

**Affidavit
Exhibit #1**

OCTOBER 20, 2015

FOIA / PA MAIL REFERRAL UNIT
JUSTICE MANAGEMENT DIVISION
U.S. DEPARTMENT OF JUSTICE
950 PENNSYLVANIA AVE. N.W.
WASHINGTON, D.C. 20530-0001

"FREEDOM OF INFORMATION ACT REQUEST"

My name is Jesus Ramirez, and the reason for this letter is to request assistance in obtaining copies of my recorded statement in form of a written transcript, copy of my testimonial immunity agreement given to me on January 15 of 2014 by Assistant U.S. Attorney Joseph Blackwell. This agreement was signed by A.U.S.A. Joseph Blackwell, by my attorney Ken Del Valle and by myself in the U.S. Attorney's Office in El Paso, TX.

Also would like the names of the 3 HSI Agents present in the time the agreement took place, and the names of the 2 El Paso Police Department Narcotics Detectives that were present in that meeting.

Mr. Del Valle informed me that A.U.S.A. Joseph Blackwell has possession, custody and control of my statement given under testimonial immunity and the original document of the testimonial immunity agreement. Also the names and the identification number of every law enforcement agent and of every person that attended this meeting was logged in by the front desk in the entrance of the U.S. Attorney's Office.

ALL ASSISTANCE IN OBTAINING COPIES OF THIS DOCUMENTS IS REALLY APPRECIATED, BELOW IS ALL THE INFORMATION FROM THE CASE NUMBER AND MY CONTACT INFORMATION.

CASE NO. EP-14-CR-867-DB-1
CASE FROM THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF TEXAS, EL PASO DIVISION.

TESTIMONIAL AGREEMENT GIVEN BY A.U.S.A. JOSEPH BLACKWELL TX BAR # 24045504, AND SIGNED BY HIM.
DEFENSE ATTORNEY KENNETH DEL VALLE, SIGNED TESTIMONIAL AGREEMENT.

My name: JESUS RAMIREZ
REG. No. 73256-080
FCI SEAGOVILLE
P.O. Box 9000
SEAGOVILLE, TX. 75159



Washington, D.C. 20530

October 27, 2015

Jesus Ramirez
Reg. No. 73256-080
F.C.I.-Seagoville
P.O. Box 9000
Seagoville, TX 75159

Dear Mr. Ramirez:

This is in response to your request for records, Tracking Number, MRUFOIA7-102. Your Freedom of Information Act and/or Privacy Act (FOIA/PA) request was received by this office which serves as the receipt and referral unit for FOIA/PA requests addressed to the Department of Justice (DOJ). Federal agencies are required to respond to a FOIA request within 20 business days. This period does not begin until the request is actually received by the component within the DOJ that maintains the records sought, or ten business days after the request is received in this office, whichever is earlier.

While Privacy Act requests are processed under both the FOIA/PA to assure the fullest possible disclosure, access to records relating to an individual is governed by the Privacy Act. Therefore, the DOJ cannot process your request until Privacy Act requirements are met.

The DOJ must verify the identity of the person who is the subject of the records being requested. This verification is necessary to protect the individual's privacy and is required by Title 28, Code of Federal Regulations, Section 16.41(d)(2). Please send the enclosed Certification of Identity, Form DOJ-361, with a request for records directly to the component(s) you have selected at the address(es) shown on the enclosed List of Department of Justice Components, Functions and Records Maintained. Please note that your signature is required.

Sincerely,

Evie Sassok, Assistant Director
Logistics Management
Facilities and Administrative Services Staff
Justice Management Division

Enclosures
Certification of Identity
List of Department of Justice Components,
Functions and Records Maintained
Incoming Letter

**Affidavit
Exhibit #2**

11-09-2015

TO:

U.S. ATTORNEY'S OFFICE
LAURA FRANCO-GREGORY, CHIEF,
GENERAL CRIMES SECTION
700 E. SAN ANTONIO
SUITE 200
EL PASO, TX. 79901

"FREEDOM OF INFORMATION ACT REQUEST"

MY NAME IS JESUS RAMIREZ, THE REASON FOR MY LETTER IS TO REQUEST ASSISTANCE IN OBTAINING A COPY OF MY TESTIMONIAL IMMUNITY AGREEMENT GIVEN TO ME BY A.U.S.A. JOSEPH BLACKWELL ON JANUARY 15 OF 2014. THIS AGREEMENT WAS SIGNED BY A.U.S.A. JOSEPH BLACKWELL, BY ATTORNEY KEN DEL VALLE AND BY MYSELF AT THE U.S. ATTORNEY'S OFFICE IN EL PASO, TX.

ALSO WOULD LIKE THE NAMES OF THE THREE HSI AGENTS PRESENT AT THE TIME THE AGREEMENT WAS SIGNED, AND THE NAMES OF THE TWO EL PASO POLICE DEPT. DETECTIVES PRESENT AT THE TIME THE AGREEMENT WAS SIGNED. NEED THE NAMES AND THE IDENTIFICATION NUMBER OF THE FIVE LAW ENFORCEMENT AGENTS THAT ATTENDED TO THE MEETING, THE NAMES WERE REGISTERED IN THE FRONT DESK OF THE U.S. ATTORNEY'S OFFICE.

ALL ASSISTANCE IN OBTAINING COPIES OF THIS DOCUMENTS IS REALLY APPRECIATED.

CASE NO. EP-14-CR-867-DB-(1)

CASE FROM THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS, EL PASO DIVISION

TESTIMONIAL AGREEMENT GIVEN BY A.U.S.A.
JOSEPH BLACKWELL, TX. BAR #24045504, AGREEMENT
SIGNED BY HIM.

DEFENSE ATTORNEY KENNETH DEL VALLE, AGREEMENT
SIGNED BY HIM.

