

Page 1

United States of America
District of Rhode Island

United States of America

Case No. CR-00074-MSM

v.

1:22-CV-00315-MSM

David A. Staveley

Petitioner's Reply to the Government's
Response (ECF:126) to the Petitioner's
Renewed (3rd) Motion to Compel
Return of Petitioner's Property

RECEIVED
JAN 23 2023
U.S. DISTRICT COURT
DISTRICT OF R.I.

The following Motion is presented to the honorable Court by the Defendant Pro Se. The Defendant was denied counsel by the Court and he is not an attorney nor does he have any legal experience. The Defendant is submitting this motion without advice of counsel, while incarcerated, while being denied Court Notifications including; Court Docket, notices, filings and Court decisions from (Sept. 15, 2022 - Dec. 7, 2022) and again from (Dec. 7, 2022 - Jan. 12, 2023) totaling over 110 days without notice and the ability to be heard. Defendant was absent intentionally/knowingly by the Court (written notification by Defendant numerous times/as well as denial of motion for timely updates) in over 40 Court actions. The Defendant has limited to no resources while incarcerated during Covid-19 protocols additionally limiting the Defendant's ability to research, communicate, garner information and/or achieve any level of equal justice or success in the highly prejudicial proceedings which are irretrievably tainted.

page 2

1:20-cv-00315-MSM

Now comes the Defendant David A. Stoveley and states as follows:

1. Once again, in another example of the Government's repeated actions prejudicing the Petitioner by laying false and unsubstantiated information and accusations surrounding a narrative played out in the media by AVSA Lee Vilker and ongoing before the Court. The Government's latest filing is nothing but another attempt to deflect from the uncontroverted fact that the Government remains in contempt of the Court's order entered on February 4, 2022.

2. The Petitioner's wallet, credit cards, social security card and other property is still in the possession of the Government or easily obtained by the Government it, as AVSA Vilker claims the property is in the possession of the Massachusetts State Police. FBI agent Christine Grody returned the Defendant's Massachusetts drivers license which in a previous motion by AVSA states "was in the possession of Mass. State Police." Yet now Vilker states the Mass. State Police have additional personal property of the Defendant. It would be hard to comprehend why the State Police would only provide Agent Grody with the Mass. license and not all the property? Also, all the contents AVSA Vilker admits have not ^{been} returned

1/16/23

1:22-CV-00315-MJM

2. (cont.) would have in all likelihood resided in a wallet. Again, Mr. Vilker never has provided a name or person for which he spoke at the Mass. State Police to verify if indeed the court is being told the truth.

3. The Government's unsubstantiated by a single fact or other evidence is that the as stated by AVSA Lee Vilker, "a Massachusetts driver's license in the name of David Sanborn... The Government believes is fraudulent." If the Government in this case was ever truthful or actually gave the court facts not opinion would know the following: If indeed AVSA Vilker has had those conversations with the Mass. State Police or if any Government investigator contacted the Mass. Dept. of Motor Vehicles Mr. Vilker's "beliefs" could have been fact and the license is NOT fraudulent. In fact, this is more of AVSA Vilker trying to support a fraudulent narrative about the Defendant. More sloppy and inaccurate statements provided to the Court which would easily be proven if the Government sought the truth.

4. This allegation is absurd on its face as the license is that of an 80+ year old man (as clearly shown by the license) with a birth date

4. (cont) of 1/7/37 and looks nothing like the Petitioner.

5. In fact, Petitioner's father, David Sanborn, now deceased, gave Petitioner the license when he stopped driving voluntarily due to his advanced age and failing faculties. The license was issued by the Mass. Dept. of Motor vehicles and not fraudulent as stated as an unsubstantiated "belief" by AUSA Wilker and presented to the Court.

6. Petitioner retains the license because it is the only photo he has of his deceased father and frankly, had forgotten it was in his wallet. A wallet that has yet to be returned.

7. The Government's similarly unsubstantiated charge that Defendant has somehow used Point of Sale / Employee swipe card samples with his unauthorized picture on them as an identification is similarly absurd.

8. First, Petitioner has not, nor ever has, requested return of swipe cards which were not in his wallet. Petitioner believes the co-defendant and cooperating witness Butzinger prepared these sample swipe cards. The photo was in

8. (cont) the public domain as it was a photo of Staveley after participating in a unity effort in which a group of supporters shaved their hair in tribute and solidarity of an individual going through cancer treatment.

9. The swipe cards are not property of the Petitioner and are not part of his personal property and at no point has the Petitioner ever requested to be returned. The mention by AVSA Vilker in an opposition motion that should be directed to, as to why the Government continues to be in contempt is turned into another "deflection" tactic by Vilker to avoid the issue of contempt and to force his unsubstantiated "belief" narrative on the Court. U.S. Marshall Alvin Silver has on numerous occasions in conversations with the Petitioner's mother, stated, "your son had numerous false ID's". A not only libelous statement, but completely unsubstantiated and clearly sourced through AVSA Vilker.

10. Further, in the legal equivalent of "the dog ate my homework", the Government claims again that attempts to contact Petitioner's mother numerous times but the number(s) (more than one) the Government claims have been "disconnected".

