

THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

FILED IN CLERK'S OFFICE
U.S.D.C. Atlanta

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


PLAINTIFFS

v.

WILLIAM A. MORRISON INDIVIDUALLY,
AND DBA JONES, MORRISON & WOMACK,
P.C.. AND C. MICHAEL ABBOTT
INDIVIDUALLY, AND DBA C. MICHAEL
ABBOTT, P.C..

DEFENDANTS

Case NO. 1 99-CV-1616

JUN 22 1999
LUTHER D. THOMAS, Clerk
By:  Deputy Clerk

CIVIL RIGHTS ACTION

COMES NOW the plaintiffs, pursuant to Federal Rules of Civil procedures and request monetary damages against the above named defendants who did conspire among themselves, and with others to deny a person equal protection and due process of law as guaranteed by the fourteenth admendment of the United States Constitution, and in conjunction with 42 USC § 1985 (2)and(3), and 28 USC § 1343 (1) and (2). Said defendants also deprived plaintiffs of "the right to effective assistance of counsel", as guaranteed by the sixth admendment of the United States Constitution. Defendants futher deprived plaintiffs of their Civil Rights as guaranteed by the first, fifth and thirteenth admendments of the United States Constitution.

STATEMENT OF JURISDICTION

Jurisdiction of the Court is involked under the following:

- 28 U.S.C. § 1331
- 28 U.S.C. § 1343
- 42 U.S.C. § 1985

CONSTITUTIONAL ADMENDMENTS

- FIRST ADMENDMENT.....Right to Petition for Redress
- FIFTH ADMENDMENT.....Grand Jury, Double Jeopardy, witness
Against Himself and Due Process
- SIXTH ADMENDMENT.....Speedy Trial, Witness in his favor
and Assistance of Counsel
- THIRTEENTH ADMENDMENT.....Duly Convicted
- FOURTEENTH ADMENDMENT.....Equal Protection and Due Process

INTRODUCTION

The common benchmark for evaluting an effective assistance of of counsel claim is found under the landmark case of Strickland v. Washington, 466 U.S. 686, 687-688, 104 S. Ct. 2052 (1984). The Strickland Court provides a two-part test that must be met when raising an effective claim. First, the defendant must show that counsel's proformance was "deficient". This requires a showing that counsel made errors so serious that counsel was not functioning as the "counsel" gurantee is listed by the Sixth Admendment. In other words " a defendant must show that counsel's representation fell below a objective standard of reasonableness". Id. at 688.

Second, a defendant must show that the deficient proformance prejudiced the defense. This requires showing that counsel's errors

were so serious as to deprive the defendant of a fair trial, a trial whose results is liable (i.e. "but for counsel's unprofessional errors, the results of the proceedings would have been different") Id. at 694.

The linchpin of the Strickland decision is that both prongs of the test are conjunctive, not disjunctive in most situations. That is, a defendant who usually succeed in demonstrating deficient performance by counsel, no matter how egregious, must also in most situations, satisfy the prejudice part of the test.

Accordingly, the plaintiffs [GEORGE W. HIGH, SR., and VIRGINIA C. HIGH) will prove by: The preponderance of the evidence, Clear and convincing evidence, and proof beyond a reasonable doubt, that Att. William A. Morrison and Att. C. Michael Abbott "actively represented conflicting interest", in that their fiduciary was with the government, and that they breached the duty of loyalty, perhaps the most basic of counsel's duties.....

STATEMENT OF THE ISSUES

ISSUE I

The defendants deprived the plaintiffs of their right to petition the Court, to challenge a criminal conviction, as guaranteed by the first amendment of the United States Constitution.

ISSUE II

The defendants deprived the plaintiffs of their right against being unjustly indicted, and twice put in jeopardy of life and limb, as guaranteed by the fifth amendment of the United States Constitution.

ISSUE III

The defendants "compelled" the plaintiffs to be witnesses against themselves, and caused plaintiffs to be deprived of liberty, and property, without due process of law, as guaranteed by the fifth admendment of the United States Constitution.

ISSUE IV

The plaintiffs were deprived of their right to a speedy trial, and to have witnesses in their favor as guaranteed by the sixth admendment of the United States Constitution.

ISSUE V

The defendants deprived the plaintiffs of their right to the Assistance of Counsel for their defense, as guaranteed by the sixth admendment of the United States Constitution.

ISSUE VI

Defendants caused plaintiffs to be in "virtual" slavery as they were not duly convicted as guaranteed by the thirteenth admendment of the United States Constitution.

ISSUE VII

Defendants conspired among themselves, and with others to deny said plaintiffs equal protection and due process of law, as guaranteed by the fourteenth admendment of the United States Constitution, and in conjunction with 42 USC § 1985(2) and (3) and also 28 USC § 1343 (1) and (2)

FACTUAL BACKGROUND

In late September 1990, IRS investigator Sheila Whipple called Kyle Henry and made an appointment to meet him for lunch. Now Kyle Henry had stated in the car business in 1984, and became a salesman sometimes thereafter. In 1987 he started working for Bambi leasing as a sub-contractor with his own clients and subsequently began to sell high dollar cars, i.e. Mercedes Benz, Porsches, Range Rovers and such. Shortly thereafter Kyle Henry left Bambi leasing and began brokering on his own, and he began to attract drug clients and doing a number of "all cash deals". In early 1990 Kyle Henry met Ladaris Patrick, and in a short period of time sold Patrick three cars for all cash. Kyle said under oath that he knew Patrick was a drug dealer at the second sale. Kyle also said that he had done eight (8) other cash deals before meeting Patrick.

On September 26, 1990, Sheila Whipple met Kyle Henry for lunch at Paces Deli (Cor. Peaces Ferry & Atlanta Rd.). Now Sheila Whipple is white and Kyle Henry is white, and contrary to IRS policy, she did not carry her weapon, nor did she read him his rights, and she met him alone. She said that the meeting lasted about 45 minutes and she did not feel like he had violated the law. She said that she could not remember having lunch, but she did prepare the form 8300. She also said under oath she did not inquire extensively about his background or how long he had been in the car business, and she said that she did not go back to "84", but did ask about his leaving Bambi and brokering on his own. She was asked if Kyle had told her that he had done eight other "all cash deals", and she said that she did not ask him about other cash transactions.

Ms. Whipple said that Kyle told her that he was not familiar with the 8300 forms and that she believed him. She was asked if she knew that the transaction she was investigating had to do with drug proceeds, and she said yes.

Kyle Henry said that he knew that Patrick was a drug dealer, and he visited him in Memphis and they attended sports events together. Kyle said that he had other drug clients. Kyle said that he had sold a Mercedes for Patrick and gave him a \$80,000 check and Patrick insisted on a number of smaller checks, and he (Kyle) assisted Patrick in getting smaller cashier checks. While on the witness stand, Kyle said that he and "Sheila" had lunch on their first meeting but he could not remember who paid for it. Ms. Whipple asked Kyle Henry to be an undercover agent and he agreed, and she told him to contact her whenever he was approached by any "Black" guys about buying cars. Kyle was later provided with a paid apartment, including utilities, and it was wired for sound, and he began recording "selective calls". Kyle Henry took an unusual amount of control of the sting operations.

On May 19, 1991, IRS agent Tris M. Lingam and her group manager, Don Merz went to Fort Richie, Maryland Army Base to talk to Sgt. Robert Ward about a suspicious form 8300 transaction. They were both armed, and they read him his rights, and they gave him no prior notice. Robert Ward is Black and Trish Lingam is white.

In August or September 1991 (or thereabouts), IRS agent David Jones just walked into the office of High's Realty, Inc., at 6118 -D Covington Hwy. and asked to see Mr. or Mrs. High. Mrs. High came out shortly and he identified himself and said that he needed to get certain information pertaining to a client. Mrs. High told

him that she would not be able to give him the information but he could check with me. She brought him to my office and told me who he was and what he wanted, and she asked me to step outside, and when I did she told me that "he had a gun" and for me to be careful. I asked him for identification, which he produced, and I then asked him why did he come in our office armed, and he said that it was IRS policy that they always wear sidearms. I asked him if this was about some tax investigation of the person, and he said "no". He said that he had been told by the person that we would have certain records that he needed. I told him that I could not release any information without the persons consent. I called the person and got no answer and I then paged them and they did not return the page. He said that he would check back with us the next day because he would be back in the area. The client called later and said that it was O.K. to give David Jones what he had requested. David Jones came back the next day and began questioning Virginia about our record keeping, and how we kept track of when people paid rent or other monies owed. Virginia asked him if he was investigating us and he assured her that we were not under any investigation. She gave him the information and he left. Sometimes later Virginia and I returned to the office from an appointment and David Jones was in the office talking to Eric High, and we spoke and he he asked if he could speak with one of us. I invited him into my office and asked him why he had not called, and he said that he was just in the area and dropped by. David Jones said that he understood that I had sold the client some lots in southwest Atlanta, and he also inquired about a second mortgage that I held on a piece of property on Memorial Dr.. I asked him "point-blank" if he was investigating us because it seemed like he was more interested in our business than the clients.

