

EVIDENCE FOR COMPLAINT AGAINST WALTER JOHNSON

1. Walter did nothing for 14 months. I continually requested subpoena of documents and he failed to respond or act. Evidence is contained in 6 months of emails sent to Walter. In those emails I mention the doctored evidence log, Vonage call logs, and redacted emails.
2. Reason to suspect he warned prosecution of my desire to subpoena Vonage phone logs. 12 days after mentioning them plaintiff cancels 901 area code number. 4 numbers on the call logs and only that one gets cancelled.
3. Walter could have called Lt. Dan Schneider and discovered the forensic analysis was done. This would have led to Shane Harrold in Madisonville who would have had better records and a fresher recollection of what happened on 9/9/2013 when he had a 62 minute conversation with plaintiff. I only discovered and spoke to him in May of 2016 (almost 3 years later).
4. Walter failed to report a violation of attorney/client privilege by Joshua Hedrick. Evidence of the violation is contained in 3/7/16 transcript (that Walter ordered w/o my knowledge and for reasons unknown at this time). Walter states on page 3 line 15 of transcript that "Somewhat similar to what the current conflict as I understand". How could Walter understand the conflict with Hedrick unless Hedrick disclosed it to him? Walter, as a member of the Bar, should have reported this violation to the court. If Hedrick has divulged confidential information to Walter then it is likely he has divulged to others, including the prosecution.

Walter Johnson's lack of communication and ethical behavior hinders my chances of obtaining a fair trial with adequate legal representation. Walter stated in February of 2015 I only had 2 things to decide. How to plead and whether or not to testify. Everything else was up to him. When I asked why he wouldn't subpoena any phone or email records he said they were not needed. The email records would have revealed the name redacted by the prosecution on at least one email. It would also reveal the emails supplied by the plaintiff were altered. The phone records which I finally did obtain from Vonage in August of 2015 revealed other exculpatory evidence and witnesses such as FBI agent Clay Anderson whom the plaintiff made contradictory statements to and supplied emails he failed to supply to the 9th district DA. When Walter realized I would not budge from my demand to obtain evidence of my innocence he finally requested the court supply new counsel in April of 2015. By that time many of the records I need to obtain had been deleted and are probably no longer obtainable. I never asked Walter to investigate. All I asked for was the subpoena of documents so that I could investigate. He never gave me any valid reason why he would not do so. The attorneys that replaced Walter have found it odd he didn't do any investigation or even request a Bill of Particulars. When he offered the original plea bargain in August of 2014 he only admitted he hadn't even reviewed the evidence when I questioned him about the evidence. How can he recommend a plea bargain without reviewing evidence?

MARY GOOCH
Court Reporter
P. O. Box 1182
Harriman, TN 37748
(865) 376-5336

July 24, 2016

To: Roy Cook

Re: State of Tennessee v. Roy Cook
Case No. 2013 CR 197
Roane County Criminal Court

Per request of Roy Cook

03/07/16	Motion to withdraw attorney (copy)	\$100.00
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Please Remit To:

Mary Gooch
P. O. Box 1182
Harriman, TN 37748

paid
Thanks
Mary Gooch

IN THE CRIMINAL COURT FOR ROANE COUNTY

AT KINGSTON, TENNESSEE

NINTH JUDICIAL DISTRICT

COPY

STATE OF TENNESSEE,	*	<u>CASE NO. 2013 CR 197</u>
Appellee,	*	
v.	*	
ROY COOK	*	<u>MOTION TO WITHDRAW ATTORNEY</u>
Appellant.	*	

March 7, 2016

THE HONORABLE JEFFERY WICKS, PRESIDING JUDGE

APPEARANCES

FOR THE APPELLEE:

Mr. Russell Johnson
District Attorney General
State of Tennessee
Ninth Judicial District
P.O. Box 703
Kingston, Tennessee 37763-0703

