

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

WILLIE E. BOYD,  
Plaintiff,

v.

EXECUTIVE OFFICE FOR UNITED  
STATES ATTORNEYS, et. al.,  
Defendants.

Civil Action No. 13-1304(ABJ)

AFFIDAVIT OF PAUL SIMS

I, Paul E. Sims, hereby state and declare the following:

1. I was retained as counsel for the Petitioner Willie E. Boyd and represented him in United States v. Willie E. Boyd, 4:97CR301 (ERW) in the Eastern District of Missouri.

2. That I sent Mr. Richard G. Callahan, United States Attorney, a certified letter requesting that he turn over the April 15, 1998 unredacted letters and the accompanying discovery materials, that AUSA Gary Gaertner had allegedly hand delivered to Trial Counsel Carl Epstein, in the middle of trial. In this letter, I also made a request for the full disclosure of 1,188-pages of documents that had been located in an "unofficial case file" in the possession of assigned case agent ATF James Green, that became BATF Case File #02-1078. See: Appendix-A, (The redacted copies of the April 15, 1998 discovery disclosure letters, and copies of the Vaughn index and the description of documents).

Mr. Callahan, nor anyone from the United States Attorney's Office contacted me in regards to my request for the full disclosure of those materials.

3. That on December 5, 2011, I filed a motion in the case to compel disclosure of documents in the Government's possession, supported by sworn declarations of Trial Counsel Carl Epstein and

Willie E. Boyd, requesting full disclosure of the April 15, 1998 discovery disclosure letters, with the accompanying discovery materials in full, without redactions; the full disclosure of the 1,188-pages of documents located in BATF Case File #02-1078 in full, without redactions; and for the full disclosure of all records and information in its files on Bryant Troupe, and all Brady/Jencks and Rule 16 discovery materials on its testifying witnesses in the case, including their Grand Jury testimony.

4. That on February 8, 2012 the Government responded to the motion to compel disclosure in a motion titled, "United States' Response to Defendant's Various Motions". In this motion the Government's counsel James Crowe, stated, "We will provide defense counsel with a copy of the letter of April 15, 1998, from Government counsel to Carl Epstein."<sup>1</sup> See: Appendix-B, pp. 21-22, (Copy of Government's motion). The Government failed to oppose in its motion the release of the 1,188-pages of the documents in BATF Case File #02-1078, all documents in its files on Bryant Troupe, the disclosure of all Brady/Jencks and Rule 16 discovery materials in its files, or the Grand Jury materials on its testifying witnesses who had testified in the case on behalf of the Government, at the trial.

I have not received from the Government copies of the April 15, 1998 discovery disclosure letters, as promised by the Government.

I declare under the penalty of perjury, that to the best of my knowledge, information, and belief, all of the foregoing is true, accurate, and correct.

Signature of Affiant,



Paul E. Sims, #50536MO  
Attorney at Law  
4387 Laclede Avenue, Suite-A  
St. Louis, Mo. 63108

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<sup>1</sup>. There were two-discovery disclosure letters dated April 15, 1998, but AUSA James Crowe, only stated in the singular, but I assume he was promising to turn over both discovery letters. See: Appendix-A.

STATE OF MISSOURI )  
 )  
 ) ss:  
St. Louis, City )

Signed and Sworn before me, a notary public, in and for the City of  
St. Louis and State of Missouri this 23, day of September,  
2013.

YOLANDA Y. HOWARD  
Notary Public - Notary Seal  
State of Missouri  
Commissioned for St. Louis County  
My Commission Expires: August 14, 2014  
Commission Number: 1351460

Yolanda Y. Howard  
Signature of Notary Public

# SIMS & BAILEY, LLC

4387 Laclede Ave., Suite A ~ St. Louis, Missouri, 63108

---

Cert. Mail No. 7002 0860 0007 6128 3255

March 9, 2011

Richard G. Callahan  
United States Attorney  
111 South 10<sup>th</sup> Street  
St. Louis, Missouri 63102

Re: Formal Request for Non-Redacted Disclosure Documents in  
United States v. Willie Boyd, 4:97CR301

Dear Mr. Callahan:

I have been retained by the family of Willie E. Boyd to represent him in the above criminal matter. On January 24, 2011, I met with AUSA Jim Crowe, concerning the impact former St. Louis Police Officer Bobby Garrett had on Mr. Boyd's criminal trial, and the non-disclosure of discovery materials dated April 15, 1998, to trial counsel Carl Epstein. Plus, the subsequent discovery that assigned case agent James Green had "unofficial file" of 1,188 pages of documents that contained investigative records that did not appear in the government's criminal case files on Mr. Boyd.

At this meeting with Mr. Crowe, he was under the impression that the meeting was only to discuss the issue of what impact Bobby Garrett's testimony had on the criminal case. That was simply not the case, and does not address Mr. Boyd's complaint filed with former United States Attorney Catherine Hanaway.

When I attempted to pursue the non-disclosure of the April 15, 1998 discovery materials at this meeting with Mr. Crowe, he took the firm position that he believes former AUSA Gary Gaertner had disclosed those discovery materials to Mr. Epstein.

I informed Mr. Crowe that prior to the meeting I had contacted Mr. Epstein and had discussed whether he had received that discovery material on April 15, 1998, and Mr. Epstein confirmed to me that he had not.

I am attaching copies of the April 15, 1998 redacted disclosure letters. If that is the government's position that the materials were in fact turned over during the trial, then those documents should be in the criminal case, and are public record. In that case, I am requesting a full disclosure of those materials.

# SIMS & BAILEY, LLC

4387 Laclede Ave., Suite A ~ St. Louis, Missouri, 63108

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March 9, 2011

Page Two

In addition to that request, I am also requesting a full disclosure of non-redacted copies of the 1,188 pages of documents found in the possession of ATF Agent James Green, that became case file #02-1078. I am enclosing a copy of the Vaughn Index of the description of the documents. This "unofficial file" was subsequently discovered through FOIA litigation in Boyd v. U.S. Marshall Service, et.al, 99CV2712, after the trial.

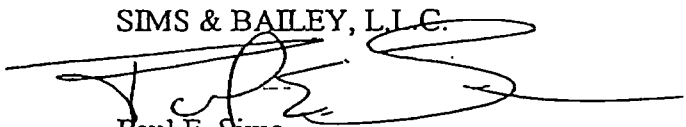
All investigative documents should be turned over to Mr. Boyd in order to determine if the non-disclosed materials contain any Brady/Jencks or other discovery materials that were material to a fair trial.

I have heard that you are a man of integrity, and I would like to think that you expect nothing less from those in the United States Attorney's office. I would like to set down with you, and with Mr. Boyd's family in hopes of getting to the bottom of the non-disclosed records, and the issue with Bobby Garrett.

Thank you in advance for your attention to this matter.

Sincerely,

SIMS & BAILEY, L.L.C.



