

FILED IN CLERK'S OFFICE  
U.S.D.C. Atlanta

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

AUG 29 2008

JAMES N. HATTEN, Clerk  
By *[Signature]* Deputy Clerk

SCOTT HINTZ,  
Petitioner

v.

UNITED STATES OF AMERICA,  
Respondent

\*  
\*  
\*  
\*  
\*  
\*  
\*

No. 1:08-CV-758-CC  
(No. 1:03-CR-131-CC)

**PETITIONER'S FURTHER RESPONSE IN SUPPORT OF 2255 MOTION**

Petitioner, without the assistance of counsel, respectfully submits this filing in support of the Petitioner's §2255 Motion, and the requested relief associated with the §2255 motion, based on new items and evidence discovered since the filing of the **GOVERNMENT'S RESPONSE TO DEFENDANT'S 2255 MOTION (Doc.#259)**.

**ISSUES**

After the Government filed its Response in this §2255 proceeding (Doc. 259), Petitioner alerted Government counsel to the numerous false and/or misleading statements listed in its Doc. 259 response. Government counsel has refused to communicate with Petitioner despite Petitioner's requests via email and by phone (see Attachment 'A'). Communications may have resolved (without the court's resources) the Government's false statements (which include, but are not limited to):

"Hintz appears to have taken the *innocent* [???] actions of several individuals... to arrive at the conclusion that there was a scheme afoot to deprive him of the effective assistance of counsel... it is significant to note that **none of these allegations surfaced until nearly 10 months after the defendant was sentenced.**" (Doc.259, pgs.19-20, emphasis added).

"Hintz was first interviewed by the FBI... in February 2001. Although he told the FBI about the criminal conduct of many other people, he **never** told the FBI about the alleged misconduct of the Morochniks or Bavermans **until after he had been sentenced and had begun to serve time in prison.**" (Doc.259, pgs.37-38, emphasis added).

Petitioner informed Government's counsel that many of the Doc.259 filing statements are simply not true. Evidence in the record shows they are false (see, and herein incorporate, Doc.260, pgs.24-26). Even the statements of FBI Agent McDavitt show that, **at a minimum**, the FBI knew about the questionable transactions during the underlying district court proceedings of this case and well before Petitioner was sentenced and started to serve time in prison. It is possible, however, that people may

have underestimated the significance, or context, of the Baverman-Morochnik transactions because of the misleading statements of other people.

Not only are many of the Government statements not true, recently discovered evidence suggests Government counsel was alerted to the Baverman-Morochnik family's illegal involvement before ANY of the district court proceedings of this case. As a result of the recently discovered evidence, Petitioner, via email, requested Government counsel respond to various questions to clarify whether, or not, Government counsel had pre-proceeding knowledge of the Baverman-Morochnik family involvement. Petitioner has received no response from Government counsel as of the time of this filing.

In Davis v. Zant, 36 F.3d 1538 (11th Cir. 1994), the 11<sup>th</sup> Circuit declared prosecutorial misconduct when the prosecutor asserted an item known to be false. In this case, recent evidence supports the Baverman-Kadish-Morochnik conspirators' claim to have had Government counsel illegally working with them prior to any of the underlying district court proceedings of this case. If these statements are true, prosecutorial misconduct is evident --- Government counsel has consistently denied knowledge of Petitioner's claims of the illegal involvement of the Baverman-Morochnik, and has instead presented false statements against this Petitioner. Whether Government counsel's false statements were intentional, or unintentional, is a question for future evidentiary hearings. If the Baverman-Kadish-Morochnik conspirators' statements are found to be false, it only further establishes Petitioner's ineffective assistance of counsel claims and proves just another act in furtherance of their conspiracy to scare this Petitioner with their alleged power and influence.

If the Court is unable to grant the \$2255 relief requested by the Petitioner solely on the record of this case, Petitioner requests the issue of prosecutorial misconduct be examined at length, and in evidentiary hearings, in determination of Petitioner's claim to have been deprived of Due Process Rights throughout the underlying proceedings of this case.

Petitioner recently communicated with Special Agent McDavitt. During the conversation, Agent McDavitt acknowledged being alerted to the Baverman-Morochnik family transactions at some uncertain time before Petitioner's sentencing. When Petitioner asked Agent McDavitt specific questions that

support Petitioner's position, Agent McDavitt stated she could not answer any questions nor provide an affidavit because she was an employee of the Department of Justice.

