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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

18CV4090

MR. KEVIN WALKER,
PLAINTIFF

-VS-

CIVIL RICO

18 U.S.C. 1962

42 U.S.C. 1983

18 U.S.C. 1951

- JOON KIM, ACTING U.S. ATTORNEY
- KARIN PORTLOCK, AUSA
- JONATHAN REBOLD, AUSA
- ANDREW ADAMS, AUSA
- JORDAN L. ESTES, AUSA
- AMANDA KRAMER, AUSA
- DINA MCLEOD, AUSA
- FRANK J. BALSAMELLO, AUSA
- JESSICA LONERGAN, AUSA
- JARED LENOW, AUSA
- HADASSA WAXMAN, AUSA
- DANIEL CHURLA, NYPD
- MICHAEL MCCREADY,
- STEVEN ST. HILAIRE, NYPD
- JOANNE BECK, ATF
- KEITH SMITH NYPD/ATF
- JASON ALLISON, ATF

I. PLAINTIFFS

1. MR. KEVIN WALKER, PRO-SE
75832-054
METROPOLITAN CORR. CENTER
150 PARK ROW
NEW YORK, N.Y. 10007

2. ALL OTHERS CONCERNED

II. DEFENDANTS

1. JOON H. KIM
ACTING UNITED STATES ATTORNEY
SOUTHERN DISTRICT OF N.Y.
1 ST. ANDREWS PLAZA
NEW YORK, N.Y. 10007

2. KARIN PORTLOCK, AUSA
UNITED STATES ATTORNEY OFFICE
SOUTHERN DISTRICT OF N.Y.
1 ST. ANDREWS PLAZA
NEW YORK, N.Y. 10007

CONT

7. DINA MCLEOD, AUSA
UNITED STATES ATTORNEY OFFICE
SOUTHERN DISTRICT OF N.Y.
1 ST. ANDREWS PLAZA
NEW YORK, N.Y. 10007

8. FRANK J. BALSAMELO, AUSA
UNITED STATES ATTORNEY OFFICE
SOUTHERN DISTRICT OF N.Y.
1 ST. ANDREWS PLAZA
NEW YORK, N.Y. 10007

9. JESSICA LONERGAN, AUSA
UNITED STATES ATTORNEY OFFICE
SOUTHERN DISTRICT OF NY
1 ST. ANDREWS PLAZA
NEW YORK, N.Y. 10007

10. JARED LENOW, AUSA
UNITED STATES ATTORNEY OFFICE
SOUTHERN DISTRICT OF N.Y.
1 ST. ANDREWS PLAZA
NEW YORK, N.Y. 10007

CONT.

3. JONATHAN REBOLD, AUSA
UNITED STATES ATTORNEY OFFICE
SOUTHERN DISTRICT OF N.Y.
1 ST. ANDREWS PLAZA
NEW YORK, N.Y. 10007

4. ANDREWS ADAMS, AUSA
UNITED STATES ATTORNEY OFFICE
SOUTHERN DISTRICT OF N.Y.
1 ST. ANDREWS PLAZA
NEW YORK, N.Y. 10007

5. JORDAN L. ESTES, AUSA
UNITED STATES ATTORNEY OFFICE
SOUTHERN DISTRICT OF N.Y.
1 ST. ANDREWS PLAZA
NEW YORK, N.Y. 10007

6. AMANDA KRAMER, AUSA
UNITED STATES ATTORNEY OFFICE
SOUTHERN DISTRICT OF N.Y.
1 ST. ANDREWS PLAZA
NEW YORK, N.Y. 10007

CONT.

11. HADASSA WAYMAN, AUSA
UNITED STATES ATTORNEY OFFICE
SOUTHERN DISTRICT OF N.Y.
1 ST. ANDREWS PLAZA
NEW YORK, NY. 10007

12. DANIEL CHURLA, NYPD
NEW YORK CITY POLICE DEPT.
1 POLICE PLAZA
NEW YORK, NY. 10007

13. MICHAEL MCCREADY, NYPD
NEW YORK CITY POLICE DEPT
1 POLICE PLAZA
NEW YORK NY. 10007

14. STEVEN ST. HILAIRE, NYPD
NEW YORK CITY POLICE DEPT.
1 POLICE PLAZA
NEW YORK, NY. 10007

CONT

15. JOANNE BECK, ATF

16. KEITH SMITH,
NEW YORK CITY POLICE DEPT.
1 POLICE PLAZA
NEW YORK .NY. 10007

17. JASON ALLISON, ATF

III. JURISDICTION

1) PLAINTIFF AVERS ON INFORMATION AND BELIEF, AND UPON REASONABLE INVESTIGATION AND RESEARCH THAT

FEDERAL RICO (RACKETEER INFLUENCED AND CORRUPT ORGANIZATION ACT) LAW 18 USC § 1962 (c), DO NOT FRUSTRATE THE GOALS OF ANY LAW SUIT REGULATED IN THIS STATE, AND FURTHER, THAT THE SOUTHERN DISTRICT OF NEW YORK HAS JURISDICTION IN THIS MATTER:

1 - FEDERAL DISTRICT COURT HAS JURISDICTION BY STATUTE UNDER;

- 18 USC § 1962(c)
- 28 USC § 1331
- 42 USC § 1983
- 18 USC § 1951(b)(3)

2) BASED ON THE PROCEEDINGS, THE ALLEGATIONS CONTAINED HEREIN ALSO CONTAINS MATTERS WHICH FALLS UNDER 18 USC § 1951 (b)(3) OF THE HOBBS ACT, WHICH SPECIFICALLY FALLS UNDER FEDERAL JURISDICTION.

3) ALL THE PROCEEDINGS LEAVES THE PURSUIT OF JUSTICE POSSIBLE ONLY WITHIN THE JURISDICTION OF THE SOUTHERN

DISTRICT OF NEW YORK.

4) THERE IS RELEVANT FEDERAL LAWS REGARDING PATTERNS OF RACKETEERING ACTIVITY, RICO; AND SPECIFICALLY 18 USC § 1962(C). ALSO, WITH REGARDS TO BRIBERY AND EXTORTION, AS WELL AS FALSE ARREST, ABUSE OF LEGAL PROCESS, OBSTRUCTION OF JUSTICE, INTIMIDATION OF WITNESSES, RETALIATION AGAINST WITNESSES, INFLUENCING PREJUDICIAL TESTIMONY, 18 USC § 1962(C), 18 USC § 1951 (b)(3), 42 USC § 1983, AND 18 USC § 201. THEREFORE, THE MATTERS HEREIN SHOULD BE CONSIDERED ONLY WITHIN THE BOUNDS OF FEDERAL LAW.

IV. VENUE

5) THE SOUTHERN DISTRICT COURT OF NEW YORK IS THE ONLY APPROPRIATE VENUE IN THIS MATTER:

1. PLAINTIFF HAS RESIDED IN NEW YORK CITY FOR LONGER

THAN (3) YEARS, NEW YORK CITY LIES WITHIN THE SOUTHERN DISTRICT OF NEW YORK.

2- ANY CHANGE OF VENUE TO A DIFFERENT DISTRICT FOR WHATEVER REASON WOULD CAUSE ECONOMIC HARDSHIP, PHYSICAL DISTRESS AND POSSIBLE PHYSICAL INJURY TO PLAINTIFF SO THAT THIS CASE COULD NOT BE LITIGATED, AND WOULD NEGATE UTTERLY, THE PURSUIT OF JUSTICE

V. STANDING AND PLAINTIFF'S RIGHT TO RELIEF:

6) THE PLAINTIFF AND ALL CONCERNED HAVE \neq STANDING IN THIS MATTER, AND IN THE SOUTHERN DISTRICT COURT OF NEW YORK.

1. PLAINTIFF RESIDES IN NEW

YORK CITY FOR OVER (3) YEARS,
NEW YORK CITY LIES WITHIN
THE SOUTHERN DISTRICT OF
NEW YORK.

7) THIS IS A MATTER WHICH DEVOLVES
UPON THE TORTUROUS INTERFERENCE
BY THE DEFENDANTS IN (3) THREE
RESPECTS:

1. THE TORTUROUS INTERFERENCE
WITH THE LEGAL AND ADMINI-
STRATIVE DUE PROCESS OF THE
CRIMINAL JUSTICE SYSTEM, GENERALLY
AND SPECIFICALLY HARMING
PLAINTIFF BY INCENTIVELY HAVING
OFFICERS AND AGENTS AS WELL AS
CO-OPERATING WITNESSES PERJURE
THEMSELVES TO GET A CONVICTION,

2. DURING THE COURSE OF VIOLATING
THE RICO, THEY ARE USING WHAT
WILL OTHERWISE BE A LAWFUL
INSTRUMENT (I.E. 5K1.1 LETTER,

RULE 35(b) AND 3553(e))
IN AN UNLAWFUL MANNER,
IN DOING SO, THEY ARE A
"ENTERPRISE" COMMITTING
CRIMINAL ACTS FOR THE PURPOSE
OF OBTAINING CONVICTIONS;

3. IN FURTHERANCE OF THIS
RICO CONSPIRACY, THEY ARE
COMMITTING FALSE ARREST,
UNREASONABLE SEARCHES, OB-
STRUCTION OF JUSTICE, INFLUENCING
WITNESSES TO PERJURE THEMSELVES,
NOT CORRECTING WITNESSES THEY
KNOW PERJURED THEMSELVES, BRIBING
WITNESSES AND EXTORTING WITNESSES
FOR TESTIMONIES DURING THE
COURSE OF ITS GENUINE PATTERNS
OF RACKETEERING ACTIVITIES.

8) UNDER DEFENDANTS CONTINUING DECEIT,
ABUSE OF LEGAL AND ADMINISTRATIVE DUE
PROCESS AND SUCH TORTUROUS INTERFERENCE
AND EGREGIOUS PROSECUTION PLAINTIFF

WITHERS AND HAVE BEEN LEFT NO CHOICE BUT TO SEEK JUSTICE WITHIN FEDERAL JURISDICTION ON GROUNDS OF DEFENDANTS RACKETEERING ACTIVITIES.

VI. STATEMENT OF FACTS

9) ON OR ABOUT OCT. 2014, KEVIN WALKER (HEREON "PLAINTIFF"), WAS RELEASED FROM NEW YORK STATE DEPARTMENT CORRECTION (NYSDOC) THE FOLLOWING WEEK OF PLAINTIFF'S RELEASE HE SECURED A JOB AS HEAD OF SECURITY FOR A CLUB (AFTERHOURS) LOCATED IN THE BRONX AREA.

10) FROM OCT 2014 TO APRIL 2015, PLAINTIFF WORKED AT VARIOUS CLUBS IN THE BRONX AND HARLEM AREA OF NEW YORK CITY. PLAINTIFF WORKED EVERYDAY FROM 12AM TO 8AM UNTIL AROUND JANUARY 2015 WHEN THE DAYS CHANGED TO WEDNESDAY TO SUNDAY. PLAINTIFF'S PRIMARY CLUB WAS LOCATED AT 151ST CEDAR LANE, BRONX NEW YORK.

11) ON OR ABOUT FEB. 2015, AROUND 9-10AM THAT MORNING, FEDERAL AND LOCAL

POLICE WAS FOLLOWING TYROME WALKER FOR AN ALLEGED STRING OF COMMERCIAL ROBBERIES WITH A WARRANT FOR HIS ARREST. TYROME WALKER STOPS AT 138th - 139th IN FIFTH AVENUE IN FRONT OF A DAYCARE CENTER IN WHICH HIS WIFE WORKED. WHILE WAITING FOR HIS WIFE TO RETURN TO HIS VEHICLE (A BLACK 2DR HONDA) FEDERAL AND LOCAL OFFICERS EFFECTUATED THE ARREST.

12) AFTER ABOUT 5 MINUTES OR SO TYROME WALKER WAS IN CUSTODY. HIS WIFE WHO WAS PRESENT, ASKED FEDERAL AGENTS WHY WAS HER HUSBAND BEING ARRESTED AND WASNT GIVEN ANY DIRECT ANSWERS. TYROME WALKER INFORMED HIS WIFE TO GET HIS PHONE OUT OF THE CAR, IN WHICH SHE DID AND WAS APPROACHED BY SEVERAL FEDERAL OFFICERS AND WAS MADE TO GIVE THEM BACK TYROME'S PHONE (IPHONE 6) BY SEVERAL THREATS OF BEING ARRESTED. SHE IMMEDIATELY GAVE THE PHONE BACK AND ASKED WHERE WAS THEY TAKING HER HUSBAND TO, AND TOLD

161ST COURTHOUSE. SHE WAS ALSO TOLD BY THESE AGENTS NOT TO FOLLOW THEM OR SHE TOO WILL BE ARRESTED.

