

Government Taping and Searches

The Searches

FBI and DOJ violations of guidelines and requirement to use separate procedures as to taint eliminate separation as to separation of attorney-client documents in search of lawyer's office and storage in premises containing privileged documents. A trustworthy 3rd party must comb through the files to separate privileged documents; Requirement of government to provide a protocol describing "how it would minimize its inspection of material not within the terms of the warrant."

January 26, 2002, search of NN and record locations using no tainting and proof of inspection of privileged documents with subject matter included in government records. Proof of alteration of government inventory records.

January 26, 2002, seizure of NN computer containing privileged documents. No evidence of separation protocol and no evidence for over one year of any use or search records and separation standards.

January 26, 2002, personal laptop taking from Segal's home, containing privileged documents. No record of search protocol and laptop not returned.

January 26, 2002, two computers from Segal's condominium and house containing privileged documents, no record or search protocol and computers never returned to allow forensics.

January, 2004, incomplete and inaccurate search protocol turned over proving lack of privilege separation. During time of government computer search, matched hacking and government contact with take over group's government witnesses.

In 2003, intimidation of NN corporate counsel by requesting info outside attorney-client privilege, and not granting non-subject letter, and implying personal issues created resignation of corporate counsel.

In 2003, attempt to interview and demand records from NN regulatory lawyer, attempting to violate privileged communications.

FBI and DOJ and bar association violations of guidelines as to the knowledge and receipt of attorney-client privilege documents and other information relating to the subject case under investigation and litigation. In addition to the knowledge and use, the violation of not reporting or investigating a separate cyber crime from the government parties own case.

Government witnesses state in court and under oath, a turn over hacked e-mails to government and state they do not use hacked documents for trade purposes, which is proven false on its face.

106 proven privileged documents before and after Segal arrest, during period 8/1/01 to 4/30/02 Sample attached.

393 unmemorialized government phone contacts during same time with take over group.

- Forensic evidence and admission of eight months of hacking regarding all transactions during the period and examples of using prior search dates on actual dates of search. The specific attorney client privileged document was interfered with regarding protection of hacker and interfering with arrest, and not taking a copy of laptop hard drive which would have proved specific instances of hacking.

700 Hours of Taping

THE GOVERNMENT DELAYED TURNOVER OF 700 HOURS OF GOVERNMENT TAPING RECORDINGS PROVIDE CLEAR EVIDENCE IN THE GOVERNMENT'S OWN RECORDS AS TO CONDUCT TO INTERFERE WITH EXCULPATORY EVIDENCE AND MANUFACTURE OF FALSE EVIDENCE IN AN UNUSUAL CRIME OF KLEIN TAX CONSPIRACY. EVIDENCE COMPILATIONS AVAILABLE AS TO SPECIFICS OF FALSE AND MANUFACTURED CRIME.

Turnover of 700 hours of government witness consensual tape recordings.

Not one minute of tape introduced into evidence.

Tape has suspicious "black" outs of government phone and other sensitive conversations.

Tapes flatly provide evidence of unconstitutional conduct, violation of guidelines, specific exculpatory and mitigating evidence and, direct evidence of government participation with witnesses as to the creation of false known and incomplete and inaccurate evidence relating to client-tax conspiracy, and cover up.

The government cannot rely on incomplete knowledge of contents given to them by government witnesses or nonparticipation in actual taping for tapes prove government controls on and off or facts they did not use at trial.

Evidence in tapes as to facts that are attempted to interfere with as to evidence by using parallel analysis of IRS memorandum. Government records are shown to be used to dilute and spin statements made by government witness Watkins before he becomes leveraged as a government embezzler witness.

Taping by McNichols of Silets and Wish provides advance notice of cutoff and interfere with total exculpatory evidence similar to government arresting Segal to interfere with civil litigation with questions as to his taping facts and conduct.

Specifically as a result of taping Attorney-Client-Privilege conversations, the government:

1. Was aware that if a tax conspiracy ever existed that Segal had withdrawn from the conspiracy prior to November 1, 2001 therefore the 20 days in November, 2001, would not result in a straddle crime sentencing factor (Clear evidence of manipulation of tapes to delete facts).
2. Was aware that WATKINS was responsible for irregularities in the handling of petty cash. (Requiring the government to "flip" Watkins' role from "embezzler" to "tax conspiracy co-conspirator.")
3. Acquired a strategic roadmap for the generation of "evidence" against Segal and his family:
 - A. McNichols government private agent. Recording regarding the posting of a PJ Clarke reimbursement.

B. Watkins confessed petty cash embezzler unsuccessful attempt to "set up" Joy Segal, with proven false evidence.

C. McNichols and Watkins unsuccessful attempt to "set up" John Segal with proven false evidence.

* The lack of success in these setup efforts demonstrates that the alleged perpetrators of the crime were not engaged in criminal conduct because in each instance, they rejected the overtures of the private government agent in question.

4. Knew of the efforts to memorialize Watkins' statements as to his handling of the petty cash account in a sworn affidavit, thereby enabling the government to engage in a strategy to interfere with the investigation of Watkins and the memorialization of his activities which prove manufacture of a crime and the elimination of exculpatory evidence.

