

August, 26, 2008

Honorable Charles N. Clevert, Jr.
Eastern District of United States
208 Federal Building
517 E. Wisconsin Ave.
Milwaukee, WI. 53202

Case No. 07-CR-177

U.S. DIST. COURT EAST DIST. WISC	
FILED	
AUG 29 2008	
AT	O'CLOCK M
JON W. SANFILIPPO, CLERK	

Re: U.S. Attorneys' response to Defendant's Motion For Release Prior to Sentencing

Judge Clevert:

I am compelled to respond to a copy of the U.S. Attorney's response to a recent motion that I filed in your court recently.

I first want to express my complete regret, sorrow, and responsibility for the charges I was recently convicted of. At sentencing, I will publically acknowledge my role as well as write you. I ask that you don't take me filing a motion, and engaging the court as a sign that I am being arrogant. Your honor, I really just want the truth to be heard. If you don't grant this motion, at least I can be satisfied that you had all possible facts at your disposal.

I didn't initiate these proceedings to usurp the role of my counsel, or as an affront to his representation.

Your Honor,

After numerous past requests to inform the court of information that was not considered, I am compelled to give you facts regarding me being a threat, or danger to the community - that my attorney refuses to include. I believe intimate details, and facts have been absent from previous motions due to my attorneys' tremendous caseload. If you, or previous judges would have had all facts surrounding allegations that my behavior is indicative of a dangerous individual, I believe I would be out on bail.

First, I would like you to know that I am a family man - who has made mistakes in my marriage. I am not a rough, disrespectful, or violent person. I have dedicated my whole life to creating an atmosphere of peace and respect for each other - amongst individuals. I am not a drug dealer or gang member, nor am I loosely affiliated with an illegal enterprise. I have, as well as my family - suffered through this whole experience humiliation. The public spectacle created by media reports, and mischaracterization of me as a person by the U.S. Attorneys' Office - has taken a serious toll on me, as well as my family.

Title 18 U.S.C. § 3141(a) requires that you find clear and convincing evidence that I am not likely to flee or pose a danger to the community. Your honor, when I was first arrested on May 28, 2007, I had no idea what or who was behind my Federal indictment.

On May 29th, 2007, I called all my friends for help with bailing me out of jail. One of the first people I called - who at the time I thought was a friend - was Jack Adel. Judge Clevert, I have heard several taped conversations in my discovery, where I called Jack and he is asking "How can I help", "Let me know what I can do", "Who are the (is) snitch?", "We Brothers for ever, I'll do anything for you!" Your honor, every conversation I have ever had with Jack Adel is laced with friendly communication. How was I to know that he is the main government informant? Once I found out, I immediately ceased from calling Jack. Not only is there a taped recording (recorded by Jack) of our conversations when I first was arrested, but subsequent recordings (May 31st, 2007) reveal Jack insisting that I have a "Third (3) Party" contact him. Once I have individuals contact him, the U.S. Attorneys' Office - at a later proceeding - tell Judge Randa that I am intimidating their witness.

By the way, Attorney Calvin Malone has several transcripts of such conversations, but has refused to submit them to the Court. As was the case during my Federal trial, I have had to endure countless, false accusations about me from the U.S. Attorneys' Office.

If given ample opportunity, I would like to personally respond about allegations of obstruction, witness tampering, retaliation, and drug money laundering.

In the government's response to The Court dated August 22, 2008, there are allegations that I used my aldermanic powers to retaliate against the government informant (Jack Adel). Your honor, the government knows from jail recorded conversations between me and my office staff that:

A) The Block party in question was requested at the same intersection where a twelve year old was killed in a hit and run accident. Out of respect for the public and neighborhood outcry for traffic signals and safety precautions at the aforementioned intersection, I respectfully requested that the planned event be moved to a block not a widely traveled; or to the neighborhood school's playground.

B) Jack Adel went on the news and said he didn't know why I would deny the permit, and showed a picture of me and the kids at the block party the year before. If Jack Adel was worried about his safety, he surely didn't behave like it - by going and doing interviews.

