

**May 01, 2009**

**Honorable Royal Ferguson  
Western District of Texas  
San Antonio, Texas**

**Re: United States District Court  
Western District of Texas  
San Antonio Division  
Case Number: SA: 08-CR-00193 (1)-WRF  
No. 08-51144 USA v. Castillo**

**Dear Honorable Ferguson:**

**First, I want to sincerely thank you on the extension of self-surrender. I am writing you this letter because as of this date, I have not heard from the Public Defender in my case. I certainly understand that she is overwhelmed with other appeal cases, but I feel that that my window of opportunity is escaping in reference to my concerns.**

**Sir, there are several serious issues that needs to be address because I was told that they would not be address in my appeal process. My public defender has decided to appeal my case on the grounds of “ineffective representation”.**

**One of the most significant concerns is Assistant United States Attorney Mark ROOMBERG’S prosecutorial misconduct. However, he is not along on the government’s wrong doing that has affected my case. This may be neither here nor**

there, or even too late for any consideration. But I strongly believe that they still need to be addressed.

On March 6, 2008, when I was arrested by ATF Special Agent [REDACTED] [REDACTED] and ICE Agent [REDACTED], I felt that my Constitution Rights had been violated. My case was initiated with a Federal Criminal Complaint filed by Agent [REDACTED]. In said complaint, he made an allegation that I had conspired with a convicted felon, [REDACTED] in purchasing weapons at a gun show.

On April 03, 2008, I received a telephone call from Mr. [REDACTED] assuring me that he was not a convicted felon. Mr. [REDACTED] continues to sell weapons at the gun show. The question, did ROOMBERG approve the complaint before it was sworn to and signed by Judge Primomo. According to the Domestic Operations Guidelines: The United States Attorney shall be consulted...shall be furnished progress reports of the investigation at regular intervals to ASSURE APPROPRIATE PARTICIPATION BY PROSECUTING OFFICIALS. The United States Attorney shall be consulted before the arrest of a defendant and again immediately after the arrest. Soon after my arrest, while being interrogated at the ATF office, [REDACTED] telephoned the BROOMBERG and stated that he had conducted my arrest.

In the "end justifies the means," ATF agent [REDACTED] ([REDACTED] Field Office) conducted one of the most heinous atrocities an agent could commit. On March 06, 2008, he illegally search my residence by coercion threatened the owner of the house [REDACTED] that if she did not consent to the search of the residence, he was going to call the police, news media, and wait for my grandkids to get home so they could witness the search. This allegation was made in presence of the other agents, which included ATF agent [REDACTED]. As you recall these are the same two agents that were involved in Andrew's DE LA GARZA'S criminal case.

From the very beginning, I vigorously attempted to address my concerns to the government through my former attorney, Roberto "Eddie" DE LA GARZA. I warned DE LA GARZA that he needed to address the court to see if there was a conflict of interest in the agents in question. See ATF EF 3120.2: REPORT OF INVESTIGATION prepared by SA [REDACTED] dated 03-06-08: on the consent search of my parent's resident. Also see ATF EF 3120.2 REPORT OF INVESTIGATION prepared by SA [REDACTED] dated 03-06-08 on the consent to search of my residents. DE LA GARZA assured me that there was no conflict in these agents' involvement in both cases. I started to sense that my attorney was being reluctant in addressing my concerns.

I then asked him to file a motion on Outrageous Government Misconduct and requested for him to obtain a copy of the Grand Jury transcripts on my criminal indictment. These transcripts would have divulged my allegations of the false testimony that was brought against me by agent [REDACTED] AND AUSA MARK ROOMBERG. DE LA GARZA assured me that there were no grand jury transcripts. As an "expert witness", for the defense, I knew that he was not being forthcoming with me. Another question remains; did the government trick the Grand Jury into returning a tainted indictment against me?

