 94115</p>	<p>Leighton Houck 2306 Atherholt Road Lynchburg VA 24502</p>
<p>George C. Walker, Jr. John Stewart Walker, Inc. 3211 Old Forest Road Lynchburg VA 24502</p>	<p>Mattie C. Hall Health Care Center 830 Laurens St. N Aiken SC 29801</p>	<p>William H. Tucker 101 Park St. Aiken SC 29801</p>

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<p>Paige Weeks Johnson 117 Pendleton St., NW Aiken SC 29801</p>	<p>W. Cassel Jacobson 9505 Veirs Drive Rockville MD 20850</p>	<p>Eugene Wingfield Lynchburg Police Dept. Lynchburg VA 24504</p>
<p>Sue H. Roe Aiken County Probate Court Aiken SC 29801</p>	<p>William S. Kerr P.O. Box 706 Appomattox VA 24522</p>	<p>James H. Massie P. O. Box 709 Madison Heights VA 24572</p>
<p>Liberty Christian Academy 701 Thomas Road Lynchburg VA 24502</p>	<p>County of Alameda 1225 Fallon St. Oakland CA 94507</p>	<p>Richard S. Miller P.O. Box 4 Lynchburg VA 24505</p>
<p>South Kern Municipal Court 12022 Main St. P.O. Box 738 Lamont CA 93241</p>	<p>Dr. Daniel Reichard Temple Christian School Route 29N Madison Heights VA 24572</p>	<p>Morgan E. Scott, Clerk U.S. District Court P.O. Box 1234 Roanoke VA 24006</p>

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**LETTER FROM JUDICIAL CIRCUIT OF VIRGINIA
(DECEMBER 29, 1994)**

**TWENTY-FOURTH JUDICIAL CIRCUIT OF
VIRGINIA
COMMONWEALTH OF VIRGINIA CITIES OF LYNCHBURG
AND BEDFORD COUNTIES OF AMHERST, BEDFORD,
CAMPBELL AND NELSON**

Richard S. Miller, Judge
Mosby G. Perrow, III, Judge
Lynchburg Circuit Court
900 Court Street
P.O. Box 4
Lynchburg, VA 24505
(804) 847-1490

Mr. Frederick A. Hodnett, Jr.
Assistant Executive Secretary
Supreme Court of Virginia
100 North Ninth Street
Richmond, VA 23219

Re: Creighton Wesley Sloan, son and next friend of
Helen Marjorie Sloan v. Sovran Bank, N.A.
(Lynchburg Circuit Court File Nos. CH86014986
and CH90016156 Consolidated)

Alma D. Sloan v. Samuel H. Sloan, Administrator
of the Estate of Leroy B. Sloan, deceased, and H.
Marjorie Sloan, His Surety (Lynchburg Circuit
Court File No. CL89014790)

Dear Mr. Hodnett:

In reference to the above matter, you will find
enclosed a copy of Judge Perrow's letter to you dated

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June 18, 1991, forwarding copies of orders of disqualification of the Judges of the Twenty-Fourth Judicial Circuit for each of the captioned cases. Copies of the disqualification orders are also enclosed.

Mr. Sloan has recently requested that a Judge or Judges be designated to hear these matters and we would appreciate your assistance in arranging for these designations.

Thank you for your assistance.

Very truly yours,

Vicki K. Hunt
Administrative Assistant

/vhk

Enclosures

cc: J. Samuel Johnston, Jr., Judge
Hon. Mosby G. Perrow, III, Judge
Hon. Richard S. Miller, Judge
Hon. William W. Sweeney, Judge
Hon. J. Michael Gamble, Judge
Larry Palmer, Clerk
M. Ismail Sloan
Leighton S. Houck, Esq.
Killis T. Howard, Esq.
David C. Dickey, Esq.

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**ORDER OF THE UNITED STATES
BANKRUPTCY COURT
(MARCH 4, 1995)**

**UNITED STATES BANKRUPTCY COURT
CHAPTER 7 DISCHARGE OF DEBTOR**

**IN RE ISMAIL M. SLOAN,
AKA SAMUEL H. SLOAN
Soc. Sec./Tax ID Nos. 231-56-6416**

Case Number 94-33552 dtc

Before: Thomas E. CARLSON, Bankruptcy Judge.