Paul E. Sims  
Counsel

PES/sm

cc: Willie Boyd (with enclosures)



U.S. Department of Justice

United States Attorney  
Eastern District of Missouri

Gary M. Goertner, Jr.  
Assistant United States Attorney

U.S. Court and Customs House  
1114 Market Street, Room 401  
St. Louis, Missouri 63101

Direct Line (314)-339-6856  
Office (314) 339-2200  
Fax (314)-339-2309

April 15, 1998

Hand-Delivered  
Mr. Carl Epstein  
Attorney At Law

Re: Willie Boyd

Dear Mr. Epstein:

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I have also provided you with  
b7c b7c in the trial of United States v. Byron James Miller,  
4:96CR365 CDP which you indicated to me in Court the other day that  
you previously reviewed a copy, but you left your copy in  
Indianapolis. I have also included b7c  
Grand Jury testimony b7c  
b7c b7c I  
have also included a copy of Agent b7c : report dated 10-9-  
97 and a copy of b7c and

RIP  
b7c,  
Exhibit-A

670 referenced in the report of

Respectfully submitted,

EDWARD L. DOWD, JR.  
United States Attorney



---

GARY M. GAERTNER, JR.  
Assistant United States Attorney

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United States Attorney  
Eastern District of Missouri

Gary M. Gaertner, Jr.  
Assistant United States Attorney

U.S. Court and Custom House  
1114 Market Street, Room 401  
St. Louis, Missouri 63101

Direct Line (314)-539-6856  
Office (314) 539-2200  
Fax (314)-539-2305

April 15, 1998

Hand-Delivered  
Mr. Carl Epstein  
Attorney At Law

Re: Willie Boyd.

Dear Mr. Epstein:

On October 2, 1997, b70 b70 b70  
b70 b7c b7c b7E b70 b70 b70 b7d  
involving the case of United States v. Willie E. Boyd, S1-4:97CR301 SNL. After October 2, 1997 date, the United States Government b7c b7c b7E in the United States v. Willie E. Boyd, S1-4:97CR301 SNL. The Government b70 b70 b70 b70 b70  
The Government has provided b70 b70 b70  
b70 regarding b70 the case of United States v. Willie E. Boyd, S1-4:97CR301.

Respectfully submitted,

EDWARD L. DOWD, JR.  
United States Attorney

GARY M. GAERTNER, JR.  
Assistant United States Attorney

RIP  
b7c, b7E



VAUGHN INDEX OF DELETIONS IN DISCLOSURE TO WILLIE BOYD  
FROM BUREAU OF ALCOHOL TOBACCO AND FIREARMS  
ATF DISCLOSURE FILE # 02-1078

DOC.#	DOCUMENT DESCRIPTION	EXEMPTION	INFORMATION WITHHELD
1-15	Subpoenas and related documents	(b)(7)(C)	Names and identifying information of Federal and State law enforcement officers
16	Fax Cover Sheet	(b)(7)(C)	Name of Federal law enforcement officer
17	Firearms Trace Report	(b)(2) (b)(7)(C)	Computer code for traced firearm, names and identifying information of Federal law enforcement officer and third party
18	St. Louis Police Property Voucher	(b)(2) (b)(7)(C)	Internal police codes and name and identifying information of State law enforcement officer
19-21	Subpoenas	(b)(7)(C)	Names and identifying information of Federal law enforcement officers and third party
22	Grand Jury Subpoena (1-page-withheld in full)	(b)(3)	Grand Jury Material procedure rule 6(e)
23-35	Subpoenas and related documents	(b)(7)(C)	Names and identifying information of Federal law enforcement officer and third party
36	Handwritten Notes	(b)(7)(C)	Names and identifying information of third party
37	Laboratory Work Sheet	(b)(2) (b)(7)(C)	Internal lab codes and names and identifying information of State law enforcement personnel
38-39	St. Louis Police Processing Document	(b)(2) (b)(7)(C)	Internal police administrative code, names of Federal or State law enforcement personnel
40	Handwritten Notes	(b)(2) (b)(7)(C)	Internal police administrative codes, names and identifying information of State law enforcement
41	St. Louis Police Teletype	(b)(2) (b)(7)(C)	Internal police administrative codes, names and identifying information of State law enforcement personnel

DOC.#	DOCUMENT DESCRIPTION	EXEMPTION	INFORMATION WITHHELD
42	ATF Fax Cover Sheet	(b)(2) (b)(7)(C)	Computer code for traced firearm, name and identifying information of Federal law enforcement agent
43-53	St Louis Police Reports	(b)(2) (b)(7)(C) (b)(7)(D)	Internal police administrative codes, names of State law enforcement personnel and third parties, references to confidential source
54	Handwritten Notes	(b)(7)(G)	Name and phone number of third party
55	ATF Memorandum	(b)(2) (b)(7)(C)	Internal ATF administrative code, names and identifying information of Federal law enforcement officer and third party
56	Handwritten Notes	(b)(7)(C)	Names and identifying information of third parties
57	St Louis Police Reports	(b)(2) (b)(7)(C)	Internal police administrative codes, names of State law enforcement personnel and third parties
58	ATF Fax Cover Sheet	(b)(7)(C)	Name and identifying information of Federal law enforcement personnel and
59	Handwritten Notes	(b)(7)(C)	Name of Federal law enforcement officer
60	Electronic Surveillance Notification	(b)(2)	Equipment used for surveillance and administrative information
61	Cover Sheet	N/A	None
62	Grand Jury Transcript (63 pages-withheld in full)	(b)(3)	Transcript of grand jury proceedings
63	Phone Message	(b)(7)(C)	Name of third party
64-73	Transcript of Prison Phone Call	(b)(3) (b)(7)(C)	Name and identifying information of third parties and references to grand jury matters
74	Witness Statement (2 pages-withheld in full)	(b)(7)(C) (b)(7)(D) (b)(7)(F)	Statement of confidential source
75	Handwritten Notes	(b)(7)(C)	Name and phone number of Federal law enforcement personnel and third parties
76-81	Search Warrant Application and Affidavit	(b)(7)(C) (b)(7)(D)	Names and identifying information of State law enforcement personnel and third parties

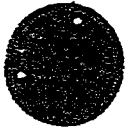
DOC.#	DOCUMENT DESCRIPTION	EXEMPTION	INFORMATION WITHHELD
82-83	Request to Relocate Cooperating Individual	(b)(7)(G) (b)(7)(D)	Names and identifying information of Federal and State law enforcement personnel and confidential source
84	Confidential Source Information (71 pages-withheld in full)	(b)(2) (b)(7)(C) (b)(7)(D) (b)(7)(F)	information relating to confidential source, computer codes
85	Status Report	(b)(7)(C)	Name of Federal law enforcement officer
86	Handwritten Notes	(b)(7)(C) (b)(7)(D)	Names of Federal law enforcement personnel, third parties, and confidential source
87-92	California Dept. of Corrections Documents	(b)(7)(2) (b)(7)(C)	Names of State law enforcement personnel, computer codes
93-95	Handwritten Notes	(b)(7)(C)	Names and identifying information of third parties
96-97	St. Louis Police Receipts	(b)(2) (b)(7)(C)	Internal police administrative codes, names of State law enforcement personnel and third parties
98	U.S. Attorney Letter	(b)(7)(C)	Names of Federal law enforcement officer and third parties
99	Casino Transaction Information	N/A	None
100-106	U.S. Memorandum and Response	N/A	None
107-109	NCIC Records	(b)(2) (b)(7)(C)	Name of Federal law enforcement officer and internal FBI computer codes
110-122	Apartment Lease and Documentation	(b)(7)(C)	Names and identifying information of third parties
123-125	Western Union Records	(b)(7)(C)	Names and identifying information of third parties and Federal law enforcement officer
125-128	Apartment Rental Information	(b)(7)(C)	Names and identifying information of third parties
129-145	NCIC Records	(b)(7)(2) (b)(7)(C)	Name of Federal law enforcement officer, names and identifying information of third parties, and internal FBI computer codes