He again assured me that he was not investigating myself, my wife, or our business, and he said that if he was investigating us he would have to inform us of such. He told me that he needed some additional information and I told him to put everything that he wanted in writing and I could see that he was too pleased with handling things in that manner, and he said that he'll be back in touch with us and he left. David Jones was (and still is) "black".

On October 17, 1991, at about 9:00 A.M., Virginia and I were exiting our rear-entry garage when a car came around to the back of our house very fast and blocked us $\frac{1}{2}$ -way in/out of our garage. Two white men got out very fast and came to either side of our car and motioned for us to lower our windows and we complied. They identified themselves and said that they wanted to talk to us, and I told them that we were on our way to a very important appointment and would meet with them later. They agreed and gave us their card and asked us to call them when we returned. Virginia made mention of the fact that they had "guns" because their coats were opened when they were leaning down talking to us and we could see them. We found it very strange that they would drive around to the back of our house, because all of our visitors always came to the front entrance except family and expected friends. We returned around 11-12:00 and called them and they were in about 15 minutes, and they again drove around to the back of the house, opened the door to the screened porch, entered and knocked on the back door. I invited them into the breakfast room and we were seated. Virginia "immediately" asked them if they were still wearing their guns, and agt. Silinski said yes, and that it was a policy that they always wore firearms. Agt. Silinski was accompanied by agt. Michael Scamid, and he (agt. Silinski) said that he wanted to ask us some questions,

but first he wanted to read us our rights which he proceeded to do, and after which he began to ask us numerous questions. He had our tax returns for the years 1988 and 1989, and he asked about \$5,000 line item and Virginia told him that she had won that in Las Vegas. He also asked her about the properties that we had listed on the returns, and he asked other questions about our taxes. He asked if we borrowed any money and he asked if we kept any large sum of cash on hand. Most of the questions we did not answer, because my posture was that: when two armed white men invade our home unannounced, uninvited, and read us our rights.....Well, after about 2 hours of a lot of questions and a very few answers, Agt. Silinski left us a list of items that he wanted us to get to him, and Virginia had been taking notes all the while he was there.

Within a day or two after the "armed invasion", Virginia and I were in the office and I was at the fax or copy machine and she said "George" look whos coming across the parking lot, and I looked and it was David Jones. He came in and spoke and said that he had been very busy but he had finally got around to getting the list that we had requested. Only Virginia and I was in the office, and we told him that two IRS agents had been to our house and had read us our rights and asked us a lot of questions and gave us a list of items that they wanted. I asked him if he knew agt. Silinski and he said that he could not place him. I asked him if he was working with agt. Silinski and he said "no". I reminded him that he had assured us that we were not the subject of any investigation, and he again said that he was not investigating us, and was not aware of any investigation pertaining to us. He asked me if agt. whats-his-name specified any properties and I said yes, but we did not have the list with us. He asked me if I had the agents card and

I showed it to him, and he said that name did not "ring-a-bell", but there were hundred's of IRS agents in the Atlanta area. I looked over the list and gave him some of the items, but some of them we did not have in file and we had to get them from the bank, and he had to make another trip after Virginia called him later.

Within 2 weeks or so agt. Silinski called at the office and asked Virginia about the items that he had requested and she told him that IRS agt. David Jones had got some of the things that he requested, and he asked who was David Jones? Virginia said that he was an IRS agent that had been coming around for the last couple of months asking about a client, and agt. Silinski said that he was not working on any case with a David Jones, and he said that he was going out of town for two weeks and would get get back with her. Agt. Silinski called back when we were having a Christmas party for the agents and I told him that this was a very bad time and he said that he'll check back with us after christmas.

When we came back to the office after new year, the investigator from the Georgia Real Estate Commission came in and gave me a copy of a ruling informing me that the licenses of George W. High, Sr., and High's Realty, Inc., was revoked, effective January 8, 1992, and that we were to cease doing business immediately. and remove all real estate signs, cancell all listings, inform all agents to transfer and/or send their licenses to the Real Estate Commission. We ceased operations and closed High's Realty, Inc., office in late January, and Virginia High, Eric L. High, and George High, Jr. all transferred their license to Real Estate Portfolio, who was located on Snapfinger Woods Dr.

Agt. Silinski paged one day and I called him back, and he asked me about those items that he had requested and I told him that I had personally gave some of those items to IRS agt. David Jones, and I wanted to know "wahat was going on? He said that: "I am not working on any case with any David Jones", and he said, Mr. High are you or Mrs. High going to give me the things that I requested and I said "no". Virginia was not with me at that time and I later told her what had transpired between agt. Silinski and myself, and that it was time that we got an attorney.

Virginia or I called att. Robert Burroughs and he referred us to Att. C. Michael Abbott. Virginia called Michael Abbott and he told us to come to his office and bring \$5,000. We went to his office explained the situation and he said that he knew agt. Silinski and he would call him right now. Michael Abbott called agt. Silinski and asked him if Virginia or I was the target of any investigation, and agt. Silinski said "I can't say". Michale Abbott said that he would talk to agt. Silinski later and let him know that he was representing us, and he should not call us again. Att. Abbott asked for the \$5,000 and Virginia took out her checkbook and began to write a check and he said that he wanted "cash". Virginia told him that she would write him a check and we would cash it for him, which she did. Agt. Silinski did not call us again.

In March/April 1992, Alex Turner who had been the FBI case agent since 1987 was terminated, and Barbara Brown became the case agent. Alex Turner is "black" and Brabara Brown is "white", and with the change, all of the governments investigators were white i.e. U.S. Attorney Joe D. Whitley, ASAU Allen Moye, IRS agents William Siliski and Shelia Whipple and FBI agent Barbara Brown.

On June 8, 1992, Kyle Henry and his lawyer negotiated a contract with the IRS (William Silinski & Sheila Whipple), that could pay him up to a million dollars, and the U.S. Attorneys made a contract with him to receive 25% of everything that they seize e.g. cars, trucks, houses, money and ect. Before the ink dried Agt. Silinski seized a number of properties, and took \$12,000 from Virginias bank account, and later "waylaid" a insurance check for \$15,000.

On June 17, 1992, Virginia and I was in the office of Georgia Home Improvement Co., Inc., and Eric High and a client was leaving, and when they got to the parking lot they saw David Jones, a nègrø female and William Silinski looking at Virginia's car. David Jones spoke to Eric (as they had seen each other on numerous occasions) and asked "where is Mrs. High"? Eric said she is in the office, and David Jones asked Eric to show him the office. Eric brought them to the office and at that point David Jones and the nègrø female rushed in the office and he (David Jones) said "Freeze" and don't nobody move, or something to that effect, He had his hand on his gun and so did the female. The female told Virginia to "get against the wall, or put your hands on the wall", and she began to search Virginia and told her to take her rings off and she took a comb from Virginia's hair. As the nègrø female was handcuffing Virginia Agent Silinski came and stood in front of my desk and watched me as David Jones had been standing at the side of my desk. Agt. Silinski and the nègrø female left together with Virginia handcuffed between them, and David Jones kept me "covered" until they got outside and he left. Now a few months earlier at the office of High's Realty, Inc., David Jones could not place Agt. Silinski and said he was not

working on any case with him, and agt. Silinski had told me and Virginia on more than one occasion that: "I am not working on any case with any David Jones".

Virginia was indicted that day and we posted a \$100,000 bond and she was released. We went to Michael Abbotts office the next day and he said that the government wanted Virginia to cooperate with them because they were interested in some people we had sold some houses to. We did not understand much about what was going on, and Michael Abbott began to explain what cooperating entailed, and Virginia said that she was not pleading guilty to anything because she had not comitted any crime. Michael Abbott said that he could talk to the prosecutor (Allen Moye) and get things worked out, and he felt certain that she would not go to prison if she pled guilty and cooperated. Virginia took a firm and decisive stand and said that she would not pled guilty or cooperate under any circumstances. Michael Abbott told Virginia that if she did not cooperate that there would be another indictment and I would be included.

On July 9, 1992, Just like Michael Abbott said, there was another indictment and I was included along with Virginia and three black males [see] Dist. Ct. Docket No. 1:92-CR-182 (superseding). The prosecutor had "turned up the heat". I posted a \$100,000 bond and went home, as I had not been arrested, but they called our lawyer Michael Abbott and told him that I would be indicted and I shoule be at the federal courthouse that morning. Now why agt. Silinski did not afford Virginia that came courtesy, I do not know, but it is well documented that Michael Abbott had been representing "us" at least 3-4 months before Virginia was arrested. Virginia and I

made application to the Court to be appointed lawyers, because the IRS (agt. Silinski) had seized some properties and took \$12,000 from Virginia's bank account, and later "they" seized a \$15,000 insurance check, so they made certain that we would not be able to hire "real lawyers" to mount a good defense.

