

TRULINCS 10895510 - BUCK, DARA - Unit: ALD-A-B

FROM: 10895510
TO:
SUBJECT: 28 U.S.C 2255
DATE: 06/06/2024 07:19:40 PM

FILED
U.S. DISTRICT COURT
SOUTH CAROLINA DIV.

2024 JUN 11 A 10:46

I, Dara Buck, continue my motion to vacate my conviction and sentence pursuant to 28 U.S.C 2255. My three grounds of error are factual.

It is proven in the response from the government that my attorney in fact lacked jurisdiction to represent me in the state of Georgia. I contacted Peter McCoy in August 2021 with target letters I received from the SBA and Department of Education. Peter McCoy told me he would represent me for \$75,000 but he needed as much cash up front as possible. He even told me to access my federal retirement fund if necessary. In the eyes of the law, this is extortion. I signed a retainer solely with Peter McCoy between late August and early September 2021. Peter McCoy stated that he needed to hire representation in Georgia but that was the only time he mentioned this. At this time he made direct contact with the prosecutors listed on the target letters to inform them he would represent me. Within a week Mr. McCoy brought on Jim May to assist him. These are the only attorneys I ever had contact with to represent me. We had a face to face meeting with Jonathan Porter shortly after so I could be questioned about the role I played in this case. Mr. Porter specifically asked me several times to give him names of any other military personnel on this case so he could target them also. No one else mattered. I was presented a plea deal on April 9, 2022 that Jim May brought to my aunt's residence in Hollywood, SC. At this time I asked about going to trial and he denied me the right to do so. I also asked to go over the plea deal and he said to just sign it since it was in the best interest of my family. The prosecutors all signed on May 9, 2022. The government has clearly stated that Mr. Bueno and Mr. Wilmot filed a Notice of Appearance on June 15, 2022. I have never met or signed any agreements or retainers with either of these attorneys. They were never apart of the discussions for my plea agreement that started in 2021. But, the fact of the matter still stands that representation from anyone in the state of Georgia did not go into effect until after the government signed the plea deal on May 9, 2022 and after my charge was entered on May 13, 2022. The court accepted the plea deal and my charge with full knowledge that Peter McCoy and the prosecutors engaged in unethical conduct. This completely goes against the American Bar Association and the local bar in the states of South Carolina and Georgia.

I was sentenced on January 5, 2023 and given 14 days to do a direct appeal with my legal counsel. Neither of my attorneys, Peter McCoy nor Jim May, chose to acknowledge my request.

Shortly after my self surrender on April 20, 2023 I became ill and tried asking Peter McCoy to file for a compassionate release due to my health. He refused to take any of my calls or respond to any of emails. My aunt tried contacting him on numerous occasions, only for him to inform her he was not going to assist me. The first rule of an attorney is the same as for a doctor, "Do No Harm". After my children's lives were put in danger, I did submit additional requests for release. My aunt tried contacting Peter McCoy again for assistance, only this time he told her my children were not his concern. My final attempt to date, for compassionate release, was submitted to the warden at FPC Alderson and she sent it to the BOP for approval. The BOP has failed to respond to her request and it was never submitted to the court. My aunt tried contacting Peter McCoy one last time in January 2024 for assistance and he insisted he would do nothing to help me or my children.

I did my due diligence to obtain legal counsel prior to January 24, 2024. I made contact with Amit Navarre and he informed me he does not like working on post conviction appeals. I also contacted Amy Lee Copeland, who was recommended by Mr. Navarre. She informed me she was not interested in my case. I sent a letter to Todd Martin, who informed me he could not handle a federal case. I tried contacting Robert Persse but I was never able to make contact. The government can access my call history from the prison to verify that these calls were attempted. I also wrote a letter to the court requesting legal counsel. My request was returned simply for "lack of signature" and I was never given legal counsel. The fact that all of my motions filed were pro se is evident that I had no legal counsel. The government argues that I had familiarity with court procedures because I filed motions for compassionate release and the two point reduction. The primary reason an inmate files a 2255 is for ineffective counsel. If I had proper legal counsel from the beginning, a 2255 motion never would have been needed. My 2255 motion was signed and entered in the mail system only 17 days past the one year deadline.

