UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

George W. High, Sr. & Virginia C. High	*	DC DKT NO. 1:92-00182 1-cr-4
	*	DC DKT NO. 1:92-00182 1-cr-5
Movants	*	
v.	*	
UNITED STATES OF AMERICA	*	

MOTION FOR APPOINTMENT OF COUNSEL

PLEASE TAKE NOTICE, that upom the annexed affidavit of George W. High, Sr. and Motion for appointment of Counsel, and Previously filed (1) 28 USC § 2255's, (2) Motions for new trials, (3) request for appointment of counsel, (4) Recall of mandate, (5) Notice of Motion for New Trial and ReleaSE ON Bail-Newly Discovered evidence, (5) Criminal Complaint), Exhibits, and all papers in the action captioned United States of America v. George W. High, Sr., and Virginia C. High, and on all pleadings and proceedings had herein, a motion will be made at a criminal term of the United States District Court for the Northern District of Georgia at the United States Courthouse, 75 Spring Street, S.W. Atlanta, Ga. 30303-3361, on _____ at _____, or as soon thereafter for an order:

Assignment of Counsel, 18 USCA § 3006

18 USC 1[illegible] § 3006A Adequate Representation of defendants.

(a) Choice of plans...Representation under each plan shall include Counsel and investigative expert, and other service necessary for adequate representation.

(1) Representation shall be provided for any financially elgible person who-

(A) is charged with a felony or a Class A Misdemeanor;
(H) is entitled to appointment of Counsel under the sixth amendment of the Constitution;
(I) faces loss of liberty in a case, and Federal law requires the appointment of Counsel,

(2) Whenever the United States Magistrate or the Court determines that the interest of justice so requirws, representation may be provided for any financially elgible person who-

(B) is seeking relief under section 2241, 2254, or 2255 of title 28.

(e) Service other than Counsel.--

(2) Without prior request.--(A) Counsel appointed under this section may obtain, subject to later review, investigative, expert, and other services without prior authorization if necessary for adequate representation.

Appendix F

MOTION FOR APPOINTMENT OF COUNSEL

U.S.C.A. Title 18, Federal Rules of Criminal Procedure

> **Rule 44. Right to Assignment of Counsel** Every defendant who is unable to obtain Counsl shall be entiled to have Counsel assigned to represent him at every stage of the proceedings from his initial apperance before the Federal magistrate or the Court through appeal, unless the defendant waives such appointment.

George W. and Virginia C. High request this Court to appoint Counsel to represent them in the above-styled case for the following reasons:

1. Movants are not able to afford Counsel.
2. The issues envolved in this case are complex.
3. The prison limited the hours that movants may have access to the prison library and the material contained therein is woefully inadequate. Defendants have access to the Library from 6:00 P.M. until 8:30 P.M. weekdays after work.
4. The ends of justice would best be served in this case if Counsel was appointed to represent the defendants.

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George w. High, Sr, and Virginia C. High has been denied the effective assistance of Counsel from investigation, Indictment, through trial, and the appeal process, and post conviction relief....

STRICKLAND v. WASHINGTON 466 US 668, 80 L ED 2d 674, 104 S Ct 2052

[4] ...That a person who happends to be a lawyer is present at trial alongside the accused, however is not enough to satisfy Constitutional command. The sixth amendment recognized the right to assistance of counsel because it envisiones counsel's playing a role that is critical to the ability of the adversarial system to produce just results. An accused is entiled to be assisted by an attorney, whether retained or appointed, who plays the role necessary to ensure that the trial is fair. **[5-7]** For that reason, the Court has recognized that "the right to counsel is the right to effective assistance of counsel". **McMann v Richardson, 397 US 759, 771, n 14, 25 L Ed 2d 763, 90 S Ct 1441 (1970)**

But for the absolute "incompetence" of Bill Morrison and Michael Abbott, the indictment would have been dismissed, and this case should have never went to trial. They have both been proven to be a bit lower than a "shyster and a Charlatan". I will not be redundant because we (Virginia and I) have filed numerous motions, petitions, writs, request, and our files are "voluminous", and most (if not all) of this information in on file in the District or the Apellate Ct., so I will reference it from time to time in this affidavit. I will however enclose copies of letters from myself to Bill Morrison, and letters to me from him, which is "prima facie" evidence.

