

THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

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MAY 22 2002

Deputy Clerk

No. 1:92-CR-182-4,5

IN RE

GEORGE W. HIGH, SR. & VIRGINIA C. HIGH

PETITION FOR WRIT OF ERROR CORAM NOBIS

George W. High, Sr., Pro Se
5888 Par Three Ct.
Lithonia, Ga. 30038
(770) 323-3909

CERTIFICATE OF INTERESTED PERSONS
AND COPORATE DISCLOSURE STATEMENT

1. Michael Abbott, Trial Counsel for Virginia C. High
2. William S. Duffey, Jr., United states Attorney, Northern
District of Georgia;
3. George W. High, Sr., Petitioner;
4. Virginia C. High, Petitioner;
5. William A. Morrison, Trial Counsel for George W. High, Sr.;
6. H. Allen Moye, Attorney for the United States;
7. United States of America;
8. The Honorable Robert L. Vining, Jr., Senior United States District
Court Judge, Northern District of Georgia;

STATEMENT OF JURISDICTION

This Court has jurisdiction to consider this case pursuant to 28 U.S.C.

1651 (a)

THE RELIEF SOUGHT

That the District Court Vacate its Judgment of Conviction and Sentence

THE ISSUES PRESENTED

I. GEORGE AND VIRGINIA HIGH'S CONVICTIONS AND SENTENCING WAS/IS INVALID BECAUSE THEY WERE DEPRIVED OF THEIR RIGHTS UNDER THE FIRST, FIFTH, EIGHT AND THIRTEENTH AMENDMENTS, AS GAURANTEED BY THE UNITED STATES CONSTITUTION WHEN THE ELEVENTH CIRCUIT COURT OF APPEALS REVERSED THE HIGH'S

CONVICTIONS ON COUNT THIRTEEN, United States v. High
117 f. 3d 464 (11th. Cir., 1997), AND THE DISTRICT COURT
ARBITRARY GRANTED THE GOVERNMENT'S EX PARTE
MOTION TO DISMISS COUNT THIRTEEN AGAINST THE HIGHS
WITHOUT CONDUCTING A HEARING.

II. GEORGE HIGH'S CONVICTION WAS/IS INVALID
BECAUSE HE WAS NOT GUILTY OF COUNT 3, FALSE
STATEMENT IN ACQUIRING FIREARM (18 U.S.C. § 922(a)(6),
AND WAS/IS NOT GUILTY OF COUNT 9, CONVICTED FELON IN
POSSESSION OF A FIREARM (18 U.S.C. §§ 2, 921(3) and 922 (g)(1),
AND FUTHERMORE, GEORGE HIGH AVERS THAT HIS
CONVICTION ON THE FIREARM CHARGES WAS OBTAINED BY
USE OF EVIDENCE GAINED PURSUANT TO AN
UNCONSTITUTIONAL SEARCH AND SEIZURE IN VIOLATIONS
OF HIS RIGHTS UNDER THE FORTH AMENDMENT OF THE
UNITED STATES CONSTITUTION.

SATEMENT OF THE CASE

On December 10, 1992. George and Virginia C. High were jointly indicted in a thirty-nine count second superseding indictment charging drug distribution in violation of 18 U.S.C, §§ 2 and 8 U.S.C. §§ 841(a)(1) and 846, and conspiracy to launder money and structure currency transactions in violation of 8 U.S.C. §§ 2 and 371 and 31 U.S.C. § 5324 (R1-89; R4-89).

George High was also charged in the indictment with two counts of weapons charges in violation of 18 U.S.C. § 922 (Id.) both entered pleas of not guilty to all charges (R1-46; R4-110), and have maintained their innocence throughout the trial and subsequent proceedings...

Mr. and Ms. High were tried by a jury with co-defendants Alex Gracia and Robert Ward in September of 1993 before the Honorable Robert L. Vining, Jr. United States District Judge. 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) (R2-348; R5-349).

Mr. High 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 (R24-9). The court imposed a term of five years of supervised release to follow the term of imprisonment and a special assessment of \$200.00. (R24-11).