My INFORMATION:

JESUS RAMIREZ
REG. No. 73256-080
FCI SEAGOVILLE
P.O. Box 9000
SEAGOVILLE, TX. 75159

**Affidavit
Exhibit #3**

FREEDOM OF INFORMATION ACT REQUEST Exhibit #3

12-18-15

TO:

ROBERT PITMAN, U.S. ATTORNEY FOR THE WESTERN
DISTRICT OF TEXAS
ATTEN: JOSEPH H. GAY JR., A.U.S.A.
601 N.W. LOOP 410, SUITE 600
SAN ANTONIO, TX. 78214

"FREEDOM OF INFORMATION ACT REQUEST"

MY NAME IS JESUS RAMIREZ, THIS LETTER IS TO
REQUEST ASSISTANCE IN OBTAINING A COPY OF MY
TESTIMONIAL IMMUNITY AGREEMENT GIVEN TO ME BY
A.U.S.A. JOSEPH BLACKWELL ON JANUARY 15 OF
2014. THIS AGREEMENT WAS SIGNED BY A.U.S.A.
JOSEPH BLACKWELL, BY ATTORNEY KENNETH DEL VALLE
AND BY MYSELF AT THE U.S. ATTORNEY'S OFFICE IN
EL PASO, TEXAS. ALSO NEED THE NAMES AND THE
IDENTIFICATION NUMBER OF THE THREE HOMELAND
SECURITY AGENTS PRESENT AT THE TIME THE AGREEMENT
WAS SIGNED, AND THE NAMES WITH THE IDENTIFICATION
NUMBER OF THE TWO EL PASO POLICE DEPARTMENT
DETECTIVES THAT ALSO WERE PRESENT AT THE TIME
THE AGREEMENT WAS SIGNED, ALL THE NAMES OF THESE
LAW ENFORCEMENT AGENTS WERE REGISTERED IN THE
FRONT DESK OF THE U.S. ATTORNEY'S OFFICE.

ALL POSSIBLE ASSISTANCE IN OBTAINING COPIES OF
THIS RECORDS (THAT ARE EVIDENCE) IS GREATLY
APPRECIATED.

I MADE THIS REQUEST TO THE CHIEF OF THE
U.S. ATTORNEY'S OFFICE IN EL PASO, TEXAS; BUT NO
RESPONSE HAS BEEN MADE TO MY REQUEST.

(SEE COPY OF LETTER SEND TO U.S. ATTORNEY'S
OFFICE IN EL PASO, TEXAS, INCLUDED IN THIS LETTER.)

THE DOCUMENTS REQUESTED ARE EVIDENCE RELATED TO
CASE NO. EP-14-CR-867-DB (1), THE CASE IS FROM
THE UNITED STATES DISTRICT COURT FOR THE WESTERN
DISTRICT OF TEXAS, EL PASO, DIVISION.

THE USE IMMUNITY AGREEMENT WAS PROVIDED BY
A.U.S.A. JOSEPH BLACKWELL, TX. BAR # 24045504,
AGREEMENT SIGNED BY HIM.

DEFENSE ATTORNEY KENNETH DEL VALLE, TX. BAR
(# 201504529) AGREEMENT SIGNED BY HIM.
24010962, POSSIBLE NEW BAR NUMBER FOR MR. DEL VALLE
MY INFORMATION:

JESUS RAMIREZ
REG. NO. 73256-080
FCI SEABOVILLE
P.O. BOX 9000
SEABOVILLE, TX. 75159

Jesus R. Ramirez 12-18-15

"FREEDOM OF INFORMATION ACT REQUEST"



U.S. Department of Justice
United States Attorney
Western District of Texas

601 NW Loop 410, Suite 600
San Antonio, Texas 78216-5597

February 8, 2016

JESUS RAMIREZ
Reg. No. 73256-080
FCI Seagoville
PO Box 9000
Seagoville, Texas 75159-9000

RE: Your FOIA/PA Request

Dear Sir/Madam:

In accordance with 28 C.F.R. §16, Appendix I, all requests for records of Department of Justice offices, divisions or agencies other than the Bureau of Prisons, Board of Immigration Appeals, Office of Justice Assistance, Research and Statistics, and the Immigration and Naturalization Service should be directed to the Department of Justice for processing and handling in line with other requests as received. The proper office for FOIA/PA requests for records of U.S. Attorney Offices is:

Executive Office for U.S. Attorneys
BICN Building
Room 7300
600 E. Street, N.W.
Washington, D.C. 20530

ATTN: FOIA/PA Unit

This office does not have the authority to respond directly to requests for records under the FOIA/Privacy Act. We are, therefore, forwarding your request to the Executive Office for U.S. Attorneys for processing in accordance with the regulations.

If you have any questions on the request, please direct correspondence to that office.

Very truly yours,

RICHARD L. DURBIN, JR.
Acting United States Attorney

By: *Denise H. Swain*
DENISE H. SWAIN
Paralegal Specialist

cc: Executive Office for U.S. Attorneys
ATTN: FOIA/PA Unit
BICN Bldg., Room 7300
600 E. Street, N.W.
Washington, D.C. 20530-0001

**Affidavit
Exhibit #4**



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

(202) 252-6020 FAX: 252-6047 (www.usdoj.gov/usao)

February 17, 2016

Jesus Ramirez
#73256-080
FCI, P.O. Box 9000
Seagoville, Texas 75159-9000

Re: Request Number: FOIA-2016-01336
Date of Receipt: February 8, 2016
Subject of Request: Jesus Ramirez (Immunity agreement) (specific records)/Western District of Texas

Dear Mr. Ramirez:

The purpose of this letter is to acknowledge receipt of your Freedom of Information Act/Privacy Act request dated **December 18, 2015** and received in the Executive Office for United States Attorneys (EOUSA) on February 8, 2016. You requested specific records concerning yourself. Your request has been assigned Tracking Number FOIA-2016-01336.