The Government made over 700 hours of tape recordings:

- Segal prosecution, court ruled an open file case, requiring complete and accurate turnover of all evidence.
- Government's own evidence of taping defense attorney for NNIB and Segal is separate misconduct and not viciated by the government's turnover of tapes.
- The tapes present rare opportunity to prove the government misconduct and the required element of knowledge of false and manufactured evidence almost like a video tape in the government's record.
- Not one minute of the tapes entered into presented evidence at trial.

All tape recording transcripts were prepared by the law firm of Jones Day from tapes provided by the government and are available for review and confirmation. Comments are provided for explanation purposes and are not intended as an alteration of the transcripts. Some of the tapes reflect inaudible portions regarding potentially sensitive subject matter and some of the tapes have been merged in non-sequential pairings, resulting in incomplete chronological subject matters.

It is believed these tapes would not have been turned over without David Grossman, an ex-FBI agent, informing the FBI station executive that it was incorrect that the FBI delayed the appropriate investigation of Segal's company cybercrimes and other issues that concerned his view of the bureau's investigative standards. It is believed that Grossman's meeting and follow up affidavit in the records led to the turnover of eighteen months of delayed investigative records. Segal first learned of the government's wire recording through a media person who had been in contact on a regular basis with the government takeover witnesses before and after these parties left NNIB.

Grossman, as ex-FBI supervisor, stated the required procedure the original recordings should be under the control of a separate FBI party, facilitating a review if required.

The tapes present the government's own records concerning proof of due process issues improperly reviewed and explained not only regarding the conduct but also the intended consequences of these breaches.

Clear, unlawful taping of defense attorney in violation of professional and ethical standards of lawyers and DOJ.

Attempted conduct in non-turnover of favorable evidence, however delayed by 18-20 months, resulting from ex- FBI Grossman's inquiry.

Suspicious and apparent mixing and editing, and inaudible sections of tape interfering with favorable evidence.

Clear evidence of consequences of government learning defense trial strategies and specific exculpatory evidence regarding time of offense resulting in a straddle crime and tax conspiracy conviction.

Government-cooperating private agent directed by FBI agent interfering with exculpatory evidence and attempting to manufacture incomplete and inaccurate culpatory evidence.

Proof of misleading and false statements given to PSR, which tapes prove in direct opposition and misleading to quotes in PSR record.

Key tape transcripts demonstrating the illegal taping of Attorney Silets include:

Id. 11 10/31/01	Wish confirms that Segal did not know what McNichols had relayed as to Watkins' accounting and asked Wish to get Silets and himself involved.
Id. 8 10/29/01	Watkins states postage was good because he hid it, not that Segal told him.
Id. 13 11/1/01	McNichols attempts to scare Watkins and says he may be set up.
11/1/01	Watkins states there is no written proof that anyone told him to do these things. Everything was verbal. And states he did not tell Segal a lot.
Id. 15 11/6/01	Watkins tell McNichols he does not think he (Watkins) is being set up.
Id. 16 11/7/01	References to October email between Wish and Segal, which Wish shared with McNichols, and if Reidy was allowed to ask McNichols questions, this evidence would be made known.
Id. 19 11/17/01	MCNICHOLS, GOVERNMENT AGENT, TAPES WISH PHONE CONVERSATION WITH DEFENSE ATTORNEY SILETS. Wish confirms voluntary statement by Watkins.
Unavailable? 11/20/01	Attorney Silets meets in Watkins' office and Watkins suggests minor changes in written statement.
Id. 22 11/21/01	McNichols interferes and tells Watkins he should not sign.
Id. 22 11/21/01	McNichols stops Watkins, when Watkins states that Segal has no knowledge.
Id. 23 11/23/01	McNichols states "I don't know if you have to sign it, but they will be putting pressure on you."
Id. 23 11/23/01	Watkins states "They did not put pressure on me."
Id. 31 11/29/01	GOVERNMENT AGENT WATKINS, UNDER MURPHY'S CONTROL, TAPES PHONE CONVERSATION 3.06-5.45 WITH DEFENSE ATTORNEY SILETS. BECOMES RELUCTANT TO STATE WHY WATKINS WILL NOT SIGN PRIOR VOLUNTARY STATEMENT.

It is clear from some of the tape transcripts that at least with respect to Watkins wearing a tape recorder, it is controlled on and off by FBI agent Murphy. This goes to the facts of taping Segal's defense attorney Silets (by Watkins) and other inaudible interference with Watkins' conversations reflected in various, specific transcripts.

As an example, to support Watkins recording:

ID91 - 1/25/02 - 7:03am to 11:46am and 12:59pm to 5:01pm - Dan Watkins

Murphy: It is January 25, 2002, at 7:04 am, this is Special Agent Patrick J. Murphy. I've just activated the recording device on Dan Watkins for the purpose of recording contacts he may have at Near North Insurance.

Dan, do you consent to this recording?

ID77 - 1/8/02 - 7:01am to 11:43am, - Dan Watkins (wired) at Near North Murphy activates Watkins' recorder, Watkins consents to recording.

ID92 - 1/28/02 - 7:03am to 11:02am and 1/29/02 - 6:27am to 12:34pm - Dan Watkins (wired) recording for the purpose of any contacts at Near North.

Watkins: [Answers phone]: Okay, I'll turn it off now. No, I haven't heard anything.
[Murphy called and Watkins turned off the recording device immediately after he got off the phone, indicating he was doing so pursuant to Murphy's instructions].

