

1 seen that letter that you wrote, is there anything else you
2 want to say?

3 THE DEFENDANT: I have evidence, Your Honor, a
4 four-page declaration of lawyer that I have sent to the State
5 Bar and I have sent to the clerk of court, but it's not been
6 filed on the docket yet, Your Honor. The papers are right over
7 here. And pretty much it contains all the facts that my
8 counsel has not done a good enough job to prove my innocence.
9 My counsel has basically not suppressed the evidence when there
10 was evidence of such. And in these four pages, it explains
11 everything. That is the reason why I withdraw Mr. Placke as
12 counsel.

13 THE COURT: All right. So you and Mr. Placke are
14 still talking to each other; is that correct or incorrect?

15 THE DEFENDANT: I did meet with him one time, but
16 other than that, we haven't -- well --

17 THE COURT: When you have met, when the two of you
18 have been together, are you able to speak with Mr. Placke? I'm
19 not talking about agree or disagree with what's going on. I'm
20 just asking can you talk to him? Have you been talking to him?

21 THE DEFENDANT: Yes, sir.

22 THE COURT: And you disagree now with what Mr. Placke
23 recommended you do with this case, is that correct?

24 THE DEFENDANT: Yes, sir.

25 THE COURT: Do you remember appearing here in court

1 and being placed under oath?

2 THE DEFENDANT: Yes, sir.

3 THE COURT: And do you remember pleading guilty?

4 THE DEFENDANT: Yes, sir.

5 THE COURT: And you remember telling me that you were
6 pleading guilty because you were, in fact, guilty?

7 THE DEFENDANT: Yes, sir.

8 THE COURT: And are you now coming in here and
9 telling me that's not true?

10 THE DEFENDANT: Permission to speak?

11 THE COURT: Just a yes or no. Are you coming in here
12 and telling me that's not true?

13 THE DEFENDANT: Yes, sir.

14 THE COURT: So after making -- so if that is, in
15 fact, the case, why did you tell me something false during a
16 Rule 11 hearing?

17 THE DEFENDANT: Basically, I was being rushed into
18 the jury trial, and all my evidence that I had sent to the
19 court never made docket, and all the suppression stuff never
20 made it. I basically sent stuff to the Clerk of Court with the
21 reasons why, but basically my health is bad. My A1C is 10.9.
22 That's verifiable with the FCI Butner medical records. Because
23 of my health, because of the rush to jury trial, and the fact
24 that there was no defense being sent, that Placke didn't have
25 any kind of defense, I would have been found guilty on the spot

1 with up to 20 years hard time in prison. I wanted to fight on
2 my own, but then my family told me over there -- you know, when
3 they were sitting over there, they said take the guilty plea,
4 take the guilty plea, and I was like what? And I was wondering
5 why do they want me to take the guilty plea. And I learned
6 later that basically they said I would have been found guilty
7 on the spot. So I had no chance to -- I had no chance to be
8 able to submit evidence. Everything just -- you know, it's a
9 combination, lack of --

10 THE COURT: Let me ask you a question. From your
11 perspective, who was responsible for rushing you to a jury
12 trial? Whose fault was that?

13 THE DEFENDANT: N.C. Tilley, Jr.

14 THE COURT: Judge Tilley's the one?

15 THE DEFENDANT: Yeah.

16 THE COURT: That actually is pretty close to a
17 correct answer. Mr. Placke can't control when cases are called
18 for trial. The judges do. Do you understand that?

19 THE DEFENDANT: Yes, sir.

20 THE COURT: The law says you have a certain amount of
21 time to prepare for trial under the Speedy Trial Act; but once
22 that time frame is met, it's up to the judges of this district,
23 whichever judge is assigned your case, to ultimately decide
24 when your case gets called for trial, correct?

25 THE DEFENDANT: Yes, sir.