For your information, EOUSA assigns incoming requests to one of three tracks: simple, complex, or expedited. Each request is then handled on a first-in, first-out basis in relation to other requests in the same track. As an estimate, the likely median response time for simple requests is approximately 30 business days, whereas complex requests necessarily take longer. At this time, your request has been assigned to the Complex track.

Please be advised that there may be certain costs associated with processing your request. Consequently, you may be responsible for paying those costs, unless you have requested and been granted a waiver or reduction in fees. In most instances, the first 100 pages to duplicate and the first two hours to search for records responsive to your request, will be provided to you free of charge. Thereafter, search and review fees by professional personnel are charged at \$40 per hour and duplication fees are assessed at five cents per page.

Requests that are specific, concrete and of limited scope (in time and/or subject matter) generally enable us to respond to you more quickly and possibly assess less fees. You may decide to limit or reduce the estimated fees, or obtain a quicker response, by modifying your request in one or more ways specified in the attachment to this letter. If after making those allowances we determine that the cost to process your request will amount to more than \$25.00, we will notify you in writing at a later date.

If you have any questions regarding any aspect of your case, you may contact EOUSA by telephone or in writing using the contact information listed above. Please refer to your assigned tracking number, should you contact EOUSA seeking information about your request.

Sincerely,



Susan B. Gerson
Assistant Director

Attachment

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

April 12, 2016

Attn: FOIA/PA UNIT

Re: Request Number FOIA-2016-01336

Date of Receipt: February 8, 2016

Subject of Request: Jesus Ramirez (Immunity agreement)(specific records)
/Western District of Texas

"FREEDOM OF INFORMATION ACT (FOIA) EXPEDITED REQUEST"

Under 28 C.F.R. § 16.5 (e)(1)(iii) and (iv), I am making an expedited processing request under the Freedom Of Information Act (FOIA), 5 U.S.C. 552, to the Executive Office for U.S. Attorneys that in accordance with 28 C.F.R. § 16, Appendix 1, has authority to respond directly to requests for records under the FOIA/Privacy Act, to all requests for records of U.S. Attorney Offices.

The documents and records I am requesting are the following:

- 1) Photo copy (signed) of proffer agreement for use testimonial immunity.
- 2) List with the names and the official identification number of law enforcement officials present at the time and date the proffer agreement was provided and signed.

The proffer agreement for testimonial immunity was provided to me (Jesus Ramirez) by Assistant U.S. Attorney Joseph Blackwell, on January 15 of 2014, at the U.S. Attorney's Office in El Paso, Texas. The proffer agreement was signed by A.U.S.A. Joseph Blackwell, by attorney Kenneth Del Valle and by me, this proffer agreement was signed in the presence of three special agents from the Department of Homeland Security and two narcotic detectives from the El Paso Police Department.


The proffer agreement was provided to me by the Government in exchange for my testimony under use immunity in the criminal investigation of Case Number EP-14-CR-867-DB(1) from the United States District Court for the Western District of Texas, El Paso Division.

The reason for making an "expedited request" of these documents and records, is to complete an appeal against the Government's Case. The Government breached my proffer agreement for testimonial immunity, violating my Constitutional Due Process Rights, this documents and records are evidence of the prosecutorial misconduct from A.U.S.A Joseph Blackwell in my Case. The proffer agreement is a legal contract between the Government and me.

The documents and records I am requesting are important to prove the Government's integrity that affects public confidence and the violation to my Constitutional Due Process Rights.

This request is made as a "Freedom of Information Act (FOIA)" under 5 U.S.C. 552, in accordance to regulations of 28 C.F.R. § 16, Appendix 1, and 28 C.F.R. §.16.5 (e)(1)(iii) and (iv) requesting a FOIA expedited processing request.

Respectfully submitted,

Jesus Ramirez  April 12, 2016
Reg. No. 73256-080
Federal Correctional Institution
P.O. Box 9000
Seagoville, TX 75159-9000

P.S. The documents and records requested can be send to me or to my mother:
Blanca E. James
1173 Marbella Ct.
El Paso, TX 79932

Attached is a Certification Of Identity and Authorization to Release Information
to Another Person, pursuant to 5 U.S.C. 552 a (b).

**Affidavit
Exhibit #5**

Thomas Anderson
Acting Assistant Director FOIA/Privacy Unit
Executive Office for the United States Attorneys
Department of Justice
600 E. Street, NW
Suite 7300, Bicentennial Building
Washington, DC 20530-0001

October 13, 2016

Re: Request Number: FOIA-2016-01336
Subject of Request: Jesus Ramirez (Immunity Agreement)
(specific records) / Western District of Texas.

Dear Mr. Anderson:

The purpose of this letter is to inquire about a request made under the "Freedom of Information Act (FOIA)" to the U.S. Attorneys Office for the Western District of Texas on December 18, 2015, for the following records concerning myself:

- 1) Photo copy of proffer agreement for testimonial immunity, provided by the Government on January 15, 2014.
- 2) List with names and the official identification numbers of the law enforcement officials that were present at the time the proffer agreement was provided and signed.

Attached is a copy of letter received from the U.S. Attorneys Office on February 8, 2016, a letter received from this Office on February 17, 2016, and a copy of a letter sent to this Office on April 12, 2016, in which I made an "expedited request" for obtaining the mentioned records.

I would also like to update my contact information, because I was transferred to a different facility.

I would appreciate any updates and determination to my Freedom of Information Act (FOIA) request.