Mr. Robert Edwards
Asst. District Attorney General
State of Tennessee
Ninth Judicial District
P.O. Box 703
Kingston, Tennessee 37763-0703

FOR THE APPELLANT:

Joshua D Hedrick
Attorney at Law
607 Market Street, Suite 1100
Knoxville, Tennessee 37902

1 IN THE CRIMINAL COURT FOR ROANE COUNTY

2 AT KINGSTON, TENNESSEE

3 NINTH JUDICIAL DISTRICT

COPY

4
5 STATE OF TENNESSEE, * CASE NO. 2013 CR 197

6
7 v. *

8
9 ROY COOK. * MOTION TO WITHDRAW ATTORNEY

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12 This cause came on to be heard and was
13 heard on the 7th day of March, 2016, before the Honorable
14 Jeffery Wicks, presiding Judge, holding the Criminal Court
15 for Roane County at Kingston, Tennessee, and the following
16 proceedings were had:

17
18 ATTORNEY JOSH HEDRICK: Your Honor, Mr.
19 Edwards and I have State vs. Roy Cook.

20 Mr. Cook is coming forward now.

21 If the Court please, I was appointed to
22 represent Mr. Cook following the Public Defender conflict.
23 Since my appointment there have been issues arise between
24 Mr. Cook and I, such that I can no longer continue to
25 represent Mr. Cook.

1 And I know the Court probably hasn't had
2 a whole lot of dealings with me but I will tell you that I
3 do not bring this motion lightly. I bring it at the request
4 of Mr. Cook and because I believe that the relationship
5 between he and I has degraded to the point that I can no
6 longer effectively represent him. I don't believe that we
7 can work together to put on an effective defense. And Mr.
8 Cook is entitled to an attorney who can be constitutionally
9 effective. And I think that our communications are such
10 that he's not going to have that in the current position.
11 And I think that he should be given a new attorney with whom
12 he can start over.

13 I recognize that the Court is likely
14 hesitant to switch attorneys here and there but I think in
15 this case it's the appropriate thing to do.

16 THE COURT: This is Mr. Cook. You're
17 his second counsel?

18 ATTORNEY JOSH HEDRICK: That's my
19 understanding, Your Honor.

20 Walter Johnson was appointed from the
21 Public Defender's Office, and I was appointed on the basis
22 of a Public Defender conflict. So I'm his first - first
23 private appointment. I don't know exactly the extent of the
24 conflict or the nature - I don't know specifically why Mr.
25 Johnson got off the case. I believe it was health reasons.

1 This was right after he had had his surgery, Your Honor. I
2 don't think that he was yet strong enough to take on a case-

3 THE COURT: Mr. Cook, did you have any
4 type of conflict with the Public Defender's Office?

5 DEFENDANT ROY COOK: The conflict I had
6 Your Honor, was I asked Walter Johnson to subpoena documents
7 to help me prepare my defense. Mr. Johnson refused to
8 subpoena any documents.

9 THE COURT: So they got off of it
10 because of a conflict?

11 ATTORNEY WALTER JOHNSON: That is
12 correct Your Honor. There was a conflict.

13 ATTORNEY JOSH HEDRICK: (Indiscernible)

14 ATTORNEY WALTER JOHNSON: Somewhat
15 similar to what the current conflict as I understand.

16 DEFENDANT ROY COOK: No, it's not
17 similar to the current conflict Your Honor.

18 THE COURT: What we will do is I'll
19 appoint Alan Moore to represent you on this matter.

20 DEFENDANT ROY COOK: Who?

21 THE COURT: Alan Moore.

22 And you need to try to get along with
23 your counsel because you may have to represent yourself if
24 you keep going through attorneys. Do you understand?

25 DEFENDANT ROY COOK: (No audible

1 response)

2 Have you paid your fee for counsel?

3 DEFENDANT ROY COOK: What fee is that?

4 THE COURT: Reimbursement fee.

5 DEFENDANT ROY COOK: Who was I supposed

6 to pay that to?

