

Dec 20, 2023

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Dear Bad Jurist staff:

I found your add in PLN Dec 2023. I'm submitting my story. Feel free to validate or confirm my claims. Also feel free to edit so your readers can better understand what I'm reporting. Enclosed should be a 4 to 6 copies of a motion - etc so you can validate. All important info is right there to easily find it on PACERS.COM.

My story is about the Federal Courts that have went completely nuts. Fraud on the court, violation of Stare Decisis with the 6th Circuit Court of Appeals. Prosecutorial misconduct, Probation officer misconduct Task Force officer coercing witnesses. Almost all my claims are UNDISPUTED. Where do I start? I'll quote Page I.D's in the record so you find it.

Lets start with Violating Stare Decisis. The 6th Circuit Court of Appeals violated 5 areas of Case Law to Gut my direct Appeal. I.d 1656, 1657, 1659. They took a hearsay phone ~~by a probation officer~~ call by a Probation officer to change a none contact sex offense to convert it to a full contact sex offense to justify a 90 Yr stacked sentence for a first-time non-violent offender. Motion enclosed is a request for a Judicial Investigation.

My FPD Lawyer was completely useless. It did not raise objections for sufficiency of evidence AKA. Rule 29 Motion at trial. I.d 1639, 1646

Continued on Reverse

Also in my title 18, 2251(a)(2) case there was no "transmission"; No overt act, No camera in evidence. Prosecutor committed fraud on the court and said to jury "we straggled-transmission" my inept lawyer did not object ID. 1635

My Direct Appeal Lawyer lied when he told me in a letter "He reviewed the whole record" ID 1653

Fact is I paid \$70 to the court reporter to transcribe it from raw data. Long after my direct appeal got rejected I paid for ECF 118 and found issues myself for this Habeas 2255 litigation.

Now lets cover the Judge in the instant case. Ground is Page ID 167A. These people were so desperate to paint me as a "Jerry Sandusky" that they played a private masturbation video of a 16-year old in open court unedited, unredacted with a lascivious display of genitals like a movie flick.

I have a newly filed contempt of court motion ECF 211 just filed for misconduct. Concerning Prosecutor Santurd, I have forensic evidence that no sexual contact ever occurred but Prosecutor Lasas desperate to sway the jury.

I've filed formal complaints against Judge Maloney with the Chief Circuit executive and Administrative Office of United States Courts. Judge Maloney is now being reviewed at the Judicial Council a body just below the Senate Judiciary Committee.

I've also filed complaints to over 5 Federal oversight agencies concerning the conduct of the Prosecutor and Task Force detective Michael J. Tamminga.

Now bringing up task Force officer Tamminga.  
MY Case started out as a state case. But it  
Got dismissed at Pre-Liminary exam in Grand Haven, MI  
Det. Tamminga got mad and said "When the state  
dismisses, I can go to the Federal Gov't, they are  
unlimited and pick up anything." Well he was  
involved with fraud on the Court with Probation  
officer Mr. Erickson. ECF 208. I have Grand  
Jury testimony - NO Sexual Contact by Mr.  
Easterling. Icl 1660, 1564, 1565

Det. Tamminga never redacted the video. IF the  
video is ok to play in court to allow the public  
consumption of pornography then why award 90 years?

MY case # is 1:18-cr-00045-PLM. Habeas 2025  
Civil case is at ECF 126, ~~127~~. 199-1 So far its  
UNDISPUTED. And under Federal Rules of Civil Procedure  
Prosecution has waived any opposition.  
Well - we will see.

Thank You

Respectfully Submitted

William John Easterling

Please send confirmation you recieved this  
post card or any.

ID 1713

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

FILED - KZ  
June 12, 2023 11:32 AM  
U.S. DISTRICT COURT  
WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION  
Scanned by 10/2/23

WILLIAM JOHN EASTERLING,  
Movant-Defendant,

Case No. 1:18-cr-00045-PLM-1  
1:18-cr-45  
1:18-cv-01124  
Court Of Appeals for the Sixth  
Circuit 19-1109  
22-1036

UNITED STATES OF AMERICA,  
Respondent-Plaintiff.