Sincerely,

Jesus Ramirez, Reg. No. 73256-080
Federal Correctional Institution Camp
1900 Simler Ave.
Big Spring, TX 79720



U.S. Department of Justice

Executive Office for United States Attorneys

Freedom of Information and Privacy Staff

*Suite 7300, Bicentennial Building
600 E Street, NW
Washington, DC 20530**(202) 252-6020
FAX (202) 252-6047*

November 8, 2016

Jesus Ramirez
#73256-080
FCI, 1900 Simler Ave
Big Spring, Texas 79720

Re: Request Number: FOIA-2017-00166
Date of Receipt: October 25, 2016
Subject of Request: Jesus Ramirez (self)/TXW

Dear Mr. Ramirez:

This letter acknowledges receipt of your Freedom of Information Act/Privacy Act (FOIA) request dated **October 13, 2016** and received in the Executive Office for United States Attorneys (EOUSA) on October 25, 2016.

Your request has been assigned Tracking Number FOIA-2017-00166.

Your request seeks records from one or more field offices, and involves many voluminous records and/or requires consultation with another agency/component with a substantial interest in the subject-matter and therefore falls within "unusual circumstances" as set forth in the state. See 5 U.S.C.S § 552(a)(6)(B)(i)-(iii). Accordingly, we are extending the time limit to respond to our request for ten additional days. See 5 U.S.C. § 552(a)(6)(B)(i). In addition, this Office assigns incoming requests to one of three tracks: simple, complex, or expedited. Each request is then handled on a first-in, first-out basis in relation to other requests in the same track. Simple requests usually receive a response in approximately 30 business days, whereas complex requests necessarily take longer. At this time, your request has been assigned to the complex track.

Under FOIA and Department of Justice regulations you may be required to pay certain costs associated with processing your request, including, searching for, reviewing, and duplicating requested records. Consequently, you may potentially incur those costs, unless you have requested and been granted a waiver or reduction in fees. In most instances, the first 100 pages to duplicate and the first two hours to search for records responsive to your request, will be provided to you free of charge. If after making those allowances, we determine that the cost to process your request will amount to more than \$25.00, we will notify you in writing at a later date.¹ Requests that are specific, concrete and of limited scope (in time and/or subject matter) generally enable us to respond to you more quickly and possibly assess less fees. To avoid delay

and reduce any potential fees, we respectfully request that you modify and narrow the scope of your request (See attachment).

You may contact our FOIA Public Liaison at the telephone number listed above for any further assistance and to discuss any aspect of your request. Additionally, you may contact the Office of Government Information Services (OGIS) at the National Archives and Records Administration to inquire about the FOIA mediation service they offer. The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, 96012 Adelphi Road-OGIS, College Park, Maryland 20740-6001; email at ogis@nara.gov; telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769.

Sincerely,



Thomas D. Anderson
Acting Assistant Director

Attachment

¹ Search and review fees by professional personnel are charged at \$40 per hour and duplication fees are assessed at five cents per page.

**Affidavit
Exhibit #6**



U.S. Department of Justice

Executive Office for United States Attorneys

Freedom of Information and Privacy Staff

Suite 7300, Bicentennial Building
600 E Street, NW
Washington, DC 20530

(202) 252-6020
FAX (202) 252-6047

December 6, 2016

Jesus Ramirez
#73256-080
FCI, 1900 Simler Ave
Big Spring, Texas 79720

Re: Request Number: FOIA-2017-00166 Date of Receipt: October 25, 2016
Subject of Request: Jesus Ramirez (Self)/USAO Western District of Texas

Dear Mr. Ramirez:

The Executive Office for United States Attorneys has received your Freedom of Information Act/Privacy Act request. A check of our files indicates you have been assigned two numbers (2017-00166 and 2016-1336). Since the Executive Office processes requests on a "first-in-first-out" basis, we are combining the two files and assigning it the earlier number which appears above. Please cite this number in any future correspondence you send to this office.

The Executive Office has received an exceedingly heavy volume of Freedom of Information Act/Privacy Act requests and therefore, this office will be unable to respond to your request within the time limits established by the Freedom of Information Act. Please be assured, however, that your request is being handled as equitably as possible and that all documents which can be released will be made available at the earliest possible date.

Sincerely,

A handwritten signature in black ink, appearing to read "Kevin Krebs".

Kevin Krebs
Assistant Director

THIS IS NOT A BILL. DO NOT SEND MONEY

Jesus Ramirez FOIA-2017-00166

CHOOSE ONE

I wish to modify my request in an attempt to obtain a quicker response and/or reduce fees as follows:

REQUEST: Copy of original Imunity Agreement (signed) that was provided by A.U.S.A. Joseph Blackwell on January 15, 2014. Immunity Agreement was provided and signed at the U.S. Attorney Office for the Western District of Texas in El Paso. Immunity Agreement was signed by A.U.S.A. Joseph Blackwell, by attorney Kenneth Del Valle and by me (Jesus Ramirez). Case Number: EP-14-CR-867(1) from the U.S. District Court for the Western District of Texas, El Paso Division.

Need for this document is extremely important to complete an appeal under a Motion 2255 for violation of Fifth Amendment Constitutional Right
I understand that I am entitled to the first 100 pages and two hours of search time for free. Please do not search beyond two hours, nor duplicate beyond 100 pages.

I agree to pay up to the following amount for duplication and search time: \$ _____
I understand that this payment is required even if no documents are located or released to me. In the event that documents are located and released to me, I understand that I may be charged duplication fees in addition to search fees.

____ I wish to withdraw my request.

Jesus R. Ramirez
Signature

12-20-16
Date

Please return to:
EOUSA
FOIA/PA
600 E Street, N.W., Room 7300
Washington, DC 20530

Under 28 C.F.R. § 16.5(e)(1)(iii) and (iv)
I am making an expedited processing request under the FOIA, 5 U.S.C. 552 JRR.