I WAS selectively prosecuted out of 178 possible conspirators. In fact, I was the only one prosecuted after all the evidence that I willfully provided. Jonathan Porter specifically asked me at the round table to point out any other military person so he could "go after" them. I cooperated fully and completely providing all evidence for the persons responsible for sphere heading the schemes. Had I been given the opportunity to read my plea deal, instead of being forced to just sign it, I would have argued the leadership role since it was false information. The government exploited my military status and rank throughout this case, to include my current motion. Peter McCoy stated that I was easy target. No one else involved was military so it wasn't news worthy.

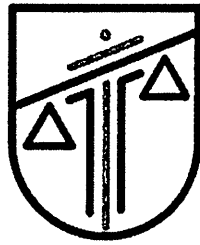
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The untimely filing of my motion was a direct reflection of the lack of contact and direct abandonment from my attorney Peter McCoy.

I ask that the court IMMEDIATELY grant the following relief: VACATE

Dara Buck 6 June 2024
DARA BUCK 10895-510
MOVANT

OFFICE OF THE CIRCUIT PUBLIC DEFENDER
EASTERN JUDICIAL CIRCUIT OF GEORGIA



**Georgia
Public
Defender**
COUNCIL

Todd H. Martin
CIRCUIT PUBLIC DEFENDER

Phone: (912) 447-4901

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Mailing

P.O. Box 9176
Savannah, GA 31412

Physical

222 W. Oglethorpe Ave., Ste. 130
Savannah, GA 31401

January 19, 2024

Dara Buck 10895-510
A2-58L
Federal Prison Camp
Glen Ray Rd, Box A
Alderson, WV 24910

Dear Dara Buck,

I am in receipt of your letter mailed January 4th wherein you ask for an attorney to be appointed to your case. Unfortunately, I have no jurisdiction over federal cases. I can only appoint on cases in the superior court of Chatham County, Georgia.

Cordially,

Todd H. Martin, Esq.
Circuit Public Defender
Eastern Judicial Circuit

If Defendant fails to plead guilty, withdraws or attempts to withdraw her guilty plea, commits any new criminal conduct following the execution of this agreement, or otherwise breaches this agreement, the government is released from all of its agreements regarding Defendant's sentence, including any agreements regarding the calculation of Defendant's advisory Sentencing Guidelines. In addition, the government may declare the plea agreement null and void, reinstate any counts that may have been dismissed pursuant to the plea agreement, and/or file new charges against Defendant that might otherwise be barred by this plea agreement. Defendant waives any statute-of-limitations or speedy trial defense to prosecutions reinstated or commenced under this paragraph.

13. Entire Agreement

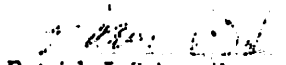
This agreement contains the entire agreement between the government and Defendant.

5/9/22
Date

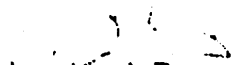
DAVID H. ESTES
UNITED STATES ATTORNEY


Patricia Rhodes
Assistant United States Attorney
Chief, Criminal Division

5/9/22
Date


Patrick J. Schwedler
Georgia Bar No. 812312
Assistant United States Attorney

5-9-2022
Date

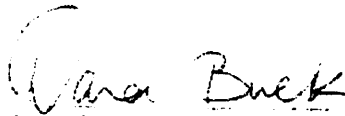

Jonathan A. Porter
Georgia Bar No. 725457
Assistant United States Attorney


DB

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I have read and carefully reviewed this agreement with my attorney. I understand each provision of this agreement, and I voluntarily agree to it. I hereby stipulate that the factual basis set out therein is true and accurate in every respect.

4-9-22
Date

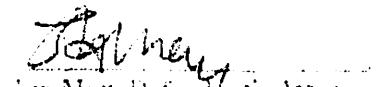

Dana Buck, Defendant

I have fully explained to Defendant all of her rights, and I have carefully reviewed each and every part of this agreement with him. I believe that she fully and completely understands it, and that her decision to enter into this agreement is an informed, intelligent, and voluntary one.

5-13-22
Date


Peter McCoy, Defendant's Attorney

4-9-2022
Date


Jim May, Defendant's Attorney

Dara Buck 10895-510
A2-58L

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CHARLESTON WV 253

7 JUN 2024

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⇔ 10895-510 ⇔

Clerk Of Court
PO BOX 8286
Savannah, GA 31402
United States

31412-828686