**THIS COURT HAS AUTHORITY AND REASON TO GRANT PETITIONER'S RELIEF**

This Court has both the authority and sufficient reason to grant Petitioner's requested \$2255 relief: (1) Petitioner did not "knowingly & voluntarily" waive his right to appeal, (2) Petitioner only pled, under coercion, to one offense, but was sentenced for thirty-three, and (3) Petitioner's requested relief is both within the authority of this court and appropriate because Petitioner is not guilty of the offenses for which he has been sentenced.

**I. Petitioner did not 'knowingly & voluntarily' waive his right to appeal.**

Petitioner has presented this Court with evidence sufficiently proving Petitioner could not have possibly both 'knowingly & voluntarily' waived his right to appeal. Petitioner could not have 'knowingly' waived his right to appeal because Petitioner did not 'know' about the numerous additional offenses not listed in the charging document (see offense #'s 19-33, Doc.265, pgs.2-5), but brought against the Petitioner by the Government (in violation of the Plea Agreement) after the plea hearing. These additional uncharged offenses made the applied loss exceed \$2,500,000 (in violation of the Plea Agreement) and were used to raise the sentence imposed above the otherwise applicable sentencing guideline range (again, in violation of the Plea Agreement). Additionally, Petitioner could not have 'knowingly' waived his right to appeal because Petitioner's attorney specifically told Petitioner he was pleading guilty to only one of the offense of 18 USC §1344 listed in the charging document and also specifically told Petitioner he would not be held accountable for the actions of the 'other people involved' making Petitioner's ultimate sentencing range 0 to 6 months with little, or no, restitution. Finally, as sworn witness testimony proves, Petitioner could not have 'voluntarily' waived any right, including his right to appeal, because Petitioner was intimidated by his own attorney who specifically threatened Petitioner to plead guilty even though the attorney knew Petitioner did not want to plead guilty and even though the attorney knew Petitioner disputed the allegations listed in the charging document (see, and herein incorporate, Doc.260, pgs.2-3 & pgs.24-27 and Doc.258, pgs.14-15).

In Esslinger v. Davis, 44 F.3d 1515 (11th Cir. 1995), the 11<sup>th</sup> Circuit granted an ineffective assistance of counsel ('I.A.C.') claim (even over alleged procedural bars) where counsel's advice to plead guilty was based on faulty advice about sentencing issues. In Finch v. Vaughn, 67 F.3d 909 (11th Cir. 1995), the 11<sup>th</sup> Circuit again granted an I.A.C. claim where counsel's advice to plead guilty was based on the faulty advice of counsel in regards to sentencing issues.

In the case at bar, Petitioner was not just simply given faulty advice to plead guilty by his attorney as in Esslinger and Finch – evidence shows Petitioner's attorney actually threatened Petitioner to plead guilty and gave Petitioner malicious & misleading advice about sentencing issues (when Petitioner's attorney had pre-plea hearing knowledge that Petitioner disputed the allegations and did not want to plead guilty). The actions of Petitioner's attorney were aimed to scare Petitioner into believing his attorney would ensure the safety of Petitioner's minor children only if Petitioner pled guilty, accepted a sentence of 0 to 6 months with little (or no) restitution, and remained silent about the illegal activities of the Baverman-Morochnik family.

Any, or all, of the above reasons make Petitioner's waivers not 'knowing & voluntary' and/or give this Petitioner the right to appeal.

**II. Petitioner only pled, under coercion, to one offense, but was sentenced for thirty-three.**

In its prior filings, Government counsel has already specifically conceded Petitioner has been sentenced for multiple offenses. The record shows Petitioner only pled guilty to a single offense of 18 USC §1344 (albeit, under duress—see section I, above) and only as applies to Petitioner alone not the 'other people involved' (see, and herein incorporate, Doc.253-3, pgs.21-27), but was actually sentenced using at least thirty-three (33) separate alleged offenses of 18 USC §1344 including fifteen (15) offenses not even 'charged' with the required elements in the Criminal Information (see, and herein incorporate, Doc.265, pgs.2-5). The thirty-three alleged offenses are readily broken into identifiable units as evidenced on pages 2 through 5 of Doc.265.

As the 11<sup>th</sup> Circuit has previously held:

"Thus, 'when illegal conduct does exist in identifiable units' apart from the offense of conviction, the Guidelines anticipate a separate charge for such conduct." US v. Maxwell, 34 F3d 1006 at 1010-11 (11<sup>th</sup> Cir 1994).

