

EXHIBIT 1

Code of Alabama

Title 17. Elections.

Chapter 11. Absentee Voting.

§ 17-11-2. Absentee election manager.

In each county there shall be an “absentee election manager,” who shall fulfill the duties assigned by this chapter. The circuit clerk of the county shall, at his or her option, be the absentee election manager. If the circuit clerk of the county declines the duties of absentee election manager, the appointing board shall thereupon appoint an absentee election manager, who shall be a person qualified by training and experience, who is a qualified elector of the county and who is not a candidate in the election to perform the duties assigned by this chapter. The county commission shall designate the place or office where such duties shall be performed. Such place or office shall be open on the days and during the hours as that of the circuit clerk prior to each election. Any person so appointed shall have all the powers, duties, and responsibilities of the circuit clerk for the purposes of this chapter, including the power to administer oaths. Such powers, duties, and responsibilities shall terminate when the election results are certified. The absentee election manager or circuit clerk shall be entitled to the same compensation for the performance of his or her duties as is provided in Section 17-11-14.

CREDIT(S)

(Acts 1978, No. 616, p. 873, § 1; § 17-10-2; amended and renumbered by Act 2006-570, p. 1331, § 52.)

COMMENT

When the circuit clerk declines to serve as absentee election manager, the canvassing board appoints a successor. There are no longer registers in Alabama. Currently, the presiding circuit judge appoints an absentee election manager when the circuit clerk declines. However, it is more appropriate for election officials to appoint absentee election managers since they appoint poll workers for all other boxes. The official who designates the place to count absentee ballots is changed from the “presiding circuit judge” to the “county commission” who actually has charge of the courthouse facilities.

The duty of the absentee election manager should not terminate until the results are certified.

HISTORY

Derivation of Section:

This section is former Section 17-10-2, as amended and renumbered by Act 2006-570, § 52, effective January 1, 2007.

Amendment notes:

The 2006 amendment, effective January 1, 2007, inserted “or her” in two places, deleted the third sentence, deleted “neither the register nor” following “If”, substituted “declines” for “assumes”, substituted “appointing board” for “presiding circuit judge”, substituted “county commission” for “presiding circuit judge”, substituted “duties,” for “duties” in two places, deleted “clerk or” following “responsibilities of the”, substituted “when the election results are certified” for “at the end of the day of the election”, substituted “or circuit clerk” for “, clerk, register or register in chancery”, substituted “17-11-14” for “17-10-14”, and substituted “circuit clerk” for “register” in three places.

Disposition of Former Section:

Former Section 17-11-2 was repealed by Act 2003-313, p. 733, § 12, effective June 19, 2003.

EXHIBIT 2

IN THE CIRCUIT COURT OF HALE COUNTY, ALABAMA

IN RE SPECIAL)
GRAND JURY)
)
)
)
)

REQUEST FOR SPECIAL GRAND JURY

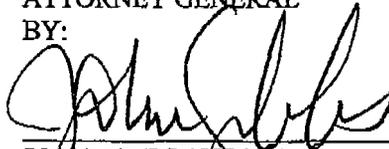
Comes now the State of Alabama, by and through its Attorney General, and moves that this Honorable Court, pursuant to Rule 12.2, Ala. R. Crim. P., order that a Special Grand Jury be empanelled in Hale County and as grounds states the following:

1. The Attorney General's office is conducting an investigation into possible voter fraud in Hale County;
2. In order to further that investigation, witness testimony and handwriting exemplars are needed;
3. A Special Grand Jury would assist the Attorney General's office in conducting an investigation to determine whether any criminal activity has occurred.

Wherefore, we ask that this Honorable Court Order that empanelling a Special Grand Jury be empanelled in Hale County.

Respectfully submitted,

TROY KING
ATTORNEY GENERAL
BY:



JOHN GIBBS (GIB007)
ASSISTANT ATTORNEY GENERAL

ADDRESS OF COUNSEL:

EXHIBIT 3

INDICTMENT

THE STATE OF ALABAMA

HALE COUNTY CIRCUIT COURT

Grand Jury No. 2 Case No. _____

Count I Criminal Possession Of A Forged Instrument, Second Degree

The Grand Jury of said County charges that before the finding of this Indictment, Rosie Lyles, whose name is otherwise unknown to the Grand Jury, did, with intent to defraud, possess, or utter a forged instrument, in substance as follows, to wit:

AFFIDAVIT OF ABSENTEE VOTER

"State of Alabama" Hale
 "County of" _____

"I, the undersigned, do swear for affirm that:
 (1) I am a citizen of _____
 (2) My place of residence is _____
 (3) My voting precinct for state where I vote is _____
 (4) My date of birth is: _____
 (5) I was entitled to vote an absentee ballot because:
 I will be out of the county of the state on election day.
 I am presently incapacitated and will not be able to vote in person on election day.
 I am a member of an authorized absentee voting club which has a ballot to return which includes over the polling place of my regular polling place.
 I am a member of an authorized absentee institution located outside the county of my permanent residence and has the authority to vote at my regular polling place on election day.
 I am a member of an authorized absentee club of members of the United States Armed Forces and I am a member of the United States Armed Forces.
 I have been designated as an election officer at a polling place which is not my regular polling place.
 I am a member of the _____ and I have not voted for all I vote in person in the election in which this ballot is used.
 I have signed the enclosed absentee ballot voluntarily and I have read or had read to me and understand the instructions accompanying this ballot and I have carefully compared with each instruction. I further swear for myself and all of the information above stated is true and correct to the best of my knowledge and that I understand that by signing this ballot I understand that I am liable for criminal penalties and I shall be guilty of a misdemeanor when a provision of a law that is enacted after the passage of this act is applicable to the election in which this ballot is used.
 I am a member of the _____ Party and subscribe to its platform and constitution, and I declare that I am not a member of any other party or organization.

 (Signature of voter)

 (Printed name of voter)

"IF YOUR AFFIDAVIT IS NOT SIGNED (OR MARKED) OR IF YOUR AFFIDAVIT IS NOT WITNESSED BY TWO WITNESSES 18 YEARS OF AGE OR OLDER OR A NOTARY PUBLIC OR OTHER OFFICER AUTHORIZED TO ACKNOWLEDGE OATHS, PRIOR TO BEING DELIVERED OR MAILED TO THE ABSENTEE ELECTION MANAGER YOUR BALLOT WILL NOT BE COUNTED."

Sworn to and subscribed before me this _____ day of _____, 20____.
 I certify that the affiant is present (or absent) to the best of the best of my knowledge and belief or to the best of my information and belief.

 (Signature of official)

 (Title of official)

 (Address of official)

 (City) _____ (Zip Code) _____

OR

 (Signature of official)

 (Title of official)

 (Address of official)

 (City) _____ (Zip Code) _____

which is, purports to be, is calculated to become, or represents, if completed, a public record, or an instrument filed or required or authorized by law to be filed in a public office or with a public employee, to wit, Affidavit Of Absentee Voter, with knowledge that it was forged, in violation of Section 13A-9-6 of the Code of Alabama,

Count II Promoting Illegal Absentee Voting

The Grand Jury of said County further charges that before the finding of this Indictment, Rosie Lyles, whose name is otherwise unknown to the Grand Jury, did, intentionally solicit, encourage, urge, or otherwise promote illegal absentee voting, or aid any person to unlawfully vote an absentee ballot by willfully falsifying an absentee ballot verification document, to wit, an Affidavit Of Absent Voter purported to be signed by Quinton Smith, so as to vote absentee in the Hale County Democratic Primary Election held on October 26, 2004, in violation of Section 17-10-17 of the Code of Alabama.

Count III Promoting Illegal Absentee Voting

The Grand Jury of said County further charges that before the finding of this Indictment, Rosie Lyles, whose name is otherwise unknown to the Grand Jury, did, intentionally solicit, encourage, urge, or otherwise promote illegal absentee voting, or aid any person to unlawfully vote an absentee ballot by willfully falsifying an absentee ballot verification document, to wit, an Affidavit Of Absent Voter purported to be signed by Henry Thomas Brown, Jr., so as to vote absentee in the Hale County Special Democratic Primary Election held on May 3, 2005, in violation of Section 17-10-17 of the Code of Alabama.

Count IV Promoting Illegal Absentee Voting

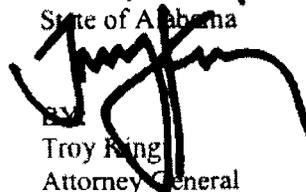
The Grand Jury of said County further charges that before the finding of this Indictment, Rosie Lyles, whose name is otherwise unknown to the Grand Jury, did, intentionally solicit, encourage, urge, or otherwise promote illegal absentee voting, or aid any person to unlawfully vote an absentee ballot by willfully falsifying an absentee ballot verification document, to wit, an Affidavit Of Absent Voter purported to be signed by Yvette Elizabeth Brown, so as to vote absentee in the Hale County Special Democratic Primary Election held on May 3, 2005, in violation of Section 17-10-17 of the Code of Alabama.

Count V Promoting Illegal Absentee Voting

The Grand Jury of said County further charges that before the finding of this Indictment, Rosie Lyles, whose name is otherwise unknown to the Grand Jury, did, intentionally solicit, encourage, urge, or otherwise promote illegal absentee voting, or aid any person to unlawfully vote an absentee ballot by willfully falsifying an absentee ballot verification document, to wit, an Affidavit Of Absent Voter purported to be signed by Josephine LaRachel Brown, so as to vote absentee in the Hale County Special Democratic Primary Election held on May 3, 2005, in violation of Section 17-10-17 of the Code of Alabama.

AGAINST THE PEACE AND DIGNITY OF THE STATE OF ALABAMA.

TROY KING
Attorney General,
State of Alabama



Troy King
Attorney General

GJ NO. _____

THE STATE OF ALABAMA

v.
Rosie Lyles

B/F DOB: 9/21/41 SSN: 421-68-1840
1406 Centerville, Street, Greensboro, AL 36744

SID NO. _____ ARREST DATE _____

FOR

Criminal Possession Of A Forged Instrument, II
(1 count)
Promoting Illegal Absentee Voting
(4 counts)

A TRUE BILL

Betha Wilson
Foreperson of Grand Jury

No Prosecutor

BAIL IN THIS CASE IS FIXED AT
\$ 5,000⁰⁰

[Signature]
Judge of Circuit Court of Hale County

CC NO. _____

Presented in open Court by the Foreperson of the
Hale County Grand Jury, in the presence of
_____ other members of the Grand Jury and
filed this *16th* day of *August*, 2007

Catherine L. Perry
Clerk of the Circuit Court of Hale County

WITNESSES

George Barrows
Office of the Attorney General
Montgomery, Alabama

EXHIBIT 4

which is, purports to be, is calculated to become, or represents, if completed, a public record, or an instrument filed or required or authorized by law to be filed in a public office or with a public employee, to wit, Affidavit Of Absentee Voter, with knowledge that it was forged, in violation of Section 13A-9-6 of the Code of Alabama,

Count II Promoting Illegal Absentee Voting

The Grand of said County further charges that before the finding of this Indictment, Valada Paige Banks, alias, Valada Undra Paige, whose name is otherwise unknown to the Grand Jury, did, intentionally solicit, encourage, urge, or otherwise promote illegal absentee voting, or aid any person to unlawfully vote an absentee ballot by willfully falsifying an absentee ballot verification document, to wit, an Affidavit Of Absent Voter purported to be signed by Quinton Smith, so as to vote absentee in the Hale County Democratic Primary Election held on October 26, 2004, in violation of Section 17-10-17 of the Code of Alabama.

Count III Promoting Illegal Absentee Voting

The Grand Jury of said County further charges that before the finding of this Indictment, Valada Paige Banks, alias, Valada Undra Paige, whose name is otherwise unknown to the Grand Jury, did, intentionally solicit, encourage, urge, or otherwise promote illegal absentee voting, or aid any person to unlawfully vote an absentee ballot by willfully falsifying an absentee ballot verification document, to wit, an Affidavit Of Absent Voter purported to be signed by Henry Thomas Brown, Jr., so as to vote absentee in the Hale County Special Democratic Primary Election held on May 3, 2005, in violation of Section 17-10-17 of the Code of Alabama.

Count IV Promoting Illegal Absentee Voting

The Grand Jury of said County further charges that before the finding of this Indictment, Valada Paige Banks, alias, Valada Undra Paige, whose name is otherwise unknown to the Grand Jury, did, intentionally solicit, encourage, urge, or otherwise promote illegal absentee voting, or aid any person to unlawfully vote an absentee ballot by willfully falsifying an absentee ballot verification document, to wit, an Affidavit Of Absent Voter purported to be signed by Yvette Elizabeth Brown, so as to vote absentee in the Hale County Special Democratic Primary Election held on May 3, 2005, in violation of Section 17-10-17 of the Code of Alabama.

Count V Promoting Illegal Absentee Voting

The Grand Jury of said County further charges that before the finding of this Indictment, Valada Paige Banks, alias, Valada Undra Paige, whose name is otherwise unknown to the Grand Jury, did, intentionally solicit, encourage, urge, or otherwise promote illegal absentee voting, or aid any person to unlawfully vote an absentee ballot by willfully falsifying an absentee ballot verification document, to wit, an Affidavit Of Absent Voter purported to be signed by Josephine LaRachel Brown, so as to vote absentee in the Hale County Special Democratic Primary Election held on May 3, 2005, in violation of Section 17-10-17 of the Code of Alabama.

AGAINST THE PEACE AND DIGNITY OF THE STATE OF ALABAMA.

TROY KING
Attorney General
State of Alabama


By
Troy King
Attorney General

GJ NO. _____

THE STATE OF ALABAMA
v.
Valada Paige Banks

B/F DOB: 4/18/63 SSN: 417-92-7572
1009 Turner Street, Greensboro, AL 36744

SID NO. _____ ARREST DATE _____

FOR

Criminal Possession Of A Forged Instrument, II
(1 count)
Promoting Illegal Absentee Voting
(4 counts)

A TRUE BILL
Brent Wilson
Foreperson of Grand Jury

No Prosecutor

BAIL IN THIS CASE IS FIXED AT
\$5,000

Judge of Circuit Court of Hale County

CC NO. _____

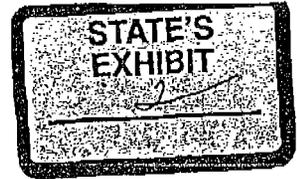
Presented in open Court by the Foreperson of the
Hale County Grand Jury, in the presence of
16 other members of the Grand Jury and
filed this 16th day of August, 2007

Catherine L. Perry
Clerk of the Circuit Court of Hale County

WITNESSES

George Barrows
Office of the Attorney General
Montgomery, Alabama

EXHIBIT 5



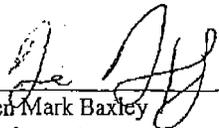
ATTORNEY GENERAL'S SUBPOENA

STATE OF ALABAMA)
)
MONTGOMERY COUNTY)

TO ANY LAWFUL OFFICER OF SAID STATE OF ALABAMA - GREETINGS:

WE COMMAND YOU, that without delay you execute this Writ, and make due return to this office at Montgomery, Alabama as to how you have executed same, according to law.

TROY KING
ATTORNEY GENERAL
STATE OF ALABAMA

BY: 
Ben Mark Baxley
Assistant Attorney General

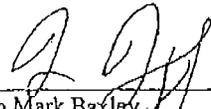
TO: Milliarstine Coleman
3698 County Road 17
Sawyer ville, AL 36776

RE: State of Alabama v. Hale County Voter's Fraud,
Hale County

Pursuant to the provisions of the laws of the State of Alabama, Sections 36-15-13, 12-16-198 and 12-17-184(18), Code of Alabama 1975, and A.R.Cr.P.17.1, you are hereby summoned and commanded to appear at the Hale County Jail, Alabama Hwy 14, Greensboro, AL at 10:00 a.m. on the 20th day of September, 2007, and until discharged by the due course of law.

Done this the 11th day of September, 2007.

TROY KING
ATTORNEY GENERAL
GENERAL OF ALABAMA

BY: 
Ben Mark Baxley
Assistant Attorney General

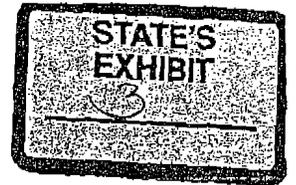
Executed Date & Time SEPTEMBER 12, 2007 - 5:00 P.M.

Received By: MILLIARSTINE COLEMAN

Lawful Officer: 

WITNESS: DEPUTY L.C. HOGGLES

EXHIBIT 6



ATTORNEY GENERAL'S SUBPOENA DUCES TECUM

STATE OF ALABAMA)
MONTGOMERY COUNTY)

TO ANY LAWFUL OFFICER OF SAID STATE OF ALABAMA - GREETINGS:

WE COMMAND YOU, that without delay you execute the Writ, and make due return to this office at Montgomery, Alabama, as to how you have executed same, according to law.

