

Filed Dec 28 2020

To: Federal National Archives

From: Ivan Ray Begay # 48898-008, Federal Correctional Institution, 1900 Simler Ave, Big Spring TX 79720

RE: Inadequate Search

Dear, Federal National Archives Directors,

I am requesting assistance from this Honorable Agency, by presenting the following documents in Exh. A, to claim that FOIA Directors/ EOUSA did not adequately searched for my FOIA Request, so I filed a FOIA Civil Complaint, as there is no evidence FOIA/EOUSA contacted this dept/agencies for responsive records as they claim, see Exh A, Pg. 1 & 2.

\* All Pages cited from Exh A. \*

- a.) Pg. 1, Begay v. EOUSA, Case No: 2:18-cv-2500-ROS-JZB, filed 2/20/18, closed after it was determined this agency has Criminal Case, contain information outlined in my FOIA Request.

- Pg. A -

- b.) Pg. 2, Adequacy of Search, FOIA, EOUSA claims records housed at Fed. Records, they claimed they searched Fed. Record System for "Case Only", not for FOIA Information(s), claim they were unable to locate any responsive records.
- c.) Pg. 3, 4, 5, 5A, 6, and 7, All my FOIA Request for any of the following information.
- d.) Pg. 8, 9, 9A, 10, 10A, 11, 11A and 12; FOIA/EOUSA Responses.
- e.) Since FOIA/EOUSA only located my Criminal Case, and not for my FOIA Request outlined in Pg. 3, 4, 5, 5A, 6, 7, I request this agency to produce, develop, release all my FOIA Request.
- f.) I am willing to pay for Reproduction, Production, all of my FOIA Request; please release the following information.
- g.) These information is needed to file a Second or Successive 28 U.S.C § 2255, under Newly Discovered Evidence, in the 9th Cir Court of Appeals in San Francisco. CA; to negate the following:
- 1.) Specific Intent of Intent to abuse ... 18 U.S.C § 2241 under Sexual Act Element. Counts 1-4

~~- Pg. B -~~

2.) Specific Intent of Attempt to cause... 18 U.S.C § 2241  
under Sexual Act Element- Counts 1-8

Alcohol / Drug Intoxication can negate these Elements.

3.) Gravamen of Penetration... 18 U.S.C § 2241  
under Sexual Act Element- Counts 1-8

DNA Evidence can negate this Element.

4.) Victims transportation across interstate / foreign commerce,  
under Transportation Element... 18 U.S.C § 1201  
Counts 9-10.

Reports Evidence can negate this Element.

h.) I, declare under penalty of perjury - 28 U.S.C § 1746, all  
the foregoing is true and correct.

Dated: Dec. 28, 2020

By: *Ivan Ray Begay*  
#48898-008

Federal Correctional Institution  
1900 Simler Ave  
Big Spring TX 79720

Exh. A

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

_____	)
IVAN RAY BEGAY,	)
	)
Plaintiff,	)
	)
v.	)
	)
EXECUTIVE OFFICE FOR	)
UNITED STATES ATTORNEYS,	)
	)
Defendant.	)
_____	)

Civil Action No. 2:18-CV-2500

**DECLARATION OF KARA CAIN**

Pursuant to 28 U.S.C. § 1746, I, Kara Cain, declare the following to be a true and correct statement of facts:

1. I am an Attorney-Advisor with the Freedom of Information Act/Privacy Act (“FOIA/PA”) staff of the Executive Office for United States Attorneys (“EOUSA”), United States Department of Justice (“DOJ”). In my capacity as Attorney-Advisor, I act as a liaison with other divisions of DOJ in responding to requests and litigation filed under both FOIA, 5 U.S.C. § 552, and the Privacy Act of 1972, 5 U.S.C. § 552a. I also review FOIA/PA requests for access to records located in this office and the 94 districts of the United States Attorney’s Offices (“USAOs”) and the case files arising therefrom, review correspondence related to requests, review searches conducted in response to requests, and prepare EOUSA responses to ensure compliance with FOIA/PA regulations, 28 C.F.R. §§ 16.3 *et. seq.* and §§ 16.40 *et seq.*, and 5 U.S.C. § 552 and 5 U.S.C. § 552a.