Offenses do not constitute single course of relevant conduct if "schemes may readily be broken into identifiable units that are meaningful for purposes of sentencing." U.S. v. Blanc, 146 F.3d 847 (11th Cir. 1998).

Petitioner cannot possibly be guilty -- Petitioner was sentenced for offenses for which he was never charged (offense #'s 19-33; see Doc.265, pgs.2-5). Petitioner was additionally sentenced for offenses for which he did not plead guilty (offense #'s 1-16 and #18; see Doc.265, pgs.2-5). As a result, **THIS COURT HAS NO JURISDICTION TO SENTENCE PETITIONER to any offense but offense #17** (see Doc.265, pgs.2-5).

"It is as much a **violation of due process** to send an accused to prison following conviction of a charge on which he was never tried as it would be **to convict him upon a charge that was never made.**" Cole et al v. State of Arkansas, 68 S.Ct. 514, 517 ( U.S. Supreme Court, 1948; emphasis added).

**"Court cannot permit a defendant to be tried on charges that are not made in the indictment against him"** Stirone v. U.S., 80 S.Ct. 270, 272-273 (U.S. Supreme Court 1960; emphasis added).

Finally, **Petitioner's coerced plea to only a single offense 'as relates to' Petitioner alone, not the 'other people involved' (offense #17; see Doc.#265, pg.3) came only after:** (1) Petitioner very specifically informed his attorney he did not want to plead guilty, (2) Petitioner was coerced into making statements to incriminate Petitioner, but protect the Baverman-Morochnik family, (3) Petitioner very specifically informed his attorney the charging document allegations were false, (4) Petitioner's attorney directed Petitioner to plead guilty anyways to keep his minor children safe from harm, and (5) Petitioner's attorney told Petitioner his ultimate sentence would be in the range of 0 to 6 months with \$15,955.93 in restitution due to his attorney's personal conversations with involved judges (see, and herein incorporate, Doc.260, pgs.2-3 & pgs.24-27 and Doc.258, pgs.14-15).

In Dobbs v. Turbin, 142 F.3d 1383, 1388 (11th Cir. 1998), the 11<sup>th</sup> Circuit granted an I.A.C. claim when an attorney failed to investigate mitigating evidence at sentencing and for making an inadequate closing argument. In Collier v. Turbin, 177 F.3d 1184, 1204 (11th Cir. 1999), the 11<sup>th</sup> Circuit granted an I.A.C. claim for failing to present evidence in mitigation of petitioner's sentence.

In the case at bar, Petitioner's attorney not only did not want to present evidence in mitigation of Petitioner's sentence -- Petitioner's attorney wanted to maliciously prejudice Petitioner. Petitioner's attorney knew of proper factual objections to each and every applied sentencing enhancement and to the applied restitution, but either chose to hide or dilute each one --- instead of attacking each one in a

formal, proper and prominent format during the proceedings. At a minimum, evidence shows Petitioner's attorney knew of the following factual objections prior to sentencing (see Doc.253-3, pgs.16-17):

Regarding §2F1.1(b)(M) [loss calculations for sentencing and restitution]:

"Some amounts in chart may be incorrect"

"I do not find it fair to accept responsibility for other people's... losses"

"should be less than \$2,500,000 for all... loans [offenses] among all individuals"

Regarding §2F1.1(b)(2) [more than minimal planning sentencing enhancement]:

"I did not cause the security deeds not to be recorded"

"I was not involved in the values derived by appraisers"

"I was not aware of any recruitment issues"

"Crane and/or Crane's office filled out many applications"

"I never provided payoff letters"

Regarding §2F1.1(b)(8)(b) [more than a million in receipts sentencing enhancement]:

"Defendant derived less than \$1,000,000"

Regarding §3B1.1(a) [leadership role sentencing enhancement]:

"I am not aware of any recruitment issues... Kevin Hoppe recruited"

"Properties were under several people's control"

"Document preparation and submission by several people"

"Hoppe was... decision making process"

"Hoppe directed me"

Regarding §5E1.1(a) [loss calculations for sentencing and restitution]:

"Some amounts in chart may be incorrect"

"Should be less than \$2,500,000 for all... loans [offenses] among all individuals"

"I do not find it fair to accept responsibility for other people's... losses"

"Defendant derived less than \$1,000,000"