DOC.#	DOCUMENT DESCRIPTION	EXEMPTION	INFORMATION WITHHELD
146	Western Union Records and Handwritten Notes	(b)(7)(C) (b)(4)	Names and identifying information of third parties. Currency codes
147	NCIC Records	(b)(7)(2)	internal FBI computer codes
148	Handwritten Notes	(b)(7)(C)	Name of third party
149	Property Tracking Form	(b)(7)(2) (b)(7)(C)	Names of Federal and State law enforcement officers and identifying information of same
150-154	Handwritten Notes	(b)(7)(C)	Names of third parties
155	St. Louis Police Receipts	(b)(2) (b)(7)(C)	Names of State law enforcement personnel. internal police codes
156-166	Handwritten Notes	(b)(7)(C)	Names and identifying information of third parties
167	Handwritten Notes (2 pages-withheld in full)	(b)(7)(C) (b)(7)(D) (b)(7)(F)	information relating to confidential source
168	Handwritten Notes	(b)(7)(C) (b)(7)(D) (b)(7)(F)	Information relating to confidential source
169	Handwritten Notes	(b)(7)(C) (b)(7)(D) (b)(7)(F)	Information relating to confidential source
170-173	Handwritten Notes	(b)(7)(C)	Names and identifying information of third parties
174	Handwritten Notes (4 pages-withheld in full)	(b)(7)(C) (b)(7)(D) (b)(7)(F)	information relating to confidential source
175-178	Handwritten Notes	(b)(7)(C)	Names and identifying information of third parties
179-180	Trans Union Reports	(b)(4)	Corporate transaction codes
181	Handwritten Notes	(b)(7)(C) (b)(7)(D) (b)(7)(F)	Information relating to confidential source
182	ATF Letter to Mo. Dept. of Revenue	(b)(7)(C)	Name and identifying information of Federal law enforcement officer
183	Handwritten Notes	(b)(7)(C)	Name and identifying information of Federal or State law enforcement officer
184-191	Evidence Photos and Receipts	(b)(7)(C)	Name and identifying information of State law enforcement officer

DOC.#	DOCUMENT DESCRIPTION	EXEMPTION	INFORMATION WITHHELD
192	Handwritten Notes (1 page-withheld in full)	(b)(7)(C)	information relating to third parties (names and identifying information)
193-255	Plaintiff's FOIA Complaint	n/a	None
256-257	NCIC Printouts	(b)(2)	Internal FBI computer codes
258	Draft Declaration for FOIA Litigation (3 pages-withheld in full)	(b)(5) (b)(7)(C)	Draft FOIA Litigation declaration that was never filed
259-261	Photographs and Identification of Plaintiff	n/a	None
262-264	Mo. Dept. of Revenue Printouts	(b)(2) (b)(7)(C)	Internal computer codes and names and identifying information of third party
265	Criminal History and Identification of Third Party (2 pages-withheld in full)	(b)(2) (b)(7)(C)	State criminal history and photograph of third party
266-267	Photographs and Identification of Plaintiff	n/a	None
268	Investigative Notes	(b)(7)(C)	Name of third party
269	E-Mail Message Regarding FOIA Litigation (1 page-withheld in full)	(b)(5)	Internal deliberations regarding FOIA litigation
270	Handwritten Notes	n/a	None
271-274	Criminal Records of Plaintiff	(b)(2) (b)(7)(C)	Internal FBI computer code and names and identifying information of third parties
275	Photographs and Identification of Plaintiff	n/a	None
276-291	Criminal Records of Plaintiff	(b)(2) (b)(7)(C)	Internal FBI computer codes and names and identifying information of Federal and State law enforcement personnel
292-315	Plaintiff's Criminal Appeal	n/a	None
316-317	TECS Printout	(b)(2)	Internal ATF computer codes
318	Ameritech Order Form	(b)(7)(C)	Name and identifying information of third party
319	Handwritten Notes	(b)(2) (b)(7)(C)	Internal law enforcement codes and name and identifying information of third party
320-321	Federal Records Center Request	(b)(2) (b)(7)(C)	Internal computer code and names and identifying information of third party and Federal law enforcement officer
322	Business Card	(b)(7)(C)	Name and identifying information of third party
323	Copy of Mailed Envelope	(b)(7)(C)	Name and identifying information of third party

DOC.#	DOCUMENT DESCRIPTION	EXEMPTION	INFORMATION WITHHELD
324-325	Ameritech Order Form and Receipt	(b)(7)(C)	Name of third party
326-327	Mo. Dept. of Revenue Printouts	(b)(2) (b)(7)(C)	Names and identifying information of third parties, internal State computer codes
328-332	California State Court Records	(b)(2) (b)(7)(C)	Names and identifying information of State law enforcement officers and third parties, internal State computer codes
333	Grand Jury Indictment (5 pages-withheld in full)	(b)(3)	Grand Jury Indictment
334-335	Request for California Court Records	(b)(2) (b)(7)(C)	Internal FBI computer code and names and identifying information of Federal law enforcement officers
336-339	St. Louis City Assessor Records	(b)(2) (b)(7)(C)	Internal State computer code and names and identifying information of third parties
340-341	Currency Transaction Report	(b)(2) (b)(7)(C)	Internal Federal computer code and names and identifying information of third parties
342	TRW Record	(b)(2) (b)(7)(C)	Corporate transaction code and names and identifying information of third parties
343	Criminal History and Identification of Third Party (7 pages-withheld in full)	(b)(2) (b)(7)(C)	State criminal history and photograph of third party
344-345	Mo. Dept. of Revenue Printouts	(b)(2) (b)(7)(C)	Names and identifying information of third parties, internal State computer codes
346-347	ATF Report of Interview	(b)(7)(C)	Names and identifying information of Federal law enforcement officers and third parties
348-349	2 Copies of ATF Letter to Clerk of St. Louis Circuit Court	(b)(7)(C)	Names and identifying information of Federal law enforcement officers
350-352	ATF Memoranda	(b)(2) (b)(7)(C) (b)(7)(D) (b)(7)(F)	information relating to confidential source, computer codes, names and identifying information of Federal law enforcement officers
353-364	California State Court Records	(b)(2) (b)(7)(C)	Names of Federal and State law enforcement officers and third parties, internal State computer codes