In September 2008, I received a telephone call from DE LA GARZA who stated that the government was dismissing my criminal case because they had failed to charge me with the proper charges. According to ROOMBERG, their office had allegedly been the first to initiated *Polk vs. U.S.* back in the late 1990s. So if they were the experts on *Polk vs. US*, why the eight months delay?

See copies of Transcripts "Sentencing hearing dated October 22, 2008: Page 7: line 14

**ROOMBERG:**

*Let me take one step back. The reason we superceded was because our office discovered the Polk case because the plain language of the statute the defendant was initially charged...*

- **UNITED STATES V POLK:** Precludes an individual being charged with [a crime] where the straw purchaser bought a firearm for an individual who was not a prohibited person [such as a convicted felon]. The defendant [Castillo] was not a prohibited person. [Johnny SUTTON]

As you are aware Your Honor, on October 1, 2008, my case was dismissed but with a catch. The government was now charging me with, Trafficking in Guns without a License and Aiding and Abetting. I had to scan through the new pled agreement while in the courtroom. I asked my attorney, how was it possible for the government to prove that I ever sold a gun. There was never any evidence to who I had sold the guns. DE LA GARZA insisted that if I took the plea, I would more than likely receive probation. In my opinion, the trap had been set: the government would dismiss my case, and my attorney would convince me to plea out. I re-argued my point to my attorney that half of the vendors at the Gun Shows sold weapons without a license. Most of them have been selling thousands of guns for the past three years and never once been ordered or warned to “cease and desist.” According to a New York Times, story dated April 15, 2009, by James C. McKinley Jr. “At gun shows in these states, (Texas) there is even less regulation. Private sellers, unlike licensed dealers, are not obligated to record the buyer’s name, much less report the sale to the A.T.F.” ROOMBERG made a federal case that I had not documented any names of the people I had sold guns. I was given 4 points for trafficking because ROOMBERG had once again lied. I was protected under the Second Amendment.

I soon learned that this was not the first time that this U.S. Attorney’s Office had initiated a plea agreement in the courtroom. The case was the involvement of

the Lampazianic family who continue to proclaim their innocence – despite the fact that they each pleaded guilty to one count of conspiracy as part of a group plea bargain. The family members contend that the plea deal was slapped together in the courtroom just before the trial was set to begin in 1999. They also stress that the plea deal was not in writing and was presented to them as a last-chance offer before facing a trial they believed was fixed.

Prior to signing the agreement ROOMBERG stated to my attorney that if I pled out to this new agreement that I would NOT lose my benefits. ROOMBERG assured my attorney that Jay LEMIRE was pleading to a similar charge, so that he would not lose his Social Security benefits. My attorney failed to obtain a written entry into the plea agreement. DE LA GARZA also reported this allegation to Bill Conroy's story dated February 01, 2009 title, 'Iran/Contra whistleblower Cele Castillo increasingly looks like a framed man.' *"De La Garza also claims that in a discussion outside the courtroom that day, Oct. 1, Roomberg told him that Castillo would keep his benefits if he pled out to the new charges. And De La Garza says he relayed that information to Castillo."*

See Transcripts on "Guilty Plea; Dated October 01, 2008

Page 14; Line 15

**THE COURT:**

*...I – I will not in any way do anything to remove your benefits, but there – there are instances where I understand in a sentencing a federal judge can remove the benefits that people receive from either Social Security, the Veteran's Administration, or whatever. It's not my plan to do that. Is the Government planning to ask for that?*

**ROOMBERG:**

**Line 21:**

*No, Your Honor, In fact, in regards to the superseding information, the reason these particular charges were chosen, we could have picked another charge causing a false entry – causing a licensed firearm dealer to put a false entry into their book which would be more of a falsity crime and which to my understanding from talking to other attorneys would have a far greater impact than this would because it is not a criminal falsity crime, either the conspiracy or the one substantive count, it would not impact on that. I'm not an expert on that. We're not taking a position on it. We're certainly not seeking that from the Court. But that – That's our position.*