On July 27, 1992, at about 6:00 A.M. Virginia and I heard knocking at the front and back door, doorbells ringing, and people hollowing "open the door, we have a search warrant". I went downstairs and opened the front door, and then opened the back door because there were numerous agents there also, and I would estimate that there were 20+ agents at our residence, and they were all armed. Agt. Silinski said: Mr. High we have a search warrant and I want to where do you keep your guns? I told him and as they started upstairs, I said that Mrs. High is not dressed and he told Ms. Whipple and the negro female who arrested Virginia to go upstairs with Mrs. High. Virginia and I came down later and they instructed us both to sit in the family room. Terry Sosbee (GBI) began "snooping" around the family room, and the other agents started opening doors, and they tried one door and it was locked, and the agt. asked, "whats in there", and I said thats the lower leve and that our son Eric High and his wife Jenique rented the apartment there. He called agt. Silinski, and he said Oh! this house has a basement? I told him that the entrance was outside and it was a seperate apartment. He said that he had a search warrant to search the "whole house". They kept knocking on the door until Eric or his wife opened it, and they told them that they would have to come upstairs while they searched the apartment, and they also made Eric and Jenique sit in the family-room along with Virginia and myself. As previously stated, the

apartment had a seperate outside entrance, 2 bedrooms, a full bath, fireplace, laundry room, living/dining room sink cabinets, refrigerator and it was completly furnished with their furnishings. Silinski called me to the Master bedroom and asked me to open the safe or he would take it with him, and I complied. At about 6:30 he told me that I need to accompany some agents to the office because they had a search warrant there also, and he assured me that if I did not open the door they would "kick-it-in". Shelia Whipple followed me to the office and when we got there, there were already 4-5 agents already there, and when I opened the door the search began. I went in the back office and sat at my desk. I heard Shelia Whipple tell someone that this was the office of High Realty, and I spoke up and said that this was the office of Georgia Home Improvement Co., Inc., and she either did'nt hear me or she ignored me, so I got up from my desk and went to the reception area where she was and told her that this was Georgis Home Improvement Co., Inc., HIGH-FIVE Ltd, and Bal, Inc., and she could go to the management office right down the hall and see whos office this is. I asked her if they did not see the sign on the door saying "Georgia Home Improvement Co. Inc.. I told her that High's Realty, Inc., had been out of business for over 6 months and had never been at this location. She asked me to please have a seat and they knew what they were doing. They continued going thru files, and they brought in numerous boxes and started seizing files. About 1:00 P.M. (or thereabouts) agt. Silinski, the negro female, and some other agts. came over and agt. Silinski told Shelia Whipple that they had finished searching the house. AGT. Silinski started going thru files, and I told him that if the warrant was for High's Realty, Inc., that he was at the wrong place.

I told agt. Silinski that this was the office of Georgia Home Improvement Co., Inc., HIGH-FIVE Ltd, and Bal, Inc., and he just went about his business of "searching and seizing". They took three computers belonging to Georgia Home Improvement Co., Inc., HIGH-FIVE Ltd, and Bal, Inc.. They took files from all of the cooperations, they seized all the cooperate checkbooks, cancelled checks, every computer disk in the office, stock certificates, personnell files. They seized every address book, every appointment book, all business tax returns, all personal tax returns belong to Eric High's client's and he is a CPA. They took the appointment book showing every visit that David Jones had made and the list of items that we had given him. They took the list of items that Silinski had requested on his "invasion" on October 17, 1991. In retrospect, we did confirm that David Jones and agt. Silinski requested some of the same items. Virginia and I had been real estate investors since 1971, and the seized every first and second mortgage that we held, and every mortgage that all of the cooperations held, They seized all of the closing statements in the office and at home. They even seized the \$5,000 check that we paid Michael Abbott in early 1992. They took the copy of the ruling from the real estate commission revolking the license of High's Realty, Inc., and George W. High, on January 8, 1992, so its no way they could say that they thought that office was High's Realty, Inc.. They took all the hundred's of leases on the various properties owned and managed by HIGH-FIVE Ltd. After agt. Silinski and his "raiding party" left, there was little evidence that Georgia Home Improvement Co. Inc., HIGH-FIVE Ltd., and Bal, Inc., ever existed, and soon thereafter we moved our office to our home. They seized at least 30 boxes of files.

They finished searching and seizing at the office about 5:00 P.M.. I went home and asked Virginia what did they take and she said the agents made her, Eric and Jenique stay in the family room during the entire search, so they were able to see what they were seizing. They said the agents were taking boxes out the front door, through the garage, and they took the items from Eric and Jenique's residence through the outside entrance. They were all trying to do an inventory, but she knew they took all the credit cards, all address books, all appointment books, a computer belonging to Eric High, every computer disk in the house. They took numerous files and records from Eric and Jenique High's residence. They took copies of the first and second indictment. They seized my briefcase containing my "legal firearm", numerous credit cards, appointment book and address book.

Virginia called Michael Abbott and told him about the search and seizure and he was not at all surprised, and told us to come down to his office. We went to his office within a few days, and Michael told us that we needed to start cooperating now. Now Michael Abbott was representing Virginia and I because we had paid him \$5,000, and the court had not appointed us lawyers at that time. Michael Abbott represented me at the indictment and arraignment, at which time I pled not guilty. Michael Abbott said that they now have proof after the search and seizure, and they have more than enough evidence for conviction. We told him that the search was illegal because High's realty, Inc., had been out of business over six months and had never been at that location. He told us that he was an Assistant U.S. Attorney and prosecutor for a number of years, and that they had probable cause for the search and seizure, so forget about the illegal search and seizure. We also told him that they searched

Eric and Jenique High's residence which they rented from us, without without a warrant and the agents seized a number of items. He told us those issues are losers. Virginia asked him about filing a claim for the \$12,000 they seized from her checking account, and he said that would not be worth fooling with. He told us that we had no choice but to cooperate. I was present at that meeting and every time we visited his office up until I was appointed an attorney.

On August 10, 1992, The Court appointed William A. Morrison to represent me, and sometimes thereafter Bill Morrison called me and told me to come to his office. When I arrived at his office, the first words that he uttered were: "You need to start cooperating now because the evidence is overwhelming". He told me that he had been an assistant United States Attorney and prosecutor, and he use to work with Allen Moye and he would get with him and get me a "good deal". He said that Allen Moye wanted Virginia and I to come down to his office and go over all of the records, files and all of the evidence that they seized, and cooperate with the government and he said that he could assure me that I would only get a short sentence at the Atlanta Camp, and that Virginia would not go to prison if I "made a deal right now". I told Bill "no thanks" and that we were innocent and would not be pleading guilty to anything, and that was my first and final answer on the matter. He told me not to try to play hardball because Allen Moye don't lose no drug cases. I told him how they searched Georgia Home Improvement Co., Inc., and the warrant was for High's Realty, Inc., and also how they searched Eric and His wife's residence that they rented from us without a warrant. He said those arguments "wont hold water", and to let him handle the law, and for us to start cooperating now.

He told me that if Virginia and I did not cooperate now that the stakes would get much higher and the deal would not be as nice then. I told him that I would not pled guilty or cooperate under any circumstances. Bill Morrison assured me that there would be another indictment, and he said: I gurantee you that y'all will cooperate.

On December 17, 1992 (just like Bill said), there was another indictment which included my self, Virginia and 13 other persons. The prosecutor had really "upped the ante" and charged Virginia and I on count #1; the drug conspiracy. The prosecutor had also charged me with counts 3 and 9 (firearm counts).

After the third indictment Bill called and told me to come to his office. Upon my arrival he said George "boy" you aint got a prayer, and it was as if he was happy and he had a "smirk" on his face. He said these are some very serious charges, and you and Virginia could go to prison for the rest of y'all's life. Bill told me that the stakes had got much higher like he had warned me about. He said that Allen Moye was still willing to make a "sweet deal" which would entail me pleding guilty and being sentenced to 25 years and to cooperate and to tell everything that I know, and to persuade Virginia to do likewise, and I could get a 5k-1 and maybe a rule 35, and he said maybe , just maybe (no promises, he said), Virginia may not have to go to prison. I told him how David Jones and Bill Silinski had tricked us with David Jones getting information from us and saying that he was not investigating us, and that he could not place agt. Silinski, and how agt. Silinski said that he was not working on any case with any David Jones, and a few months later they came to our officer together and arrested Virginia on June 17. I told him how they had searched Georgia Home Improvement Co., Inc.,

when the warrant was for High's Realty, Inc., when in fact High's Realty had their licenses revoked and ceased operations on January 8, 1992. He asked me if I had records of the visits David Jones made and I said they seized them, and he said it was just my word against Bill Silinski, and who do I think the jury would believe. He told me if they believed there was evidence of a crime at that office, they had probable cause to search. I told him that they had charged me with two false firearm charges, because all my rights were restored when I got out of prison in 1962, and also my rights to possess firearms. And I told him that I was not a convicted felon. At that point Bill Morrison became "irate" because I had really "pushed the wrong button", and he stood up and started hollering and said: Do you think that the FBI, ATF, DEA, IRS, and the U.S. Attorney's office is a "bunch of idiots", and would do something so "stupid" as to search your house, and your briefcase and find a legal firearm and carry it before the grand jury and get a false indictment? Do you think they would be so "incompetent" as to get an affidavit for a search warrant and not check to see whose office it is? He said that it is no way that David Jones and Bill Silinski would be a party to any wrongdoing, and that David Jones would have certainly read you and Virginia y'all's rights just like Bill Silinski did if he was a party to any criminal investigation. I told him that I maintained all of the above i.e. false firearm charges, that I was not a convicted felon, The search and seizure was without a warrant at the alleged office of High's Realty, and the residence of Eric and his wife, and the residence of George & Virginia High. And that our rights were violated by Bill Silinski and David Jones.