DOC.#	DOCUMENT DESCRIPTION	EXEMPTION	INFORMATION WITHHELD
365-367	Criminal Records of Plaintiff	(b)(2) (b)(7)(C)	Internal ATF computer codes and name of Federal law enforcement personnel
368-377	NCIC Printouts	(b)(2)	Internal FBI computer codes and name of third party
378	California State Court Records	(b)(2) (b)(7)(C)	Names of State law enforcement officers and internal State computer codes
379	ATF Photographic I.D. Folder	(b)(7)(C)	Photos of lineup participants
380	St. Louis City Assessor Record	(b)(2) (b)(7)(C)	Internal State computer code and names and identifying information of third parties
381	Referral to United States Marshals Service (22 pages)	N/A	none from ATF
382	Referral to Executive Office of United States Attorneys (12 pages)	N/A	none from ATF
383	Referral to Financial Crimes Enforcement Network	N/A	none from ATF
384-385	State Department of Corrections	(b)(2) (b)(7)(C)	Internal State and FBI Codes and name and identifying information of third party
386-387	Personal History sheets	(b)(2) (b)(7)(C)	FBI computer codes and names and identifying information of third parties



**U.S. Department of Justice**  
*Executive Office for United States Attorneys*  
*Freedom of Information & Privacy Staff*  
600 E Street, N.W., Suite 7300, Bicentennial Building  
Washington, DC 20530-0001

(702) 252-6020 FAX: 252-6047

(www.usdoj.gov/usao)

Requester: Boyd, Willie E. Request Number: 13-1061

Subject of Request: Self /MIE

FEB 27 2014

Dear Requester:

Your request for records under the Freedom of Information Act/Privacy Act has been processed. This letter constitutes a reply from the Executive Office for United States Attorneys, the official record-keeper for all records located in this office and the various United States Attorneys' Offices.

To provide you the greatest degree of access authorized by the Freedom of Information Act and the Privacy Act, we have considered your request in light of the provisions of both statutes.

The records you seek are located in a Privacy Act system of records that, in accordance with regulations promulgated by the Attorney General, is exempt from the access provisions of the Privacy Act. 28 CFR § 16.81. We have also processed your request under the Freedom of Information Act and are making all records required to be released, or considered appropriate for release as a matter of discretion, available to you. This letter is a [ X ] partial [ ] full denial.

Enclosed please find:

201 page(s) are being released in full (RIF);  
267 page(s) are being released in part (RIP);  
139 page(s) are withheld in full (WIF). The redacted/withheld documents were reviewed to determine if any information could be segregated for release.

The exemption(s) cited for withholding records or portions of records are marked below. An enclosure to this letter explains the exemptions in more detail.

Section 552

[ ] (b)(1)	[ ] (b)(4)	[ ] (b)(7)(B)
[ ] (b)(2)	[ X ] (b)(5)	[ X ] (b)(7)(C)
[ X ] (b)(3)	[ ] (b)(6)	[ ] (b)(7)(D)

FRCP 6(e)

[ X ] In addition, this office is withholding grand jury material which is retained in the District.

(Page 1 of 2)

Appendix A-16



[ X ] A review of the material revealed:

[ X ] Our office located records that originated with another government component. These records were found in the U.S. Attorney's Office files and may or may not be responsive to your request. These records will be referred to the following component(s) listed for review and direct response to you: IRS; Bureau of Prisons; Department of Treasury; Alcohol, Tobacco, and Firearms; United States Marshals Service

[ X ] There are public records which may be obtained from the clerk of the court or this office, upon specific request. If you wish to obtain a copy of these records, you must submit a new request. These records will be provided to you subject to copying fees.

[ X ] See additional information attached.

This is the final action on this above-numbered request. You may appeal this decision on this request by writing to the Office of Information Policy, United States Department of Justice, 1425 New York Avenue, Suite 11050, Washington, D.C. 20530-0001. Both the letter and envelope should be marked "FOIA Appeal." Your appeal must be received by OIP within 60 days from the date of this letter. If you are dissatisfied with the results of any such administrative appeal, judicial review may thereafter be available in U.S. District Court, 28 C.F.R. § 16.9.

Sincerely,



Susan B. Gerson  
Assistant Director

Enclosure(s)



U.S. Department of Justice

United States Attorney  
Eastern District of Missouri

Gary M. Gaertner, Jr.  
Assistant United States Attorney

U.S. Court and Custom House  
1114 Market Street, Room 401  
St. Louis, Missouri 63101

Direct Line (314)-539-6856  
Office (314) 539-2200  
Fax (314)-539-2309

April 15, 1998

Hand-Delivered  
Mr. Carl Epstein  
Attorney At Law

Re: Willie Boyd

Dear Mr. Epstein:

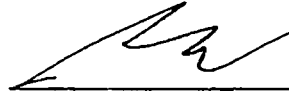
On October 2, 1997, Special Agent James Green provided Bryant Troupe \$300.00 in cash as a one time relocation fee in order for Mr. Troupe to leave the Metropolitan St. Louis Area due to a threat that he received involving the case of United States v. Willie E. Boyd, S1-4:97CR301 SNL. After October 2, 1997 date, the United States Government provided money for the relocation of Mr. Troupe from the St. Louis Area for his safety in the United States v. Byron James Miller, 4:96CR365 CDP. The Government spent a total of \$2,953.90 for this relocation. Mr. Troupe was provided \$650.00 for food, \$28.00 for transportation, and \$2,268.00 for lodging in another location. The Government has provided no other resources to Mr. Troupe, nor has the Government entered into any agreements with Mr. Troupe regarding his testimony in the case of United States v. Willie E. Boyd, S1-4:97CR301.

I have also provided you with a copy of the testimony of Bryant Troupe in the trial of United States v. Byron James Miller, 4:96CR365 CDP which you indicated to me in Court the other day that you previously reviewed a copy, but you left your copy in Indianapolis. I have also included a copy of Mr. Bryant Troupe's Grand Jury testimony on May 28, 1997 and a copy of a written affidavit by Bryant Troupe which is dated September 27, 1997. I have also included a copy of Agent Jim Green's report dated 10-9-97 and a copy of a tape of a conversation between Sharon Troupe and

Bryant Troupe referenced in the report of 10-9-97.

Respectfully submitted,

EDWARD L. DOWD, JR.  
United States Attorney



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GARY M. GAERTNER, JR.  
Assistant United States Attorney



U.S. Department of Justice

*United States Attorney  
Eastern District of Missouri*

Gary M. Gaertner, Jr.  
Assistant United States Attorney

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Direct Line (314)-539-6856  
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Fax (314)-539-2309

April 15, 1998

Hand-Delivered  
Mr. Carl Epstein  
Attorney At Law

Re: Willie Boyd

Dear Mr. Epstein:

On October 2, 1997, Special Agent James Green provided Bryant Troupe \$300.00 in cash as a one time relocation fee in order for Mr. Troupe to leave the Metropolitan St. Louis Area due to a threat that he received involving the case of United States v. Willie E. Boyd, S1-4:97CR301 SNL. After October 2, 1997 date, the United States Government provided money for the relocation of Mr. Troupe from the St. Louis Area for his safety in the United States v. Willie E. Boyd, S1-4:97CR301 SNL. The Government spent a total of \$2,953.90 for this relocation. Mr. Troupe was provided \$650.00 for food, \$28.00 for transportation, and \$2,268.00 for lodging in another location. The Government has provided no other resources to Mr. Troupe, nor has the Government entered into any agreements with Mr. Troupe regarding his testimony in the case of United States v. Willie E. Boyd, S1-4:97CR301.

