

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF GEORGIA  
THE ELEVENTH CIRCUIT

UNITED STATES OF AMERICA

v.

1:94-CR-182-12, Appeal Nos  
94-8151, 94-8230

George W. High, Sr. &  
Virginia C. High

MOTION FOR REHEARING ENBANC AND  
PETITION FOR EARLY RELEASE

On June 17, 1992, defendant, Virginia C. High was arrested at Georgia Home Improvement Company, for the alledge offense of obstructing justice. On that same date, she was released on \$100,000.00 Property:(4791 Thompson Mill Rd., DeKalb County, Georgia) bond, with requirements to telephone weekly, and report monthly, to pretrial Officers.

On July 9, 1992, defendants were named on a \_\_\_ count superceeding indictment, alledging \_\_\_ counts of offenses. George W. High, Sr was arraigned, and placed under and additional \$100,000.00 property bond, using same property as collateral, and with the same reporting requirements.

On December 10, 1992, defendants were named in 39 count superceeding indictment alledging \_\_\_ counts of offenses.

On September 20, 1993, defendant's Jury Trial begin, and on October 13, 1993, Virginia C. High was convicted on \_\_\_ counts, and George W. High, Sr., was convicted on \_\_\_ counts.

Attorneys for defendants filed Notices of Appeals.

Motion to Remain on Bond Pending Appeal was filed.

On January 20, 1994, defendants were each sentenced to 97 months of imprisonment.

On February 16, 1994, Virginia C. High, was denied bond pending appeal, by the District Court. However, defendant was not made aware of the bond denial until she received a telephone call, from the pretrial Officers on March 20, 1994, inquiring, why defendants were not at designated place of imprisonment. Defendants replied, "because we had not been notified, that we had been designated". The pre-trial Officers told us of our designation, and when to report.

On March 28, 1994, defendants self-surrendered to the Bureau of Prisons, as directed.

On October 9, 1996, oral arguments on the appeal, was heard on counts: 1 and 13.

On July 21, 1997 the Court of Appeals issued a written opinion: Affirmed in part, reversed in part, and remanded in part.

On July 25, Virginia High, phoned her Attorney, C. Michael Abbott, who instructed her to put her request in writing and mail it to him, because he had not had a chance to read the opinion, his Secretary had quit, and his new one would not be starting for another week. Over the weekend of July 26-27, 1997, I typed the following: Motion for New Trial, and a Motion for New Trial and Release on Bail-Newly Discovered Evidence, and put them in mail, to him.

On July 28, 1997, between 11a.m. and 12p.m., I phoned Attorney Abbott again, and after informing him of the motions I had mailed him, he said a new trial would not do me any good, that I had a concurrent sentence. He respectfully declined to continue, and suggested I get another attorney.

I forwarded copies of the aforementioned motions, and additional motions: Habeas Corpus, and a Motion to vacate, set aside or correct my sentence, raising numerous issues.

Copies of Motions , outlining issues , may be requested.

The Higs, U.S. citizens, and married, were taxpaying, self-employed business people, operating in and around metro Atlanta, Georgia, since 1979, when George W. High, Sr. was license under his name to contract painting jobs. He changed business name to Georgia Home Improvement Co., a general contracting firm, that provided jobs. A second business license was obtained in 1986, for High's Realty Company, George W. High, Sr., was the Broker, who employed numerous Real Estate Agents. A third business license was obtained in 1990, for High-Five Inc., a property investment, restoration firm, that provided jobs that help rehabilitate communities, such as the Lakewood Village apartments.

The Higs were not named in Count 1 of indictment dated July 9, 1997, for drug violation. The Higs were not apart of any drug conspiracy.

(4)

1:94-CR-182-12, Appeal nos 94-  
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The Government concedes that the Highs did not possess drugs,  
in U.S. v. High, CA 11, 94-8151, 94-8230, 7/21/1997.

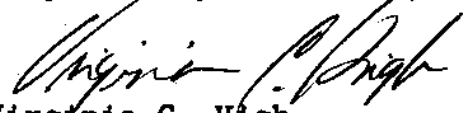
The Highs acts were in good faith, and were not done to  
break or show any disrespect for the law.

The Highs were not given a speedy trial, due to the third  
superceding indictment, because of government misconduct.

The Highs have been incarcerated for over 40 Months, since  
self-surrendering on March 28, 1994.

THEREFORE: I am requesting a rehearing en banc, in our  
case, as soon as possible.

Respectfully submitted,

  
Virginia C. High  
43083-019, Unit B-1  
FPC BRYAN  
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8/7/97