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Billy-Eko v. U.S., 8 F.3d 111 (2nd cir. 1993). . . In many instances, the accused will be represented by the same counsel at trial and during direct appeal. In such cases, it would be unrealistic to expect that the trial counsel would be eager to persue an ineffective claim. Moever, even the scrupulous attorney searching the record in good faith would likely be blind to his dereliction at the trial level....Resolution of such claims often requires consideration of matters outside the record on direct appeal. See **United States v Matos, 905 F.2d 30, 32(2d cir.1990)** (pointing out that a claim for ineffective assistance must usually be made to district court for factual findings, in order to develop "full factual record"). Ineffective assistance claims are often based on assertions that trial counsel made errors of omission, errors that are difficult to precive from the record: for example, neglecting to call certain witnesses or introduce certain evidence. The claims might also be based on a conflict of interest not apparant at trial. Proof is sometimes provided in attorney-client correspondence, or in other documents not introduced at trial.

As stated in **Billy-Eko,** there is no documentation what-so-ever that George and Virginia High ever took a poly graph test, nor if ever such a meeting took place between Bill Morrison, Michael Abbott, George and Virginia High, when I brought it to their attion for the "upteenth time" that the search and seizure was illegal at the residence of George and Virginia High and the "alleged" office of High Realty, and that my rights had been restored in 1962. There is no mention in the records about the witness from Colorado prison who was told to "take-a-hike". The trial transcript has 2513 pages, and I have read them all time and time again since I recieved them in late "94". There is no mention in the records about David Jones (IRS agt.), who arrested Virginia High along with William Silinski and the black female.There is no evidence that David Jones had ever came to our office, nor that he was in fact in "cahoots" will agt. Silinski. The records will not show that Bill Morrison, Michael Abbott and others "knowingly and willingly" allowed false material to be made use of through trial, and the entire trial was predicated on such false material which was the superseding indictment, and it was in violation of **18 USC § 1623.** Also in that same vain George and Virginia High was sentenced on the basis of false information in the PSI, because Bill Morrison and Michael Abbott "knowingly and willingly" failed to object to the false firearm charges, which caused George to be sentenced to 13 years and 1 month. [see] **Townsend v. Burk, 334 U.S. 736, 68 S.Ct. 1252, 92 L.Ed. 1690 (1948).**and those claims are of constitutional dimension. After searching the records I find no evidence that Bill Morrison called me on October 13, 1993 at home after Virginia and I had been sentenced and told me that Allen Moye had called him about a second mortgage note that I held on a property in the amount of $12,000, because I had sold that house to Elizabeth and Wallace Wortham in 1984 or 85, and it was Lindsey Lane in Decatur. Now that was typical to the items that was seized in the searches and seizures. Bill Morrison told me that Allen Moye wanted me to sign satisfy the note and just kiss the balance off. I asked him "what had he been smoking", and I was not giving them ----, and he told me that if I gave up the note, he may be able to

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get Allen Moye to allow Virginia and I to remain free on bond pending appeal, and I told him that I did not trust Allen Moye after all of the things that happend through trial. I asked him if he would put that in writing, and he said "aint no way". To make a long story short I did not satisfy the note, and I never saw it again, so they may just have kept it. Elizabeth Wortham was with High's Realty, Inc., as a real estate agent and Wallace Wortham worked for us as a "handy-man". The records will never show that we had paid Michael Abbott $5,000, or the $1,000 for the poly graph. The record will never show that BIll Morrison, Michael Abbott and others knew that all conspired to get George High convicted on the false gun charges when in fact they knew that I was not a convicted felon. The records will not show how Bill Morrison and Michael Abbott has allowed George and Virginia High to be "unjustly convicted" and "falsely imprisoned" for almost 5 years. No place in the records will anyone find all the many times they tried to get us to pled guilty, because it was all oral. Virginia high always called Michael Abbott since being in prison and she has very little (if any) evidence relating to any constitution violations, civil rights violations, "bill of rights violations, or human right violation, but I have numerous letters from Bill Morrison because I only called him about 2-3 times since March 28, 1994. I will enclose all pertinent letters along with this motion. [see] **U.S. v. Warden, Green Haven Prison 231 F. Supp. 179** [2-4] Where, as here, it appears that substancial issues of fact will be presented in a § 2255 proceeding this Court is duty boundto appoint counsel to represent the petitioner (Dillon v. United States, 9 cir., 307 F.2d 445). This duty arises not out of the sixth amendment but out of Due Process Clause of the fifth amendment...The assistance of counsel, whether demanded by the fifth or sixth Amendment, must be effective assistance.