The court sentenced Ms. 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 sentences (R23-9). The court also ordered Ms. High to pay a \$350.00 special assessment and to serve a five-year period on Supervised release following her sentence of incarceration (R23-10). Timely motions for new trial were filed by both defendants following Sentencing. These motions were granted only as far as the substantive Structuring offenses based on the intervening Supreme Court decision in Ratzlaf v. United States which held that a defendant may be convicted of violating 31 U.S.C. § 5324 only upon a showing that the defendant “Wilfully” violated anti-structuring laws (R2-353; 401; R3-465; R5-393, 398; R6-466).

Mr. and Ms. High both filed an appeal in the 11th Circuit that was consolidated for review with co-defendant Ward. The Highs contended that Their convictions on count thirteen must be reversed because the structuring Currency transactions instruction was incorrect as a matter of law. The Appellate Court agreed and reversed the Highs' convictions (July 21, 1997) on count thirteen and remanded for further proceedings consistent with the ruling. United States v. High, 117 F. 3d 464,470-71 (11th Cir. 1997). On 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 (R3-543; R6-544).

Shortly after the Court's ruling in United States v. High, Virginia High, on August 8, 1997, filed a *Pro Se* Motion for New Trial, Motion to Vacate Sentence Pursuant to 28 U.S.C. § 2255 and a Motion for Appointment of Counsel (R6-509, 510 and 513). On August 12, 1997, the government responded to Virginia High's 28 U.S.C. § 2255 (R6-514). On August 21, 1997, Ms. High responded to the government's respond to her § 2255 (R6-516).

On September 22, 1997, George High filed a motion to vacate Pursuant to 28 U.S.C. § 2255 (R3-520). On September 30, the court entered an order denying motion pursuant to 28:255 without prejudice to renew motion when sentence becomes final (R3-524).

On September 25, 1997, George High filed a motion to disqualify Judge Robert L. Vining, Jr. with brief in support (R3-523)

On February 26, 1998, after the issuance of the Appellate Court's opinion and mandate on direct appeal, the district court denied all three of these motion's as to Ms. High (R6-547), and also denied George High's motion to disqualify Judge Robert L. Vining, Jr.. Ms. High filed a notice of appeal which was ultimately docketed as case No. 98-8429.

On December 17, 1998, the High's filed a joint motion for new trial based on newly discovered evidence (R3-559; R6-559). The motions for new trial was 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 be denied effective assistance of counsel from investigation of the criminal case through the post-conviction process (R6-560-2). The motion for appointment of counsel was accompanied by an affidavit executed by George High (R6-560-7-10). The district court denied the motions as to the High's (R3-561; R6-561). Mr. and Ms. High filed a joint notice of appeal from this order which was docketed as appeal number 99-8169. The two cases. numbers 98-8429 and 99-8169. were consolidated for review by the 11th Circuit Court of Appeals.

On June 02, 2000, the 11th Circuit Court of Appeals appointed an Attorney to represent the Highs on Appeal (docket # 98-8429-JJ).

on April 11, 2001, after serving over 7 years, The Highs were released from federal prison and are now on 5 years supervised released.

On August 7, 2001, in an unpublished opinion, the Appellate Court AFFIRMED the orders of the district court denying the High's motions.

On October 30, 2001, the Highs filed a Petition for writ of certiorari in the Supreme Court (No. 01-9251). On April 22, 2002 that Petetion was DENIED.

ISSUE I

GEORGE AND VIRGINIA HIGH'S CONVICTIONS AND SENTENCES WAS/IS INVALID BECAUSE THEY WERE DEPRIVED IF THEIR RIGHTS UNDER THE FIRST, FIFTH, EIGHT AND THIRTEENTH AMENDMENTS, AS GAURANTEED BY THE UNITED STATES CONSTITUTION WHEN THE ELEVENTH CIRCUIT COURT OF APPEALS REVERSED THE HIGH'S CONVICTIONS ON COUNT THIRTEEN, United States v High, 117 f. 3d 464 (11th Cir. 1997), AND THE DISTRICT COURT ARBITRARY GRANTED THE

GOVERNMENT'S EX PARTE MOTION TO DISMISS COUNT
THIRTEEN AGAINST THE HIGHS WITHOUT CONDUCTING A
HEARING.

