

OCT 08 2019

FILED

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AT LEXINGTON
ROBERT R. CARR
CLERK U.S. DISTRICT COURT

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF KENTUCKY
CENTRAL DIVISION
LEXINGTON

CRIMINAL ACTION NOS. [REDACTED]
5:17-CR-[REDACTED]-DCR
5:18-CR-00059-DCR

UNITED STATES OF AMERICA

V. MOTION TO VACATE OR SET ASIDE
OR CORRECT SENTENCE UNDER 28 U.S.C. § 2255
AND INCORPORATED MEMORANDUM

ERIC CHRISTOPHER CONN

Petitioner, Eric Christopher Conn,
acting in a pro se capacity, hereby
files a motion to set aside, vacate
or correct his sentence(s) under 28
U.S.C. Section 2255 with incorporated
Memorandum.

'The Petitioner for most of his adult
life was a licensed attorney in the Common-
wealth of Kentucky, and before this court.
However, Petitioner is presently pro se.

ARGUMENT I

COUNSEL WHITE HAD A CONFLICT
AS HE WAS UNDER INVESTIGATION
IN THIS MATTER

Counsel Scott White ("Counsel White") represented the Petitioner on the pre-leaving for Honduras Charge, and for the post-leaving for Honduras Charges. (Counsel J Willis Coffey represented the Petitioner for the later period in the post-leaving Charges).

Counsel White worked out with the ~~government~~ Counsel for the government the post-leaving charges to be resolved in an agreed-upon plea. The plea worked out between Counsel White and the government was adopted with only minor changes. Counsel White, also, represented Petitioner at his first two Court appearances upon his return from Honduras.

The Petitioner upon his return from Honduras had a proffer session with three assistant U.S. Attorneys, Chief FBI Investigator,

two SSA OIG Agents, and with Counsel Willis Coffey. The Chief FBI Investigator was aware Counsel White had left for Central America the day after Petitioner did. He wanted to know if Counsel White ^{KNEW} I was planning on leaving. He said he wanted me to write out in detail all of Counsel White's involvement. I did write out same, and an FBI Agent came to the Grayson County Detention Center to obtain it.

ARGUMENT II

COUNSEL COFFEY WAS INEFFECTIVE
FOR ADVISING PETITIONER TO
PLEAD GUILTY TO ESCAPE

Counsel Coffey ~~re~~ replaced Counsel White as Counsel in the later part of post-leaving for Honduras cases. Counsel Coffey advised Petitioner to plead guilty to an escape charge notwithstanding Petitioner's Not being in "Custody" at the time.

The government has already

Conceded Petitioner was not in "Custody" at the time. Escape was not a charge relevant to Petitioner as he was released pending trial subject to various terms and conditions.

CONCLUSION

Once again the Petitioner finds himself in the middle of a "lockdown" at this entire facility while a deadline is nigh.

The Petitioner works as a full-time worker and instructor in the Education Department. This "lockdown" was unexpected. Consequently, the Petitioner does not have any of his prepared documents and materials available in his cell to use in the preparation of a Section 2255 pleading.

Accordingly, Petitioner will be filing a Motion to Supplement his Section 2255 motion so Petitioner can provide detail on the foregoing and detail on all matters relative to ineffective assistance of Counsel in this matter.

wherefore, the Petitioner respectfully
moves this Court to grant this
motion for correction of sentence
under 28 U.S.C. section 2255.

I hereby declare the foregoing
is true and correct pursuant to 28 USC section 1746.

This the 20 day of September, 2019.

Respectfully submitted,



ERIC C. CONN

20834-032

Federal Correctional

Institution - Hazelton

P.O. Box 5000

Bruceston Mills, WV

26525

CERTIFICATE OF SERVICE

I hereby certify to mail
a true and correct copy
of this motion pursuant
to the prison mailbox rule
and 28 U.S.C. Section 1746
by First Class postage prepaid
U.S. P.S. Mail on this 20 day
of September, 2019 to the

Prison staff for mailing to the following:

Clerk of the Court
U.S. District Court
United States Courthouse and
Post office
101 Barr Street, 2nd Floor
Lexington, KY 40507-1313

and

the U.S. Attorney's office will be notified by the Court's electronic system as this facility is on lockdown and the inmate copier is broken.

E. Conn
Eric C. Conn