7 ATTORNEY JOSH HEDRICK: The Clerk's

8 office.

9 THE COURT: You're supposed to pay it to

10 the Clerk's office.

11 DEFENDANT ROY COOK: No, but I can pay

12 that today.

13 Your Honor, may I speak?

14 THE COURT: Yes; limited. What do you

15 want to speak about, Sir? Is it about your motion?

16 DEFENDANT ROY COOK: No, Sir, it's about

17 the ineffective counsel. Walter Johnson refused to subpoena

18 any documents.

19 THE COURT: That is over with. He is no

20 longer your counsel.

21 DEFENDANT ROY COOK: Okay.

22 THE COURT: We're moving on. I've

23 appointed Alan Moore to represent you on this matter.

24 DEFENDANT ROY COOK: Mr. Hedrick is also

25 refus - he told me-

1 THE COURT: He is no longer on the case.
2 We're moving on to Alan Moore. You have Alan Moore now;
3 okay? We're not going backwards, we're going forwards.

4 ATTORNEY JOSH HEDRICK: Your Honor, I'll
5 see that Mr. Moore gets a copy of my file this morning. I
6 brought it with me.

7 DEFENDANT ROY COOK: How do I reach Mr.
8 Moore?

9 THE COURT: We have a business card over
10 here for Mr. Moore I believe. Do we have an Alan Moore
11 card?

12 ATTORNEY JOSH HEDRICK: I think he might
13 be in Sessions.

14 THE COURT: Okay.

15 ASST. GENERAL ROBERT EDWARDS: Your
16 Honor, the case, I think if I'm not mistaken, is set for
17 trial on April 7th or thereabouts. I wouldn't suspect that
18 Mr. Moore would be ready for trial that quickly. But I will
19 not speak for him. I just thought that I would alert the
20 Court that it's got a short fuse on it.

21 THE COURT: Yes, you were ordered to pay
22 a \$50.00 reimbursement fee on October 28th-

23 DEFENDANT ROY COOK: I'll pay that today
24 Your Honor.

25 THE COURT: -of 2013.

1 You need to get that paid.

2 DEFENDANT ROY COOK: I'll take care of
3 that today.

4 Your Honor, could you - there was an
5 order on November 16th, where Mr. Edwards was ordered to turn
6 over evidence. He's not turned it over yet.

7 THE COURT: Speak with your attorney
8 about that. Call Mr. Moore, he will take that up in court;
9 okay?

10 ASST. GENERAL ROBERT EDWARDS: We'll
11 share anything in our file.

12 THE COURT: Very well.

13 Call Mr. Moore and he will go forward
14 and help you out; okay?

15 ATTORNEY JOSH HEDRICK: Thank you, Your
16 Honor.

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21 - - - END OF REQUESTED PROCEEDINGS - - -
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CERTIFICATE OF THE COURT

THIS WAS ALL THE EVIDENCE INTRODUCED AND
PROCEEDINGS HAD RELEVANT TO QUESTIONS RAISED ON THE APPEAL
OF THIS CAUSE.

Entered this the ____ day of May, 2016.

Judge

Walter's Emails

TN vs. Roy Cook

From: jekyl9 <jekyl9@cs.com>

To: walterjohnson <walterjohnson@icx.net>

Date: Mon, Apr 13, 2015 1:37 pm

 redacted email from ...pdf (807 KB)

i know you are busy but this Friday is the day the charges are going to be dismissed or i need to request new council. i also requested you get the non-redacted emails last month from the prosecutor and i have yet to hear anything about that. to refresh your memory i am attaching one of the redacted ones so you will see what i mean.

please let the prosecutor know that if these are not turned over i will be filing a formal ethics complaint. whether the charges are dismissed or not i will require the complete emails. i know you don't wish to subpoena any documents that i've requested as you have told me before that i only have 2 choices to make whether or not to testify and how to plead. however, i believe i am well within my rights to review ALL evidence against me i would hope you would like to see it all to so you can make an informed decision as to how to proceed.

