

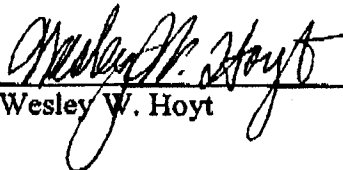
10. Judge Winmill responded that: 1) he would not interfere with Mrs. Steele's right to be represented by the attorney of her choice; and 2) in order to satisfy the Government as to whether such taped phone conversations might be admissible into evidence for any purpose, he wanted the parties to have the opportunity to resolve the issue of whether those tapes were protected by the attorney/client privilege.
11. Thereupon, Judge Winmill ordered AUSA Whelan to turn over copies of those tape recorded jail phone conversations between Mr. Steele and me to Federal Defender, Roger Peven, who also was present at said October 7th *in camera* hearing, so that he could listen to the same and advise the Court as to his position whether the attorney/client privilege applied to said communications between his client, Edgar Steele and me.
12. At the hearing of October 7th in response to my argument on behalf of Mrs. Steele seeking to modify the "no-contact" Order, AUSA Whalen accused Mrs. Steele of suffering from "Stockholm Syndrome" because she expressed her view, after reviewing the evidence in the case including listening to the June 9 and 10th tapes of Larry Fairfax, that her husband was not guilty of the charges.
13. In the months of September, October and November 2010, I received several phone calls from Edgar Steele, who has been incarcerated in the Spokane Washington County Jail, in the custody of the US Marshal's Office since June 11, 2010.
14. In these phone conversations, Mr. Steele asked me to represent him in Criminal Case No. 10CR148 now pending before the Federal District Court of Idaho.
15. In these phone conversations, I discussed with Edgar Steele various defense strategies and the possibility of representing him as his attorney in said criminal case, as well as some ethical limitations thereon due to the fact that I was representing his wife, purportedly a victim of his alleged crimes.
16. Throughout all of these phone conversations, Edgar Steele was a prospective client of mine who was seeking to understand the terms and conditions under which it might be possible for me to represent him in said criminal matter.
17. At no time, in any of those phone conversations, did Edgar Steele make any statement that he was voluntarily waiving the Attorney/Client privilege or any other right under the United States Constitution.
18. On Monday, September 20, 2010, I accompanied my client Cyndi G. Steele to a meeting at the U.S. Attorney's Office in Coeur d'Alene, Idaho for the purpose of discussing the plea bargain which had been offered to and accepted by Mr. Larry Fairfax, Case No. 10CR183, on August 18, 2010 without input from Mrs. Steele contrary to 18 USC 3771(a)(5) and 18 USC 1512(a)(5) Federal Guidelines, which provides in relevant part:

(5) Consultation with victim.—The victim of a serious crime, ... should be consulted by the attorney for the Government in order to obtain the views of the victim ... about the disposition of any Federal criminal case brought as a result of such crime, including the views of the victim ... about—
... "(C) plea negotiations;

19. In attendance at said September 20th meeting, in person, were the following: 1) AUSA Whelan and other persons from the Boise Office of the US Attorney over speaker phone; 2) Donald Robinson, Supervising Special FBI Agent for the Coeur d'Alene area; 3) Mrs. Steele; and 4) myself.
20. Shortly after the September 20th meeting commenced, I played a voice message from an anonymous call regarding a person named James Maher an admitted accomplice of Larry Fairfax. The message had been left on my law office phone on Sunday, September 19, 2010. I played the message on a loud speaker on my cell phone so that all parties in attendance at the meeting could hear.
21. AUSA Whelan laughed when the anonymous caller stated in his message that both Larry Fairfax and his accomplice James Maher "had something" on the FBI because they had told the FBI about the car bomb much earlier than the FBI was willing to admit. Mrs. Steele stated to AUSA Whelan that this was no laughing matter because her life was in danger.
22. During the September 20th meeting, when discussing the crimes of Larry Fairfax and the appropriateness of the proposed plea bargain, AUSA Whelan stated words to the effect: 'Larry Fairfax told us he didn't want to kill any one, he was just trying to "scam the Steeles."'
23. To the question of whether Cyndi Steele had stated she did not want contact with the US Government, Mrs. Steele responded to AUSA Whelan that she wanted protection from the US Government as it related to murder attempts on her life by Larry Fairfax and other persons, known or unknown, but that she did not want contact from FBI Special Agent Mike Sotka, whom she said had made repeated attempts to influence her testimony.
24. At the September 20th meeting AUSA Whelan said that Mrs. Steele's objections to the Larry Fairfax plea bargain came only because Mrs. Steele was under the influence of "groups" that were doing her thinking for her.

FURTHER AFFIANT SAYETH NAUGHT.

Respectfully submitted this 10th day of February, 2011 under the penalty of perjury.



Wesley W. Hoyt