U.S. Department of Justice

Civil Rights Division

MJK:dg:mjp
DJ 144-19-0

Criminal Section - PHB
950 Pennsylvania Avenue, N.W.
Washington, DC 20530

APR 23 2008

Mr. George W. High, Sr.
700 Atlanta Avenue, #821
Decatur, GA 30030

Dear Mr. High:

This is in response to your letter dated January 2, 2008, in which you allege you were wrongly convicted and a victim of prosecutorial misconduct. You also request that the court conviction and sentence be vacated for you and your wife, Virginia High.

The Criminal Section of the Civil Rights Division is responsible for enforcing federal criminal civil rights statutes. Much of our enforcement activity relates to the investigation and prosecution of deprivations of civil rights under color of law. These matters generally involve allegations of excessive physical force or sexual abuse by law enforcement officers.

We have carefully reviewed the information which you furnished. However, we have determined that your complaint does not involve a prosecutable violation of federal criminal civil rights statutes. Accordingly, we are unable to assist you.

You may wish to contact the nearest legal aid program or the local bar association to determine whether they may be able to assist you.

Your enclosures are returned herewith.

Sincerely,

Mark J. Kappelhoff
Section Chief
Criminal Section
Civil Rights Division

By: Danielle Garcia
Paralegal Specialist
Criminal Section

Enclosures

Garcia

George W. High, Sr.
700 Atlanta Ave. # 821
Decatur, Ga. 30030

January 2, 2008

U.S. Department of Justice
Civil Rights Division
950 Pennsylvania Avenue, N.W.
Criminal Section, PHB
Washington, D.C. 20530

"The FBI is the lead agency for investigating violations of federal civil rights laws...and we take that responsibility seriously." Why? Because as Director Mueller has said, "When just one of us loses just one of our rights, then the freedoms of all of us are diminished."

"When any person is intentionally deprived of his constitutional rights, those responsible have committed no ordinary offense. A crime of this nature, if subtly encouraged by failure to condemn and punish, certainly leads down the road to totalitarianism."
J. Edgar Hoover (1952)

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AFFIDAVIT

George and Virginia High were framed, wrongly convicted, the
Victims of prosecutorial misconduct and of a Judicial Lynching:

George and Virginia High are husband and wife, having been married since 1968. When this racist investigation began in 1990, the Highs had assets in excess of 4 million dollars, and had an ownership interest in Georgia Home Improvement Company Inc., High-Five Ltd., Shareholders in Bal, Inc. and owner/operators of Highs Realty Inc. in which George Sr. was Broker and Virginia, Eric and George W. High, Jr. along with 30+ other people were all licensed real estate agents.

On December 10, 1992, George and Virginia C. High were jointly indicted in a thirty-nine (39) count second superseding federal indictment along with thirteen other defendants. Virginia High was indicted in eleven of the thirty-nine counts alleging violations of 21. U.S.C. § § 841 and 846 (drug conspiracy); 18 U.S.C. § 371 & 2 (a separate money laundering conspiracy, alleging money laundering (18 U.S.C. § 1956), structuring (31 U.S.C. § 5324), investing drug money in the operation of enterprises engaged in interstate commerce (21 U.S.C. § 854), defrauding the United States of the equitable value of real estate (18U.S.C. §981).

George High was charged with violation of 18 U.S.C, §§ 2 and 21 U.S.C. §§ 841(a)(1) and 846, and conspiracy to launder money and structure currency transactions in violation of 18 U.S.C. §§ 371 and 2 and 31 U.S.C. § 5324. George High was also charged in the two counts of weapons charges in violation of 18 U.S.C. § 922 (Id.). Virginia and George High

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pled not guilty to all charges and have maintained their innocence throughout the trial and subsequent proceedings.

At trial, the Government called 74 witnesses in an attempt to frame the Highs, including 16 admitted substantial drug dealers and more that 15 Government agents from all branches, from the F.B.I., the I.R.S., the D.E.A., the B.A.T.F., U.S. Marshals and 2 G.B.I. agents. After-which The USA stole 1.2 + million from the Highs, gave it to a white snitch, and caused the High Family to lose 4 businesses and 4 + million in assets. Virginia & George High spent over 7 years in federal prison, (94-2001)… My Memoirs, DISFRANCHISED is now in print, and George High names the FBI, IRS, U.S. Attorney, prosecutor, 2 defense attorneys, 12 federal Judges from the 11th circuit, along with other persons/entities, who participated in the "Racist Conspiracy" the framing of George and Virginia High and deprived them of their Civil rights. George High affirm that: He will continue this fight until Justice prevail or hell freeze over, which ever comes first.

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George and Virginia High were framed, wrongly convicted, the
Victims of prosecutorial misconduct and of a Judicial Lynching:

The records will clearly reflect, and I have proven beyond a reasonable doubt, that from at least 1992, until this very day, the Executive and Judicial branches of the United States of America and their surrogates has engaged in a pattern of Racketeering and has colluded amongst themselves to maintain a united front and stonewall all the efforts of George and Virginia High in their quest for Equal Protection and Due Process of Law as guaranteed by the fourteenth amendment of the United States Constitution. We were also deprived of our Civil Rights as guaranteed by the First, Second, Fourth, Fifth, Sixth, Eighth and Thirteenth amendments of the United States Constitution**…**and other laws and statues. Moreover, We were the victims of a government frame-up and racist conspiracy. A conspiracy (simply put) is a corrupt agreement of two or more individuals to do something, which the law forbids. In carrying out the conspiracy, members of the conspiracy performed different functions, each of which was significant to the achievement of the objective of the conspiracy. The objective of the conspiracy was to frame and imprison George and Virginia High because they would not "cut-a-deal"…