2. Due to the nature of my official duties as Attorney-Advisor, I am familiar with the procedures followed by this office in responding to the FOIA requests made to EOUSA by Ivan

*Pg. 1* *Pg. 6*

records were referred to the Federal Bureau of Investigation for direct response to the Plaintiff. Exhibit I.

#### ADEQUACY OF THE SEARCH

14. In response to Plaintiff's FOIA request, on April 23, 2018, EOUSA directed the United States Attorney's Office for the District of Arizona ("USAO/AZ") to search for records responsive to Plaintiff's FOIA/PA request. On June 28, 2018, the USAO/AZ FOIA contact conducted a search for records responsive to Plaintiff's FOIA request. The FOIA contact initiated the search for responsive records by using Plaintiff's name, Ivan Ray Begay, to determine the location of any case files related to Plaintiff. The FOIA contact, according to the Certification of Search Checklist, also searched criminal case #CR-00-01222-JJT and civil case #10-08221-JAT. When no physical file was located, the FOIA contact searched the Caseview database to determine the location of the file. It was determined that the records were housed at the Federal Records Center of the National Archives due to the age of the case. The FOIA contact searched the Federal Records System for the criminal case and was unable to locate any responsive records.

15. Each United States Attorney's Office maintains the case files for criminal matters prosecuted by that office, depending on the age of the case. When records have reached the retention date they are sent to the Federal Records Center.

16. On June 28, 2018, the USAO/AZ FOIA contact informed EOUSA that no responsive records were located.

17. On December 17, 2019, the FOIA contact conducted a secondary search for records in response to Request No. 2020-000361. The FOIA contact provided responsive records to EOUSA on December 18, 2019, and a final response was provided to the Plaintiff.

FREEDOM OF INFORMATION ACT REQUEST

DATE: Feb. 20<sup>th</sup>, 2018

TO: F.O.I.A / PA Executive Office of U.S. Attorney  
600 E St. N.W.  
D.O.J RM # 7300  
Washington D.C. 20530-0001

RE: F.O.I.A. Request per 5 U.S.C. 552 a

Dear F.O.I.A. Officer:

This is a specific request under the Freedom of Information Act, 5 U.S.C. 552a et seq.  
I hereby request any and all records, documents, photographs, audio or video recordings or any other type of information that your agency has in its possession that is in any way connected to or related to, or even remotely in reference to the following: Case No: CR-00-1222-PCT-PGR, now changed to 3:00-CR-01222-J.J.T, due to Open File Policy, (see Attached page.)

In the event that you believe that some or all of the requested information is exempt from release, kindly advise me which exemptions you are relying on. Also please provide a Vaughn index for all items withheld, as well as detailed justification for any exemptions claimed, either specifically or implied.

As required by law, I anticipate a reply within ten (10) working days.

If there is a cost for the copying of this information, kindly contact me for authorization.

Respectfully,

Ivan Ray Begay,  
Signature

Reams Canyon, AZ  
(b) (6)  
Place of Birth & Birthdate

Ivan Ray Begay  
Printed Name

(b) (6) or Navajo Nations  
Social Security Number Tribal Enrollment #

DECLARATION

I, Ivan Ray Begay, hereby declare that the foregoing is true and correct according to the best of my information, knowledge, and belief, pursuant to 28 U.S.C. 1746.

Dated this 20<sup>th</sup> day of Feb. 2018.

Ivan Ray Begay, #48898-008  
Signature

Ivan Ray Begay  
Printed Name

Note: Prosecutor's duty, under Due Process Clause, of 5<sup>th</sup> Amend, U.S. Const, to disclose favorable evidence to accused, 87 L.Ed. 2d, 802, that charged Mr. Begay under 18 U.S.C § 1153, § 2241, § 1201, on Nov. 10, 2010.