United States of America
v
George W. High, Sr., and Virginia C. High, Defendants-Appellants.
United States Court of Appeals.
Eleventh Circuit.
Nos. 94-8151, 94-8230.
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)...

This PER CURIAM opinion, wiped the slate clean for George and Virginia High, as far as the money laundering, structuring defrauding the United States and for conspiracy to distribute and possess with intent to distribute cocaine , and aiding and abetting a conspiracy (count 1), as Mr.

and Ms. High was found guilty of count 13 (18 U.S.C. §§ 371 and 2, a multi-object conspiracy to launder drug proceeds, structure currency transactions and defraud the United States. Ms. High was found guilty of conspiracy to laundry drug proceeds, in violation of 18 U.S.C. § 1956; structuring currency transactions to avoid the filing of currency transaction report in violation of 31 U.S.C. § 524; and defrauding the United States, in violation of 31 U.S.C. § 981. The Appellate Court specifically address those three offenses Described in count thirteen as substantive offenses in their own right, And reversed them, and stated that: That the government conceded that this instruction was improper in the Wake of the Supreme Courts decision in Ratzlaf v. United States, 510 U.S. 135, decided during the pendency of this case (see below).

B. Effect of the Flawed Jury Instructions on the Count Thirteen Conviction

The second issue we address is whether the district court's erroneous instruction on one object of an offense in the multiple-object conspiracy of Count Thirteen warrants a reversal of the appellants' convictions on that count.

The district court's jury instruction regarding Count Thirteen required the government to prove beyond a reasonable doubt that appellants conspired to commit one of the offenses that was an object of the alleged conspiracy. These offenses included conspiracy to launder drug proceeds. in violation of 18 U.S.C. § 1956; structuring currency transactions to avoid the filing of currency transaction reports. in violation of 31 U.S.C. § 5324; and defrauding the United States, in violation of 18 U.S.C. § 981. The district court further instructed that the jury had to agree unanimously upon the offenses the appellants conspired to commit. Because the three offenses described in Count Thirteen are substantive offenses in their own right. the district court also separately instructed the jury on the essential elements of those offenses. 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.

However, the court in its first paragraph states that: ... We affirm the appellant's convictions for conspiracy to distribute and possess with intent to distribute cocaine, and aiding and abetting a conspiracy...

Unbeknown to the Appellate Court at that time, the Higs were sentenced under U.S.S.G. § 1b1.2(a) (money laundering), so this opinion also inadvertently reversed the drug count against the Higs, and the 11th Circuit Court of Appeals refused to revisit that issue in an unpublished opinion on August 7, 2001, No. 98-8429

Sentencing

Prior to sentencing, the probation officer prepared a Pre-sentencing-Report, (page 20 # 17 as follows: Since the defendant's Involvement in the conspiracies outlined in Count's One and Thirteen of the indictment involves activities related to money laundering, these two counts will be treated as money laundering counts, pursuant to U.S.S.G. §1B1.2(a).

On January 20, 1994, (sentencing transcript, 15 pages).

THE COURT: (page 8, lines 17-19) The court adopts the factual statements and guideline applications made in the presentence investigation report to which there has been no objections filed. THE COURT: (page 10, lines 11-18)...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 that they were—they were involved with drugs that would warrant a finding that the statutory minimum in any event would be more than five years. Their part in the conspiracy was the handling of money and real estate after it had been, guess you could say changed. The drugs had been changed into money by the sale of the drugs...

George High was sentenced to 97 months on counts 1 and 9 to run concurrent and to 60 months on counts 3 and 13 to run concurrent , and also to run concurrent with the sentence imposed on counts 1 and 9. George High was also assessed \$200, and would be placed on 5 years supervised release.

