

Saturday, April 7, 2007, 11:45 p.m.

Ken:

Just read your daily report. We are all grateful for your reports. They are both informative and immensely helpful to those of us who are trying to help Dee.

It appears that both Dee and you are somewhat confused as to who is doing what for Dee. Let me make it more clear for you. I have associated my friend and former partner Denver Snuffer and his associates to work on Dee's Appeal to the 10th Circuit Court of Appeals. The draft of the Appeal Brief should be finished in about two weeks – leaving 10 days or so for Jim Bruton, Bill Jennings and I to review it. After the Appellate Brief is filed, we then shift to preparing and filing a Reply Brief replying to the Government's appeal for longer sentences. This process is long and slow – 70 days, 60 days and then however long it takes the Court to schedule oral arguments and render a decision. (Remember, it took the District Court Recorder 4 months to get the trial transcript and record prepared and sent to the Court of Appeals after the Notices of Appeal were filed last October.) It is important to remember that winning Dee's appeal is the only way to get her "un-convicted"!

Kaplan = Dee's attorney on IRS tax case.

Furthermore, our review of the trial, while preparing the appeal, helps us determine justifiably viable bases if they exist for the "Kaplan Plan." This "plan" is highly improbable. But if we can get Neil to fall on his sword, this plan could produce the best and quickest remedy for Dee.

White collar crime investigation: <https://www.clydesnow.com/neil-a-kaplan/>.

The other processes for getting Dee out of Dublin FCI are being handled or coordinated by me. First, is our effort to get Dee transferred to Carswell, Texas. To get her transferred we have to go through an administrative process that begins with Warden Schelia Clark. This is why we retained Harvey Cox – to tell us what Carswell was like and to initiate this administrative process. If the Warden wanted to do it, this could happen quite quickly, but really we don't expect any response from the Warden for 20 days or so. Then her response might be nothing more than requesting the BOP Medical Designator to re-designate Dee to Carswell – followed by more delay for the Designator to consider making the designation. We expect this process to be slow but definitely do-able. There is no good reason for Warden Clark and the BOP Medical Designator not to re-designate Dee to Carswell!

Second, is our effort to get Dee transferred to the Salt Lake City CCC. To get her transferred to the CCC we are supposed to go through an administrative process which involves requests and responses requiring 20-day, 30-day and 40-day administrative periods, before anything can be filed with any Court. However, we have researched this extensively and found some legal precedence for getting Courts to waive some portions of the 20-day, 30-day and 40-day administrative periods, if and when the Court deems it senseless to go through the process. We are going to proceed (expecting God's help and the Court's agreement) to get much of the 90-day process waived (arguing to the Court that the process is senseless since the BOP has steadfastly refused to change its regulation notwithstanding that it has been determined unconstitutional by the 2nd, 3rd, 8th and 10th U.S.

Circuit Courts of Appeal – therefore, why go through the process if we already know that our requests will be refused). Nevertheless, using an abundance of caution, we just sent a letter to Warden Schelia Clark, expecting her to say no, so we can show a court that she said no. In the mean time, we will be filing a Writ of Habeas Corpus with the U.S. District Court for Northern California. We are working hard on this, but expect the Writ won't be filed until for another 10 days or 2 weeks – we are only going to get one shot and we want to make it the best shot possible. We hope that both you and Dee can appreciate that we are trying to do something that really hasn't been done before – or at least not since the U.S. Department of Justice and Bureau of Prisons formalized its regulation prohibiting inmates from going to CCCs until the last 10% of their sentences and not exceeding 6 months. Dee's case is materially different than the 4 cases determined by the 2nd, 3rd, 8th and 10th U.S. Circuit Courts of Appeal. In each of those cases, the inmates had just 6 months left in their sentences and BOP was refusing to allow the inmates CCC status until there was only 10% of their sentences to be served. That fact that it hasn't been done before, does not mean that we won't be successful – it just means that we will be the first to climb and conquer this tall mountain. The Writ of Habeas process will be interrupted if Dee gets transferred to Carswell before the U.S. District Court for Northern California rules on our petition. If so, we will probably have to start over again by filing a new petition with the U.S. District Court closest to Carswell.

Third, is our effort to conduct a comprehensive investigation to discover evidence of crimes committed by others, provable with documents and witnesses, that will be important enough to the U.S. Department of Justice so that a deal can be worked to reduce Dee's "points" and thereby reduce or change her sentence to community or home detention. This is really labor intensive and time consuming, but is the best hope for getting Dee's sentence changed to home detention before winning her appeal. Robert is working on getting his "facts and evidence" together. Bill and I are expanding our previous investigation with Robert, Ken and Dee's help. Keith Arbogast and Richard Clark, two experienced and seasoned professional investigators, will be coming to Utah to help us conduct our investigation and interview prospective witnesses. Jim Bruton will work the deal for us if and when we get sufficient culpable information.

We still believe we are on God's mission to Dee fulfill her mission. We all believe she can do more to serve God and mankind outside prison than she can inside prison.

Let's all keep praying to the right God!

Bart