At this point I would like to ask the Court to be ever mindful of the fact that George and Virginia are "pro Se defendants", and are the victims of two "Unscrupulous attorneys" who in fact were the real criminals, and we are just simply trying to enforce our rights.

[see] **Platsky v. C.I.A. 953 F.2d 26 (2nd cir. 1991)** Pro Se Plaintiffs are often unfamilar with the formalities of pleding requirments. Recognizing this, the Supreme Court has instructed the District Court to constru Pro Se complaints liberally and to apply a more flexible standard in determining the sufficiency of a Pro Se ,complaint than they would in reviewing a pleding sumitted by counsel. see e.g. Hughse v. Rowe 449 U.S. 5, 9-10, 101 S. Ct. 173, 175-76, 66 L.Ed2d 163 (1980) (per curiam); Haines v. Kerner, 404 U.S. 519, 520-21, 92 S.Ct. 594, 595-96, 30 L.ED.2d 652 (1972) (per curiam), see also Elliott v. Brunson, 87 F.2d 20, 21 (2d cir.1989) (per curiam). In order to justify the dismissal of a Pro Se complaint, it must be "beyond doubt that the plaintiff can prove no set of facts in support of his claim which would entile him to relief". Haines v. Kerner, 404 U.S. at 521, 92 S.Ct at 594 (quoting Conley v. Gibson, 355 U.S. 41, 45-46, 78 S.Ct.99, 102, 2 L.Ed.2d 80 (1957).
[1,2] In light of these principles, we thaink that the district court should not have dismissed Platsky's complaint without affording him leave to replead.

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Elizabeth and Wallace Wortham was in court when we were sentenced, and Virginia saw them trying to "sneak" out and she asked them why were they there, and Elizabeth said they were down there with a friend who was suppose to be in Bankrupcy ct. and they theought this was the courtroom for bankrupcy hearing and when they came in they saw us. After having the call from Bill Morrison about us giving up the $12,000 note, we now know they were there to be sure that we went to prison. They have not made a payment since October 1993. I am certain they too lied on us at the grand jury, and Allen Moye promised them he would clear up the 2nd mortage note for their lying to the grand jury.

In mid 1995 Virginia was not at all satisfied with how Michael Abbott was handling her appeal and she began to bring certain matters to the attention of the Apellate Ct. and Bill Morrison (not Michael Abbott) wrote me saying that I should advise her that they would not consider anything sent as long as she have an attorney.

On July 4, 1996, after almost 2½ years of searching for the truth, I found the cases of **U.S. v. Hall, Cr. 10, No. 93-1097, 3/22/94,** and also **Beecham v. U.S., No. 93-445, 5/16/94.** I called Bill Morrison early on July 5, 1996 and left a message on his voice mail and followed up with a letter that same day (see enc.), and I made mention of the fact that: as I stated to you in "92", I knew that my Civil rights had been restored. On 7/22/96 Bill Morrison wrote me saying that we should wait the 11th circuit rule on our drug conviction. As the court will note both those cases were Newly discovered evidence because our trial was final on 10/13/93, and hall was 3/22/94/ and Beecham was on 5/16/94, and most of the issues raised has been predicated on those two cases. I wrote Bill many letters asking, telling, threating and he still refused to petition the court of Appeals for relief. We soon realize our worst nightmares, and knew that we had been framed and all of the information that Virginia and I had admassed proved such. I discovered the above information 3+ months before the Apellate Ct. heard oral arguments and over a year before they made their ruling, and Bill Morrison never till this day filed a motion about the firearm, but he mentioned it to Allen Moye in passing (see enc.).