The court sentenced Ms. High to 97 months on counts 1, 17, 18, 20, 23 and 24, all to run concurrent, and 60 months on count 13 to run concurrent with the other sentences (R23-9). The court also ordered Ms. High to pay a \$350 special assessment and serve 5 years supervised release Following her sentence of incarceration (R23-10).

George and Virginia High was 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 High's were sentenced on January 20, 1994. counts 1 and 13 should have been dismissed, because under Ratzlaf, George and Virginia Highs sentences were imposed unlawfully and in violation of the United States Constitution.

ISSUE II

II. GEORGE HIGH'S CONVICTIONS WAS/IS INVALID BECAUSE HE WAS NOT GUILTY OF COUNT 3, FALSE STATEMENT IN ACQUIRING FIREARM (18. U.S.C. § 922(a)(6), AND WAS NOT GUILTY OF COUNT 9, CONVICTED FELON IN POSSESSION OF A FIREARM (18 U.S.C. §§ 2, 921(3) and 922(g)(1), AND FUTHERMORE, GEORGE HIGH AVERS THAT HIS CONVICTION ON THE FIREARM CHARGES WAS OBTAINED BY USE OF EVIDENCE GAINED PURSUANT TO AN UNCONSTITUTIONAL SEARCH AND SEIZURE IN VIOLATION OF HIS RIGHTS UNDER THE FORTH AMENDMENT OF THE UNITED STATES CONSTITUTION.

On July 27, 1992, S/A William Silinski and about 20 other agents, executed a search warrant at the residence of George, Virginia, Eric and Jenique High.

The attached 2-page court order order Specifically stated what items were to be seized i.e. (a). Books, records, receipts..... (b). Deeds, contracts, notes, closing statements...(c). Photographs of co-conspirators, properties....(d). Computer hardware and/or software....(e). Records, safe deposit boxes, keys.....The court incorporate that list into the warrant, and specifically authorize the agent to seize those items.

During the course of the search, GBI agent Terry Sosebee, who was assigned to search the den, came across a briefcase (R13-94,95) and he opened it and searched it and found a small 25 caliber handgun and other items. He turned the briefcase and firearm over to S/A Salinski, who had signed an affidavit before the United States District Court stating that he wanted to seize the aforementioned items, but did not make mention of searching a briefcase and seizing any firearms, which rendered the search and seizure unconstitutional .

On August 6, 1992, the court appointed attorney William Morrison to Represent George High (R1-59), and the first time George High went to his office, and every time they ,spoke thereafter, he only talked about cooperating.

The prosecutor and S/A Salinski carried the firearm and briefcase

before the grand jury and got a "fatally defective" second superseding indictment, as they knew, or should have known that High's rights to vote, serve on a jury, hold public office and possess firearms, was automatically restored when he got out of the Colorado State Prison in 1962. U.S. V Hall (CA 10, No. 93-1079 3/22/94. And Beecham V. U.S., No. 93-455, 5/6/94.

On December 10, 1992, in a second superseding indictment, 1:92-CR-182 RLV, George High was charged with the two firearm counts plus the other charges. Within a few days after the indictment, George High went to see William A. (Bill) Morrison, and he said that the charges had got really serious and he had better start cooperating and get Ms. High to do the same thing, because count one carries from 10 years to life. George told him that he would not plead guilty under any circumstances, and that his rights to possess firearms was restored when he got out of prison in 1962, and he said that was just in Colorado and would have no effect Federal Law. Ms. High's attorney, Michael Abbott insisted that she cooperate and he told her that if she went to trial and was found guilty, she would get at least 20 years. George and Virginia High knew that they were being "framed" but refused to plead guilty.

The trial began on September 21, 1993, (R9-12) with the prosecutor making a statement about count three and nine, the firearm counts And a search warrant being executed at the home of George and Virginia High. (R9-27) found gun during search and ATF revealed it was purchased 2/2/90 and High said he was not convicted felon. Evidence will show was not pardoned. R9-32) Bill Morrison says High does have a felony record, government found gun at High's residence. (R9-33) He is a convicted felon in possession of firearm.

