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**UNITED STATES DISTRICT COURT
DISTRICT OF IDAHO
(HONORABLE B. LYNN WINMILL)**

UNITED STATES OF AMERICA,)	CR-10-148-BLW-1
)	
Plaintiff,)	MOTION TO VACATE
)	NO CONTACT ORDER
Vs.)	
)	
EDGAR J. STEELE,)	
)	
Defendant.)	

COMES NOW Cyndi Steele ("Movant"), as the wife of Edgar J. Steele and as one of the alleged victims of Defendant, by and through her attorney, Wesley W. Hoyt, and under 18 USC §§1512 and 3771, for a Motion to Vacate the "No Contact" Order entered by Magistrate Judge Candy Dale on June 15, 2010 prohibiting Defendant, Edgar Steele, from having communications with his wife because she is a potential witness in this case. Movant submits that it was FBI Special Agent Mike Sotka who improperly attempted to influence her perception of the facts and thus

tampered with her testimony. Movant asserts that her perception of the facts of this case are unchanged by any outside influences and submits that it is her perceptions that will form her testimony irrespective of any contact with her husband or S.A. Sotka; and as grounds for this Motion to Vacate, Movant shows as follows:

1. Although named by the FBI as one of the victims of a crime allegedly committed by her husband, Movant shows that the only crimes committed against her were the string of crimes committed by Larry Fairfax who was desperate for money in early May 2010, having just declared bankruptcy followed by the theft of approximately \$45,000 in silver from Movant's family home in mid-May 2010, then to cover-up this theft by late May, he attempted to murder Movant by attaching a "lethal" pipe bomb to her car, supposedly did not tell or warn the FBI about the bomb, then presented to the FBI a false murder-for-hire story seeking to incriminate her husband to eliminate anyone who might complain of the theft. (Note: Mr. Fairfax still has not been charged with theft.)

2. Movant's husband spoke to her when he called from jail concerning the voice on the government tapes. Movant advises that this conversation did not influence Movant's perception of the facts of this case, nor will any future communications with her husband have any influence on her testimony should she be called as a witness because Movant evaluates information independently based on her own perceptions and refuses to be influenced by others such as her husband or S.A. Sotka.

3. Critical to this Motion to Vacate is Movant's need to have her husband's input on business related matters.

4. Movant and her husband have been married for 25 years and have formed a life partnership with respect to their family and business interests and they rely upon each other's advice because they each have expertise in different fields. The unavailability of her husband to help make decisions and advise her as to procedures such as how to locate documents since his incarceration and sequestration has worked an extreme hardship upon Movant. Movant now pleads with this Court to allow her to resume communications with her husband to assist her in resolving numerous issues which have accumulated and which cannot be properly resolved unless Movant is allowed to speak to him.

5. As mentioned above, there is a matter regarding witness tampering by the FBI which must be brought to this Court's attention:

a. Movant advises this Court that during her phone conversations with S.A. Sotka on June 11th and 12th, and at their meeting on June 21, 2010, and at her FBI interview on July 9th, S.A. Sotka attempted to tamper with her testimony by being overbearing, argumentative and insisting that she adopt his interpretation of the "facts" and "believe" that the two government tapes obtained through Mr. Fairfax on June 9th and 10th were authentic representations of statements which Sotka purported had been made by her

husband, even though she repeatedly said that she did not “trust” those tapes.

b. At the outset, Movant challenged the tapes because Movant could hear on the tapes that there was something odd and amiss with the way her husband’s voice was being presented in the recording. By repeatedly telling S.A. Sotka that she did not “trust” those government tapes Sotka became angry. She also said that she did not agree that her husband planned, plotted or intended to harm her or that he was involved in a murder-for-hire plot. S.A. Sotka continually refused to acknowledge that Movant had a different perception of the facts and became argumentative with her, insisting that Movant had to accept as true his analysis of the government tapes as if they were accurate representations of statements made by her husband. At one point, Movant, in S.A. Sotka’s presence, said to her attorney that her husband’s voice was probably a tape recording played by Larry Fairfax as he walked around Movant’s property with the body wire, picking up a pre-recorded message that contained her husband’s voice saying words rearranged in an incriminating sequence.