He told me that if any rights had been restored, they only applied to the State of Colorado and would have no effect on Federal Law, and that I was a convicted felon under federal law, and I can just forget about the searches and seizures being unconstitutional. Bill reminded me that he was a former federal prosecutor, and a practicing attorney, and my defense lawyer and it was no way that he would tell me anything wrong because he was going to fight for my rights "until the final blow is struck". He assured me that it was no way that we would be acquitted if we went to court and we well may get "life". Bill told me to discuss the matter with Virginia and get back with him and maybe we could "cut-a-deal". When I got home I discussed with Virginia how I had been offered a deal to pled guilty and get 25 years and how she may not have to go to prison, and if we cooperated I could get a sentence reduction. Virginia said: Aint no way" we will pled guilty or make any deal because we are innocent, and if we go to prison "so be it". We never vacillated and remained stedfast until this day.

In early 1993, Michael Abbott called Virginia to come to his office, and this was not long after the above "very heated meeting" that I had with Bill Morrison. I went with Virginia to the appointment, but I waited in the restaurant on the mezzanine floor of the building. The meeting lasted for a long time and afterwhich, she told me that he said pretty much what Bill Morrison had told me at the meeting that we had. Michael Abbott had told her that it would be "suicide" to take this case to trial because it was "cut and dried", and he told her that she had no choice but to cooperate because the evidence was "overwhelming", and that when (not if) she was found guilty (which she would be), that she would get considerably

more time. He told her that if she went to trial that he could assure her that she would get at least 25 years and possibly life after being found guilty. Virginia said that he asked her if I was telling her to not to cooperate, and if I was, and she listened to me she was going to prison for a very long time. He told her not to not bring me to his office again.

Within a few days Michael Abbott called Virginia with another "trick-up-his-sleeve", and he told her that he had a very good idea that could well work in our favor, and he proceeded to tell her about the polygraph exam and how he may be able to get the results entered into evidence to prove our innocence. Virginia told him that she would discuss it with me and get back with him. That same day Bill Morrison called me about the same thing and it was "verbatim" to what Michael Abbott had discussed with Virginia earlier. I told him I would think it over and get back with him. Virginia nor I had never taken a polygraph exam and did not know the pros and cons of it, but we agreed that if it could help us, "we were for it". Virginia called Michael Abbott within a day or two and told him that we had agreed to take the polygraph and he could set the appointment. He told her that it would cost \$500 each, and that he'll get in touch with Bill Morrison and he'll be there also. We went to Michael Abbotts office for the appointment and Bill Morrison arriver shortly. Virginia took the test first and the examiner told her that she had failed miserably, which proved that she was guilty. I took the test and he said that I was being deceptive, and not at all truthful. At that point the examiner became the interrogator and told me that I should cooperate and tell the truth and I could help myself and my wife and that prison is not a nice place. He told me that I should

make a deal which would assure me of a much lighter sentence. He told me how I should just get it all off my chest and confess to everything, and he told me how proud my wife would be for keeping her out of prison. I told him that I had no confession to make to him or anyone else and for him to just leave me alone. I know then that the polygraph was just a "scam" to get us to cooperate.

After the test was over Bill Morrison and Michael met with the examiner for about 15 minutes, and then the examiner left and Michael Abbott called Virginia and myself into his office, and there was just the four of us there; Bill Morrison, Michael Abbott, Virginia and myself. They told us that the test proved that we were guilty so we had no choice but to cooperate. They said that Allen Moyer wanted us to come down to his office and go over all the records and evidence that they seized, and tell them everything that they wanted to know, and he (Allen Moyer) would recommend a lesser sentence because the government was interested in some of the people that we sold houses to. Bill Morrison said that they did not want to put Virginia in prison because they knew that she was not a drug dealer. Virginia and I "emphatically" and in no uncertain terms told them that we would not plead guilty, and that we would not cooperate, and that we were going to trial. I also told both of them while we were all together, that I was not a convicted felon and that all my rights had been restored including my rights to possess firearms. I told him that the 2 firearm charges was unjust. I told them that the search and seizure at the alleged office of High's realty, Eric and Jeniques residence, and at our house was unreasonable and unjust. I told him that Bill Silinski and David Jones had violated our rights. I asked them to investigate the firearm charges, and High's realty being out of business six+ months prior to the search and seizure.

Bill Morrisons said that all of the charges were correct and if the government bring an indictment it is true and they don't frame people. Our trial began in September of 1993, and before it was over, the government called 74 witnesses, and Michael Abbott and Bill Morrison called none. The prosecutor waved my legal firearm before the jury on no less than four occasions, and Terry Sosbee (GBI Agent) testified about the firearm, and how he searched my briefcase. Marty Spiegelman testified about selling me the firearm. Luis Valez (BATE) testified about test-firing my firearm after having it given to him by William Silinski. Virginia and I was found guilty and sentenced to 97 months and we self surrendered on March 28, 1994, and have been incarcerated since unjustly.

ISSUE I

The defendants deprived the plaintiffs of their right to petition the Court, to challenge a criminal conviction, as guranteed by the first admendment of the United States Constitution.

ARGUMENT

The plaintiffs, George and Virginia High asserts that the defendants deprived them the right to petition to the court, to challenge a criminiial conviction. Plaintiffs claim is involked under the first admendment of the United States Constitution, whereas, the United States Supreme Court has held that, the "Right to Petition" for redress of grievance is among the most precious of the "liberties" safeguarded by the Bill of Rights. The right to petition occupies a

preferred place in the Judicial systems, and enjoys a 'sanctity and a sanction' not permitting dubious intrusion.

The first amendment 'right to petition' guarantees 'all' citizens the right to petition, whether it be for legislature or judiciary review. The objective of the 'right to petition' clause is not merely to guarantee the opportunity for seeking redress. It is also designed to provide some assurance that 'reviewing courts' on all matters will be given accurate information upon the review of complaints as well as criminal appeals. It can therefore, be no doubt that the filing of an appeal, or any post conviction petition constitute an exercise of the first amendment 'right to petition'.

Plaintiffs, High's avers that in early August 1992, that they told Michael Abbott that the search was done at Georgia Home Improvement Co. Inc., without a warrant and without probable cause, and the agents searched Eric and Jenique High's residence with no warrant, and we told him that High's Realty Inc., had been out of business over six months. Att. Abbott insisted that we cooperate, and refused to 'petition the courts'. Shortly after Bill Morrison was appointed to represent me on August 10, 1999, I told him in a very heated argument that that: The agents searched Eric and Jenique High's residence without a warrant, and they searched Georgia Home Improvement Co. Inc., when the warrant was for High Realty, and he refused to 'petition the court'. The third indictment was December 17, 1992, and in late December of 1992, or early January 1993, Bill Morrison and I had another "knock-down-drag-out" confrontation, in which I insisted that David Jones and William Silinski had conspired to violate our rights, and that the search at Georgia Home Improvement Co. Inc., was effected without a warrant, and the search and

seizure at the residence of Eric and Jenique High, was without warrant or consent. I also told Bill Morrison that the firearm charges was without merit because my rights had been restored, and I told him that I was not a convicted felon. I told him that George and Virginia was being "framed" as a results of the unreasonably seized evidence, and he still refused to 'petition the court'. In early to mid 1993, when the plaintiffs were at Att. Abbotts office and in the presence of Bill Morrison, and after the encounter with the "scoundrel" who professed to be a polygraph expert, the High's told them both about the false charges i.e. search and seizures, false firearm charges, not a convicted felon, and the evidence used on the drug conviction was tainted, and they (Bill Morrison & Michael Abbott) still refused to 'petition the court' to challenge a criminal conviction, which deprived the plaintiffs of their rights as guaranteed by the first admendment of the United States Consti-tution.

ISSUE II

The defendants deprived the plaintiffs of their right against-being unjustly indicted, and twice put in jeopardy of life and limb, as guaranteed by the fifth amendment of the United States Constitution.