13) AFTER GOING TO 161ST COURTHOUSE AND TRYING TO FIND HER HUSBAND SHE CALLED HIS BROTHER PLAINTIFF WHO TOLD HER TO COME GET HIM SO THE TWO COULD TRY AND FIND TYROME WALKER. AFTER A COUPLE OF HOUR THEY WAS UNSUCCESSFUL IN LOCATING TYROME WALKER. PLAINTIFF THEN DROVE TYROME WALKER'S WIFE HOME AND TOOK POSSESSION OF TYROME WALKER'S VEHICLE (BLACK ZDR HONDA). PLAINTIFF IMMEDIATELY PARKED SAID VEHICLE BECAUSE VEHICLE WAS TOO SMALL AND PLAINTIFF HAD A HARD TIME DRIVING.

14) IN THE DAYS TO COME, IT WAS A WAITING GAME TO SEE WHERE TYROME WAS LOCATED. ABOUT 2-3 DAYS LATER PLAINTIFF RECIEVES INFORMATION FROM TYROMES SON AND CHILDS MOTHER THAT HE WAS AT MDC-BROOKLYN FOR HUBBS ACT ROBBERIES. PLAINTIFF NOTIFIES TYROME

WIFE OF THE DEVELOPEMENTS IN WHICH SHE WAS ALREADY MADE AWARE OF BY TYROMES LAWYER GREGORY MORVILLO.

15) HIS WIFE STATED THAT THE LAWYER GREGORY MORVILLO TOLD HER "THEY HAVE NOTHING SUBSTANTIAL ON TYROME WALKER" AND HE (MORVILLO) WOULD BE TRYING TO GET HIM RELEASED. MORVILLO (LAWYER) THEN ASKED HER HOW LONG HAS TYROME HAD HIS BEARD? AND DO SHE HAVE PICTURES OF TYROME SPORTING HIS BEARD LAST MONTH, 6 MONTHS AGO OR MAYBE A YEAR AGO? SHE STATED YES AND WAS TOLD TO PRODUCE THESE PICTURES IMMEDIATELY. HIS WIFE ALSO GAVE MORVILLO (LAWYER) TYROME'S INSTAGRAM AND FACEBOOK INFORMATION WHERE (MORVILLO) COULD SEE FOR HIMSELF. HIS WIFE THEN CALLED PLAINTIFF AND EXPLAINED IN DETAILS THE ABOVE MENTIONED AND GAVE PLAINTIFF THE LAWYERS (MORVILLO) PHONE NUMBER.

16) PLAINTIFF CALLED TYROMES LAWYER (MORVILLO) AND WAS TOLD BY HIM THAT THEY HAVE THE WRONG GUY, THAT HE

WAS GOING TO PROVE BY WAY OF TYROME'S INSTAGRAM AND FACEBOOK PHOTOS THAT TYROME ALWAYS HAD A FULL-BEARD. THEN TOLD PLAINTIFF THAT HE KNEW THE ASSISTANT UNITED STATES ATTORNEY ("AUSA", HEREIN) PERSONALLY AND THAT SHE TOLD HIM (MORVILLO) THAT SHE WOULD GIVE HIM (1) WEEK TO PROVE THAT IT WAS NOT TYROME IN THE SURVEILLANCE PHOTOS, AND IF SO, SHE WOULD RELEASE HIM. THEN MORVILLO (LAWYER) STATED TO PLAINTIFF "TO BE CAREFUL, THEY ARE LOOKING INTO YOUR NAME". PLAINTIFF STATED "WHAT DO YOU MEAN?" MORVILLO (LAWYER) STATED "I CANT TALK TO YOU WITHOUT PERMISSION FROM TYROME, GET TYROME TO GIVE ME PERMISSION AND I CAN TELL YOU WHAT IVE LEARNED".

17) ON OR ABOUT THE NEXT DAY OR SO, PLAINTIFF AND TYROMES WIFE GOES TO A BARBERSHOP IN HARLEM IN WHICH TYROME WALKER WAS AT ON THE ALLEGED DAY OF THE ROBBERIES. WE SPOKE WITH OWNERS WHO STATED THAT HE WOULD SPEAK TO INVESTIGATORS ON BEHALF OF TYROME WALKER.

ON THAT SAME DAY TYROME WALKER CALLS HIS WIFE ON HER PHONE AND HIM AND PLAINTIFF SPEAKS FOR THE FIRST SINCE HIS ARREST PLAINTIFF INFORMS TYROME SOME OF WHAT HIS LAWYER (MORVILLO) STATED TO HIM, AND INFORMED HIM THAT THE BARBERSHOP OWNER STATED HE WILL SPEAK TO INVESTIGATORS ON HIS BEHALF (EXHIBIT "A" TYROME WALKER TRUINKS CALLS AT MDC-BROOKLYN).

18) PLAINTIFF INFORMED TYROME WALKER TO STAY OFF PHONE TALKING ABOUT ANYTHING OF SUBSTANCE; TYROME STATED "HE KNOW", "HE ONLY TALKING TO HIS FAMILY." WE TALKED FOR A LITTLE WHILE LONGER AND GOT OFF PHONE. UNBEKNOWN TO PLAINTIFF, TYROME AND HIS GIRLFRIEND BIENAH JENKINS WAS ON THE PHONE TALKING ABOUT A "PLAN" IN WHICH THEN HAD ALREADY BE CONDUCTED BEFORE TYROMES ARREST. (EXHIBIT "B", TYROME & BIENAH CALLS ON TRUINKS)

19) A FEW DAYS LATER BIENAH JENKINS A PLAINTIFF HAD A CONVERSATION IN WHICH BIENAH TOLD PLAINTIFF THAT THE

DEFENDANTS CHURLA AND MCCREADY WAS AT HER AND TYROME'S APARTMENT TO QUESTION HER AND TO RETURN ALL OF TYROME'S PROPERTY (I.E. CREDIT CARDS, WALLET, KEYS, COATS ETC...) (ALSO, A PROCEDURE NEVER HEARD OF AFTER ARREST, TO RETURN PROPERTY WITHOUT VOUCHER). THEY (DEFENDANTS CHURLA AND MCCREADY) ALSO WANTED THE VEHICLE BACK TO SEARCH, 2DR BLACK HONDA.

20) BIENAH JENKINS THEN CALLED PLAINTIFF AND INFORMED THAT THE DEFENDANTS JUST LEFT, PLAINTIFF ASKED WHAT DID THEY WANT? SHE STATED THEY ASKED HER QUESTIONS ABOUT TYROME BEING OUT PUBBING, DID SHE KNOW ABOUT THAT? IN WHICH SHE STATED "NO". THEY (DEFENDANTS) ALSO ASKED ABOUT CLOTHING OF TYROME'S, AND SUPPOSED TO HAVE ASKED BIENAH ABOUT PLAINTIFF, DID SHE EVER SEE PLAINTIFF DRIVING THE 2DR HONDA, IN WHICH SHE STATED SHE TOLD THE DEFENDANTS (CHURLA AND MCCREADY) "NO". FROM THIS ALLEGED CONVERSATION DEFENDANT CHURLA WENT TO SECURE A

WARRANT WITH PERJURIOUS AFFIDAVIT THAT HE WAS TOLD BY BIENAH JENKINS THAT "YOU DONT WANT TYROME, YOU WANT HIS BROTHER KEVIN WALKER (PLAINTIFF) WHO IS THE LEADER OF A ROBBERY GANG"

21) IN ANOTHER CONVERSATION WITH BIENAH JENKINS, SHE TOLD PLAINTIFF THAT THE DEFENDANTS CHURLA AND MCCREADY KEEP CALLING HER ABOUT THE VEHICLE AND THAT THEY MIGHT HAVE TO CALL HER TO THE GRAND JURY SINCE THE CAR WAS HERS. PLAINTIFF TOLD BIENAH THAT THIS MIGHT BE SCARED TACTICS AND FOR HER TO CALL TYROMES LAWYER AND ASK HIM WHAT TO DO. PLAINTIFF ASKED HER AGAIN WHAT DID YOU SAY TO THEM AND WAS TOLD "NOTHING". BIENAH STATED THEY WANTED TO KNOW DID I KNOW TYROME WAS ROBBING AND ABOUT HIS CLOTHES, AND ALSO ASKED DID YOU (PLAINTIFF) EVER DROVE THE CAR (2DR HONDA), I TOLD THEM I NEVER SEEN YOU DRIVING THE

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CAR AND THAT ME AND TYROME IS THE ONLY PEOPLE WHO DRIVES THE CAR. PLAINTIFF THEN INFORMED HER THAT HE WILL TAKE HER AND HIS WIFE TO COURT FOR TYROME'S COURT DATE.

22) PLAINTIFF AND TYROME DISCUSS HIS UPCOMING COURT DATE. PLAINTIFF DRIVES TYROME'S WIFE TO COURT TO MEET UP WITH TYROME'S GIRLFRIEND. WHILE IN COURT TYROME'S WIFE GOES OUT TO USE THE RESTROOM AND OFFICERS (DONT KNOW IF ITS THE DEFENDANTS CHURIA AND MCCREADY) BUT THE OFFICERS HAND BIENAH JENKINS A SUBPEONA TO APPEAR AT THE GRAND JURY THAT WEEK FOR TYROME WALKER.

23) TYROME CALLS PLAINTIFF AND TELLS HIM TO GIVE BIENAH HIS CAR, IN WHICH PLAINTIFF INFORMS HIM THAT SHE WAS HANDED A SUBPEONA IN COURT AND SHE DIDNT TELL YOU BUT YOU WANT ME TO GIVE HER THE CAR? PLAINTIFF GIVES BIENAH JENKINS THE CAR A DAY OR TWO LATER. BIENAH JENKINS ALSO GOES TO

THE GRAND JURY TO TESTIFY (SEE EXHIBIT "C", BIENAH JENKINS GRAND JURY TESTIMONY)

24) UNBEKNOWNST TO PLAINTIFF THAT TYROME AND BIENAH DISCUSS IN EXPLICIT DETAILS THE ARRAIGNMENT OF THEIR PLAN. ITS NOT VERBATIM BUT ITS IN SUBSTANCE AND PART:

TYROME - WHAT HAPPEN AT THE GRAND JURY

BIENAH - NOTHING - I TESTIFIED

TYROME - TO WHAT, BI?

BIENAH - I DONT WANT TO TALK ABOUT ON THIS PHONE TYROME...

TYROME - BI, YOU HAVE TO TELL ME WHAT YOU SAID

BIENAH - WHY YOU MAKING ME TALK ON THIS PHONE TYROME? I SAID ILL TELL YOU WHEN I SEE YOU

TYROME - YOU HAVE TO TELL ME WHAT YOU SAID, BI

BIENAH - I HATE YOU TYROME... YOU SO COMFORTABLE TALKING ON THIS PHONE

TYROME - YOU HATE ME, WHAT I DO?

BIENAH - I TOLD THEM YOU BE DRIVING THE CAR AND YOU TOLD ME TO REPORT THE CAR STOLEN CAUSE WE CAN PAY THE INSURANCE...

TYROME - YOU TOLD THEM WHAT? BI, WHY THE FUCK WOULD YOU TELL THEM THAT SHIT, THAT WAS A LIE BI. I TOLD YOU TO TELL THEM BOSCO (PLAINTIFF) HAD THE CAR...

ITS MORE, BUT THEN TYROME STATES:

TYROME - BI, DONT GET STUPID ON ME, I TOLD YOU THEY WAS GOING TO COME AT YOU LIKE THIS,

WHICH SHOWS THAT A PLAN HAS BEEN HATCHED. TO HEAR IN FULL (SEE EXHIBIT "D" BIENAH AND TYROME CALL ON TRULINKS FEB 13 2015, THE DAY SHE WENT TO GRAND JURY)

25) AFTER THIS CONVERSATION TYROME WAS RELEASED AND CASE DISMISSED. TYROME AND PLAINTIFF SEE EACH OTHER ONLY FOR WORK (SECURITY) AT AN AFTERHOUR CLUB ON 150TH-151ST STREET CEDAR LANE, DIRECTLY ACROSS FROM SAM'S CLUB ON THE GRAND CONCOURSE. PLAINTIFF WAS AT THE CLUB UP UNTIL APRIL 2015 WHEN HE WAS ARRESTED ON OTHER CHARGES IN NEW JERSEY AND WAS BAILED OUT MAY 2015.