roy cook 865 322 0984

evidence

From: jekyl9 <jekyl9@cs.com>

To: walterjohnson <walterjohnson@icx.net>

Date: Fri, Mar 6, 2015 4:55 pm

 scan0004.pdf (807 KB)

since you will be speaking to the prosecutor, could you please get him to give us the complete list of emails between Andrew Cook and anyone in the prosecutors office if you notice this page that is attached appears to be whited out at the top where Andrew would have named who he spoke to. also I would like the date on that email too

this is not something "extra" I am requesting but evidence the prosecution is required to turn over by law. and since you have to maintain a "working relationship" with them feel free to tell them that if it isn't turned over the I will be the one who will file a complaint of prosecutorial misconduct.

thank you

roy cook

State of Tn vs. Roy Cook

From: jekyl9 <jekyl9@cs.com>

To: walterjohnson <walterjohnson@icx.net>

Date: Mon, Mar 2, 2015 9:58 am

Mr. Johnson:

this email is to confirm with you that I am not required to show up at the hearing this week. Also I would like to reschedule our meeting so we can discuss the subpoenas I wish to have filed for investigative purposes. I wish to subpoena phone, bank, and email records of Andrew Cook and Merlin Embedded. I also wish to subpoena the employment records of Jeff Vittatoe from Jan 2013 to the date he left the prosecutors office. Even if I discover evidence that can not be presented at trial I feel these records have some investigative value. In addition to this I am requesting all communications between Terry Stevens and Andrew Cook. I have reason to believe from Andrew's emails that there has been inappropriate communication between them. Andrew is so angry now he sent an anonymous letter to my new employer disclosing my indictment.

I know you don't like discussing this over email but at least respond to this with confirmation that I don't have to be present on March 5th. You can call me to reschedule our discussion over my case at 865 322 0984.

Roy Cook

tn vs. roy cook

From: jekyl9 <jekyl9@cs.com>

To: walterjohnson <walterjohnson@icx.net>

Date: Tue, Feb 17, 2015 5:16 pm

just checked weather report and probably won't be able to get out tomorrow either... i'm completely iced in on a hill. can I call you later this week and set something up for next week???

I know you don't want to communicate via email but I'm not sure why. also not sure why we shouldn't subpoena records for investigative purposes. everyone I've talked to thinks something isn't right since they took the computers and did nothing with them for 20 months. it appears this was an intimidation technique because my wife and I tried to get Russell Johnson to prosecute the folks at HT Hackney for perjury due to my wife's unemployment claim and EEOC complaint for discrimination due to her kidney disease.

if that isn't it then someone needs to explain to me how it got to this point. I think knowing that would be helpful to the defense.

roy cook

Tn vs. Roy Cook

From: jekyl9 <jekyl9@cs.com>

To: walterjohnson <walterjohnson@icx.net>

Date: Wed, Feb 11, 2015 8:56 pm

I was talking to my parents last nite trying to figure out how we can get a copy of Tom's judgment because Tom's widow is still not doing well mentally dealing with Tom's death. I have called and emailed her and got no response yet. even though Costa Rica is not a 3rd world country most of its citizens live a modest lifestyle and a car is a luxury item that most can't afford. Since Tom's death she has moved from the city and for her to get a copy of what I need will cost her money she doesn't have and a day off work she can't afford to take.

My dad brought up an interesting point what sort of prosecutor would prosecute this case knowing they can't win and don't even want to prosecute? they never investigated a thing for the 20 months they had the computers. its our opinion that they should investigate this alleged crime because they indicted me and have caused me lots of trouble. one of the computers doesn't even work now and they didn't return the power cord for one of the lap tops. also the computer that was Tom's is password protected so I can't even get info off that one since Tom is deceased and I don't have his passwords. If they would have investigated they may not have ever indicted me.