Address of Debtor
2550 Webster St.
San Francisco, CA 94115

It appearing that a petition commencing a case under title 11, United States Code, was filed by or against the person named above on 9/8/94, and that an order for relief was entered under chapter 7, and that no complaint objecting to the discharge of the debtor was filed within the time fixed by the court (or that a complaint objecting to discharge of the debtor was filed and, after due notice and hearing, the objection was not sustained);

IT IS ORDERED that:

1. The above-named debtor is released from all dischargeable debts.

2. Any judgment heretofore or hereafter obtained in any court other than this court is null and void as a determination of the personal liability of the debtor with respect to any of the following:

- a. debts dischargeable under 11 U.S.C. § 523;
- b. unless heretofore or hereafter determined by order of this court to be nondischargeable, debts alleged to be excepted from discharge under clauses (2), (4), (6), and (15) of 11 U.S.C. § 523(a);
- c. debts determined by this court to be discharged.

3. All creditors whose debts are discharged by this order and all creditors whose judgments are declared null and void by paragraph 2 above are enjoined from instituting or continuing any action or employing any process or engaging in any act to collect such debts as personal liabilities of the above-named debtor.

U.S. Bankruptcy Court
235 Pine St.
P.O. Box 7341
San Francisco, CA 94104-7341

By the Court:

Thomas E. Carlson
Bankruptcy Judge

Date
03/04/95

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ORDER OF LYNCHBURG CIRCUIT COURT
(JANUARY 20, 1999)

VIRGINIA: AT LYNCHBURG CIRCUIT COURT

ALMA D. SLOAN,

v.

SAMUEL H. SLOAN, Admr. & C.,

Defendants.

CL89014790

It appearing to the Court that for more than three (3) years there has been no order or proceeding in this case. Pursuant to Sec. 8.01-335(B), Code of Virginia, as amended, the Court doth ADJUDGE and ORDER that this case be discontinued and stricken from the docket.

The Clerk shall mail or deliver a true copy of this order to all counsel of record.

Enter: January 20, 1999

/s/ Mosby G. Perrow, III
Judge

**LETTER FROM JUDICIAL CIRCUIT OF VIRGINIA
WITH THE ORDER FOR DISQUALIFICATION
(JUNE 18, 1991)**

**TWENTY-FOURTH JUDICIAL CIRCUIT OF
VIRGINIA
COMMONWEALTH OF VIRGINIA CITIES OF LYNCHBURG
AND BEDFORD COUNTIES OF AMHERST, BEDFORD,
CAMPBELL AND NELSON**

Richard S. Miller, Judge
Mosby G. Perrow, III, Judge
Lynchburg Circuit Court
900 Court Street
P.O. Box 4
Lynchburg, VA 24505
(804) 847-1490

Mr. Frederick A. Hodnett, Jr.
Assistant Executive Secretary
Supreme Court of Virginia
100 North Ninth Street
Richmond, VA 23219

Re: M. Ismail Sloan, Individually, and on behalf of his
son, Michael R. Sloan, an infant, v. Officer F. D.
McFarland, Michael W. Cox, and Lynchburg
Police Department Case No. CL90015617

M. Ismail Sloan, Individually, and on behalf of his
son, Michael R. Sloan, an infant v. Charles
Roberts, Captain Coffey, and Sharon Haberer
Case No. CL90015643-01

Alma D. Sloan v. Samuel H. Sloan, [a/k/a M. Ismail
Sloan] Administratrix of the Estate of Leroy B.

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Sloan, Deceased, and H. Marjorie Sloan Case No.
CL89014790

Helen Marjorie Sloan, M.D. v. Sovran Bank, N.A.,
and Creighton Wesley Sloan Case No.
CH90016156

Creighton Wesley Sloan, Son and next friend of
Helen Marjorie Sloan v. Sovran Bank, N.A. Case
No. CH86014986

Dear Fred:

I am enclosing a copies of orders of disqualification of the Judges of the Twenty-Fourth Judicial Circuit in each of the above five cases. We are of the opinion, in the language of Canon 3(C), that the impartiality of the Judges of this Circuit "might reasonably be questioned." Mr. Sloan is a prolific pro se litigator and you will recall that Judges Ballou and Peatross have previously been designated to handle other filings.