¹ Search and review fees by professional personnel are charged at \$40 per hour and duplication fees are assessed at five cents per page.

**Affidavit
Exhibit #7**

FILED

2017 MAR -3 PM 3:57

U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY: [Signature]
DEPUTY

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
EL PASO DIVISION

UNITED STATES OF AMERICA,
Plaintiff,

v.

Jesus Rene Ramirez,
Defendant.

§
§
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§
§
§
§

Case No. EP-14-CR-867-DB(1)

DEMAND UNDER THE FREEDOM OF INFORMATION ACT (FOIA)

NOTICE OF DEMAND AND DEMAND FOR PRODUCTION
OF DOCUMENTS PURSUANT TO THE FREEDOM OF
INFORMATION ACT (FOIA) TITLE 5 U.S.C. §552
AND PRIVACY ACT TITLE 5 U.S.C. §552(a).

TO THE CLERK OF THE ABOVE ENTITLED COURT AND TO THE
UNITED STATES OF AMERICA AND ITS ATTORNEYS:

Please take notice that the Defendant, Jesus Rene Ramirez,
will demand within 20 days of the filing of this notice, and hereby
does demand as follows:

1. For an Order of this Court demanding production of documents,
pursuant to the Freedom Of Information Act (FOIA) (Title 5 U.S.C.
§552), in conjunction with the Privacy Act (Title 5 U.S.C. §552(a)),
by the United States Department of Justice Executive Office for
United States Attorneys and by the United States Attorney for the
Western District of Texas. Defendant petitions this Court to order
the United States of America and its Attorneys to comply with
Federal Law.

The documents for which Defendant demands production are an
Immunity Agreement, which is a Legal Contract, that was provided
by Assistant United States Attorney Joseph Blackwell on January 15,

2014, at the United States Attorney's Office for the Western District of Texas, in El Paso. Defendant demands a copy from the original legal document and a certificate of authentication for the requested copy. The original Immunity Agreement was signed by Assistant United States Attorney Joseph Blackwell, by attorney Renan Kenneth Del Valle and by Defendant. The original Immunity Agreement was left in the possession, custody and control of Assistant United States Attorney Joseph Blackwell.

Defendant has made multiple expedited requests to the Executive Office for United States Attorneys for the processing of his request based on the loss of substantial due process rights due to the withholding and breach of the Immunity Agreement by the Government's Agents, and this Office and its Attorneys have failed to comply with the Law. See, e.g., *Ferguson v. FBI*, 772 F. Supp. 1137, 1141-1143 (S.D.N.Y. 1989) (noting that "due process interest must be substantial" and holding that plaintiff's request for information regarding his particular post-conviction proceeding required expedition).

2. In the alternative, for this Court to order the production of the withheld legal document, in whole, by the said Office and its Attorneys. Additionally, for the Court, to conduct, in its discretion, an in camera review of the withheld document, and to designate an agent or appoint a special master to conduct said review. Defendant would further petition that he be allowed to review and copy the legal document if its determined that the document is relevant to the Defendant's Case pursuant to said review.

3. This demand is based upon Motions, files and requests filed in

this Case, upon attachments hereto, and upon such further oral or documentary evidence as may be produced at the time of the hearing on this petition.


Respectfully submitted,

Jesus R. Ramirez Date: 02-28-2017

Jesus Rene Ramirez, Reg. No. 73256-080
Federal Correctional Institution Camp
1900 Simler Ave.
Big Spring, TX 79720

CERTIFICATE OF SERVICE

I hereby certify that on March 03, 2017, I serve copies of this demand by certified mail to the following: on Jeff Sessions, Attorney General of the United States, at the Attorney General Office, 441 4th St. N.W., Washington, DC 20001; on Kenneth A. Blanco, Acting Assistant Attorney General for the Criminal Division of the U.S. Department of Justice, at 950 Pennsylvania Ave. N.W., Washington, DC 20530-0001; on Kevin Krebs, Assistant Director of the Freedom of Information and Privacy Staff for the Executive Office for United States Attorneys, at 600 E. Street N.W., Suite 7300, Bicentennial Building, Washington, DC 20530-0001; on Richard L. Durbin, Jr., Acting U.S. Attorney for the Western District of Texas, at 601 NW Loop 410, Suite 600, San Antonio, TX 78216, on Joseph E. Blackwell, Assistant U.S. Attorney for the Western District of Texas, at 601 NW Loop 410, Suite 600, San Antonio, TX 78216; on John Gibson, Assistant U.S. Attorney for the Western District of Texas, at 700 E. San Antonio, Suite 200, El Paso, TX 79901.



Jesus Rene Ramirez,
Defendant, pro se.

7015 1520 0000 4757 8309

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
Domestic Mail Only

For delivery information, visit our website at www.usps.com®.

SAN ANTONIO, TX 78216
OFFICIAL USE

Certified Mail Fee	\$3.35	0097
Postage	\$2.03	10
Total Postage and Fees	\$8.13	03/07/2017
Postmark	Here	

Sent To
RICHARD L. DURBIN JR. ACTING U.S. ATTORNEY
Street and Apt. No., or PO Box No.
601 NW Loop 410, Suite 600
City, State, ZIP+4®
San Antonio, TX 78216

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

7015 1520 0000 4757 8316

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
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For delivery information, visit our website at www.usps.com®.

EL PASO, TX 79901
OFFICIAL USE

Certified Mail Fee	\$3.35	0097
Postage	\$2.03	10
Total Postage and Fees	\$8.13	03/07/2017
Postmark	Here	

Sent To
JOHN GIBSON, ASSISTANT US ATTORNEY
Street and Apt. No., or PO Box No.
700 E. San Antonio, Suite 200
City, State, ZIP+4®
El Paso, TX 79901

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

7014 2870 0001 8284 2716

U.S. Postal Service™
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For delivery information, visit our website at www.usps.com®.

