

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF KENTUCKY
LEXINGTON DIVISION
CRIMINAL ACTION NO. 5:20-CR-063-DCR
CIVIL ACTION NO.**

UNITED STATES OF AMERICA

PLAINTIFF

v.

DOUGLAS WILLIAM VANCE

DEFENDANT

PETITIONER'S MOTION TO EXPAND THE RECORD PURSUANT TO RULE 7

Petitioner, Douglas William Vance, respectfully moves this Court for an Order expanding the record pursuant to **Rule 7(a) of the Rules Governing Section 2255 Proceedings** to include Exhibits A through E, submitted contemporaneously with this motion.

Rule 7 authorizes the Court to direct the parties to expand the record with materials relevant to the disposition of a § 2255 motion, including affidavits, declarations, transcripts and documentary evidence. Expansion of the record is appropriate here because the attached exhibits directly relate to Ground One (Ineffective Assistance of Counsel), Ground Two (Due Process Violations), and Ground Three (Actual Innocence) as set forth in Petitioner's §2255 Motion and will materially assist the Court in resolving those claims without unnecessary delay.

GROUND FOR EXPANDING THE RECORD

The requested expansion is limited, targeted, and necessary for meaningful judicial review:

I. Exhibit A – Sworn Declaration of Joan Faybik

Exhibit A contains a notarized declaration from the primary alleged victim denying victimization, denying reliance on fraudulent representations, and describing investigative pressure to adopt a false narrative. This evidence directly contradicts the Government's loss theory and supports Ground Two (Due Process Violations) and Ground Three (Actual Innocence), and further demonstrates prejudice under Ground One

II. Exhibit B – Sworn Statements and Allocution of Co-Defendant Molly McKinnon

Exhibit B includes sworn statements and allocution testimony admitting sole responsibility for the financial conduct and denying Petitioner's knowledge or participation. This exhibit directly supports Ground One (failure to authenticate and present corroborating exculpatory evidence) and Ground Three (actual innocence)

III. Exhibit C – Pre-sentence Investigation Report (PSR) Excerpts and Objections

Exhibit C documents disputed loss calculations, ownership mischaracterizations, and role enhancements relied upon at sentencing. These materials demonstrate prejudice resulting from counsel's failures and the sentencing consequences of inaccurate factual assumptions. This exhibit supports Ground One (ineffective assistance at sentencing) and Ground Two (due process violations based on materially inaccurate information)

IV. Exhibit D – December 19, 2018 Recorded FBI Interview Transcript

Exhibit D is a contemporaneous government record establishing that Petitioner informed FBI Special Agent Christopher Hubbuch of the existence and location of exculpatory evidence years before indictment. This transcript rebuts any claim of fabrication, supports the ineffective assistance and due process claims, and corroborates Petitioner's consistent account over time.

This exhibit is central to Ground One (failure to introduce corroborating evidence), Ground Two (due process distortion), and Ground Three (actual innocence).

V. Exhibit E – Medical Records Confirming January 2026 Transient Ischemic Attack (TIA)

Exhibit E consists of medical documentation confirming that Petitioner suffered a transient ischemic attack while in Bureau of Prisons custody on January 22, 2026. This evidence is relevant to the timeliness and procedural posture of the §2255 motion, and his request for retention at his current facility during pendency of these proceedings. The medical records are objective, limited in scope, and directly related to the timeliness and procedural posture of this case.

JUDICIAL ECONOMY AND FAIRNESS

Expansion of the record will promote judicial economy by allowing the Court to evaluate the merits and procedural posture of Petitioner's claims without immediately requiring an evidentiary hearing, while ensuring that the Court's review is based on a complete and accurate factual record.

Courts routinely grant Rule 7 motions where, as here, the materials:

- are reliable,
- are directly relevant to constitutional or procedural claims, and

- clarify factual disputes central to the disposition of the motion.

The requested materials do not seek to introduce new claims, but merely supplement the factual record relevant to the grounds already asserted in the §2255 motion.

CONCLUSION

For the foregoing reasons, Petitioner respectfully requests that the Court grant this Motion and expand the record to include Exhibits A through E for consideration in connection with his Motion under 28 U.S.C. § 2255.

WHEREFORE

Petitioner respectfully requests that the Court grant this Motion and order that Exhibits A through E be made part of the record for purposes of adjudicating the pending § 2255 motion.

Petitioner declares under penalty of perjury pursuant to 28 U.S.C. § 1746 that the facts stated herein are true and correct to the best of his knowledge and belief, and that this motion is filed in good faith, not for delay or harassment.

Respectfully submitted,

/s/ Douglas William Vance

Douglas W. Vance
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on February 17, 2026, I placed this Motion and all attached pleadings in the mail addressed to the Clerk of the Court and to the United States Attorney's Office for the Eastern District of Kentucky.

James Chapman
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/s/ Douglas William Vance
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