26) ON OR ABOUT MARCH 2016, RODNEY SHIRLEY IS ARRESTED BY ATF TASK FORCE EXECUTING A SEARCH AND ARREST WARRANT. UPON THE EXECUTION OF THIS ARREST & SEARCH WARRANT, ONE OF THE DEFENDANTS (JASON ALLISON) ASKED RODNEY SHIRLEY "WHERE THE GUNS AT"? RODNEY SHIRLEY STATED "I DONT HAVE THE GUN, BOSCO (PLAINTIFF) (PLEASE NOTE THAT BOSCO IS PLAINTIFF'S ALLEGED STREET NAME) GOT THE GUN. HE THREW IT IN THE SEWER". THE DEFENDANTS JOANNE BECK, JASON ALLISON AND STEVEN ST. HILAIRE PROCEEDED TO ENTER THE

APARTMENT TO GET THE FEMALE OCCUPANTS OUT IN THE HALLWAY AREA IN ORDER TO SEARCH RODNEY'S ROOM. AFTER EVERYONE WAS PLACED IN HALLWAY A VIDEO RECORDER TAPED THEM (DEFENDANTS BECK, ALLISON & ST. HILAIRE) ENTERING THE HOUSE AND SHOWED HOW IT LOOKED UPON THEIR ARRIVAL. THE DEFENDANTS FILM THE PRE-SEARCH AND POST SEARCH (SEE EXHIBIT "D" RODNEY SHIRLEY PRE & POST SEARCH VIDEO). ONCE THE SEARCH WAS CONDUCTED THEY (DEFENDANTS) ALLOWED EVERYONE BACK IN AND ESCORTED RODNEY TO THE ATF OFFICE LOCATED IN BRONX NEW YORK.

21) WHILE IN ROUTE TO THE ATF OFFICE RODNEY SUMMONED THE DEFENDANTS BECK, ALLISON & ST. HILAIRE TO PULL OVER ON 145ST LENOX AVE IN HARLEM, JUST BEFORE ENTERING THE 145ST BRIDGE THAT CRUSSES INTO THE BRONX. RODNEY INFORMS THE DEFENDANTS THE LOCATION OF WHERE PLAINTIFF ALLEGEDLY THREW THE GUN IN

THE SEWER. THE DEFENDANTS PULL OVER AND ASKED RODNEY WAS HE SURE? HE STATED "YES" AND A TEAM OF AGENTS WITH THE ESU (EMERGENCY SERVICE UNIT) AND EPA (ENVIRONMENTAL PROTECTION AGENCY) SUITED UP AND WENT INTO THE SEWER SYSTEM TO RETRIEVE THIS ALLEGED GUN THAT PLAINTIFF SUPPOSE TO HAD PUT THERE. THE SEWER WAS SEARCHED THOROUGHLY AND NO GUN FOUND (SEE EXHIBIT "E" POLICE REPORT OF RODNEY SHIRLEY'S ARREST)

28) RODNEY SHIRLEY WAS TAKEN TO ATF OFFICE FOR INTERROGATION BY DEFENDANTS BECK, ALLISON AND ST. HILAIRE. AT THE BEGIN OF THE INTERROGATION DEFENDANT ST. HILAIRE "WHY DONT YOU TELL US FROM YOUR PROSPECTIVE OF WHAT HAPPEN". RODNEY STATES THAT HE ONLY KNOWS ABOUT (1) ONE ROBBERY. THEN DEFENDANT ALLISON TALKS TO HIM ABOUT THE THINGS THEY TALKED ABOUT AT RODNEYS HOUSE. (BUT THERE IS NO DOCUMENTATION OF THIS CONVERSATION EXCEPT THE SEWER ASPECT), NOW, DEFENDANT ST. HILAIRE FIRST TELLS RODNEY

TO TELL HIM WHAT HAPPEN IN HIS WORDS BUT THE DEFENDANTS DONT DO THAT THEY KEEP INTERJECTING AND LEADING HIS STORY. AT ONE POINT DEFENDANT ALLISON TELLS RODNEY "WE KNOW THIS IS OUT OF YOUR CHARACTER, SO WE KNOW SOMEONE HAD TO PUT YOU UP TO DO THIS". ANOTHER TIME THEY TELL RODNEY WHO CAME TO HIS HOUSE AFTER THE ROBBERIES WHEN HE ALREADY TOLD THEM THAT, "AFTER THE ROBBERIES EVERYONE WENT THEIR OWN WAY". BASICALLY FINE TUNING HIS STORY TO FIT THE STORY THEY NEED. RODNEY SWITCH UP HIS STORY TO MAKE KYELL CLAY THE ROBBER AND HIMSELF THE LOOK OUT, AGAIN DEFENDANTS BECK ALLISON AND ST. HILAIRE DURING THE COURSE OF THIS INTERVIEW IS LEADING RODNEY TO SAY WHAT THEY NEED SAID. UP UNTIL THAT POINT NO INDEPENDANT CORROBORATION OF NOTHING RODNEY STATED (SEE EXHIBIT "F" RODNEY SHIRLEY INTERVIEW)

29) ON MARCH 30 2016, PLAINTIFF WAS AT HIS RESIDENCE WHEN ATF AND LOCAL NYPD SET-UP AT THE MC-

DONALDS WHICH IS (1) BLOCK AWAY FROM PLAINTIFF'S HOUSE AT 4:30AM, LEAD BY DEFENDANTS JOANNE BECK AND STEVEN HILAIRE, TO EXECUTE AN ARREST WARRANT ONLY. THIS ARREST WARRANT WAS SIGNED BY A JUDGE ON MARCH 28, 2016. NO SEARCH WARRANT WAS REQUESTED OR ISSUED TO THESE DEFENDANTS. THE DEFENDANTS BECK, ALLISON, ST. HILAIRE, MCCREADY, AND KEITH SMITH, ALONG WITH OTHER AGENTS NOT NAMED IN THIS COMPLAINT. SURROUNDED THE BUILDING WAITING FOR PLAINTIFF TO EXIT THE BUILDING. 5:30AM PASSES, 6:30AM PASSES, 7:30AM PASSES, 8:30AM PASSES, AROUND 9:30 DEFENDANT KEITH SMITH CALLS FOR EXTRA UNITS AND DEFENDANT BECK ORDERS EVERYONE TO GO TO THE APARTMENT TO EFFECTUATE THE ARREST.

30) DEFENDANTS BANG ON DOOR WITH A BATTERING RAM, THEY HAVE A PROTECTIVE SHIELD AND MILITARY STYLE WEAPONS (MACHINE GUN) IT WAS ABOUT 12-15 OFFICERS. AT THIS TIME

PLAINTIFF'S MOTHER WAS HOME WITH HER GRANDCHILD WHO WAS 9-10 MONTHS OLD. THE DOOR WAS ANSWERED IMMEDIATELY AND THE OFFICERS STORMED THE APARTMENT IN SEARCH OF PLAINTIFF WHO WAS BROUGHT OUT VERY QUICKLY ABOUT 1-2 MINUTES AND WAS PLACED IN THE HALLWAY AND GIVEN TO DEFENDANT KEITH SMITH, WHO WALKED PLAINTIFF DOWN THE HALLWAY ABOUT 10-15 FEET AWAY FROM THE APARTMENT DOOR, MAYBE A LITTLE FURTHER. WHILE STANDING THERE DEFENDANT SMITH SEARCHED PLAINTIFF AND TOOK OUT HIS POCKET PLAINTIFF'S WALLET.

31) ON SEVERAL OCCASIONS PLAINTIFF ASKED WHY WAS HE BEING ARRESTED AND WAS TOLD "TO SHUT THE FUCK UP," ASKED AGAIN AND WAS TOLD THE SAME AND "TODAY YOU GRADUATE TO THE BIG LEAGUES". THEN STATED "TODAY, IS THE MOST IMPORTANT DAY OF YOUR LIFE!" THEN ALSO SAID "YOU'LL FIND OUT WHEN THE ARRESTING OFFICER COMES BACK OUT. ALSO, STANDING THERE WAS A FEW

OFFICERS GETTING OFF THE ELEVATORS AND GOING INTO THE APARTMENT EVEN A OFFICER WITH A DOG WENT INTO THE APARTMENT. AT FIRST PLAINTIFF'S MOTHER WAS STANDING DOWN THE HALLWAY IN FRONT OF THE APARTMENT FOR ABOUT 5 MINUTES OR SO THEN WAS TAKEN BACK INTO APARTMENT LIVING ROOM AREA WHILE DEFENDANTS SEARCH THE APARTMENT IN THE GUISE OF A "PROTECTIVE SWEEP" WHICH TOOK 10-15 MINUTES FOR A SMALL APARTMENT AND PLAINTIFF SECURED IN THE HALLWAY.

32) AFTER ABOUT 10-15 MINUTES DEFENDANTS BECK AND ST. HILAIRE CAME OUT OF APARTMENT, AND PLAINTIFF ASKED WHY WAS HE BEING ARRESTED? HE WAS TOLD THEY WILL TELL ME WHEN WE GET TO STATION. DEFENDANT BECK READ OFF SOME OF MIRANDA, DEFENDANT ST. HILAIRE WAS POSITIONED SLIGHTLY BEHIND HER AND DEFENDANT ST. HILAIRE STATED "WHERE THE GUNS AND DRUGS AT?" PLAINTIFF STATED "WHAT GUNS AND DRUGS"? DEFENDANT ST.

HILAIRE STATED "DONT WORRY ABOUT IT"
PLAINTIFF STATED "DONT WORRY ABOUT IT"?
DEFENDANT ST. HILAIRE STATED "WE SEEN
YOU COME IN THE BUILDING LAST NIGHT
WITH THE BAG WITH THE GUN IN IT".
PLAINTIFF STATED SOMETHING TO THE EFFECT
OF "I DONT HAVE NO GUN AND DRUGS
IN MY MOTHER HOUSE". DEFENDANT ST. HILAIRE
STATED "THEN LET US SEARCH YOUR ROOM"?
AT THE SAME TIME DEFENDANT BECK
STATES "DO YOU MIND IF WE SEARCH
YOUR ROOM"? PLAINTIFF STATED "GO AHEAD
AINT NO GUNS IN MY MOTHERS HOUSE.
DEFENDANT ST. HILAIRE STATED "DONT WORRY
WE GOING TO SEARCH ANYWAY." A COUPLE
OF MINUTES OF BOTH DEFENDANTS COMING
INTO THE HALLWAY PLAINTIFF NOTICED IN
DEFENDANT ST. HILAIRE'S HAND A SCANNER
AND (2) PHONES IN WHICH HE TRIED TO
HIDE BEHIND A POLICE PAD AND BEING
BEHIND DEFENDANT BECK.

33) NOW, AFTER DEFENDANT ST. HILAIRE
STATED "DONT WORRY WE GOING TO SEARCH
ANYWAY"; A AGENT GOT OFF THE ELEVATOR

WITH A RED AND BLACK BOX WITH A SNAKE AND T.V SCREEN ATTACHED TO IT AND DEFENDANT ST. HILAIRE WENT INTO THE APARTMENT WITH THE AGENT. PLAINTIFF STOOD IN THE HALLWAY FOR ABOUT ANOTHER 5-10 MINUTES BEFORE DEFENDANT SMITH WAS TOLD TO TAKE ME TO THE STATION. AT THE STATION PLAINTIFF WAS PLACED IN A INTERVIEW ROOM IN WHICH PLAINTIFF WAS QUESTIONED ABOUT WHERE HE'S BEEN IN HIS VEHICLE AND PEDIGREE INFORMATION. ALSO, IN THIS INTERVIEW PLAINTIFF IS ASKED WHERE HE WORKED IN BRONX? PLAINTIFF STATED SOMETHING TO THE EFFECT OF "I USE TO WORK UP THE BLOCK, I USE TO WORK AT UM UM, ITS TWO CLUBS THERE YOU GOT SAM'S I USE TO WORK ON 151ST IN GRAND CONCOURSE Right there, AND I USE TO DO SECURITY AT ANOTHER SPOT UM ON 149TH STREET." (SEE EXHIBIT "B" KEVIN WALKER INTERVIEW MARCH 30, 2016 AT 7:03) NOW, THE BLOCK IN WHICH PLAINTIFF WORKED ON WAS 160TH - 151ST Cedar LAVE WHICH

IS DIRECTLY ACROSS FROM SAM'S.

34) THE NEXT DAY PLAINTIFF IS ARRAIGNED IN COURT AND REMANDED TO THE CUSTODY OF BOP/ U.S MARSHALLS. PLAINTIFF IS ASSIGNED CJA COUNSEL MRS. LUPRAINE GAULI-RUFO. AT THE FIRST MEETING PLAINTIFF INFORMS MS. RUFO THAT HE WILL BE FIGHTING THESE CHARGES BY WAY OF TRIAL. PLAINTIFF ALSO INFORM HER NOT TO WAIVE ANY OF PLAINTIFF RIGHTS AND OR AGREE TO ANY CONTINUANCE FOR INDICTMENT. ALL REQUEST WAS IGNORED BY THIS ATTORNEY WHICH STARTED THE BREAKDOWN OF LAWYER-CLIENT INTERACTION.