Under the circumstances, criminal and/or civil racketeering charges, or both, are legally justifiable and well within the statute of limitations against the below named persons/entities who all had a part, directly or indirectly, in the "Racist Conspiracy" and the framing of George and Virginia High via the Investigation, the Indictment, the trial, the sentence, Incarceration and/or the Cover-up…

THE CHARGES AGAINST THEM

Title 18, U.S.C., Section 241
Conspiracy Against Rights

This statute makes it unlawful for two or more persons to conspire to injure, oppress, threaten, or intimidate any person of any state, territory or district in the free exercise or enjoyment of any right or privilege secured to him/her by the Constitution or the laws of the United States, (or because of his/her having exercised the same).

Title 18, U.S.C., Section 242
Deprivation of Rights Under Color of Law

This statute makes it a crime for any person acting under color of law, statute, ordinance, regulation, or custom to willfully deprive or cause to be deprived from any person those rights, privileges, or immunities secured or protected by the Constitution and laws of the U.S.

U.S. law enforcement officers and other officials like judges, prosecutors, and security guards have been given tremendous power by local, state, and federal government agencies—authority they must have to enforce the law and ensure justice in our country. These powers include the authority to detain and arrest suspects, to search and seize property, to bring criminal charges, to make rulings in court, and to use deadly force in certain situations. Preventing abuse of this authority, however, is equally necessary to the health of our nation's democracy. That's why it's a federal crime for anyone acting under "color of law" willfully to deprive or conspire to deprive a person of a right protected by the Constitution or U.S. law. "Color of law" simply means that the person is using authority given to him or her by a local, state, or federal government agency.

Joe D. Whitley, Former U.S. Attorney

H. Allen Moye, Prosecutor

Barbara Brown, FBI,

West Johnson, U.S. Marshall

Lewis Valez, BATF

Dennis Tudor, U. S. Probation Dept.

William Salinski, IRS

Shelia Whipple, IRS

Terry Sosebee, GBI

Charles Boyd, GBI

William Morrison, Attorney for George High

Michael Abbott, Attorney for Virginia High

Judge Robert L.Vining Jr., U.S. District Judge

11 judges from the 11th Circuit

Following is the 18 paid informants all of whom testified at trial and some went before the Grand Jury and all were drug dealers except # 1, and the jury is still out on him…

1. **Kyle Henry (white boy) The** government agreed not to prosecute him on money laundering and drug conspiracy (count 1), and he, through his lawyer, had contract with the IRS to receive 25% of the lst million collected and 10% of net taxes and penalties, up to one million dollars. Kyle Henry also had a contract with the U. S. Attorneys office to get 25% of a1l they seized, and he also went in the witness protection after testifying.

2. **Anna Grazette** (David Wallace's mother). She sold and stored drugs at her home, and witnessed her son David Wa1lace murder Bruce Low in her home. She received a Statutory Immunity letter from the prosecutor stating that nothing she said at Trial could be used against Her. She also went in the witness Program. **Judge Vining** sentenced her to 5 years probation (She only did about 3).

3. **David Wallace (Anna Grazette's Son)**. Facing life and pled guilty before **Judge Vining** to Count # 1, he also Played Supervisory role. David also murdered Bruce Low at his mother's House. The government filed a 5K-1) and rule 35, and he too will go in the Witness Protection program and he would not be prosecuted for the Murder or counts # 10, 12, 13, 16, 17, and count # 25. He met with Allen Moye for about 15 minutes after signing plea Agreement and a second time for about an hour. He met with Allen Moye 10 days to two Weeks before This trial, once, may be twice. He also met with Allen Moye, Salinski, Shelia Whipple and Barbara Brown, all four of them together. David Wallace later met with Barbara Brown Individually for 2 hours and met with Salinski and Shelia Whipple on another Occasion. Judge Vining Sentenced Wallace to 219 mos and later reduced it to 144 mo.

4. **Antonio Moses**: Serving 90 months after plea agreement and rule 35, and the government said that it would recommend additional reduction for his testimony at trial.

5. **Tryia Ekwensi**: Facing Life, and pled guilty to 1,700 keys of cocaine and 3 keys of Heroin. Government filed a rule 5K-l for "Substantial Assistance".

6. **Keith bass**: Sentenced to 120 months in August of 1992 for Conspiracy to 15 keys of crack And two firearm counts and possession. Keith Bass met with Allen Moye and Barbara Brown On Two occasion shortly before this trial and agreed to testify and the government filed a

5K -1 and rule 35 for a sentence reduction.

7. **Kelvin King**: Sentenced to 17 years and 8 months after pleading guilty before **Judge Vining.** Kelvin King met with Allen Moye and two D.E.A agents for 2-3 hours, 2-3 weeks before this trial and he agreed to testify and the government recommended sentence reduction by virtue of his testimony at trial. (Barbara Brown came in during meeting but did not stay.

8. **Willie Baines**: Sentenced to 12 years and cooperated and the government agreed to make a recommendation to the director of immigration and Naturalization Service in Atlanta that he not be deported to the Bahamas when he completes his sentence. The Government further agreed to request that the Immigration and Naturalization Service lift the detainer on Willie Baines, so that when the bureau of prisons, when under their regulations he may become legible for furlough the detainer will not prevent him from receiving a furlough.