ARGUMENT

George High was indicted on count (3), 18 USC § 922 (a)(6), False statement in acquiring a firearm. Question 8(b) on form 4473 states: Have you been convicted in any court of a crime punishable by imprisonment for a term exceeding one year, "Note"... A yes answer is not required if you have had your Civil Rights

restored. [see] U.S V. SANDERS, 844 F. Supp. 1047. I was tried, found guilty, and sentenced to 60 months.

George High was indicted on count (9), 18 USC § 922 (g)(1), convicted felon in possession of a firearm. High did not have a predicate crime punishable for a term exceeding one year, as defined by 18 USC § 921 (a)(20), as my rights had been restored in 1962, and my possession of a firearm did not violate the law. I was tried, found guilty, and sentenced to 97 months. [see enc.] copy of indictment and firearm charges. As is noted, those charges were in Colorado in 1960, and High was released from prison in 1962, and my rights were restored at that time, as I had told Bill Morrison and Michael Abbott on numerous occasions. U.S. V. Hall 20 F. 3rd 1066, Colorado, like many states, restores various Civil Rights, such as the right to vote, sit on a jury, and hold public office for pay, to convicted felons once they complete their sentences. My rights to possess firearms were also restored. [See] Beecham V. U.S., NO. 93-455 5/16/94, Justice O'Conner in delivering the opinion for a unanimous Court said: "What constitutes a conviction...shall be determined in accordance with the law of the jurisdiction in which the proceeding was held", 18 USC § 921(a)(20), "Any conviction which has been expunged, or set aside or for which a person has been pardoned or has had civil rights restored shall not be considered a conviction"...

IRS agents, William Silinski and Shelia Whipple had went before the grand jury and told them how they had found the firearm at the High's residence during the search and seizure, and they lied and said that I was a convicted felon, and the BATF even "confirmed" that lie, when in fact they knew that my rights had been restored in 1962, but their total case "hinged" on the firearm charges.

The U.S. Attorney, Joe D. Whitley, Allen Moye, Bill Morrison, Michael Abbott, Barbara Brown, the BATF, William Silinski, Shelia Whipple and Terry Sosbee all knew or should have known that my rights had been restored, but they all conspired to "hookwink" the "naive" grand jury into unjustly indicting George and Virginia High, on a "Fatally Defective" indictment, and plaintiffs was subjected for the same offense to be twice put in jeopardy by all of the defendants and co-conspirators, which deprived plaintiffs of rights as guaranteed by the fifth admendment of the United States Constitution.

ISSUE III

The defendants "compelled" the plaintiffs to be witnesses against themselves, and caused plaintiffs to be deprived of liberty, and property, without due process of law, as guaranteed by the fifth admendment of the United States Constitution.

ARGUMENT

As stated in the "Factual Background" (pages 5-24) on numerous occasions, Bill Morrison and Michael Abbott "insisted" that we cooperate and just tell everything that we and others did, and we told him that were going to trial, as we had not comitted any crime. From August 1992 up until and during trial, they only talked about us pleading guilty, admit that we conspired with drug dealers, and go down to Allen Moye's office and go over those 30 cases of records that they seized from the office, and almost that many that were seized from Eric and Jenique High's residence. They told us that it would be "suicide" to take this case to trial, because they said that when we were found guilty that we would get at least 25 years

in prison, and maybe life. William Silinski had also been trying to get us to cooperate since October 17, 1991, and he never let up. Bill Morrison has written me no less than 5 letters since being in prison telling me that he would file a 5K-1 for a time reduction if I agreed to tell him about a person, and I was very firm in my right to not being a witness against myself, as guaranteed by the fifth admendment of the United States Constitution.

Persuant to 21 USC § 853 and 18 USC § 982, The IRS i.e. William Silinski, Shelia Whipple, and co-conspirators Joe D. Whitley, Allen Moye, and others known and unknown, acting under the claim of Federal Authority seized in excess of one million two hundred thousand dollars from the plaintiffs, and also \$12,000 from plaintiffs bank and a \$15,000 insurance check, and the U.S. Marshall refused to allow plaintiffs to remove \$200,000 in furnishings from the Cascade Rd. property (that was titled in painttiffs name), and said Marshall was "neglant" and property was stolen and plaintiffs were not notified until a month later by the Atlanta Police. That person was none other than West Johnson, and he never notified us about the theft. The plaintiffs property, real and personal, were illegally forfeited after "fraudulant" conviction, and due process of law. The defendants "compelled" theplaintiffs to be witnesses against themselves, and caused said plaintiffs to be deprived of liberty, and property, without due process of law, as guaranteed by the fifth admendment of the United States Constitution.

ISSUE IV

The defendants deprived the plaintiffs of their right to a speedy trial, and to have witnesses in their favor as guaranteed by the sixth admendment of the United States Constitution.

ARGUMENT

From first indictment to trial was 15 months, which was by no means speedy, because Joe D. Whitley, Allen Moye, William Silinski, Sheila Whipple, Barbara Brown, William Morrison, Michael Abbott and others needed enough time to "frame" George and Virginia High and other "black defendants" on the unreasonable seized evidence and the false indictment. Bill Morrison and Michael Abbott did not insist on a speedy trial because they were in "collusion" with the government from day one, and they were also party to the campaign of descrimination, injustice, threats, intimidation, harassment, prejudice, partisanism and hate perpetrated on the plaintiffs by those "rogue agents" within the FBI, IRS AND THE U.S. Attorneys office. It was also during that time that Bill Morrison and Michael Abbott had us take that "sham exam", and they continued to insist that we cooperate, and forget about a speedy trial.

The government called 74 witnesses and Bill Morrison and Michael Abbott called none, and they never questioned William Silinski about the legal firearm that he seized from plaintiffs residence during an unreasonable search and seizure, and he carried it before the grand jury and comitted purjury by telling them that I was a convicted felon when he knew that was a lie. He never questionse Shelia Whipple about the unreasonable search and seizure exercuted at the office of Georgia Home Improvement Co., Inc.,, when in fact that warrant was for High's Realty, Inc., who had been out of business over six months, and had never been at that location. Bill Morrison and Michael Abbott well knew that the firearm charges were false when they allowed Allen Moye to call Marty Spiegelman to testify about selling me the firearm,without objecting. They never objected

when Terry Sosbee testified about the "warrantless" search of my briefcase containing the firearm, and they did not object when Luis Valez testified about having test-fied my firearm after having it given to him by agent Silinski. Bill Morrison and Michael Abbott was in fact the "alter ego" of Allen Moyer, and the defendants deprived the plaintiffs of their right to a speedy trial, and to have witnesses in their favor as guranteed by the sixth admendment of the United States Constitution.

ISSUE V

The defendants deprived the plaintiffs of their right to the Assistance of Counsel for their defense, as guranteed by the sixth admendment of the United States Constitution.

ARGUMENT

As previously stated in the introduction (pages 2 and 3), The defendants (Bill Morrison & Michael Abbott)"actively represented conflicting interest", in that their fiduciary was with the gover- nment, and they breached the duty of loyalty, perhaps the most basic of counsel's duties.....

[see] U.S. v. Warden, Green Haven Prison 231 F. Supp. 179,

...The assistance of counsel, whether demanded by the fifth or sixth admendment, must be effective assistance.

The prosecutor (Allen Moyer) brought a witness from Colorado, who was employed by the State Prison, and was suppose to testify that I had served time in the Colorado State Prison, was a convicted, felon, and had not had my rights restored. NOW the witness had stayed in a hotel for two days, had meals, and was paid all at taxpayers expenses, and when Allen Moyer intervied the witness he (the prison guard) told him that when a person walks out of prison

In Colorado, all of their rights are restored, including their rights to bare arms. Allen Moyer tried to get the man to commit perjury, but he refused, and Allen Moyer told him to return to the witness room. Allen Moyer refused to let a federal witness testify because he knew that would cause a acquittal or dismissal of the indictment, which would have barred retrial because of double jeopardy. Now that was on or about September 23, 1993. Allen Moyer "hatched" a plan, with the blessings of his co-conspirators, and Bill Morrison, to get George High to stipulate that he was a convicted felon, and the federal witness could "take-a-hike". Bill Morrison told me that there was a witness from the Colorado Prison who was slated to testify, but he just had an "extreme emergency" in his family, and needed to get back home, and he was only going to testify that you had served time in the Colorado Prison. Bill Morrison told me that if I would just stipulate that I had served time that he could be on his way back to Colorado. I told Bill Morrison that I was not pleading guilty to the gun charges, because I knew that my rights had been restored, and I believed that it applied to federal law. He assured me that I was not pleading guilty and that the rights that were restored in Colorado had no bearing on federal law, and he swore that he would not lie to me because he was my defense lawyer. He said that Allen Moyer was going to prepare a statement saying that I had served time in Colorado and that was it. I agreed to sign the statement only after being "assured" that my rights had not been restored as per federal law. The statement read: ["The defendant, George High, is a convicted felon as alleged in count three and nine of the indictment"]. That was on or about September 23, 1993, and I asked Bill Morrison to get me a copy immediately because I did not trust Allen Moyer. Bill Morrison said that it had to be signed by Joe D. Whitley, Allen

Moye and himself and then we'll get a copy. On October 5, 1993, he read the following in open court: I have a stipulation that has been signed between the United States and Mr. George High regarding government exhibit # 34. It is hereby stipulated by and between the United States, by Joe D. Whitley, United States Attorney, Northern District of Georgia, and H. Allen Moye, Assistant United States Attorney, and the defendant George W. High, and his counsel, William Morrison, as followed: "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 recieved any executive clemency from the conviction aforesaid. I told Bill Morrison that he had altered the statement, and Bill Morrison said: That is exactly what you signed two weeks ago, and maybe you forgot. The part of the statement in bold print was the document alteration. I never till this day got a copy of the statement. [see] Strickland v. Washington [466 US 692], [23]...The Court held that prejudice is presumed when counsel is burdened by an actual "conflict of interest".