WASHINGTON, DC 20530
OFFICIAL USE

Certified Mail Fee	\$3.35	0097
Postage	\$2.03	10
Total Postage and Fees	\$8.13	03/07/2017
Postmark	Here	

Sent To
KEVIN KREBS, ASSISTANT DIRECTOR FOR
Street and Apt. No., or PO Box No.
AND PRIVATE STAFF
600 E. Street NW
City, State, ZIP+4®
Suite 1300 Bicentennial Bldg
Washington, DC 20530-0001

PS Form 3800, July 2014 See Reverse for Instructions

7013 0600 0001 8487 5071

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For delivery information visit our website at www.usps.com®.

WASHINGTON, DC 20530
OFFICIAL USE

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San Antonio, TX 78216

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**Affidavit
Exhibit #8**

KENNETH DEL VALLE
ATTORNEY AT LAW
521 TEXAS AVENUE
EL PASO, TEXAS 79901
Tel. 915-544-0202
Cel. 915-276-8353
kendelvalle@aol.com

2016 SEP -6 P 3:40

August 30, 2016

Mr. Troy Garcia
Administrative Attorney
Travis Park Plaza
711 Navarro Street, Suite 750
San Antonio, Texas 78205

Re: 201604157 - Jesus R Ramirez - Renan Kenneth del Valle

Dear Mr. Garcia:

In response to your letter and attached complaint of August 15, 2016.

The gist of Mr. Ramirez' complaint is that I have not provided him with a copy of the proffer letter dated January 10, 2014 and signed January 15, 2014 in connection with EP-14-CR-867-DB.

Pursuant to pre indictment negotiations I received the attached proffer letter around January 10, 2014. I gave Mr. Ramirez a copy of the proffer letter soon after and explained it to him.

On January, 15, 2014 a debrief of Mr. Ramirez was held at the office of the U.S. Attorney and the proffer letter signed by the parties.

The original remained in the file of the U.S. Assistant attorney as is the custom and practice.

Based on the debrief of Mr. Ramirez on January 15, 2014 both Mr. Ramirez and I left that meeting under the impression that he might remain an unindicted co-

conspirator. Mr. Ramirez had provided valuable information on the DTO and agreed to be a Government witness at trial. We got good feed back at the debrief. However, he could not be an active working informant because he had a State drug case pending based on the prior arrest of August 29, 2013. At the end of the debrief Mr. Ramirez was admonished by both the AUSA and by me not to return to work at Best For Less and to keep his nose clean – and he could possibly get through the process unscathed. As usual no promises were made.

Several days after January 15, 2014 I gave Mr. Ramirez yet another copy of the letter.

Mr. Ramirez returned to work at Best For Less and some time later Mr. Ramirez was video taped still laundering drug proceeds money by another informer that was actively cooperating with the Government. The result was a three count Indictment filed on May 7, 2014 and a notice of enhancement to a possible 20 year sentence pursuant to 21 U.S.C. § 851 based on a prior 1997 federal felony drug conviction – I eventually negotiated a withdrawal of that provision.

However, as a result of Mr. Ramirez' double dealing the Government reacted the same way it always does when they give a defendant a break and he betrays them.

Because the terms of the proffer letter became a sentencing issue I provided Mr. Ramirez with yet another copy of the proffer letter along with a copy of his PSR and my objections to the PSR.

Mr. Ramirez and I objected to the use of information he had given pursuant to the proffer letter on January 15th as relevant conduct to enhance his sentence. It later came to light that the Government already had much of that information before January 15, 2014 – from other cooperating informants.

Shortly after sentencing on April 8, 2015 and at Mr. Ramirez' request I gave a copy of the proffer letter to his then wife, Cynthia Ramirez.

I received a letter from Mr. Ramirez sometimes in January 2016 requesting the proffer letter again and I made arrangements with Mr. Ramirez' mother to come pick it up. So, in late January or early February 2016 I gave his mother another copy of the proffer letter with the understanding she would forward it to him.

The proffer letter was not requested from me by Mr. Ramirez' appellate counsel. In any event it would have been available to appellate counsel by request from the Government. I do not know if the proffer letter was an appellate issue.

When arrested on this case Mr. Ramirez was on federal supervised release for a previous federal offense. Additionally, he was facing State charges because on August 29, 2013 he had picked up another marijuana, cocaine and \$63,777.00 in drug proceeds case that was filed in State Court.

The August 29, 2013 State case was incorporated into the federal indictment as Count II and was latter dismissed by the Government at sentencing. After sentencing on the federal case I got the still pending case dismissed in State Court – even though he had not plead guilty to it in federal court. That avoided another lengthy and possibly consecutive sentence for Mr. Ramirez.

If Mr. Ramirez would have gone to trial on 14-CR-867 he would have been easily convicted and sentenced to a minimum of twenty years. The other co-conspirators were eagerly awaiting an opportunity to lower their own sentences by becoming witnesses against him. Additionally, the Government continued to honor its original promise not to indict Mr. Ramirez' current and prior wives both of whom had been recruited into the money laundering scheme by Mr. Ramirez. The discovery disclosed bank records that could have easily proved the

participation of the two women in the money laundering scheme.

I withdrew from the case after sentencing at the request of Mr. Ramirez because he wanted new eyes on the matter. I filed a motion to withdraw and for appointment of appellate counsel. All persons entitled to service and notice were properly served. I gave Mr. Ramirez a full explanation of what was happening.

In preparation for this answer I conferred with the Government and discovered that they do not have the original signed letter but rather only unsigned copies – same as me. However, if Mr. Ramirez can somehow make a case based on the proffer letter I do not anticipate the Government will deny its existence, its contents and the fact that the parties signed the original – for whatever weight or effect it may have. I have obtained verbal permission from the Government to disclose the proffer letter in response to this complaint.