I don't have the funds to hire an investigator to go to Costa Rica either and its not that easy just to go down there to a Spanish speaking country and get legal docs

Also, if we can stop the prosecution from presenting ANY evidence then why do I need to do anything? If the only thing they can do is put Andrew on the stand then its his word against mine. is it possible to introduce anything Tom may have said since he is now deceased? I've heard that statements of a dead witness made to others may be an exception to the hearsay rules.

Finally, at our meeting this week I mentioned the mental evaluation that was part of the plea bargain offer last year and you didn't seem to remember that. However, I do and although I have been mistaken in the past I reviewed one of Andrew's emails last year when we were discussing him paying our parents back the 20k he owes them and some issues with Tom's death and in that email from Sept. last year he mentioned the prosecutor included a mental evaluation as part of the plea deal. So if I remember it and Andrew knew about it then I must assume I remembered it correctly but you seem to have no memory of that. was it ever put in writing??? if so I would like a copy of it

My point is that your associate I met this week was convinced that he and I had met and talked before and we hadn't then I remembered the mental evaluation in the plea deal you seemed to have forgotten. I understand you have 220 clients which makes me less than 1% of your total client base. my concern is that something may be missed or you may be too busy to be thorough. i'm sure your business is more complicated than mine and I can't handle more than 8 or 10 files at any one time. Please don't think for one minute I am questioning your skills. I am just concerned that you may have too many clients and are spread a bit thin right now.

after considering everything we discussed and my limited understanding of the legal process I really wish we could subpoena Andrew Cook's and Merlin's phone records from Vonage which has offices in Tn. Also, I wish to subpoena his email records as EarthLink. you may think these will be useless because we will need an employee of that company to testify but we can subpoena them too. I know this is time consuming work but even if you think we are going to war against a termite, to me that termite has a chance to convict me of a felony so I think its better to still have a shotgun defense against a termite prosecution because as my dad told me... "when going to war you can never have too much ammo."

so in conclusion, let me know what you may need to get those records and also from here on if you have any negotiations with the prosecutor concerning my case I wish to be present so I can get a feel for him myself. you say he wants this to go away but every indicator I can see tells me different. at one time somebody wanted me indicted and I would like to know who that was and if he has changed his mind then why. if for any reason you don't wish to handle my case due to maintaining a decent working relationship with the prosecution then you can tell them I'm a dick just like my brother or you can have the judge assign other counsel. i'm sorry to request all this work but I didn't ask to get indicted. also, from now on don't show the prosecution ANYTHING including Tom's judgment because after reviewing everything again... I just don't know who to trust anymore. please understand and don't take this the wrong way but your relationship with the prosecutor is not my problem. I have requested certain things be done and I am entitled to a defense. if the State doesn't have time to do the work requested then please tell them to hire someone who has the time. the prosecution, Andrew, and you... all of you have nothing at stake here. I do. no matter what happens all of you get to go home at the end of the day.

so within the next 30 day I am formally requesting Andrew Cook and Merlin's phone and email records subpoenaed. I am also formally requesting a motion be filed to exclude the emails, recorded phone calls, and all statements by Vittatoe unless he is able to testify. If allowable I am requesting funds from the prosecution to pay someone to fly to Costa Rica to get a certified copy of Tom's judgment.

Thank you for your time and again... i'm sorry if this email offends you in any way. it is not my intent to do so.

roy cook 865 322 0984

Subpoenas & Meetings

re: Tn vs. Roy Cook

From: jekyl9 <jekyl9@cs.com>

To: walterjohnson <walterjohnson@icx.net>

Date: Wed, Feb 4, 2015 4:45 pm

I just got a letter from prosecutor addressed to Thomas Cook requesting he be at the trial set for 3/5. i'm sure I mentioned to you Thomas died on 6/12.

also we have not got a chance to sit down and go over any of the evidence against me

on top of that we need to file motions to exclude all evidence provided by Andrew Cook or we need to subpoena his phone records from Vonage. We also need to subpoena the employment records of Vittatoe and his wife who both no longer work for the prosecutor's office.

from what I've seen the computers they confiscated never left the evidence room.

then there is the issue of Andrew trying to contact me while pretending to be someone named Veronica Conway and in the emails he mentioned other communications with the prosecutor that have not been turned over.

how can we be even close to a trial when you and I have never had a conversation that has lasted more than 15min. ?????