9. **Juan Hernandez**: Serving 206 and 120 months consecutively. Government agreed to file a rule 35 for sentence reduction.

9. **Sims Jinks**: Facing Life and pled guilty before **Judge Vining,** sentenced to 240 month. reduced to 120 mos**.** Government filed rule 35 and Agreed to just prosecute him on count # 1, and forget about counts # 7, 13, 14, 15, 20, and 21. The government would also not prosecute him on the pending assault charge (shooting), or the Murder. Met with Allen Moye the day before he testified at this trial and also met with Barbara Brown Jinks also Stated that he met with several agents from the time he entered into His plea agreement in November of 1992.

11. **Larry Strong**: Pled guilty to 500 keys of cocaine and facing 29 years to life, and government filed a rule 35. Met with Barbara Brown and Allen Moye for 5-6 hours about month before this trial.

12. **Joe Harper**: Arrested August 15th 1991 and started cooperating from day one Sentenced to 87 months by **Judge Vining** after the government filed a rule 35, He met with Allen Moye and Barbara Brown for 2 hours one week before this trial and the Government agreed to recommend additional sentence reduction for his testimony at trial.

13. **Roy McCullums**: Pled guilty and sentenced to 240 months, also accessory to two murders. Government filed a rule 35 for sentence reduction.

14. **Andre Dallas**: Serving 322 months and government filed rule 35. Met with Barbara Brown for 2 hours in January 1993 with his attorney present. He met with Barbara Brown two weeks later, just the two of them. Met with Barbara Brown some month later and also a guy name Charles was present.

15. **Ladaris Patrick**: Facing Life and pled guilty before **Judge Vining**. Government filed a rule 35 and 5K-I and he too will go in the witness protection program.

16. **Donald Williams**: had 3 years left to serve on sentence in state Prison. The government agreed to write the State Board of Pardons and Parole to them of his cooperation, and to also advise the District Attorney in Moskogee County, Georgia of his cooperation.

17. **Joel Peavey**: Facing Life and pled guilty before Judge Vining to count # 1. The Government filed a rule 35 and 5K-l and would not prosecute him on counts # 13 and # 38.

18. **Winfred Cornell Jordan**: Sentenced to 300 months in late 1991. Went before the grand jury on October 28th and November 5th 1992. He met with Salinski, Barbara Brown and Allen Moye for app: 2 hours, 2-3 weeks before this trial. He hoped that the government take his cooperation into consideration

In this case, the government had quite simply purchased the testimony of the above 18 witnesses through Promises of Leniency and in one case (Kyle Henry) a million + dollars. Each witness, therefore, has every reason to fabricate, falsify of exaggerate their testimony in order to "curry" favour with the government. That the prospective plea agreement prohibits false testimony is of no assistance, as the defendant will fashion his testimony in such a way that it will not be false, but it will not be truthful.

Constitutional rights of the Highs violated

U.S. Const. Amend # 1 George and Virginia High, has petitioned the Court on numerous occasions with valid motions, and has made our attorneys aware of all of this information, all to no avail because Bill Morrison and Michael Abbott still insisted that we cooperate in the midst of the government, prosecution, and attorney misconduct.

U.S. Const. Amend. # 2 right to bare arms: William Salinski and Shelia Whipple knew or should have known that my rights had been restored when they seized my legal firearm during an illegal raid on July 27, 1992**.**

U.S. Const. Amend # 4 search and seizure: On July 27, 1992, "Rogue Agents" of the United States of America, i.e. William Salinski, Shelia Whipple, unknown black female who arrested Mrs. High, and about 20 + others acting under the claim of Federal Authority, executed an unconstitutional search and seizure at the home of George and Virginia High, Eric and Jenique High and the alleged office of High Realty, when in fact, High's Realty, Inc. had never been at that location, and their license was revoked on January 8, 1992. That was (and always had been) the office of Georgia Home Improvement Co., Inc., who shared office space with High-Five, Inc. and Bal, Inc..

U.S. Const. Amend. # 5 Indictment was Fatally defective and should have been dismissed with prejudice for the following reasons. After 5 months of rummaging through a mountain of illegally seized evidence from High's residence and the alleged office of High's Realty, the government went before the Grand Jury and hoodwinked and bamboozled them into indicting George and Virginia High on 3rd indictment, and charging them on count One, Thirteen, and charging George High on count # 3 and count # 9 (two false firearm counts) and the government knowingly and with malice furthered lied to the grand jury and said that George High was a convicted felon, and that my rights had not been restored, when in fact they knew That my rights had been restored in 1962 when I got out of prison.

U.S. Const. Amend 6, Speedy trial…From first indictment to trial was 15 months, because the U.S. Attorneys office and William Salinski, Shelia Whipple, Barbara Brown, William Morrison, Michael Abbott and others known and unknown needed enough time to frame George and Virginia High on the false indictment and all the Illegally seized evidence. Bill Morrison and Michael Abbott did not insist on a speedy trial because they were in Collusion with the government from day one.

U.S. Const. Amend. # 8 Allen Moye insisted on $100,000 Bail for Virginia High, and $100,000 bail for George High on some trumped-up-charges, after the government seized the properties, $12,000 from Virginia's bank account, and seized an insurance check in the amount of $15,000, and the Highs were wrongfully convicted and unjustly imprisoned for 7 + years on some false charges, of which I certainly feel is cruel and unusual punishment.

U.S. Const. Amend. # 13 Neither slavery of involuntary servitude, except as a punishment for crimes whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction. George and Virginia High was not duly convicted, and in fact was framed by: Joe D. Whitley, Allen Moye, William Salinski, Shelia Whipple, Barbara Brown, Bill Morrison, Michael Abbott, Judge Vining others known and unknown.

