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United States District Court
District of Rhode Island

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United States of America
v.

David Staveland

U.S. DISTRICT COURT
DISTRICT OF R.I.

Case No. 20-CR-00074

Defendant's Reply to Government's
Opposition to Defendant's Motion
to Strike.

The following motion is presented to the honorable court, by the defendant Pro Se. The Defendant was denied counsel by the court and is not an attorney. The Defendant is submitting this motion without advice of counsel, while incarcerated, with limited resources and during Covid-19 protocols creating limited ability for the Defendant to communicate and garner information.

In this latest exchange of pleadings between the parties, contrary to the Government's assertion in its response to the Defendant's Motion to Strike, The Defendant's motion is in no way frivolous.

The fact is that when the Defendant renewed The Motion for Return of Property, the Government was in contempt of the Court's order of February 4, 2022, a period of (8) eight months.

The Government compounded its contempt by filing an Opposition to the Defendant's Motion which contained demonstratable false statements in a manner which would make Josef Goebbels proud.

These and other statements filed by the Government in pleadings before the Court seek to portray the Defendant in a false and negative light. The Government apparently feels it it restates these deceptions often enough they become accepted as fact.

Again, the fact is that the Government failed to comply with the Court's order to turn over the Defendant's property, to wit, his driver's license and wallet which are listed on the FBI's inventory of his property and as reported by the media in FBI custody. And, the Government has offered no valid justifications for this failure to comply with the Court's Order for over 8 months.

In fact, the Government's response to Defendant's Motion for Return of Property, never needed to be filed? All the Government needed to do is simply return the Defendant's missing property and be done with it. Instead the Government's Motion creates false justification and outright untruths. Which has been the path taken throughout this proceeding by the Government.

The Government asserts without proof that the FBI did not have his property in its possession despite the appearance on the FBI inventory and also confirmed in media reports. The Government further asserts that the Massachusetts State Police (MSP) had his property in its possession and had tried to return it to the

Defendant's mother on "multiple occasions" without proof of any sort. The Government does not offer or reveal; who made such alleged "multiple" attempts, when those attempts were made, where they were made or what forms such attempts took? The Government's assertions fly in the face of the affidavit filed by a person with personal knowledge of the matter under oath, that these assertions as to alleged attempts to return his property are false. Instead, the Government now asserts in its motion of 10/20/22 it offered the Court hearsay ("The undersigned (AUSA Lee Vilker) has no first-hand knowledge of these efforts and was simply advising the Court...") which it did not bother to verify and simply offered it to the Court in a signed Motion as the truth, hardly a valid justification. And if the Defendant did not point out this falsehood, the Government would have simply continued the manipulation of the facts.

Does not the Government have a duty to verify that pleadings it places before the Court are factual? And time and time again the Court has dismissed Motions based on the Government's word (Motion 82). All the Government offered were a few internal emails between himself and Defendant's Attorney. The Government never provided and excluded the key document, the Court Ordered Psychological Report, from the documents sent to Defense Counsel. In fact, the Government acknowledge the Defendant received the same BOP file which contained the Psychological Report.

This inconsistency is telling and demonstrates a key document that likely would have had a bearing on sentencing was excluded by the Government in its e-mail transmission to Defense Counsel. Additionally, Defense Counsel did nothing to obtain the report and as the Court, simply took the Government's word. And dismissed a viable motion.

Throughout this matter, which began with the Defendant's trial in the media, AUSA Vilker has asserted false or misleading statements to portray the Defendant in a false and negative light before this Court and the public. This tactic has been employed throughout this matter. It is certainly not frivolous for the Defendant to request that pleadings containing these falsehoods should be removed from the record and that the Government be admonished for its contempt of the Court's order of 2/4/22 and filing motions as "truth" later to reveal the government's pleading was based on hearsay, in this matter.

Respectfully Submitted

David Staveley

David Staveley
Pro Se