What the U.S. Attorney will not disclose to the court is the fact that Jack Adel visited my office after the block party and asked if I would support his sell of the liquor license for Mother's Foods. There exist jail recordings of me discussing support for Mr. Adel's transaction. If I didn't use my aldermanic power to oppose the government's informant sell of a liquor license, why would I be so petty as to stop a block party?

Your honor, I actually sent my assistant to the license hearing to support - Publically the sale of The liquor license for the government's informant - Jack Adel.

I am deeply hurt that the government continuously accuses me of laundering drug money, and also as a surrogate for the State of Wisconsin - alleges that I plotted to have a man killed. As I previously stated, I have been a proponent of crime prevention since I was six (6) years old, my family started the first block clubs, and formed a non-profit organization (Project Respect) that promotes non-violence and respect in the community. As, Alderman, I hosted and collaborated with various small concert promoters to promote Anti-Gun violence and peace at Hip Hop concerts. I have been a collaborator at events held at the Rave and Riverside Theatre. One such event - that was actually cancelled - was the center of cash reporting, transaction violations, for which I was convicted for. The money in question - \$15,000 (dollars) is alleged to have come from drug or gang members. At trial, there is evidence that showed where and who the money went back to once it was wired to the New York Booking Agency. The Court has evidence that suggests the \$15,000 went back to a legitimate business. The individuals that I promoted the concert with - to my knowledge were business owners from different licensed establishments in the 6th District, as well as a Funeral home director from Illinois. Again, I have a track record of denouncing gangs, and drug dealing. I have risked my life as a mediator and conflict resolution advisor.

My role as a mediator and peacemaker leads me to the most Frivolous of recent allegations- I ordered a hit on a man. My state case regarding conspiracy to commit battery is scheduled to go to trial in December of this year. Though the U.S. Attorney claims to have listened to recordings, his interpretation of the circumstances and conversations that form the foundation of his belief are off base. I have, since the first bail hearing in July of 2007 tried to get Attorney Malone to relay background information that the Court has not been privy to.

The "victim" in question has never been harmed or hurt. The alleged "victim" is actually an extended family member who was adopted by one of my co-defendants. The "Alleged" "victim" lived with my co-defendant who is a close family friend- whom I call "Uncle" and the Alleged "Victim" calls "Pops". Because the alleged "victim" was a major suspect in the break-in burglary of my co-defendants' home, we both are heard expressing our dismay and disappointment that he would break-in to the place that he was just residing at.

The government, represented by Federal Agent Dan Hargreaves admitted at state court that he knows I personally contacted the police, and connected the police and young man in question for a finger-print, and interview. Agent Hargreaves also acknowledges that I convinced the young man in question about turning himself in to the police. What is disturbing and insulting is that conversations had between me and both co-defendants were laced with so much "barber shop" bravado that the District Attorney looked up the slang

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used on the internet. By piecing together slang taking out of context, the District Attorney for Milwaukee County used an internet website called Urban Dictionary.com and used his "Findings" from this site in the criminal complaint. The U.S. Attorney will not divulge contents of interrogation sessions with both co-defendants; where they continuously tell questioning authorities that there was no plan to commit any violence against anyone, and that the conversations were mere posturing, laughs, and frustration. The co-defendant whose house was broken into was very concerned that the young man—who he had adopted would commit a senseless act with a gun he stole from my co-defendant. Both co-defendants are on tape telling authorities that they want to go home, so they interview without lawyers, and ask how long will my situation take to get resolved—being that they were informed that I had both Federal and State cases pending.

The U.S. Attorneys' contention that both co-defendants have pled guilty and have agreed to testify against me is without merit. In both plea bargains, charges will be substantially changed and reduced in exchange for "truthful" testimony. Additionally your honor, both co-defendants are out on \$1,000 (dollars) bail; and my bail at the state level was substantially dropped to \$5,000 (dollars) pending trial. IF the judge at the State of Wisconsin believed, I posed a substantial danger to the community, he would not have gradually decreased my bailee status from

\$250,000 to \$5,000. The presiding Judge at the time of bail reduction - Dennis P. Moroney said, "I have given the defendant a fair chance to make bail, the Feds feel differently" (paraphrase)

