

PL

STATE OF GEORGIA)
) UNNUMBERED ACCUSATION
)
 State,)
)
 vs.)
)
 KEITH DUNCAN,) 10-DAY HEARING
)
 Defendant.)
)

* * *

Transcript of the proceedings had in the above-styled case
before **THE HONORABLE FRANK. C. MILLS, III**, Chief Superior
Court Judge, at the Justice Center in Canton, Cherokee
County, Georgia, commencing on Wednesday,
November 2nd, 2011.

APPEARANCE OF COUNSEL:

For the State: PATRICIA G. HULL, ESQ.
Assistant District Attorney
Blue Ridge Judicial Circuit

For the Defendant: Pro se

PAITY BAKER, CLERK
CLERK OF SUPERIOR COURT
CHEVYCHEE COUNTY, GA
2012 JAN -4 AM 8:57

1 (Canton, Cherokee County, Georgia; Wednesday, November
2 2nd, 2011, in open court.)

3 * * *

4 MS. HULL: Your Honor, we're here before the
5 Court today with the State of Georgia versus Keith
6 Duncan. It's Warrant Number 2011-MGNW-3443-F.

7 He's here for the offense of Aggravated
8 Stalking.

9 This is a 10-Day Hearing pursuant to O.C.G.A.
10 17-6-1 Subsection 12. For the offense of Aggravated
11 Stalking, there is no bond.

12 This offense occurred on and about August the
13 31st of 2011. In between that on September 1st of
14 2011, the arrest date for Mr. Duncan, as it shows
15 will be October the 24th of 2011.

16 Is that correct, Mr. Duncan?

17 DEFENDANT DUNCAN: No, it was October 3rd.

18 MS. HULL: Where were you arrested at?

19 DEFENDANT DUNCAN: Las Vegas.

20 MS. HULL: Okay. And he was brought here and
21 he actually arrived in the Cherokee County Jail on
22 October 24th of 2011; is that correct?

23 DEFENDANT DUNCAN: To the best of my
24 knowledge.

25 THE COURT: All right.

1 MS. HULL: Mr. Duncan, if you would please
2 raise your right hand.
3 (Whereupon, the Defendant was duly sworn by
4 Ms. Hull.)
5 THE COURT: All right then. Mr. Duncan, how
6 old are you?
7 DEFENDANT DUNCAN: 53.
8 THE COURT: How far did you go in school?
9 DEFENDANT DUNCAN: Bachelor of Science in
10 Computer Science.
11 THE COURT: Can you read and write?
12 DEFENDANT DUNCAN: Yes, sir.
13 THE COURT: Are you under the influence of any
14 alcohol or drug at this time?
15 DEFENDANT DUNCAN: No, sir.
16 THE COURT: Is anybody here with you today?
17 DEFENDANT DUNCAN: I've called three different
18 lawyers to be here and they're not present.
19 THE COURT: Okay. You don't have any family
20 present?
21 DEFENDANT DUNCAN: No, sir.
22 THE COURT: All right. Do you understand what
23 you're charged with?
24 DEFENDANT DUNCAN: Actually, no, sir.
25 THE COURT: Well, you've got two cases.

1 One, is -- it looks like it's Stalking, which
2 is a misdemeanor.

3 The other is Aggravated Stalking on August the
4 31st of 2011. I'm not going -- for most of these --
5 for one of these offenses there is a bond set by
6 schedule posted in the jail.

7 For the second offense, Aggravated Stalking,
8 there is no bond except when the Superior Court
9 Judge sets bond. And I'm a Superior Court Judge, I
10 can do that, but I would not do that at this time.
11 I will consider that when somebody files a Motion
12 for Bond in your behalf. Right now all I'm going to
13 do is advise you of your rights.

14 Do you understand that?

15 DEFENDANT DUNCAN: Yes, sir. Is there going
16 to be evidence?

17 THE COURT: No, you don't need to submit
18 evidence. I'll get to that in just a minute and see
19 what you want to do. But right now all I'm going to
20 do is advise you of your rights.

21 You have a right to remain silent, anything
22 you say can and will be used against in court.

23 Do you understand that?

24 DEFENDANT DUNCAN: Yes, sir.

25 THE COURT: You have a right to have a

1 indictment by the Grand Jury. The next time the
2 Grand Jury could possibly meet to consider your
3 indictment would be the second Monday in November.
4 That would be this next coming -- this coming Monday
5 -- no, let's see, that would be Monday week, I guess
6 wouldn't it?

7 MS. HULL: Right.

8 THE COURT: Monday week. You have a right to
9 have a Pre-Indictment Probable Cause Hearing. If
10 you wait until after indictment it will be too late
11 for that hearing.