Bill Morrison and Michael Abbott was ineffective when they duped us into taking a polygraph under the guise of proving us innocent, when in fact it was to "browbeat" us into foregoing our day in court.

Bill Morrison and Michael Abbott was was ineffective when they refused to question William Silinski and Shelia Whipple, about the unreasonable searches and seizures at the High's residence, and the office of George Home Improvement Co., Inc., and the legal firearm that they seized and carried before the grand jury and got unjust indictment. They were ineffective when they did not question William Silinski about the arrest of Virginia High.

George and Virginia High did not get any Assistance of Counsel when we "begged" them to "just please" investigate the false firearm charges, and the searches and seizures at the Residence of Eric and Jenique without a warrant, and that the search at the office was also done without a warrant. We asked them to call Colorado to see that my rights had been restored. Strickland v. Washington [466 US 680] If there is only one plausible line of defense, the court concluded, counsel must conduct a "reasonably substantial investigation" into that line of defense, since there can be no strategic choice that renders such investigation unnecessary.

George and Virginia High got no Assistance from counsel's when Terry Sosbee (GBI) testified about the warrantless search of my briefcase and finding the firearm. He testified on September 27, 1993, four days after Bill Morrison and Allen Moye committed Witness tampering, document alteration, and obstruction of justice with the witness from Colorado. We got no assistance of counsel's on that same date (September 27, 1993), when Marty Spiegelman (A federal firearm's licensee), testified about having sold me the legal firearm. Nor did we get any Assistance from either counsel when Luis Velez (BATF) testified about having testified my legal firearm after having it given to him by William Silinski, and those three witness all knowingly, wilfully, and with malice, assisted the prosecutor in unjustly convicting the High's while Bill Morrison and Michael Abbott remained silent. We had no Assistance of counsel when Allen Moye waved the firearm before the jury talking about guns and drugs.

George and Virginia High got no Assistance of counsel from investigation, indictment, trial, nor post conviction, and they told us that it was "fruitless" to fight because they had all the evidence.

The defendants (Bill Morrison and Michael Abbott), deprived the plaintiffs of their right to the Assistance of counsel for their defense, as guaranteed by the sixth admendment of the United States Constitution.

ISSUE VI

The defendants caused plaintiffs to be in "virtual" slavery as they were not duly convicted as guranteed by the thirteenth admendment of the United States Constitution.

ARGUMENT

George and Virginia High was "Framed" by Joe D. Whitley, Allen Moye, William Silinski, Sheila Whipple, Barbara Brown, William Morrison, Michael Abbott and others. All the evidence presented at trial was the results of the unreasonable searches and seizures at the residence of Eric and Jenique High, George and Virginia High, and the office of Georgia Home Improvement Co. Inc.,. The firearm charges were false as my rights had been restored and all of the defendants and co-conspirators knew that. George High was not a convicted felon as alleged in counts three and nine. at least two of the defendants lied to the grand jury, and the prosecutor allowed perjured testimony to stand uncorrected on numerous occasions before the grand jury. The Defendants caused plaintiffs to be in "virtual" slavery as they were not duly convicted as guranteed by the thirteenth admendment of the United States Constitution.

ISSUE VII

Defendants conspired among themselves, and with others to deny said plaintiffs equal protection and due process of law, as guaranteed by the fourteenth amendment of the United States Constitution, and in conjunction with 42 USC § 1985 (2) and (3), and also 28 USC § 1343 (1) and (2). Plaintiffs assert action for damage for such conspiracy against the defendants and others who deprived said plaintiffs of the rights, as guaranteed by the fourteenth amendment of the United States Constitution.

ARGUMENT

The conspiracy began sometimes prior to September of 1990, and there was a consensus among the "faction" that no whites will be targeted, charged, indicted or tried, but shall be rewarded handsomely for their assistance in denying blacks "equal protection and due process of law". When Shelia Whipple met Kyle Henry (a white boy in his early 20's) at the paces deli on September 26, 1990 over a "chummie meal" (that she could not remember), she was not concerned that he had sold 11 cars to drug dealers for all cash, and it did not bother her that he had not filled out one 8300 form, or that he had laundered hundred's of thousand's in cash, and she believed him when he said that he was not familiar with the 8300 form, notwithstanding that he had been in the car business since 1984. Shelia Whipple never asked him if he had used, stored or sold drugs.

She did not inquire as to how long he had been in the car business, nor about the pleasure trips he had taken at the expense of people he knew to be in the drug business. Shelia Whipple did not carry her firearm to that lunch, she did not read him his rights, and she afforded him the courtesy of making an appointment, and she did not bring another agent with her. Shelia Whipple knew that they were both white and that was all that counted. On May 19, 1990 when IRS agents Patricia Lingam (who is white) and Don Merz her group manager went to see Sgt, Robert to discuss a (1) suspicious 8300 transaction, they were both armed, they made no appointment with him, and they read him his rights. Now Robert Ward was (still is) black, and had sold 5-6 cars to people that he did not know to be drug dealers.

On October 17, 1991, IRS agents William Silinski and Michael Scamid drove around to the back of our house, opened the door to the screen porch, entered and knocked on the back door, and upon being invited in agt. Silinski read us our rights. They were both white and very "hostile" and demanded certain records under the guise of some tax investigation. The above incidents would certainly warrant close scrutiny under "selective prosecution".

In March/April 1992, Alex Turner, who had been the FBI case agent since 1987 was terminated, because he was "black", and he was replaced with Barbara Brown who just so happened to be white, and with her joining the conspiracy they were all white i.e. U.S. Attorney Joe D. Whitley, Prosecutor Allen Moye, IRS agents William Silinski, Shelia Whipple and Kyle Henry. Alex Turner was not "in the loop" and he was left in charge of the "garbage detail" along with Charles Boyd and Walter Wilson (trash collector).

On May 30, 1992, the government through the FBI compensated Walter

Milson \$300.00. Now Walter Wilson was working for a trash collection company, and starting in Mid 1990, he was approached about when he pick up the trash at 740 Greenwood Ln., to bring it to Alex Turner (FBI), or Charles Boyd (GBI), who would meet him somewhere on his rout. Walter Wilson picked up the trash for two years at that address, which was the residence of David Wallace. He (Walter Wilson) was paid \$150.00 on December 7, 1990, by Alex Turner, and the \$300.00 on May 30, 1992. Let me back-up for a few lines and say that Alex Turner was known for being "stingy" with the tax-payers money, and on one occasion Kyle Henry "pressed" Alex Turner for some funds, and Alex Turner gave hin \$200.00 and he (Kyle Henry) left in a huff and contacted his handles (Shelia Whipple and agt. Silinski), and told them how he had been insulted by the black FBI agent, and they agreed, along with Allen Moye and Joe D. Whitley that he would have to go because he would not agree to give Kyle Henry the "Big-Dollars". Walter Wilson, Charles Boyd and Alex Turner was all black. Walter Wilson was picking up the trash twice a week from 1990 until at least 1992, and a garbage collector only makes minimum wages, and no one told Walter Wilson that on November 30, 1991 that the David Wallace whos house he had been picking up the trash and placing it in special bags, and putting it under the "little scout truck's bed", had shot Bruce Low at his mothers house, and in front of his mother, Sims Jinks, Gary Roundsville and another witness, and carried him out on Panola Rd. and "finished him off" and then tried to burn him up. Now IRS agents William Silinski, Shelia Whipple, Joe D. Whitley, Allen Moy and others had no probelum with Walter Wilson putting his life in "harms way", onknowingly for \$450.00 compensation, because after all he was just a black, and so what if he get killed or injured.