Requesting Information of The Following:

- 1.) Mr. Begay's Alcohol and Drug Intoxication, witnessed by Ms. Roan and Ms. Blackgoat, or other witnesses.
- 2.) Mr. Begay inability to achieve a penis erection, witnessed by Ms. Roan and Ms. Blackgoat, or other witnesses.
- 3.) Names of location, Mr. Begay transported Ms. Roan and Ms Blackgoat to, from their trailer.
- 4.) Verification, that Ronald Blackgoat and Gorman Johnson, did tie-up Mr. Begay at the scene.
- 5.) List of items seized at scene.
- 6.) Any source of D.N.A, found inside Ms. Roan and Ms. Blackgoat inner-vaginal walls.

Information may be contained in letters, written or oral statements, Medical Questionnaires, F.B.I Reports, all Navajo Tribal Documents, and other sources.

2 of 3 pages



FREEDOM OF INFORMATION ACT REQUEST

DATE: March 27, 2018

TO: F.O.I.A. / PA Executive Office of U.S. Attorney  
600 E. St. N.W.  
D.O.J. RM # 7300  
Washington D.C. 20530-0001

RE: F.O.I.A. Request per 5 U.S.C. 552 a

Dear F.O.I.A. Officer:

This is a specific request under the Freedom of Information Act, 5 U.S.C. 552a et seq.  
I hereby request any and all records, documents, photographs, audio or video recordings or any other type of information that your agency has in its possession that is in any way connected to or related to, or even remotely in reference to the following: Case No: CR-00-1222-PCT-PGR, now changed to 3:00-CR-01222-J.J.T, due to Open File Policy. (See Attached Page)...

In the event that you believe that some or all of the requested information is exempt from release, kindly advise me which exemptions you are relying on. Also please provide a Vaughn index for all items withheld, as well as detailed justification for any exemptions claimed, either specifically or implied.

As required by law, I anticipate a reply within ten (10) working days.

If there is a cost for the copying of this information, kindly contact me for authorization.

Respectfully,

Ivan Ray Begay  
Signature

Ivan Ray Begay  
Printed Name

Keams Canyon, AZ

(b) (6)  
Place of Birth & Birthdate

(b) (6), or Navajo Nation  
Social Security Number Tribal Enrollment  
# (b) (6)

**DECLARATION**

I, Ivan Ray Begay, hereby declare that the foregoing is true and correct according to the best of my information, knowledge, and belief.

Dated this 27 day of March 2018.

Ivan Ray Begay  
Signature

Ivan Ray Begay # 48898-008  
Printed Name

Federal Correctional Institution  
P.O. Box 1000  
Sandstone MN 55072 Pg 10

(Pg. 1) Pg. 5

Vincent Q. Kirby, U.S. Attorney Office, 2 Renaissance Sq, 40 N.  
Central Ave., Ste 1200, Phoenix AZ 85004-4408,

is the Attorney believed to have the following records, and  
information I am seeking. Please release the following:

- 1) Mr. Begay's Alcohol and Drug Intoxication, witnessed by Ms.  
Roan, Ms. Blackgoat, and other witnesses.
- 2) Mr. Begay inability to achieve a penis erection, witnessed by  
Ms. Roan and Ms. Blackgoat, and other witnesses
- 3) Names of Locations, Mr. Begay transported Ms. Roan and  
Ms. Blackgoat to and from their trailer.
- 4) Verification, that Ronald Blackgoat and Gorman Johnson, did  
tie-up Mr. Begay at the scene. (trailer).
- 5) List of items seized at the scene.
- 6) Source of D.N.A, found inside the Vaginal Walls [inner-  
vaginal walls] of Ms. Roan and Ms. Blackgoat.

Information contained in letters, written or oral statements, Medical  
Rape Questionnaires, F.B.I Reports, Navajo Nation Police Reports,  
& Other Source.