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U.S. Const. Amend. # 14. No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United states; nor shall any state deprive any person of life, Liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws. That right was violated when the highest police power in the state of Georgia (The Georgia Bureau of Investigation), in the person of Terry Sosebee participated in the early morning armed and Illegal raid at the residence of George and Virginia High, and it was in fact he who, by his own admission, was assigned to search the family room, and he Illegally searched my briefcase and seized the contents i.e. .25 cal. firearm, all credit cards, address and appointment books and other items.

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<u>laws and statues Violated</u>

PERSUANT TO 21 USC § 853 and 18 USC § 982, George and Virginia Highs properties

(real and personal) were illegally forfeited after fraudulent conviction. The conspirators, Joe D. Whitley, Allen Moye, Bill Salinski, Shelia Whipple, Barbara Brown, Michael Abbott, William Morrison, Judge Vining and others known and unknown, acting under the claim of Federal Authority seized and later forfeited in excess of one million two hundred thousand Dollars from George and Virginia High, $12,000 from bank account and a $15,000 insurance check and caused the High's to lose 4 businesses and 4 + million dollars in real estate.

18 USCA § 1512 (b)(2)(A)(D), Tampering with a witness...

Allen Moye refused to let the witnesses from Colorado testify that my rights had been restored, and Bill Morrison, Michael Abbott, Joe D. Whitley, William Salinski, Shelia Whipple, Barbara Brown, Judge Vining and others known and unknown conspired with him under **18 USC §§ 2.**

18 U.S.C. § 1623..False Declaration before Grand Jury or Court. Bill Salinski, Shelia Whipple, Kyle Henry, Anna Grazette, Antonio Moses, Winfred Cornell Jordan (10/28/92 and 11/5/92), and others known and unknown..."Willfully and knowingly" made false and fictitious statement to deceive the grand jury into indicting George and Virginia High…Twice put in jeopardy of life and limb...I was convicted in 1960" and all my rights were restored, and again convicted in 1993 of false charges. Nor shall be compelled to be a witness against himself. Bill Morrison and Michael Abbott Bombarded, Threatened, Intimated, and Harassed Virginia and I "day and night", from July of 1992, up until July of 1997, and I have numerous letters that he has written me in prison insisting that I cooperate (Bill Morrison). We pled not guilty at the arraignment and told them in no uncertain terms that we would not cooperate and that we were going to trial.

18 USC § 1622, The prosecutor procured Anna Grazette and Winfred Cornell Jordan to commit perjury before the Grand Jury, and "Knowingly" allowed perjured testimony to stand uncorrected on numerous occasions before Grand Jury.... By an impartial jury of the state and district wherein the crime shall have been committed...The jury was by no means impartial because of the following...

18 USCA § 1512 (b)(2)(3). George and Virginia were hindered, delayed, and prevented from reporting of a federal offense by Allen Moye, Joe D. Whitley, William Morrison, Michael Abbott, William Salinski Barbara Brown, Judge Vining and others known and unknown'

Const. Art. 1, § 2. Cal. 1 Right to vote for Senators: That right was violated when Joe D. Whitney, Allen Moyer, William Salinski, Shelia Whipple, Barbara Brown, Bill Morrison, Michael Abbott, Judge Veining and others known and unknown framed us on Count One and Count Thirteen and framed me on the two false firearm charges and cause both of us me to be sentenced to prison for 97 months.

18 U.S.C. § 1865 The right to serve on a jury.
George and Virginia High have been unjustly denied that right since 1993.

Selective Prosecution, U.S v. Armstrong No. 95-157, (5/17/96)

George and Virginia High was selectively prosecution by the United States Attorney, who brought the charges against us for reasons forbidden by the Constitution and the prosecutorial policy had discriminatory effects and that it was motivated by discriminatory purpose. Selectively prosecuted by: Joe D. Whitley, Allen Moyer, William Sailinski, Shelia Whipple, Barbara Brown, Bill Morrison, Michael Abbott, Judge Vining and others known and unknown.

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On September 13, 1993 the jury returned guilty verdicts against Mr. High in count one (conspiracy to distribute cocaine); count thirteen (conspiracy to launder drug proceeds, to structure currency transactions and to defraud the United States); counts three and nine (weapons violations); and count fourteen (structuring currency transactions). The jury returned Guilty verdicts against Ms. High in count one; count thirteen; counts sixteen, nineteen, twenty-one and twenty-two (structuring currency transactions); and counts seventeen, eighteen, twenty, twenty-three and twenty-four (money laundering).

THE COURT: All right. Let the verdict be received. There's one other aspect of this case that you're going to have to decide, but not today, and that is the forfeiture provisions where the government has moved to forfeit certain property of the defendant's. I'm going to recess this trial now for thirty days…I'm hesitant to tell you how long you'll be for forfeiture. But normally they take half a day. Ladies and gentlemen, you may be excused and we will call you after a thirty-day period. Thank you very much.

On January 20,1994, (at sentencing) THE COURT: I Think in this case, if I remember the evidence correctly, while you may assume or infer that Mr. High used some special skills, I think that the boss of this thing and the ones using special skills was Mrs. High, according to the evidence. Now, you may infer that Mr. High being there and all of that might lead to the inference that he ran the ball game. I don't think he did. I think Mrs. High did it. And he may have had the skills to do it. And in reality may have done it. But I don't believe the evidence; I don't believe the evidence would support enhancing the range here on Mr. High.