Respectfully submitted,

EDWARD L. DOWD, JR.  
United States Attorney

GARY M. GAERTNER, JR.  
Assistant United States Attorney

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

WILLIE E. BOYD,  
Plaintiff,

v.

EXECUTIVE OFFICE FOR UNITED  
STATES ATTORNEYS; et. al,  
Defendants.

---

)  
)  
)  
)  
) Case No. 13-1304(ABJ)  
)  
)  
)  
)  
)

AFFIDAVIT OF CARL EPSTEIN

I, Carl L. Epstein, hereby state and declare the following:

1. I was trial counsel and defended Willie E. Boyd in United States of America v. Willie E. Boyd, Case Number 4:97CR365(SNL) from September 9, 1997 through October 22, 1998.

2.. That the two-April 15, 1998 cover letters from then assistant United States Attorney Gary Gaertner, that I've just reviewed in their unredacted form, were never delivered to me. I received no documents or information from the government on any expenditures totaling 2,953.90 dollars provided or paid on behalf of Bryant Troupe by SA James Green, or the government.  
**See: Exhibit-A & B.**

3. I did not receive any of the discovery related materials from the government listed in the April 15, 1998 cover letter, such as, a copy of the testimony of Bryant Troupe in the trial of United States v. Byron James Miller, 4:96CR365(CDP); the copy of the Grand Jury testimony on May 28, 1997; a copy of

4. Like I have consistently stated in a prior sworn affidavit, the government never provided me with any documents concerning Bryant Troupe's role as a paid informant. Nor has the government provided me with documents on Bryant Troupe and his role in Boyd's criminal case.

I declare under the penalty of perjury, that to the best of my knowledge, information, and belief, all of the foregoing is true, accurate, and correct.

Carl L. Epstein  
Carl L. Epstein

Sworn to before me, a notary public, in and for the County of  
Marion and the State of Indiana this 31<sup>st</sup> day of July, 2014.

my Commission  
Expires:  
Sept 21, 2014

ERIKA Young  
Notary Public  
ERIKA Young  
Marion County



U.S. Department of Justice

United States Attorney  
Eastern District of Missouri

Gary M. Gaertner, Jr.  
Assistant United States Attorney

U.S. Court and Custom House  
1114 Market Street, Room 401  
St. Louis, Missouri 63101

Direct Line (314)-539-6856  
Office (314) 539-2200  
Fax (314)-539-2309

April 15, 1998

Hand-Delivered  
Mr. Carl Epstein  
Attorney At Law

Re: Willie Boyd

Dear Mr. Epstein:

On October 2, 1997, Special Agent James Green provided Bryant Troupe \$300.00 in cash as a one time relocation fee in order for Mr. Troupe to leave the Metropolitan St. Louis Area due to a threat that he received involving the case of United States v. Willie E. Boyd, S1-4:97CR301 SNL. After October 2, 1997 date, the United States Government provided money for the relocation of Mr. Troupe from the St. Louis Area for his safety in the United States v. Willie E. Boyd, S1-4:97CR301 SNL. The Government spent a total of \$2,953.90 for this relocation. Mr. Troupe was provided \$650.00 for food, \$28.00 for transportation, and \$2,268.00 for lodging in another location. The Government has provided no other resources to Mr. Troupe, nor has the Government entered into any agreements with Mr. Troupe regarding his testimony in the case of United States v. Willie E. Boyd, S1-4:97CR301.

Respectfully submitted,

EDWARD L. DOWD, JR.  
United States Attorney

GARY M. GAERTNER, JR.  
Assistant United States Attorney

Exhibit-A



U.S. Department of Justice

United States Attorney  
Eastern District of Missouri

Gary M. Gaertner, Jr.  
Assistant United States Attorney

U.S. Court and Custom House  
1114 Market Street, Room 401  
St. Louis, Missouri 63101

Direct Line (314)-539-6856  
Office (314) 539-2200  
Fax (314)-539-2309

April 15, 1998

Hand-Delivered  
Mr. Carl Epstein  
Attorney At Law

Re: Willie Boyd

Dear Mr. Epstein:

On October 2, 1997, Special Agent James Green provided Bryant Troupe \$300.00 in cash as a one time relocation fee in order for Mr. Troupe to leave the Metropolitan St. Louis Area due to a threat that he received involving the case of United States v. Willie E. Boyd, S1-4:97CR301 SNL. After October 2, 1997 date, the United States Government provided money for the relocation of Mr. Troupe from the St. Louis Area for his safety in the United States v. Byron James Miller, 4:96CR365 CDP. The Government spent a total of \$2,953.90 for this relocation. Mr. Troupe was provided \$650.00 for food, \$28.00 for transportation, and \$2,268.00 for lodging in another location. The Government has provided no other resources to Mr. Troupe, nor has the Government entered into any agreements with Mr. Troupe regarding his testimony in the case of United States v. Willie E. Boyd, S1-4:97CR301.

I have also provided you with a copy of the testimony of Bryant Troupe in the trial of United States v. Byron James Miller, 4:96CR365 CDP which you indicated to me in Court the other day that you previously reviewed a copy, but you left your copy in Indianapolis. I have also included a copy of Mr. Bryant Troupe's Grand Jury testimony on May 28, 1997 and a copy of a written affidavit by Bryant Troupe which is dated September 27, 1997. I have also included a copy of Agent Jim Green's report dated 10-9-97 and a copy of a tape of a conversation between Sharon Troupe and

Exhibit-B



Bryant Troupe referenced in the report of 10-9-97.

Respectfully submitted,

EDWARD L. DOWD, JR.  
United States Attorney



---

GARY M. GAERTNER, JR.  
Assistant United States Attorney

perton "determined that they contained no reasonably segregable, non-exempt information" because he "determined that the entirety of those documents, which are bank examination workpapers, are contained in or related to examination, operating or condition reports prepared by, on behalf of, or for the use of the Board in its capacity as financial institution supervisor of the FRBNY, and that no portion of those documents was unrelated to a bank examination." (Caperton Decl. ¶ 33). The *Vaughn* index reasonably describes the documents withheld and the basis for withholding them in full. The court is therefore satisfied that the Board has produced all reasonably segregable nonexempt information.

#### IV. CONCLUSION

For the foregoing reasons, the Board's motion for summary judgment is granted and Ball's motion for summary judgment is denied. Because Exemptions 5 and 8 permit the Board to withhold Documents 1-4 in their entirety, the court need not discuss the Board's other bases for withholding. An appropriate Order accompanies this Memorandum Opinion.



Willie E. BOYD, Plaintiff,

v.

EXECUTIVE OFFICE FOR UNITED  
STATES ATTORNEYS, et al.,  
Defendants.

Civil Action No. 13-1304 (ABJ)

United States District Court,  
District of Columbia.

Signed March 31, 2015

Background: Requester, a federal prisoner, filed pro se suit against the Executive

Office for United States Attorney (EOUSA) and the Bureau of Alcohol, Tobacco and Firearms (ATF) alleging violations of the Freedom of Information Act (FOIA). All parties moved for summary judgment.

**Holdings:** The District Court, Amy Berman Jackson, J., held that:

- (1) EOUSA's search was adequate;
- (2) EOUSA properly withheld information related to an alleged government informant who had testified at prisoner's trial;
- (3) EOUSA properly withheld information related to police officer who had testified at prisoner's trial;
- (4) EOUSA properly withheld grand jury transcripts and testimony; but
- (5) failure of Treasury Department to provide detailed justification for exemptions asserted required remand to the agency.