35) ON OR AROUND MAY 2016, PLAINTIFF WAS CALLED TO COURT FOR A SUPERCEDING INDICTMENT AND THAT HE WAS BEING CHARGE WITH HIS BROTHER TYRONE WALKER IN A SERIES OF HOBBS ACTS FROM DEC. 2014 TO FEB 2015. CHARGES THAT HAD ALREADY BEEN DISMISSED AGAINST HIS BROTHER TYRONE EARLIER (FEB-MARCH 2015). PLAINTIFF ASKED MS RUFO (LAWYER) WHY WAS HE

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MR. KEVIN WALKER,
PLAINTIFF

-VS-

AFFIDAVIT
OF
SERVICE

JOON KIM, ACTING U.S. ATTORNEY et al.,
DEFENDANTS

I, KEVIN WALKER, DECLARE UNDER
THE PENALTY OF PERJURY THAT THIS CIVIL
RICO (18 USC 1962) IS BEING HAND DELIVERED
TO THE PRO-SE OFFICE, AT 500 PEARL STREET,
NEW YORK, NY. 10007

DATED MAY 3. 2018
NEW YORK N.Y.

RESPECTFULLY SUBMITTED,

Mr. Kevin Walker
#75832-054

Metropolitan Corr. Center
150 Park Row
New York, N.Y. 10007
PRO-SE

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MR. KEVIN WALKER
Plaintiff

vs.

AFFIDAVIT
OF
SERVICE

JOON KIM, ACTING U.S. ATTORNEY et al.,
DEFENDANTS

I, KEVIN WALKER, DECLARE UNDER THE PENALTY OF PERJURY THAT THIS CIVIL RICO IS BEING HAND DELIVERED TO THE PRO-SE OFFICE, AT 500 PEARL STREET, NEW YORK, NY. 10007, ON MAY 4th 2018.

DATED MAY 3 2018
NY. NY

Respectfully Submitted,
Mr. Kevin Walker
#75832054
PRO-SE

84) PLAINTIFF HAVE IN GOOD FAITH ATTEMPTED TO BALANCE THE NECESSARY REQUIREMENTS OF SPECIFICITY AND PARTICULARITY, UNDER RULE 9(F), OF FRCP TO ESTABLISH SUFFICIENCY OF THIS PLEADING, WITH THE REQUIREMENTS OF CONCISION AND DIRECTNESS UNDER RULE 8(e) OF FRCP, ALL IN ACCORDANCE WITH RULE 11.

85) AND HUMBLLY REQUEST THE COURT KEEP IN MIND THAT PLAINTIFF IS A PRO-SE LITIGANT AT BEST

DATED: APRIL 12, 2018
NEW YORK NY

CC: FILE
PRO-SE OFFICE

RESPECTFULLY SUBMITTED,
Mr. Kevin Walker
MR. KEVIN WALKER
T5832-054, PROSE
METROPOLITAN CORR. CENTER
150 PARK ROW
NEW YORK NY. 10007

82) FURTHER EXTANT EVIDENCE AND ARGUMENTATION ELUCIDATING THE "PATTERN OF RACKETEERING ACTIVITY", AND INFORMATION WHICH WILL BE ACQUIRED IN THE PROCESS OF DISCOVERY, WILL ESTABLISH THE NECESSARY PREPONDERANCE OF EVIDENCE IF PLAINTIFF HAS NOT ALREADY DONE SO, AS IS REQUIRED BY THE COURT IN ACCORDANCE WITH THE FEDERAL RULES OF CIVIL PROCEDURES (FRCP).

83) IN PARTICULAR WITH REGARDS TO RULE 11 OF FRCP, PLAINTIFF AVERS THAT ALL STATEMENTS AND ALLEGATIONS ARE TRUE UPON INFORMATION, BELIEF, AND REASONABLE INVESTIGATION, AND FURTHER THAT THIS ACTION IS NOT BROUGHT WITH ANY PURPOSE TO HARASS OR DEFAME DEFENDANTS, AND FURTHER THAT ITS NOT OF ANY NATURE THAT COULD BE CALLED FRIVOLOUS.

OFFICE.

80) AND FINALLY, ANY FURTHER RELIEF OF WHATEVER KIND THAT THIS COURT ~~MAY~~ MAY DEEM SUITABLE, JUST OR APPROPRIATE TO PLAINTIFF, PLAINTIFF ALSO REQUESTS OF THE COURT THE RIGHT TO AMEND AND CURE ANY DEFECTS OR ERRORS IN WHICH THIS COURT DEEMS NECESSARY.

IX DEMAND FOR JUDGEMENT AND TRIAL BY JURY

81) ON THE BASIS OF ALL THE FOREGOING, PLAINTIFF DEMANDS JUDGEMENT FOR THE STATED RELIEF, IN TRIAL BY JURY.

X PLAINTIFFS AVERTMENT REGARDING RULE 11, FRCP

THE COURT ITSELF, IN COMPENSATION FOR WHATEVER RELIEF THE COURT ITSELF MAY HAVE ACCORDED THE PLAINTIFF; THIS, SINCE PLAINTIFF'S INABILITY TO DEFEND HIMSELF OTHERWISE IS A DIRECT CONSEQUENCE OF THE PLAINTIFF'S DESTITUTION WHICH IS CAUSED BY THE UNABATED INSISTENCE ON A CLEAR "PATTERN OF RACKETEERING ACTIVITY" ENGAGED IN, WITHIN THE "ENTERPRISE" THAT INCLUDES KEEPING PLAINTIFF INCARCERATED.

79) ALL PLAINTIFF'S COST IN THIS LITIGATION, AND AS WELL, JUST COMPENSATION FOR THE ONEROUS WORK AND EFFORT THAT HAS BEEN FORCED UNDER DURESS, UPON PLAINTIFF BY DEFENDANTS ACTIONS; PLAINTIFF REQUEST OF THE COURT THAT ALL COST OF THE NECESSARY TOOLS REQUIRED TO ACT AS AN ATTORNEY UNDER PRO-SE STATUS BE PAID FOR BY DEFENDANTS AND THEIR

75) COMPENSATORY DAMAGES IN THE FORM OF \$25,000,000 MILLION FOR DIRECT AND PROXIMATE CAUSE, DAMAGE TO LIFE, LIMB, WELL-BEING AND FINANCES OF PLAINTIFF STEMMING FROM DEFENDANTS ACTIONS, AS WILL BE OUTLINED AND APPORTIONED, WHICH DAMAGES WILL HAVE SUCH LIFELONG IRREPARABLE EFFECTS THAT WILL PERMANENTLY PROHIBIT PLAINTIFF FROM BEING SELF-SUPPORTING AND PRODUCTIVE INDIVIDUAL,

76) PUNITIVE DAMAGES IN THE FORM OF \$25,000,000 MILLION

77) A DECLARATORY JUDGEMENT PURSUANT TO 28 USC 2202, THAT THE ACTION OF THE DEFENDANTS VIOLATED THE CONSTITUTIONAL RIGHTS OF PLAINTIFF.

78) ANY DAMAGES, PLUS INTEREST THAT MAY BE PAYABLE AND DUE, TO

FULNESS AND RELIABILITY WITH CREDITABLE AND RELIABLE PROOF, A JUDGE IS TO REVIEW THE PROCEEDINGS IN CAMERA TO MAKE DETERMINATION IF DEFENSE COUNSEL IS ALLOWED TO VIEW "PROFFERS" SESSION AND USED FOR IMPEACHMENT PURPOSES.

74) THAT DEFENDANTS AND THEIR OFFICE REINQUISH THE "SOLE" ENTITY TO EVALUATE THE QUALITY OF ANY COOPERATORS ALLEGED "SUBSTANTIAL ASSISTANCE" MOTION (i.e., 5K1.1, RULE 35(b), 18 USC § 3553(e)) THAT DECISION SHOULD BE SUBJECTED TO REVIEW ONCE CHALLENGED BY DEFENSE COUNSEL IN A FACTUAL SHOWING THAT THE COOPERATOR HAS INDEED LIED, HIS STORY WAS INCOMPLETE, HAS COMMITTED FURTHER CRIMES, GAVE FALSE, MISLEADING OR INCOMPLETE INFORMATION OR INACCURATE INFORMATION.

5 YEARS, UNTIL THE "NEW LEGAL PROCEDURES" BECOMES A PATTERN OF PRACTICE FOR THE DEFENDANTS AND THEIR OFFICE

73) TEMPORARY RESTRAINING ORDER (TRO), ON ALL PROFFERS WITH THE DEFENDANTS AND ITS OFFICE, UNTIL "NEW PROCEDURES" ON HOW "PROFFERS" ARE TO BE CONDUCTED IS ISSUED. IN THE LAW OF THIS LAND, THE GRAND JURY PROCEEDINGS AND A JURY PROCEEDINGS UPON DECIDING A CASE ON TRIAL, IS THE ONLY THING FASHIONED BY LAW TO HAVE SUCH SECRECY, DEFENDANTS AND THEIR OFFICE HAS BEEN CONDUCTING THE ILLEGAL ASPECT OF THE "PROFFERS" WITH TOTAL SECRECY. THE SECRECY ASPECT IS TO END.

THAT ALL "PROFFERS" SESSIONS ARE TO BE VIDEO/AUDIO RECORDED AND SEALED SO IF DEFENSE COUNSEL CHALLENGES ANY COOPERATORS TRUTH -

EXPLICITLY PROHIBIT ACTS), FOR EACH DEFENDANT IS EXPLAINED IN STATEMENT OF FACTS

VIII RELIEF SOUGHT:

71) TEMPORARY RESTRAINING ORDER (TRO) ON ALL COOPERATION AGREEMENTS AND USE OF RULE 35(b) AND 18 USC § 3553(e), UNTIL THE U.S. ATTORNEY'S OFFICE, FEDERAL DEFENDERS OFFICE, AND LAW FIRM OF PLAINTIFF'S CHOICE, ALONG WITH THE ACLU, AND A REPRESENTATIVE OF THE U.S. SENTENCING COMMISSION, COLLECTLY SIT DOWN AND OUTLINE "NEW PROCEDURES" THAT WILL BE MANDATED TO BE FOLLOWED, AND PENALTIES ATTACHED IF NOT FOLLOWED.

72) AN APPOINTMENT OF A SPECIAL MASTERS TO OVERSEE AND OVERLOOK INTO THE "NEW PROCEDURES" FOR THE NEXT

THE DEFENDANTS AND ITS OFFICE, AND ALSO IS A CONTINUATION OF DAMAGES AND INJURIES TO PLAINTIFF AND ALL THOSE AFFECTED.

69) PLAINTIFF FURTHER ALLEGED THAT THIS PATTERN CONTAINS A SEQUENCE OF EVENTS, OVER YEARS (31 YRS TO BE EXACT), THAT ALL HAVE THE SAME AND COMMON PURPOSE, AND THAT PURPOSE IS TO OBTAIN CONVICTIONS AT ALL COST, AND NOT SEEK JUSTICE, BY WAY OF EGREGIOUSLY DELIBERATE, CALCULATED AND MALICIOUS BRIBING AND EXTORTING, WITH TORTUROUS INTERFERENCING OF THE LEGAL AND ADMINISTRATIVE DUE PROCESS, WHICH IS A "PATTERN OF RACKETEERING ACTIVITY".

70) THE PARTICULAR COMPLAINTS OF RICO, HOBBS ACT AND BIVENS ACTS, (I.E., INSTANCES OF PREDICATE AND

DAMAGES.

(67) PLAINTIFF ALLEGES THAT THE "PREDICATE ACTS", UNDER BOTH RICO AND HOBBS ACT, DO ESTABLISH A PATTERN OF RACKETEERING AND BRIBERY AS WELL AS EXTORTION, BY DEFENDANTS WHICH CONSTITUTE "ENTERPRISE".