TROY KING
ATTORNEY GENERAL

BY: [Signature]
Ben Mark Baxley
Assistant Attorney General

TO: Milliarstine Coleman
3698 County Road 17
Sawyer ville, AL 36776

Pursuant to the provisions of the Laws of the State of Alabama, Sections 36-15-13; 12-16-198; and 12-17-184(18), Code of Alabama 1975, and A.R.C.P. 17.3, you are hereby summoned and commanded to appear before the Attorney General or his Assistant at the Hale County Jail, Alabama Hwy 14, Greensboro, AL, at 10:00 a.m. on 09-20-2007 and until discharged by the due course of law, and bring with you and produce at such time and place as aforesaid, the following documents, papers, and records, then and there to testify regarding same:

To appear, to produce and to provide hand writing exemplars.

DONE this the 11th day of September, 2007.

TROY KING
ATTORNEY GENERAL

BY: [Signature]
Ben Mark Baxley
Assistant Attorney General

Executed Date and Time: SEPTEMBER 12, 2007 - 5:00 PM

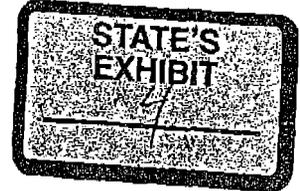
Received By: MILLIARSTINE COLEMAN

Lawful Officer: [Signature] Case No. 70556-001

WITNESS: DEPUTY L.C. HOGGLE

EXHIBIT 7

SEARCH WARRANT
(Order To Provide Handwriting Exemplars)



State of Alabama: In The Circuit Court of Hale County, Alabama

TO ANY LAW ENFORCEMENT OFFICER WITHIN THE STATE OF ALABAMA:

Affidavit in support of application for an Order For Handwriting Exemplars having been made before me, and the Court's finding that grounds for the issuance exist, that there is probable cause to believe that they exist, pursuant to Rule 3.8, Rule 17.1, and Rule 17.3 of the Alabama Rules of Criminal Procedure, you are hereby ordered to obtain from Milliarstine Coleman handwriting exemplars.

Accordingly, Milliarstine Coleman is ORDERED to appear on Thursday, September 20, 2007, at 10:00 A.M. at the Hale County Jail, Alabama Highway 14 West, Greensboro, Alabama and provide handwriting exemplars as directed by Agents with the Alabama Attorney General's Office.

Make return of this order and an inventory of all evidence obtained thereunder before me within 10 days, but in any event not to exceed 10 days, as required by law. Evidence seized under the authority of this warrant may be released to the care, custody, and control of Special Agent George Barrows of the Attorney General's Office or his authorized agent.

- (X) This order may only be executed
(X) in the daytime between the hours of
7:00 A.M., and
7:00 P.M.

() The Court finds probable cause to believe that a nighttime search is necessary, and this warrant may be executed at any time of the day or night.

ISSUED TO: Special Agent George Barrow

AT 11:50 o'clock, A.M., this 12th day of September, 2007.



Judge
Hale County, Alabama

EXHIBIT 8



DISTRICT COURT
STATE OF ALABAMA

APPLICATION AND AFFIDAVIT FOR
ORDER FOR HANDWRITING EXEMPLARS

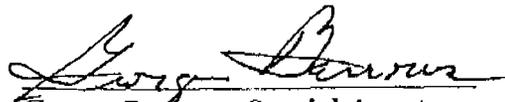
TO: ANY LAWFUL DEPUTY SHERIFF OF HALE COUNTY, ALABAMA OR
LAWFUL OFFICER OF THE STATE OF ALABAMA

Proof by affidavit having this day been made before me as Judge of the District Court of Hale County, Alabama and the Court's findings that grounds for the issuance exist or that there is probable cause to believe that:

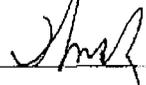
I, George Barrows, am a resident of the State of Alabama and I am over the age of nineteen years of age at the time of the execution of this affidavit. I have been a law enforcement officer for over 36 years. My experience includes over 25 years with the Bureau of Alcohol, Tobacco, and Firearms and 11 years with the Attorney General's Office. During my experience I have been involved in numerous voter fraud investigations including investigations that involved forged documents.

I have been lead investigator assigned to investigate allegations of Voter Fraud in Hale County for over 3 years. During the course of my investigation, I have taken statements from numerous witnesses and received multiple complaints of voting irregularities in Hale County. Primarily, these allegations have involved the absentee voter process and complaints that voters' signatures have been forged on the documents associated with absentee voting, by Milliarstine Coleman, based on the facts presented in the attached statement:

Your affiant submits this affidavit in support of the Court's issuance of this ORDER under the authority of the Alabama Rules Of Criminal Procedure. Affiant shows that based on the above and foregoing facts and information, affiant has probable cause to believe that the said Milliarstine Coleman and evidence associated with the crime of Forgery and/or Criminal Possession Of a Forged Instrument pertaining to the "Affidavit Of Absentee Voter" purported to be signed by Callie Bryant are within the possession of the authority to obtain from the said Milliarstine Coleman handwriting exemplars.


George Barrows, Special Agent
Alabama Attorney General's Office
Montgomery, Alabama

Sworn to Subscribed before
me this the 12th day of
September, 2007.



Judge

STATEMENT OF

GEORGE BARROWS, SPECIAL AGENT
OFFICE OF THE ALABAMA ATTORNEY GENERAL
11 SOUTH UNION STREET
MONTGOMERY, ALABAMA 36130

In conducting a voter investigation in Hale County, Alabama since August 2004, I obtained the following evidence.

On June 21, 2005, I obtained the Absentee Voter affidavits and ballots for the May 3, 2005, State of Alabama Representative election held in Hale County, Alabama from then Sheriff Larry Johnson. One of these affidavits was for ballot number 205, and the affidavit was for Hale County Voter Callie Bryant, whose address was shown as 1214 Mason Bend Road, Sawyerville, Alabama 36776. This affidavit was witnessed by Milliarstine Coleman, whose address was shown as 3698 County Road 17, Sawyerville, Alabama 36776, and also witnessed by Amy White, whose address was shown as 18289 Alabama Highway 14, Sawyerville, Alabama 36776.

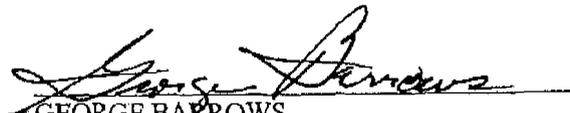
On June 14, 2006, I obtained a recorded a statement from Callie Cornelius Bryant, 1214 Mason Bend Road, Sawyerville, Alabama 36776, and Bryant stated he did not sign the Absentee Voter affidavit which goes with ballot number 205.

On August 2, 2007, I obtained from Leland Avery, Probate Judge, Hale County, Alabama, a copy of a letter written by Ms. Millarstine Coleman, 3698 County Road 17, Sawyerville, Alabama 36776, dated July 2, 2007, to the Hale County Commission, and signed by Millarstine Coleman. It was noted that Milliarstine Coleman was spelled and signed on this letter with the "i" missing after the fourth letter "l" and only contained two "i's" instead of three "i's". This letter was obtained via a subpoena.

On August 30, 2007, I obtained eight original "West Alabama Mental Health Center" attendance sheets containing the signature of Milliarstine Coleman, a board member, from the Director, Kelly Barnes, via a subpoena. Ms. Barnes stated they showed Milliarstine Coleman's home address as 3698 County Road 17, Sawyerville, Alabama 36776.

On August 31, 2007, I provided the original Absentee Voter Affidavit for ballot number 205, which was witnessed by Milliarstine Coleman and Amy White, along with the original Application for Absentee Ballot bearing a filing date of April 4, 2005, with a signature of Callie Bryant, along with the letter I received from Leland Avery on August 2, 2007, written by a Millarstine Coleman along with the eight original attendance sheets I received from Kelly Barnes on August 30, 2007, to Richard Roper, Forensic Document Examiner, to determine if all these documents were signed by the same person, Milliarstine Coleman.

On September 5, 2007, I received a report from Richard Roper that stated the Milliarstine Coleman who witnessed the Affidavit of Absentee Voter ballot number 205, and who listed her address as 3698 County Road 17, Sawyerville, Alabama 36776, is the same Milliarstine Coleman who signed the letter to the Hale County Commission, and the same Milliarstine Coleman who signed the eight attendance sheets of the West Alabama Mental Health Center. A copy of Richard Roper's report is attached hereto.


GEORGE BARROWS
SPECIAL AGENT
OFFICE OF THE ATTORNEY GENERAL
STATE OF ALABAMA

RICHARD A. ROPER, PH.D.

FORENSIC DOCUMENT EXAMINER

7956 VAUGHN ROAD, BOX 141

MONTGOMERY, ALABAMA 36116

TEL. 334-356-7856

FAX. 334-260-7929

(E-mail richroper@aol.com)

September 5, 2007

RE: Case 07MG00830
Callie Bryant, subject
Milliarstine Coleman, suspect

MEMORANDUM: To File

BY: Richard A. Roper, Ph.D., Forensic Document Examiner

SUBJECT: Additional Handwriting Examinations and Comparisons

On August 31, 2007, at the request of Special Agent George Barrows, Alabama Attorney General's Office, the undersigned examined various documents at the Hale County Jail which included the following:

Questioned:

Original absentee ballot affidavit #205, Special Election, May 2005, bearing a voter's signature in the name Callie Bryant, and bearing an Amy White first witness signature and information, and a Milliarstine Coleman second witness signature and information.

Known:

Various document identified to bear known Milliarstine Coleman signatures. Included in the documents were 8 original signatures and one machine copy signature. Also included was an original known signature of Callie Bryant. The documents included the following:

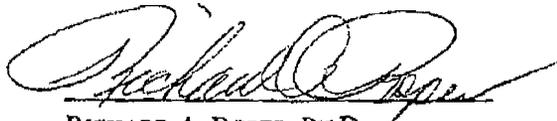
1. The 8 original known Milliarstine Coleman signatures were on 8 original West Alabama Mental Health Center board member sign-in sheets.
2. The machine copied signature was on a July 7, 2007 letter from Milliarstine Coleman to the Hale County Commission.

Page Two
Additional Handwriting Examinations and Comparisons
Milliarstine Coleman, suspect
Case Number 07MG00839
September 5, 2007

3. An original Application for Absentee Ballot bearing a filing date of April 4, 2005 identified to bear a known signature of Callie Bryant.

Examinations and comparisons revealed that the questioned second witness signature was written by the Milliarstine Coleman writer.

Comparisons of the Callie Bryant signature on the Application for Absentee Ballot with the Callie Bryant signature on the ballot affidavit revealed numerous differences of handwriting skill and handwriting features to determine that the two signatures do not share common authorship.



RICHARD A. ROPER, PH.D.

Ms. Millarstine Coleman
3698 Co. Rd. 17
Sawyer ville, Al.36776

July 2, 2007

Hale County Commission
P.O. Box 396
Greensboro, Al. 36744

Dear Commissioners:

West Alabama Mental Health currently serves twenty eight individuals with developmental disabilities that attend a daily life skills program which focuses on the development of skills necessary to sustain an individual in the community. Ten of those 28 are transported daily to Demopolis due to the limited square footage in the Hale County Facility. WAMH is in need of expanding that program but currently are constrained by the lack of physical space at the current location. Given additional room WAMH could serve 40 individuals in Hale County.

The Hale County Public Health Building will soon be vacant and I would like to urge the Hale County Commission to dedicate the Hale County Health Department building to be used by WAMH for consumers of Hale County. WAMH has also spoken with the University of Alabama about starting a Rural Social Work Program much like Auburn's Rural Studio; I understand space has also been the barrier to this concept.

I look forward to seeing WAMH serve more consumers of mental health services in Hale County.

Sincerely,


Ms. Millarstine Coleman

West Alabama Mental Health Center

Attendance

Title: Monthly Board Meeting
 Date: July 31, 2007

Time: 10:00 a.m.
 Place: Robertson Banking Company

BOARD MEMBERS

<u>Name</u>	<u>County</u>	<u>Name</u>	<u>County</u>
1. <u>Cayrie Johnson</u>	<u>Choctaw</u>	8. <u>Johnnie Knott</u>	<u>Greene</u>
2. <u>Leggins D Ford</u>	<u>Choctaw</u>	9. _____	_____
3. <u>Al Garrett</u>	<u>Mojo</u>	10. _____	_____
4. <u>Williamston Coleman</u>	<u>Wheeler</u>	11. _____	_____
5. <u>Marion Winters</u>	_____	12. _____	_____
6. <u>Charley Hall</u>	_____	13. _____	_____
7. <u>Max Prince</u>	_____	14. _____	_____

STAFF MEMBERS

<u>Name</u>	<u>Title</u>	<u>Name</u>	<u>Title</u>
1. <u>David Brown</u>	<u>ED</u>	5. <u>Sandra Baker</u>	<u>HR</u>
2. <u>Harley Atty</u>	_____	6. _____	_____
3. <u>Joyce Jace</u>	<u>Business Mgr</u>	7. _____	_____
4. <u>Patricia P. Moore</u>	<u>AD</u>	8. _____	_____

VISITORS

<u>Name</u>	<u>Name</u>
1. _____	3. _____
2. _____	4. _____

West Alabama Mental Health Center Attendance

Title: Monthly Board Meeting
Date: May 29, 2007

Time: 10:00 a.m.
Place: Robertson Banking Company

BOARD MEMBERS

<u>Name</u>	<u>County</u>	<u>Name</u>	<u>County</u>
1. <i>Al Barrett</i>	<i>ingo</i>	8. <i>Charles Hall</i>	
2. <i>Max Prince</i>	<i>Waus</i>	9. _____	
3. <i>John Warden</i>		10. _____	
4. <i>Emma D Ford</i>		11. _____	
5. <i>Williamina Coleman Hale</i>		12. _____	
6. <i>John M. W. - Greene</i>		13. _____	
7. <i>Gwendolyn G. Johnson Greene</i>		14. _____	

STAFF MEMBERS

<u>Name</u>	<u>Title</u>	<u>Name</u>	<u>Title</u>
1. <i>Spencer Moore</i>		5. _____	
2. <i>Patricia P. Moore</i>		6. _____	
3. <i>Joyce Jack</i>		7. _____	
4. <i>Sandra Barber</i>		8. _____	

VISITORS

<u>Name</u>	<u>Name</u>
1. _____	3. _____
2. _____	4. _____

**West Alabama Mental Health Center
Attendance**

Title: Monthly Board Meeting
Date: April 24, 2007

Time: 10:00 a.m.
Place: Robertson Banking Company

BOARD MEMBERS

<u>Name</u>	<u>County</u>	<u>Name</u>	<u>County</u>
1. <u>Tommy D Ford</u>		8. <u>Jeanie M. M - Beener</u>	
2. <u>Barrie Johnson</u>	<u>Chestnut</u>	9. _____	
3. <u>Greg H. H. H. H.</u>	<u>MARSHALL</u>	10. _____	
4. <u>Al Garrett</u>	<u>MOBILE</u>	11. _____	
5. <u>Charles Hall</u>		12. _____	
6. <u>Melvin Coleman</u>	<u>MOBILE</u>	13. _____	
7. <u>Nash Wilson</u>		14. _____	

STAFF MEMBERS

<u>Name</u>	<u>Title</u>	<u>Name</u>	<u>Title</u>
1. <u>Janet Pearson</u>	<u>EOB</u>	5. <u>Simely Baker</u>	<u>VP Loan</u>
2. <u>Joyce Gae</u>	<u>Business mg.</u>	6. _____	
3. <u>Patricia P. Moore</u>	<u>AD</u>	7. _____	
4. <u>Wally D. Petty</u>		8. _____	

VISITORS

<u>Name</u>	<u>Name</u>
1. _____	3. _____
2. _____	4. _____

West Alabama Mental Health Center Attendance

Title: Monthly Board Meeting
Date: March 27, 2007

Time: 10:00 a.m.
Place: Robertson Banking Company

BOARD MEMBERS

	<u>Name</u>	<u>County</u>
1.	William Coleman	Stall
2.	Al Ferrell	Mgo
3.	Brian Hilditch	Morgan
4.	Emma Ford	
5.	Mark White	
6.	Max Jones	
7.	Dwight Jones	

	<u>Name</u>	<u>County</u>
8.	Carrie Johnson	Choctaw
9.		
10.		
11.		
12.		
13.		
14.		

STAFF MEMBERS

	<u>Name</u>	<u>Title</u>
1.	David Moore	EO
2.	Patricia P. Moore	AD
3.	Joyce Jones	BM
4.	Brendy Baker	HR Coord

	<u>Name</u>	<u>Title</u>
5.		
6.		
7.		
8.		

VISITORS

	<u>Name</u>
1.	
2.	