Note: Prosecutor's Duty, under Due Process Clause, 5<sup>th</sup> Amend, of U.S.  
Const, disclose favorable evidence to accused, 87 L. Ed. 2d. 802,  
charging Mr. Begay under 18 U.S.C, 1153, § 2241, § 1201, on  
November 10, 2000.

9-19-19

To: United States Attorneys of  
Tucson AZ Agency

1. Michael Bailey
2. Katherine V. Foss
3. Vincent Q. Kirby

↔48898-003↔

United State Attorney VI  
405 W Congress ST  
Suite 4800  
Tucson, AZ 85701  
United States

From: Ivan Ray Begay, #48898-008

Re: Specific FOIA Request of 5 U.S.C. § 552 and Privacy Act, of 5 U.S.C. § 552a.

Dear : FOIA officers

Requesting information and access to all records related to Crim. Case of United States of America V. Ivan Ray Begay, CR-00-1222-PCT-PGR, U.S. Attorney Vincent Q. Kirby, for Julie Ann Roan and Renita I. Blackgoat, Statutes: 18 U.S.C. § 2241 and § 1201, of Indictment.

- Request 1 : Mr. Begay's Alcohol and Drug intoxication witnessed by : Julie Ann Roan, Renita I. Blackgoat, Ronald Blackgoat, Goman Johnson, Navajo Police Officer Richard Shirley JR, and other witnesses.
- Request 2 : Mr. Begay's erectile dysfunction, during crime, witnessed by Ms. Roan and Ms. Blackgoat.
- Request 3 : DNA Testing Analysis Report, of 18 U.S.C. § 3600 A, of Ms. Roan and Ms. Blackgoat's inner-vaginal swabbing only, reflecting Mr. Begay's DNA, from semen, skin from fingers, hand : penis.
- Request 4 : DRUG Testing Analysis Report of 18 U.S.C. § 3600 A, of Mr. Begay's oral swabbing-only reflecting true chemicals, THC, Ethanol, etc.

Pg. 6

Pg. 12

• Request 5: Names of Locations namely Interstate or Foreign Commerce, where Mr. Begay did transported Ms. Roan and Ms. Blackfoot, to and from their Mobile Home Trailer.

• Request 6: List of all evidence seized at crime scene

Information found in "Witnesses" written or oral statements, FBI's Kurt Hush-FBI 302 FORMS, Criminal Investigator's Marjorie Hendersons and Randy Bluehouse- CI Reports, Navajo Officer's Richard Shirley JR's Reports, Medical Records of AZ Sage Memorial Hospital Reports, and NM Rehoboth Hospital Reports.

Submit a Vaughn Index of which are exempt or non-exempt. By law, respond by 10 working days.

I, declare under Penalty of Perjury, 28 U.S.C. 1746, all the foregoing is true and correct.

Dated: 9/19/19

By: Ivan Ray Begay #48898-008  
Federal Correctional Institution  
1900 Simler Ave.  
Big Spring TX 79720

~~Pg. 7~~

Pg. 13

To: OGIS, National Archives and Records Administration, 96012  
Adelphi Road - OGIS, College Park Maryland 20740-6001

From: Ivan Ray Begay #48898-008, Federal Correctional Institution,  
1900 Simler Ave, Big Spring TX 79720

RE: FOIA Request per 5 U.S.C. § 552 (a).

Dear FOIA officer,

This is a specific request under FOIA, requesting any and all records, documents, photographs, audio, or video recording, or any other type of information that your agency has in its possession that is in any way connected to or related to, or even remotely in reference to the following:

- A.) Criminal Case - United States V. Ivan Ray Begay,  
CR-00-1222-PCT-PGR, U.S. Attorney Vincent Q.  
Kirby, 2-Renaissance Sq. 40 N. Central Ave., Ste 1200,  
Phoenix AZ 85004-4408.

As I am seeking the following:

- 1.) Biological Evidence under 18 U.S.C. § 3600A, namely Ms. Julie Ann Roan and Ms. Renita I. Blackgoat's Inner-Vaginal Swabbing Only, be tested to reflect Mr. Begay's DNA, from Semen, Skin from finger, hand, penis, to develop a Forensic DNA Expert Witness Report using Forensic DNA Analysis Report, that charged Vaginal Penetration...