(68) A "PATTERN OF RACKETEERING ACTIVITY", IS DEFINED TO BE A PATTERN THAT HAS BOTH CONTINUITY AND RELATIONSHIP, THIS PATTERN BEGAN FOR PLAINTIFF ON MARCH AND MAY 2016, BUT FOR DEFENDANTS IT STARTED NOV. 1987, AND IT CONTINUES TO THIS DAY AND THERE IS CERTAINLY A THREAT THAT SUCH ACTIVITY WILL CONTINUE INTO THE FUTURE. THE ACTIVITY OF RACKETEERING CONTINUE, AND THERE IS NO EVIDENCE AVAILABLE TO PLAINTIFF TO EVEN SUGGEST DISCONTINUANCE OF THIS PATTERN BY

TO FRCP RULE 8, AND NOT TO BURDEN THE COURT, THE OUTLINE IN THIS COMPLAINT CONTAINS ONLY STATEMENT OF FACTS AND AT BEST MEMORANDUM OF LAW, TOGETHER WITH REFERENCES TO EXHIBITS THAT ARE NOT ATTACHED DUE TO COURT ORDER IN BOTH CASES (16CR567(JSR), AND 16CR327(RA)) THE COURT WILL HAVE TO VIEW THEM INDEPENDANTLY. HOWEVER, THE SMALL PREDICATE ACTS THAT ARE REQUIRED UNDER RICO AND HOBBS ACTS IN ORDER TO VOID THE ANTICIPATED MOTION TO DISMISS ON BASIS OF INSUBSTANTIALLY. REFERENCES TO SUPPORTING EXHIBITS AND DOCUMENTS SUBMITTED, NOW ARE ONLY A DEMONSTRATION TO THE COURT THAT THIS COMPLAINT HAS GENUINE MERIT, IS NOT AN EXERCISE IN LEGAL SOPHISTRY, AND MORE IMPORTANTLY THAT IT IS SUBSTANTIVE IN LAW AND IN

3553(e)) IN AN UNLAWFUL MANNER FOR PURPOSES OF OBTAINING CONVICTIONS;

4) FURTHERANCE OF THE RICO THEY ARE COMMITTING FALSE ARREST, UNREASONABLE SEARCHES, OBSTRUCTION OF JUSTICE, INFLUENCING WITNESSES TO PERJURE THEMSELVES, NOT CORRECTING THE PERJURED TESTIMONY, BRIBING AND EXTORTING WITNESSES FOR THEIR TESTIMONY DURING THE COURSE OF ITS GENUINE PATTERN OF RACKETEERING ACTIVITIES.

AND PLAINTIFF SEEK RELIEF FROM THE COURT FOR;

CONTINUING VIOLATIONS, AND FOR PROXIMATE DAMAGES CAUSED THEREBY OUTLINED BELOW. IN ORDER TO CONFORM

VII

AS AND FOR CAUSE OF ACTION,
PLAINTIFF HEREIN COMPLAIN
MORE SPECIFICALLY UPON U.S
CODE, COMMON LAW, AND CON-
STITUTION OF THE UNITED
STATES, AND OF DEFENDANTS;

1) CONSPIRACY TO VIOLATE
AND VIOLATIONS OF;

A) 18 USC § 1962(c) (RICO)
18 USC § 1951 (HOBBS ACT)

AS WELL AS VIOLATIONS OF

B) 42 USC 1983 (BIVENS ACT)

2) TORTUROUS INTERFERENCE
WITH THE LEGAL AND ADMINI-
STRATIVE DUE PROCESS;

3) USING WHAT WILL BE A
LAWFUL INSTRUMENT (5K1.1,
RULE 35(b), AND 18 USC

THE ERRORS, OR LIES FOR THAT MATTER
SEE UNITED STATES V. JOSEPHBERG, 562
F.3D 478,494 (2d Cir. 2009)

) 18 USC 201 ~~(b)(2)~~ (C)(2), THE STATUTE
PROHIBITS "WHOEVER" FROM GIVING "ANYTHING
OF VALUE TO ANY PERSON, FOR OR BECAUSE
OF THE TESTIMONY UNDER OATH... BY
SUCH PERSON AS A WITNESS UPON A
TRIAL... (SEE ALSO 18 USC 201 (b)(3)).

WHO HAD PERJURED HIMSELF NUMEROUS OF TIMES, AND THE REASON A RULE 33 WAS GRANTED.

) THE DEFENDANTS HAS ENGAGED IN WHAT IS KNOWN AS WIDE-SPREAD PRACTICES OF OBSTRUCTION OF JUSTICE BY WAY OF BRIBING AND EXTORTING THE CO-OPERATOR OUT OF TESTIMONIES THAT THEY KNOW ARE BLATANT LIES. BRIBERY IS A FORM OF RACKETEERING ACTIVITY THAT IS PROHIBITED, BUT IN ORDER TO GET CONVICTIONS THE DEFENDANTS ARE DELIBERATE IN THEIR EFFORTS MY WAYS OF ADDING ADDITIONAL CHARGES ON THE CO-OPERATORS TO GET THEM TO TESTIFY AND TO TESTIFY FALSELY.

) IN PLAINTIFFS CASES AT BAR EACH COOPERATOR TOLD THE DEFENDANTS MULTIPLE STORIES (LIES) AND NONE OF THE STORIES STAYED THE SAME, THESE STORIES WAS TAILORED TO FIT THE DEFENDANTS THEORY OF EVENTS, SO THE DEFENDANTS WAS WELL-AWARE OF THIS AND CHOOSE NOT TO CORRECT

WANT, THEY WANT HIS BROTHER KEVIN WALKER WHO'S THE LEADER OF A ROBBERY GANG, ETC... AND INDIVIDUAL-I STATED AT THE GRAND JURY SHE NEVER GAVE DEFENDANT CHURLA ANY INFORMATION OF THAT NATURE.

) WHEN A POLICE OFFICER CREATES FALSE INFORMATION LIKELY TO INFLUENCE A JUDGE OR JURY DECISION AND FORWARD THAT INFORMATION TO PROSECUTORS, THE ACCUSED CONSTITUTIONAL RIGHTS TO A FAIR TRIAL IS VIOLATED SEE Ricciti v NYC TRANSIT AUTH, 124 F.3D 123, 130 (2d CIR. 1997)

) IT IS EVIDENT FROM THE EVIDENCE THATS BEEN PRESENTED THAT THE OFFICERS NEVER HAD PROBABLE CAUSE TO GET AN ARREST WARRANT, IN THE CASE AT TRIAL 40 SOMETHING WITNESSES TESTIFIED AND NOT A SINGLE ONE TESTIFIED THAT PLAINTIFF DID ANYTHING TO THEM, OR THAT THEY SEEN PLAINTIFF BEFORE. THE ONLY SINGLE WITNESS THAT PLACED ME AS APART OF THIS CRIME WAS TYROME WALKER THE DEFENDANTS STAR WITNESS

UNDER NEW YORK LAW, THE ELEMENTS OF A FALSE IMPRISONMENT CLAIM ARE 1) THE DEFENDANT INTENDED TO CONFINE PLAINTIFF, 2) THE PLAINTIFF WAS CONSCIOUS OF THE CONFINEMENT; 3) THE PLAINTIFF DID NOT CONSENT TO THE CONFINEMENT AND 4) THE CONFINEMENT WAS NOT OTHERWISE PRIVILEGED. ALSO SEE HYPH V JACOBS, 961 F.2D 359 (THE ELEMENTS OF A CLAIM OF FALSE ARREST UNDER 1983/BIVENS ARE SUBSTANTIALLY THE SAME AS ELEMENTS OF A FALSE ARREST CLAIM UNDER NEW YORK LAW.

) IN PLAINTIFFS INITIAL CASE AT BAR (16 CR 327 (CR)) THE DEFENDANTS EXECUTED ~~WARRANT~~ WHAT WAS A FAULTY ARREST WARRANT. THIS ARREST WARRANT WAS BASED ON A LIE FROM DEFENDANT CHURLA, AND WITHOUT THE LIE THE WARRANT WOULD OF NEVER BEEN ISSUED. DEFENDANT CHURLA NOT ONLY LIED ABOUT THE PARTICULARS IN WHICH HE STATED THAT "INDIVIDUAL-1 TOLD HIM THAT TYROME IS NOT WHO THEY

n.9; 60 LED 2D 824, 99 S. CT 2248 (1979),
WONG SUN v UNITED STATES, 371 US 471,
 479, 9 LED 2D 441, 83 S. CT 407 (1963)
BRINEGAR v UNITED STATES, 338 US 160,
 175-76, 93 LED 2D 1879, 69 S. CT 1302 (1949)

) FIRST, UNDER NEW YORK LAW, WHILE
 THE FAVORABLE TERMINATION OF JUDICIAL
 PROCEEDINGS IS AN ELEMENT OF A CLAIM
 FOR MALICIOUS PROSECUTION (See eg.

BROUGHTON v STATE, 37 NY 2D AT 457,
 373 NYS2D AT 94 (ELEMENTS OF THE TORT
 OF MALICIOUS PROSECUTION [INCLUDES] THE
 TERMINATION OF THE PROCEEDING IN FAVOR
 OF ACCUSED), IT IS NOT AN ELEMENT
 OF A CLAIM FOR FALSE ARREST, (See
 id. AT 456, 373 NYS2D AT 93; SINGER
v FULTON COUNTY SHERIFF, 63 F. 3D AT 118

) THE COMMON LAW TORT OF FALSE
 ARREST IS A SPECIES OF FALSE IMPRISON-
 MENT... THIS CLAIM IS DISTINCT FROM
 ONE OF MALICIOUS PROSECUTION, "EACH
 PROTECTS A DIFFERENT PERSONAL INTEREST
 AND IS COMPOSED OF DIFFERENT ELEMENTS,
 [BROUGHTON v STATE, 37 NY 2D AT 456]

POINT III

IN FURTHERANCE OF THIS CONSPIRACY THEY ARE COMMITTING FALSE ARREST, UNREASONABLE SEARCHES, OBSTRUCTION OF JUSTICE, INFLUENCING WITNESSES TO PERJURE THEMSELVES, EXTORTING WITNESSES OUT OF THEIR TESTIMONY BY ADDING ADDITIONAL CHARGES TO SECURE THEIR PERJURIOUS TESTIMONIES TO GET CONVICTIONS

) IT IS WELL SETTLED THAT PROBABLE CAUSE TO ARREST EXISTS WHEN THE OFFICERS HAVE KNOWLEDGE OR REASONABLE TRUSTWORTHY INFORMATION OF FACTS AND CIRCUMSTANCES THAT ARE SUFFICIENT TO WARRANT A PERSON OF REASONABLE CAUTION IN THE BELIEF THAT THE PERSON TO BE ARRESTED HAS COMMITTED OR IS COMMITTING A CRIME (See e.g., DUNAWAY v NEW YORK, 442 US 200, 208

(6) A WITNESS PERJURES HIM
SELF WHEN HE "GIVES FALSE TESTIMONY
CONCERNING A MATERIAL MATTER WITH
WILLFUL INTENT TO PROVIDE FALSE
TESTIMONY, AS DISTINGUISHED FROM
INCORRECT TESTIMONY, RESULTING
IN CONFUSION, MISTAKE OR FAULTY
MEMORY. UNITED STATES V MONTELEONE,
257 F.3D 210, 219 (2d Cir. 2001) ALSO
SEE; UNITED STATE V ZICHETTELLO,
208 F.3D 72, 102 (2d Cir. 2000)

AFFECT ON THE JUDGEMENT OF A JURY. (See UNITED STATES v. AGURS, 427 US 97, 103, 96 S. CT 2392, 49 LED 2D 342 (1976); See, GIULIO v. UNITED STATES, 405 US 150, 151, 153, 92 S. CT 763, 31 LED 2D 104 (1972); DRAKE v. PORTUONDO, 553 F.3D 230, 240 (2D CIR. 2009); PERKINS v. LEFEVRE, 642 F.2D 37, 40 (2D CIR. 1981)

(6) AND THE PROSECUTOR'S KNOWING USE OF PERJURED TESTIMONY CAN VIOLATE THE DUE PROCESS CLAUSE EVEN IF IT ONLY UNDERMINES A WITNESS CREDITABILITY. SEE, NAPUE v. ILLINOIS, 360 US 264, 269-70, 79 S. CT 1173, 3 LED 2D 1217 (1959) ("A LIE IS A LIE, NO MATTER WHAT ITS SUBJECT, AND IF IT IS IN ANYWAY RELEVANT TO THE CASE, THE GOVERNMENT HAS THE RESPONSIBILITY AND DUTY TO CORRECT WHAT HE KNOWS TO BE FALSE AND TO ELICIT THE TRUTH") UNITED STATES v. FROMTE, 727 F.3D 194, 221-22 (2D CIR 2013).