Motions granted in part and denied in part, and case remanded for further proceedings.

#### 1. Records ⇄63

Since Freedom of Information Act's (FOIA) exhaustion requirement is prudential; rather than jurisdictional, court is not required to dismiss claims for failure to exhaust administrative remedies. 5 U.S.C.A. § 552.

#### 2. Federal Civil Procedure ⇄2509.8

Freedom of Information Act (FOIA) cases are typically and appropriately decided on motions for summary judgment. 5 U.S.C.A. § 552; Fed. R. Civ. Proc. 56, 28 U.S.C.A.

#### 3. Federal Civil Procedure ⇄2509.8

In a Freedom of Information Act (FOIA) case, when a plaintiff has not pro-

the government. *Boyd*, 475 F.3d at 388. First, the court found that, "[e]ven after discovery, . . . Amicus ma[de] no showing that Boyd ha[d] identified anything withheld at his criminal trial but produced under FOIA that would suggest an actual *Brady* or *Jencks* violation." *Id.* at 387. Second, the court dismissed the allegation that Boyd's trial counsel had never received potentially exculpatory information from the government, noting that "letters the prosecutor wrote in 1998 suggest that the documents at issue were turned over," that it was "doubtful that a reasonable person would infer government misconduct from unsworn letters from defense counsel years after Boyd's 1998 conviction," and that Boyd had "offer[ed] no reason for the government to have been selective in its production." *Id.* at 387-88. Finally, the court found that "the discovery of the [ATF] agent's work file during Boyd's FOIA litigation" was not evidence of government misconduct because "[n]either Amicus nor Boyd . . . [had] produce[d] any evidence that the work file actually contained *Brady* or *Jencks* material that had not been disclosed." *Id.*

In the case now pending before the Court, plaintiff's allegations of government wrongdoing are substantially similar to the claims he and the Amicus advanced before the D.C. Circuit. Plaintiff contends that the government failed to provide potentially exculpatory information to his counsel at trial, including discovery disclosure letters, witness interviews, materials found in an ATF agent's work file, and "any discovery material on Bryant Troupe's role as a government paid informant." Pl.'s Mot. at 18.

Plaintiff maintains that there are "new facts and changed circumstances" that were not available in 2007 that should lead the Court to a different conclusion than the one reached by the D.C. Circuit. *See id.* at 27. He points to the following evidence: (1) unredacted versions of two April 15, 1998 discovery letters in plaintiff's criminal case that EOUSA apparently released in full for the first time in response to plaintiff's March 26, 2013 FOIA request; (2) a sworn affidavit by Carl Epstein, plaintiff's criminal trial counsel; and (3) an affidavit by another attorney, Paul Sims. *Id.* at 24-25.

First, plaintiff argues that the unredacted versions of two discovery letters that discuss Troupe are proof that the government wrongfully withheld information from him at the time of his trial. Pl.'s Mot. at 27-29; *see also id.* at 30-31 (contending that "[t]he deception carried out by the government with its deliberate suppression and concealment of the April 15, 1998 discovery letters, undermined the prior FOIA—Litigation, and Deceived the Court and the Plaintiff"). Both letters are dated April 15, 1998, and both indicate that they were hand-delivered to plaintiff's trial counsel, Carl Epstein. *See* App. B(S) to Pl.'s Mot. [Dkt. # 28-3] at ECF 128<sup>8</sup> ("First April Letter"); *Id.* at ECF 129-30 ("Second April Letter"). But plaintiff contends that Epstein never received either one. Pl.'s Mot. at 32. Plaintiff also alleges that he was "framed by overzealous prosecutors," and that "the government has been covering up the misconduct" by withholding the contents of these letters.<sup>9</sup> *Id.* at 29.

8. Plaintiff submitted the following attachments to his motion for summary judgment and opposition: his own declaration (34 pages) [Dkt. # 28-1], Appendix A (155 pages) [Dkt. # 28-2], and Appendix B (209 pages) [Dkt. # 28-3]. Appendices A and B are subdivided into numerous smaller appendices

that are also designated by letter. Thus, the citation to App. B(S) to Pl.'s Mot. refers to sub-appendix S of appendix B. The Court cites to the ECF pagination for further clarity.

9. The Court notes that EOUSA has offered no explanation as to why it chose to release these two letters in full, after apparently refusing to

In the first letter, Assistant U.S. Attorney ("AUSA") Gary M. Gaertner, Jr. stated that Special Agent James Green and the U.S. government had provided funds to Troupe to assist him in relocating from the St. Louis area "due to a threat that he received involving the case of *United States v. Willie E. Boyd*," and "for his safety in the *United States v. Willie E. Boyd* [sic]." First April Letter at ECF 128. The letter also states that the government spent a total of \$2,953.90 to help Troupe relocate, and that it had not provided any other resources to Troupe, nor "entered into any agreements with Mr. Troupe regarding his testimony in the case of *United States v. Willie E. Boyd*." *Id.*

The second letter, also from AUSA Gaertner, states that the government provided Troupe \$2,953.90 to assist him in relocating "due to a threat that he received involving" plaintiff's case, and "for his safety in the *United States v. Byron James Miller* [sic]." Second April Letter at ECF 129. The letter further states that AUSA Gaertner had enclosed a copy of Troupe's testimony in the *Miller* case because Epstein had "indicated to [Gaertner] in Court the other day that [Epstein] previously reviewed a copy, but [Epstein] left it in Indianapolis." *Id.* Gaertner also states that he is enclosing "a copy of Mr. Bryant Troupe's Grand Jury testimony on May 28, 1997," "a copy of a written affidavit by Bryant Troupe which is dated September 27, 1997," "a copy of Agent Jim Green's report dated 10-9-97," and "a copy of a tape of a conversation between Sharon Troupe and Bryant Troupe refer-

do so in response to previous FOIA requests and other efforts by plaintiff. Indeed, defendants do not address these letters at all in their pleadings.



U.S. Department of Justice

United States Attorney  
Eastern District of Missouri

Organized Crime Drug Enforcement  
Task Force - South Central Region

U.S. Court and Custom House  
1114 Market Street, Room 421  
St. Louis, Missouri 63101

314-539-6851

FAX/314-539-2312

February 21, 1997

Mr. Charles M. Shaw  
Mr. John F. Garvey, Jr.  
Via FAX

Subject: United States v. Miller and Kerr  
4:96CR365CDP

The following information regarding the background of Government witness Bryant Troupe is being provided as Jencks and/or Brady material. You have previously been sent a copy of his RAP sheet. It is my position that none of the entries provides material appropriate for impeachment.

No formal written agreement exists between Troupe and the Government. The Government does not intend to prosecute Troupe for past drug-related, non-violent criminal conduct revealed in his testimony as long as he has been and remains truthful.

Funds have been provided to, or expended on behalf of, Troupe in the following amounts for the listed reasons by the listed agencies:

From approximately 1983 to 1988, Troupe worked as an informant for the Velda City Police Department, where he was employed as a reserve officer for a short time in 1983. During that time, he provided information on criminal activities in the community on approximately 20 or more occasions. He did not testify in any of these cases. In some instances, he received no consideration. In others, he received \$20 to \$50 per case.