11. Notwithstanding the fact that Petitioner's mother has had the same phone number for numerous years and the fact that both FBI agent Christine Brady and U.S. Marshall Alvin Silver have both had several communications with Petitioner's mother, FBI agent Brady most recently was at Petitioner's mother's home and had phone calls to return only the Petitioner's Massachusetts driver's license which Volker claims came from the MA State Police. These facts strain credibility to believe that when both the FBI and U.S. Marshalls have communicated by phone with the Petitioner's mother numerous times in the last six months and with the resources the Government commands, AVSA Volker is unable to obtain Petitioner's mother's phone number. In fact, the only thing believable is AVSA Volker is again attempting to deceive the Court and prejudice the Petitioner.

12. In fact, it is no secret to the Government where the Petitioner is located and based on calls and in person presentation by U.S. Marshall Alvin Silver and FBI agent Christine Brady the Government clearly knows how to contact Petitioner's mother, AVSA Volker has again

1/10/23

1:22-cv-00315-MCM

12. (cont.) demonstrating he has been given a "pass" by the Court and Judge Mary S. McElroy and has not one regret in repeatedly presenting unsubstantiated "beliefs" to the Court as FACT. Again AVSA Vilker deflects the ongoing contempt even going as far as to in a motion threaten and intimidate the Petitioner with comments "defendant's reckless allegation that the undersigned has been untruthful with the Court should be rejected and the defendant should be advised of the consequences of filing frivolous pleadings, including possible sanctions under Federal Rule Civil Procedure 11." (ECF: 103). The Government has used these intimidation tactics from the beginning and it has worked. The Petitioner based on these proceedings believes not only AVSA Vilker, but Judge McElroy and Government law enforcement have and will retaliate unjustly. It in fact has been AVSA Vilker that has submitted to the Court unsubstantiated "beliefs" in motions. Is it frivolous to defend one's rights when the Government has clearly been in contempt for nearly one year?

13. This latest response by the Government levels

1/11/23

1:22-cv-00315-MSM

13. (cont.) new and unsubstantiated charges intaded to portray Petitioner in a prejudicial and false light and is inconsistent with AVSA Vilker's prior response which indicates the Massachusetts State Police only have the Petitioner's Massachusetts drivers license (ECF:101/ECF:103) now it appears a new story has developed and the narrative must be altered.

14. Why were these new items (reflected in ECF:126) not turned over in addition to the driver's license? It seems inconceivable that they were not.

15. The "beliefs" surrounding the Petitioner's father's license and swipe cards could also have been easily explained if AVSA Vilker or the FBI had ever bothered to interview the Petitioner. But throughout this proceeding the Petitioner was never allowed to be heard.

16. Despite the fact that the Government has been in contempt for nearly a whole year and despite (3) attempts to compel the government to turn over his property, wasting the Petitioner's time while subjecting him to unwarranted threats and intimidation by AVSA Vilker

1/16/23

1:22-cv-00315-MSM

16. and the Court, additionally wasting the Court's time, the Government and AVIA Vilker has suffered no sanction.

17. The Government has offered no credible attempt to explain its non-compliance with a clear and unambiguous order of the Court.

Now, therefore, the Petitioner requests:

1. The Government to turn over all his personal property which remains in the possession of the Government, FBI, U.S. Marshalls and/or the Massachusetts State Police, including but not limited too; credit cards, health cards, BJ cards, wallet, SS card, father's expired license and all other personal items as previously ordered by the Court.

2. Enter an appropriate sanction for AVIA lee Vilker and the Government's deflection and failure to comply with the Court's Order of February 4, 2022.

Respectfully submitted



David A. Starkey
Pro Se

U.S. District Court

District of Rhode Island

Notice of Electronic Filing

The following transaction was entered on 12/6/2022 at 2:27 PM EST and filed on 12/6/2022

Case Name: USA v. Staveley

Case Number: 1:20-cr-00074-MSM-LDA

Filer:

Document Number: No document attached

Docket Text:

TEXT ORDER: The Petitioner's Motion to Compel Compliance with Court Order (ECF No. [98]) is GRANTED. The Respondent has committed to delivering the Petitioners drivers license to his mother. Once that has been completed the Respondent shall provide the Court with notice of the delivery. Should the Respondent encounter problems returning the license to the Petitioners mother they are ordered to provide notice of this to the Court. Petitioners Motion to Compel (ECF No. [100]) which seeks the same relief as ECF No. [98] is DENIED as moot. So Ordered by District Judge Mary S. McElroy on 12/6/2022.(Potter, Carrie)

1:20-cr-00074-MSM-LDA-1 Notice has been electronically mailed to:

Jason P. Knight jason.knight@jasonknightlaw.com

Lee Vilker lee.vilker@usdoj.gov, CaseView.ECF@usdoj.gov,
jade.brennan@usdoj.gov, lauren.masse@usdoj.gov, michele.sisson@usdoj.gov,
miriam.contreras-morales@usdoj.gov, richard.myrus@usdoj.gov, usari-ecf@usdoj.gov

Terrence P. Donnelly terrence.donnelly@usdoj.gov, CaseView.ECF@usdoj.gov,
emma.caslowitz@usdoj.gov, jade.brennan@usdoj.gov, tara.moniz@usdoj.gov, usari-ecf@usdoj.gov

1:20-cr-00074-MSM-LDA-1 Notice has been delivered by other means to:

David Staveley(Terminated)

04230049

FMC DEVENS - Satellite Camp