I realize I am not your only client and you have more important cases to deal with but I refuse to go to trial unprepared. in my prior email from over 2 weeks ago now I requested action be taken and have failed to even get a response from you.

on top of all of that I am very concerned that you would even entertain the offer of a plea bargain as you did in October when neither you nor the prosecutor had even reviewed ANY evidence against me.

please call me so we can sit down and review the evidence and do what ever we need to do to obtain the information and evidence I requested. i'm sorry this is time consuming but if the prosecution wants to proceed with this trial and prosecute me, I am not going to make it easy for him, this is a bullshit case and I don't see that they have any evidence that should not be thrown out. the only evidence is the word of Andrew Cook. without phone records or emails they have no case. ... I doubt you've even shown the prosecutor the email I supplied you with where Andrew states I didn't ask for money. that alone should be enough to dismiss this whole thing

roy cook

Subpoenas

evidence room receipt log

From: jekyl9 <jekyl9@cs.com>

To: walterjohnson <walterjohnson@icx.net>

Date: Tue, Dec 9, 2014 8:24 pm

i just re-read the evidence room receipt log and these computers NEVER left the room per the log per Vittaloe's evidence receipt log the items that are "highlighted" have been sent to Dan Scheider for forensic analysis. i don't see ANY items highlighted. there is nothing going in or out it appears they took my stuff on 4/24 and it sat in an evidence room every since.

seems to me they have no evidence except the word of my lunatic brother. in reading the email exchanges Andrew keeps referring to me contacting his son's therapist but i have emails from him where he admits it is HIS therapist and he sees her twice a month.

again more evidence of Andrew misleading Vittaloe and Vittaloe misleading the grand jury

roy cook

*not evidence of doctor
Evidence Log*

State of Tn vs. Roy Cook

From: jekyl9 <jekyl9@cs.com>

To: walterjohnson <walterjohnson@icx.net>

Date: Fri, Jan 9, 2015 10:28 am

you said to contact you after the first of the year and we would get together to discuss the case again. After reviewing all the evidence I don't see how the state can make a case. If you review the form that was with the computers you will see the computers sat in the evidence room for almost 20 months with nothing done with them. Therefore from what I can see the only evidence they have is the word of Andrew Cook who I can supply emails from that proves he is a bit unhinged to say the least. I would appreciate an explanation as to why they held these computers for 20 months and did nothing.

He even admits in an email that he never supplied to Vittaloe that I never mentioned money and that he called me. I can produce cell phone records that will show he called me on multiple occasions that he never disclosed to Vittaloe.

In an email from Vittaloe sent to Andrew he asks why Andrew never disclosed that he found the stolen merchandise in his own apartment. Andrew never supplied the detective with that info and I have emails from Andrew to me where he admits that he discovered his merchandise in his own house the first week of March which was 6 weeks before the search warrant was served. In the email Andrew appears even more unhinged when he comes up with a new theory that Tom broke into his house and hid the merchandise there.

Also, if questioned Andrew and Vittaloe will be forced to admit they discussed what would be needed to get me arrested and charged. That hints towards entrapment. I know this because there was a late nite phone call which I can get phone records for that proves Andrew called me late at nite to gloat over his recording the phone calls and that I would be arrested.

then there is the matter of Tom's judgment against Andrew and Merlin (his business). Tom went to the labor board in Costa Rica and got a judgment for 24k dollars (American) against Andrew and Merlin. I also have a copy of another judgment against Andrew and Merlin from another former employee for 16k American from 2008. To further attack his credibility I can get statements he's made to a Costa Rican divorce court claiming he has no assets in an attempt to cheat his estranged wife with proof that he day he made those statements he had over 100k dollars in a Merlin business account. There is also a 100k judgment against Andrew in California from Sabtech who was a competitor of Andrew's. That judgment was a penalty for copyright infringement and stealing proprietary intellectual property. He moved to Costa Rica 15 years ago to avoid paying that. In addition to all of this Andrew is hindering Tom's widow's attempts to collect the legal judgment by hiding and transferring company assets. the reason for all of this is to attack Andrew's credibility and to expose his deceitful nature.