From approximately 1988 to 1995, Troupe worked as an informant for the North County MEG Unit/Northwoods Police Department. During that time, he provided information about narcotics and firearms which led to over 40 search warrants as well as other cases and other

Appendix A-19

arrests. His information was found to be consistently reliable. He did not testify in any of the resulting prosecutions. He received cash payments of from \$20 to \$50 per case.

In 1994, Troupe gave information to the Drug Enforcement Administration on one occasion. This led to the seizure of cocaine and marijuana. He did not testify. He received a \$200 cash payment.

Troupe began working with the Federal Bureau of Investigation in 1994. At this time, he was still working with the MEG Unit with the FBI providing some financial and manpower support. On one occasion, the FBI paid Troupe \$200 for a case he made for the MEG Unit.

From March of 1996 to the present time, Troupe has received the following consideration for his cooperation in the Miller/Kerr case: \$4,500 cash, \$750 expenses prior to 1/27/97, \$650 for credit debt, and \$1,160 for rental of secure housing as of 1/27/97.

Troupe has informed me that at various times since approximately 1989, he has participated in drug trafficking as a middleman or broker for Byron Miller. He received money for these services from Miller or others involved in the sales. This activity was not part of his supervised law enforcement cooperation.

Troupe has advised me that he has used and sold marijuana in the past.

Troupe also advised me that he did not report the above-described income as earnings, nor did he pay taxes on it. He has not been absolved of such tax obligation and has been so advised by me.

**Secret-File**  
**BATF Case**  
**File #02-1078**

**Pages 1-387**

DEPARTMENT OF TREASURY BUREAU OF ALCOHOL, TOBACCO AND FIREARMS REPORT OF EXPENDITURES (For Investigative Purposes)		INVESTMENT NUMBER 745519 97.0012
TO: AGENT CASHIER BUREAU OF ALCOHOL, TOBACCO AND FIREARMS KANSAS CITY FIELD DIVISION		SUB-VOUCHER NUMBER

ITEMIZATION		
DATE	EXPLANATION OF EXPENDITURE (Explain exact nature of EXPENDITURE and results achieved; describe evidence purchased, including persons involved and any other pertinent remarks.)	AMOUNT EXPENDED
10/2/97	S/A (RECEIPT ATTACHED)	\$300.00

Appendix A-20

SPECIAL AGENT	DATE
REVISOR OR RESIDENT AGENT IN CHARGE (reviewed by)	DATE
SPECIAL AGENT IN CHARGE	DATE
10/16/97 1-29	
TOTAL OF ALL AGENT CASHIER EXPENDITURE TO DATE	AMOUNT
711026 ALCOHOL, TOBACCO AND FIREARMS	59



10/3/97

DEPARTMENT OF THE TREASURY  
BUREAU OF ALCOHOL, TOBACCO AND FIREARMS  
PAYMENT RECEIPT FOR INVESTIGATIVE EXPENSES, INFORMATION,  
AND/OR TREASURY CHECK

DATE RECEIVED 10/2/97	RECEIVED FROM (Name and Title) Special Agent
AMOUNT RECEIVED \$300.00	AMOUNT RECEIVED (Write in Words) Three Hundred --- AND 00
METHOD OF PAYMENT <input checked="" type="checkbox"/> CASH <input type="checkbox"/> CHECK <input type="checkbox"/> MONEY ORDER	
IF CHECK OR MONEY ORDER, SHOW NUMBER AND OTHER IDENTIFYING DATA	
INVESTIGATIVE EXPENSES	

UNIQUE IDENTIFIER 745519 97 0012	RECEIVER'S SIGNATURE
WITNESS (Name and Title)	

D. U. S. M.

1- [30]

(60)

DEPARTMENT OF TREASURY  
BUREAU OF ALCOHOL, TOBACCO AND FIREARMS  
REQUEST FOR ADVANCE OF FUNDS  
(For Investigative Purposes)

INVESTIGATIVE NUMBER

74-5519 97 0012

TO: AGENT CASHIER  
BUREAU OF ALCOHOL, TOBACCO AND FIREARMS  
KANSAS CITY, FIELD DIVISION

SUB-VOUCHER NUMBER

PART I - GENERAL INFORMATION

SUSPECT'S NAME AND ADDRESS (Street, city, State and zip code)

WILLIE E. BOYD  
2091 VICTORY WAY LANE  
ST LOUIS, MO. 63138

FUNDS ARE  
REQUESTED  
DIRECTLY FROM  
(Check one)

X

SUBCASHIER

HQ CASHIER (Chief)

FUNDS INTENDED USE

FIREARMS TITLE I / TITLE II	ARSON / EXPLOSIVES	INFORMANT/ INVESTIGATIVE	CONTROLLED SUBSTANCE
SILENCERS	ARSON	INVESTIGATIVE EXPENSE	HEROIN
MACHINEGUNS	HIGH EXPLOSIVES	PURCHASE INFORMATION	COCAINE
STOLEN FIREARMS	LOW EXPLOSIVES	INFORMANT SUBSISTENCE	CRACK COCAINE
RIFLES / SHOTGUNS	BLASTING AGENTS	NRT SUPPORT	MARIJUANA
PISTOLS / REVOLVERS	DESTRUCTIVE DEVICE	PEN REGISTER	METHAMPHETAMINE
SHORT BARREL FIREARMS	ILLEGAL EXPLOSIVE DEVICE	TITLE III	ALCOHOL / TOBACCO
OTHER (Explain)	OTHER (Explain)	OTHER (Explain)	OTHER (Explain)

EXPLAIN/JUSTIFICATION

PART II - SUB CASHIER FUNDS REQUEST AND APPROVAL

In connection with the above investigation, I request that an advance of funds, in the sum of \$ 300.00  
be issued to me by the sub cashier to be used for expenditures,

SPECIAL AGENT	DATE	TOTAL FUNDS EXPENDED IN THE CASE TO DATE
	10/1/97	\$ - 0 -
AGENT IN CHARGE	DATE	AMOUNT APPROVED (Write out)
	10/1/97	Three Hundred and no/100

PART III - DISBURSEMENT / RECEIPT OF FUNDS

SUB CASHIER OR ALTERNATE	DATE	AMOUNT DISBURSED (Write out)	\$
	10/1/97	Three Hundred and no/100	300.00
	DATE	AMOUNT RECEIVED (Write out)	\$
	10/1/97	Three Hundred and no/100	300.00

PART IV - RETURN OF FUNDS AND/OR EXPENDITURE

RECEIPT OF FUNDS (Signature of sub cashier/Alternate)	DATE	AMOUNT OF FUNDS RETURNED (Write out)	\$
SPECIAL AGENT SIGNATURE	DATE	AMOUNT OF FUNDS EXPENDED (Write out)	\$
	10/1/97	Three Hundred and no/100	300.00

PART V - FLASHROLLS/EMERGENCY EXPENSE FUNDS

SPECIAL AGENT IN CHARGE (Reviewed by)	DATE
	1-31
CHIEF, SPECIAL OPERATIONS DIVISION (Approved by)	DATE
	61