	<u>Name</u>
3.	
4.	

West Alabama Mental Health Center Attendance

Title: Monthly Board Meeting
Date: February 27, 2007

Time: 10:00 a.m.
Place: Robertson Banking Company

BOARD MEMBERS

<u>Name</u>	<u>County</u>
1. <u>Millie Estel Glenn</u>	<u>Male</u>
2. <u>Emma D Ford</u>	
3. <u>Max Prince</u>	<u>Marshall</u>
4. <u>Vanessa Hatchett</u>	<u>Marshall</u>
5. <u>Charles Hall</u>	
6. <u>Carrie Johnson</u>	<u>Choctaw</u>
7. <u>Al Farrelly</u>	<u>Myo</u>

<u>Name</u>	<u>County</u>
8. <u>Shirley Hill</u>	<u>Greene</u>
9. _____	
10. _____	
11. _____	
12. _____	
13. _____	
14. _____	

STAFF MEMBERS

<u>Name</u>	<u>Title</u>
1. <u>Patricia P. Moore</u>	<u>AD</u>
2. <u>Speedy Moore</u>	<u>ED</u>
3. <u>Sunday Beder</u>	<u>HR</u>
4. <u>HA Lloyd</u>	<u>Atty</u>

<u>Name</u>	<u>Title</u>
5. _____	
6. _____	
7. _____	
8. _____	

VISITORS

<u>Name</u>
1. _____
2. _____

<u>Name</u>
3. _____
4. _____

West Alabama Mental Health Center Attendance

Title: Personnel Meeting
Date: January 30, 2007

Time: 10:00 a.m.
Place: Robertson Banking Company

BOARD MEMBERS

<u>Name</u>	<u>County</u>	<u>Name</u>	<u>County</u>
1. <u>Millieistee Colema</u>	<u>Hale</u>	8. <u>Carrie Johnson</u>	<u>Choctaw</u>
2. <u>Charles Hall</u>		9. _____	
3. <u>Max Jimmie Mawson</u>		10. _____	
4. <u>Al Garrett</u>	<u>Wagon</u>	11. _____	
5. <u>Mandy Criss</u>	<u>Sumter</u>	12. _____	
6. <u>Emma D Ford</u>		13. _____	
7. <u>Mark Wain</u>		14. _____	

STAFF MEMBERS

<u>Name</u>	<u>Title</u>	<u>Name</u>	<u>Title</u>
1. <u>Sandy Barber</u>	<u>HRC</u>	5. _____	
2. <u>LeeAnn Brown</u>	<u>ED</u>	6. _____	
3. <u>W. Boyd, Atty</u>		7. _____	
4. _____		8. _____	

VISITORS

<u>Name</u>	<u>Name</u>
1. _____	3. _____
2. _____	4. _____

West Alabama Mental Health Center Attendance

Title: Personnel Meeting
Date: November 28, 2006

Time: 10:00 a.m.
Place: Robertson Banking Company

BOARD MEMBERS

<u>Name</u>	<u>County</u>
1. <u>Emma J. Ford</u>	<u>Ford</u>
2. <u>Al Garrett</u>	<u>Mgo</u>
3. <u>Mandy Ennis</u>	<u>Sumter</u>
4. <u>Norma W. [unclear]</u>	
5. <u>Gray H. [unclear] + Macarao</u>	
6. <u>Paul [unclear] Morgan Co.</u>	
7. <u>Charles Hall</u>	

<u>Name</u>	<u>County</u>
8. <u>Melvin [unclear] Colman Hall</u>	
9. _____	
10. _____	
11. _____	
12. _____	
13. _____	
14. _____	

STAFF MEMBERS

<u>Name</u>	<u>Title</u>
1. <u>[unclear]</u>	
2. <u>Sandy Baker</u>	
3. <u>Patricia P. Moore</u>	<u>AD</u>
4. <u>[unclear]</u>	

<u>Name</u>	<u>Title</u>
5. _____	
6. _____	
7. _____	
8. _____	

VISITORS

<u>Name</u>
1. _____
2. _____

<u>Name</u>
3. _____
4. _____

West Alabama Mental Health Center

Attendance

Title: Monthly Board Meeting

Time: 10:00 a.m.

Date: October 31, 2006

Place: Robertson Banking Company

BOARD MEMBERS

<u>Name</u>	<u>County</u>	<u>Name</u>	<u>County</u>
1. Charles Hall		8. _____	
2. Milliamina Chenn		9. _____	
3. Ben Wadsworth + Marvigo		10. _____	
4. Al Farrell	Myo	11. _____	
5. _____		12. _____	
6. Greg Sam-Carmon	Exp Director	13. _____	
7. _____		14. _____	

STAFF MEMBERS

<u>Name</u>	<u>Title</u>	<u>Name</u>	<u>Title</u>
1. La Sandra Cristank	C&A Prog Dir	5. Pamela Lech	HJM
2. Judy Walters	clin Dir	6. Rosanne Hesse	ev/Rel Co
3. Anna Ward	LPC	7. Patricia P. Moore	AD
4. Violet W. Abraham		8. Sandy Ho	Bism mgr
Sunday Parker		Debra D. Under	MSCHFT

VISITORS

<u>Name</u>	<u>Name</u>
1. _____	3. _____
2. _____	4. _____

EXHIBIT 9

~~DISTRICT~~ ^{CIRCUIT}
IN THE DISTRICT COURT OF HALE COUNTY, ALABAMA

MILLIARSTINE COLEMAN, *

vs. *

TROY KING, ATTORNEY
GENERAL. *

CASE NO.: ~~DV~~ CV 07-74

MOTION TO QUASH

COMES NOW, Milliarstine Coleman, by and through her attorneys, Kyra L. Sparks and J. Patrick Cheshire, and moves this Court for an Order to QUASH the search warrant issued to Special Agent George Barrows, on September 12, 2007, and as grounds states the following:

1. That the search warrant seeks to obtain a handwriting exemplar from Milliarstine Coleman.
2. That under Rule 16.2, Alabama Rules of Criminal Procedure, personal physical evidence of this nature may be obtained by the state and solely in connection with a particular offense with which the defendant is charged.
3. That Milliarstine Coleman has not been charged with any offense.

WHEREFORE, these premises considered the search warrant is due to be quashed.

Respectfully Submitted,

MOTION GRANTED

[Signature]
Circuit Judge

Date

9/10/07
CASE SET FOR A HEARING
ON 10/10/07 by Judge

[Signature]
Kyra L Sparks (SPA010)
Attorney for Milliarstine Coleman
P. O. Box 868
Selma, AL 36702-0868
(334) 872-5896

Of Counsel:
J. Patrick Cheshire
Attorney for Milliarstine Coleman
800 Church Street
Selma, AL 36701

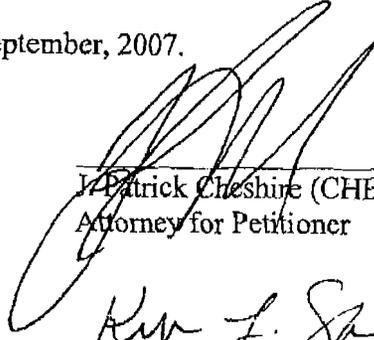
FILED

SEP 18 2007

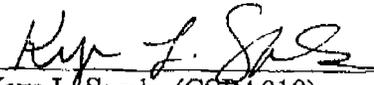
CATRINNA LONG PERRY, CLERK
HALE COUNTY, ALABAMA

CERTIFICATE OF SERVICE

I do hereby certify that I have served a copy of the foregoing Motion on counsel for the State of Alabama this the 19th day of September, 2007.



J. Patrick Cheshire (CHE014)
Attorney for Petitioner



Kyra L. Sparks (CSPA010)
Attorney for Petitioner

OF COUNSEL:

J. Patrick Cheshire(CHE014)
Attorney at Law
P.O. Box 2365
Selma, Alabama 36702-2365
(334) 872-6440

Kyra L. Sparks (SPA010)
Attorney At Law
P.O. Box 868
Selma, Alabama 36702-0868
(334) 872-5896

EXHIBIT 10

IN THE CIRCUIT COURT OF HALE COUNTY, ALABAMA

MILLIARSTINE COLEMAN, *

Petitioner, *

Vs. *

CASE NO.: CV-2007-000074

TROY KING, *
ATTORNEY GENERAL *
Respondent *

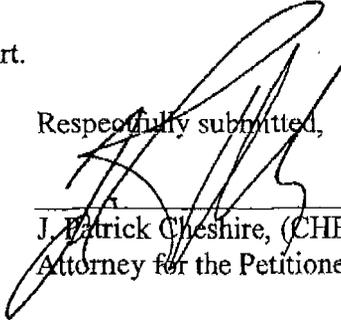
PETITIONER'S FIRST AMENDMENT TO "MOTION TO QUASH"

Comes now Milliarstine Coleman, by and through her attorneys of record, Kyra L. Sparks and J. Patrick Cheshire, and would amend the Motion to Quash hereinbefore filed as follows:

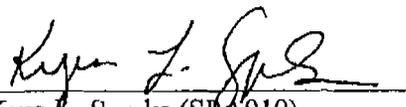
1. That Petitioner adopts the averments contained in the Motion to Quash hereinbefore filed;
2. That Petitioner moves to quash the Attorney General's Subpoena Duces Tecum requiring her to "appear and provide hand writing exemplars" on September 20, 2007, at 10:00 AM at the Hale County Jail;

NOW WHEREFORE the premises considered, the Petitioner prays this Honorable Court to Quash the Subpoena Duces Tecum issued by the Attorney General pending a hearing before this court.

Respectfully submitted,



J. Patrick Cheshire, (CHE014)
Attorney for the Petitioner



Kyra L. Sparks (SPA010)
Attorney for the Petitioner

EXHIBIT 11

IN THE CIRCUIT COURT OF HALE COUNTY, ALABAMA

MILLIARSTINE COLEMAN, *
Petitioner, *

vs. *

CASE NO.: CV-2007-000074

TROY KING, *
ATTORNEY GENERAL *

ORDER

This matter having come before the Court on Petitioner's Motion to Quash and Petitioner's First Amendment to Motion to Quash, and the Court finding that the said pleadings are well taken it is hereby ORDERED, ADJUDGED AND DECREED, that the Search Warrant issued by the District Court of Hale County and the Attorney General's Subpoena Duces Tecum are quashed pending further hearing of this Court on October 10, 2007.

Done and Ordered this the 19th day of September, 2007.



Judge of the Circuit Court
of Hale County, Alabama

EXHIBIT 12

IN THE CIRCUIT COURT OF HALE COUNTY, ALABAMA

MILLIARSTINE COLEMAN,)	
Petitioner,)	
)	
v.)	CV 2007-074
)	
TROY KING,)	
ATTORNEY GENERAL)	
Respondent,)	

MOTION TO RECUSE

Comes now the State of Alabama, by and through its Attorney General, Troy King, and respectfully moves this Honorable Court to disqualify itself from hearing this case. The grounds for this motion are the following:

1. The matter before the Court involves a request by the Petitioner to Quash a search warrant and subpoenas issued for handwriting exemplars in a comprehensive voter fraud investigation in Hale County.
2. That the ruling on the merits in this case will have precedential significance in all of the prosecutions and investigations spawning from the investigation.
3. As set forth in the attached affidavit of Investigator George Barrows, numerous suspects in the investigation have close connections to this Honorable Court.
 - a. Suspect Gay Nell Tinker, former Hale County Circuit Clerk, is the sister to the judge in presiding in this case. Further, the instant investigation of voter fraud focuses on various improprieties of the Hale County absentee voter process administered by former Circuit Clerk Gay Nell Tinker. By law, the Circuit Clerk serves as the Absentee Election Manager. Alabama Code 17-11-2. Accordingly, Gay Nell Tinker will likely be a material witness in any prosecution arising from the investigation.

FILED

OCT 15 2007

CATRINNA LONG PERRY, CLERK
HALE COUNTY, ALABAMA

- b. Suspect Carrie Reaves is the cousin of the judge presiding in this case.
- c. Suspect Bobby Singleton is the spouse/former spouse of Gay Nell Tinker.

Further, it is believed that Bobby Singleton is the former bailiff of this Court.

4. The Alabama Canons of Judicial Ethics provide as follows:

C. Disqualification.

(1) A judge should disqualify himself in a proceeding in which his disqualification is required by law or his **impartiality might reasonably be questioned**, including but not limited to instances where: (emphasis added)

(a) He has a personal bias or prejudice concerning a party, or personal knowledge of disputed evidentiary facts concerning the proceeding; or

(d) He or his spouse, or a person within the fourth degree of relationship to either of them, or the spouse of such a person:

(ii) Is known by the judge to have an interest that could be substantially affected by the outcome of the proceeding;

(iii) Is to the Judge's knowledge likely to be a material witness in the proceeding.

5. The question is not whether the judge was impartial in fact, but whether another person, knowing all of the circumstances, might reasonably question the judge's impartiality-whether there is an appearance of impropriety. State v. Murphy, WL 1377912 (Ala. Crim. App. 2007). The State is not required to prove that [a] judge . . . is in fact biased; instead it must show that there is an "appearance of impropriety"

. . . . Id. [T]o recuse where there is an appearance of impropriety, is a duty owed to the public in order to promote confidence in the impartiality of the judiciary. Id. The standard for recusal is an objective one: whether a reasonable person knowing everything that the judge knows would have a 'reasonable basis for questioning the judge's impartiality. The focus of our inquiry, therefore, is not whether a particular judge is or is not biased toward the petitioner; the focus is instead on whether a reasonable person would perceive potential bias or a lack of impartiality on the part of the judge in question. Id. An independent and honorable judiciary is indispensable to justice in our society,' and this requires avoiding all appearance of impropriety, **even to the point of resolving all reasonable doubt in favor of recusal.** Ex parte Atchley, 951 So. 2d 764 (Ala. Crim. App. 2006). (emphasis added).

6. In the instant case, the trial court has taken the extraordinary step of entertaining an ex parte motion, granting said motion, and quashing the order (search warrant) of another duly authorized judge. Such an extraordinary ruling certainly casts a long shadow over the impartiality of the proceedings in question.

WHEREFORE, the STATE OF ALABAMA respectfully requests this Honorable Court to recuse itself from further participation in this litigation.

Respectfully submitted,



Ben Mark Baxley (BAX 008)
Assistant Attorney General
White Collar/Public Corruption Division
11 South Union Street
Montgomery, Alabama 36130
(334) 242-7300

CERTIFICATE OF SERVICE

The State of Alabama hereby certifies that it has served a true and correct copy of the foregoing document or pleading on opposing counsel on this the 3rd day of October, 2007.



Ben Mark Baxley (BAX 008)
Assistant Attorney General

AFFIDAVIT
OF

George A. Barrows
Special Agent
Office of the Alabama Attorney General
Montgomery, Alabama 36130

My name is George A. Barrows and I am presently employed as a Special Agent with the Office of the Attorney General, State of Alabama, Montgomery, Alabama and have been so employed for the past 11 ½ years. In September 2004, I was assigned to investigate voter fraud in Greensboro and Hale County, Alabama. In this voter fraud investigation, I have developed at least 16 suspects who may have committed crimes relative to voter fraud and forgery. The illegalities involve absentee voting. Milliarstine Coleman is one of these sixteen suspects.

Out of the sixteen suspects under investigation, each alleged violation involves illegal absentee votes cast for one of four candidates running in various 2004 and 2005 elections. My investigation has revealed all of the illegal votes were cast for these four candidates and none were cast for their opponents. This correlation, and the fact that one or more of the suspects are related by blood or marriage to one or more of the four candidates who benefited from the illegal voting is evidence that all of the absentee voting was part of a common plan, scheme, or conspiracy by all of the 16 suspects to engage in, solicit, or encourage illegal absentee voting.

Additionally, my investigation has revealed that at least three of the suspects are related by blood or marriage to Circuit Judge Marvin Wiggins. Those suspects are Gay Nell Wiggins Tinker, Bobby Singleton, and Carrie Reaves.

Specifically, Gay Nell Wiggins Tinker, who was Circuit Clerk at the time of alleged illegalities, is the sister of Judge Marvin Wiggins.

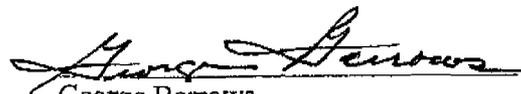
During my investigation, I have taken statements from two separate witnesses who state that their names were forged on at least one Affidavit Of Absentee Voter. The voter signatures on each of those documents is notarized by Gay Nell Tinker. Another witness states the witness signed two family member's names to two separate Affidavits Of Absentee Voter for two separate elections in the presence of Gay Nell Tinker. Gay Nell Tinker then notarized the Affidavits Of Absentee Voter.

