

UNITED STATES DISTRICT COURT
IN THE

U.S. DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA

UNITED STATES OF AMERICA

Plaintiff

V.

GIAOYS HARUN

Defendant

Criminal Case No: CR 323-003

JAN 24 2025

FILED

MOTION TO COMPEL DEFENSE COUNSEL TO SURRENDER THE CASE
FILE IN THE ABOVE STYLED ACTION TO THE DEFENDANT OF THIS
CASE

Comes now Petitioner, Giaoy Harun, in Pro Se,
in necessity, and hereby moves this honorable court to issue
an order, Compelling Defense Counsel of record to surrender
the Case/Work File she /he created in representing the defendant
The defendant hereby avers that the portions of her Case/Work file
that she has been denied by Defense Counsel of record, include
but are not limited to:

1. Transcripts reviewed
2. All discovery available by standing order
3. All court filings, motions, responses, and orders.
4. All other notes, letters, correspondence, plea agreements,
emails, and /or any other tangible thing associated with this
case.

The defendant hereby avers that she intends to file a motion to
vacate, set aside, or correct a sentence pursuant to 28 U.S.C 2255.
for such a motion to be timely, the defendant must file
within one year of her Criminal conviction becoming final, or
from other events according to statute. The records the defendant
seeks are necessary for preparation of such pleadings and are the
defendant's property. In support, the defendant shows the court
the court the following:

1.) the defendant has made attempts to call and or has made
written requests to Defense counsel of record in hopes that he
would act professionally and responsibly by turning over the
Case/Work File of the defendant to her.

2.) To date, Defense Counsel has failed to surrender the defendant's
defendant's case file

3. the defendant seeks the ACTIVE PROTECTION of this court through a COURT ORDER directing Defense Counsel of record to surrender the Case/Work files to the defendant.

4.) the court may order defense counsel to surrender the defendant's Case/Work file. first the defendant is entitled to the Case/Work file because it was created during the time period that counsel represented the defendant. second, both law and the American Bar Association recognize that counsel has a duty not to obstruct the defendant's attempts to challenge her conviction and /or sentence.. See ABA Standards for Criminal Justice, Defense Functions Standards and commentary(The resounding message is that defense attorneys because of their intimate knowledge of the trial proceedings and their possession of unique information regarding possible post-conviction claims, have an obligation to cooperate with the client's attempt to challenge their convictions.); United States v. Dorman, 58 M.J 295(C.A.A.F. 2003); Hiatt vs. Clark, Ky. No. 2005-SC-455-MR (6/15/06). See also maxwell vs. florida, 479 U.S. 912, 93 L.Ed. 2d 418-420, 107 S.Ct. 474 (1986)(The right to effective counsel assistance encompasses the client's right to from trial counsel obtain from trial counsel the work files generated during and pertinent to that client's defense. It further entitles the client to utilize materials contained in these files in any proceeding at which the adequacy of trial counsel's representation may be challenged) Spivey v. Zant, 683F.2d 881.885 (5th cir 1982)(Habeas corpus petitioner is entitled to former trial attorneys file and the work product doctrine does not apply to situations in which the client seeks access to documents or other tangible things created during course of attorney's representation.)

Wherefore now, above premises considered, the defendant, hereby moves this honorable court to issue an order compelling the following attorneys to surrender the complete Case/work files to the defendant as pertains to defendant's criminal case, furthermore , that counsels place these materials in large envelopes, CLEARLY MARKED: "LEGAL MAIL, OPEN ONLY IN THE PRESENCE OF THE INMATE" and mail the large package to:

Petitioner moves this court to issue an order compelling the following attorneys to surrender complete Case/Work files to her:

- 1.) MOHAMMED S. LUWEMBA
LUWEMBA LAW LLC
2296 HENDERSON MILL ROAD
SUITE304
Atlanta GA 30345
- 2.) JOHNNY EMMETT CLYDE VINES
JOHNNY VINES, P.C
PO BOX 1422
METTER Ga 30439
- 3.) JIMMY THOMAS HOWELL
HOWELL LAW LLC
118 LEE ST
STATESBORO GA 30458
- 4.) DALE ROBERT BUSBEE
BUSBEE LAW GROUP LLC
8 EAST GRADY STREET
STATESBORO GA 30458

Kindly mail the requested case/work files to:

GLADYS HARUN

FED NO: 09407510

Dorm:B1

FEDERAL PRISON CAMP

ONE GLEN RAY RD, BOX A

ALDERSON WV 24910

Done this on date-----01/21/2025-----

Respectively submitted

Name: Gladys Harun

Fed No: 09407510

Chicago, Illinois
Fed No: 09407510
Dorm B1
Federal Prison Camp
One Glen Ray Rd
Box A
Anderson WV 24910