George and Virginia High's rights were violated by Bill Morrison and Michael Abbott under **18 USC § 3006A**, because we did not have adequate representation...[see] **Strickland v. Washington [466 US 686]** The benchmark for judging any claim of ineffectiveness must be whether counsel's conduct so undermined the proper functioning of the adversarial process that the trial cannot be relied on as having a just result. Our rights were further under **18 USC § 3006A (a)** and also **(e)** because we asked Bill Morrison to investigate the false firearm charges and also the Illegal search and seizuer when he Michael Abbott and Virginia and I were togather after the poly graph test and they talked to us like we were two "dumb-niggers" and made us feel like fools and insisted on us cooperating. **Strickland v. Washington [466 US 680]** If there is only one plausible line of defense, the court concluded, counsel must conduct a "reasonably substancial investigation" into that line of defense, since there can be no strategic choice that renders such an investigation unnecessary.

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Bill Morrison and Michael Abbott also had a "conflict of interest" in that their fiduciary was with the government, so in essence there were three Assistant United States Attornies and three prosecutors. [see] **Strickland v. Washington [466 US 692] [23]** ....The court held that prejudice is presumed when counsel is burdened by an actual conflict of interest. In those circumstances, counsel breaches the duty of loyalty, perhaps the most basic of counsel's duties... see e.g. **Fed Rule Crim Proc 44 (c)**...Prejudice is presumed only if the defendant demostrates that counsel "actively represented conflicting interest" and that "an actual conflict of interest adversely affected his lawyer's preformance". **Cuyler v. Sullivan, Supra, at 350, 348, 64 L. ED 2d 333, 100 S.CT. 1708.**

George and Virginia High's rights were violated futher under: **18 USC § 241, Conspiracy against of rights of Citizen** and under **18 usc 242, Deprivation of rights under color of law,**

by; Bill Morrison, Michael Abbott, Joe D. Whitley, Allen Moye, William Silinski, Shelia Whipple, Barbara Brown...and other persons known and unknown.. [see] **U.S. v. King, 587 F.2d 209 (5th cir.1979)** page 211 [1] 2nd paragraph:..The U.S. Supreme Ct. has held in no uncertain terms that § 241 encompasses "all of the rights and privileges secured to citizens by all of the Constitution and all of the laws of the United States". [2] 2nd paragraph;...Any rights protected under § 242 must be included in those protected under § 241. [see] **U.S. v. Price, 383 US 787, 16 L.Ed. 2d 276,86 S.Ct 1152 (1966),**

[12] page 276, The language of § 241 is plain and unlimited. As we have discussed, its language embraces all of the rights and privileges secured to citizens by all of the Constitutional and all of the laws of the United States. [see] **U.S. v Ehrlichman 546 F.2d 910 (1976)** Conspiracy # 38, The fact that the defendants may not have been thinking in Constitutional terms is not material where their aim was not to enforce local law but to deprive a citizen of a right and that right was protected by the constitution. When they so act they at least act in reckless disregard of constitutional prohibitions or gurantees....There is no requirment under section 241 that a defendant recognize the unlawfulness of his acts. **UNITED STATES v Otherson 637 F.2d 1276 (1980)** [1] Moreover, the Supreme Court has indicated that section 242 extends to federal officers. In **Screws v United States 325 U.S. 91, 108, 65 S.Ct. 1031, 1038, 89 L.Ed. 1495 (1945),** Justic Douglas said that in a section 242 prosecution: The probelum is not wether state law has been violated but whether an inhabitant of a state has been deprived of a Federal Right by one who acts under "color of any law". He who acts under color of any law may be a federal officer or a state officer. He may act under color of federal law or state law. (see also id. at 97 n.2, 65 S.Ct at 1033 n.2: "[F]ederal as well as state officials would run afoul of the act since it speaks of any law, statute, ordinance, regulation, or custom). The "infamous" C. Michael Abbott who was much instrumental in "framing" Virginia

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and I was the Assistant United States Attorney and prosecutor on **U.S v. King, 587 F.2d (5th cir. 1979)**, so he should have known better and adhered to the "Rule of Law".