Another suspect, Bobby Singleton is, or was, the brother-in-law of Judge Marvin Wiggins.

In the course of my investigation, I have taken a statement from a witness who says that his name was forged on an Affidavit Of Absentee Voter. The purported signature of Bobby Singleton appears on the Affidavit Of Absentee Voter as a witness verifying the signature of the voter.

A third suspect is Carrie Reaves who is the first cousin of Judge Marvin Wiggins. Carrie Reaves is the daughter of Oscar Wilson. Oscar Wilson is the brother of Anna Wilson Wiggins who is Judge Marvin Wiggins' mother.

During my investigation, I have taken a statement from a witness who states that her name was forged on an Affidavit Of Absentee Voter. The purported signature of Carrie Reaves appears on the Affidavit Of Absentee Voter as a witness verifying the signature of the voter.



George Barrows
Special Agent
Office Of The Attorney General
State Of Alabama

Sworn to and subscribed before me on this the 3rd day of October, 2007.


Notary Public

9-28-2008
Commission Expires:

EXHIBIT 13

IN THE CIRCUIT COURT OF HALE COUNTY, ALABAMA

MILLIARSTINE COLEMAN,

v.

TROY KING,
ATTORNEY GENERAL

}
}
}
}
}
}

CASE NO. CV 07-074

**MOTION TO VACATE ORDER QUASHING
SEARCH WARRANT, SUBPOENA, AND SUBPOENA DUCES TECUM**

Comes now the State of Alabama and moves the Court to vacate the Court's Order Quashing the search warrant, subpoena, and subpoena duces tecum issued in the investigation of voter fraud Hale County, Alabama. In support thereof the state avers as follows:

STATEMENT OF THE CASE AND FACTS

On September 12, 2007, Agent George Barrows, a sworn law enforcement officer, and investigator with the Alabama Attorney General's Office filed an application for a search warrant with a supporting affidavit with Hale County District Judge William Ryan. The search warrant was sought as part of a criminal investigation into allegations of rampant voter fraud in Hale County.¹ After review of the affidavit, Judge Ryan issued the search warrant directing Milliarstine Coleman to appear at 10:30 a.m. on September 20, 2007 for the purpose of providing handwriting exemplars. Contemporaneously therewith, the State of Alabama issued an Attorney General's Subpoena and an Attorney General's Subpoena Duces Tecum also seeking handwriting exemplars. Both the

¹ There are numerous suspects and persons of interest who are the focus of the Hale County voter fraud investigation including relatives of the trial court judge who quashed the search warrant, specifically, a cousin, Carrie Reaves, a sister, former Circuit Clerk Gay Nell Tinker, former Bailiff and brother in law, Bobby Singleton. The State has filed a motion for recusal requesting the Honorable Marvin Wiggins recuse himself from this case.

FILED
SEP 20 2007
CATRINA LONG PERRY, CLERK
HALE COUNTY, ALABAMA

subpoenas and a notice of the search warrant were served on Milliarstine Coleman on September 12, 2007.

While the prosecutor received no notice of any filings or orders until approximately 10:00 a.m on September 20, 2007, it has discerned that the following transpired in the Hale County Circuit Court.

On September 18, 2007, Milliarstine Coleman, through counsel, filed in the Circuit Court of Hale County, Alabama a pleading entitled "Motion To Quash" and styled Milliarstine Coleman vs. Troy King, Attorney General. The pleading sought to quash the search warrant. The matter was assigned Case Number CV 07-74. On the same date, Circuit Judge Marvin Wiggins, granted the motion and set a hearing for October 10, 2007.

Thereafter, Milliarstine Coleman, through counsel filed "Petitioner's First Amendment To 'Motion To Quash.'" Said pleading sought to quash the Attorney General's Subpoena and Attorney General's Subpoena Duces Tecum. On September 19, 2007, Circuit Judge Marvin Wiggins, entered an "Order" stating in part "the Search Warrant issued by the District Court of Hale County and the Attorney General's Subpoena Duces Tecum are quashed pending further hearing of the Court on October 10, 2007."

At no time prior to the Court's order was the State given the opportunity to be heard.

**REASONS WHY THE COURT SHOULD VACATE THE ORDER
QUASHING THE SEARCH WARRANT**

- A. The search warrant is presumed valid and the trial court erred in quashing the search warrant.

Search warrants are presumed valid and the party challenging a search warrant has the burden of proof. Vinson v. State, 843 So. 2d 229 (Ala. 2001); Smith v. State 588 So. 2d 561 (Crim. App. 1991).

In this case, the trial court, without the benefit of argument from the state, granted the Motion To Quash. The pleadings filed in the trial court do not reference as attachments the search warrant, affidavit, or any other exhibits or testimony upon which the Court could have possibly made its ruling. Instead, the trial court, via an ex parte civil filing summarily quashed the search warrant. Accordingly, the order quashing the search warrant is due to be vacated.

B. The Circuit Court lacked jurisdiction in a civil action to quash a search warrant issued in a criminal investigation.

Criminal actions are governed by the Alabama Rules of Criminal Procedure. Rule 1.1 A.R.Cr.P. A question regarding the unlawful seizure of evidence should be raised in pursuant to Rule 15.6(a) A.R.Cr.P.

If the Court in a civil action may even entertain a request such as that made by Milliarstine Coleman, then the Rules of Civil Procedure have not been sufficiently complied with to invoke the jurisdiction of the Circuit Court. There has been no complaint filed as required by Rule 3 A.R.C.P. Neither has there been a summons issued as required by Rule 4 A.R.C.P. The Attorney General has not been served as required by Rule 4 (c) A.R.C.P.

While the trial court has issued an order “quashing” the search warrant, there is no authority for such action provided in the Rules of Civil Procedure. However, the order effectively operates as a Temporary Restraining Order described in Rule 65 A.R.C.P.

Again, Milliarstine Coleman, her attorneys, and the trial court utterly failed to comply with the notice requirements set forth in said rule. Further, Temporary Restraining Orders issued pursuant to Rule 65(b) may only be issued upon a *verified* complaint asserting irreparable injury, loss, or damage and written certification by the moving attorney of her efforts to provide notice to opposing counsel. The pleadings in this case are unverified and contain none of the required averments to justify the issuance of an ex parte Temporary Restraining Order.

C. The search warrant is valid.

As noted previously, a search warrant is presumed valid. Further the search warrant in this cause is valid. In addressing a similar issue, the Alabama Supreme Court in affirming the Alabama Court of Criminal Appeals ruled that a search warrant for a prearrest examination of the defendant's body was authorized. Jones v. State, 719 So. 2d 249 (Ala. Crim. App. 1997) affirmed by Ex parte Jones, 719 So. 2d 256 (Ala. 1998). In that case the defense argued that Rule 16.2 precluded the issuance of a search warrant for prearrest photographs of the Defendant's genitalia. In rejecting that argument, the Alabama Supreme Court opined as follows:

Although the better practice would be for Alabama law enforcement officers to follow Rule 16.2 . . . we are persuaded . . . that the term personal property should be interpreted to include to encompass pre-arrest searches for and seizures of intangible items such as dial impulses, video images, and still photographic images.

Ex parte Jones at p.3.

The United States Supreme Court and the Eleventh Circuit Court of Appeals have each held that "a mere handwriting exemplar . . . like the body itself, is an identifying

physical characteristic Gilbert v. California, 87 S. Ct. 1951 (1967) and In re: Grand Jury Subpoena To John Doe, 176 Fed. Appx. 72 (C.A. 11, 2006).

While Alabama Appellate Courts have not been called upon to specifically address the propriety of search warrants for handwriting exemplars, other states have dealt with this issue finding that search warrants for handwriting exemplars are authorized. State v. Spriggs, 770 N.E. 638 (Ohio 2000) (Search warrant to obtain blood, hair, and handwriting samples from defendant even though a felony case was then pending before the court of commons pleas held proper.) Gray v. State, 758 N.E. 2d 519 (Indiana 2001) (Probable cause supported search warrant for additional samples of Defendant's handwriting.) Application of Abitabile, 143 Misc. 2d 113 (New York 1989) Court may issue search warrant to compel mere suspect, not yet charged with crime, to supply handwriting exemplars. Sanchez v. Attorney General, 93 N.M. 210 (New Mexico Appeals 1979) (Handwriting exemplars could be compelled from defendant who had not been arrested or charged with a crime but who was a subject of criminal investigation.) State v. Mitchell, 602 P.2d 1383 (Kansas 1979) (Search warrant for handwriting exemplars upheld even though not authorized by Code of Criminal Procedure where probable cause existed for arrest warrant but prosecutor wanted to be positive defendant had committed crimes before arresting Defendant.)

**REASONS WHY THE COURT SHOULD VACATE THE ORDER
QUASHING THE SUBPOENAS**

A. The subpoenas are valid and the trial court erred in quashing the subpoenas.

Prearrest subpoenas for handwriting exemplars are constitutional and permissible. In Re Grand Jury Subpoena To John Doe, 176 Fed. Appx. 72, 2006 WL 988371 (C.A.

11, 2006). Handwriting, like the voice or body itself, is an identifying physical characteristic. . . . Gilbert v. California, 87 S. Ct. 1951 (1967).

B. The Circuit Court lacked jurisdiction in a civil action to quash subpoenas issued in a criminal investigation.

Criminal actions are governed by the Alabama Rules of Criminal Procedure. Rule 1.1 A.R.Cr.P. A question regarding the unlawful seizure of evidence should be raised in pursuant to Rule 15.6(a) A.R.Cr.P.

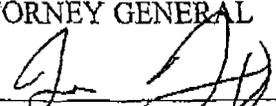
If the Court in a civil action may even entertain a request such as that made by Milliarstine Coleman, then the Rules of Civil Procedure have not been sufficiently complied with to invoke the jurisdiction of the Circuit Court. There has been no complaint filed as required by Rule 3 A.R.C.P. Neither has there been a summons issued as required by Rule 4 A.R.C.P. The Attorney General has not been served as required by Rule 4 (c) A.R.C.P.

While the trial court has issued an order "quashing" the subpoenas, there is no authority for such action provided in the Rules of Civil Procedure. However, the order effectively operates as a Temporary Restraining Order described in Rule 65 A.R.C.P. Again, Milliarstine Coleman, her attorneys, and the trial court utterly failed to comply with the notice requirements set forth in said rule. Further, Temporary Restraining Orders issued pursuant to Rule 65(b) may only be issued upon a *verified* complaint asserting irreparable injury, loss, or damage and written certification by the moving attorney of her efforts to provide notice to opposing counsel. The pleadings in this case are unverified and contain none of the required averments to justify the issuance of an ex parte Temporary Restraining Order.

WHEREFORE, the State requests the Court to enter an order vacating its previous ex parte orders quashing the search warrant and subpoenas issued ordering Milliarstine Coleman to appear and provide handwriting exemplars. Further, the State moves the Court to modify the subpocnas and search warrant to direct that Milliearstine Coleman appear on a date and time certain at the Hale County Jail for the purpose of providing said handwriting exemplars.

Respectfully submitted on this the 31 day of October, 2007.

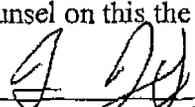
TROY KING
ATTORNEY GENERAL



Ben Mark Baxley (BAX 008)
Assistant Attorney General

CERTIFICATE OF SERVICE

The State of Alabama hereby certifies that it has served a true and correct copy of the foregoing document or pleading on opposing counsel on this the 31 day of Oct, 2007.



Ben Mark Baxley (BAX 008)
Assistant Attorney General
OFFICE OF ATTORNEY GENERAL
11 South Union Street
Montgomery, Alabama 36130
(334) 242-7300

EXHIBIT 14

IN THE CIRCUIT COURT OF HALE COUNTY, ALABAMA

MILLIARSTINE COLEMAN)

Vs.)

TROY KING,
ATTORNEY GENERAL)

Case No. CV 2007-074

MOTION TO DISMISS

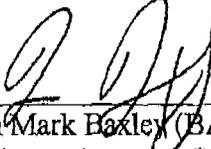
Comes now the State of Alabama and moves to dismiss this action on the grounds stated below:

1. Lack of subject matter jurisdiction
2. Lack of personal jurisdiction
3. Improper venue
4. Insufficiency of process
5. Insufficiency of service of process
6. Failure to state a claim
7. Failure to join a necessary party

Respectfully submitted on this the 10th day of October, 2007.

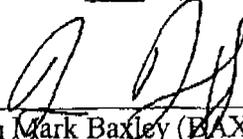
TROY KING
ATTORNEY GENERAL

By:


Ben Mark Baxley (BAX 008)
Assistant Attorney General
11 South Union Street
Montgomery, Alabama 36130
(334) 242-7300

CERTIFICATE OF SERVICE

The undersigned hereby certifies that he has served a copy of the foregoing document upon opposing counsel on this the 10th day of October, 2007.


Ben Mark Baxley (BAX 008)
Assistant Attorney General

FILED

OCT 10 2007

CATRINNA LONG PERRY, CLERK
HALE COUNTY, ALABAMA

EXHIBIT 15

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IN THE CIRCUIT COURT OF HALE COUNTY, ALABAMA
MILLIARSTINE COLEMAN,
Petitioner,
V. CV2007-74
TROY KING, ATTORNEY GENERAL,
Respondent.

_____ /

TRANSCRIPT OF PROCEEDINGS

BEFORE:

Honorable Marvin W. Wiggins, Circuit Judge
Hale County Courthouse, 1001 Main Street
Greensboro, Alabama 36744

DATE: October 10, 2007

APPEARANCES:

For the Plaintiff:

J. Patrick Cheshire, Esq.
Kyra L. Sparks, Esq.
Attorneys at Law
Selma, Alabama

For the Defendant:

Ben Mark Baxley, Esq.
Assistant Attorney General
Montgomery, Alabama

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I N D E X O F E X H I B I T S

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Mia Jacobs-Turner, CCR
Official Court Reporter
Fourth Judicial Circuit

P R O C E E D I N G S

(October 10, 2007.)

(Whereupon, the following proceedings
were had at 10:18 a.m.):

(State's or Respondent's Exhibit Number 1
was marked for identification.)

THE COURT: We're going to go on the
record in CV07-74, *Milliarstine Coleman versus Troy
King*.

We are here on -- I think you filed a motion
for recusal and a motion to dismiss?

MR. BAXLEY: Motion to dismiss and a
motion to vacate the order that the Court had
previously entered.

THE COURT: Okay. All parties are present
and represented by their counsel of record. You may
proceed.

MR. BAXLEY: Judge, I think I need maybe a
moment to kind of describe for the Court where we
are. The State of Alabama, through its attorney
general's office, has been involved in a comprehensive
voter fraud investigation in Hale County, dealing with
elections that occurred in 2004 and 2005. During that
time, the circuit clerk, Ms. Gay Nell Tinker, who I
believe is the Court's sister, was the circuit clerk.

1 And by law, she serves and at that time did serve, at
2 that time, as the absentee election manager.

3 The investigation thus far has involved taking
4 statements from hundreds of witnesses, reviewing
5 hundreds of absentee ballots and affidavits. And the
6 motion to recuse that the State has filed attaches and
7 incorporates by reference an affidavit of Investigator
8 George Barrows that outlines some of those findings,
9 or at least some of the allegations.

10 Particularly of interest, with respect to
11 Ms. Tinker, there's an allegation that she improperly
12 notarized an Affidavit of Absentee Voter. It involves
13 an allegation directed towards Mr. Bobby Singleton who
14 is, I believe at some point in the past, may still be
15 for all I know, the husband of Gay Nell Tinker. And
16 I'm also under the impression that he may have served
17 as the Court's bailiff for some period of time.

18 Additionally, there has been another allegation
19 that has arisen involving the improper witnessing of
20 an absentee voter affidavit by Ms. Carrie Reaves, who
21 I believe is the Court's first cousin.

22 Now, the reason we're here is that in the
23 process of investigation, there are other individuals,
24 not just those three, that allegations have been made
25 against. And so, the State of Alabama, through its

1 attorney general, has been investigating those
2 matters.

3 As part of the investigation -- and let me say
4 that in a traditional investigation, this has been
5 much more thorough than a traditional forgery or
6 possession of a forged instrument investigation. I've
7 been a prosecutor for 20 years, and most of my time
8 has been spent in DA's offices. And, generally, when
9 somebody comes in and shows a document and says it's
10 forged, we send them to the clerk's office and they
11 get a warrant, and we deal with the grand jury, and
12 the case proceeds as it does.

13 But in this case, and out of an abundance of
14 caution because some of the suspects and some of the
15 people against who these allegations are against, are
16 people of prominence, and we wanted to make sure that
17 we were not rushing to judgment, make sure that we are
18 collecting evidence in a methodical and comprehensive
19 manner. And so, as part of that investigation, we
20 undertook really the extraordinary step, in my
21 opinion, of procuring handwriting samples from those
22 individuals who are alleged to have signed improperly
23 these documents.