Now, I agree with you. I think a real estate agent like an insurance agent and so forth has special skills, and a lot of them have special skills in financing and that thing that would warrant enhancing the offence level. But here I don't think the evidence would warrant it.

THE COURT: I certainly don't think as to Mr. High. And I don't think as to Mrs. High that the evidence would warrant a finding they were --They were involved with drugs that would warrant a finding that the statutory minimum in any event would be more that five years. Their part in the conspiracy was the handling of money and real estate after it had been. I guess you could say changed. The drugs had been changed into money by the sale of the drugs. So I would not attach to either Mr. High or Mrs. High drugs that would require more that a five-year mandatory minimum sentence

THE COURT: "The court adopts the factual statements and guideline applications made in the presentence investigation report to which there has been no objections filed."

Bill Morrison stood silently by knowing that Judge Vining was sentencing George High on Count One and thirteen under U.S.S.G. 1B1.2 (money laundering statute), as recommended by the probation officer. Count one was a class a felony that carries up to life in prison and the law mandates that drug offenders be sentenced under 2D1.1. George Highs conviction and sentence on count one, count three, count Nine and count Thirteen was imposed in violation of the Constitution and laws of the United States, and the district court was without jurisdiction to impose such and Bill Morrison knew that all the charges were without merit. I was sentenced to 97 months on both counts one and nine to Run concurrent, and to concurrent sentences of 60 months on both counts Three and thirteen, which were to run concurrent with the sentences on counts one and nine. Ninety-seven months was the top range of the applicable sentencing guidelines. The court imposed a term of five years of supervised release to follow the term of imprisonment and a special assessment of $200.00.

Michael Abbott stood silently by knowing that Judge Vining was sentencing Virginia High on Count One and thirteen under U.S.S.G. 1B1.2 (money laundering statute), as recommended by the probation officer. Count one was a class A felony that carries up to life in prison and the law mandates that drug offenders be sentenced under 2D1.1. Virginia Highs conviction and sentence on count one was imposed in violation of the Constitution and laws of the United States, and the district court was without jurisdiction to impose such. The court sentenced Mrs. High to 97 months each on counts 1, 17, 18,20,23 and 24 all to run concurrently and 60 months on count 13 to run Concurrent with the other sentencing. The court also ordered Mrs. High to pay a $350.00 special assessment and to serve a five-year period on Supervised release following her sentence of incarceration. The Highs were found guilty on October 13, 1993 and The Supreme Courts decision in Ratzlaf v. United States, 510 U.S. 135 was on January 11, 1994 and the Highs were sentenced on January 20,1994. Counts 1 and 13 should have been dismissed and the Highs, should have never went to prison, because under Ratzlaf, The Highs sentences were imposed unlawfully and in violation of the United States Constitution. The Court did not impose a sentence on Mrs. High on Counts 16, 19, 21, and 22 and did not impose a sentence on Mr. High on Count 14, based upon motion being filed pursuant to Ratzlaf v. United States 510 U.S. 135 (1994).

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July 21, 1997

United States Court of Appeals.
Eleventh Circuit.
Nos. 94-8151, 94-8230.
UNITED STATES of America, Plaintiff-Appellee,
v.
George W. HIGH, Sr., Virginia C. High, Defendants-Appellants.
UNITED STATES of America, Plaintiff-Appellee,
v.
Robert L. WARD, Jr., Defendant-Appellant.

July 21, 1997.

Appeals from the United States District Court for the Northern District of Georgia. (No. 1:92-cr-182-12), Robert Vining, Judge.

Before HATCHETT, Chief Judge, TJOFLAT, Circuit Judge, and GODBOLD, Senior Circuit Judge.

PER CURIAM.

…In this multiple-object cocaine distribution and possession case, we affirm the appellants' convictions for conspiracy to distribute and possess with intent to distribute cocaine, and aiding and abetting a conspiracy, but we reverse the appellants' convictions for conspiracy to launder drug proceeds, structure currency transactions and defraud the United States, following the Supreme Court's decision in *Ratzlaf v. United States,* 510 U.S. 135 , 114 S.Ct. 655, 126 L.Ed.2d 615 (1994). ------

On July 21, 1997, almost 4 years from the date of conviction (October 13, 1993), The 11th Circuit Court of Appeals issued the above PER CURIAM decision. The definition of PER CURIAM: adj. Latin for "by the court," defining a decision of an appeal court as a whole in which no judge is identified as the specific author. Over the next 7 years there would be 3 additional PER CURIAM decisions, all stamped "DO NOT PUBLISH". However there was a 4TH appeal and a judge Gibson from the 8th circuit was the author of the decision, but that too was stamped "DO NOT PUBLISH"…

I will began by addressing the 1st paragraph from the aforementioned PER CURIAM decision:

In this multiple-object cocaine distribution and possession case, we affirm the appellants' convictions for conspiracy to distribute and possess with intent to distribute cocaine, and aiding and abetting a conspiracy, but we reverse the appellants' convictions for conspiracy to launder drug proceeds, structure currency transactions and defraud the United States, following the Supreme Court's decision in *Ratzlaf v. United States,* 510 U.S. 135 , 114 S.Ct. 655, 126 L.Ed.2d 615 (1994).

The Highs contended that the evidence was insufficient to support their convictions on Count One of the indictment-conspiracy to distribute and possess with intent to distribute cocaine, and aiding and abetting a conspiracy and that the Appellate Court lacked jurisdiction To affirm the Highs conviction on count one because the district court imposed that sentenced in violation of the laws and constitution.