I submit, based on all the forementioned and following issues that: Bill Morrison and Michael Abbott played a "leading Role" in the framing of George and Virginia High, and "actively represented conflicting interest", and Obstructed Justice, and "knowingly and willingly" allowed false material to be used throughout the trial. under **18 USC § 1623.** Now certainly if Virginia and I was able to to find out everything that happend albeit took us almost five years to get-it-togather. Now certainly two "high-power lawyers" who were (still is) Assistant United States Attorneys and prosecutors should have "smelt de rat". Now under no circumstances do I think that Bill Morrison and Michael Abbott have "stonewalled" us since 1992 just for the Heck of it. I submit that something does'nt smell to Kosher, but thats neither here or there, but the records will bare out the following acts of Descrimination, injustice, prejudice, framing, and unlawfulness which pitted whites against blacks.

1. Shelia Whipple played the "race-card" when she invited Kyle Henry to lunch to discuss the 8300 unarmed and did not read him his rights.

2. Shelia Whipple played the "race-card" when she said under oath that she did not feel that he had violated the law, when in fact she knew that he had sold 11 cars to known drug dealers.

3. William Silinski and Michael SScamid played the "race-card" when they drove to the back of our house unnounced, uninvited, armed, and read us our rights, and they did'nt bring lunch.

4. Tris Lingam and Don Mertz played the "race-card" when the went the army base to see Sgt. Roberd Ward with no appointment armed and read him his rights about a 8300.

5. William Silinski played the "race-card" when he sent that "ringer" David Jones to Hoodwink Virginia and I like he was "one-of-us".

6. Shelia Whipple and William Silinski played the "race-card" when they set up peachtree financial to catch a black person, and did not let the IRS agent who operated the sting along with Kyle Henry testify at trial, but Allen Moye was "slick" enough to get hearsay evidence entered into the records.

7. Joe D. Whitley, Allen Moye, William Silinsky, Shelia Whipple, and others played the "race-card" when the gave Alex Turner the "shaft" and got Barbara Brown on the team and it was then all white and "Racist and prejudice".

8. The government played the "race-card" when it paid Walter Wilson (who was black) $450.00 for 2 years of putting his life on the line.

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9. William Silinski, Shelia Whipple, Barbara Brown, Joe D. Whitley, and Allen Moye played the "race-card" when the IRS made a million dollar contract with Kyle Henry, and the U.S. Attorneys office agreed to give him 25% of all they seize.

10. Allen Moye and Bill Morrison played the "race-card" when they "conspired to force me to pay $12,000 to Elizabeth and Wallace after they (no doubt) told lies on us before the grand jury.

11. William Silinski and Shelia Whipple (seizing agents) played the "race-card" when they exercuted the Illegal search and seizure at the High's residence along with about thirty other agents, and they certainly would not have done that at a "White" persons house on Peces Ferry rd., where she and Kyle had lunch...

12. Shelia Whipple and William Silinski played the "race-card" when they "knowingly and willingly" exercuted an Illegal search warrant at the "alleged" office of High Realty, because they thought we would be no more the wiser.

13. William Silinski, Shelia Whipple, Barbara Brown, Joe D. Whitley Allen Moye, the FBI, and the BATF, knew or should have know that my rights had been restored in 1962, and they played the "race-card" when they obstructed justice 18 usc § 1512, and false decloration before grand jury "and" court 18 USC § 1623 by allowing George High to be indicted on the false firearm charges.

14. William Silinski played the "race-card" when he came to arrest Virginia High with that "ringer" David Jones and the black female, and he swore that he was not working on any case with any David Jones, and David Jones said he could not place any William Silinsky.

15. William Silinski and Shelia Whipple played the "race-card" when they searched the private seperate residense of Eric and Jenique High without a warrant.

16. Shelia Whipple and William Silinski played the "race-card" when they seized 30+ cases of files belonging to Georgia Home Impro-ment Co., Inc., High-Five, Inc., and Bal, Inc., and literally destroyed all of those companies.

17. Michael Abbott and Bill Morrison played the "race-card" when they insisted on us cooperating when George and Virginia had pled "Not Guilty" at our arringment and told them that we would never pled guilty "come hell or high water".

18. Bill Morrison played the "race-card" when they refused to investigate the false firearm charges, the Illegal search and seizure, me being a convicted felon, and the seizure of $12,000 from Virginias bank account and the $15,000 Insurance check.