24 The first step of obtaining verification that
25 the document was signed by the particular suspect is

1 that we may go and subpoena someone's employment
2 records where they've endorsed the back of paychecks,
3 or endorsed time sheets, any myriad of various other
4 documents that they may have signed.

5 When we discovered or when our handwriting
6 expert made a comparison and found that there were
7 similarities or that they were consistent or even --
8 to positively identify the handwriting of that
9 individual, then we proceeded to obtain a search
10 warrant against those particular individuals asking
11 them to come in and give a sure enough handwriting
12 exemplar. In other words, basically, to readily
13 identify by the handwriting expert as being signed by
14 that particular suspect.

15 Also as part of that, we issued attorney general
16 subpoenas and subpoena duces tecums to those
17 individuals, directing them to come in at a specific
18 time to give those handwriting exemplars as well.

19 Now, the Court has, I'm sure, heard numerous
20 arguments and dealt with search warrants routinely,
21 probably every day. Ordinarily, when a search warrant
22 is issued, someone is just -- usually, the door is
23 kicked in or they're apprehended and have to give a
24 blood sample or whatever.

25 But, again, out of an attempt to be cognizant

1 and recognize the scheduling for the particular
2 individual and make sure that everybody was going to
3 be at the place where they were supposed to be at the
4 right time, we execute these search warrants in the
5 following fashion: We serve the search warrants at a
6 specific time, and that search warrant directed the
7 individual to appear. Usually, the service would
8 occur anywhere from seven to ten days out from the
9 time that they were directed to appear. This was
10 nothing other than as a matter of convenience to the
11 suspect, in an effort to make it more accommodating
12 for them to have an available time to schedule
13 their -- to clear their calendar or what have you.

14 Same way with the subpoenas. The subpoenas
15 directed them to appear some time down the road. And
16 that's the procedure that we have followed.

17 Now, the instant search warrant, with respect to
18 Ms. Coleman, was issued, as I have mentioned, and the
19 subpoenas were issued as well. And counsel for
20 Ms. Coleman have filed, apparently, and I didn't get
21 a -- my first notice of this, I believe, occurred -- I
22 think I put it in my response -- but on the morning
23 that the suspect was supposed to appear and provide a
24 handwriting exemplar. Apparently, there was some
25 filing with the Court. I don't know if it went to the

1 clerk's office first or they just walked it up to the
2 Court in chambers. I don't know.

3 My first notice of the order that had been
4 entered was when it came across the fax machine at the
5 attorney general's office. I think it actually came
6 through on the 19th, and it was not delivered to me in
7 my office until the morning of the 20th. My dates, I
8 may be mistaken about that.

9 As I read their motion, they challenge the
10 procedure in obtaining the search warrants and the
11 subpoenas on the basis of Rule 16.2. 16.2 is a
12 discovery rule that is triggered by an arrest. In
13 other words, a pending criminal charge. And their
14 contention, if I understand, and I'm sure they will
15 respond to this momentarily, but their contention, as
16 I understand it is, that is the exclusive way in which
17 handwriting exemplars may be obtained.

18 Now, I have filed a response, and I have cited
19 the Court to numerous cases that hold otherwise. In
20 fact, the actual rule that they cite in proposition
21 for their position, Rule 16.2 of Alabama Rules of
22 Criminal Procedure, talks about different items that
23 can be received and obtained from the defendant.
24 16.2(b) is the rule they're proceeding under, or that
25 they allege that precludes us from proceeding in this

1 manner.

2 And that rule says, and I'm quoting, "This
3 section shall supplement and not limit any other
4 procedures established by law." That to me is pretty
5 clear on its face that this is only one way in which
6 this type of evidence can be obtained from a criminal
7 suspect.

8 This rule and these procedures do not trigger
9 and do not come into play until after a defendant has
10 been arrested. Again, we haven't gone out and
11 arrested anyone because we want to make sure that we
12 know what we're doing. We want to know all the facts
13 that we can have and prove before we go out and
14 falsely accuse someone. You know, I think it is quite
15 frankly different than the norm in some cases that
16 I've witnessed in my life, and I think that that is an
17 admirable motive here.

18 In fact, it was that very same motive that one
19 of the cases I cited -- this was an out-of-state
20 case -- this was *State versus Mitchell* out of Kansas
21 in 1979. And that Court held that a search warrant
22 for handwriting exemplars was upheld even though not
23 authorized by Code of Criminal Procedure where
24 probable cause existed for arrest warrant but the
25 prosecutor wanted to be positive defendant had

1 committed the crime before arresting the defendant.
2 That case went on to hold that the affidavit that was
3 relied upon in issuance of the search warrant, clearly
4 demonstrated probable cause to issue a search warrant
5 and would have sufficed for probable cause for an
6 arrest warrant to be issued. And, therefore, that
7 Court held that there was no prejudice to the
8 defendant. And, therefore, they upheld the obtaining
9 of the handwriting exemplars.

10 I don't want to read my filings to the Court.
11 I'm not sure if the Court has had an opportunity to
12 review those, but I basically outlined the factual
13 status of this case. I cite a number of Alabama
14 cases, one of which is *Jones versus State*, maybe *Ex*
15 *parte Jones*, actually. And in that case, the Court
16 held, in the face of almost exactly the same argument,
17 that a search warrant could be used to obtain a
18 photograph of the defendant's genitalia for use in a
19 sexual abuse prosecution, even though that procedure
20 was outlined under 16.2. And to me, that's exactly
21 where we are. They addressed that issue and ruled in
22 the State's favor.

23 The subpoenas that were issued -- they haven't
24 specifically alleged this, but I've heard it mentioned
25 in preparation for this hearing and then in dealing

1 with other cases in this investigation, that there may
2 be a Fifth Amendment privilege against being compelled
3 to provide handwriting exemplars. And that's clearly
4 not the law. It's not been the law in the United
5 States since 1967.

6 And as recently as 2006, when we enter a grand
7 jury subpoena -- *John Doe*, that's 176 Fed. Appx. 72,
8 the alleged circuit held that handwriting is just like
9 any other physical characteristic. It's not subject
10 to Fifth Amendment protection.

11 Again, I have kind of gone into the merits, but
12 before I want the Court to address that, I think the
13 Court has been put in a difficult situation. And I'm
14 not sure if the Court knew the extent of the
15 investigation, knew all the players involved in the
16 investigation at the time that the Court issued the
17 order quashing the subpoenas and a search warrant.
18 And that was my purpose in acquainting the Court with
19 those underlying factors in the motion to recuse.

20 In addition to arguments that I have outlined
21 there, Investigator George Barrows with the attorney
22 general's office, as a part of his investigation, was
23 arrested. Those charges stem from a complaint filed
24 by Carrie Reaves, who is the Court's first cousin.
25 There was a warrant issued by Gay Nell Tinker, who is

1 the Court's sister, and wound up being tried in the
2 District Court of Hale County. And, actually, the
3 charges were dismissed with costs remitted.

4 I have a certified copy of that record, and it's
5 marked as State's Exhibit Number 1, and offer that at
6 this time.

7 MR. CHESHIRE: No objection.

8 THE COURT: It's admitted.

9 (State's or Respondent's Exhibit Number 1
10 was admitted into evidence.)

11 MR. BAXLEY: Again, procedurally, we're a
12 bit twixed and tweened. This is a matter involving a
13 criminal investigation. And somehow or another, it
14 got assigned a civil number. I don't know how that
15 happened. But it would seem to me, it should have
16 somehow fallen under an extraordinary writ in a
17 criminal case. But be that as it may, it was assigned
18 a civil number. And so, with respect to at least the
19 degree to which the civil rules govern us, there's
20 been no complaint filed, there's been no summons
21 filed, the attorney general has not been appropriately
22 served with these motions, did not have an opportunity
23 to answer. I think I point this out in my motion, in
24 my response, that it effectively operates as a
25 temporary restraining order when the Court quashed the

1 subpoena and search warrant. It effectively ceased
2 and impeded this investigation. And we have now been
3 at a standstill since the day that the Court entered
4 this order.

5 Under the Rules of Civil Procedure, there are
6 certain requirements that have to be met before a
7 Court may enter a temporary restraining order. The
8 complaint has to be verified. It has to allege
9 certain things. And, clearly, none of these motions
10 do that. And as I filed a motion to dismiss this
11 morning, I think the Court lacks subject matter
12 jurisdiction to deal with these issues, and the case
13 is due to be dismissed because there has not been a
14 sufficient implication in this jurisdiction.

15 THE COURT: Yes, ma'am.

16 MS. SPARKS: You want to go first? Go
17 ahead.

18 MR. CHESHIRE: Judge, first of all, I'd
19 like to state to the Court that through Mr. Batney
20 (sic) -- Blatney (sic) -- Baxley, excuse me -- I'm
21 going to get your name straight -- a long list of
22 names of how people were related to you, I notice
23 there's one name that was importantly absent from all
24 of that. That's Ms. Coleman. We're here on
25 Ms. Coleman. We're not here on whoever else may be

1 related to this Court.

2 The affidavit of Mr. Barrows, where he details
3 all this wrongdoing, has one statement about
4 Ms. Coleman in there. She is one of these 16
5 suspects. No indication of any wrongdoing. No
6 indication of any relationship. So I think that we've
7 got to focus on the fact that we're here for
8 Ms. Coleman as far as their motion proves. There's
9 been no allegation that Ms. Coleman is related to this
10 Court in any way or any fashion.

11 Secondly, why does this have a civil case
12 number? Well, may I ask Mr. Baxley one quick
13 question? Is there a grand jury in session at this
14 time?

15 MR. BAXLEY: To my knowledge, no. This
16 case is not before it.

17 MR. CHESHIRE: Beg your pardon?

18 MR. BAXLEY: To my knowledge, no.

19 MR. CHESHIRE: Okay. Has this matter ever
20 been put before a grand jury?

21 MR. BAXLEY: I'm not at liberty to discuss
22 what has been submitted to the grand jury.

23 MR. CHESHIRE: Okay. All right. All
24 right. And the subpoenas that you were issued, were
25 they issued while the grand jury was in session?

1 MR. BAXLEY: Judge, I'm not on the stand.
2 I think the record can speak for itself. I object to
3 the questions.

4 MR. CHESHIRE: Judge, our position is that
5 I think the rules are such that the courts must
6 liberally construe filings and pleadings against
7 them. We're seeking a remedy. Maybe we should have
8 filed this in the nature of a writ of prohibition.
9 The district attorney or attorney general's office --
10 let's talk about the subpoena issued, first -- has no
11 authority under the statute or under Rule 17 to issue
12 the subpoena duces tecum requiring the documentation.

13 Now, this is in the first part of this
14 particular decision that came out of Alabama Court of
15 Criminal Appeals, the *Fitch* case, in which they were
16 seeking bank documents. Now, I appreciate the
17 attorney general trying to make my argument for me,
18 but we're not asserting any Fifth Amendment right.
19 We're asserting the fact that they have no authority
20 and no authorization to bring this up to some type of
21 star chamber proceedings without a grand jury in
22 session. The rule itself -- I believe that's 17.3(c),
23 if my memory is not right --

24 MR. BAXLEY: Judge, I'm --

25 MR. CHESHIRE: -- that "if the matter

1 being investigated is not before the grand jury, the
2 district attorney shall have authority to issue such
3 subpoenas when the grand jury is in session," 17.1.

4 MR. BAXLEY: Judge, I'm going to object.

5 MR. CHESHIRE: Now --

6 MR. BAXLEY: I'm going to object --

7 MR. CHESHIRE: I didn't interrupt you,
8 sir. I think I ought to have an opportunity to speak.

9 MR. BAXLEY: May I interpose an objection?

10 THE COURT: Yes, sir.

11 MR. BAXLEY: That is not one of the bases
12 of the pleadings alleged as an issue in this case.
13 They allege that this matter or these matters can be
14 obtained via Rule 16.2, and that's the exclusive
15 remedy or mechanism by which the State can get this
16 information. They have not alleged any other matters
17 that are being argued at this time.

18 MR. CHESHIRE: Judge, if I remember
19 correctly, there was a -- I'm sorry. We filed an
20 amendment to our original motion to quash directed
21 specifically at the subpoena duces tecum, the
22 Petitioner's First Amendment to Motion to Quash. And
23 while we did not state the basis, we are presenting
24 the basis today for our motion to quash that subpoena
25 duces tecum. And that's under the *Fitch* decision that

1 we've handed the Court.

2 Secondly, I'd like to -- as far as the search
3 warrant is concerned, usually the Court does have
4 authority to issue a search warrant. But there is a
5 particular caveat to that: Only upon probable cause.
6 That is the only way any Court has the right to issue
7 a search warrant. I know that there's been an attempt
8 over the years by certain parties to destroy the
9 Constitution and the Fourth Amendment, but it still is
10 in effect today.

11 Now, there has been no showing that the search
12 warrant was issued upon probable cause. This
13 affidavit that they have attached only applies to
14 this, or is this the affidavit that was attached and
15 given to the search warrant? Is this --

16 MR. BAXLEY: You're asking me?

17 MR. CHESHIRE: Yeah. The affidavit of
18 Mr. Barrows. I understand he was also for the
19 issuance of the search warrant; is that correct?

20 MR. BAXLEY: Well, if we're going to
21 discuss an exhibit, why don't you mark it?

22 MR. CHESHIRE: Okay.

23 MR. BAXLEY: So we can see what you're
24 talking about.

25 MR. CHESHIRE: All right. Since you filed

1 it with the Court previously, I want the Court to take
2 notice of it. But if we could have that marked, I
3 guess -- what are we, Petitioner's Exhibit 1?

4 (Petitioner's Exhibit Number 1 was
5 marked for identification.)

6 MR. CHESHIRE: Now, Judge, as far as the
7 sufficiency of search warrant affidavits are
8 concerned, it must be sufficient for the issuance of a
9 proper search warrant, presented to the Court and to
10 the attorney general's office, *Ex parte Keith Alan*
11 *Perry*, which indicates that just the mere conclusory
12 statements are not sufficient to -- for the issuance
13 of a search warrant.

14 Now, we're here today seeking to protect our
15 client's constitutional rights against the star
16 chamber proceedings of this investigation that's going
17 on without a grand jury in session, without any means
18 for us to address this violation of our rights.

19 Now, perhaps we didn't dot every "i" and cross
20 every "t," and I apologize for that, Judge. I'm just
21 an old, country lawyer, and, you know, maybe I'm not
22 as up-to-date on the ends and outs of some of these
23 things. But I know the courts can liberally construe
24 the pleadings that are before them and give us an
25 opportunity to amend those pleadings. And we would

1 ask that of this Court at this time.

2 THE COURT: Yes, ma'am.

3 MS. SPARKS: Your Honor, just a few
4 points, and I echo what Mr. Cheshire has relayed to
5 the Court.

6 But if you look at the case, *Ex parte Fitch*,
7 that's been submitted, the case specifically states
8 that the use of a subpoena duces tecum as a method of
9 discovery is not one of the purposes of that act in
10 Alabama. And that's exactly what the attorney
11 general's office is seeking to do, use that mechanism
12 as discovery.

13 The affidavit that Mr. Barrows has signed does
14 not establish any nexus between Ms. Coleman's behavior
15 or any act that she did, any connection with any other
16 suspect. He alleges nothing. He does not allege a
17 conspiracy theory. So that affidavit is blanket, and
18 as Mr. Cheshire stated, full of nothing but conclusory
19 statements. So the affidavit in and of itself would
20 fail.

21 The search warrant fails, and the attorney
22 general's office does not have the authority to issue
23 an SDT to a non-party. I mean, they can only ask for
24 a subpoena duces tecum from a non-party, and clearly
25 in the affidavit of Mr. Barrows, indicates that

1 Ms. Coleman is a suspect.

2 So there is no basis for either of these
3 mechanisms to obtain this information.

4 MR. CHESHIRE: Judge, if I may, two other
5 matters, one other housekeeping matter. We'd go ahead
6 and move to introduce Mr. Barrows' statement, which
7 has been marked as Petitioner's Exhibit Number 1, his
8 affidavit.

9 THE COURT: Is there any objection?

10 MR. BAXLEY: I don't object to that coming
11 in, but that's not their affidavit in support of the
12 search warrant.

13 THE COURT: It's admitted.

14 (Petitioner's Exhibit Number 1 was
15 admitted into evidence.)

16 MR. CHESHIRE: And, Your Honor, we would
17 also assert to the Court that the majority of -- and
18 if I'm not mistaken, all of the authorities cited to
19 this Court under the issue involving the subpoena
20 duces tecum are out-of-state authority. We have
21 presented the Court with in-state authority on the
22 matter, and we would ask the Court to review that.