Instead of aggressively attacking each applied sentencing enhancement and restitution amount by category, Petitioner's attorney told Petitioner he had already privately discussed the objections with the involved judges and got the sentencing judge to commit to an ultimate sentencing range of 0 to 6 months with little, or no, restitution. Petitioner's attorney used a combination of both threats and lies to ensure Petitioner remained misinformed about the progress of his own case. Petitioner's attorney had a motive to secure the conviction and sentence---had the plea agreement been withdrawn, the Baverman-Morochnik-Kadish conspiracy would have likely come under criminal scrutiny. The sentencing judge's personal invitation to Petitioner's attorney to meet outside of court (witnessed by this Petitioner and others), combined with the attorney's statements about back-room dealings with the judge, and the judge's in-court statement of expecting to see Petitioner for further sentencing reductions – appeared to corroborate the attorney's claims to have met with the involved judges to discuss this case privately and outside of court.

**III. Petitioner's requested relief is both within the authority of this court and appropriate because Petitioner is not guilty of the offenses for which he has been sentenced.**

Petitioner is a person in custody under the judgment of this court and Petitioner's supported §2255 claims show one, or more, of the following: (1) the judgment violates the Constitution or law of the United States, (2) the court lacked jurisdiction to enter the judgment, and/or (3) the judgment is otherwise subject to collateral review.

Petitioner incorporates pages 1-6 of this filing herein as if set forth at length.

The Plea Hearing transcripts show Petitioner could not have possibly 'knowingly' pled to anything more than a single charged offense of 18 USC §1344 and only "as relates to" Petitioner alone not the "other people involved". The Plea Hearing transcripts also show Petitioner still had unresolved factual objections to "things in the count that he would...take some issue with" during the Plea Hearing immediately before the presiding judge accepted the plea. The Plea Hearing transcripts additionally show the presiding judge knew there would be problems with accepting a plea with unresolved factual objections as evidenced by the judge's own words, "This may come back to haunt us" (see, and herein incorporate, Doc.253-3 pgs.10-11 ¶¶9-16; Doc.253-4 pgs.40-44, and Doc.260 pgs.5-6). Thus, **the record shows Petitioner could not have been found guilty** to thirty-two of the thirty-three offenses for which Petitioner was sentenced.

**Additionally, the record of this §2255 motion further show Petitioner could not have possibly 'voluntarily' pled guilty** because of the threats Petitioner received, from his own attorney, to plead guilty and to make incriminating statements against himself to protect the Baverman-Morochnik family from scrutiny (see, and herein incorporate, Doc.260 pgs.2-5).

To enter Petitioner's conviction and sentencing judgment, this Court would have had to ensure both the Constitution and the laws of the U.S. were upheld. The record shows Petitioner was denied at least one, and likely all, of the constitutional rights guaranteed under the 5<sup>th</sup> and 6<sup>th</sup> Amendments including: Due Process, Grand Jury Indictment, Notice, Trial by Jury and the Assistance of Counsel. Petitioner was held to answer for offenses never even charged against Petitioner, for offenses Petitioner did not 'knowingly & voluntarily' plead guilty to, for offenses never 'knowingly & voluntarily' waived of any

rights --- All without the Assistance of Counsel. The judgment entered against Petitioner violates the Constitution and/or associated laws of the United States.

The district court sentenced Petitioner for several offenses never charged with the jurisdictionally-required elements of offense (see pages 4-5, above). Petitioner did not 'knowingly' admit the jurisdictionally-required elements of offense to any offense other than offense #17 (see pages 4-5, above); the 'voluntary' requirement is subject to evidentiary hearings, if necessary. Therefore, the district court did not have jurisdiction to enter the sentencing judgment.

As the 'voluntary' requirement for the Petitioner's plea and any associated waiver have not been met, the ineffective assistance of counsel has been shown, and the Petitioner's claims are supported with the sworn testimony of several individuals and other items of evidence, this district court has authority (and duty) to otherwise allow its judgment to come under collateral review.

Government counsel stated, "an order of restitution cannot be attacked with a 2255 Motion."

(Doc.259, pg.54). **The 11<sup>th</sup> Circuit states:**

"The single issue we reach in this case is whether §2255 may be utilized by a person in federal custody to attack only the restitution portion of his sentence... [Section] 2255 cannot be utilized by a federal prisoner who challenges only the restitution portion of his sentence" *Blaik v. United States*, 161 F.3d 1341, 1343 (11<sup>th</sup> Cir. 1998, emphasis added).