Hon. PAUL L. MALONEY  
U.S. District Judge

MOTION FOR JUDICIAL INVESTIGATION CONCERNING  
COURT OFFICIAL PROBATION OFFICER MR. ERICKSON.

William John Easterling (herein 'Petitioner') requests the Court to conduct a Judicial Investigation into its officer of the Court Mr. Erickson. This regards his material false statements in the Probation Report in the instant case. The Court is fully aware the Probation Officer has included in the PSR his own interview of victim LV told him about unreported, unadjudicated sexual abuse perpetrated by the Petitioner against him. The Court fully knows the Jury believed LV to be telling the truth and the Gov't must accept that LV is truthful. The Court and Gov't cannot stand by the possibility their star witness LV is a liar. However, if the Court accepts the Probation Officer's hearsay statement as truthfull this would mean that LV is untruthful and a liar and impune his credibility. That is because LV in forensic interviews and interviews with police detectives insisted that there was no sexual abuse or any inappropriate contact with Petitioner.

I.D. 1606

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

FILED - KZ  
September 9, 2022 10:36 AM  
U.S. DISTRICT COURT  
WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION  
Scanned by 10/2/22

WILLIAM JOHN EASTERLING,  
Movant-Defendant,

Case No. 1:18-cr-45  
1:18-cr-00045-PLM-1  
Case Numbers Sixth Circuit  
Court of Appeals  
19-1109  
22-1036

UNITED STATES OF AMERICA,  
Respondent-Plaintiff.

Hon. PAUL L. MALONEY  
U.S. District Judge

SUPPLEMENT TO UNOPPOSED MOTION FOR SUMMARY DISPOSITION

This motion is unopposed, nor could it be opposed by the Gov't because as a matter of law Petitioner and his counsel had a right to review the PSR before sentencing. In Petitioner's motion, Petitioner said, "The Court is now aware that Petitioner's Counsel Ms. Nieuwenhuis had not seen the PSR and thereby neither counsel nor Petitioner had reviewed it before sentencing." In this supplement, Petitioner provides the Court with the interrogatory answers by Ms. Nieuwenhuis that prove that she had not seen the [Final] PSR. See Exhibits attached (AGC File No. 21-2259) In her interrogatory answers Ms. Nieuwenhuis says she "is unaware of any hearsay phone call at sentencing." Further, she denies knowledge of any statements by the victims that were the result of a phone call by the U.S. Probation Officer. It is undisputed by Petitioner, the Court, the Court of Appeals and the Gov't that the PSR has in it a hearsay statement by one of the victims that the Probation Officer purports he had recieved in a phone call interview.

ID 1714

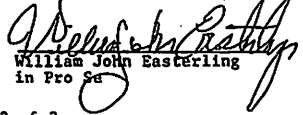
Case No. 1:18-cr-00045-PLM

Again, given the Jury's verdict, the Court must assume that LV is truthful and not a liar. What he told forensic interviewers and police detectives the Court must assume is the truth. This means the Court has a problem because an officer of the Court Mr. Erickson is impuning the truthfulness of the star witness in this case effectively saying that LV lied to the police detectives and lied to the forensic interviewers but in a unrecorded phone interview mysteriously flipped and confessed the truth to him making serial allegations of sexual abuse against the Petitioner. There is no possible legal theory under which LV and the Probation Officer can be both truthful. Either LV lied and is untruthful or the Probation Officer is lying and is untruthful.

Even FPD Nieuwenhuis declared in an affidavit to the Attorney Grievance Commission " Counsel is unaware of any hearsay [alleged] phone call. It appears to counsel that the [alleged] statements were not the result of a phone call." Id. 1687 Moreover, there is no discovery provided to FPD Counsel during pendancy of the time in question. Which would have been a basis to ask for a mistrial. And a sexual abuse allegation goes hand in hand with asking for a video to impune the testimony by the star witness. Therefore, Petitioner requests the Court conduct a Judicial investigation into this matter and request a new Probation Officer be assigned to the case, and at a minimum order a rewrite of the PSR.

