

MELCHER MELCHER & MELCHER

A PROFESSIONAL LAW ASSOCIATION

WILLIAM C. MELCHER
WILLIAM P. MELCHER

OF COUNSEL
CHRISTOPHER C. MELCHER

ALSO ADMITTED
DISTRICT OF COLUMBIA

TRILLIUM TOWERS CENTER
6320 CANOGA AVENUE, SUITE 1500
WOODLAND HILLS, CALIFORNIA 91367

TELEPHONE (818) 596-2307
FACSIMILE (818) 876-0206

CONSULTATION OFFICES
LOS ANGELES · IRVINE
SAN DIEGO · LAS VEGAS

November 8, 2007

[REDACTED]
[REDACTED]
[REDACTED]

Dear Mr. Sutcliffe:

1. The Clerk of the Ninth Circuit called me and asked for your present address. I furnished the above Bartee address to her. She states that she had sent you a copy of the opinion in your case, and apparently also the *General Information Judgment and Post-Judgment Procedures*, but received it back as she had mailed it to you in care of the Metropolitan Detention Center.
2. Enclosed is a copy of the document entitled *General Information Judgment and Post-Judgment Procedures* that I received in the mail from the Ninth Circuit concerning your case.

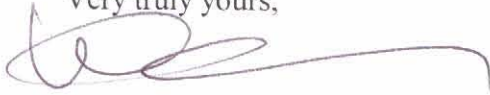
Please particularly note the sections entitled *Petition for Panel Rehearing and Petition for Rehearing en banc*, the entirety of page 2 (relating to Rehearings en banc) and Petitions for Writ of Certiorari on page 3.

3. Please again note that I cannot comment at this time on the propriety of seeking either type of rehearing or the filing of a Petition for Writ of Certiorari with the United States Supreme Court in your case since you have neither provided me with the underlying appellate briefs nor the attorney file in your matter.
4. *I obviously do not consider that the filing of the opinion of the Ninth Circuit or the fact that you have already completed your prison sentence should necessarily end your appeal process.*
5. Among the factors that you should consider is the fact that you remain on supervised release (with the potential of being violated and the consequences thereof), together with the fact that you have sustained a serious felony conviction that still may be open to challenge.

6. Written and detailed federal appellate opinions are perhaps the exception and not the norm in a criminal case. In your case, with the extensive written opinion, it is perhaps easier to isolate and address issues for further appellate review.
7. It is therefore my professional opinion that such a further and intensive review should be contemplated in your case but, once again, I am unable to proceed further at this time since you will not furnish me with the briefings and your former attorney's file, *nor have you indicated to me that you wish to challenge your conviction further or communicate with me in any manner.*
8. There are, of course, occasions where an appellant does not wish to proceed further after an adverse appellate decision has been entered in his case. Such a decision is entirely up to the appellant. I do, however, strongly suggest that you at least afford me the opportunity to conduct this review for you and once again very strongly urge you to deliver the briefings and other materials to me so I can do so.
9. I also enclose a copy of the *Guide for Prospective Indigent Petitions for Writs of Certiorari* prepared by the United States Supreme Court together with a sample *Motion to Proceed In Forma Pauperis*, the required declaration, and an outline of a Petition for Writ of Certiorari also issued by the United States Supreme Court for your potential use, together consisting of 24 pages, for your review and potential use in the event you wish to proceed *in forma pauperis* at this time.
10. You may use these materials in the event you wish to proceed in this regard without an attorney at this time.
11. In conclusion, I once again stress that I am quite willing to assist you as your attorney in potential post-judgment work if such appears to be indicated. I will, of course, have to conduct a complete review of your situation prior to making such a determination – and a recommendation – to you.
12. Under the circumstances I do not anticipate that I shall write to you again on these matters unless you let me know that you wish me to engage in this review and evaluation for you and, of course, immediately provide me with a copy of the briefings and your former attorney's file.
13. In conclusion, I once again strongly solicit your cooperation in this matter.
14. I cannot be of assistance to you without your cooperation and without your taking the simple step of providing these materials to me.

Steven W. Sutcliffe
November 8, 2007
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Very truly yours,

A handwritten signature in dark ink, appearing to be 'W. C. Melcher', with a long, sweeping horizontal line extending to the right.

W. C. Melcher
WCM/vonBuck