

"Justice has not spoken English for a very long time." - Magdalena Dimey, 'Time to Clean House'

The specific subject for this blog is supposed to be failures or victories for human rights in the U.S. criminal justice system. I've heard innumerable stories of injustice in the years I've been locked up. You only have to look at the statistics to see that there's a problem. I can only tell my story & hope it sheds some light.

Where to start? Well, first off, me & my partner Ken were arrested a total of 7 times by the same police officer who lived over 100 miles from us. I was arrested 4 times in 4 months in 2001 - all from one incident. I didn't commit a new crime in this period, he just kept changing or adding new charges to re-arrest me. I was being ~~but~~ targeted by Det. Neil Spector.

I later heard that this same police officer got into trouble because he was caught taking bribes to let people go. I haven't been able to confirm this by myself, but someone could find out if it's true.

As I was in a county jail after my 5th arrest by this same officer, they went to arrest my life partner of 10 years to charge us with conspiracy. During his arrest, my partner shot two officers, killing one. For me, this was a complete shock as this is nothing like his usual behavior or the person I knew. I can only assume it was a failed attempt at "suicide by cop."

As a result of this, I had no outside support & no way to contact anyone as the police took (& still have) my rolodex. I had no money, two of our dogs died after a week in the pound, & our house & all our property was abandoned. I was in a state of shock & a very bad mental state for several months.

The attorney that my partner hired complained constantly, refused to accept my collect calls, & would not respond to any letters due to the

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fact that there was no longer any way to pay him. He also refused to do any work. Kevin Raudt did not file one single motion on my behalf, not even a motion for discovery.

I agreed to meet with the prosecutor as I thought I had no choice. I met with them a total of 3 times & Raudt I believe only attended a part of the first meeting. I could not tell them anything about why my partner shot the police as I knew nothing & it was a shock to me. I told about others who committed some crimes, but they showed no interest - they only wanted information about my partner & there was nothing bad I could say. I never testified against him, but they put a "separation" order on us which continues to this day so we can't communicate like other couples.

One month to the day after my indictment & initial appearance in court, I signed an open-ended plea signing away all my rights & my house. This was due to a great deal of pressure from Raudt, my "attorney," who refused to do any work & told me repeatedly that if I didn't sign the plea I would be indicted for the murder & shooting of the police officers. He later admitted this in court in a hearing before the judge. He further assured me that I would receive 10 years at most to the two charges I was pleading guilty to, which would be run concurrent, & I would receive further reductions in time for taking the drug class & for health reasons.

During the plea hearing, Judge Cohn personally instructed that a restriction be added to my plea agreement to prevent me from fighting the plea based on the Booker case before the Supreme Court, which was not decided for two more months. I was told he wrote this restriction himself.

I didn't learn until after my plea hearing that the judge committed a Rule 11 violation by doing this. Further, I was signing away a right which hadn't yet been decided by the Supreme Court so there was no way for me to know what I was signing away.

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I had no idea what I was doing & no representation by an attorney, who only wanted to get rid of me. Prior to the plea hearing, Raudt coached me on what to say & I was so scared with being charged with murder, cut off from everyone & in shock from what happened with my partner, I really didn't know what I was doing.

Oh, I forgot, when I was transported from the county jail to the federal court, the ICE officer, Hurvey, kept my personal property (as I was moved to a federal pre-trial jail), including my legal work which I never got back.

After the hearing I was able to speak to a "jailhouse lawyer" & learned how I'd been screwed over by the court & my attorney after I'd had some time to calm down (since I was placed in segregation immediately following my hearing due to publicity).

I then wrote the court to fire my attorney & asked to be appointed a new attorney. I was appointed an outside attorney then (not a public defender).

My new attorney asked for a mental evaluation & we had a hearing to try to rescind the plea agreement due to lack of representation. Judge Cohn knew Raudt & he allowed Raudt to ramble on nonsensically without addressing most of the questions. Raudt lied under oath in court & proceeded to do a character assassination on me entirely. Cohn was buying all of it & ignored my new attorney. I saw what was happening & was so screwed up I couldn't take it. I think I called off the hearing because Cohn didn't want to hear the truth.