In *Blaik*, the 11<sup>th</sup> Circuit only reached only a single issue -- Blaik's request for reduction in restitution, alone, did not meet the §2255 requirement to request to be released from custody. In the case at bar, Petitioner is not requesting solely to have the restitution portion of the sentence reduced -- Petitioner is also requesting release from custody. The restitution is just one factor keeping Petitioner 'in custody' under supervised release. With the proposed reduction in restitution, Petitioner would otherwise be eligible to petition the court for early release from supervised release (Petitioner has been on supervised release for over 12 months, has performed all community service requirements, has paid all assessments, has complied with all requirements of supervised release, and has paid the reduced restitution amount requested in Petitioner's §2255 motion, i.e. \$15,955.93). Therefore, as this Petitioner is requesting a release from custody (held up, at least in part, because of the faulty restitution loss calculation) in addition to the reduction of restitution amount, *Blaik* is distinguished from the case at bar.

Additionally, a §2255 motion can be used to attack a restitution order when, as in the case at bar, Petitioner attempted to attack the restitution loss calculations during the district court proceedings

(see, and herein incorporate, Doc.253-3, pgs.16-17; Doc.253-4 pgs.51-54; Doc.260, pgs.7-15; and pgs.5-6 above), and attempted to attack the restitution loss calculations on direct appeal (see, and herein incorporate, Doc.253-4, pgs.45-50; and Doc.260 pgs.15-21), but was very effectively, and very literally, frozen out of the proceedings because of the intentional acts of Petitioner's attorney(s) to prejudice this Petitioner. There are circumstances §2255 is appropriate for attacking a restitution order – the facts of this case are not only exceptional, but also show both cause and prejudice requiring review during this §2255 proceeding; see Cani v. United States, 331 F.3d 1210 (11<sup>th</sup> Cir. 2003); see also Dohrmann v. United States, 442 F.3d 1279, 1280-81 (11<sup>th</sup> Cir. 2006).

For the reasons above, this Court has the authority, sufficient reason, and duty to vacate, set aside and/or correct its previous judgment to order the relief requested in this Petitioner's §2255 motion.

**CONCLUSION**

The Court should (after resolving other pending motions) either: (1) **Rule in favor of Petitioner and grant Petitioner's requested §2255 Motion relief** for the reasons and items of evidence already present in the record of this case, or (2) **Order Evidentiary Hearings, complete with provisions for Discovery**, to resolve the factual disputes present in the record of these §2255 proceedings.

Respectfully submitted this 29<sup>th</sup> day of August 2008.

Sincerely,



Scott Hintz,  
Pro Se Petitioner

**CERTIFICATE OF SERVICE**

I, Scott Hintz, certify I have sent a copy of the foregoing:

**PETITIONER'S FURTHER RESPONSE IN SUPPORT OF 2255 MOTION**

**(and its attached Attachment A [4 pages in total])**

in a sealed envelope with sufficient first-class postage affixed to:

U.S. Attorney's Office  
AUSA Charysse Alexander  
75 Spring Street SW  
Atlanta, GA 30303

This 29th day of August 2008.

Sincerely,



Scott Hintz

14 pages total (with Attachment A)  
Se





Scott Hintz <scotthintzlegal@gmail.com>

Attachment A pg 1 of 4

---

## Contact Information & Government Assistance with CJA funds for unconflicted counsel

1 message

---

Scott Hintz <scotthintzlegal@gmail.com>

Tue, Jul 1, 2008 at 11:54 AM

To: "Alexander, Charysse (USAGAN)" <charysse.alexander@usdoj.gov>, erin.sanders@usdoj.gov

AUSA Alexander:

Please provide me with the email addresses and phone numbers for FBI agents Susan McDavitt and William Filson so I can resolve serious inaccuracies presented in the record of the Doc.259 filing.

Additionally, will you give consent to my recent court request for CJA funds towards an unconflicted attorney so we can have conversations related to the filings before the court? I believe there is authority to do so under the act -- your consent would assist.

I have additional information I would like to present to the US Attorney's Office before revealing it publically or to any law enforcement agency, but I feel I should have counsel representing my interests first. Because of the power and influence of the people involved, the attorney should be very carefully selected.