The following paragraph is taken verbatim from the Presentance Investigation Report, which was prepared by Thomas E. Thurmond, Probation Officer, on December 8, 1993.

The Offense Conduct

The following information was obtained by interviewing the defendant, Assistant U.S. Attorney Allen Moye, DEA Agent Mark Hadaway, FBI Special Agent Alex J. Turner, IRS investigators Bill Salinski and Sheila Whipple, and by reviewing investigative material compiled- by case agents.

Offense Level Computations (Virginia High)

Since the defendant's participation in the conspiracy charged in Count One and Count Thirteen consisted of actions involving money laundering and structuring transactions to evade reporting requirements, U.S.S.G. § 2S1.1 is the most analogous guideline to be applied with respect to Count One and Count Thirteen. The probation officer grouped Counts One, Thirteen, Seventeen, Eighteen, Twenty, Twenty-Three and Twenty-Four together to form group A. Counts 1, 13, 17, 18, 20, 23 and 24 -- Laundering of Monetary Instruments, Aiding and Abetting

Offense Level Computations (George High) December 15, 1993

Since the defendant's involvement in the conspiracies outlined in Counts One and Thirteen of the indictment involved activities related to money laundering, these two counts will be treated as money laundering counts, pursuant to U.S.S.G. § IB1.2 (a) and The probation officer has grouped the counts of conviction as follows:

Group A - Counts One and Thirteen
Group B - Count Fourteen
Group C - Counts Three and Nine

The district Court even agreed with the Probation Officers recommendation.
THE COURT: The court adopts the factual statements and guideline applications made in the presentence investigation report to which there has been no objections filed." (January 20, 1994)

The Probation Officer, after thorough examination of the records and interviewing various people, found no evidence that would warrant George and/or Virginia High being sentenced for conspiracy to distribute and possess with intent to distribute cocaine, and aiding and abetting a conspiracy. His recommendation was as stated above. Now bear in mind that Virginia Highs PSI was prepared on December 8, 1993 and George Highs on December 15, 1993 and that was almost a month before the The Supreme Courts decision in Ratzlaf v. United States, 510 U.S. 135, which was on January 11, 1994 and that was in fact the basis for the Appellate Court vacating count Thirteen...

"we reverse the appellants' convictions for **conspiracy to launder drug proceeds, structure currency transactions and defraud the United States**, following the Supreme Court's decision in *Ratzlaf v. United States,* 510 U.S. 135 , 114 S.Ct. 655, 126 L.Ed.2d 615 (1994).

Cts. 1, 17, 18, 20, 23 & 24 **conspiracy to launder drug proceeds (**Money Laundering)

Cts. 16, 19 21 & 22 to be structure **currency transaction these** counts were dismissed early on

Ct: 13 **defraud the United States**

The district court instructed the jury regarding the structuring currency transactions offense, 31 U.S.C. § 5324, in accordance with our holding in *United States v. Brown,* 954 F.2d 1563 (11th Cir.), *cert. denied,* 506 U.S. 900 , 113 S.Ct. 284, 121 L.Ed.2d 210 (1992). The government concedes that this instruction was improper in the wake of the Supreme Court's decision in *Ratzlaf v. United States*, 510 U.S. 135 , 114 S.Ct. 655, 126 L.Ed.2d 615 (1994), decided during the pendency of this case.

The Highs were found guilty on **October 13, 1993** and Supreme Courts decision in Ratzlaf v. United States, 510 U.S. 135 was on **January 11, 1994** and the Highs were sentenced on **January 20,199**4. All counts should have been dismissed in the district court against George and Virginia High by virtue of the Supreme Courts ruling in Ratzlaf v. United States, and George and Virginia should have went home and "lived happy ever after." However, the Highs sentences were imposed unlawfully and in violation of the United States Constitution.

the Appellant court further states: "On one occasion in 1989, for instance, George High helped cocaine wholesaler Sims Jinks purchase a residence in DeKalb County, Georgia. Jinks supplied George High with $35,000 in cash that George High converted into five separate cashier's checks to make the down payment on the residence. Jinks and George High made the remaining $45,000 in payments on the residence directly to the seller in cash at the High Realty office." That statement is a "dam lie" and it relates to count 15 on which I was acquitted.

It is a fact that we were sentenced under the money laundering statues, so the High's conviction on count one and Thirteen was both reversed. In essence, the judgment of the 11th Circuit Court of appeals was a farce and a mockery and the district court, at the behest of, and acting in collusion with the government and the Highs attorneys, Granted the governments ex parte Motion to dismiss count Thirteen against the Highs without conducting a hearing. George and Virginia High languished in prison an additional 4 years due to "malfeasance" on the part of Judge Vining, the government, the Highs counterfeit defense attorneys and the three appellate court judges.

Virginia and I knew that this whole ordeal was a "HATE CRIME" and that we would have to take control of our own defense because our attorneys were first class racist crooks, so everything filed in any court hereafter and henceforth would be filed by us and every document not in this book will be on the court Docket and will be posted on my website, www.georgehigh.com . Other than the P.S.I., which had 20 pages and the Appellate Court ruling, which had 5 pages, most of the other documents have been 1, 2 or 3 pages. Some of the proceeding motions, brief, exhibits, appendix, and other filings have in excess of 50 pages so they would have to be read or downloaded from my website, because no one would read a book with 5,000 to 7,000 pages…

On July 28, 1997 Virginia High filed a Motion for New Trial, Release on Bail-Newly Discovered Evidence, in the District Court

On August 3, 1997 I filed a complaint with the F.B.I. c/o Michael Shaheen Professional Responsibility Officer.