12 You have a right -- if a bond is set in your
13 case and you make bond, you give up your right to
14 that hearing.

15 You have a right to a trial by jury.

16 Probably more importantly than anything else
17 I've told you is you have a right to have a lawyer
18 represent you. If you cannot afford one, one would
19 be appointed for you at no expense to you.

20 Now, you just told me you'd called three
21 lawyers. Do you have a lawyer?

22 DEFENDANT DUNCAN: I don't have one under
23 contract at this point because of the timing.

24 THE COURT: Or do you need one appointed? It
25 doesn't matter why. Do you need one appointed?

1 DEFENDANT DUNCAN: No, sir.
2 THE COURT: You don't need one appointed?
3 DEFENDANT DUNCAN: I'll have one private.
4 THE COURT: All right. You understand the
5 longer you wait to get a lawyer the less likely they
6 can do you any good?
7 DEFENDANT DUNCAN: I'm going to obtain a
8 lawyer as fast as I can, sir.
9 THE COURT: All right. I'm just telling you.
10 If you need one appointed and you cannot afford one,
11 the Court will appoint you one at no expense to you.
12 Do you understand that?
13 DEFENDANT DUNCAN: I can afford one.
14 THE COURT: All right. You have a right to
15 have a trial by jury.
16 If at any time you want to give up the rights
17 I told you about and want to enter a plea of guilty
18 then you'd notify your lawyer or the sheriff who has
19 you in custody and you'd be brought back before the
20 Court for such a plea.
21 Any questions?
22 DEFENDANT DUNCAN: Yes. Can I have what you
23 read to me in writing please?
24 THE COURT: No.
25 DEFENDANT DUNCAN: Okay. I would also like to

1 make one statement.

2 THE COURT: I didn't read anything to you. I

3 just recited it to you.

4 DEFENDANT DUNCAN: I'd like that in writing

5 please.

6 THE COURT: I'm not going to give it to you

7 but you can order a transcript if you want to.

8 DEFENDANT DUNCAN: I shall, please.

9 THE COURT: All right. What else?

10 DEFENDANT DUNCAN: I'd also like you to talk

11 Cole, U.S. Attorney General Sally Yates at 404-671-

12 8000 and request for me Federal Witness Protection

13 Program against Robert Rose. I'm supposed to

14 testify against him for Federal Racketeering Court

15 in Fulton County, Stocklin and Cutty versus Robert

16 Rose. I have a significant amount of F.B.I.

17 evidence and I.R.S. evidence against him for money

18 laundering through Homeways.com.

19 THE COURT: Wait just a minute before you go

20 into all this. I can clear the courtroom if you

21 want me to do that. Are you already in witness

22 protection? You don't have to tell me that.

23 If you want to tell me stuff with this

24 courtroom cleared, I'll clear the courtroom.

25 DEFENDANT DUNCAN: Would that be appropriate?

*At Cydonia Alexander Covey versus
Oct 25, 2014 RICO civil engagement video Nov 14, 2016*

1 THE COURT: I don't know. I have no idea.
2 You're telling me -- I'm in the dark on all of this.

3 DEFENDANT DUNCAN: Yes, sir.

4 THE COURT: All right. Let's do this.
5 Everybody step out and let me hear what he has to
6 say. But you understand anything you say is being
7 recorded and the State can use it if they need it?

8 DEFENDANT DUNCAN: Yes, sir. And I want that
9 to be recorded.

10 THE COURT: Okay. All right.

11 DEFENDANT DUNCAN: In a transcript.

12 THE COURT: All right.

13 (Whereupon, the courtroom was cleared.)

14 THE COURT: Now, the only thing left is the
15 Sheriff's Office, the Clerk's Office and the
16 District Attorney's Office and this is one of the
17 District Attorneys here.

18 DEFENDANT DUNCAN: Thank you, sir.

19 THE COURT: All right. Now, what is it you
20 want to tell me.

21 DEFENDANT DUNCAN: I'll be as brief as I can.
22 I went to work for Robert Rose almost exactly four
23 years ago today. Briefly I've been through five
24 counties and four court systems pursuing getting my
25 money back. In the meantime I discovered that he's

3 Promissory Notes Forsyth Cty Judgement 08 SC-1345
HomeWaves.com
ONEOcean Bahamas.com

1 doing Federal Racketeering in the Bahamas utilizing
2 IRS WBFeb 2009, 658, 659, 671, 679 Norr. Beardsley @
17 different companies in the State of Georgia. IRS.gov
3 Atty Victoria Howard Fall 2008 & IRS Atty Jack Fisher

THE COURT: Okay. Now, before you go too far
4 with this, tat's probably more than I need to hear.
5 You said Sally Yates. Have you already talked to
6 her?