Oh, I just remembered another detail. During my 4th arrest, we were in my home & I had to use the bathroom, but the cops refused. I got up to go because I wasn't going to pee myself & I was pushed into the adjacent bedroom where the cops proceeded to bash my head

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several times on the desk ~~to~~ shelf (it dropped down). The shelf eventually broke. There was blood everywhere, even splattered on the walls. I had stitches & have several ~~scars~~ scars, including a scar on my wrist where they put the cuffs too tight & it took a nurse for them to loosen them.

I filed complaints to no avail, & as a result was charged with "Resisting Arrest." My public defender (defender) told me I'd get more time if I didn't plead out & as a result I am now considered a violent offender. Because I was beat up.

Moving on... the judge agreed to an evaluation. I first had a mental evaluation by an outside appointed therapist/psychologist who ruled that I did have mental problems. The judge then ordered a 2nd evaluation by a BOP psychologist.

The BOP psychologist, Jorge Luis, spent very little time with me & mainly left it up to interns. He refused to accept any of my physical & mental health records from my attorney as he is required to do. My attorney contacted him & even sent Luis the records anyway even though Luis didn't want them. Luis "claimed" he never received those records, although they weren't returned in the mail & he never followed up on them. For his "neutral," "unbiased" evaluation, Luis only used information from the prosecutor, Kastrenakes, which of course was aimed solely to make me look bad.

At my sentencing, Luis also did a complete character assassination against me, the BOP employee whose job depends on my staying in custody. He further lied under oath in court & claimed I committed crimes which I never committed. The judge, Cohn, ate this up. He threw out the evaluation which really was unbiased, & only accepted Luis.

At my sentencing + other hearings, the prosecutor Kastrenakes also lied + made claims based on an FBI agent's report that I said things that I never said + totally butchered me.

Judge Cohn, who was anything but neutral + unbiased, took the two charges which I was told would be run together + receive 120 months, + proceeded to run them consecutively + charged me with 293 months, plus an extra 12 which I later received for violation of probation, for a total of 305 months. In doing so, Cohn also violated the sentencing guidelines, (as I read them), by sentencing me to more combined time than the maximum of one charge.

My 2nd attorney filed an appeal as requested, but said he didn't know of any appealable issues + bowed out. I was then appointed a 3rd attorney, Linkler-Mendeny, I believe. I wrote her about the Rule 11 violation + other issues. She never responded to any letter, I never met her as she never visited + I never spoke to her.

Linkler-Mendeny's appeal, which had nothing I wrote her about, was denied in October. I found out in November that she had been elected as a judge, which is why she ~~completely~~ completely blew me off. She took herself off my case.

I was then appointed a 4th attorney. Same story. Unanswered letters, no visits, never spoke to the guy. No surprise, the appeal to the Supreme Court was denied.

I later filed a 2255, a pro-se collateral attack on my sentence. Among other issues, I mentioned the Rule 11 violation, the violation of the sentencing guidelines, the fact that there was no way my plea agreement was "knowing + voluntary," ineffective assistance of ~~court~~ counsel, etc. Throughout the entire history of this case, even though I mentioned it in every filing, the court (magistrate judge + Cohn) refused to address

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the Rule 11 violation & the sentencing guidelines & the facts that supported my other arguments. They acted like they weren't there & completely ignored them.

After my final objection, Cohn denied my 2255 two months later. However, no one ever sent me the final order. I had received every single filing of the court until then, but "mysteriously" I never received the final order.

By this time I was undergoing chemotherapy for liver disease (which failed after a year of this). I was very sick. I thought Cohn was actually taking his time & reading my filings. I'd had one judge take six months to file something in another civil case. So, ~~because~~ between being sick & naive, by the time I wrote the court to find out what was going on, it was too late to appeal.

I immediately filed an affidavit & a motion requesting the court to reissue the order. This was ignored by Cohn. I just received a copy of the prior order. I appealed & lost based on the time limit. I refilled my Request to Reissue Order with Cohn. This time he denied it, surprise.

I then appealed Cohn's denial. I pointed out to the Court of Appeals that because of Cohn's Rule 11 & other violations, his ruling was void. The court ignored this. They denied based on time limits again.

And here I sit. In order to avoid ruling in your favor, the courts systematically ignore your valid, winning arguments & case law, & deny your case out of hand. I had the same exact thing happen in a civil case in the 8th Circuit (my criminal case is 11th Circuit).

Yes, what I did was wrong. That doesn't mean I don't deserve justice.

