

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

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

FILED IN CLERK'S OFFICE
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LUTHER C. THOMAS, Clerk
By: *JAW* Deputy Clerk

IN RE

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

PETITIONER'S REPLY TO GOVERNMENT'S RESPONSE
TO PETITION FOR WRIT OF ERROR CORAM NOBIS

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**PETITIONER’S REPLY TO GOVERNMENT’S RESPONSE
TO PETITION FOR WRIT OF ERROR CORAM NOBIS**

Comes now the Petitioners, George W. High and Virginia High, acting in pro se and files this reply to GOVERNMENT’S RESPONSE TO PETITION FOR WRIT OF ERROR CORAM NOBIS, and respectfully show to the Court as follows:

(1)

This is in fact the seconds Petition for Writ of Error Coram Nobis filed by the High’s, and the Government never responded to the first Petition and has not addressed the merits of any of the issues raised by the High’s on this Petition, so Allen moye says the High’s Petition for Writ of Error Coram Nobis should be dismissed. There is no precedence for dismissing a Writ of Error Coram Nobis simply because it was the 2nd Petition. Perhaps the government is confusing the Petition for Writ of Error Coram Nobis with the § 2255 which does require the Courts permission to file a successive motion. The High’s Petition for Writ of Error Coram Nobis should be granted “on the merits.”

(2)

This Court did in fact dismiss the High's, Petition for Writ of Error Coram Nobis [Doc. No. 595], and lacked Jurisdiction to do so. The 11th Circuit Court of Appeals (in an unpublished opinion) affirmed the Court's order, and they were without jurisdiction, because the district court, the government and the High's court appointed attorneys all conspired to withhold the fact that George and Virginia was sentenced under U.S.S.G. § 2S1.1, on count one as recommended by the probation officer. The law mandates that offenders be sentenced under 2D1.1. This was a clear case on "MALFEASANCE", based on racism, on the part of Judge Vining, Allen Moyer, Bill Morrison and C. Michael Abbott (the Highs counterfeit Court appoint defense attorneys).

(3)

Simply a diversionary tactic, without merit.

(4)

Although the government has maintained a "United Front" in their racist conspiracy to convict the High's, George and Virginia C. High stands by each and every issue raised in the Petition for Writ of Error Coram Nobis.

CONCLUSION

In Alikhani v. United States, 200 F.3d 732 (2000), we stated that a "genuine claim that the district court lacked jurisdiction to adjudicate the petitioner guilty may well be a proper ground for coram nobis relief as a matter of law." Id. at 734. Indeed, jurisdictional error is by its nature of such a "fundamental character" as to render proceedings "irregular and invalid," Morgan, 346 U.S. at 509 n.15, and coram nobis relief affords a procedural vehicle through which such error may be corrected. **When a court without jurisdiction convicts and sentences a defendant, the conviction and sentence are void from their inception and remain void long after a defendant has fully suffered their direct force.** Moreover, as the Supreme Court reiterated in Spencer v. Kemna, 523 U.S. 1 (1998), "it is an obvious fact of life that most criminal convictions do in fact entail adverse collateral legal consequences." Id. at 12 (internal quotation marks omitted). See also Wolfe v. Coleman, 681 F.2d 1302, 1305 (11th Cir. 1982); Minor v. Dugger, 864 F.2d 124, 126 (11th Cir. 1989). Accordingly, a writ of error coram nobis must issue to correct the judgment that the court never had power to enter...

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

Executed on the 2ND day of January, 2004

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
PETITIONER'S REPLY TO GOVERNMENT'S RESPONSE
TO PETITION FOR WRIT OF ERROR CORAM NOBIS upon:

William S. Duffey, U.S. Attorney
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1800 U.S. Courthouse
75 Spring St. S.W.
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H. Moye , AUSA
400 Richard B Russell Bldg.
75 Spring St. S.W.
Atlanta, Ga. 30335

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

Dated: This the 2nd day of January, 2004

George W. High, Sr., Pro Se