The first two cases listed in the caption appear to be related matters and could possibly be heard together. In each motion for judgment Mr. Sloan seeks compensatory damages against the named defendants by reason of their alleged participation in a kidnapping. In the first case F. D. McFarland, a Lynchburg Police Officer, and the Lynchburg Police Department are represented by Walter C. Erwin, Deputy City Attorney, City Hall, Lynchburg, VA 24505 (1-804-847-1310), and Michael W. Cox is represented by William S. Kerr, P. O. Box 706, Appomattox, Virginia 24522 (1-804-352-5366). In the second case Charles Roberts is represented by Linda W. Groome, Davidson, Sakolosky & Richards, P.C., P. O. Box 798, Lynchburg, VA 24505 (1-804-847-4444). No responsive pleadings have been filed on behalf of

Sharon Haberer who was served pursuant to the Virginia Longarm Statute, Sections 8.01-328 et seq of the Virginia Code, as amended.

The third case listed in the caption is a motion for judgment filed against Samuel H. Sloan [a/k/a M. Ismail Sloan] as administrator of the Estate of Leroy B. Sloan and H. Marjorie Sloan as surety, which alleges that the administrator has converted assets of the estate. Mr. Sloan has filed a counterclaim against the plaintiff beneficiary in this proceeding. Donald G. Pendleton originally represented Alma D. Sloan but was granted leave to withdraw. Alma D. Sloan is apparently unrepresented at this time and there is no current address for her in the court file. Samuel H. Sloan, a/k/a M. Ismail Sloan, is proceeding pro se. No responsive pleadings have been filed on behalf of H. Marjorie Sloan. The last address in the file for Samuel H. Sloan, a/k/a M. Ismail Sloan, and H. Marjorie Sloan is 917 Old Trents Ferry Road, Lynchburg, Virginia 24503.

The fourth and fifth cases listed in the caption are chancery matters that have been consolidated for trial. The fourth case is a bill of complaint for accounting filed in the Circuit Court for the City of Charlottesville, Virginia, on December 8, 1987, and transferred to the Lynchburg Circuit Court by order entered in the Circuit Court for the City of Charlottesville, Virginia, on September 4, 1990. Helen Marjorie Sloan is represented by David C. Dickey, 202 East Main Street, Standardsville, Virginia 22937 (1-804-985-7744); Sovran Bank, N.A., is represented by Leighton S. Houck of Caskie & Frost, P. O. Box 6360, Lynchburg, Virginia 24505 (1-804-846-2731); and Creighton Wesley Sloan is represented by Killis T.

App.737a

Howard, P.O. Box 99, Lynchburg, Virginia 24505 (1-804-528-1067).

The fifth case in the caption arises out of a trust agreement executed by Helen Marjorie Sloan on August 26, 1985. The plaintiff is Creighton Wesley Sloan, son and next friend of Helen Marjorie Sloan. The plaintiff seeks to enjoin waste of trust assets and to determine the competency of the testator. Creighton Wesley Sloan is represented by Killis T. Howard and Sovran Bank, N.A., is represented by Leighton S. Houck.

The Clerk of the Circuit Court for the City of Lynchburg, Virginia, is Juanita E. Shields, whose address is P. O. Box 4, Lynchburg, Virginia 24505, and whose telephone number is 1-804-847-1590. The Court's docket secretaries are Vicki K. Hunt and Brenda Nuckles (1-804-847-1490), either of whom would be glad to assist in scheduling any hearing.

We appreciate your assistance in arranging for the designation of a Judge to hear these matters.