On Sept. 23, 1993, (R11-4) Mr. Moyer states that Mr. Morris said High is prepared to say he's a convicted felon, and Mr. Morrison and High agrees. and Mr. Moyer says he'll prepare the document. Now this was the second day of trial, and When we came back from Lunch High saw a man sitting outside the courtroom on the bench, and he had on a gray uniform with black belt, black shoes, and other type equipment worn by prison guard and when High had came back in the courtroom Bill Morrison asked him if He saw the man sitting outside the courtroom and High said yes and he said he was from the Colorado State Prison and he was going to testify that High had served time there, but he just got a call that he had an extreme emergency and needed to return to Colorado right away. Bill Morrison said that all the man was going to say was that High had served time in Colorado Prison, which he had. High told Bill Morrison that he was not pled-guilty to nothing and he assured me that Allen Moyer would

prepare a statement saying that he was a convicted felon and that was it and the man could get his plane. High told Bill that he would sign the statement, as Bill assured him that his rights had not been restored as per federal law and he swore that he would not lie to him because he was his, "defense lawyer". Allen Moyer prepared the statement saying: The defendant, George High is a convicted felon as alleged in counts 3 and 9 the indictment. High signed it and told Bill Morrison to give him a copy immediately because he did not trust Allen Moyer, but he told High that it had to be signed by The U.S. Attorney, Joe D. Whitley and we would get a copy then. The witness from Colorado left and did not testify.

On Monday September 27, 1993, Allen Moyer called Terry Sosebee as a witness (R13-91-96) who says they arrived between 6:00 and 7:00 A.M., and he was assigned to search the den and when he picked up the briefcase Mrs. High told him that it was her husband's, and he searched it and found the firearm and other items. Terry Sosebee testified re: 18 USC § 922(g)(1) convicted felon in possession of a firearm. Allen Moyer called Marty Splegeman as the next witness (R13-98-104 and he testified to 18 USC § 922(a)(6) False statement in acquiring a firearm, in and effecting commerce, and he said the firearm was purchased at Joe's loan office in Decatur, Ga., and he says they purchased the firearm from a co. in North Carolina (Interstate Commerce).

The next witness he called was Luis Valez from BATF (R13-105-106), who testified as per 18 USC § 921(3).

The prosecutor was waving the firearm before the jury while all the witness were testifying. Luis Valez said he was able to fire it and found it to function as designed. On october 5, 1993 (R18-38,39) Re: Statement by George High The prosecutor reads a statement stipulated between the United States, by Joe D. Whitley, U.S. Attorney, H. Allen Moye, George High and William Morrison as follows: The defendant, George High, is a convicted felon as alleged in count three and nine of the indictment. The defendant, George W. High, has not been pardoned or received any executive clemency from the conviction aforesaid.

Allen Moye added the last part of that statement that was underlined after High signed it. High told Bill Morrison that Allen Moye had altered that statement after he signed it, and Bill Morrison said thats exactly what you signed almost two weeks ago and maybe you forgot.

(R20-119,120), prosecutor Mr. High possessed the firearm and he purchased the firearm...its relatively strightforward.

(R22-97), Mr. Moye, Mr. High lied about his conviction, and I submit to you, ladies and gentlemen, there's not one true with regard to count 3 and 9, and that is that Mr. High is guilty as charged. He lied to the gun dealer about his conviction. It does not matter how old the conviction is, and he was forbidden to possess that firearm because of that conviction...

On March 28, 1994, George and Virginia reported to prison, and their fight for justice and freedom began in earnest on that day, as they began an unending search for information to prove their innocence, because they knew that they had been incarcerated unjustly.

On July 4, 1996 while in the prison law library George High found 2 cases that proved his innocence, U.S. v Hall, CA 10, No. 93-1097, 3/22/94, And Beecham v U.S., No. 93-455, 5/16/94 wrote Bill Morrison a letter asking him to get the firearm charges dismissed, and he refused and that was over a year prior to the Appellate court's opinion On July 21, 1997. George High wrote Bill Morrison numerous letters relating to the firearm charges and he did nothing because he was in "collusion" with the government...