c. On June 11th or 12th, 2010, Movant was first notified by the FBI while she was in Oregon that her life was in danger. During phone conversations with S.A. Sotka (before Movant left Oregon to return to Idaho) and after the initial contact with Oregon FBI agents, S.A. Sotka confronted her by saying that he,

Sotka, wasn't "lying" about the government tapes, that her husband was "guilty" and that he was "going" to prison; and Sotka also said, that was why her husband was "squirming" in jail all in an attempt to apply pressure on Movant to accepting Sotka's version of the facts.

d. S.A. Sotka also attempted to pressure Movant into accepting his version of the facts by creating a false sense of obligation to him personally and by pressuring her to accept as true, matters which clearly were not true, such as:

- i. On June 11th or 12th, 2010, in a phone conversation with Movant, S.A. Sotka said he had 'saved' her life (by saying: "I can go to sleep tonight knowing I saved two lives"), implying that she should be grateful to Sotka and then out of that gratitude, given the context of the conversation, automatically accept whatever he said as true.
- ii. SA Sotka also told Movant in those phone conversations that it was an "inconvenience" for him to be involved in this case, because he had been "pulled away" from a more important assignment involving training somewhere south of Coeur d'Alene, suggesting that she should not question his analysis of the "facts" which would cause further inconvenience to him (facts such as when he claimed that her husband's motive was life insurance

when there was none.)

- iii. Even though S.A. Sotka stated to Movant on at least one occasion during the phone conversations of June 11th or 12th that he hadn't met and didn't know Movant's husband, and in spite of that lack of knowledge, he then stated that he "knew" that her "husband is a liar," which was a further attempt by Sotka to improperly influence Movant's perceptions of the facts in this case.
- iv. During one of the meetings follow Movent's return from Oregon , S.A. Sotka said that Movant should save her money and not hire an attorney because she "really didn't need one" and that he would give his "own mother" the same advice in a similar situation, in an effort to prevent Movant from obtaining legal counsel.
- e. Movant advises that S.A. Sotka improperly attempted to influence Movant's perception of the facts by alleging that her husband had made statements on the two government tapes which Movant reported simply were not there; as Movant listened to the tapes on June 21st, statements that Sotka insisted her husband had made, such as that he would be "crying" when he heard his wife had been murdered, Movant insisted were not on the two tapes she had reviewed.
- f. S.A. Sotka then revealed that there was a third tape which he claimed "was

not ready yet” which he alleged contained more incriminating statements by her husband. Movant has not yet been permitted to listen to the third tape; Movant notes that it is very suspicious that the FBI did not have the third tape available on June 21st, ten days after her husband’s arrest, when the other two government tapes were available. Movant asks what was it that the government needed to do to make the third tape “ready” so that she could listen to it and why did it take ten days to get the first two tapes ready for her when she asked to hear them immediately after she learned about them.

g. With reference to those two government tapes, by carefully listening, Movant was able to hear what was being said and could tell that what was recorded was not her husband continuously speaking words in sentences, rather the tape contained words and phrases spoken by him previously in another context, which speeches are readily available on the Internet and which words from those speeches were extracted from these publicly available statements and then re-arranged for recording purposes. For example, a recording of this nature can easily be made, see:

<http://www.youtube.com/watch?v=VQ68o1a1H70> .

h. When Movant submitted to an interview by the FBI on July 9, 2010, S.A. Sotka said to Movant in a unprofessional manner: “I like you” in a patronizing fashion, insinuating that she should be obligated to him because ‘he liked her’

and thus, she was supposed to accept whatever he said as true.

6. Movant has complained to S.A. Sotka's supervisor, SSA Don Robinson and to the U.S. Attorney for Idaho, Wendy Olson and her assistant, Traci Whalen about S.A. Sotka's misconduct and witness-tampering and requested that he not be allowed to have contact with her again.

7. Movant advises this Court that the single, one hour long 'supervised business visit' permitted between her husband and herself, was inadequate to deal with the numerous pending professional and family business matters and did not allow her to obtain the information needed to run the affairs of Defendant's law practice or their family businesses and financial affairs.

