

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

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RAHEEM J. BRENNERMAN,

Petitioner/Movant,

-vs-

Civil Action No. 22 Cv. 996 (LAK)

(arising from Criminal Case No: 17 Cr. 155 (LAK))

UNITED STATES OF AMERICA,

Respondent,

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

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I. RELIEF REQUESTED

Petitioner/Movant Pro Se Raheem Jefferson Brennerman ("Brennerman or Petitioner") respectfully submits this Supplemental motion (the "Supplemental Motion") in furtherance and support of his Request for Evidence (the "ICBC underwriting file & Others") and Collateral Attack Petition (the "Collateral Attack Motion") and will move this Court before Honorable Lewis A. Kaplan, United States District Judge, at 500 Pearl Street, New York, New York 10007 for an order:

a.) Granting Brennerman's request for an order (the "Order") directing: (1.) ICBC (London) plc and ICBC London Branch, located at 81 King William Street, London, EC4N 7BG, England, United Kingdom, pursuant to the appropriate Federal Rule of Civil Procedure or Federal Rule of Criminal Procedure and 28 United States Code Section 1781 ("Letter Rogatory"); and (2.) United States Attorney Office for the Southern District of New York; (3.) Linklaters LLP located at 1290 Avenue of the Americas, New York, New York 10104 and (4.) Attorney Paul S. Hessler, to produce to Petitioner, the Government and this Court, copies of the documents/evidence - ICBC (London) plc [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"); and the ICBC London [meeting minutes], [e-mails] and [notes] related to the settlement discussions with respect to the bridge loan transaction between ICBC London, BSPG and BSPAB, pursuant to Rules 6 and 7 of the Rules Governing Section 2255 Proceedings for the United States District Courts, to support arguments contained within Petitioner's Collateral Attack Motion and demonstrate that he is entitled to relief, or any other relief which this Court may deem just, necessary or appropriate including evidentiary hearing. Furthermore, to develop the record for publication.

II. COLLATERAL ATTACK PROCEDURAL HISTORY

On January 31, 2022, Petitioner filed his "Omnibus Motion including Collateral Attack Relief" at United States v. Brennerman, et. ano., 17 Cr. 155 (LAK), EFC No. 211 and at Brennerman v. United States, 22 Cv. 996 (LAK), EFC No. 1. Concurrent with filing the Omnibus Motion, Petitioner also filed his "Affidavit and Motion in furtherance and support of his Omnibus Motion" at 17 Cr. 155 (LAK), EFC No. 212 and at 22 Cv. 996 (LAK), EFC No. 2.

On February 11, 2022, Petitioner filed his "Addendum to Collateral Attack Motion" to clarify pertinent arguments at Grounds Two and Four of his Omnibus Motion including Collateral Attack Relief at Brennerman v. United States, 22 Cv. 996 (LAK), EFC No. 4 and at United States v. Brennerman et. ano., 17 Cr. 155 (LAK), EFC No. 218.

On February 9, 2022, for unequivocal clarification, Petitioner filed an additional motion, "Request for Evidence in support of Collateral Attack Motion" at 17 Cr. 155 (LAK), EFC No. 215 and at 22 Cv. 996 (LAK), EFC No. 9. Petitioner appended as exhibit evidence in the form of trial transcript of the testimony by Government sole witness from ICBC (London) plc, Mr. Julian Madgett who testified as to the importance of the requested documents/evidence to this case and the existence of the documents/evidence with their New York based counsel, Linklaters LLP and Attorney Paul S. Hessler, United States v. Brennerman et. ano., 17 Cr. 155 (LAK), EFC No. 215 Ex. 1; see also Brennerman v. United States, 22 Cv. 996 (LAK), EFC No. 9 Ex. 1).

These submissions together form the complete "Collateral Attack Motion" at Brennerman v. U.S., 22 Cv. 996 (LAK), EFC Nos. 1, 2, 4, 9 and at U.S. v. Brennerman, 17 Cr. 155 (LAK), EFC Nos. 211, 212, 215, 218.

As with Petitioner's "Affidavit and Motion in furtherance and support of his Omnibus Motion" and his "Request for Evidence in Support of Collateral Attack Motion" cited above, Petitioner presented with specificity the required documents and evidence as:

In the Affidavit and Motion in Support of Omnibus Motion including Motion for Collateral Attack Relief at 17 Cr. 155 (LAK), EFC No. 212 and at 22 Cv. 996 (LAK), EFC No. 2, Petitioner stated at no. 6: "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], [e-mails] and [records] related to the discussions including settlement discussion with respect to the aforementioned bridge loan transaction between agents of ICBC London, BSPG and BSPAB. At Nos. 7 and 8 of the said Affidavit and Motion, Petitioner highlighted the importance of the requested documents/evidence to the adjudication of his Collateral Attack Motion.