On June 8, 1992, The conspiracy began in earnest because agt. Silinski had not been successful in his campaign of intimidation and harassment of the High's and they all agreed that they needed to "turn-up-the-heat". Joe D. Whitney, Allen Moye, William Silinski, Shelia Whipple, Barbara Brown (no doubt), Kyle Henry and his lawyer all conspired to deny George and Virginia High, and other blacks the equal protection of the laws, and due process of laws as set out in the fourteenth admendment, and in conjunction with 42 USC § 1985 (2) and (3). That meeting was in fact tantamount to a corrupt agreement of at least two or more individuals to do something which the law forbid, and in carrying the conspiracy, members of the conspiracy proformed different functions, each of which was significant to the achivement of the objective of the conspiracy. Our investigation (the plaintiffs) began on October 17, 1991, and is still "ongoing" as George and Virginia High "languish" in prison because of unjust conviction, false imprisonment, and the victims of "Framing" by all of the above and Michael Abbott and William Morrison and others.

As futher proof that the conspiracy by the government was racial profiling and selective prosecution, and only blacks were "targeted", we only need to look at Count # 1 where the High's were charged along with Sims Jinks and other blacks, and that was the drug count. The government said that we knew they were drug dealers. Plaintiffs were also charged along with Sims Jinks on counts 14, 15, and count 20 which was the sale of 426 Peyton Rd. by Virginia High to Sims Jinks. and the government Convicted us on those charges, and they convinced the jury that we knew the house was purchased with drug proceeds, on or about June 19, 1990.,

While the government agents were conspiring on June 8, 1992, at the federal Courthouse, Sims Jinks was closing a loan to borrow \$100,000.00 from BENEFICIAL MORTGAGAGE COMPANY OF GEORGIA, also on June 8, 1992. The details are as followed... The same Sims Jinks who witnessed David Wallace Kill Bruce Low on November 30, 1991, was caught in a sting operation trying to buy drugs from a DEA agent in Marietta in April/May 1992, which "ironically" was about the same time that Alex Turner got the shaft, he (Sims Jinks) was arrested, "cut-a-deal" to start cooperating and was released. Sims Jinks made two application and BENEFICIAL pulled two credit reports from the burea, or so said Margret Panther on the witness stand under oath. She said the credit reports were just fine and she confirmed that she analyzed the credit reports "looked fine", and they ordered an apprisial and title search. Her records reflected that Sims Jinks was owner of CENTURY COLLISION for four years. Ms. Panther had been employed with BENEFICIAL for 7 years and had been the "Manager of the loan office in Stone Mountain for 2 years. Our investigation ARRIVED AT DIFFERENT CONCLUSIONS from the government. The government convinced the jury that because George and Virginia went to correct a mis-spelling on the deed, that we were the "villians", and were found guilty of those, chrges. BENEFICIAL MORTGAGE COMPANY OF GEORGIA is no nickle and dime operation if they could lend a drug dealer \$100,000.00. How could George and Virginia High be expect to know that Sims Jinks was a drug dealer, if BENEFICIAL, took two applications and pulled two credit reports, and ran a title and an apprisial, and they said that everything was fine, notwithstanding the fact that the house had been seized by the government, and the closing attorney failed to pick that up. Because Magaret

was white and the closing attorney was white, and with all of their available resources at BENEFICIAL, they still failed to discover that Sims Jinks was a "drug dealer", and they did in fact loan Sims Jinks \$100,000.00 on 426 Peyton rd.. Because George and Virginia were (still is) black, Joe D. Whitley, Allen Moye, William Silinski, Shelia Whipple, Barbara Brown, Kyle Henry, His Lawyer, Bill Morrison, Michael Abbott, and others known and unknown, conspired to deny said plaintiffs of equal protection and due process of law, as guranteed by the fourteenth admemdment of the United States Constitution, and in conjunction with 42 USC § 1985 (2) and (3).

Bill Morrison and C. Michael Abbott (The defendants), did conspire among themselves, and with others to deny George and Virginia High equal protection and due process of law as guranteed by the fourteenth admendment of the United States Constitution. The defendants also deprived plaintiffs of their rights under 42 USC § 1985 Conspiracy to interfere with Civil Rights, and (2) Obstructing Justice; intimidating party, witness, or juror, and also (3) Depriving persons of rights or privileges. Plaintiffs assert action for damage against said defendants under 28 USC § 1343. Civil rights and elective franchise, (1) defendants comitted acts in furtherance of the conspiracy, as mentioned in section 1985 of title 42, and (2) Bill Morrison and C. Michael Abbott failed to prevent or to aid in preventing wrongs mentioned in section 1985 of ~~SECTION~~ **TITLE** 42 which they had knowledge were about to occur and powers to prevent.

This civil action derives from the proceedings related to the plaintiffs criminal case: U.S. v. George & Virginia C. High, DC DKT NO. 1:92-00182 1-CR-4 and 5, hereafter referred to as the/that criminal case.

The defendants i.e. Bill Morrison and Michael Abbott violated the plaintiffs rights under 42 USC § 1985 (2) and/or (3), when they conspired among themselves and with others to:

deprive the plaintiffs of their right to petition the Court, to challenge a criminal conviction, when:

1. The "armed IRS agents", acting under claim of federal authority manacled plaintiff (Virginia C. High), in front of her husband, son and aclient, and the arrest was "done unlawfully, unreasonably and contrary to law".
2. William Silinski and David Jones secured evidence from the High's under false prestense, and said they were not working on any case together.
3. Federal agents effected an unreasonable search and seizure at the residence of Eric and Jenique High, "without cause, consent or warrant". The agents also exercuted an unreasonable search and seizure at residence of George and Virginia High, and at the office of Georgia Home Improvement Co., Inc., without a warrant and without probable cause.
4. In early August of 1992, Said plaintiffs met with Michael Abbott and told him that the search at the residence of Eric and Jenique High's was done without cause, consent or warrant, and the search at the residence of George and Virginia was done unreasonably and beyond the bounds, and the search and seizure at Georgia Home Improvement Co., Inc., was done without warrant and probable cause, and he refused to petition the Court.
5. In August of 1992, I met with Bill Morrison and told him that the searches ans seizures were unreasonable and without warrants, and how High's realty had been out of business over six months, and he failed to petition the court.

The defendants futher violated the plaintiffs rights under 42 USC § 1985 (2) and/or (3), when they conspired among themselves and with others to:

Deprived the plaintiffs of they right against being unjustly indicted, and twice put in jeopardy of life, and limb, when:

1. plaintiff, George High was indicted on co 922(a)(6), false statement in acquiring a (9) 18 USC § 922(g)(1), convicted felon i firearm. Defendants allowed plaintiff to jeopardy of life and limb.
2. Plaintiffs, George and Virginia was unjustly indicted when William Silinski and Sheila Whipple went before the grand jury and presented evidence obtained illegally through a unreasonable and seizure, and comitted purjery when they told them that High was a convicted felon, and that he possessed firearm. The High's were unjustly indicted on a "fatally defective indictment"

The defendants futher violated the plaintiffs rights under 42 USC § 1985 (2) and/or (3), when they conspired among themselves and with others to:

Deprive the plaintiffs of their right against being "compelled" to be witnesses against themselves, and said defendants caused plaintiffs to be deprived of liberty, and property, without due process of law, when:

1. Defendants "insisted" that we cooperate and pled guilty, and go down to Allen Moye's office and go over those 30 cases of records and other (illegally obtained) evidence seized from the alleged office of High Realty, and almost that many that they seized from the residence of Eric and Jenique High.
2. Defendants told plaintiffs that it would be suicide to take this case to trial, and said that "y'all" will get at least 25 years, and maybe life when (not if) y'all are found guilty.
3. William Silinski had also been trying to get plaintiffs to corporate every since that "armed invasion" on October 17, 1991, and he compelled us to be witness against ourselves, and he never let up.
4. Defendants i.e. Bill Morrison and Michael Abbott even "stopped" so low as to have plaintiffs to take a "sham" polugraph exam under the guise of proving our innocnces, all to compell plaintiffs to be witness against themselves.
5. Defendants caused plaintiffs to be deprived of liberty, and property, without due process of law, persuant to 21 USC § 853 and 18 USC § 982, when they acted with "deliberate and depraved indifference", when the IRS acting under color of Federal authority, seized in excess of one million two hundred thousand dollars.

The defendants further violated the plaintiffs rights under 42 USC § 1985 (2) and/or (3), when they conspired among themselves and with others to:

deprive the plaintiffs of their right to a speedy trial [Doc. No. 166], and to have witness in their favor, when:

1. The government needed time to "frame" George and Virginia on all the illegally obtained evidence, and they needed to "turn-up-the-heat", so the High's would be more conducive to "cutting a deal". The defendants, Bill Morrison and Michael Abbott did not insist on a speedy trial, as they were in "collusion" with the government from day one, and we in fact have three prosecutors.
2. The government called 74 witnesses and the defense (defendants) called none, as they (Bill Morrison and Michael Abbott) said so many times during trial that: "We are beating a dead horse".