I also have spoken to my parents who have agreed to testify for me if needed. I can prove thru Andrew's own emails and their testimony that he borrowed 20k from them in Oct. of 2012 with the promise of being paid back by April of 2013. I have emails from him where he said he sent a check in the mail back in July which of course he didn't and another email where he promised to pay them back with interest before the end of 2014 which of course he hasn't. we can also subpoena his bank records to prove he had over 100k dollars in a Wells Fargo account the day that first email was sent. in July.

My parents and I have also discovered evidence that leads us to believe Andrew has forged a deed transfer and managed to get it notarized but has never recorded it. We believe he is waiting for my parents to die before he produces it. We have reason to believe this occurred in the Fall of 2009. I have a lead on getting the document from the person that notarized it but don't know if they would still have a copy. If they do then that will also attack his credibility.

I can get notarized statements from multiple sources in Costa Rica but these people won't be able to fly up here and testify because of finances and the time required and difficulty in obtaining a visa.

I realize all of this is a bit much but I would like to stop taking punches and start throwing some. If the prosecutor wishes to proceed with this case then I would like to subpoena Andrew's phone records, and email accounts to obtain the evidence of my innocence. I would also like to subpoena the complete employee file of detective Vittaloe and his wife to discover the real reason for their move to Montana. I have reason to believe Vittaloe's credibility is in questionable and would need to see ALL emails exchanged between he and Andrew. if we are to look for entrapment, those emails would be valuable.

I realize this case is not that important to anyone but me and I apologize for creating all this labor involved in my requests-but I have no choice but to have the best defense possible prepared for me which requires that I investigate since I cannot afford to hire an investigator to do this. I also don't expect the prosecution to assist me in this effort because they either think I am guilty or they are to invested in this process to drop it.

I was indicted in October of 2013 and to date we have not filed any motions or subpoenaed any documents. I don't see how I can help prepare my defense without the COMPLETE phone records of Andrew Cook and Merlin, the complete emails from them, and a complete record of conversations between Andrew and Vittaloe to prove the entrapment.

So to complete my request I would like to subpoena the following:

Merlin's Wells Fargo bank statements from 10/2012 to date.
the complete phone records for the 4 phone numbers I have for Merlin and Andrew Cook
the complete collection of emails from Andrew Cook and his company Merlin between himself and Vittaloe
the complete email records of all emails Andrew sent to me.
the employment records of Jeff Vittaloe and his wife with all disciplinary records for both
the complete record of what happened to the computers while they were in the possession of the State.

once we have these we can review them and see which is the best way to proceed.

Roy Cook 865 322 0984

november hearing

From: jekyl9 <jekyl9@cs.com>

To: walterjohnson <walterjohnson@icx.net>

Date: Wed, Oct 15, 2014 2:38 pm

please subpoena records of all conversations and emails between Terry Stevens and Andrew Cook as well as phone records from Vonage for the following numbers

650 292 0887

702 987 5017

866 700 7704

901 347 0425

407 574 5694

these are all phone numbers assigned to Andrew Cook and Merlin VME. we will need all phone records from 1/1/2014 to date. i intend to use these numbers to prove Andrew doctored and created recording.

i would also like to subpoena all computers that Andrew used to create these recordings as well as my own computers that the prosecution has had since April of 2013 they've had plenty of time to get what they need from them.

can you please call me when you get a chance..... 865 322 0984

roy cook

my case

From: jekyl9 <jekyl9@cs.com>

To: walterjohnson <walterjohnson@icx.net>

Date: Tue, Sep 23, 2014 12:13 pm

I know we're not suppose to meet again til November but you mentioned that you may not be my attorney anymore due to election issues if i remember correctly. I was just checking in to see what the situation was.