On August 6, 1997 Shortly after the Court's ruling in United States v. High, Virginia High, filed a *Pro Se* Motion for New Trial, Motion to Vacate Sentence Pursuant to 28U.S.C. § 2255 and a Motion for Appointment of Counsel.

On August 12, 1997 the government responded to Virginia High's 28 U.S.C. § 2255.

On August 21, 1997, Mrs. High responded to the government's respond to her § 2255.

On September 23, 1997 George High filed a Motion to vacate Pursuant to 28 U.S.C. § 2255 and a Motion for release on bond pending new evidence with brief in support of both Motions.

On September 24, 1997 George High filed a Motion to disqualify Judge Robert L. Vining, Jr. with brief in support.

On October 1, 1997 Judge Vining entered an order denying motion pursuant to 28:255 without prejudice to renew motion when sentence becomes final.

On October 1, 1997 Judge Vining ENTERED JUDGEMENT in favor of plaintiff USA & against defendant George High.

On October 2, 1997 George High filed an amendment to that Motion to disqualify Judge Vining**.**

On January 11, 1998 Virginia High filed a Motion for Bond Time Credit In the District Court

February 4, 1998 the District Court, without conducting a hearing granted a motion by the government to dismiss counts thirteen against George and Virginia High to assist the government in their cover-up.

On February 16, 1998 after the issuance of the Appellate Court's opinion and mandate on direct appeal, the district court denied all three of these motions as to Mrs. High, and also denied George Highs motion to disqualify Judge Robert L. Vining Jr.. Mrs. High filed a notice of appeal, which was ultimately docketed as case No.98-8429.

On May 21. 1998 George filed a CRIMINAL COMPLAINT with The U.S. Attorney for the Northern District of Georgia @ The U.S. Courthouse suite 1800 Richard Russell Federal Building.

On September 7, 1998 The Highs filed a Motion to Recall Mandate in the Appellate Court

On October 9, 1998 The Appellate Court Denied the Highs Motion to Recall Mandate, by: Chief Judge **HATCHETT**

On November 9, 1998 Virginia High received an assortment of legal mail from Michael Abbott and contained therein was 2 letters, one dated August 24, 1993 and the other dated September 15, 1993 and that was the first time Virginia had seen those letters & they'll be on the website.

On December 17, 1998 the High.' s filed a joint motion for new tria1 based on newly discovered evidence. The motions for new trial were accompanied by an affidavit executed by George High.

On December 31, 1998, George and Virginia High filed a joint motion for appointment of counsel stating that each of them had been denied effective assistance of counse1 from investigation of the criminal case through the post-conviction process. The motion for appointment of counsel was accompanied by an affidavit executed by George High. The district court denied the motions as to the High's. Mr. and Ms. High filed a joint notice of appeal from this order, which was docketed as appeal number 99-8169. The 11th Circuit Court of Appeals consolidated the two cases, numbers 98-8429 and 99-8169 for review.

On May 11, 1999 The Highs filed a BIVENS CIVIL ACTION against Barbara Brown (FBI), et al. which was docket in the District Court as case No. 1:99-CV-1197 and Plaintiffs sought Compensatory and Punitive damages in excess of 350 million dollars.

On June 22, 1999 The Highs filed a CIVIL RIGHTS ACTION against William Morrison & Michael Abbott, which was docket in the District Court as Case No. 1 99-CV-1616 and Plaintiffs sought Compensatory and Punitive damages in excess of 400 million dollars.

On December 15, 1999 The Highs filed an Emergency Motion for Bond Pending Appeal

On March 10, 2000 The Appellate Court denied the Highs Motion for Bond Pending Appeal

On April 11, 2001 after unjustly serving over 7 years in federal prison, George and Virginia High was released from ABU GHRAIB federal prison and was then placed 5 years supervised released, and that was the day that the U.S. Probation Dept. joined the conspiracy, because it was in fact Thomas Thurmond, United States Probation Officer who prepared the P.S.I. On the money laundering charges.

On August 7, 2001 in an unpublished opinion, the Appellate Court AFFIRMED the orders of the district court denying the High's motions. **EDMONDSON, HILL and GIBSON** (**DO NOT PUBLISH**)

On March 14, 2002 The Highs filed a PETITION FOR WRIT OF CERTIORARI.

On May 22,2002, the High's filed a joint Petition for Writ of Error Coram Nobis with brief in support and Motion for Appointment of Counsel with brief in support with both being based on Constitutional violations.

On June 24, 2002 George High filed a Motion to Disqualify Judge Robert L. Vining, Jr. with brief in support

On June 26, 2002 Virginia C. High filed a Motion to join in Motion to disqualify Judge Robert I. Vining Jr. with brief in support.

On July 2002 the district court issued and order as follows: As to defendants George High and Virginia C. High DENYING [594-1] motion to join in motion to disqualify Judge DENYING (593-11 motion to disqualify Judge Robert L. Vining Jr. DENYING [592-1] motion for writ of error Coram nobis, and DENYING [591-11 motions for appointment of counsel.

On July 24,2002, The Highs filed a joint Notice of Appeal from that order which was docket as appeal number 02-14214-I.

On January 14, 2003 George Sr., Virginia, Eric and George Jr. all filed an **Administrative tort Claim** with the U.S. Department of Justice.