In response to the government's allegation that I lied to the Court at bail hearings on June 11 and 13, 2008, I respond by saying that my wife and children have a valid address that they reside in. If released to our residence, I can provide the Court with the address and phone number. I have never abused the rules at the current Correctional Facility that I am being detained. Your honor, I have suffered greatly both physically and psychologically since my incarceration on May 28, 2007. I have been housed in three (3) facilities and kept in the "hole" for seven (7) months because of the "high" profile nature and protection of my person. I have lost over 30 pounds and contracted shingles. It is going to be very difficult to prepare for two (2) state trials from jail. Keeping me in the "hole" and detaining me did not stop a jail house informant from infiltrating the "hole" and stealing my notebook; and consequently calling Federal agents and conjuring up lies that I sell drugs, and am gang affiliated. The culture in many of the detention centers are infested by numerous individuals who would rather "jump-on" another person's indictment - just to avoid responsibility for their own actions. The jail house informant I speak of is out

on bail. I spoke with a lieutenant about phone allegations levied against me by the government, and he expressed dismay and shock - especially considering there is no rule against what is called "borrowing" a call. I only had conversations with my wife and only when we both had no money left on our accounts. I respect the rules and as I said in court, there is consistent monitoring of all inmate activities at Waukesha Correctional Facility.

As to the statement that my wife's family has adequate child care. This is untrue. My wife will be attending school during second shift and will be finished by 10:15 p.m. each evening. There is no one who can commit in either of our families to supervising our children, and my wife desperately needs my help. Her technical schooling ends in December. As with other families in this predicament, we are at poverty level and without one of us updating our skills, my family will be destitute for a substantial amount of time. My father-in-law is very sick, and my wife care for him during the day and works part-time on weekends. Without my assistance, I truthfully can't visualize any stability for my family. Also your honor, I have two child support cases that I need to resolve before they become felony cases. Child care as the government believes I have access to is actually on the cusp of closing down, therefore it is not safe to assume that my children can go to a family owned daycare. Besides, my family doesn't provide second shift care.

Your Honor Clevert,

The decision to detain me without bail also has created an atmosphere, whereas maniacal individuals resort to criminal activity and try to implicate me. In this Facility, I have been subject to having drugs being planted in my cell. Before the jail house informant that the government intended to utilize at trial was released on bail, he attempted to implicate me on three occasions. Finally, at my complaint, the classification staff finally moved me out of the "hole" to a general population location. Another example of the dangerous conditions that resulted from my detention is the terrorist threat by one Miles case of West Allis, Wisconsin. In short Mr. Case called up a community newspaper office and told staff unless I was released, he was going to blow up a ten year old girl and several Arab gas stations. Mr. Case recently plead to reduced charges. He tried to shed negative light on me, and subsequently had law enforcement, and schools terrified that he kidnapped and attached a bomb on a ten (10) year old girl.

Lastly your honor, I am just asking for a sincere opportunity to stabilize my family, and take care of outstanding legal obligations. There has been much said about me not following, or respecting court orders, or society's rules. If the court has given me an order, please point to it because I have not had an opportunity to prove to the court that I am capable of following it's order. When you denied the last motion for bail, quite candidly my wife was hurt. The court made a reference that neither I or she

was capable of following rules. Judge Clevert, I don't possess anything in my background that suggests that I am a danger, nor does my wife. We, like any other young couple are striving to maintain and cultivate a productive family. In this situation I have not been afforded an opportunity to prove that I am not a threat or danger to anyone.

Lastly, the government contends that The Court should find that I must be incarcerated for six and a half to ten years—according to guideline calculations. Compared, to a proffer letter written to me by The U.S. Attorney's Office—when I approached him about a plea bargain, The calculations (Financial) were the same as it would be if I was found guilty on all charges. Consequently, the guideline calculation was much lower than what is now being touted by The U.S. Attorney. I understand that all calculations will be made and determined independently, but I just want to bring this discrepancy to The Court's attention.

Again, I am prepared to take full responsibility for my actions, and eagerly look forward to resolving all pending issues at your direction. It is my sincere hope that you accept this response as a legitimate addendum to what Attorney Calvin Malone may or may not file. Thank you for your time and patience in this matter.

Respectfully Submitted: Michael L McGee