**ROOMBERG** had just committed to the court that he had made that promise.

**THE COURT:**

*Well, that's helpful, and I would not order it anyway. You've earned those benefits and –*

**My attorney once again assured me that there was no reason why Your Honor would not place me on probation, because I had no previous criminal record plus my health issues would be brought under consideration. He stated that in the worst scenario, I would get one year, (home confinement) and that I would self surrender in March of 2009.**

**My attorney argued that under relevant conduct issue of trafficking that I should not be held accountable for conduct that has no basis or evidence to support the allegations the government was making that I was involved in trafficking of weapons outside the U.S.**

See transcripts on “Sentencing” dated Oct. 22, 2008

**Page 11; Line12:**

**ROOMBERG:**

*We don't know if Mr. Castillo was using other people to do the same thing as well...*

**Page 14: Line 7:**

**ROOMBERG:**

*Do we have proof that he was selling them to prohibited persons? NO.*

**Page 22: Line 11:**

**Castillo:**

*...the majority of the guns that are listed here went to one individual...He – The government knows who it is. You know, and he didn't – he didn't break the law, you know. He bought them from me just like – just like another person. He has a Texas driver's license, he from the U.S. and He's not a prohibited person.*

**The government knew who this individual was because of the agents' surveillance reports.**

**Page 25; Line 3:**

**ROOMBERG:**

*The defendant – and normally I don't discuss this in open court – but the defendant raised the issue that he spoke with us and told us the person who he bought and sold most of these guns to. The defendant gave us a nickname and a general area, nothing that we can do anything with.*

Page 27; Line 11:

ROOMBERG:

*We would love to know who these people were; we would love to have had Mr. Castillo tell us more than just a nickname and a general area where this person lived. He didn't. And if he dealing all these firearms with this person and can't give us more than a nickname, then I don't know how he's identified that person.*

Page 29; Line 10:

ROOMBERG:

*this person who has dealt the majority – what he just said in court, the majority of these guns he only knows by a nickname and a general area where they live and... so it's our position that he had reason to believe these were going to be – the transfers were unlawful or that who they were going to would user dispose of firearms unlawfully...Again, we're talking about the defendant who's dealing these guns out of McAllen right there on the border. The types of guns are the FN 5.7 and the P 90 which are the assault rifles.*

ROOMBERG addressed to the court that the government had no idea who the guns went to and that they only had a nickname to go by. ROOMBERG intentionally, knowingly, and recklessly lied to the court. ROOMBERG lied about the P90 rifle. This weapon is nowhere to be found in my case. He just plain made up this allegation.

PAGE 35; LINE 13

**THE COURT:**

*You know, this – this is a close call for me. And it – I have struggled with it and struggled with it...*

**PAGE 36: LINE 5**

**THE COURT:**

*...I'm just struggling with this. It seems to me that – if I can have more information about the purchaser, but the problem is that information seems to be pretty elusive.*

On March 03, 2009 I finally received the attorney's notes. These notes will prove without any reasonable doubt that ROOMBERG lied to the court. See attorney's hand written notes attached *Dated 06-26-08*.

- *Number 2: Has full name of individual of individual and nick-name in question. [REDACTED] aka [REDACTED]*
- *Number 20: Agents asked if [REDACTED] met at the Whataburger deliver of guns in truck with paper plates.*

ROOMBERG also knew exactly whom the guns went to because the agents had followed me when I delivered the shotguns. Two agents, from two different agencies have written reports [REPORT OF INVESTIGATION] to that effect with the full name and telephone numbers of the individual who took custody of the guns. Now may there be no mistake that the individual who took custody of the guns did in no way shape or form break the law by taking custody of the guns. He was not a prohibited person and the government knew this to be a fact.