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19. Bill Morrison and Michael Abbott played the "race-card" when when they did not object to Terry Sosbee, Marty Spieglman, and Luis Valdez (BATF) testfying about the False firearm charges.

20. Bill Morrison, Allen Moye, Joe D. Whitley, Michael Abbott, William Silinski, Shelia Whipple, Barbara Brown, the FBI, and the BATF, and others known and unknown all played the "race-card" when they learned that the witness from Colorado State Prison was going to blow their whole case apart, so they all conspired to "frame" George High because "all blacks are stupid", and he would never find out, or so they thought.

21. Bill Morrison, Michael Abbott, Shelia Whipple, William Silinski Barbara Brown, Joe D. Whitley, Allen Moye, The FBI, BATF, and others...also played the "race-card" when the prejudiced Virginia and the other defendants by allowing false testimony ralating to the firearm to be entered into evidence.

22. Bill Morrison, Michael Abbott, and Allen Moye played the "race-card" when they "Knowing and willingly" allowed the witness Tampering of the man from Colorado to go on the records.

23. Bill Morrison and Michael Abbott played the "race-card" when they did not cross examine Shelia Whipple or William Silinski about the false firearm charges, David Jones, The arrest of Virginia with no probable cause, the Illegal search and seizure.

24. Bill Morrison and Michael Abbott played the "race-card" when they did not object to having all the Illegally evidence entered into evidence and futher allowing it to go to the jury, when Virginia and I had told them since August of 1992 that the search and seizure was Illegal.

25. Allen Moye played the "race-card" when he told the jury numerous times that I was a convicted felon, when in fact he knew otherwise.

26. Allen Moye played the "race-card" when Virginia was on the stand and he asked numerous "is it not true" questions time and time again without giving her a chance to answer so he could get the hearsay false evidence on the records, and he kept "harping" on her going to see Assistant U.S. Attorney Joe Plummer, and Allen Moyer was confusing Virginia and he accused her of lying to Joe Plummer, when She and Joe Plummer discussed his being a member of "New Birth Church", and how fast the church was growing and how they needed parking spaces. Virginia also told him where we lived and he said he knew the house. Mr. Plummer said that Rev. Eddie Long was a "dynamic" preacher. Why did Allen Moye not call Joe Plummer to testify, because he knew that if he did Joe Plummer would deny everything that he said. Bill Morrison or Michael Abbott did not bother to call him either.

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27. Bill Morrison and Michael Abbott played the "race-card" when they threaten us with life in prison if we did not cooperate.

28. Bill Morrison played the "race-card" when he told me that we should wait until after the appeal to file on the false fire-arm charges.

29. The poly-graph "cloan & clown" played the "race'-card" when he "duped" George and Virginia High with the "sham exam", and he too (no doubt) was also on the "persecution team".

As stated in Billy-Eko [see] U.S. v. Matos, 905 F.2d 30,32, Ineff-ective assistance claims are often based on...errors that are diffi-cult to precive from the record: For example, negelecting to call certain witnesses or introduce certain evidence. The claim might also be based on a conflict of interest not apparant at trial. Proof is sometimes provided in attorney-client correspondance, or in other documents not introduced at trial.

I see no apparant reason to persue this line of defense futher, be-cause I belive that the records will "bare us out" that we were denied the right to ineffective counsel, from investigation, trial, appeal, and post-conviction-relief. Bill Morrison and Michael Abbot "crossed the line" and violated the "solemn oath" of the Georgia & National Bar Assocation. It follows than, that they are both "riff-raffs", "scalawags", "scombags" and "carpet-bagging racists", and a "disgrace" to their profession.