AND NOT IN A ILLEGAL AND AR-
BITRARY MANNER JUST TO GET A
CONVICTION, BECAUSE EVERYTIME THE
DEFENDANTS AND OR ITS OFFICE
USES THESE LEGAL TOOLS ILLEGAL,
IT ~~TAKES~~ HARMS NOT ONLY THE
ALLEGED CRIMINAL DEFENDANTS ITS
AIMED AT, BUT IT HARMS THE
CRIMINAL JUSTICE SYSTEM AS A
WHOLE, AND STATES THAT "I CAN
GET AWAY WITH ANY CRIME, BUT
YOU CANT". THE CRIMINAL JUSTICE
SYSTEM IS DESIGNED TO PUNISH
THOSE WHO BREAK THE LAW, RATHER
ITS AN ORDINARY CITIZEN OR AN
INDIVIDUAL WHO TOOK AN OATH
OF OFFICE TO UPHOLD THE LAW. IT
BASICALLY APPLIES TO EVERYONE.

(5) A CONVICTION OBTAINED BY
THE KNOWING USE OF PERJURED TESTIMONY
IS FUNDAMENTALLY UNFAIR, AND MUST
BE SET ASIDE IF THERE IS ANY
REASONABLE LIKELIHOOD THAT THE
FALSE TESTIMONY COULD HAVE AN

RACKETEERING HAS BEEN GOING ON FOR 31 YEARS REPETITIOUSLY AND FURTHER PREDICATE ACT OF SUCH WILL OCCUR. PLAINTIFF CAN ASSURE THAT OVER THE 31 YEARS OF THIS RACKETEERING PATTERN, THE DEFENDANTS HAS NOT ONLY TARGETED PLAINTIFF, BUT OTHERS HAVE BEEN INJURED BY THIS ILLEGAL ACTIVITY. PLAINTIFF NOT ONLY SHOWED ONE (1) PREDICATE ACT THAT THE DEFENDANTS ENGAGED IN, BUT, HE SHOWED TWO (2), HE HAS DEALT WITH PERSONALLY. ALL THESE ACTS IN WHICH THE DEFENDANTS AND THERE OFFICE HAS ENGAGED IN, IS IN FURTHERANCE OF THE "ENTERPRISE", IN WHICH THEY OPERATE FROM (e.g., SEDIMA SPRL V IMREX CO., 473 US 479).

(64) 5K1.1 LETTERS, RULE 35 (b), AND 18 USC § 3553(e), ARE ALL LEGAL STATUTES AND APPLICATIONS. THE APPLICATION OF EACH STATUTE SHOULD BE USED IN A LEGAL MANNER

PATTERN AND ACTIVITY WITHIN 10 YEARS PLAINTIFF KNOWS THIS ACTIVITY POSE A GREAT THREAT OF CONTINUED CRIMINAL ACTIVITY BY THESE DEFENDANTS (SEE HJING. V NW BELL TEL CO., 492 U.S. 229 (1989))

62) PLAINTIFF'S TWO (2) CASES IN WHICH THIS RACKETEERING ACTIVITY DERIVED FROM IS NOT AN ISOLATED INSTANCE, THIS HAS BEEN HAPPENING SINCE 1987, WITH HUNDREDS IF NOT THOUSANDS OF ALLEGED CRIMINAL DEFENDANTS SUCH AS PLAINTIFF, IS SUBJECTED TO THE OPEN-ENDED AND ON-GOING SCHEME THAT INCLUDES THE BRIBING AND EXTORTING THIS WITNESSES FOR THEIR TESTIMONY AND ALLOWING COOPERATORS TO PERJURE THEMSELVES WITHOUT CORRECTING WHAT IS KNOWN PERJURY.

63) NOW, THIS IS SO WIDE-SPREAD IN THE UNITED STATES ATTORNEY'S OFFICE HERE IN THE SOUTHERN DISTRICT, ESPECIALLY BY THE DEFENDANTS. THIS PATTERN OF

LIGATED BY THE RULES ON ETHICS, AS WELL AS ABA (AMERICAN BAR ASSOCIATION) AND CANONS ON DUTY AND FUNCTION OF A PROSECUTOR, PLUS, DEFENDANTS HAVE A U.S. ATTORNEY MANUAL WHICH INSTRUCT THEM TO ETHICALLY FOLLOW RULES AND PROCEDURES. HOWEVER, THIS IS A WIDE-SPREAD PRACTICE AND PATTERN THAT HAS BEEN GOING STRONG SINCE ITS INCEPTION IN 1987, AND IS STILL USED TO THIS DAY AND WILL BE USED IN THE FUTURE.

61) PLAINTIFF HAS TWO (2) CASES AT BAR IN WHICH THIS PATTERN AND PRACTICE OF RACKETEERING HAS BEEN USED WITH NO REGARDS, AND IT IS USED KNOWINGLY WITH ONE PURPOSE AND INTENT, THATS TO SECURE CONVICTIONS, AND THE MENTIONED CASES AT BAR ARE JUST TWO (2) PREDICATE ACTS THAT THE DEFENDANTS HAS ENGAGED IN DURING THE COURSE OF THIS RACKETEERING

59) OF THIS COOPERATION AGREEMENT (A)(E)(F)(G) ARE ESSENTIAL TO THE INTEGRITY OF THE AGREEMENT, ONCE EITHER OF THE SUBSECTIONS ARE BREACHED, IT IS THE DUTY OF THE DEFENDANTS (ALL AVSA'S IN THIS SUIT) TO INVESTIGATE EACH ASPECT OF THE AGREEMENT THAT HAS BEEN BREACHED. AT THIS POINT BASIC CONTRACT LAW SHOULD BE APPLIED. THE OBLIGATION UNDER THIS AGREEMENT SHOULD BE MET. BUT, AGAIN, THE DEFENDANTS WAS WELL AWARE THAT EACH OF THEIR COOPERATORS VIOLATED ONE (1) OR MORE OF THIS PROVISION AND STILL ALLOWED THEIR COOPERATORS TO TESTIFY TO THE OPPOSITE OF WHAT WAS TOLD TO THEM (DEFENDANTS).

60) ON SEVERAL OCCASIONS EACH DEFENDANT (ALL AVSA'S IN CAPTION) HAVE AN OBLIGATION AS WELL AS A DUTY TO ~~MAINTAIN~~ PRESERVE THE INTEGRITY OF THEIR OATH OF OFFICE, THEY ARE OB-

BEFORE THE GRAND JURY
AND AT ANY TRIAL AND
OTHER COURT PROCEEDINGS
WITH RESPECT TO ANY
MATTERS ABOUT WHICH THIS
OFFICE MAY REQUEST HIS
TESTIMONY.

F) SHALL BRING TO THIS
OFFICE'S ATTENTION ALL
CRIMES WHICH HE HAS
COMMITTED, AND ALL
ADMINISTRATIVE, CIVIL OR
CRIMINAL PROCEEDINGS;
INVESTIGATIONS; OR PRO-
SECUTIONS IN WHICH HE
HAS BEEN OR IS A
SUBJECT, TARGET: PARTY
OR WITNESS

G) SHALL COMMIT NO FURTHER
CRIMES WHATSOEVER...

IN PARTS, PARAGRAPH 10 STATES:

" IT IS UNDERSTOOD THAT THE
DEFENDANT (COOPERATOR)

A) SHALL TRUTHFULLY AND COMPLETELY
DISCLOSE ALL INFORMATION WITH
RESPECT TO THE ACTIVITIES OF
HIMSELF AND OTHERS CONCERNING
ALL MATTERS ABOUT WHICH
THIS OFFICE INQUIRES OF HIM,
WHICH INFORMATION CAN BE
USED FOR ANY PURPOSE;

B) SHALL COOPERATE FULLY WITH
THIS OFFICE, THE BUREAU OF
ALCOHOL, TABACCO, FIREARMS
AND EXPLOSIVES, AND THE
NEW YORK CITY POLICE DEPART-
MENT AND ANY OTHER LAW
ENFORCEMENT AGENCY DESIGNED
BY THIS OFFICE

SAME PARAGRAPH (10)

E) SHALL TRUTHFULLY TESTIFY

DEFENDANTS TO THOROUGHLY INVESTIGATE AND REQUEST THAT PLAINTIFFS ATTORNEY SEEK RULE 29 AND 33 RESPECTIVELY. ALL THIS CAME ABOUT WHEN THESE OTHER ALLEGED CO-CONSPIRATORS NAMELY MELVIN WALKER TOLD DEFENDANTS THE OPPOSITE OF WHAT TYROME WALKER STATED, THEN THE DEFENDANTS CROSS-REFERENCE EVERYTHING AND REALIZED THEY ALLOWED TYROME WALKER TO PERJURE HIMSELF, AND THEY WAS WELL-AWARE BEFORE HAND, BUT TURNED A BUND EYE SO THAT THEY COULD GET A CONVICTION. (SEE UNITED STATES V HOFFENBERG, 908 F. SUPP 1265 (SDNY 1995))

58) NOW, THIS LINES UP WITH ANOTHER AGREEMENT CALLED "THE COOPERATION AGREEMENT", WHICH SET OUT AND EXPLAIN IN EXPLICIT DETAILS ITS TERMS TO BE FOLLOWED. FOR THE CONVENIENCE OF THE COURT, PLAINTIFF WILL ELABORATE ON THE AGREEMENT

SAYING " FUCK THE POLICE, I TOLD YOU TO GET MY PHONE", AND HIS WIFE SAYING " I DID GET IT, AND THE AGENT TOLD ME TO GIVE IT TO THEM OR ILL BE ARRESTED (SEE EXHIBIT " " TYROME WALKER TRULINKS CALL AT MDC FEB 12. 2015 TO FEB 17 2015).

57) ALL OF THIS WAS SUPPOSE TO BE THOROUGHLY INVESTIGATED BEFORE ALLOWING HIM TO GET ON A STAND AT A TRIAL. THEN HE TOLD THEM THAT HE WAS ONLY AT SOME OF THESE ALLEGED ROBBERIES AND THAT PLAINTIFF WAS THE MASTERMIND THE ROBBERIES AND THEN NAMED SEVERAL OTHER ALLEGED CO-CONSPIRATORS. WHO WAS ARRESTED AND IMMEDIATELY SEEKED TO HELP THE DEFENDANTS BY TELLING THAT TYROME WALKER PARTICIPATED IN MORE ALLEGED ROBBERIES AND THAT THE PHONE WAS NEVER PLAINTIFFS IN ORDER FOR THE

PLAINTIFFS TWO (2) CASES (16 CR 567 (JSR), AND 16 CR 327 (RA) THE CO-OPERATORS DID EXACTLY THAT, THEY FASHIONED THEIR STORIES TO THE DEFENDANTS WIKING, EVEN AFTER DEFENDANTS KNEW THE CO-OPERATORS STORY CHANGE (SERVAL TIMES). ONE COOPERATOR TOLD DEFENDANTS (ALL AUSA'S ON CASE 16 CR 567 JSR) THAT HIS PHONE WAS PLAINTIFFS PHONE SPECIFICALLY AND AT TIMES OF THESE ALLEGED CRIMES EXECUTIVELY. NOW, THE DEFENDANTS (MCCREADY, MCLEOD, ESTES, KRAMER, CHURLA, LONERGAN) HAD OPPORTUNITIES TO FOLLOW-UP AND TO MAKE SURE THAT WHAT THIS COOPERATOR (TYROME WALKER) TOLD THEM WAS SOUND AND RELIABLE. EVEN THOUGH THESE DEFENDANTS KNEW TYROME WALKER'S PHONE CONVERSATIONS THAT HIS PHONE WAS A KEY ELEMENT, AND ON THESE PHONE CALLS HE CAN BE HEARD

OFFICE HAS BEEN APPLYING THESE PRACTICES SINCE 1987 (WHEN 5K1 LETTER WENT INTO EFFECT). PLAINTIFF HAS BECOME A VICTIM OF THIS UNETHICAL ~~SCHEME~~ SCHEME THATS NOT DESIGNED TO FUNCTION IN THE FASHION THAT THE DEFENDANTS ARE USING IT. HOWEVER, THE PRACTICE AND CONDITIONING OF THE USE OF IT IN THIS MANNER, TAKES IT FROM A LAWFUL ASPECT TO AN UNLAWFUL USE JUST TO OBTAIN CONVICTIONS.