On January 21, 2003 that tort claim was transferred by Jeffrey Axelrad, Director, tort branch Dept. of Justice, to Mr. Tom Britton, Claims Manager, Internal Revenue Service.

On January 27, 2003 I sent a letter to Mr. Jeffrey Axelred, U.S. Dept. of Justice informing him that: We "strongly disagreed" with his decision to forward our tort claim to the Internal Revenue Service.

On February 12, 2003, the Appellate Court in a **DO NOT PUBLISH** opinion affirmed the district court's decisions. **DUBINA, BARKETT and HULL** United States v. High, 62 Fed. Appx. 319 (Table), 2003 WL 678047 (llth Cir. (Ga.) 2003)

On March, 5, 2003 The Highs filed a Petition for Rehearing En Banc, in Appellate Court

On April 11, 2003 The Appellate Court Denied the Highs Petition for Rehearing

On August 24, 2003, the tort claims IRS Claim No: 03-050-\ (GLS-110620-03) WAS DENIED by Tom Britton, Claims Management.

On November 17, 2003 Virginia and George High filed a complaint with the Office of the Inspector General for VIOLATION OF CIVIL RIGHTS/CIVIL LIBERTIES.

On November 17, 2003 Virginia and George High filed a COMPLAINT OF MISCONDUCT addressed to H. Marshall Jarrett, Counsel Office of Professional Responsibility.

On December 17, 2003, George and Virginia High filed their 2nd petitions for writ of error Coram nobis in the District Court, which sought the recusal of the district judge, as well as relief from their 1993 convictions for drug distribution and related crimes. (Doc. 605 & 606).

On February 20, 2004, George Sr, Virginia, Eric and George, Jr. filed a REQUEST FOR RECONSIDERATION W/Exhibits to the Department of the Treasury.

On March 4, 2004, the district court denied each of the motions. (Doc. 611)

On March 5, 2004, Shamelle N. Lyles, Program Analyst U.S. Dept. of Justice, Office of Professional Responsibility responded to our complaint, which will be posted on my website.

On March 12, 2004, the High's filed their notices of appeal to the 11th Circuit Court of Appeals. (Doc. 613 & 614). Which was docket as appeal No: 04-11612-JJ.

On March 25, 2004, The Highs filed an AMENDED COMPLAINT WITH THE Office of Professional Responsibility and made additional charges.

On April 7, 2004 The Department of the Treasury again DENIED the claims of George, Sr. # 03-050, Virginia 03-051, Eric o3-052 and George Jr. 03-053.

On May 13, 2004 The Highs filed their Petition for Writ of Error Coram Nobis in the Appellate Court and Motion for Judge to recuse himself.

On July 14, 2004, The Highs filed a COMPLAINT OF "GROSS" MISCONDUCT WITH THE State Bar of Georgia, CONSUMER ASSISTANCE PROGRAM against THE FOLLOWING

Joe D. Whitley, Former U.S. Attorney Northern District of Georgia
H. Allen Moye, Assistant United States Attorney
William A. Morrison, trial & appeal attorney for George High
C. Michael Abbott, attorney for Virginia C. High
William A. Salinski I.R.S. Criminal Investigator
Shelia Whipple Geer I.R.S. Criminal Investigator
Barbara Brown, FBI, Case Agent
Judge Robert L. Vining, Jr.

On August 3, 2004 Dennis S. Tudor The probation officer, just out of the blue, filed a Report and Order Terminating Probation for George and Virginia High Docket No. 1:92-CR-182-4,5 RLV. Judge Vining signed the order that the defendants be discharged from Supervised Release and that the proceedings in the case be terminated. George nor Virginia High had not requested for the Supervised Release to be terminated and it is quite ironic that after The Highs filed their 2nd Petition for writ Coram Nobis based on 6 Jurisdictional Errors. Within 2 months after they dismissed Supervised Released, the Appellant Court made their racist ruling. The Probation Dept. was in the racist conspiracy from day one also.

On October 20, 2004 In a PER CURIM and DO **NOT PUBLISH ORDER**, The Court of Appeals a/k/a **DUBINA, BLACK and BARKETTE**, affirmed the district court's order denying the Highs petition for writ of error Coram nobis and the denial of the Highs recusal motion.

On January 18, 2005 George & Virginia High filed a PETITION FOR WRIT OF CERTIORARI and Motion for leave to proceed in *forma pauperis*, in the SUPREME COURT OF THE UNITED STATES which was docket on January 26, 2005 as No. 04-8325

On February 25, 2005, The Supreme Court denied the motion for leave to proceed in *forma pauperis* but we were allowed until March 21, 2005, within which to pay the docketing fee ($300.00) required by Rule 38(a) and to submit a petition in compliance with Rule 33.1 of the Rule of the Court.

On March 25, 2005, The Supreme Court sent mixed signals in stating that: the case is considered closed and among other things, said that the courts order allowed me until March 15, 2005 to comply.

All of the foregoing issues are addressed in my "Memoirs" Disfranchised and/or my website: www.georgehigh.com

CONCLUSION

What Do We Want? George and Virginia High must have the Judgment, Conviction and Sentence Vacated and all Rights Restored and their records expunged. Moreover, the High Family Speaks With One Voice and all monies that is "Rightfully" due George and Virginia High, plus any interest, must be remitted in one Check to George W. High, Sr. to "MAKE US WHOLE". George W. High, Sr. is in possession of a valid P.O.A. and will post them on his website if need be.

I declare under the penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Executed on this the 2nd day of January 2008

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George W. High, Sr. and on behalf of Virginia C. High