REPORT OF INVESTIGATION

Page 1 of

1. CASE # FID 59579

2. DATE OF REPORT  
02-05-97

3. REPORTED  
BY: ADLER, LUKE J

4. CASE TITLE US v WILLIE EDWARD BOYD

AT: ST LOUIS MO

5. OTHER DEPUTIES: BRIAN MCKEE, JEFF GRAUE, JOE KUSTER (ST LOUIS METRO PD/FAST UNIT-SPCL DUSM)

6. TYPE OF REPORT (Check One):

- ☐ REPORT OF ELECTRONIC INTERCEPTION  
☐ COLLATERAL LEAD  
☐ WITNESS INTERVIEW

- ☒ ARREST  
☐ INTELLIGENCE UPDATE  
☐ MEMORANDUM TO FILE  
☐ OTHER

On 02-01-97 at approximately 21:00, DUSMs McKee, Graue, Adler and Spcl DUSM Joe Kuster arrested WILLIE EDWARD BOYD B/M DOB 07-11-49 SSN 490-52-6605, at his residence on 2091 Victory Way Lane, St Louis MO 63138, Tel (314) 653-6668. Also present at the time of the arrest were BOYD's paramour SHARON TROUPE B/F DOB 01-06-66 SSN 495-76-6145 and his 16 yr old son MUHAMMED MATEEN.

DUSM Adler had received information from a confidential source, that WILLIE BOYD was living at 2091 Victory Way since November 1996. The CI stated that WILLIE BOYD's girlfriend SHARON TROUPE

had rented the townhouse at 2091, however, she stayed elsewhere and WILLIE BOYD lived there with his son. DUSM Adler verified this information with the leasing office and residents in the area.

On 02-01-97 at approximately 20:00, DUSM Adler spoke with the CI who said WILLIE BOYD was present at 2091 Victory Way.

At about 21:00 the DUSMs knocked on the front door and were allowed in by SHARON TROUPE. DUSM Adler informed her that he had an arrest warrant for WILLIE BOYD and asked her where WILLIE was. S TROUPE said he's upstairs in his room as she motioned toward the stairs. DUSM Graue went up the stairs and found W BOYD coming out of the

7. SIGNATURE (DUSM)

8. DATE

02-05-97

11. DISTRIBUTION

- ☒ DISTRICT  
☐ HEADQUARTERS  
☒ OTHER US ATTY

9. APPROVED (Name and Title)

10. DATE

2/5/97

UNITED STATES MARSHALS SERVICE

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United States Department of Justice  
United States Marshals Service

## REPORT OF INVESTIGATION (Continuation Sheet)

Page 2 of

1. CASE # FID 59579	2. DATE OF REPORT 02-05-97	3. REPORTED BY: ADLER, LUKE J
4. CASE TITLE US v WILLIE EDWARD BOYD		AT: E/MO ST LOUIS

master bedroom, wearing only sweat pants. W BOYD was arrested and taken to the livingroom area downstairs. DUSM Adler read W BOYD and S TROUPE their rights and each acknowledged they understood the rights. During this time, DUSMs McKee and Kuster conducted a protective sweep of the residence and observed a GLOCK 9mm semi-~~auto pistol and large magazine laying on the~~ floor of the closet in plain view. SDUSM Kuster retrieved the weapon and magazine and placed them on the bed. DUSM McKee rendered the weapon safe. SDUSM Kuster also retrieved a black bag which was on the closet floor next to the weapon and placed it on the bed. The black bag was laying open in plain view and appeared to contain a scale, US currency and a white powder substance. The black bag and weapon with magazine appeared to have been hastily thrown into the closet. DUSM Adler seized the weapon with magazine and the black bag with its contents. (The magazine appeared to be loaded w/9mm ball.)

DUSM Adler asked all three subjects who the gun belonged to. All three subjects denied knowledge of the weapon at that time.

DUSM Adler began talking with S TROUPE and asked her how long she had lived there with W BOYD. S TROUPE said she and W BOYD were not married but had lived with each other for the past three years. She said she had known for some time that W BOYD was wanted, but he was going to turn himself in since his picture was in the paper. (W BOYD also stated this to DUSM Adler.) DUSM Adler also asked S TROUPE how long she and W BOYD had lived there together. S TROUPE said they had been there together for several months. She also said that they shared the bedroom but she had never seen that black bag or the gun and she did not own any guns. S TROUPE also said she had just arrived home prior to the DUSMs arriving. S TROUPE said she had been there earlier that day and W BOYD and the bag were not there, when she left. She stated that when she arrived home this evening W BOYD was upstairs in his bedroom and his son was also home.

DUSM Adler asked S TROUPE if she would consent to a search of the residence and she said yes and signed a consent form.

## UNITED STATES MARSHALS SERVICE

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United States Department of Justice  
United States Marshals Service

REPORT OF INVESTIGATION (Continuation Sheet)

Page 3 of \_

1. CASE # FID 59579	2. DATE OF REPORT 02-05-97	3. REPORTED BY: ADLER, LUKE J
4. CASE TITLE US v WILLIE EDWARD BOYD		AT: E/MO ST LOUIS

A consensual search of the residence was conducted but did not yield anything other than the items found in plain view.

*Shannon on 2/5/97*  
The DUSMs dressed W BOYD and departed the residence with him and the items seized by DUSM Adler. W BOYD was transported to jail by DUSMs Graue and Adler. Prior to arriving at the jail, DUSM Adler told W BOYD that the weapon he (W BOYD) had with the laser sight was an excellent gun. W BOYD laughed but said nothing. DUSM Adler then said he hoped that W BOYD didn't have the gun with the intention to shoot police. W BOYD laughed and said "no, man, you know why I had it, you know all the shit going on out here on the street, home invasions and shit." "That's why I had it." W BOYD was booked at Jennings city jail.

DUSM Adler transported the seized weapon with magazine and black bag with contents to USMS E/MO for a complete inventory. A full inventory was completed at USMS E/MO, see attached USM 102.

On 02-05-97, DUSM Adler transported a number of the seized items (as depicted) to the St Louis Metro PD Laboratory for processing and analysis.

Cleared by arrest.

UNITED STATES MARSHALS SERVICE

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1 Q. Now you said at the same evidentiary hearing  
2 that you saw what you thought was the handle of a  
3 pistol because the gun was under something.

4 What was the gun under?

5 A. I don't know. I didn't hear you, I'm sorry.

6 Q. You stated at that same evidentiary hearing that  
7 you saw what was the handle of the pistol under  
8 something.

9 What was it under?

10 A. ~~It was wrapped in a towel.~~

11 Q. Okay. And having been wrapped in a towel, were  
12 you in a position to ascertain at that moment that  
13 it was a pistol?

14 A. I observed a handle which I believed to be a  
15 pistol.

16 Q. What portion of it was exposed exactly?

17 A. Don't -- the grip part where you would wrap your  
18 hand around it.

19 Q. At any time during the course of your presence  
20 at 2091 Victory Way Lane on February 1st, 1997 did  
21 you observe Willie Boyd in possession of the  
22 contraband that was located in the black bag, its  
23 contents or the weapon?

24 A. Did I position it?

25 Q. Did you observe him in physical possession of