7 DEFENDANT DUNCAN: I've put calls to there and
8 I've also been in contact with -- directly with U.S.
9 Marshall Tom Shell. Do you need his phone number?

10 THE COURT: No, I don't need that. But you're
11 telling me, you know, things that may make the
12 District Attorney's Office want to check some of
13 this out. I don't know if they do or don't.

14 DEFENDANT DUNCAN: Yes, sir.

15 THE COURT: That's part of what you want a
16 lawyer to do for you.

17 DEFENDANT DUNCAN: And I'm going to multiple
18 lawyers to do that, including my private lawyer
19 Jimmy Deal in Norcross, Georgia. He has all the
20 evidence against it. I have physical records. And
21 particularly if I may address the Aggravated
22 Stalking.

23 He lives in a gated community --

24 THE COURT: (Interposing) You mean the Mr.
25 Rose does?

DEFENDANT DUNCAN: Mr. Rose. And I have not
been in Cherokee County for nine months. / 1st 4cs
11-14-30

THE COURT: Well, it won't matter because ^{Vide}
they're saying you did it by telephone and that can ^{lien 95}
be -- the venue for a telephone call is where the ^{Sh}
call is received. So, if you made a phone call to ^S
him that might be enough. I don't know what they're
saying here.

DEFENDANT DUNCAN: They're saying email contact.

THE COURT: Well, that's the same thing.

DEFENDANT DUNCAN: And I'll go on the record saying that he has my email password. You can also fabricate emails against me. He's a very high technology guy. So am I.

THE COURT: Okay. Well, that's all interesting stuff and it may be useful. I don't know what the -- I can't do anything for you. I can't check this out for you. That's what your lawyer does and the DA may want to check this out for purposes of evaluating their case and/or notifying Sally Yates.

You know, if she hasn't called you back, she may not be interested. I don't know. I know who she is I've met her. But that's all I can tell you.

*Amenda. D. Houston Agent Janet, Matthew
maurice @IAS, suv IRS → FBI → AG usmarshel
+ others No Nov 2010 Tom Shell*

1 DEFENDANT DUNCAN: I've also called the F.B.I.
2 and interviewed with them and the I.R.S. as well. I
3 called the F.B.I. guy last Wednesday and Friday.
4 The number is 404 --

5 THE COURT: (Interposing) Who's the agent
6 that you're talking to?

7 DEFENDANT DUNCAN: -- 9000. The agent is
8 Agent Janet, back in November of 2010.

9 THE COURT: Okay. And the DA may want to get
10 that number and check it out, they may not. We'll
11 see. Give them that number again.

12 DEFENDANT DUNCAN: 404 --

13 MS. HULL: (Interposing) My question is did
14 you leave a message with someone?

15 DEFENDANT DUNCAN: I actually physically
16 talked to two agents at the F.B.I. Atlanta
17 Headquarters.

18 MS. HULL: And who were they?

19 DEFENDANT DUNCAN: They would not identify
20 themselves by name. They don't do that from the
21 desk. Their phone number is 404-679-9000 and I
22 called Wednesday afternoon at approximately 4:00 and
23 again on Friday in the afternoon. And they took my
24 case at both times.

25 MS. HULL: They took your case?

1 DEFENDANT DUNCAN: They took -- they gave me a
2 case number and they took all my information
3 including --

4 MS. HULL: (Interposing) They took your
5 information?

6 DEFENDANT DUNCAN: They took all my
7 information and said they would get back with me.
8 And I also went and physically interviewed with them
9 approximately November 15th of 2010.

10 MS. HULL: With who?

11 DEFENDANT DUNCAN: With Janet. She is the
12 desk agent.

13 MS. HULL: Her last name?

14 DEFENDANT DUNCAN: She won't reveal those.
15 They can't. The F.B.I. can't give their last names.

16 MS. HULL: So, you're stating right here in
17 court today there is a case pending against Mr. Rose
18 in Federal Court and you say that you're a witness?

19 DEFENDANT DUNCAN: That's correct. I've been
20 subpoenaed to provide evidence last week against
21 Robert Rose.

22 MS. HULL: Do you have a copy of your
23 subpoena?

24 DEFENDANT DUNCAN: I don't have it with me. *Fulton Cty Oct 25 2021*
Cyclone Covey vs Robert Der Rose
RICO

25 THE COURT: You said -- you're saying Federal

1 but you're also saying Fulton County.

2 DEFENDANT DUNCAN: It was in Fulton County.
3 It's the Federal Court, Cutty versus Robert Rose
4 federal racketeering against him and his wife Amy
5 Rose.

6 THE COURT: Well, you understand this may or
7 may not help you because even a criminal Defendant
8 can't arguably be subject to court protection?