I know that if Your Honor had heard the truth; I would have probably fallen into the probation level of the federal guide lines. Now I can prove that ROOMBERG lied to Your Honor, with DE LA GARZA'S handwritten notes and the two agent's reports. As you can see there are several counts of both criminal and misconduct violations by the government. At the prosecutor's table, ICE agent ██████████ set in both my plead hearing and my sentencing, never once corrected ROOMBERG'S untruthfulness. Case agent ██████████ never showed up to my last three court proceedings.

Both DE LA GARZA and I were interview for said story. I assumed it was ok to do the interview since ROOMBERG had allegedly been interviewed by the San Antonio Express News on their story of gun running, dated December 14, 2008. The next three entries are from the newspaper story.

- *There is no proof the 32 guns he bought through a straw purchaser ended up in cartel hands. "BUT PROSECUTOR SAYS THAT CAN BE ASSUMED BECAUSE MANY OF THEM – 23 WERE HANDGUNS THAT CAN FIRE ARMOR-PIERCING AMMO..."*

This is another lie ROOMBERG made in the court room.

- *Prosecutors and ATF said they hadn't heard of Castillo before his arrest in March.*

Both prosecutors and ATF agents had heard of me prior to my arrest. The ATF had initiated their case against me back in January 2008. Anyone in law enforcement knows that when you initiate a case on an individual, you run his name with all other law enforcement. Because of my activism, and history as an "expert witness" for the defense, they certainly knew of it. Let's not forget the sting operation with a television station I was involved against ATF at the Pharr gun

show on January 2008. The ATF was allegedly committing racial profiles on U.S. citizens.

As for the prosecutors not knowing me, well how soon do they forget when I testified against the government, as an “expert witness,” in the same courtroom where I was sentence? It was the ██████████ case. This was where the government was caught breaking the law. This was a sting operation by the FBI against several San Antonio police officers. In said case, the case FBI agent, ██████████ ██████████ was fired and his supervisors were asked to resign because of their misconduct.

- *“We think the person sending the drugs and Receiving the guns are the same, prosecutor ROOMBERG SAID.*

On February 19, 2009, before your court, ROOMBERG made a serious allegation against me. He alleged, without any proof, that since my sentencing, the ATF had traced two of the weapons in my case to have been found in Mexico. He identified them in his GOVERNMENT RESPOND TO DEFENDANT’S AMENDED MOTION FOR RELEASE PENDING SENTENCE; DATED February 18, 2009. The weapons in question were one FN-5.7x28 and a P-90 assault rifle. I warned my attorney that the P-90 assault rifle had no bearing in my case. This weapon was never mentioned in my case and that I strongly believe that ROOMBERG was once again allegedly lying to the court. I suspect that if he had in fact received the information of these weapons in question, he would have at least got the serial numbers of the guns in question. If you noticed ROOMBERG never mentioned if these weapons were used in a crime, just that they had been found. Sir, when I was first arrest, that was the first statement made by the ATF agent, that they had found one of the guns in Mexico. This is the Method of Operation (MO) that ATF uses to intimidate their citizens.

PAGE 9 of said motion: DANGER TO THE COMMUNITY

- *Based on new developments in this case, the government believes the defendant is a danger to the community as well. As discussed at sentencing, the government speculated that the guns Defendant, a resident who lived closed to the Mexican border, was purchasing in San Antonio via the straw purchaser were being smuggled to Mexico for nefarious purposes. Since sentencing, ATF has traced and located two of the “mata policias,” “cop killer,” weapons to Mexico—a FN 5.7 pistol and a FN PS-90 assault rifle...*

**Many years ago, I took an oath to protect the Constitution of the United States and have gladly fought for it on several occasions. However, it certainly looks like I have lost this battle for my freedom but I am desperately trying to learn to live to fight another day. There is no greater conflict in me with regards to how I feel about my government and how my government feels about me. All I have ever asked from the courts was for a chance to prove myself and asked for a fair and impartial opportunity, nothing that you yourself would not demand. Bottom line, I had been invited to a poker game and was handed a fix deck. I was brought up to believe, by my father, that beneath it all, we as Americans are decent people, with an abiding scene of integrity and fair play.**

