From: Heather Vance Wife of Douglas W. Vance

To: The Office of the Pardon Attorney and White House Counsel

Re: Request for Executive Review — Douglas W. Vance, Pardon No. P339491

Dear Pardon Attorney and White House Counsel:
I am writing as the wife of Douglas W. Vance to respectfully request executive review of my husband's pending clemency petition.
I understand that clemency is an extraordinary remedy. I also understand that the Government has its position and that my husband has his. I am not asking you to simply accept Douglas's account because he is my husband. I am asking you to look at the record for yourselves.
There are significant questions surrounding the evidence presented at Douglas's trial, the testimony of several Government witnesses, the Government's financial analysis, and information concerning his co-defendant, Molly McKinnon.

The McKinnon Evidence and Section 2255 Proceedings
One of the most troubling issues concerns a letter Ms. McKinnon (the codefendant) wrote describing her own involvement in the events underlying the prosecution.
During Douglas's December 2018 interview with FBI Agent Hubbuch, the existence of this letter was discussed. The letter was not physically given to Agent Hubbuch during that interview. According to Douglas's account, Agent Hubbuch said he and the prosecutor would come retrieve the letter after the first of the year. They never did.

I am not alleging that Agent Hubbuch received the letter and then lost it. The concern is that the FBI was placed on notice that this document existed and that it contained information from Douglas's co-defendant concerning her own involvement and Douglas's knowledge. The question is simple: Why wasn't this letter obtained and investigated once the FBI knew it existed?
That question becomes even more significant today because Ms. McKinnon's statements and position are now formally part of the court record through her Section 2255 motion, submitted under penalty of perjury concerning the events and her own involvement.

I respectfully ask that the original letter, the recorded conversation concerning the letter, the trial testimony about the letter, and the evidence filed within Ms. McKinnon's 2255 proceedings all be reviewed together.

The Financial Evidence
The case also involved complicated financial relationships among several entities, including Nex-Gen Industries and NexGen Energy Partners. That distinction is important. The trial record contains testimony concerning loans made to NexGen Energy Partners. Mindie Hogan testified concerning those

loans and, according to the trial record, testified that Douglas was not given notice of certain loans or an opportunity to vote or have a say in them.

That matters because the Government's presentation of financial transactions depended in part upon identifying money as belonging to particular people rather than carefully examining which company actually received the money and what each transaction represented. There were further questions concerning money Douglas personally contributed to the business, equipment he built and contributed, invoices and compensation he was owed, and operating expenses incurred by the business. These matters are important because they affect the meaning of the financial transactions and the Government's interpretation of Douglas's intent.

The Witness Testimony
respectfully ask that the testimony of witnesses including Gary Chamblee, Allan Deware, Mindie Hogan, April Francis, Ken Shumard and Molly McKinnon be compared against the documentary evidence.
There are instances in which testimony appears to conflict with bank records, business records, emails, or the testimony of other witnesses. I am not asking the White House to automatically conclude that any particular witness committed perjury.
I am asking that the discrepancies be examined.

If a witness's testimony is contradicted by an underlying bank record, the record should be considered. If one witness's testimony contradicts another witness, both should be considered. And if the Government's closing argument characterized evidence differently from what the underlying testimony and documents actually showed, that should be considered as well.

Glossip and Uncorrected False Testimony
The recent Supreme Court decision in Glossip v. Oklahoma is also relevant to the concerns presented by this case.
I understand that Glossip does not automatically resolve Douglas's case, and I am not suggesting that it does. However, the Supreme Court's decision addressed the constitutional importance of a prosecutor's duty under Napue v. Illinois to correct materially false testimony rather than allow a false impression to remain before the jury.
That principle deserves consideration here because Douglas's claims involve alleged contradictions between Government witnesses, documentary evidence, financial records, and the Government's presentation of those facts to the jury.

I respectfully ask that these issues be examined in light of the complete record.
Please Look at the Record
I am not asking you to take my husband's word for what happened.
Please don't.

Instead, I ask you to examine the evidence.

- Read the transcripts.
- Look at the bank records.
- Look at the exhibits.
- Listen to the recorded discussion concerning the McKinnon letter.
- Read the original McKinnon statement.
- Review her filings and sworn evidence submitted in her 2255 petition.
- Compare the witnesses against one another.
- Compare all of that evidence with the Government's theory and closing argument.

If the Government's version is supported by the complete record, then the evidence should demonstrate that. But if the record reveals material contradictions, unexplained financial discrepancies, testimony inconsistent with documentary evidence, or evidence that could have materially changed the jury's understanding of Douglas's role, then I believe those circumstances deserve serious executive consideration. Douglas has spent years living with the consequences of this conviction. I have watched what this conviction has done to my husband, our family, and our lives.

I am not asking for sympathy to replace evidence. I am asking for the evidence to be examined in its entirety. The President's clemency authority provides an opportunity to consider circumstances that may not be fully addressed through the ordinary judicial process.

I respectfully ask the Office of the Pardon Attorney and White House Counsel to give Douglas W. Vance, Pardon No. P339491, thorough and extraordinary review, including consideration of the newly developed evidence from Molly McKinnon's 2255 proceedings and the issues apparent from the existing trial record.

Please look at the evidence.
Please look at the contradictions.
And most importantly, please look at what the jury was told compared with what the record actually shows.

Thank you for your time and consideration.

Respectfully,
Heather Vance
Wife of Douglas W. Vance
Reg. No. 23266-032
Pardon No. P339491