9 DEFENDANT DUNCAN: I understand.

10 THE COURT: If he was -- if he obtained a
11 Stalking Order against a creditor, creditors have
12 limitations, too. You say he owes you money and
13 arguably if you were -- he can say you were
14 harassing.

15 DEFENDANT DUNCAN: His company owes me money.

16 THE COURT: Well, you see what I'm talking
17 about? It may or may not help you.

18 Do you understand that? You definitely need
19 to be talking to a lawyer. It may or may not help
20 you.

21 DEFENDANT DUNCAN: Yes.

22 THE COURT: Okay.

23 DEFENDANT DUNCAN: Was this sufficient
24 evidence? Anything else I can add?

25 THE COURT: No, no. You're not required to

1 give me anything. So, anything you're telling me is
2 -- I'm just -- the reason I asked is because you
3 wanted to do it.

4 DEFENDANT DUNCAN: Yes, sir.

5 THE COURT: And it may or may not affect what
6 the District Attorney does. They may decide they
7 don't want any part of it or they may decide that
8 they can use this information to build their case
9 better against you.

10 They're authorized to do that.

11 DEFENDANT DUNCAN: Yes.

12 THE COURT: So, I'll have to leave it up to
13 them as to how they want to handle this.

14 DEFENDANT DUNCAN: Understood, sir.

15 THE COURT: All right. Anything else?

16 DEFENDANT DUNCAN: I also have enough evidence
17 to say that he's bribed Federal, State and County
18 local Judges.

19 *Judge Frank Mills* THE COURT: See, about the only way you could
20 know that is if you're involved in it, too.

21 *What the Hell!*
22 DEFENDANT DUNCAN: I'll use the word friend
23 coerced.

24 THE COURT: Well --

25 DEFENDANT DUNCAN: (Interposing) And I'll
show the Court.

1 THE COURT: All right.

2 DEFENDANT DUNCAN: Thank you, sir.

3 THE COURT: All right. Good luck.

4 DEFENDANT DUNCAN: Anything else I can do or
5 add?

6 THE COURT: Not for me. Now, the DA's Office
7 or the sheriff's office may be back in touch with
8 you on it. We'll see.

9 DEFENDANT DUNCAN: Very good.

10 THE COURT: All right. Thank you.

11 MS. HULL: Sir, my name is Patricia Hull and
12 I'm the Assistant District Attorney assigned to your
13 case. So, whoever files their Notice of Appear just
14 let them know that they can contact me and we'll see
15 what we can do.

16 DEFENDANT DUNCAN: May I add one more thing
17 please?

18 THE COURT: Go ahead.

19 DEFENDANT DUNCAN: The investigator Jill Gian-

20 --

21 THE COURT: (Interposing) Gianfala probably.

22 DEFENDANT DUNCAN: Has an email that he sent
23 me saying that -- when I purposed that there might
24 be something going on with Robert Rose and I use the
25 coercing or pressuring Cherokee County, there's an

1 email approximately September 15th where he emailed
2 me saying for me not to notify anything ^{FBI, GRI, Press} authorities
3 to investigate Cherokee County. That Cherokee
4 County would be doing any internal investigation
5 themselves. It's a email September 15th.

6 THE COURT: Okay.

7 MS. HULL: Give that to your attorney and then
8 your attorney can give that to me.

9 DEFENDANT DUNCAN: Yes, ma'am.

10 THE COURT: Okay. All right. Anything else?

11 DEFENDANT DUNCAN: That's it, sir.

12 THE COURT: All right. Good luck.

13 DEFENDANT DUNCAN: I appreciate your patience.

14 THE COURT: All right. And this -- my -- I'm
15 Judge Mills and this is my Court Reporter. You can
16 contact my office or this Court Reporter, Ms.
17 Probst, and she has your transcript.

18 DEFENDANT DUNCAN: Yes, sir.

19 THE COURT: Okay.

20 DEFENDANT DUNCAN: I appreciate your time.

21 THE COURT: All right. Good luck.

22 (Whereupon, the above-styled proceedings were
23 terminated.)

24 * * *

C E R T I F I C A T E

STATE OF GEORGIA:

COUNTY OF CHEROKEE:


I hereby certify that the foregoing sixteen (16) pages, comprise a true, complete and correct transcript of proceedings in the aforementioned cause and as taken before me, Kimberly L. Probst, Official Court Reporter and Notary Public, by stenomask and reduced to typewriting at my direction.

I further certify that I am not of kin or counsel to either of the parties in said case and am in no way interested in the cause or results of same.

This transcript will not be deemed certified however, if dismantled or photocopied in any way by any person other than the undersigned Official Court Reporter.

Why delay?

This, the 28th day of December, 2011.


KIMBERLY L. PROBST, B-1990
OFFICIAL COURT REPORTER
BLUE RIDGE JUDICIAL CIRCUIT