23 We would ask, also, for an opportunity for the
24 Court to -- as I stated before, to modify our petition
25 and even seek discovery of certain materials.

1 THE COURT: I'll allow you to amend your
2 pleadings.

3 MR. CHESHIRE: Beg your pardon?

4 THE COURT: I'll allow you to amend your
5 pleadings.

6 MR. CHESHIRE: Judge, could we say 14
7 days?

8 THE COURT: Is there any objection?

9 MR. BAXLEY: Judge, I object. I mean,
10 we're here today on an extraordinary measure that the
11 Court undertook at counsel's request to quash an order
12 issued by another judge to quash subpoenas. And that
13 in effect has derailed this investigation. It has
14 caused the investigation to come to a screeching
15 halt. Time is ticking. There's a statute of
16 limitations on some of these offenses. The longer we
17 wait, the more the State is prejudiced.

18 They filed this motion. It is -- whatever it
19 is, it has been given a civil number. But they have
20 filed this motion, and, now, when we come for a
21 hearing on the merits and I point out the
22 deficiencies, they want to say, whoa, wait a minute,
23 Mr. Baxley may be right. We want to change what we've
24 done. We want to dot every "i" and cross every "t."
25 We want to go back and give us a mulligan and redo

1 this thing. And that's not fair to the State, Judge.
2 I mean, the rules are clear on this issue. A search
3 warrant can issue, a search warrant did issue for
4 these things. The case law supports that.

5 MR. CHESHIRE: Only upon probable cause,
6 Your Honor.

7 MR. BAXLEY: If I could finish, please.
8 The subpoenas were issued. They were issued pursuant
9 to Rule 17. "Investigative witnesses. At any time
10 the grand jury is not in session, the district
11 attorney shall issue subpoenas for any witnesses the
12 district attorney may require to come before the
13 district attorney for examination under oath
14 administered by the district attorney as to any
15 violations of the laws of the State of Alabama; if the
16 matter being investigated is not before the grand
17 jury, the district attorney shall have authority to
18 issue such subpoenas when the grand jury is in
19 session."

20 MR. CHESHIRE: "When the grand jury is in
21 session," Your Honor.

22 MS. SPARKS: "When the grand jury is in
23 session."

24 MR. BAXLEY: It is absolutely --

25 MR. CHESHIRE: Only when the grand jury is

1 in session, Your Honor.

2 MR. BAXLEY: -- clear that we can issue
3 these subpoenas. If the subpoenas are bad, the search
4 warrant is still good. In a search -- this is not set
5 on a motion to suppress. That is the problem with
6 this procedure. This is just kind of a, I don't know
7 what we're doing, but we have kind of made this square
8 peg trying to fit it into a round hole here.

9 MR. CHESHIRE: Judge --

10 MR. BAXLEY: They have a mechanism by
11 which to challenge a search warrant and any unlawful
12 seizure. If we collect this evidence and the
13 defendant is ultimately charged, they have a means to
14 file what's called a motion to suppress, which I'm
15 sure they have filed before and I'm sure the Court has
16 heard those before. And we will be right here arguing
17 the merits of the probable cause determination and the
18 authenticity of the search warrant.

19 What they have done is usurped all of that.
20 They've just said, that doesn't apply to us. We want
21 to walk a motion up here to the Court, get the Court
22 to sign a motion that impedes an investigation that
23 involves the Court's family members, and then come
24 before the Court and then amend its pleadings.

25 Judge, that is just not procedurally correct.

1 affidavit of Investigator Barrows to the motion to
2 recuse.

3 THE COURT: I see the allegations. Tie
4 Ms. Coleman into Ms. Singleton and Mr. Singleton.

5 MR. BAXLEY: Because all of these
6 allegations involve the same elections. They involve
7 votes for the same candidates. They involve elections
8 that were conducted and, specifically, absentee votes
9 that were cast under the administration of Ms. Tinker
10 in her capacity as absent ballot manager -- absentee
11 election manager.

12 THE COURT: What is it that Ms. Coleman
13 allegedly has done that links her to Ms. Singleton?

14 MR. BAXLEY: Ms. Coleman has improperly
15 witnessed an Affidavit of Absentee Voter that would
16 have then been filed with Ms. Tinker's office.

17 THE COURT: And that's the recusal,
18 because she witnessed somebody that was filed with the
19 clerk's office?

20 MR. BAXLEY: Maybe I didn't say that very
21 well, Judge. I apologize.

22 THE COURT: Okay.

23 MR. BAXLEY: The allegation against
24 Ms. Coleman -- well, one of the allegations against
25 Ms. Coleman is that she witnessed an Affidavit of

1 Absentee Voter, that in that Affidavit of Absentee
2 Voter was verified or submitted in support of a ballot
3 in an election, as absentee ballots are cast. Those
4 ballots were cast, and all of the ballots that were
5 cast improperly in this entire investigation were for
6 the same candidates.

7 Ms. Tinker was the circuit clerk at that time.
8 It is our belief that this was part of a conspiracy
9 among several individuals, as many as 16, that involve
10 the improper solicitation, and improper witnessing,
11 and even the forgery of Affidavits of Absentee Voters.

12 THE COURT: I guess, I'm trying to -- I
13 want to stick with Ms. Coleman.

14 MR. BAXLEY: Right.

15 THE COURT: Say Ms. Coleman witnessed
16 somebody's ballot. Is that ballot a relative of mine?

17 MR. BAXLEY: No, not to my knowledge.

18 THE COURT: Is Ms. Tinker supposed to have
19 done something illegal with that ballot that
20 Ms. Coleman witnessed?

21 MR. BAXLEY: Well, I believe that the
22 investigation will eventually be able to demonstrate
23 and prove that that ballot was cast improperly with
24 the knowledge of Ms. Tinker. And that she, in her
25 capacity as circuit clerk, has a duty to make sure

1 that absentee ballots are cast correctly. And she
2 either affirmatively took part in it, had specific
3 knowledge of the impropriety of that ballot, or she
4 looked the other way.

5 THE COURT: That's just one --

6 MR. BAXLEY: That's what investigations
7 are for, you know, to get to the truth and to get to
8 the facts.

9 So you're asking me to delve into what I think
10 the investigation may show. And the simple fact of
11 the matter is, even if Ms. Tinker is -- let's assume
12 for a moment that Ms. Coleman's acts are completely
13 separate and apart from Ms. Tinker, and there's no
14 wrongdoing on Ms. Tinker's part. As the absentee
15 election manager, she would be certainly a material
16 witness in this case. And the Canons say that if a
17 material witness is a witness before the Court, then
18 the Court should recuse itself.

19 THE COURT: I'm saying --

20 MR. CHESHIRE: Judge --

21 THE COURT: Hold on.

22 MR. BAXLEY: If the material witness is a
23 relative --

24 THE COURT: But I'm saying --

25 MR. BAXLEY: -- or related within the

1 fourth degree.

2 THE COURT: But I'm saying, I want to stay
3 with Ms. Coleman.

4 MR. BAXLEY: Okay.

5 THE COURT: I mean, you want me to recuse
6 myself based on, I guess, allegedly something that
7 Ms. Singleton may have done?

8 MR. BAXLEY: I want you to recuse
9 yourself -- well, I think you should.

10 THE COURT: Right.

11 MR. BAXLEY: Because it's not a question
12 of you being unfair or whether or not I think you can
13 be fair or unfair, or whether whoever thinks you can
14 be fair or unfair. It is a question of the appearance
15 of impropriety.

16 This whole investigation targets 16 individuals
17 that worked under -- that worked to procure illegal
18 absentee ballots. And it's under the administration
19 of the Court's sister. It's one of two ways that this
20 becomes a problem: If Ms. Tinker testifies, then the
21 Court has to control her as a witness, or she's a
22 defendant, and the Court has to impose whatever --

23 THE COURT: But you're assuming that I'm
24 going to have the case.

25 MR. BAXLEY: Well, you have this one.

1 THE COURT: But I'm saying, this is not a
2 case that's going to a trial, per se.

3 MR. BAXLEY: We're hearing something now,
4 Your Honor.

5 THE COURT: I'm saying, is she going to
6 testify in this proceeding before me?

7 MR. BAXLEY: Well, it depends on how far
8 we go with this amendment.

9 THE COURT: That's what I'm saying.

10 MR. BAXLEY: There's no way to know at
11 this point.

12 THE COURT: Right.

13 MR. BAXLEY: And so, if we tread down that
14 path, where do we end up? Do we stop in the middle
15 and say --

16 THE COURT: But I don't want to -- you
17 want me to recuse myself for an appearance of
18 something that may occur. I'm just trying to make
19 sure there's a validity or valid reason for me to
20 recuse myself as opposed to a suspicion or something
21 that may happen. And I want to get to the crux of
22 what she may have done, then I want to get to the crux
23 of what you're saying Mr. Singleton may have done so
24 that I can validly analyze the possibility of me
25 recusing myself.

1 MR. BAXLEY: Well, these are all set forth
2 in Mr. Barrows' affidavit.

3 THE COURT: But let's stick with
4 Ms. Coleman. You mentioned there is one ballot that
5 Ms. Coleman may have done. Is there something else
6 Ms. Coleman may have done?

7 MR. BAXLEY: Let me get to Mr. Barrows'
8 affidavit.

9 THE COURT: Okay. We've dealt with one
10 ballot Ms. Coleman may have signed or may have
11 witnessed that was filed in the clerk's office. What
12 else is there that Ms. Coleman may have done that may
13 implicate me recusing myself because of something
14 Ms. Singleton may have done?

15 MR. BAXLEY: Let me make sure we're --
16 with respect to Ms. Tinker, and I'll --

17 THE COURT: I'm talking about relative --

18 MR. CHESHIRE: Judge, I --

19 THE COURT: I'm talking about relative to
20 Ms. Coleman, relative to Ms. Coleman.

21 MR. BAXLEY: She was in a supervisory
22 position as the circuit clerk accepting this absentee
23 ballot. And so, she's either a co-conspirator or
24 she's a material witness.

25 THE COURT: Hold on. Do you know if the

1 absentee ballot that Ms. Coleman signed, the one we're
2 dealing with, was processed by Ms. Singleton or
3 someone else working in her office? Do we know that?

4 MR. BAXLEY: Could I have one moment?

5 THE COURT: Yes.

6 MR. BAXLEY: I don't know, Judge.

7 THE COURT: Because what may help me is,
8 if you've got a document that Ms. Coleman signed that
9 says Ms. Singleton processed it, and show me where
10 Ms. Singleton -- as opposed to just saying what she
11 may have done, what may be possible, get the
12 documents, let's have a full hearing so you can show
13 me what may implicate Ms. Singleton that may implicate
14 me recusing myself for something Ms. Singleton may
15 have to come before me and testify. And then we can
16 walk through Mr. Singleton.

17 It is my understanding you're saying it's
18 something Mr. Singleton may have done --

19 MR. BAXLEY: Same thing. Witnessed a
20 ballot that was signed, that would appear to be
21 signed, and the actual voter says, I didn't sign it.

22 THE COURT: Okay. And that's one ballot
23 for Mr. Singleton?

24 MR. BAXLEY: Yes, sir.

25 THE COURT: And you're saying that because

1 he's married to Ms. Singleton, and he may testify to
2 that fact or may be implicated in that fact --

3 MR. BAXLEY: Well, again, this goes back
4 to the posture that we're at now, because the Court
5 has entered an order that basically has stopped this
6 investigation. And so, that investigation -- I say
7 that investigation. I can't, you know, pick and
8 choose and piecemeal it. It is a comprehensive
9 investigation that focuses on all 16 of these
10 individuals, three of which are related.

11 THE COURT: Right.

12 MR. BAXLEY: And so, the interest that
13 that person, be it Mr. Singleton, Ms. Tinker, or
14 Ms. Reaves has is that their interest is that you, and
15 I apologize to the Court, the Court maintains the
16 status quo. In other words says, game over, search
17 warrant quashed.

18 THE COURT: But, no, I'm only dealing with
19 Ms. Coleman. I'm not dealing with anybody else other
20 than Ms. Coleman because she's the only person I've
21 dealt with. With what I've signed is relative to
22 Ms. Coleman. I'm trying to see how Ms. Coleman ties
23 into Ms. Singleton. Is the ballot Ms. Coleman
24 witnessed something that Mr. Singleton signed or is it
25 what Mr. Singleton witnessed?

1 MR. BAXLEY: Mr. Singleton witnessed a
2 separate ballot.

3 THE COURT: Okay. So I'm trying to tie
4 Ms. Coleman into Mr. Singleton. What is it that
5 Ms. Coleman may have done that may implicate --

6 MR. BAXLEY: I don't know of any
7 connection other than they were working -- our theory
8 of the case is that they were all working in concert
9 with each other to solicit illegal absentee ballots
10 for these particular candidates.

11 THE COURT: What evidence can you present
12 to the Court, documentary or testimony, that they were
13 working in concert?

14 MR. BAXLEY: Well, Judge, with all due
15 respect, if the Court has to rule without that
16 evidence, then I'll accept that, and I will deal with
17 it appropriately. But I do not want this to turn into
18 a discovery hearing where everything that this
19 investigation has revealed becomes public record and
20 that we -- we've already had instances of an
21 investigator being arrested. We've had instances of
22 witnesses being intimidated. We've had allegations of
23 grand jurors being tampered with. And I just cannot
24 go into that, and I would exert executive privilege
25 with respect to those matters.

1 And so, if the Court is expecting me to come
2 into court and say -- and put Investigator Barrows on
3 the stand, or whoever, and have a mini-trial on this
4 thing, then I'm not going to be in a position to do
5 that.

6 THE COURT: I'm not asking you to do
7 that. I'm just saying, Mr. Barrows has made
8 allegations through an affidavit that I need to recuse
9 myself because of my relationship with Ms. Singleton
10 and Mr. Singleton. I'm trying to tie that
11 relationship to Ms. Coleman so that I can validly
12 evaluate whether or not this is an appropriate case
13 for recusal. And that's all I'm asking you to do.

14 MR. BAXLEY: And I have done that to the
15 best of my ability here in the affidavit that's part
16 of the court record and through my assertions to you,
17 to the Court, that these all involve the same
18 elections; they involve the circuit clerk sitting as
19 the absentee election manager; that they all were a
20 series of illegal absentee ballots that were cast for
21 the same candidates. And that's what I've got.

22 THE COURT: Yes, sir.

23 MR. CHESHIRE: Judge, there are no
24 criminal charges being brought against any of the
25 individuals listed, including Ms. Coleman, so I don't

1 see where them being defendants before this Court has
2 anything to do with it, the other people. We're here
3 on Ms. Coleman.

4 Now, our understanding is that one ballot is in
5 question, from what we've just heard, one ballot, one
6 signature witnessing one ballot, and this is what
7 stops a whole investigation. But they want the Court
8 to remove yourself because maybe somewhere down the
9 line, we might charge these people with some nebulous
10 conspiracy, but we can't tell you about that because
11 that's executive privilege. Evidence? We don't need
12 to show the Court why he should recuse himself. We
13 can't show any connection between Ms. Coleman as a
14 relative of the Court's or what Ms. Coleman might --
15 except this nebulous conspiracy theory.

16 We're here on Ms. Coleman, Judge, and I don't
17 think they've met any type of burden as far as the
18 Court recusing itself in this matter.

19 THE COURT: Is there anything else?

20 MS. SPARKS: No, sir.

21 THE COURT: Do y'all need to address any
22 other issues that you raised in your motions?

23 MR. BAXLEY: I don't think so. I don't
24 want the record to be unclear. If I have misled
25 anybody in saying that the affidavit that the defense

1 has marked and offered -- I don't know if they offered
2 it, but it is the affidavit that was in support of the
3 search warrant --

4 THE COURT: Right. They did.

5 MR. BAXLEY: -- that's not correct. But I
6 do have the subpoenas, and I do have the search
7 warrant, and I believe I have the affidavit. And I'll
8 be glad to offer that.

9 THE COURT: I was assuming the affidavit
10 that's marked Petitioner's Exhibit 1 was relative to
11 the motion to recuse. Mr. Barrows' affidavit was
12 relative to the motion to recuse?

13 MR. BAXLEY: Right. But that is not --

14 THE COURT: Correct.

15 MR. BAXLEY: -- his search warrant
16 affidavit.

17 THE COURT: Correct. That's my
18 understanding.

19 MR. BAXLEY: Okay.

20 MR. CHESHIRE: Do you have the other
21 search warrant affidavit? You want to introduce it?

22 MR. BAXLEY: I'm going to introduce the
23 search warrant, and the subpoenas, and I think I have
24 the affidavit.

25 THE COURT: That's relative to

1 Ms. Coleman?

2 MR. BAXLEY: Yes.

3 THE COURT: Okay.

4 MR. BAXLEY: Bare with me just a second.

5 THE COURT: Yes, sir.

6 (Brief recess.)