SUMMATION OF THE ISSUES

The petitioners assert that the government's evidence was insufficient to convict George or Virginia High of a conspiracy to possess and distribute cocaine or to participate in a money laundering conspiracy, and the two firearm charges were "Ludicrous and Fantastical", and the petitioners further assert that the government only added those false firearm charges solely to buttress its weak case on the other counts.

REASONS WHY THE WRIT SHOULD ISSUE

United States v. Swindall, No. 95-9556, (11th cir. 1997)

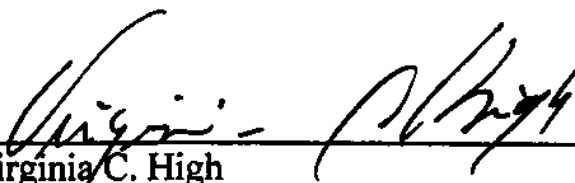
Federal courts have authority to issue a writ of *error coram nobis* under the All Writs Act, now codified as 28 U.S.C. § 1651(a). The writ of *error coram nobis* is a limited remedy of last resort: "Continuation of litigation after final judgment and exhaustion or waiver of any statutory right of review should be allowed through this extraordinary remedy only under circumstances compelling such action to achieve justice." *United States v. Morgan*, 346 U.S. 502, 511, 74 S.Ct. 247, 252, 98 L.Ed. 248 (1954); see *Lowery v. United States*, 956 F.2d 227, 228-29 (11th Cir.1992); *Moody v. United States*, 874 F.2d 1575, 1576-77 (11th Cir.1989), *cert. denied*, 493 U.S. 1081, 110 S.Ct. 1137, 107 L.Ed.2d 1042 (1990); *Renner v. United States*, 475 F.2d 125, 127 (5th Cir.1973) (writ should be allowed only to "remedy manifest injustice")

George and Virginia High has met all the standards and conditions as set out by the 11th Circuit court of appeals in Swindall, as to the issuing of a writ of *error coram nobis*, but unlike Swindall, none of these issue are barred by *Teague v. Lane*, 489 U.S. 288, 109 S.Ct. 1060, 103 L.Ed.2d 334 (1989), nor are procedurally defaulted because of the Highs failure to object at trial or raise these issue on appeal. The defendant's earnestly and humbly implore this' Honorable Court to grant George and Virginia High's petition for *error coram nobis*, based on "outrageous governmental conduct" and "serious prosecutorial misconduct". The Constitutional rights of the defendants were violated on numerous occasions and there was "repetitious, flagrant, and longstanding" misconduct in this case.

The government withheld vast amounts of exculpatory evidence, and allowed perjured testimony to stand uncorrected on more than one occasion before the grand jury and the petit jury. The government went outside its own regulations to "target" the Highs, because they refused to plead guilty and cooperate. The Petitioners further assert that the conduct of law enforcement agents was so "outrageous" that due process principles should have absolutely "barred" the government from invoking judicial process to obtain a conviction, and the prosecutor failed to turn over all discovery to which the defendant's were entitled. Moreover, the government misled "this" Honorable Court to such an extent as to perpetrate a fraud upon the Court.

I declare under the penalty of perjury that the foregoing is true and correct.

Executed on the 21 Day on May, 2002


Virginia C. High


George W. High, Sr, Pro Se litigant

CERTIFICATE OF SERVICE

This is to certify that I have this date served a copy of the forgoing
PETITION FOR WRIT OF ERROR CORAM NOBIS and a copy of the
RECORDS EXCERPTS AND EXHIBITS upon:

H. Allen Moye
Assistant United States Attorney
400 Richard B Russell Building
75 Spring Street, S.W.
Atlanta, Georgia 30335

By depositing the same in the United States Mail with adequate postage
Affixed thereto to ensure delivery of the same.

Dated: This the 21 day of May, 2002


George W. High, Sr., Pro Se