Sincerely,  
Scott Hintz

---



Scott Hintz <scotthintzlegal@gmail.com>

Attachment A pg 2 of 4

## Second Request. Fwd: Contact Information & Government Assistance with CJA funds for unconflicted counsel

1 message

Scott Hintz <scotthintzlegal@gmail.com>

Fri, Jul 18, 2008 at 7:02 PM

To: charysse.alexander@usdoj.gov, erin.sanders@usdoj.gov

----- Forwarded message -----

From: Scott Hintz <scotthintzlegal@gmail.com>

Date: Tue, 1 Jul 2008 11:54:30 -0400

Subject: Contact Information & Government Assistance with CJA funds for unconflicted counsel

To: "Alexander, Charysse (USAGAN)" <charysse.alexander@usdoj.gov>, erin.sanders@usdoj.gov

AUSA Alexander:

Please provide me with the email addresses and phone numbers for FBI agents Susan McDavitt and William Filson so I can resolve serious inaccuracies presented in the record of the Doc.259 filing.

Additionally, will you give consent to my recent court request for CJA funds towards an unconflicted attorney so we can have conversations related to the filings before the court? I believe there is authority to do so under the act -- your consent would assist.

I have additional information I would like to present to the US Attorney's Office before revealing it publically or to any law enforcement agency, but I feel I should have counsel representing my interests first. Because of the power and influence of the people involved, the attorney should be very carefully selected.

Sincerely,  
Scott Hintz



Scott Hintz <scotthintzlegal@gmail.com>

Attachment A pg 3 of 4

# Third Request. Fwd: Contact Information & Government Assistance with CJA funds for unconflicted counsel

1 message

Scott Hintz <scotthintzlegal@gmail.com>

Wed, Jul 23, 2008 at 5:04 PM

To: [charysse.alexander@usdoj.gov](mailto:charysse.alexander@usdoj.gov), [erin.sanders@usdoj.gov](mailto:erin.sanders@usdoj.gov)

----- Forwarded message -----

From: Scott Hintz <[scotthintzlegal@gmail.com](mailto:scotthintzlegal@gmail.com)>

Date: Fri, 18 Jul 2008 19:02:38 -0400

Subject: Second Request. Fwd: Contact Information & Government Assistance with CJA funds for unconflicted counsel

To: [charysse.alexander@usdoj.gov](mailto:charysse.alexander@usdoj.gov), [erin.sanders@usdoj.gov](mailto:erin.sanders@usdoj.gov)

----- Forwarded message -----

From: Scott Hintz <[scotthintzlegal@gmail.com](mailto:scotthintzlegal@gmail.com)>

Date: Tue, 1 Jul 2008 11:54:30 -0400

Subject: Contact Information & Government Assistance with CJA funds for unconflicted counsel

To: "Alexander, Charysse (USAGAN)" <[charysse.alexander@usdoj.gov](mailto:charysse.alexander@usdoj.gov)>, [erin.sanders@usdoj.gov](mailto:erin.sanders@usdoj.gov)

AUSA Alexander:

Please provide me with the email addresses and phone numbers for FBI agents Susan McDavitt and William Filson so I can resolve serious inaccuracies presented in the record of the Doc.259 filing. Additionally, will you give consent to my recent court request for CJA funds towards an unconflicted attorney so we can have conversations related to the filings before the court? I believe there is authority to do so under the act -- your consent would assist.

I have additional information I would like to present to the US Attorney's Office before revealing it publically or to any law enforcement agency, but I feel I should have counsel representing my interests first. Because of the power and influence of the people involved, the attorney should be very carefully selected.

Sincerely,  
Scott Hintz



Scott Hintz <scotthintzlegal@gmail.com>

Attachment A <sup>[img]</sup> pg 4 of 4

**Your assistant has informed you will not meet with me.**

1 message

Scott Hintz <scotthintzlegal@gmail.com>

Fri, Aug 15, 2008 at 9:52 PM

To: charysse.alexander@usdoj.gov

Charysse Alexander:

As mentioned in my July 3, 2008 email to you, "I had the statements of the Baverman-Kadish-Morochnik group to base my decision to be wary of you."

I have attempted to meet with you on various occasions, but I have been told I can not meet with you unless I have an attorney. I have sought your assistance in obtaining an attorney to facilitate conversations between us. On an August 14, 2008 telephone conversation with your assistant (Erin Sanders), she specifically told me you would not meet with me even if I agreed to have witnesses present during our conversations.

I am attempting to meet with you privately in your office because, as I have previously informed you, the Baverman-Kadish-Morochnik group alleged you had pre-proceeding knowledge about the illegal involvement of the Baverman-Morochnik family.

The next email will more fully cover this issue.

Sincerely,

Scott Hintz