7 (State's or Respondent's Exhibit Numbers

8 2, 3, 4, and 5 were marked for

9 identification.)

10 MR. BAXLEY: Judge, I appreciate your --

11 THE COURT: Yes, sir. No problem.

12 MR. BAXLEY: -- patience with me. I have

13 marked State's Exhibit 2, which is the Attorney

14 General's Subpoena; State's Exhibit 3, which is the

15 Attorney General's Subpoena Duces Tecum; State's

16 Exhibit Number 4, which is the search warrant; and

17 State's Exhibit Number 5.

18 THE COURT: What is 5?

19 MR. BAXLEY: Huh?

20 THE COURT: What is 5?

21 MR. BAXLEY: I'm sorry. State's Exhibit

22 Number 5 is the affidavit and the statements and

23 exhibits of Investigator Barrows that were introduced

24 or offered in support of the search warrant, the

25 search warrant issued.

1 THE COURT: No objection?

2 MR. CHESHIRE: No objection, Judge.

3 We'd --

4 THE COURT: They're admitted.

5 MR. CHESHIRE: -- just kind of like to
6 look over them.

7 THE COURT: They're admitted. If you want
8 to look at them, you can.

9 (State's or Respondent's Exhibit Numbers
10 2, 3, 4, and 5 were admitted into
11 evidence.)

12 MR. CHESHIRE: Beg your pardon?

13 THE COURT: You may.

14 MR. CHESHIRE: Yes, sir.

15 (Brief recess.)

16 THE COURT: Are you ready?

17 MR. CHESHIRE: Yes, sir.

18 THE COURT: Anything else?

19 MR. CHESHIRE: No, nothing further at this
20 time, Judge.

21 THE COURT: Okay. We can make you copies
22 of them.

23 MR. CHESHIRE: Yes, sir, that's what we
24 want to do.

25 THE COURT: I was waiting on you. I

1 thought y'all were looking at that.

2 MR. CHESHIRE: Oh, I'm sorry, Judge.

3 MS. SPARKS: Yes, sir, we would like that.

4 THE COURT: You can make copies of them.
5 These are the other exhibits. Do y'all want copies of
6 those?

7 MR. CHESHIRE: Judge, I think we -- we
8 don't have the first exhibit. We do have a copy of
9 the defense -- excuse me, Petitioner's Exhibit 1. We
10 don't have State's Exhibit 1, however. Petitioner's
11 Exhibit 1 is the affidavit of Mr. Barrows, and I think
12 the State already has a copy of that.

13 THE COURT: It's already in the file.

14 MR. BAXLEY: Right. And I hate to be
15 bothersome, but while you're making copies, just make
16 us two sets of everything.

17 MR. CHESHIRE: That will be fine.

18 MR. BAXLEY: That way, we don't have to
19 collate anything.

20 THE COURT: That's fine. Is there
21 anything else on the issues? I'll leave 14 days to
22 file your -- to amend your pleadings.

23 MR. CHESHIRE: Yes, sir.

24 THE COURT: Court's not back until
25 November 13th. I can't -- that's a 1:30 docket

1 instead of a 9 o'clock docket, and I do have a
2 workmen's comp. case set on that day. So I'll
3 continue the hearing until 11/13, at 1:30.

4 MR. BAXLEY: Judge, we renew our objection
5 to the Court's allowing counsel to amend their
6 complaint and amend their pleadings.

7 THE COURT: Okay. I'll see y'all back on
8 November 13th, at 1:30.

9 MR. CHESHIRE: Thank you, Judge.

10 THE COURT: Court's adjourned.

11 (End of Proceedings at 11:05 a.m.)
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STATE OF ALABAMA)
PERRY COUNTY)

C E R T I F I C A T E

I, Mia Jacobs-Turner, Notary Public, Official Court Reporter in and for the Fourth Judicial Circuit, do hereby certify that I reported the foregoing proceedings in the matter of *Milliarstine Coleman v. Troy King, Attorney General*, CV07-74, in the Circuit Court of Hale County, Alabama.

The foregoing 40 pages are a true and correct transcript of the said proceedings.

This 18th day of October, 2007.

Mia Jacobs-Turner
Mia Jacobs-Turner, CCR-190
Official Court Reporter
Fourth Judicial Circuit

AFFIDAVIT
OF

George A. Barrows
Special Agent
Office of the Alabama Attorney General
Montgomery, Alabama 36130



My name is George A. Barrows and I am presently employed as a Special Agent with the Office of the Attorney General, State of Alabama, Montgomery, Alabama and have been so employed for the past 11 ½ years. In September 2004, I was assigned to investigate voter fraud in Greensboro and Hale County, Alabama. In this voter fraud investigation, I have developed at least 16 suspects who may have committed crimes relative to voter fraud and forgery. The illegalities involve absentee voting. Milliarstine Coleman is one of these sixteen suspects.

Out of the sixteen suspects under investigation, each alleged violation involves illegal absentee votes cast for one of four candidates running in various 2004 and 2005 elections. My investigation has revealed all of the illegal votes were cast for these four candidates and none were cast for their opponents. This correlation, and the fact that one or more of the suspects are related by blood or marriage to one or more of the four candidates who benefited from the illegal voting is evidence that all of the absentee voting was part of a common plan, scheme, or conspiracy by all of the 16 suspects to engage in, solicit, or encourage illegal absentee voting.

Additionally, my investigation has revealed that at least three of the suspects are related by blood or marriage to Circuit Judge Marvin Wiggins. Those suspects are Gay Nell Wiggins Tinker, Bobby Singleton, and Carrie Reaves.

Specifically, Gay Nell Wiggins Tinker, who was Circuit Clerk at the time of alleged illegalities, is the sister of Judge Marvin Wiggins.

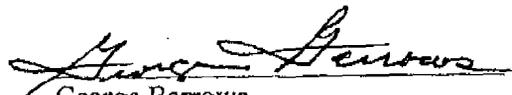
During my investigation, I have taken statements from two separate witnesses who state that their names were forged on at least one Affidavit Of Absentee Voter. The voter signatures on each of those documents is notarized by Gay Nell Tinker. Another witness states the witness signed two family member's names to two separate Affidavits Of Absentee Voter for two separate elections in the presence of Gay Nell Tinker. Gay Nell Tinker then notarized the Affidavits Of Absentee Voter.

Another suspect, Bobby Singleton is, or was, the brother-in-law of Judge Marvin Wiggins.

In the course of my investigation, I have taken a statement from a witness who says that his name was forged on an Affidavit Of Absentee Voter. The purported signature of Bobby Singleton appears on the Affidavit Of Absentee Voter as a witness verifying the signature of the voter.

A third suspect is Carrie Reaves who is the first cousin of Judge Marvin Wiggins. Carrie Reaves is the daughter of Oscar Wilson. Oscar Wilson is the brother of Anna Wilson Wiggins who is Judge Marvin Wiggins' mother.

During my investigation, I have taken a statement from a witness who states that her name was forged on an Affidavit Of Absentee Voter. The purported signature of Carrie Reaves appears on the Affidavit Of Absentee Voter as a witness verifying the signature of the voter.



George Barrows
Special Agent
Office Of The Attorney General
State Of Alabama

Sworn to and subscribed before me on this the 3rd day of October, 2007.


Notary Public

9-28-2008
Commission Expires:



ACRO370 ALABAMA JUDICIAL INFORMATION SYSTEM CASE: DC 2005 000655.00
 OPER: KIH CASE ACTION SUMMARY
 PAGE: 1 DISTRICT CRIMINAL RUN DATE: 12/27/2005

IN THE DISTRICT COURT OF HALE JUDGE: WAR

STATE OF ALABAMA VS BARROWS GEORGE
 8218 JACKSON TRACE
 MONTGOMERY, AL 36117 0000

CASE: DC 2005 000655.00

DOB: 02/15/1937 SEX: M RACE: W HT: 6 00 WT: 168 HR: GRY EYES: BRO
 SSN: 000000999 ALIAS NAMES:

CHARGE01: HARASSMENT CODE01: HARA LIT: HARASSMENT TYP: M #: 001
 OFFENSE DATE: 11/16/2005 AGENCY/OFFICER: 0360200

DATE WAR/CAP ISS: DATE ARRESTED: 11/16/2005
 DATE INDICTED: DATE FILED: 11/16/2005
 DATE RELEASED: 11/16/2005 DATE HEARING:
 BOND AMOUNT: \$300.00 SURETIES:

DATE 1: 02/21/2006 DESC: PLMH TIME: 0900 A
 DATE 2: DESC: TIME: 0000

TRACKING NOS: WR 2005 000477 00 / /

DEF/ATY: BYRNE DAVID B JR TYPE: R TYPE:
 CAPELL & HOWARD
 PO BOX 2069
 MONTGOMERY AL 36102 00000

PROSECUTOR: JACKSON MICHAEL W

OTH CSE: WR200500047700 CHK/TICKET NO: C GRAND JURY:
 COURT REPORTER: SID NO: 000000000
 DEF STATUS: BOND DEMAND: OPER: KIH

TRANS DATE	ACTIONS, JUDGEMENTS, AND NOTES	OPER
11/28/2005	MOTION TO DISMISS COMPLAINT	KIH
11/28/2005	MOTION FOR EXPEDITED TRIAL	KIH
12/27/2005	ASSIGNED TO: (WAR) WILLIAM A. RYAN (AR01)	KIH
12/27/2005	INITIAL STATUS SET TO: "B" - BOND (AR01)	KIH
12/27/2005	FILED ON: 11/16/2005 (AR01)	KIH
12/27/2005	DEFENDANT ARRESTED ON: 11/16/2005 (AR01)	KIH
12/27/2005	BOND SET AT: \$300.00 (AR01)	KIH
12/27/2005	DEFENDANT RELEASED FROM JAIL: 11/16/2005 (AR01)	KIH
12/27/2005	CHARGE 01: HARASSMENT/#CNTS: 001 (AR01)	KIH
12/27/2005	SET FOR: PLEA DOCKET ON 02/14/2006 AT 0130P (AR01)	KIH
12/27/2005	ATTORNEY FOR DEFENDANT: BYRNE DAVID B JR (AR01)	KIH
12/27/2005	SET FOR: PREL HEARING ON 02/21/2006 AT 0900A (AR01)	KIH
12/27/2005	CASE ACTION SUMMARY PRINTED (AR08)	KIH
12/27/2005	CASE ACTION SUMMARY PRINTED (AR08)	KIH

4/26/06 On motion of state of Alabama case is dismissed, costs are hereby remitted.

WARRANT

STATE OF ALABAMA

HALE COUNTY

DISTRICT COURT

AGENCY NUMBER: C

WARRANT NUMBER: WR 2005 000477.00
OTHER CASE NBR:

ANY LAWFUL OFFICER OF THE STATE OF ALABAMA:

YOU ARE HEREBY COMMANDED TO ARREST BARROWS GEORGE AND BRING HIM/HER BEFORE THE DISTRICT COURT OF HALE COUNTY TO ANSWER THE STATE ON A CHARGE(S) OF:

HARASSMENT CLASS: C TYPE: M COUNTS: 001
AND HAVE YOU THEN AND THERE THIS WRIT WITH YOUR RETURN THEREON.

YOU WILL RECEIVE UNTO YOUR CUSTODY AND DETAIN HIM/HER UNTIL THE DAY OF _____, OR UNTIL LEGALLY DISCHARGED.

DATED THIS 16 DAY OF NOVEMBER, 2005.

BOND SET AT: (1) \$1,000.00 BOND TYPE:
(2)
(3)

[Signature]
JUDGE/CLERK/REGISTRAR OF DISTRICT COURT

CHARGES: HARASSMENT

13A-011-008(A)

M MISDEMEANOR

NAME: BARROWS GEORGE
ADDRESS: C/O ATTORNEY GENERAL
ADDRESS:
CITY: MONTGOMERY

STATE: AL

ALIAS:
ALIAS:
ZIP: 00000 0000
PHONE: 000 000 0000 EXT: 000

EMPLOYMENT:

DOB: 00/00/0000 RACE: W SEX: M HAIR:
EYE: HEIGHT: 0'00" WEIGHT: 000
SID: 000000000 SSN: DL NUM:

EXECUTION

EXECUTED THE WITHIN WARRANT BY ARRESTING THE DEFENDANT AND

() PLACING DEFENDANT IN THE HALE COUNTY JAIL

() RELEASING DEFENDANT ON APPEARANCE BOND

THIS _____ DAY OF _____

SHERIFF _____

BY _____

COMPLAINANT: CARRIE REAVES
2548 COUNTY ROAD 19
GREENSBORO AL 36744

OPERATOR: GAT

DATE: 11/16/2005

ALABAMA JUDICIAL INFORMATION SYSTEM

*** IN THE DISTRICT COURT OF HALE COUNTY ***

AGENCY NUMBER: C

WARRANT NUMBER: WR 2005 000477.00
OTHER CASE NBR:

C O M P L A I N T

BEFORE ME THE UNDERSIGNED JUDGE/CLERK/MAGISTRATE OF THE DISTRICT COURT OF HALE COUNTY, ALABAMA, PERSONALLY APPEARED CARRIE REAVES WHO BEING DULY SWORN DEPOSES AND SAYS THAT HE/SHE HAS PROBABLE CAUSE FOR BELIEVING, AND DOES BELIEVE THAT BARROWS GEORGE DEFENDANT, WHOSE NAME IS OTHERWISE UNKNOWN TO THE COMPLAINANT, DID WITHIN THE ABOVE NAMED COUNTY AND

DID ON OR ABOUT 11/16/2005, WITH THE INTENT TO HARASS, ANNOY OR ALARM ANOTHER PERSON, TO-WIT: _____, EITHER,

() STRIKE, SHOVE, KICK, OR OTHERWISE TOUCH ANOTHER PERSON, TO-WIT: _____, OR SUBJECT HIM/HER TO PHYSICAL CONTACT, TO-WIT: _____;

() DIRECT ABUSIVE OR OBSCENE LANGUAGE OR MAKE AN OBSCENE GESTURE, TO-WIT: _____; OR TOWARD ANOTHER PERSON, TO-WIT: _____; OR,

(X) DIRECT A THREAT, VERBAL OR NONVERBAL, TO-WIT: BY BLOCKING THE DOOR OF MY EMPLOYER AND NOT LETTING ME LEAVE MY PLACE OF WORK WITH THE INTENT TO CARRY OUT THE THREAT, TOWARD ANOTHER PERSON, TO-WIT: CARRIE REAVES, A REASONABLE PERSON AND TARGET OF THE THREAT, CAUSING HIM/HER TO FEAR FOR THEIR SAFETY.

IN VIOLATION OF 13A-011-008(A) OF THE CODE OF ALABAMA, AGAINST THE PEACE AND DIGNITY OF THE STATE OF ALABAMA.

Carrie Reaves
COMPLAINANT'S SIGNATURE

SWORN TO AND SUBSCRIBED BEFORE ME THIS THE 16 DAY OF NOVEMBER, 2005.