I attach herein a copy of the proffer letter dated January 10, 2014 – both to Mr. Ramirez and to Disciplinary counsel.

I hope that this satisfies Mr. Ramirez and Disciplinary Counsel. Please let me know if there are any other issues in Mr. Ramirez' lengthy document that you would like for me to address.

Sincerely,



Kenneth del Valle

Cc. Mr. Jesus Ramirez, Registration Number: 72356-80 U# C7, FCI
P.O. Box 9000, Seagoville, TX 75159.

KENNETH DEL VALLE
ATTORNEY AT LAW
521 TEXAS AVENUE
EL PASO, TEXAS 79901
Tel. 915-544-0202
Cel. 915-276-8353
kendelvalle@aol.com

2016 SEP 15 P 3:13

September 12, 2016

Mr. Troy Garcia
Administrative Attorney
Travis Park Plaza
711 Navarro Street, Suite 750
San Antonio, Texas 78205

Re: 201604157 - Jesus R Ramirez - Renan Kenneth del Valle

Dear Mr. Garcia:

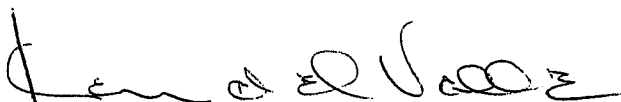
Enclosed is an e mail I received from AUSA Joseph Blackwell today.

Please add this e mail to my response of August 30th.

I believe that Mr. Blackwell's reference to having sent Mr. Ramirez the same document that Mr. Ramirez says I have refused to send him speaks for itself.

Please let me know if there are any other issues I have to address in my response.

Sincerely,


Kenneth del Valle

Subj: (no subject)
Date: 9/12/2016 8:27:00 A.M. Mountain Daylight Time
From: Joseph.Blackwell@usdoj.gov
To: KenDelValle@aol.com
CC: John.Gibson3@usdoj.gov

Mr. del Valle

Sorry for the late response to your inquire to AUSA Gibson about the Target Letter for Jesus Ramirez. We were only able to find an unsigned copy of the Target Letter which was provided to Mr. Ramirez through FOIA. We had the same problem with my move to San Antonio. However, whether signed or unsigned, the information he provided in the proffer session was NOT used against him in sentencing. As we stated in some of the filings, this issue was litigated before the judge at his sentencing. We were actually very careful to avoid using proffer information against him. He also received a very favorable 5k as I recall.

I hope this helps and answers your question.

Thank you

Joe

Joseph Blackwell
Assistant U.S. Attorney
WDTX – San Antonio Division
601 NW Loop 410, Suite 600
San Antonio, Texas 78216
(210) 384-7350 - Direct
(210) 665-0699 – Cell

Monday, September 12, 2016 AOL: Ken Del Valle

KENNETH DEL VALLE
ATTORNEY AT LAW
521 TEXAS AVENUE
EL PASO, TEXAS 79901
Tel.915-544-0202
Cel. 915-276-8353
kendelvalle@aol.com

November 7, 2016

Mr. Troy Garcia
Administrative Attorney
Travis Park Plaza
711 Navarro Street, Suite 750
San Antonio, Texas 78205

Re: 201604157 - Jesus R Ramirez - Renan Kenneth del Valle

Dear Mr. Garcia:

In response to your letter and attached rebuttal of October 28, 2016.

In connection with visits to discuss appeals. The last time I visited Mr. Ramirez prior to sentencing he was very upset that he was not going to get a lenient sentence. I asked if he wanted me to withdraw prior to sentencing and he said no. However, at that time Mr. Ramirez agreed that I should not represent him on appeal so that the issue of my effectiveness could be examined by another attorney.

The motion to continue sentencing was denied because it was the third or fourth motion to continue sentencing to have been filed. On April 7th I advised Mr. Ramirez that I expected the motion to be denied and so it was. The granting of the motion would not have improved Mr. Ramirez' position in any way.

I do not recall filing objections to the PSR late. I do not recall Judge

Briones ever not considering any objections to a PSR in the dozens of times I have been in his court room. As a matter of fact such objections are sometimes not filed beforehand so as not to give the Government notice that they are forthcoming and prepare an answer. Sometimes, to avoid a paper war, defense counsel will acquaint the Government with anticipated sentencing argument so that the Government can address the issues at the time of sentencing rather than having to ask for a continuance to respond in writing and sometimes to seek a continuance to confer with supervisors as to how to proceed. In Mr. Ramirez' case I had hashed and rehashed sentencing matters with the Government thoroughly before the sentencing hearing.

As to my termination, I remember it differently. I told Mr. Ramirez I would withdraw and that is what I did. I filed a motion to withdraw and secured his right to appeal by filing a timely Notice of Appeal and request that counsel be appointed to represent him in the appeal. I definitely told Mr. Ramirez that I would not undertake his appeal. Nor am I obligated to undertake any legal matter I do not choose to undertake. I find it inconsistent that he claims I did not continue to represent him on appeal while criticizing the work I did for him.

The discovery in this matter consisted several DVD's that when printed became five "large" paper filled boxes – it was a wide ranging multi state conspiracy. I read about ten-thousand documents over several months and had a copy of it all printed for Mr. Ramirez. His family took five large boxes to keep for him. They had to use a dolly to take them from my office to a truck because they did not fit in a car.

He never got all his written discovery because he was in custody and the facility where he was housed prevented the introduction of large amounts of paper

that can become a fire hazzard. I went over all relevant discovery with him including the evidence the Government had against some of his family members – ergo part of the deal that those family members not be charged. Nor were they charged. Mr. Ramirez should keep in mind that his successful retraction of any deal he made may result in federal criminal charges against members of his family.

