

You Only Think You've Got Rights

No Attorney-Client Privilege (Part IV)

by Edgar J. Steele

September 24, 2011

Last week, I described how the government *secretly and illegally* recorded my telephone calls to attorneys Wes Hoyt and Bob McAllister before (*and after*) they each formally signed on as my "attorney of record." I, of course, discussed every single aspect of my case with each of them in interviews about representing me, never suspecting that the Federal prosecutor had the US Marshall's Service actually *recording* them!

So What!?!

Let me tell you about a few things from yet another *secret* hearing held in my case on February 9, 2011, that shows how the *Judge* provided cover to the government's *secret and illegal* intrusion into my confidential attorney-client communications. My then-attorney-of-record, Bob McAllister, told Judge Winmill that Attorney Wes Hoyt, whom I had been trying to hire, had been told that his telephone conversations with me were monitored and recorded and, based upon those conversations, the government was seeking to disqualify Attorney Hoyt. Judge Winmill's response was to ask why it was even relevant that our conversations had been recorded, since Mr. Hoyt had yet to represent me.

Here's what just happened: My then-"attorney-of-record," McAllister, was objecting to my telephone conversation with Wes Hoyt being invaded by the government. Judge Winmill, noting that Mr. Hoyt had not yet become my "attorney-of-record," was saying in essence, "*So what? It doesn't matter.*" clearly underscoring his belief that *I had no rights to confidentiality in speaking with Attorney Hoyt.*

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Later in that same *secret* hearing, Judge Winmill pressured my lawyer to capitulate and make the *illegal and secret* recording of my phone conversation with the man who later was to become my attorney of record a non-issue by agreeing or stipulating that he was aware that the conversations were being recorded.

Amazing, isn't it? Yes, this is exactly how judges force defense lawyers to help in the cover-up of governmental wrongdoing. During every single one of my phone conversations with Bob McAllister, he always insisted upon saying, up front, "This is an

attorney-client privileged conversation. If you are recording it, stop listening *now* and send the tape to Judge Winmill."

US Marshall Service Punishes Me

I continued to have to fight this battle (*to this day*, actually), even after they moved me to the Bonner County Jail. On May 16, 2011, *after* I had been wrongfully convicted, I filed a formal grievance (copy attached) *demanding* that they stop recording my calls to attorneys. The jail's response: "Phones will remain the same unless instructed by US Marshall."

Notice in that grievance form that I told Lt. Wiens of the Bonner County Jail: "*I guarantee* you this: *I am* going to sue you over this!!!" That was what got me "transferred" from Sandpoint's Bonner County Jail to Moscow's Latah County Jail. Yes, it was retaliatory. Yes, it was illegal.

You see, they knew that my wife, Cyndi, was visiting me the two times per week allowed by Bonner County Jail policy and that moving me to Moscow, a 3-hour drive, would put a stop to that. They punished us because I demanded my Constitutional rights! Never mind that my property taxes had been supporting that jail for 15 years (and still do).

Our tax dollars at work, folks.

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TO: LT. WINN & USMS

BONNER COUNTY DETENTION CENTER
INMATE GRIEVANCE FORM

INMATE NAME: EDGAR STEELE INMATE BOOKING # 3 (POD 600)

If you have a complaint or grievance, please follow the steps below and give the complete report to the duty deputy. All written grievances will be answered. This does not mean we agree or disagree with the grievance. Corrective action will be taken in your situation requires it.

1. Write down, in your own words, what you think the problem is and why it happened.

YOU STATE THAT ONLY "ATTORNEY OF RECORD" TELEPHONE CALLS CAN BE MADE "PRIVATE" AND NOT RECORDED (FOR EVENTUAL DELIVERY TO THE US ATTORNEY). THAT IS GROSSLY ILLEGAL. YOU/THEY DID THIS TO ME IN SPOKANE COUNTY JAIL, THEN THE KNOWLEDGE GAINED ABOUT MY TRIAL STRATEGY (DESPITE VERBAL & WRITTEN ASSURANCES TO ME TO THE CONTRARY, NOT TO MENTION PREVAILING LAW & WRITTEN JAIL POLICY) WAS USED EXTENSIVELY AGAINST ME AT TRIAL TO GET MY CONVICTION.

2. Write down what you think should be done to prevent it from happening again.

IMMEDIATELY STOP AND ADVISE ME IN WRITING THAT YOU WILL COMPLY WITH STATE & FEDERAL LAWS (THAT MAKE ALL CALLS WITH ANY ATTORNEY PRIVILEGED).

YOU SHOULD BE ASHAMED OF YOURSELVES, TO BE ILLEGALLY TALKING TO THE ~~USMS~~ US ATTORNEY IN ANY FASHION! I DEMAND THAT ALL CALLS I MAKE TO ANY ATTORNEY (OR THEIR STAFF IF RECORDED, BE PLACED UNDER SEAL & LODGED WITH US DISTRICT COURT (J. WINMILL) FOR

INMATE SIGNATURE: [Signature] DATE: 5/16/11

DEPUTY SIGNATURE: [Signature] DATE: 05/16/11

REVIEWERS SIGNATURE: Lt Winn DATE: 5-17-11

phones will remain the same unless instructed by us march 11. I GUARANTEE YOU THIS: I AM GOING TO SUE YOU OVER THIS!!!