JUDGE/CLERK/MAGISTRATE OF DISTRICT COURT

CHARGES: HARASSMENT 13A-011-008(A) M MISDEMEANOR

WITNESS FOR THE STATE

CARRIE REAVES/2548 COUNTY ROAD 19/GREENSBORO/36744

OPERATOR: GAT DATE: 11/16/2005

ALABAMA UNIFORM INCIDENT/OFFENSE REPORT

VICTIM ID# 422-02-5759		COMPLAINANT ID#		<input type="checkbox"/> INCIDENT <input type="checkbox"/> OFFENSE <input type="checkbox"/> SUPPLEMENT		CASE # D-511/11601M		SFX#	
DATE AND TIME OF THIS REPORT 60100111605 11:43		AM PM MIL		AGENCY NAME GREENSBORO POLICE DEPARTMENT		7 IF SUPPLEMENT ORIGINAL OFFENSE DATE M D Y			
REPORTED BY VICTIM OR		ADDRESS (STREET, CITY, STATE, ZIP)		10 PHONE ()					
12 VICTIM (LAST, FIRST, MIDDLE NAME) REEVES, CARRIE		13 ADDRESS (STREET, CITY, STATE, ZIP) 2548 CR 19 GREENSBORO, AL 36744		14 PHONE (334) 678-4916					
15 EMPLOYER/SCHOOL HCH HOME HEALTH		16 OCCUPATION		17 ADDRESS (STREET, CITY, STATE, ZIP)		18 PHONE ()			
19 RESIDENT <input type="checkbox"/> RESIDENT <input type="checkbox"/> NON-RESIDENT		20 INJURY <input type="checkbox"/> Y <input type="checkbox"/> N		21 RACE <input type="checkbox"/> W <input type="checkbox"/> A <input type="checkbox"/> SH <input type="checkbox"/> D <input type="checkbox"/> I <input type="checkbox"/> O		22 SEX <input type="checkbox"/> MALE <input type="checkbox"/> FEMALE		23 HGT	
				24 WGT		25 DOB 1 21 0 5 16 1 43		26 AGE 43	
						27 WAS OFFENDER KNOWN TO VICTIM? <input type="checkbox"/> Y <input type="checkbox"/> N		28 VICTIM WAS (EXPLAIN RELATIONSHIP) UNKNOWN	
29 TYPE INCIDENT OR OFFENSE HARASSMENT		<input type="checkbox"/> FEL <input type="checkbox"/> MISD		21 DEGREE (CIRCLE) 1 2 3		24 UCR CODE		23 STATE/LOCAL ORDINANCE 13A-11-8/143	
34 TYPE INCIDENT OR OFFENSE		<input type="checkbox"/> FEL <input type="checkbox"/> MISD		25 DEGREE (CIRCLE) 1 2 3		26 UCR CODE		27 STATE/LOCAL ORDINANCE	
38 PLACE OF OCCURRENCE TUSCALOOSA ST. GREENSBORO, AL 36744								39 SECTOR	
45 POINT OF ENTRY <input type="checkbox"/> FRONT <input type="checkbox"/> DOOR <input type="checkbox"/> ROOF <input type="checkbox"/> WINDOW <input type="checkbox"/> OTHER		41 METHOD OF ENTRY <input type="checkbox"/> FORCEFUL <input type="checkbox"/> ATT. FORCEFUL <input type="checkbox"/> NO FORCE		42 ASSAULT <input type="checkbox"/> SIMPLE <input type="checkbox"/> AGGR.		43 TREATMENT FOR ASSAULT INJURY <input type="checkbox"/> Y <input type="checkbox"/> N			
OCCURRED ON OR BETWEEN 11 11 16 0 5		46 TIME 10 :30		47 LIGHTING <input type="checkbox"/> NATURAL <input type="checkbox"/> MOON <input type="checkbox"/> ART. EXT. <input type="checkbox"/> ART. INT. <input type="checkbox"/> UNK		48 WEATHER <input type="checkbox"/> CLEAR <input type="checkbox"/> CLOUDY <input type="checkbox"/> RAIN <input type="checkbox"/> FOG <input type="checkbox"/> SNOW <input type="checkbox"/> HAIL <input type="checkbox"/> UNK		49 PREMISE <input type="checkbox"/> HWY - ST. - ALLEY <input type="checkbox"/> RAILROAD <input type="checkbox"/> RESIDENCE <input type="checkbox"/> CHURCH <input type="checkbox"/> SCHOOL <input type="checkbox"/> CONVENIENCE <input type="checkbox"/> INDUSTRIAL <input type="checkbox"/> SERVICE STA.	
54 VERIFY FOR RAPE EXAM <input type="checkbox"/> Y <input type="checkbox"/> N		55 TREAT FOR RAPE INJURY <input type="checkbox"/> Y <input type="checkbox"/> N		56 CIRCUMSTANCES HOMICIDE <input type="checkbox"/> ASSAULT <input type="checkbox"/> OTHER		57 CODE		60 CODE	
64 WEAPON USED <input type="checkbox"/> FIREARM <input type="checkbox"/> KNIFE <input type="checkbox"/> HANDS, FIRTS, VOICE, ETC. <input type="checkbox"/> OTHER DANGEROUS		65 DESCRIPTION OF WEAPONS/FIREARMS/TOOLS USED IN OFFENSE VOICE		67 HANDGUN <input type="checkbox"/> RIFLE <input type="checkbox"/> SHOTGUN <input type="checkbox"/> UNKNOWN					
68 QUANTITY		69 STOLEN, RECOVERED, LOST, FOUND, OR DESTROYED (INCLUDE MAKE, MODEL, SIZE, TYPE, SERIAL NUMBER, COLOR, ETC.)		72 DOLLAR VALUE STOLEN DAMAGED		73 RECOVERED DATE VALUE			
PROPERTY DESCRIP									
84 MOTOR VEHICLE		85 CURRENCY, NOTES		86 JEWELRY		87 CLOTHING/PURS		88 FIREARMS	
89 OFFICE EQUIPMENT		90 ELECTRONICS		91 HOUSEHOLD		92 CONSUMABLE GOODS		93 LIVESTOCK	
94 MISCELLANEOUS		95 CHECK CATEGORIES <input type="checkbox"/> STOLEN <input type="checkbox"/> RECOVERED <input type="checkbox"/> SUSPECTS VEH. <input type="checkbox"/> VICTIMS VEH. <input type="checkbox"/> UNAUTH. USE <input type="checkbox"/> ABANDONED		96 STOLEN NTR. VEH. ONLY		97 AREA STOLEN <input type="checkbox"/> BUS. <input type="checkbox"/> RES. <input type="checkbox"/> RUR.		98 OWNERSHIP VERIFIED BY: <input type="checkbox"/> TAG RECEIPT <input type="checkbox"/> BILL OF SALE <input type="checkbox"/> TITLE <input type="checkbox"/> OTHER	
99 WARRANT SIGNED		99 AUTO INSURER NAME (COMPANY) ADDRESS (STREET, CITY, STATE, ZIP)		99 PHONE ()		99 MOTOR VEH. RECOVERED ONLY INDICATE FOR 2nd UCR CODE		99 STOLEN IN YOUR JURISDICTION? <input type="checkbox"/> WHERE?	
								99 RECOVERED IN YOUR JURISDICTION? <input type="checkbox"/> WHERE?	

TYPE OR PRINT IN BLACK INK

ACJIC-32 REV 7

INCHES

1

2

3

4

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INCIDENT/OFFENSE REPORT CONTINUED		DATE AND TIME OF REPORT 11/16/05 11:43		AM PM MIL.	CASE #	SFX	OFFENDER SUSPECT MISSING PERSON	CHECK IF MULTIPLE	
NAME (LAST, FIRST, MIDDLE) BARRONS, GEORGE		100 NICKNAME/ALIAS		101 RACE W A H B I O		102 SEX MALE FEMALE		103 DOB M D Y	104 AG
105 ADDRESS (STREET, CITY, STATE, ZIP)		106 HGT	107 WGT	108 EYE		109 HAIR		110 COMPLEXION	
111 PROBABLE DESTINATION		112 ARMED? Y N UNK.		113 WEAPON					
114 CLOTHING		SCARS		MARKS		TATTOOS		115 ARRESTED WANTED	
116 NAME (LAST, FIRST, MIDDLE)		117 NICKNAME/ALIAS		118 RACE W A H B I O		119 SEX MALE FEMALE		120 DOB M D Y	121 AG
122 ADDRESS (STREET, CITY, STATE, ZIP)		123 HGT	124 WGT	125 EYE		126 HAIR		127 COMPLEXION	
128 PROBABLE DESTINATION		129 ARMED? Y N UNK.		130 WEAPON					
129 CLOTHING		SCARS		MARKS		TATTOOS		132 ARRESTED WANTED	

WITNESSES	133 NAME (LAST, FIRST, MIDDLE) SEX, RACE, DOB	134 ADDRESS (STREET, CITY, STATE, ZIP)	135 RES. PHONE () () ()	136 BUS. PHONE () () ()
	#1 SEX (M F) (W A H) (B I O)		() () ()	() () ()
	#2 SEX (M F) (W A H) (B I O)		() () ()	() () ()
	#3 SEX (M F) (W A H) (B I O)		() () ()	() () ()
	#4 SEX (M F) (W A H) (B I O)		() () ()	() () ()
WITNESS #1 SSN	WITNESS #2 SSN	WITNESS #3 SSN	WITNESS #4 SSN	

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NARRATIVE

On 16 NOVEMBER 2005, CARRIE REAVES REPORTED GEORGE BARRONS, A REPRESENTATIVE FROM THE ATTORNEY GENERAL'S OFFICE APPROACHED HER ON HER JOB AND ATTEMPTED TO SERVE HER WITH A SUBPOENA. REAVES STATED SHE TOLD BARRONS SHE WILL NOT TALK TO HIM WITHOUT HER LAWYER PRESENT. BARRONS THEN STOOD IN THE DOORWAY ATTEMPTING TO STOP HER FROM LEAVING. BARRONS THEN TOLD REAVES SHE HAD TO TALK TO HIM WITHOUT HER LAWYER PRESENT. REAVES ACCEPTED THE SUBPOENA AND CONTACTED THE POLICE.

CONTINUED ON SUPPLEMENT

ASSISTING AGENCY OR ASSISTING AGENCY CASE # SFX

I hereby affirm that I have read this report and that all information given by me is correct to the best of my knowledge. I will assume full responsibility for notifying this agency if any stolen property or missing person hereby reported is returned.

SIGNATURE *Carrie Reaves*

138 LOCAL USE

139 STATE USE

MULTIPLE CASES CLOSED	140 CASE #	141 SFX	142 CASE #	143 SFX	144 CASE #	145 SFX	146 ADDITION CASES CLOSED NARRATIVE CITY
147 CASE STATUS <input type="checkbox"/> PENDING <input type="checkbox"/> INACTIVE <input type="checkbox"/> CLOSED ENTERED AGENCY DATE <input type="checkbox"/>	148 CASE DISPOSITION <input type="checkbox"/> CLEARED BY ARREST (JUV) <input type="checkbox"/> CLEARED BY ARREST (ADULT) <input type="checkbox"/> UNFOUNDED <input type="checkbox"/> ADM. CLEARED		EXCEPTIONAL CLEARANCE: <input type="checkbox"/> SUSPECT/OFFENDER DEAD <input type="checkbox"/> OTHER PROSECUTION <input type="checkbox"/> EXTRADITION DENIED <input type="checkbox"/> LACK OF PROSECUTION <input type="checkbox"/> JUVENILE, NO REFERRAL <input type="checkbox"/> DEATH OF VICTIM		149 REPORTING OFFICER JOHNATHAN T. COLE 150 ASSISTING OFFICER		151 SUPERVISOR APPROVAL
ADMINISTRATIVE	152 WATCH CMDR.		153		154		155

Greensboro Police Department

1. NAME (Last, First, Middle) Reaves, Carrie, M.				2. CASE NUMBER			
3. ALIAS(ES) / NICKNAME(S)			4. DATE 11-15-05	5. T T S M W F	6. PLACE OF INTERVIEW		
6. HOME ADDRESS 2548 Co. Rd. 19 Greensboro, N.C.				7. HOME PHONE 334-624-4916			
8. NAME & ADDRESS OF EMPLOYER Hale Co. Hospital Home Health Tusc Street				9. BUSINESS PHONE 334-624-3066			
10. RACE B	11. SEX F	12. D.O.B. 12-05-61	13. P.O.B.	14. SOC 422-02-5739	15. DLN 539220	16. STATE N.C.	
17. HGT	18. WGT	19. HAIR	20. EYES	21. SCARS, MARKS, TATTOOS, AMPUTATIONS			
22. VEH. YEAR	23. MAKE	24. MODEL	25. COLOR	26. VIN	27. LICENSE	28. STATE	
29. STATEMENT <p>ON 11-16-05 - About 10:30 Attorney General George Burrow, entered into the Home Health office, where I work, and stated that he had a subpoena for Carrie Reaves, and wanted to if I was Janet Person, and I told him yes, so he stated that he need to talked to me, about a absentee Ballot, and I stated that I was not going to write out the present of my lawyer. And he asked me if I was aware that this subpoena means I had to talked to him, and I said no, I told him that the sheriff should serve me with the subpoena if I was summons to talk, and he stated no, that this subpoena he had entitled me to talk to him, I told him the excuse me and I tried to go out the door and he blocked the door. I asked are you keeping me from getting out, he stated yes that I couldn't leave before talking, he tried to block the door the second time, and that's when I made a phone call. And after getting off the phone, I told him that he</p>							
30. ACJIC / NCIC CHECK YES <input type="checkbox"/> NO <input type="checkbox"/>		31. FINGERPRINTED PHOTOGRAPHED YES <input type="checkbox"/> NO <input type="checkbox"/>		BY WHAT AGENCY: YES <input type="checkbox"/> NO <input type="checkbox"/>		BY WHAT AGENCY: Carrie Reaves	
32. SUBJECT VICTIM WITNESS <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>			33. DATE ENDED TIME ENDED AM PM		34. INTERVIEW CONDUCTED BY: J.T. COLE 311		
RIGHTS GIVEN BY:					35. PAGE 1 of 2 36. EXHIBIT NO		

Greensboro Police Department

1. NAME (Last, First, Middle) Reaves, Carrie				2. CASE NUMBER				
3. ALIAS(ES) / NICKNAME(S)			4. DATE 11-16-05		S T T S M W F		5. PLACE OF INTERVIEW	
6. HOME ADDRESS 2508 Co. Rd 19 Greensboro, Af.						7. HOME PHONE 334-684-4916		
8. NAME & ADDRESS OF EMPLOYER Hale Co. Hospital Home Health Tusculoo Str.						9. BUSINESS PHONE 334-684-3066		
10. RACE	11. SEX	12. D.O.B.	13. P.O.B.	14. SOC	15. DLN		16. STATE	
17. HGT	18. WGT	19. HAIR	20. EYES	21. SCARS, MARKS, TATTOOS, AMPUTATIONS				
22. VEH. YEAR	23. MAKE	24. MODEL	25. COLOR	26. VIN	27. LICENSE		28. STATE	
29. STATEMENT <p>does not have the right to keep me from leaving, and he step to the side after the phone call was made, and Asked my Supervisor to sign a form stated that I violated a subpoena order.</p> <p>Also he asked the Director their if she had a place that he could talked to me, and she volunteer her office. I left after that with no further comments</p> <p style="text-align: right;"><i>Carrie Reaves</i></p>								
30. ACJIC / NCIC CHECK YES <input type="checkbox"/> NO <input type="checkbox"/>		31. FINGERPRINTED PHOTOGRAPHED		YES <input type="checkbox"/> NO <input type="checkbox"/> BY WHAT AGENCY: YES <input type="checkbox"/> NO <input type="checkbox"/> BY WHAT AGENCY:				
32. SUBJECT VICTIM WITNESS <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>			33. DATE ENDED		TIME ENDED AM PM		34. INTERVIEW CONDUCTED BY: J.T. Cole 311	
RIGHTS GIVEN BY:			35. PAGE 2 OF 2		36. EXHIBIT NO			

EXHIBIT 16

IN THE CIRCUIT COURT OF HALE COUNTY, ALABAMA

MILLIARSTINE COLEMAN)
)
Vs.) Case No. CV 2007-074
)
TROY KING,)
ATTORNEY GENERAL)

MOTION FOR RULING
And
NOTICE OF INTENT TO SEEK A WRIT OF MANDAMUS

Comes now the State of Alabama and respectfully requests the court to rule on the following motions currently pending before the Court:

1. Motion To Dismiss
2. Motion To Recuse
3. Motion To Vacate Order Quashing Search Warrant, Subpoena, and Supboena Duces Tecum

In support of said request, the State respectfully avers follows:

1. Said motions are pending before the court.
2. That the Court has effectively halted the instant investigation since September 18, 2007, when the Court instantaneously and ex parte granted the Petitioner's Motion To Quash.
3. That this matter came for hearing and argument on October 10, 2007.
4. That, as was argued at said hearing, the statute of limitations is running on potential charges arising out of the instant investigation.
5. That at the conclusion of the October 10, 2007 hearing and in spite of the Petitioner's admission of the deficiencies of their ex parte pleadings, the Court scheduled yet another hearing in this matter for November 13, 2007 thereby further impeding this investigation for at least another 33 days.
6. That the law and facts at issue in this matter are not complex and merely deal with the State's effort to collect handwriting exemplars.
7. That every delay in this matter works a prejudice to the State and a benefit to Milliarstine Coleman as well as the other suspects in this investigation including the sister, brother in law, and first cousin of the Court.

WHEREFORE, the State of Alabama respectfully requests the Court to rule on the aforementioned motions by 5:00 p.m. on Thursday, October 18, 2007 and regrettably, the state must further give notice that within a reasonable time thereafter, the State will

seek a Writ Of Mandamus with the appropriate appellate court.

Respectfully submitted on this the 12th day of October, 2007.

TROY KING
ATTORNEY GENERAL

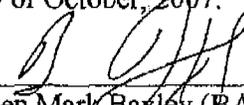
By:



Ben Mark Baxley (BAX 008)
Assistant Attorney General
11 South Union Street
Montgomery, Alabama 36130
(334) 242-7300

CERTIFICATE OF SERVICE

The undersigned hereby certifies that he has served a copy of the foregoing document upon opposing counsel on this the 12th day of October, 2007.



Ben Mark Baxley (BAX 008)
Assistant Attorney General

FILED

OCT 12 2007

CATRINNA LONG PERRY, CLERK
HALE COUNTY, ALABAMA