DATED: June 6th, 2023

Respectfully Submitted,

  
William John Easterling  
In Pro Se

I.D. 1607

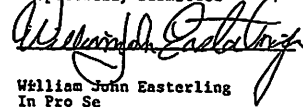
Case No. 1:18-cr-45  
1:18-cr-00045-PLM-1

As a matter of law, pursuant to FRCP Rule 32(a)2, The Probation Officer must give the PSR to defendant and his Counsel, which given Nieuwenhuis's interrogatory response clearly did not happen. And under Rule 32(i)(1)(A) "at sentencing, the Court must verify that the defendant and defendant's attorney have read and discussed the PSR," which given Nieuwenhuis's interrogatory response clearly did not happen. Therefore, it is a matter of law that Petitioner was not afforded Due Process at sentencing and illegally sentenced. Under FRCivP Rule 56, "the court shall grant [motion for Summary Judgement] if movant shows there is no genuine dispute as to any material fact and the Movant is entitled to judgement as a matter of law. Pursuant to the Rule, a showing that materials cited - - here, Counsel's interrogatory answers - - don't establish presence of genuine dispute when unresolved issues are primarily legal rather than factual, Summary Judgement is particularly appropriate. Petitioner has made showing and the Court should grant Summary Adjudication in his favor for vacateur of Judgement and resentencing.

Based on the foregoing, Petitioner requests the Court to grant Summary Judgement in his favor with vacateur of Judgement and resentencing. If the Court does not sustain Petitioner's motion, then Petitioner would proceed on track in his habeas litigation.

Dated 9/2/2022

Respectfully Submitted

  
William John Easterling  
In Pro Se

ECF No. 126 It will be argued *Infra* in section three that the CP videos were never "transmitted" and therefore could not confer the requisite Nexus to IC as the Court instructed the Jury:

For you to find the defendant guilty of the crime [§2251(a)]... the Gov't has to prove each and every one of the following elements... Second, the visual depiction was TRANSMITTED using materials that were mailed, shipped, or transported in or affecting IC. PageID 795-96

The offense that the Petitioner should have been charged with is a §2252(a) pertaining to his conduct that he "knowingly received CP which contains material [HD's in evidence] which have been mailed or so shipped or transported in IC. All of the elements were established because LV testified that he produced the CP videos - - not the Petitioner - - and gave them to the Petitioner in whose HD materials the CP videos were contained. Instead, the Gov't forces a square peg [§2252(a) offense] into a round hole [§2251(a) offense]. Thereby, there has been a gross misapplication of the facts and circumstances of the instant case and a grave miscarriage of justice.

Should the Court have any doubt whatsoever that this claim is properly raised, the Court should take Judicial notice of Petitioner's numerous requests for assistance of counsel which were denied. And thus the Court being amply aware of Petitioner's lack of any legal training should liberally construe Petitioner's claim as it applies to the materials the CP videos were contained on.

Finally, Court should be reminded that the Gov't does not address this claim in its Opposition Brief. It merely cites *Ogden*, 685 F.3d 600, 604 (6th Cir. 2012). This case is distinguishable from Petitioner's in that her Webcam which broadcasted live video to his computer. The victim sent *Ogden* [CP] videos of herself." And

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This refutes the information the Probation Officer added to the PSR because LV never spoke to him. The Gov't doesn't dispute this in its opposition.

Further, the reason the Probation Officer actually spoke to whose statements are being attributed to LV is someone else. His brother Logan has a propensity for insinuating himself in LV's interviews and answering for him. See attached declaration.

Petitioner contends it was his brother who took the call and answered for him. It's unclear if LV was even present. The Gov't doesn't dispute this in its opposition.