8. This Court should be advised that Movant's husband has always been a non-violent person and expressed non-violent solutions to all matters, including his views of political issues whether at meetings, seminars or public gatherings or simply in recorded messages he has provided on the Internet.

9. Movant shows that during their marriage, Defendant and Movant have had a loving and caring relationship and that her husband does not now, nor has he ever presented a risk of harm to her and that Movant asserts that future contact between Defendant and her will not present a risk of harm to her.

10. With reference to business matters, Movant shows:

a. that her husband is an attorney who engages in the practice of law as a solo

practitioner;

b. that she has been her husband's part time legal secretary for 25 years;

c. that, at the time of her husband's arrest, he had no other legal staff in his law office other than her;

d. that, for the past three months, Movant has tried to insure that matters in Defendant's law practice are being handled as best she can without the advice of her husband, however, certain matters regarding pending cases in defendant's law office require Movant to communicate with Defendant in order to properly handle her husband's legal business;

e. that it will be necessary for the parties to sell their family home in order for Movant to have sufficient funds on which to live because she has been denied her source of support;

f. that Movant cannot adequately make decisions regarding the listing and sale of their home without advice from her husband;

g. that there are other financial matters such as the handling of bills, investments and the disposition of property for which she needs the advice of her husband;

h. that there are aspects of her husband's book sales which need to be addressed by him, which decisions Movant cannot make on her own without consulting with her husband;

i. that family websites were controlled from computers preciously operated by her husband which were removed and altered by the FBI in its June 11, 2010 seizure, and Movant does not have the training to manage those computers or to update the websites without advice from her husband;

j. that Movant has not prepared federal and state income tax returns and that she requires the assistance of her husband to accomplish this task;

k. that the parties' son is currently enrolled in college and there are aspects of the parties' son's student loans that only Movant's husband has the knowledge to resolve, and that she needs help from her husband to insure that their son can finish school and graduate;

l. that there are numerous pending projects and tasks to be accomplished at the parties' home, and Movant has attempted to deal with these maintenance issues on her own; since neither her husband nor the maintenance man, Larry Fairfax are available, she requires direction.

11. The Movant shows that without guidance on exactly what needs to be done, or where to find certain records, or how to access other records electronically, and how to get things accomplished, the professional legal business of Defendant's clients and the family business cannot progress and Movant does not have the funds to hire someone else to do these things for her. After the theft by Larry Fairfax and after relying upon him as a handyman who attempted to murder Movant, she is uncertain

how to find someone whom she can trust; so she is limited in accomplishing these tasks and must rely more heavily on her husband.

12. Movant shows this Court that her Constitutional right to freedom of association is being violated by the No Contact Order that prevents her from engaging with her husband regarding the above business issues and which association would allow her to monitor his health in which she is vitally interested, given that he had four surgeries in the six months prior to his arrest.

13. Movant has notified both U.S. Attorney, Wendy J. Olson and her Assistant U.S. Attorney, Traci J. Whalen that she intends to file this Motion, and the official position of the government is that they wanted to review this Motion first and then would decide whether to object or confess the same.

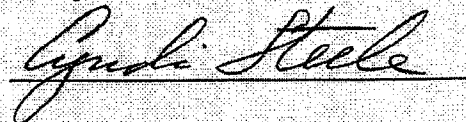
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ATTESTATION

Cyndi Steele, upon oath, being over the age of 18 years and upon personal knowledge and under penalty of perjury, submits that the above statements are true and correct.

Dated this 25th day of September.

S/ Cyndi Steele

A handwritten signature in cursive script that reads "Cyndi Steele". The signature is written in black ink and is positioned below the typed name "S/ Cyndi Steele".

Respectfully submitted this 26th day of September, 2010:

S/ Wesley W. Hoyt



Attorney for Victim Cyndi Steele

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CERTIFICATE OF SERVICE

I hereby certify that on the 26th day of September, 2010, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF System which will send notification of such filing to the following:

TRACI J. WHELAN, Assistant United States Attorney

ROGER J. PEVEN, Attorney for Defendant Edgar J. Steele

S/ Wesley W. Hoyt