- ... by penis, at time of crime, in Counts 1-8, of Indictment, charging 18 U.S.C § 2241.
- 2.) Biological Evidence under 18 U.S.C § 3600A, namely Mr. Ivan Ray Begay's Swabbings be tested to reflect Mr. Begay's true drug chemical compound identity of THC, Ethanol, and other unknown substance, at time of crime reflecting intoxication, to develop a Forensic Drug Toxicology Expert Witness Report using Forensic Drug Toxicology Analysis Report, that charged Specific Intent of Attempt in Counts 1-8, and Intent in Counts 1-4, charging 18 U.S.C § 2241
- 3.) Transportation Evidence, under Ms. Roan, Ms. Blackgoat, Goman Johnson, Ronald Blackgoat, Navajo Officer Richard Shirley JR., FBI Kurt Hush, CI- Marjorie Henderson and Randy Bluehouse, Statements, Reports, Letters, Medical Records, of the names of location where Mr. Begay transported Ms. Roan / Ms. Blackgoat, from the trailer to the locations, to develop a Forensic Kidnapping Expert Witness Report using Forensic Kidnapping Analysis Report, that charged Transportation of Ms. Roan / Ms. Blackgoat, across Interstate Commerce in Counts 9-10, of Indictment, under 18 U.S.C § 1201.
- 4.) Mr. Begay's Alcohol Intoxication Evidence, under Ms. Roan, Ms. Blackgoat, Goman Johnson, Ronald Blackgoat, Navajo Officer Richard Shirley JR., FBI Kurt Hush, CI- Marjorie Henderson and Randy Bluehouse, statements, reports, letters, Medical Records, to develop a Forensic ...

Case 1:21-cv-02509-PJK Document 1-2 Filed 03/02/24 Page 15 of 16  
... Criminal Psychologist Expert Witness Report, using Forensic Crime Analysis Report, charging Specific Intent of Attempt in Counts 1-8, and Intent in Counts 1-4. of Indictment, under 18 U.S.C. § 2241.

5.) Mr. Begay's attempted and actual penile penetration of Ms. Roan / Ms. Blackgoat's vagina evidence, under Ms. Roan, Ms. Blackgoat, Goman Johnson, Ronald Blackgoat, Navajo Officer Richard Shirley JR, FBI Kurt Hush, CI - Marjorie Henderson and Randy Bluehouse Statements, Reports, Letters, Medical Records, to develop a Forensic Sexual Assault Expert Witness Report, using Forensic Sexual Assault Analysis Report, that charged Penetration in Counts 1-8, of Indictment, under 18 U.S.C. § 2241.

In the event that you believe that some or all of the requested information is exempt from release, kindly advise me which exemptions you are relying on. Also please provide a Vaughn Index for all items withheld, as well as detailed justification for any exemptions claimed, either specifically or implied. As required by law I anticipate a reply within 10 working days. If there is a cost for the copies of these information, please let me know.

This request is made to prove Actual Innocence, to obtain a New Trial, Resentencing, or Sentencing Reduction under 28 U.S.C. § 2255.

I also filed a similar request to Executive Office of U.S. Attorney in Washington D.C. and Arizona, thier response is they tried contacting your dept, see Pg's 5, 6, and 7.

Respectfully Submitted: Ivan Ray Begay, Ivan Ray Begay # 48898-008, Born in Kearns Canyon AZ on 8/20/76, Social Security # 526-65-7769.

Declaration

I, Ivan Ray Begay, hereby declare that the foregoing is true and correct according to best of my information knowledge, and belief, including under penalty of perjury pursuant to 28 U.S.C. s 1746.

Dated: May 11, 2020,

by: Ivan Ray Begay  
# 48898-008  
Federal Correctional Institution  
1900 Simler Ave  
Big Spring TX 79720