Moreover, , in light of all the issues that George and Virginia High raised on their **Notice of motion for new trial and release on bail-newly discovered evidence**, (filed on 12/17/98),and this **Motion for appointment of counsel**,and all papers in the action captioned **United States of America v. George W. High, Sr., and Virginia C. High**, and on all pledings and proceedings had herein; peradventure, this Honorable Court, in the interest of justice, and in good conscience, may wish to review the docket and in fact resuscitate some of the past issues if for no other reason than the ineptness of those two "scoundrels". Thus, George and Virginia High wish to bring to this Courts attention, **Platsky v. C.I.A. 953 F.2d 26**, The Supreme Ct. has Instructed the district ct. to constru pro se complaints liberally and to apply a more flixable standard in determining the sufficiency of a pro se complaint than they would in reviewing a pleading submi-tted by counsel. See e.g. **Hughes v. Rowe, 449 U.S. 5, 9-10, 101 S.Ct. 173, 175-76, 66 L.Ed.2d 163 (1980) (percuriam); Haines v. Kerner, 404 U.S. 519, 520-21, 92 S.Ct. 594, 595-96, 30 L.ED.2d 652 (1972)(per curiam); see Elliott v. Bronson, 872 F.2d 20, 21 (2nd cir. 1989)(per curiam).** In order to justify the dismissal of a pro se complaint, it must be "beyond doubt that the plaintiff can prove no set of facts in support of his calim which would entitle him to relief". **Haines v. Kerner, 404 U.S. at 521,92 S.Ct. at 594 (quoting Conley v. Gibson, 355 U.S. 41, 45-46, 78 S.Ct.99, 102, 2 L.Ed2d 80 (1957).**

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[4] 2nd paragraph. We think that Platsky should have a chance to state his claim more clearly. It is not "beyond doubt that the plantiff can prove no set of facts in support of his claim[s]", **Haines v. Kerner, 404 U.S. at 521, 92 S.Ct. at 595,** and therefore we hold that the better course would have been for the district court, in dismissing Platsky's pro se complaint, to grant him leave to file amended pleadings. **See Elliott v. Bronson, 872 F.2d at 22.** We have instructed Platsky that his complaint must set out, with particularity spicificity, the actual harm suffered as a result of defendants' clearly defined acts. Accordingly, we vacate the judgement and order below, and remand the case to the district court with instructions to allow plaintiff to repled.

George and Virginia High has proved by, the Proponderance of the evidence, Clear and convincing evidence, and Proof beyond a resonable doubt, all of the issues raised in this motion and any/all prior motions. We request that this Court appoint George and Virginia high counsels under **Title 18 USC Rule 44 Fed. R. Crm. Proc.** and under **18 USC § 3006A Adequate Representation of defendants**

(1) Representation shall be provided for any financially elgible person who-

(A) is charged with a felony or a Class A misdemenor;

(H) is entitled to appointment of Counsel under the sixth amendment of the Constitution;

(I) Faces loss of liberty in a case, and federal law requires appointment of Counsel,

(2) Whenever the United States Magistrate or the Court determines that the interest of justice so requires, representation may be provided for any financially elgible person ...

"Resistance to Tyranny" said Thomas Jefferson, Americas third President, **"is Obedience to GOD".** Jefferson uttered those immortal words at the peak of the American struggle against British Colonialism. Implicit in those words is the legitimacy of resistance to all forms of Tyranny. Because George and Virginia High has been subjected to "unjust conviction, false imprisonment", descrimination, prejudice, and far too much abuse and persecution, there is a natural tendency to resist.

I declare under penelty of perjury that the foregoing affidavit is true and correct and "prima Facie".

exercuted on December 27, 1998

George W. High, Sr

(see page 12), letters, documents and ect.

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Letters, documents, and ect.

Letters from William Morrison to me.

1. Nov. 8, 1994
2. Nov. 28, 1994
3. Dec. 22, 1994
4. June 5, 1995
5. Oct. 31, 1995
6. Jan. 9, 1996
7. July 22, 1996
8. Aug. 26, 1996
9. Sept. 10, 1996
10. Oct. 8, 1996
11. Nov. 8, 1996
12. Jan. 21, 1997
13. Feb. 26, 1997
14. April 3, 1997
15. May 16, 1997
16. Aug. 18, 1997
17. Sept. 22, 1997
18. Oct. 23, 1997

Letters from me to Bill Morrison

1. Nov. 13, 1994
2. May 6, 1996
3. July 5, 1996
4. July 18, 1996
5. Sept. 1, 1996
6. Sept. 8, 1996
7. Sept. 14, 1996
8. Sept. 30, 1996
9. Feb. 5, 1997
10. Nov. 10, 1996

Letter to President April 22, 1997; also sent Bill Morrison copy

Letter from High family to Allen Moye, and his reply, May 8, 1995