

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

Plaintiff,

v.

RAHEEM BRENNERMAN ET. ANO.,

Petitioner/Movant,

Case No.: 1:17 Cr. 155 (LAK)

**PETITIONER AFFIDAVIT IN SUPPORT OF OMNIBUS MOTION
INCLUDING MOTION FOR COLLATERAL ATTACK RELIEF PURSUANT
TO 28 UNITED STATES CODE SECTION 2255 AND OTHER RELIEFS**

RAHEEM J. BRENNERMAN, hereby declare pursuant to 28 U.S.C. § 1746 as follows:

1. I, Raheem Jefferson Brennerman ("Brennerman") am the Petitioner in this instant action, and as such I am familiar with the facts of this case.

2. I am a Pro Se Petitioner/Defendant.

3. I was prosecuted in two interrelated criminal cases, namely the instant criminal contempt of court case at 17 Cr. 155 (LAK) before Hon. Lewis A. Kaplan and the interrelated fraud case at 17 Cr. 337 (RJS) before Hon. Richard J. Sullivan. Both cases were prosecuted by

the same prosecutors sought to prosecute Petitioner by Hon. Lewis A. Kaplan. United States v. Brennerman, 17 Cr. 337 (RJS), EFC No. 269.

4. I aver that the attorney who represented ICBC (London) Plc at Linklaters LLP, Attorney Paul S. Hessler, individually and on behalf of Linklaters LLP intentionally withheld exculpatory evidence and failed to provide those evidence to the government in an endeavor to deprive me, Brennerman, access to the evidence for my complete defense.

5. The exculpatory evidence mentioned above includes all transaction documents including the underwriting file related to the bridge loan transaction between ICBC (London) plc ("ICBC London"), The Blacksands Pacific Group, Inc. ("BSPG"), and Blacksands Pacific Alpha Blue, LLC ("BSPAB"). In addition to all minutes, emails and records related to the discussions including settlement discussions, with respect to the aforementioned bridge loan transaction, between agents of ICBC London, BSPG and BSPAB.

6. During the interrelated prosecution before Hon. Richard J. Sullivan, Government sole witness from ICBC (London) plc, Mr. Julian Madgett testified that the bank, ICBC (London) plc had provided all evidence including transaction documents related to the bridge loan transaction between ICBC London, BSPG and BSPAB to their New York based attorney who then corresponded with the U.S. Attorney Office. United States v. Brennerman, 17 Cr. 337 (RJS), trial tr. 551-554; 552 at 15-25; see also United States v. Brennerman, 17 Cr. 337 (RJS), EFC No. 271 Ex. 1. However missing from all government discovery production are these pertinent

transaction documents including the underwriting file and all discussions including settlement discussions related to the bridge loan transaction between ICBC London, BSPG and BSPAB.

The government had an obligation to learn of all evidence particularly exculpatory evidence, however they refused and failed to compel ICBC (London) plc and its New York attorney, Linklaters LLP to produce the missing evidence for Petitioner's complete defense even after becoming aware of the missing evidence at trial when their witness from ICBC (London) plc, Mr. Julian Madgett testified in open Court as to the existence of the missing evidence and its importance to the prosecution. Further that the bank, ICBC (London) plc provided the missing evidence to their New York attorney, Linklaters LLP.

7. Petitioner requires the missing evidence to bolster his argument that his trial counsel, Thompson Hine LLP including Attorneys Maranda Fritz and Brian Waller were ineffective for failing to obtain and present the missing evidence for Petitioner's defense as succinctly highlighted in the omnibus motion including the collateral attack motion pursuant to 28 U.S.C.S. 2255. Moreover their performance was deficient because they failed to obtain and present the aforesaid pertinent evidence at trial. The evidence will demonstrate and highlight that petitioner suffered significant prejudice.

8. In part the missing document will prove and highlight that agents of ICBC (London) plc repeatedly and continually communicated to Petitioner and other agents of BSPG and BSPAB that they were not interested in discovery but instead interested in settlement resulting in both ICBC London, BSPG and BSPAB negotiating a draft settlement agreement. see United States v. Brennerman, et. ano, 17 Cr. 155 (LAK), EFC No. 12 Ex. 10. Thus Petitioner is innocent of the

charged offense and did not willfully disobey any court order directed at Blacksands because by focusing on settlement rather than discovery, Petitioner believed he was complying with the court order, specifically the second court order which requested that the parties either settle or provide discovery. Furthermore the underwriting file will highlight and demonstrate the basis for the bank approving the bridge loan and why agents of the bank preferred settlement as to discovery. Such evidence was/is exculpatory and demonstrates Petitioner's innocence.

9. In light of the above, Petitioner Brennerman respectfully requests an order (the "Order") of this Court directed at Linklaters LLP's New York office in New York, New York, United States, to produce and present to the Court and Petitioner, copies of all documents provided to them by ICBC (London) plc, ICBC London branch, or its agents, employees, affiliates and subsidiaries related to the bridge loan transaction including the transaction documents, underwriting file and all discussions including settlement discussions related to the bridge loan transaction between ICBC London, BSPG and BSPAB. Petitioner submits this request pursuant to Rule 6 governing 2255 motion so he may expand the record before this Court as part of his collateral attack petition pursuant to Rule 7 governing 2255 motion.

WHEREFORE, Petitioner respectfully submits the above in support of his omnibus motion including collateral attack motion pursuant to 28 U.S.C.S. 2255 and for other reliefs.

Dated: January 17, 2022
White Deer, Pa. 17887-1000

Respectfully submitted

/s/ Raheem J. Brennerman
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Pro Se Petitioner

From: Denis S <denis@freeraheem.com>

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/s/Raheem Brennerman

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