56) IN PLAINTIFF'S TWO (2) CASES AT BAR IN WHICH THIS ILLEGAL METHOD WAS USED REPEATEDLY, IN JUDGE RAKOFF'S CASE (16 CR 567 JSR) THE ONLY WITNESS AGAINST PLAINTIFF WAS TWO (2) CO-OPERATORS WHO WAS CONDITIONED THROUGH WAS IS KNOWN AS "COOPERATOR TRIAL PREPARATION" BY THE DEFENDANTS (AUSA'S) TO FASHION THEIR STORIES TO FIT THE LEGAL RAMIFICATIONS OF THE CHARGES AND TO BE IN DOING SO. IN

ALL PARTS AND ELEMENTS, FULLY CARRIED OUT, THEN IT GOES ON TO SAY, RELIABILITY OF ANY INFORMATION (I.E., RELIABLE, TRUST-WORTHY - BEING ABLE TO BE TRUSTED OR RELIED ON). WHEN THESE ESSENTIAL ELEMENTS ARE NOT FOLLOWED TO THE LETTER, CAN DEFENDANTS (ALL AVSA IN THIS CASE) OVERLOOK THESE KEY ELEMENTS? NO! AND TO DO SO WILL ONLY SHOW THAT THE TRUTH OF A MATTER THATS BEFORE THE COURT IS IRRELEVANT AND THE ONLY ASPECT DEFENDANTS ARE CONCERNED WITH IS GETTING A CONVICTION.

54) WHEN THE INFORMATION PROVIDED BY THE COOPERATORS IS NEITHER PROMPT, COMPLETE, NOR WHOLLY ACCURATE, AND THE EVIDENCE SUGGEST HIS LEVEL OF CULPABILITY WAS GREATER THEN HIS TESTIMONY SUPPLIED, U.S. v Calle, 796 F. Supp 853 (1992) ARE THE DEFENDANTS ALLOWED TO OVERLOOK THE LIES, INCOMPLETENESS?

55) THE DEFENDANT AND ITS

OUT CRIME AND THE ALLEGED CRIMINALS ASSOCIATED WITH IT. HOWEVER, THIS TOOL HAS BEEN USED TO OBTAIN CONVICTIONS. IN PLAINTIFF'S CASE THE DEFENDANT HAS USED IT TWICE (2) (IN 16 CR 567 (JSR), AND IN 16 CR 327 (RA)).

52) THE 5K1.1 SUBSTANTIAL ASSISTANCE ("HEREIN" 5K1 LETTER) HAS (5) POINTS OF LAW TO THIS AGREEMENT. POINT NUMBER (3) AND (4) STATES IN SUBSTANCE:

(3) THE TRUTHFULNESS, COMPLETENESS AND RELIABILITY OF ANY INFORMATION OR TESTIMONY PROVIDED BY THE DEFENDANT ("COOPERATOR")

(4) THE NATURE AND THE EXTENT OF THE DEFENDANTS ASSISTANCE

53) WHAT NUMBER (3) STATES IS THE COOPERATOR HAS TO TELL THE TRUTH FROM BEGINING TO END, AND THEN ITS FOLLOWED-UP WITH COMPLETENESS (HAVING

- 2) THE TRUTHFULNESS, COMPLETENESS AND RELIABILITY OF ANY INFORMATION OR TESTIMONY PROVIDED BY THE DEFENDANT;
- 3) THE NATURE AND THE EXTENT OF THE DEFENDANTS ASSISTANCE;
- 4) ANY INJURY SUFFERED; OR ANY DANGER OR RISK OF INJURY TO THE DEFENDANT OR HIS FAMILY RESULTING FROM HIS ASSISTANCE;
- 5) THE TIMELINESS OF THE DEFENDANTS ASSISTANCE.

5) NOW, THIS TOOL HAS BEEN USED BY THE DEFENDANTS (ALL AUSAs) AND THEIR OFFICE HUNDREDS, IF NOT THOUSANDS OF TIMES IN THE GUISE OF FRETTING

5K1.1 SUBSTANTIAL ASSISTANCE TO AUTHORITIES (POLICY STATEMENT)

5c) UPON MOTION OF THE GOVERNMENT STATING THAT THE DEFENDANT HAS PROVIDED SUBSTANTIAL ASSISTANCE IN THE INVESTIGATION OR PROSECUTION OF ANOTHER PERSON WHO HAS COMMITTED AN OFFENSE, THE COURT MAY DEPART FROM THE GUIDELINES:

A) THE APPROPRIATE REDUCTION SHALL BE DETERMINED BY THE COURT FOR REASONS STATED THAT MAY INCLUDE, BUT ARE NOT LIMITED TO CONSIDERATION OF THE FOLLOWING;

1) THE COURT'S EVALUATION OF THE SIGNIFICANCE AND USEFULNESS OF THE DEFENDANT ASSISTANCE, TAKING INTO CONSIDERATION THE GOVERNMENT'S EVALUATION OF THE ASSISTANCE RENDERED;

POINT II

IN THE COURSE OF THE RICO, THEY ARE USING WHAT WILL OTHERWISE BE A LAWFUL INSTRUMENT (i.e., 5K1.1 LETTER, RULE 35(b) AND 18 USC § 3553 (e)), IN AN UNLAWFUL MANNER, IN DOING SO, THEY ARE A "ENTERPRISE" COMMITTING CRIMINAL ACTS FOR THE PURPOSE OF OBTAINING CONVICTIONS,

48) ON NOVEMBER 1, 1987, THE UNITED STATES CODE ANNOTATED, FEDERAL SENTENCING GUIDELINES, CHAPTER FIVE: DETERMINING THE SENTENCE PART K; DEPARTURES 1) SUBSTANTIAL ASSISTANCE TO AUTHORITIES BECAME LAW.

49) THE LAW THAT WENT INTO EFFECT ON NOVEMBER 1, 1987, BECAME KNOWN AS THE "5K1.1 LETTER", AND IT'S AS FOLLOWS:

TEACHER, FOR GOOD OR ILL, IT
TEACHES THE WHOLE OF THE PEOPLE
BY ITS EXAMPLES. CRIME IS CONTAGIOUS,
IF THE GOVERNMENT BECOMES LAW
BREAKERS, IT BREEDS CONTEMPT
FOR THE LAW; IT INVITES EVERY
MAN TO BECOME A LAW UNTO HIM-
SELF, IT WILL INVITE ANARCHY.
TO DECLARE THAT IN THE ADMINI-
STRATION OF CRIMINAL LAW THE
END JUSTIFIES THE MEANS, IS
TO DECLARE, THAT THE GOVERNMENT
(DEFENDANTS) MAY COMMIT CRIMES
IN ORDER TO SECURE THE CONVICTION
WOULD BRING TERRIBLE RETRIBUTION...
OLMSTEAD v UNITED STATES, 277 US 438,
48 S. CT 564 (US 6/4/1928)

POINT I

THE TORTUROUS INTERFERENCE WITH THE LEGAL AND ADMINISTRATIVE DUE PROCESS OF THE CRIMINAL JUSTICE SYSTEM, GENERALLY AND SPECIFICALLY, THE HARM OF KEVIN WALKER BY INCENTIVELY HAVING OFFICERS/AGENTS AND COOPERATING WITNESSES PERJURE THEMSELVES TO GET A CONVICTION

) DIGNITY, SECURITY, AND LIBERTY ALIKE DEMANDS THAT GOVERNMENT OFFICIALS (DEFENDANTS) SHALL BE SUBJECTED TO THE SAME RULES OF CONDUCT, IN FACT, THE GOVERNMENT (DEFENDANTS) IS HELD TO A MUCH HIGHER STANDARD THAN THOSE OF NORMAL CITIZENS. IN A GOVERNMENT OF LAWS, EXISTENCE OF THE GOVERNMENT WILL BE IMPERILED IF IT FAILS TO OBSERVE THE LAW SCRUPULOUSLY. OUR GOVERNMENT IS THE POTENT, THE OMNIPRESENT

WAY OF ADDING ADDITIONAL
CHARGES TO SECURE THEIR
PERJURIOUS TESTIMONIES
TO GET CONVICTIONS.

GET A CONVICTION,

2. IN THE COURSE OF THE
RICO, THEY ARE USING
WHAT WILL OTHERWISE
BE A LAWFUL INSTRUMENT
(I.E. 5K1.1 LETTER, RULE
35(b) AND 18 USC 3553(e))
IN AN UNLAWFUL MANNER.
IN DOING SO, THEY ARE A
"ENTERPRISE" COMMITTING
CRIMINAL CRIMES FOR THE
PURPOSE OF OBTAINING CONVICTIONS;

3. IN FURTHERANCE OF THIS
CONSPIRACY THEY ARE
COMMITTING FALSE ARREST,
UNREASONABLE SEARCHES,
OBSTRUCTION OF JUSTICE,
INFLUENCING WITNESSES, TO
PERJURE THEMSELVES, BRIBING
WITNESSES TO PERJURE THEMSELVES,
EXTORTING WITNESSES OUT
OF THE TESTIMONIES BY

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MR. KEVIN WALKER,
PLAINTIFF

- vs -

MEMORANDUM OF
LAW IN SUPPORT
OF RICO

THE DEFENDANT IN THE ABOVE-
ENTITLED ACTION, MR. KEVIN WALKER
WILL PRESENT MEMORANDUM OF LAW
IN SUPPORT OF RICO TO SHOW THIS
COURT THE FOLLOWING:

1. THE TORTUROUS INTERFERENCE
WITH THE LEGAL AND ADMINI-
STRATIVE DUE PROCESS OF THE
CRIMINAL JUSTICE SYSTEM,
GENERALLY AND SPECIFICALLY
THE HARMING OF MR. KEVIN
WALKER, BY INCENTIVELY
HAVING OFFICERS/AGENTS
AND CO-OPERATING WITNESSES
PERJURE THEMSELVES TO

CORROBORATED ANYTHING THAT WAS TOLD TO THEM INDEPENDANTLY.

46) DEFENDANT KEITH SMITH WAS THE ONLY DEFENDANT TO SEARCH PLAINTIFF AND REMOVE THE WALLET OUT OF HIS SWEAT PANTS POCKET AND NOW ALLEGES THAT HE DOES NOT REMEMBER ANY THING ABOUT THE WALLET. IN FACT NONE OF THE DEFENDANTS THAT PARTICIPATED IN THE ARREST ON MARCH 30. 2016 NO WHERE PLAINTIFF WALLET CAME FROM (SEE EXHIBIT " " SUPPRESSION HEARING). BUT DEFENDANT SMITH IS ALLOWING DEFENDANTS BECK AND ST. HILAIRE TO TELL HIM THAT HE FOUND THE PHONES IN PLAINTIFF'S POCKET (2 PHONES) THIS IS TO AVOID AND UN-REASONABLE SEARCH ASPECT IN WHAT TOOK PLACE.

RODNEY SHIRLEY AND KYELL CLAY EACH ONE OF THESE CO-OPERATORS WAS THREATEN WITH ADDITIONAL CHARGES AND GIVEN THOSE CHARGES WITH THE GUISE OF THEM BEING RELEASED UNDER 5K1.1 AND RULE 35 (B) ~~AND~~ AS LONG AS THEY TESTIFY (DEFENDANTS DO NOT CARE ~~IF~~ ITS TRUTHFUL, AS LONG AS THEY SECURE A CONVICTION).

45) THEN YOU HAVE DEFENDANT CHURLA WHO FALSIFIED AND AFFIDAVIT STATING THAT BIENAH JENKINS TOLD HER THAT PLAINTIFF WAS THE LEADER OF A ROBBERY GANG (SEE EXHIBIT " " AFFIDAVIT OF DANIEL CHURLA) IN WHICH BIENAH JENKINS TESTIFIED AT A GRAND JURY IN OPPOSITION OF WHAT DEFENDANT CHURLA AFFIRMED. (SEE EXHIBIT " " BIENAH JENKINS GRAND JURY) DEFENDANT CHURLA AND MCCREADY WAS APART OF A LOT OF TYRONE WALKERS INITIAL CASE THAT WAS THROWN OUT AND HIS PROFFERS ONCE HE BECAME A CO-OPERATOR, AND NEVER ONCE

43) NOW, DEFENDANTS ESTES, KRAMER, MCLEOD, AND BALSAMELLO, ARE ALL BANKING ON MELVIN WALKER BEING TRUTHFUL AND HONESTY (PLAINTIFF CAN GUARANTEE THAT THAT ASPECT WILL BE PROVEN OTHERWISE).