The defendants further violated the plaintiffs rights under 42 USC § 1985 (2) and/or (3), when they conspired among themselves and others to:

Deprive the plaintiffs of their rights to the Assistance of Counsel for their defense, when:

1. As stated in the INTRODUCTION, The FACTUAL BACKGROUND, and in all of the aforementioned issues raised, and in that prior BIVENS CIVIL ACTION; to reiterate on the "ineffective" Assistance of Counsel would be a "no-brainer".

The defendants further violated the plaintiffs rights under 42 USC § 1985 (2) and/or (3), when they conspired among themselves and with others to:

Cause plaintiffs to be in "virtual" slavery since March 28, 1994, as George W. High, Sr., and Virginia C. High were not duly convicted, as guaranteed by the thirteenth amendment.

1. The plaintiffs, George and Virginia High, was "framed" by Joe D. Whitley, Allen Moye, William Silinski, Shelia Whipple, Barbara brown, William Morrison, Michael Abbott, and no less than nineteen "lying witnesses" who received things of value for their testimony. All of the evidence was the results of the three unreasonable searches and seizures, the false firearm charges, the prosecutor (Allen Moye) allowing perjured testimony to stand uncorrected before the grand and petite jury on numerous occasions.

42 USC § 1985 (3) Depriving persons of rights or privileges.

.....in any case of conspiracy set forth in this section, if one or more persons engage therein do, or cause to be done, any act in furtherance of the object of such conspiracy, whereby another is injured in his person or property, or deprived of having and exercising any rights or privilege of a citizen of the United States, The party so injured or deprived may have an action for recovery of damages, occasioned by such injury or deprivation, against any one or more conspirators.

Plaintiffs assert action for damages against said defendants, Bill Morrison and Michael Abbott, who deprived them of their rights under 28 USC § 1343, Civil Rights and elective franchise, as (1) Defendants committed acts in furtherance of the conspiracy, as mentioned in section 1985 of title 42, and (2) Bill Morrison and Michael Abbott failed to prevent or to aid in preventing wrongs mentioned in section 1985 of title 42 which they had knowledge were about to occur and power to prevent. [see] the following issues:

1. Bill Morrison and Michael Abbott had knowledge that George and Virginia High was going to be indicted on count (1), the drug count and counts 3 and 9, the false firearm, based on unreasonably seized evidence and they had power to prevent it.
2. Bill Morrison and Michael Abbott knew that all the evidence from the searches and seizures should have been "supressed", as it violated High's right to due process of law, and they had power to prevent it.
3. Bill Morrison and Michael Abbott had knowledge that George High was twice put in jeopardy of life and limb, as his rights been restored in 1962 [see] 18 USC § 921 (a)(20), and they had power to prevent the indictment.
4. Bill Morrison and Michael Abbott had knowledge that George

and Virginia was being "framed" by the government, and they had power to prevent it.

5. Bill Morrison, Allen Moye, Michael Abbott, Joe D. Whitley, William Silinski, Shelia Whipple and Barbara, all had knowledge that George High's rights had been restored when they all conspired to "tamper with a witness", alter a document, and obstruct justice by not allowing the federal witness from Colorado to testify about all my rights having been restored, and they all had power to prevent the "miscarriage of justice".
6. Bill Morrison and Michael Abbott had prior knowledge that the government had, Pursuant to 21 USC § 853 and 18 USC § 982, unjustly seized and forfeited in excess of one million two hundred thousand dollars in real estate, and \$12,000.00 from Virginia High, and an insurance check in the amount of \$15,000.00, after a "fraudulent conviction", because we were black.
7. Bill Morrison and Michael had prior knowledge that the U.S. Attorneys office was paying that "white-boy" (Kyle Henry) 25% of all that they seized from....., and the IRS had a contract with Kyle Henry to pay him up to a million dollars, and they (Bill Morrison & Michael Abbott) knew that they would be in line for some big dollars from the "slush-fund" if they played ball, because after all they were white too. They had power to prevent this illegal action, but they didn't.
8. Bill Morrison and Michael Abbott had knowledge that the U.S. Attorney's office and the IRS was only giving "big dollars" to white folks, and it was evidence because Walter Wilson (the trash collector) only got \$450.00 for two years of putting his life on the line, and Elizabeth and Wallace Wortham was promised that if they would lie on the High's the government would get that \$12,000 note satisfied that they owed George High, as that note was seized during the search and seizure by Shelia Whipple, Bill Morrison and others. Bill Morrison called me on January 20, 1994, after we were sentenced, as we had saw Elizabeth and Wallace Wortham at the sentencing, he told me that Allen Moye wanted me to sign over the \$12,000 note to the government so they could give it to the Worthams. I told him "ain't no way", and he said that if I would satisfy that note, he may be able to get Allen Moye to allow Virginia and I to remain on bond pending appeal, and I asked him if he would put that in writing, and he said "ain't no way". Bill Morrison and Allen Moye attempted to "extort" \$12,000 from George High, and he and Allen Moye had power to prevent it.
9. Bill Morrison and Michael Abbott allowed the High's to be unjustly indicted, fraudulently convicted, and the victims of false imprisonment, and they had knowledge that it was about to occur and power to prevent it.

Defendants conspired among themselves, and with others to deny said plaintiffs equal protection and due process of law, as guaranteed by the fourteenth amendment of the United States Constitution, and in conjunction with 42 USC § 1985 (2) and (3) and also 28 USC § 1343 (1) and (2). Plaintiffs assert action for damage for such conspiracy against the defendants and others who deprived said plaintiffs of their rights, as guaranteed by the fourteenth amendment of the United States Constitution.

DAMAGES REQUESTED

COMPENSATORY DAMAGES

WILLIAM A. MORRISON.....	\$20,000,000.00
JONES, MORRISON AND WOMACK, P.C.....	\$20,000,000.00
C. MICHAEL ABBOTT.....	\$20,000,000.00
C. MICHAEL ABBOTT, P.C.....	\$20,000,000.00

PUNITIVE DAMAGES from William A. Morrison

GROSS NEGLIGENCE.....	\$10,000,000.00
LOSS OF LIBERTY.....	\$25,000,000.00
HUMILIATION & EMBARRASSMENT.....	\$5,000,000.00
MENTAL ANGUISH.....	\$10,000,000.00
EMOTION DESTRESS.....	\$10,000,000.00
IRREPARABLE INJURY.....	\$25,000,000.00
SPECULATIVE DAMAGES.....	\$25,000,000.00

PUNITIVE DAMAGES FROM JONES, MORRISON AND WOMACK, P.C.

GROSS NEGLIGENCE.....\$10,000,000.00
LOSS OF LIBERTY.....\$25,000,000.00
IRREPARABLE INJURY.....\$25,000,000.00
SPECULATIVE DAMAGES.....\$25,000,000.00

PUNITIVE DAMAGES FROM C. Michael Abbott

GROSS NEGLIGENCE.....\$10,000,000.00
LOSS OF LIBERTY.....\$25,000,000.00
HUMILIATION & EMBARRASSMENT.....\$5,000,000.00
MENTAL ANGUISH.....\$10,000,000.00
EMOTION DESTRESS.....\$10,000,000.00
IRREPARABLE INJURY.....\$25,000,000.00
SPECULATIVE DAMAGES.....\$25,000,000.00

PUNITIVE DAMAGES from C. Michael Abbott, P.C.,

GROSS NEGLIGENCE.....\$10,000,000.00
LOSS LIBERTY.....\$25,000,000.00
IRREPARABLE INJURY.....\$25,000,000.00
SPECULATIVE DAMAGES.....\$25,000,000.00

DEMAND FOR JURY TRIAL

The plaintiffs prays for a jury trial, as the charges has been proved by: The propoundance of the evidence, clear and convincing evidence, and proof beyond a reasonable doubt; and the plaintiffs, George W. High, Sr., and Virginia C. High, would welcome the opportunity to despose the defendants and other federal agents, As the charges would be triable by a jury of the court.

RESERVATION OF RIGHTS TO AMEND

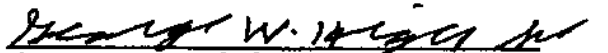
As our investigation is is "ongoing", there will be another Civil Rights Action, and maybe two, and said plaintiffs reserves their right to amend this complaint and seek damages for any additional vindictive torts committed by the defendants, or any federal official affiliated with the related cause herein, including the Federal Bureau of Prisons.

I George W. High, Sr., hereby declare under the penalty of perjury that the aforementioned complaint is true and correct to the best of my knowledge.

CERTIFICATE OF SERVICE

Wherefore, and pursuant to Federal Rules of Civil Procedures, Rule 4 (a) (b) (c) (2) and 5, a true and correct copy of the following: Summons and Civil Rights Action has been forwarded to the Clerk of the Court at the UNITED STATES DISTRICT COURT, 2211 United States Courthouse, 75 Spring Street, S.W. Atlanta, Georgia 30303, on this _____ day of _____, 1999.

Respectfully submitted


George W. High, Sr. (Pro Se Litigant)
Reg. No. 43141-019
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