With best wishes and kindest regards, I am

very truly yours,

/s/ Mosby G. Perrow, III
Chief judge

MGP, III/vkh
Enclosures

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cc: M. Ismail Sloan
Marjorie H. Sloan
Walter C. Erwin, Esq.
William S. Kerr, Esq.
Linda W. Groome, Esq.
David C. Dickie, Esq.
Sharon Haberer
Killis T. Howard, Esq.
Leighton S. Houck, Esq.

App.739a

ORDER OF THE UNITED STATES CIRCUIT
COURT FOR THE CITY OF LYNCHBURG
(JUNE 18, 1991)

VIRGINIA: IN THE CIRCUIT COURT
FOR THE CITY OF LYNCHBURG

ALMA D. SLOAN,

Plaintiff,

v.

SAMUEL H. SLOAN, administrator of the Estate of
LEROY B. SLOAN, deceased, and H. Marjorie Sloan,
His Surety,

Defendants.

Case No. CL89014790

The Judges of the Twenty-Fourth Judicial Circuit,
being so situated in respect to the above styled case
pending in this Court as to render it improper, in their
opinion, for them to preside at the trial thereof, such
fact is hereby entered of record.

Entered this 18th day of June, 1991.

/s/ Mosby G. Perrow, III
Chief judge

App.740a

ORDER OF THE UNITED STATES
DISTRICT COURT FOR THE
WESTERN DISTRICT OF VIRGINIA
(JANUARY 13, 1994)

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
AT LYNCHBURG

ALMA D. SLOAN,

Plaintiff,

v.

SAMUEL H. SLOAN, Administrator of the Estate of
LEROY B. SLOAN, deceased, and H. Marjorie Sloan,
His Surety,

Defendants.

Civil Action No. 93-0002-L

This case having been removed from your Court to the United States District Court for the Western District of Virginia at Lynchburg, Virginia, and this Court finding it necessary so to do, it is this day

REQUESTED

that the original case file in your Court be forwarded to the Clerk of this Court at P. O. Box 744, Lynchburg, VA 24505, said removal and transmittal of the file being in accordance with the law for these cases made and provided.

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The Clerk of the Court is hereby directed to send
a certified copy of this Order to all counsel of record.

/s/ Jackson L. Kiser

Judge

January 13, 1994

Date

App.742a

**LETTER FROM SLOAN INDICATING CHANGE
OF ADDRESS
(JULY 12, 1994)**

Ismail Sloan
2420 Atherton St., Suite 6
Berkeley CA 94 704
(415) 673-7123
FAX (415) 929-7500

Larry B. Palmer, Clerk
Lynchburg Circuit Court
P.O. Box4
Lynchburg VA 24505

Re: Sloan v. Everybody

Dear Mr. Palmer:

This is to notify you of my new address as set forth above.

Kindly send all papers and proceedings to the above address.

Very Truly Yours,

/s/ Ismail Sloan

VERIFICATION

Samuel H. Sloan, being duly sworn, states that he is the Plaintiff herein; that he has read the foregoing Verified Complaint and knows the contents thereof; that the same is true to his knowledge except as to those matters stated to be alleged upon information and belief, and as to those matters he believes them to be true.

/s/ Samuel H. Sloan

Sworn to before me this 20th day of April, 2018

/s/ Angela Greenway
Notary Public
Commonwealth of Virginia
My Commission Expires
09/30/2018

EXHIBIT X, Y—
TRANSCRIPT OF PROCEEDINGS VOLUME II
RELEVANT EXCERPTS
(APRIL 25, 2018)

IN THE CIRCUIT COURT
FOR THE CITY OF LYNCHBURG

COMMONWEALTH OF VIRGINIA,

Plaintiff,

v.

M. ISMAIL SLOAN
aka SAMUEL HOWARD SLOAN,

Defendant.

No. 3:18-cv-00260-MHL

Before: James M. LUMPKIN, Judge.

[January 13, 1993 Transcript, p. 53]

. . . little bit later than I thought I was going to be there and, apparently, he had gone out to lunch. So he left a message with his secretary that I should go over to see Rick Groff.

- Q. From there did you become involved in some proceedings in the Amherst courts to obtain visitation?
- A. Yes. Basically, they had filed a custody suit.