From what i can see from the evidence you sent me they haven't even tried to infiltrate or hack the computers or the phones they confiscated in April of last year. I know this case may not be a big deal to anyone over there and i do appreciate all you've done but i would like to know the purpose and goal of our meeting in November so i can properly prepare. Do you even know if they are going to hack the computers? Also, did you present the prosecutor with the emails i gave you to show that Andrew initiated contact and started the negotiations. He even says in one of the first emails that "i didn't even ask for money" and that he started that. Also, Thomas did get a judgment against Andrew and Merlin Embedded in Costa Rica for 24k and Andrew has lost all 3 appeals as of last week. Even in Detective Vititoe's emails to Andrew he asks why Andrew didn't let him know the merchandise he alledges was stolen had been found in Andrew's house. That was what started all of this anyway. Of course when Andrew discovered he missing merchandise in his own home he came up with another crazy scenario about how Tom had broke into his house and placed it there. I would hope with that the prosecutor would see that there is no case and that Andrew is the one who may need a psych evaluation. He was seeing a therapist in Costa Rica for some mental issues he had. Maybe we can compel Andrew to supply us with records.

What do you think??

Roy Cook

Computers Again

state's case against roy cook

From: jekyl9 <jekyl9@cs.com>

To: walterjohnson <walterjohnson@icx.net>

Date: Fri, Aug 15, 2014 10:37 pm

well after reviewing the evidence you supplied me with I don't see that they have a case they have not hacked the computers they've confiscated and the emails they were supplied with were selected emails to make it look like extortion

I will be forwarding emails to you that Andrew did not supply to det. Vittaloe notice in the one of them he says he called me and I didn't ask for anything he started the negotiations from the email to Russell Johnson and Det. Vittaloe it appears to me he was setting me up which I believe would be entrapment he started the negotiation and I can get phone records to prove he called me first.

also the emails ended with him in Jan. and when he found his boards he started the emails up again there was nothing going on in February every time he started recording he initiated contact..

in one email to Det. Vittaloe he mentions the "time stamp being off" ... that is probably because he doctored them I don't know how they can introduce the phone calls as evidence. do you think you can get that thrown out??

also I would like to see if you can get the emails thrown out as Andrew did not supply the entire series of emails he only supplied the one that taken out of context make me look guilty in addition how can they verify who sent the emails? even if they verify it was from a computer in my home Tom was living with me part of that time

I will forward a few of the emails that are prior to the ones Andrew supplied in which he states I didn't ask for anything

should I get my phone records from Jan. to April of last year to show he called me. he claims I harass him but I remember one time he called me around midnite there are also emails he would send me telling me to stop contacting him and then an hour later he is contacting me

I really think we should subpoena Andrew's phone records from Vonage and his emails from EarthLink what do you think??

roy cook 865 322 0984

12 days later cancels
901 #

7070336

Call Detail Records
Subject Telephone No.: 650.292.0887, 702.987.5017, 866.700.7704, 901.347.0425

1002323567	14067992160	18667007704	7/9/2014 22:14	7/9/2014 22:15	0m 20s	16502920887	201.203.221.67	Inbound
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701386

Call Detail Records
Subject Telephone No.: 650.292.0887, 702.987.5017, 866.700.7704, 901.347.0425

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1002596519	14178002824	19013470425	6/11/2014 18:47	6/11/2014 18:47	1m 01s	19013470425	69.59.230.106	Inbound	Domestic
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1002596519	16502920887	19013470425	8/27/2014 0:35	8/27/2014 0:35	1m 09s	19013470425	74.116.149.77	Inbound	Domestic

Last phone call Test 1 day after
email to waiter asking to
subpena record