44) DURING THE COURSE OF THIS ALL THE FOLLOWING DEFENDANTS ARE ENGAGING IN ALLOWING PERJURED TESTIMONIES TO STAND AND COMMITTING WHAT IS OTHERWISE KNOWN AS BLACK MAIL AND EXTORTION IN EFFORTS TO GET PERJURIOUS TESTIMONIES AND SEAL CONVICTIONS ON PLAINTIFF. TYROME WALKER WAS BLACKMAILED AND EXTORTED OUT OF HIS CO-OPERATION AND TESTIMONY/ DEFENDANTS ESTES, KRAMER, MCLEOD AND BALSAMELLO THREATEN TO ADD CHARGES IN WHICH WILL GUARANTEE ADDITIONAL TIME THAT HE WILL HAVE TO DO IN PRISON AND FOLLOWED THROUGH WITH THAT THREAT, BUT IT ALL WILL GO TO THE WASTE-SIDE IF YOU TESTIFY UNDER SKILL IN WHICH HE DID. SAME FOR MELVIN WALKER,

OVERTURNED ON A RULE 33 MOTION BECAUSE THEIR (DEFENDANTS) MAIN WITNESS (TYROME WALKER) REPEATEDLY LIED ON THE STAND ABOUT A PHONE THAT WAS SUPPOSE TO BE PLAINTIFFS, AND THEN CAME TO FIND OUT 7-8 MONTHS LATER THAT THIS PHONE WAS NEVER PLAINTIFFS PHONE AT ALL, PLAINTIFF NEVER HAD IT AND OR USED IT FOR THAT MATTER. NOW THIS CO-OPERATOR STATED ON THE STAND THAT HE'S TELLING THE TRUTH ETC... RODNEY SHIRLEY AND KYELL CLAY TESTIFIED TO THE SAME THING OF TELLING THE TRUTH UNDER THE 5K1.1 AND RULE 35(B), BUT HAS YET TO DO SO, THERE IS NEW LIES THAT WAS FOUND AFTER THEIR TESTIMONIES IN WHICH MISTRIAL REQUEST WAS SOUGHT FROM THE DEFENSE TEAM BUT REFUSED BY THE JUDGE, BUT WILL CLEARLY SHOW THE CONTINUOUS ALLOWANCE OF PERJURED TESTIMONY TO OBTAIN CONVICTIONS. (SEE EXHIBIT " " RULE 33 MOTION DEFENSE / JUDGES ORDER).

CHURLA, MCCREADY, ST. HILAIRE, BECK
ALISON AND SMITH, INVESTIGATE AND
OR CORROBORATE (INDEPENDANTLY)

THE PARTICULARS OF BOTH CASES.

THESE DEFENDANTS RELIED ~~SOLELY~~
SOLELY ON THE CO-CONSPIRATORS/
CO-OPERATORS (IT IS NEVER HARD
FOR INDIVIDUALS WHO'S ALLEGED TO
BE APART OF ROBBERIES TO ~~GET~~ GIVE
INTRICATE DETAILS OF THE ROBBERY)

IN ALL OF THESE ALLEGED ROBBERIES
NOT ONE SINGLE PERSON BESIDES
THE CO-OPERATORS STATED THEY SEEN
PLAINTIFF AT THE ROBBERIES. PLAINTIFF
IS 6' AND 400 LBS, NOT EVEN A PASSER-
BYER HAS SEEN PLAINTIFF.

42.) THE GOVERNMENT/DEFENDANTS
IS WELL-AWARE OF ALL THE LIES THAT
EACH CO-OPERATOR HAS TOLD AND
STILL ALLOWED THEM TO CHANGE THEIR
TESTIMONIES IN THE WITNESS STAND
AND NOT CORRECT THE LIES/PERJURY
TO SECURE CONVICTIONS ON PLAINTIFF
IN EACH CASE. ONE CASE WAS

KYELL CLAY WHO INFORMED PLAINTIFF IN EXPLICIT DETAILS THAT THE DEFENDANTS PORTLOCK, REBOLD, ADAMS ESTES, KRAMER, MCLEOD, LENOW AND ANY DEFENDANT I MISSED THAT ATTENDED ANY PROFFER WITH CLAY. THAT THEY (DEFENDANTS) WANTED PLAINTIFF BAD. CLAY STATED TO PLAINTIFF THAT THEY (DEFENDANTS) TOLD ME TO SAY ITS YOU AND I GO HOME. THEY (DEFENDANTS) SHOWED ME ALL THE VIDEO'S WITH ME AND IZZY (SHIRLEY), AND STATED IT HAD TO BE SOMEONE BEHIND ALL THIS GIVE US HIM AND YOU GO HOME. THINK ABOUT IT, THINK ABOUT YOUR KIDS. CLAY TOLD PLAINTIFF IM NOT DOING IT, IM GOING TO TRIAL. IM NO SNITZ. THEN CLAY WAS REMOVED FROM THE PEN WITH PLAINTIFF.

41) AT NO TIME DID ANY OF THESE DEFENDANTS PORTLOCK, REBOLD, ADAMS, ESTES, KRAMER, MCLEOD, BAL-SAMELLO, LONERGAN, WAXMAN, OR

ON 151ST GRAND CONCOURSE RIGHT THERE...
PLAINTIFF IN CONVEYING THIS COULD
NOT THINK OF THE AVENUE ACROSS
FROM SAM'S WHICH IS CEDAR LANE.
AND TO SHOW THE DEFENDANTS
BLATANT USE FOR PERJURIOUS TESTIMONY
(DEFENDANTS PORTLOCK, REBOLD, ADAMS)
AT THE TIME HAD TWO OTHER CO-OPERATORS
(MELVIN WALKER AND TYROME WALKER) WHO
ALSO WAS WORKING WITH PLAINTIFF AT
THE AFTERHOUR SPOT IN WHICH WAS
LOCATED DIRECTLY ACROSS THE STREET
FROM SAM'S. COULD OF CLEARLY PROFER
MELVIN & TYROME ABOUT PLAINTIFF
WORKING AT SAM'S BUT LEFT THE
STORY UNCHECKED BECAUSE IT WAS
APPEALING TO THE EARS OF THE JURY
IN THEIR (DEFENDANTS) EYES. (PLEASE
REVIEW EXHIBIT "E" ROONEY SHIRLEY TESTIMONY
AND EXHIBIT "G" KEVIN WALKER INTERVIEW)
ALSO, EXHIBIT "J" KYE CLAY INTERVIEW)
40) DURING ONE OF PLAINTIFFS
COURT DATES PLAINTIFF WAS PLACED IN
THE BULLPENS WITH ONE OF THE CO-OPERATORS

ARREST, HIS INTERVIEW VIDEO AND AT SEVERAL PROFFERS IN WHICH AT SOME POINT EACH OF THE DEFENDANTS (PORTLOCK, REBOLD, ADAMS, LENOW, BECK, ST. HILAIRE) COACHED SHIRLEY ON EXACTLY WHATS NEEDED TO BE SAID IN FRONT OF JURY. FOR INSTANCE SHIRLEY AND CLAY TESTIFIED THAT PLAINTIFF TRIED TO HAVE THEM ROBB A COUPLE AT HIS JOB (SAM'S CLUB) PLAINTIFF NEVER WORKED AT SAM'S CLUB, PLAINTIFF WORKED DIRECTLY ACROSS THE STREET FROM SAM'S AT A CLUB KNOWN AS THE "AFTER HOUR SPOT" WHICH IS LOCATED ON 150TH - 151ST CEDAR LANE. THE ONLY WAY THESE CO-OPERATORS (CLAY & SHIRLEY) WAS CONDITIONED TO ELABORATE ON THE FICTITIOUS ROBBERY ATTEMPT AT PLAINTIFF'S JOB IS IN PLAINTIFF'S INTERVIEW PLAINTIFF WAS ASKED WHERE HE WORKED IN THE BRONX AND HIS RESPONSE WAS "I USE TO WORK AT UM UM, ITS TWO CLUBS THERE YOU GOT SAM'S, I USE TO WORK

NEVER CORRECTED THIS TESTIMONY. THEY (DEFENDANTS) ALLOWED CLAY TO TESTIFY CONTRARY TO WHATS ON VIDEO. AND DEFENDANTS ST. HILAIRE BELK, MCCREADY, AND SOMETIME MCLEOD AND ESTES PARTICIPATED IN THESE "PROFFERS" WHERE HE WAS TUTORED INTO THE KIND OF TESTIMONY THATS NEEDED TO GET A CONVICTION.

39) NOW, ALL THESE DEFENDANTS AT ONE "PROFFER" OR ANOTHER HELPED INTO FINE TUNING THE CO-OPERATORS TESTIMONY. KYELL CLAY TESTIFIED IN TWO OF PLAINTIFFS TRIAL AND NONE OF THE DEFENDANTS, ESTES, MCLEOD KRAMER, LONERGAN OR WAXMAN CORRECTED KYELL CLAYS TESTIMONIES AT EITHER TRIAL. EACH DEFENDANT KNEW OF HIS INTERVIEW VIDEO. EACH DEFENDANT KNEW HE CHANGED STORIES MORE THAN (3) TIMES. THEN YOU HAVE RODNEY SHIRLEY WHO TOLD A BUNCH OF LIES IN HIS INITIAL

LIKE "AFTER THE PODDRIES WE WALKED BACK ACROSS THE BRIDGE TO HARLEM" WHICH CLEARLY SHOWS THAT CLAY AND SHIRLEY BOTH PLANNED THE STORIES BEFORE HAND (SEE EXHIBIT "G" KYELL CLAY INTERVIEW AND EXHIBIT "L" RODNEY SHIRLEY INTERVIEW) DEFENDANT ST. HILAIRE EACH INTERVIEW MADE SURE HE ALTERED THERE VERSION WITH WHAT HE WANTED THEM TO SAY, (THE MASK AND PHOTO LINE UP) ITS CLEAR IN THE VIDEO/ INTERVIEW TAPE.

38) BOTH OF THE CO-OPERATORS INTERVIEW CLEARLY SHOW HOW THE DEFENDANT ST. HILAIRE AND SOMETIME DEFENDANT ERIC CUCKLED THEM AFTER THEY (CLAY & SHIRLEY) LIED AND CHANGED THERE STORIES. FOR INSTANCE, KYELL CLAY STATED IN THE INTERVIEW VIDEO THAT HE DID NOT KNOW DUDU (EXHIBIT "E") AT ALL, AND THAT HE NEVER MET HIM AND OR HUNG OUT WITH HIM OR TALKED TO HIM ON PHONE. NOW, THE DEFENDANTS PORTLOCK, REBOLD OR ADAMS

37) NOW, PLAINTIFF GOING TO COURT FOR (2) SEPERATE HOBBS ACT INDICTMENTS. NOW, DEFENDANTS PORTLOCK AND REBULLI ARE CONVERTING KYELL CLAY BEING THAT HE GAVE DEFENDANTS ST. HILAIRE AND BECK DIRECTIONS IN WHICH HE THINKS THEY SHOULD FOLLOW. EVEN AFTER THE DEFENDANT ST. HILAIRE IN THE INTERVIEW CONTINUED TO COERCED HIM INTO GIVING HIM THE STORY IN WHICH HE (DEFENDANT) WANTED TO HEAR. THIS DEFENDANT WAS SMART IN THE ASPECT OF KNOWING THAT THE INTERVIEW WAS RECORDED SO ANY THING THAT KYELL CLAY STATED WOULD BE USED, SO DEFENDANT ST. HILAIRE STRATEGICALLY ALTERED EACH ONE OF KYELL CLAY'S LIES BY SAYING THINGS LIKE "COME ON CLAY, DONT DO IT TO YOURSELF - YOU WAS DOING GOOD ETC. NOW, DURING THE COURSE OF THIS CLAY GAVE THEM (DEFENDANTS) 3 DIFFERENT VERSIONS OF A STORY. AT ONE POINT KYELL CLAY GAVE IDENTICAL STORIES LIKE RUDNEY SHIRLEY STATED

IN FRONT OF ANOTHER JUDGE AND WAS TOLD ITS ONLY FOR ARRAIGNMENT PURPOSES. PLAINTIFF ASKED WOULD THIS CASE BE PUT IN FRONT OF THE JUDGE PLAINTIFF ALREADY HAD FOR HOBBS ACT AND WAS TOLD YES BY THE LAWYER.

36) NOW, PLAINTIFF IS BEING CHARGED WITH HOBBS ACT ROBBERIES FROM DEC. 2014 TO FEB 2015 ON ONE INDICTMENT AND FEB 2016 TO MARCH 2016 ON ANOTHER, EACH HOBBS ACT INDICTMENT SHOULD HAVE REFLECTED THE CONTINUATION OF THE OTHER AND ALL PLACED ON ONE INDICTMENT AND IN FRONT OF ONE JUDGE. PLAINTIFF INFORMED LAWYER ON SEVERAL OCCASION TO BRING THIS UP TO JUDGE, BUT TO NO AVAIL, GOVERNMENT WAS ABLE TO GET TWO (2) BITES OF THE APPLE. AND THE LAWYER WAS ABLE TO GET PAID FOR TWO (2) CASES AS OPPOSED TO GETTING PAID FOR ONE IF THE CASES WAS CONSOLIDATED TO ONE IN FRONT OF ONE JUDGE.