As to the reference of my sexual conduct... Although I am flattered by Mr. Ramirez' recitation of my sexual prowess at age seventy, it is simply not true. The damage to my wife's Mercedes Benz was caused by an enraged young man in the presence of my wife. However, I must add that such vitriol by Mr. Ramirez puts me on notice that he is obsessed with the thought of causing me injury in whatever manner he can. I take this opportunity to openly advise him to never approach me in person as I will consider it a hostile act.

Mr. Ramirez finishes his rebuttal with a recitation of his original complaint, the proffer letter. As previously explained the signed copy remained in the hands of the U.S. Attorney's Office and requests for a copy have been met with statements by credible and honorable men that they can not find the signed copy in their file. Even so, it is a moot point because no one denies that the unsigned copies are, although unsigned, valid documents that hold both parties to the terms described within. Should Mr. Ramirez wish to use the proffer letter for any purpose no one will deny that it is a valid binding document.

The way that a proffer letter works is that nothing that a defendant says at a debrief can be used against him... if it is not previously known by the Government.

Mr. Ramirez insists that certain evidence was used against him at sentencing in violation of the terms outlined in the proffer letter. I too tried to spin it like that at sentencing. However, the fact is that all the evidentiary matters dealing with

Mr. Ramirez' relevant conduct brought to the Court's attention at sentencing came from sources that the Government had turned and debriefed *before* Mr. Ramirez was turned and debriefed. Therefore, they were valid sentencing factors because they were known to the Government *before* Mr. Ramirez debriefed.

Even so, the Government would not have indicted him had he not continued to engage in criminal conduct after debriefing. At the debrief (that included approximately ten to fifteen agents from different agencies) Mr. Ramirez was admonished by both the Government and me to stop participating in the conspiracy – he did not listen.

He was told that he could not actively participate in an investigation because he was on federal probation and the terms and conditions of his probation prevented him from active participation in an ongoing investigation. His role was to watch and report. Not to engage or participate.

Some time after the debrief and agreement to act as an informant and trial witness for the Government he got caught laundering money on video.

Mr. Ramirez and I tried to spin it so it looked like Mr. Ramirez was just trying to gather evidence for the Government but the Government was not buying it. The U.S. attorney's Office could not look the other way or even tacitly pretend that Mr. Ramirez was just gathering evidence because that would have put them in direct conflict with the U.S. Probation Department – and no one was going to stick out their neck that far for him. All the people that had gone to bat for him had egg on their face and all the good will we had worked to garner was immediately gone.

At the debrief it appeared that various agencies were going to build their cases around Mr. Ramirez' cooperation. They invested time and effort around that plan. His videoed betrayal was a hard blow to their time and efforts. He went

from “good guy” to “bad guy” in the eyes of law enforcement with that stunt.

I saved Mr. Ramirez’ skin too many times to count and would have done so again if he had not continue to commit crimes after he became a Government informant and future witness. He was on federal probation when he was debriefed in this matter and agreed to testify against his bosses. He wasn’t even going to be indicted! He was on track to being an “unindicted co-conspirator” – a minor miracle for someone with his background.

Unbeknown to Mr. Ramirez the Government had other informants actively working the conspiracy and they got Mr. Ramirez on video laundering money after he had switched sides. At that point the Government reacted the same way it always does when they give a defendant a break and he betrays them. The Government wanted him to get a much harsher sentence than the one he ultimately received.

The substitution of prosecutors close to sentencing gave me an opening. The claim that the Government was violating the proffer letter was a sentencing strategy developed by me to draw the Government’s attention to other matters rather than Mr. Ramirez’ qualification for a twenty year sentence. (It had been kicked around after “the fall” of Mr. Ramirez and had been hanging over Mr. Ramirez’ head like the Sword of Damocles). The proffer letter gambit worked, but it was an argument without any real merit. We left the sentencing looking victimized by a harsh six and a half year sentence – but not twenty years.... credit for time served.

If Mr. Ramirez thinks it is an issue with any real substance he forgets our private discussions about the strategy.

I feel bad for Mr. Ramirez and wish him the best. He had one foot out the

door and slammed the door on his own hind foot. Not my fault.

Sincerely,

A handwritten signature in black ink, appearing to read "Kenneth del Valle". The signature is fluid and cursive, with a large initial "K" and a long horizontal stroke.

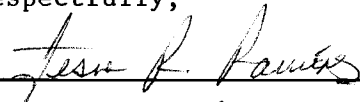
Kenneth del Valle

✓ Cc. Mr. Jesus Ramirez, Registration Number: 72356-080 U# C7, FCI
P.O. Box 9000, Seagoville, TX 75159.

CERTIFICATE OF SERVICE

I, Jesus Rene Ramirez, Plaintiff, will serve a copy of this Freedom of Information Act Complaint by certified mail, on the 15 day of October, 2018, to the U.S. DEPARTMENT OF JUSTICE, at 950 Pennsylvania Avenue, NW, Washington, DC 20530-0001, to the U.S. DEPARTMENT OF JUSTICE EXECUTIVE OFFICE FOR U.S. ATTORNEYS, at 600 E. Street, NW, Suite 7300, BICN Building, Washington, DC 20530-0001, to the U.S. DEPARTMENT OF JUSTICE U.S. ATTORNEY OFFICE FOR THE WESTERN DISTRICT OF TEXAS, at 601 NW Loop 410, Suite 600, San Antonio, TX 78216-5597. And in person, by an agent, to the U.S. DEPARTMENT OF JUSTICE U.S. ATTORNEY OFFICE FOR THE WESTERN DISTRICT OF TEXAS EL PASO DIVISION, at 700 E. San Antonio, Suite 200, El Paso, TX 79901.

Respectfully,



Jesus Rene Ramirez