**I strongly believe that there is also a bull’s-eye painted on my back due to my role as a whistleblower in the Iran/Contra scandal. This was Ronald Reagan’s woven tapestry of illusions. This was certainly a pay-back to me from both Bush administrations. I guess the Whistleblower Status is irrelevant in my case.**

**Back in 1996, I went before a Federal Grand Jury in Washington D.C. This was the same Grand Jury that former First Lady Hillary Clinton testified on “White Water”. I testified to the allegations of the CIA’s implications of murder, drug trafficking, and arms smuggling. I had been granted Whistle-Blower status**

**back in 1992 when I was debriefed by Special Prosecutor for Iran Contra, Lawrence E. Walsh. There should be no doubt that the government knew who I was when I became a target of their investigation.**

**Sir, if our government becomes evil doers, it breeds contempt for law; it has invited every man to become a law unto himself, as ROOMBERG has done; it invites anarchy. The record will reflect that during Johnny SUTTON watch, “the end justifies the means” was used boldly for these atrocities; bring terrible retributions and unrestricted secrecy in unlimited corruption.**

**If you look at the transcript of my sentencing and the last motion hearing, not once did I ever mentioned at all that I spoke with the government. I once asked my attorney as to why he never objected to ROOMBERG’S Prosecutorial Misconduct.**

**I certainly know that I am nowhere close to Senator Ted Stevens’ accomplishments, but I strongly believe the Prosecutorial Misconduct was more sever in my case then his. The judge in his case, Judge Emmet Sullivan has now held Justice Department lawyers in contempt for their Misconduct and most surprising has dismissed the case against Sen. Stevens. His investigation could lead to reprimands, disbarment, even criminal charges. I certainly hope that in the Senator’s case it will lead to more widespread reform – or at least more effective oversight – of a practice that is more common than many would like to admit, for quite human reasons. The United States Attorney General has gone where few before him, dared. Mr. Erik Holder should be praised for his actions on Sen. Steven’s case.**

**ROOMBERG commented in the last hearing was, “that it was time for me to go to jail for my wrong doing.” That maybe so come July 20, but in point of fact, our judicial system can only move forward with confidence, only if it first cleans itself of its mistakes of the past. Checks and balances is what ordinary people are**

**requesting from our judicial system. Whether ROOMBERG is punished for his misdeeds or not, we must never, ever accept the defense that somebody was “just following orders”.**

**In the last hearing, you commented that it was despicable for someone to take guns into Mexico, which I certainly agree and it was well taken. However, what I find most despicable, in my own opinion, is that ROOMBERG, an officer of the court, and who took an oath to protect the Constitution of the United States, made a mockery of your court.**

**On April 10, 2009, my official complaint against the government was hand carried by two veteran’s organization, Americas Last Patrol and a member of American G-I Forum, to the Office of Inspector General and the Civil Rights Division at the Department of Justice. I am requesting for an inquiry of how my case was handle by the prosecution. However, I am still fearful that the old guard is still present and will protect ROOMBERG. All I know is that I don’t want to spend the rest of my life in prison, questioning myself that I should have done this or that.**

**On February 27, 2009, I was awarded 100% disability from the Veterans Administration. However, it was not for my Post Traumatic Stress Disorder (50%), but for my coronary artery disease. The VA revealed that I have chronic recurring congestive heart failure with two vessel coronary artery bypass graft. They also report that I have chronic congestive heart failure. Most significant I have (left) ventricular dysfunction with an ejection fraction of less than 30 percent. My incarcerated will certainly be my death sentence.**

**I want to also that this time to apologize for delaying your retirement. I wish you and your family well.**

**Respectfully,**

**Celerino "Cele" Castillo, 3rd**

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

**W.W.W. Powderburns. Info**