What Logan was telling the Probation Officer is that Mr. Easterling had been charged with a misdemeanor for "fondling" LV that was dismissed as unfounded. The very information added to the PSR appears to mirror the false State allegations. According to Petitioner's then counsel Gonzales, before the scheduled Preliminary hearing LV indicated he was being coerced to say this by the police. The hearing was cancelled. The case was later dismissed. See Declaration attached.

The Gov't doesn't dispute this in its opposition.

VI. Fondling Accusation in the PSR is False Information

LV insisted to police that he was never fondled or molested. See record of interviews below:

Interview with Det. Tamminga on 7/17/17: "LV had denied Bill had ever done anything inappropriate to him." See Ground 5

Exhibit 2 reinterview with Det Tamminga: "LV denied that anyone has ever touched him on his body where it was not okay, and denied that anyone has ever asked him to do that. He also denied that anyone has ever asked him to touch them on their body where its not OK." See Ground 5

In these interviews LV denies ever being molested. Det Tamminga accordingly testified before the Grand Jury that LV never disclosed any molestation. See Ground 5

Id 1564, 1565

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"the record [in *Ogden*] includes evidence that the victim produced sexually explicit images of herself... on a live Webcam at *Ogden*'s request. Logs of her conversations with *Ogden* makes clear she was taking sexual pictures of herself." This means the depictions were "transmitted" on the Internet in or affecting IC, while the claim raised applies to no depictions actually transmitted.

2. Materials That Produced the CP Are Not In Evidence

The Gov't forensic expert testified that the CP videos were "captured" with a Samsung SM-630-P camera. ECF No. 81 PageID 575-76 However, there is no Samsung camera in evidence.

The Gov't forensic expert also testified that the CP videos in were "copied" from some location to the hard drives (herein, "HD") in evidence (specifically, a Western Digital 250 GB HD and a Seagate HD). And from Gov't's own closing argument, the CP videos were "copied" from the Samsung camera that produced them to the Western Digital HD and "copied" from the Western Digital HD to the Seagate HD. PageID 769

Furthermore, the Gov't forensic expert testified that "the metadata indicating that the [videos were] taken on Dec 11, 2015 ... and Dec 12, 2015." PageID 579-80. And Gov't argued "counts one and two pertain to each of the two videos MADE of LV, the one on December 11 and the one on December 12 of 2015." PageID 771 However the Gov't forensic expert testified that the first date these videos show up on the HD's in evidence is Feb 4, 2016, which would be approximately 3 months from the creation date. PageID 607

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LV exculpates Petitioner in these police interviews, thereby refuting the added information in the PSR about molestation. LV's victim impact statement also confirms there was no molestation.

Finally, had there been any accusation whatsoever about molestation at a tender age, Congress mandates other offences of child molestation come under FRE 414 in cases involving child molestation, which 18 USC 2251 (a,e) fall under. The fact that there was no FRE Rule 414 at trial in itself supports Petitioner's contention the added information in the PSR is false. No Rule 414 testimony at trial or even discussed with defense counsel or even hinted.

There is good reason for the Supreme Court's ruling in *Nelson v. Colorado* (2017) that Courts may consider at sentencing only facts arising out of a final conviction, and not dismissed or uncharged crimes. Otherwise the Possibility of corrupting the sentencing by allowing false information in the PSR violates Petitioner's 5th Amendment rights to fair sentencing.

(b)

Ineffective Assistance of Counsel

The Gov't is correct, Counsel is not ineffective for not objecting to the molestation accusations in the PSR; She is ineffective for her Abandonment of client for not reviewing and discussing the added information regarding molestation in the PSR with Mr. Easterling and then committing Fraud on the Court by falsely representing that she had. It's not the Strickland Standard but Right to Counsel under the 6th Amendment which has been violated here.

It is beyond the pale what Counsel has done, by failing to alert the client of newly added information. This added information is such that it would justify stacking and what amounts to a life sentence that without arguably would be considerably less.

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