In the Request for Evidence in Support of Collateral Attack Motion at 17 Cr. 155 (LAK), EFC No. 215 and at 22 Cv. 996 (LAK), EFC No. 9, Petitioner requested for an order of this Court (the "Order"): (a.) directing United States Attorney Office for the Southern District of New York, Linklaters LLP's New York office located in New York, New York, USA and Attorney Paul S. Hessler (the "parties") to produce to Petitioner, the Government and this Court, copies of all pertinent transaction files for the bridge loan transaction between ICBC (London) plc, The Blacksands Pacific Group, Inc., and Blacksands Pacific Alpha Blue, LLC including the transaction [underwriting file] and the post transaction files related to the settlement discussions including [meeting minutes], [notes etc.] as more succinctly highlighted at 17 Cr. 155 (LAK), EFC No. 212.

### III. ARGUMENTS

A. THIS COURT (JUDGE LEWIS A. KAPLAN) SHOULD GRANT PETITIONER'S REQUEST FOR PERTINENT AND EXCULPATORY EVIDENCE - ICBC (LONDON) PLC [UNDERWRITING FILE], [MEETING MINUTES], [NOTES], [E-MAILS] WHICH PETITIONER REQUIRES IN SUPPORT OF HIS COLLATERAL ATTACK PETITION ARGUMENTS AND TO DEMONSTRATE THAT HE IS ENTITLED TO RELIEF.

#### APPLICABLE LAW:

"A judge may, for good cause, authorize a party to conduct discovery under the Federal Rules of Criminal Procedure or civil Procedure, or in accordance with the practice and principles of law." Rule 6(a) of the Rules Governing Section 2255 Proceedings for the United States District Courts. "A party requesting discovery must provide reasons for the request. The request must also include any proposed interrogatories and requests for admission, and must specify any requested documents." Rule 6(b) of the Rules Governing Section 2255 Proceedings for the United States District Courts. "Before addressing whether petitioner is entitled to discovery under [Rule 6 of the Rules Governing Section 2255 Proceedings for the United States District Courts ("Rule 6")] to support his [constitutional violation] claim, [the court] must first identify the 'essential elements' of that claim." *Bracy v. Gramley*, 520 U.S. 899, 904, 117 S. Ct. 1793, 1797, 138 L. Ed. 2d 97 (1997).

A petitioner "bears a heavy burden in establishing a right to discovery." *Renis v. Thomas*, No. 02 Civ. 9256 (DAB)(RLE), 2003 U.S. Dist. LEXIS 18417, 2003 WL 22358799, at \*2 (S.D.N.Y. Oct. 16, 2003) (citing *Bracy*, 520 U.S. at 904 [117 S. Ct. 1793]). In order to show "good cause," a petitioner must present "specific allegations" that give the Court "reason to believe that the petitioner may, if the facts are fully developed, be able to demonstrate that he is.....entitled to relief." *Bracy*, 520 U.S. at 908-09 [117 S. Ct. 1793] (quoting *Harris v. Nelson*, 394 U.S. 286, 300 [89 S. Ct. 1082, 22 L. Ed 2d 281] (1969)). A court may deny a petitioner's request for discovery "where the petitioner provides no specific evidence that the requested discovery would support his habeas corpus petition." *Hirschfeld v. Comm'r of the Div of Parole*, 215 F.R.D. 464, 465 (S.D.N.Y. 2003); see also *Charles v. Artuz*, 21 F. Supp. 2d 168, 170 (E.D.N.Y. 1998). Generalized statements regarding the possibility of the existence of discoverable material will not be sufficient to establish the requisite "good cause." See *Gonzalez v. Bennett*, No. 00 Civ. 8401 (VM), 2001 U.S. Dist. LEXIS 19798, 2001 WL 1537553, at \*4 (S.D.N.Y. Nov. 30, 2001); *Green v. Artuz*, 990 F. Supp. 267, 271 (S.D.N.Y. 1998); *Munoz v. Keane*, 777 F. Supp. 282, 287 (S.D.N.Y. 1991), *aff'd sub nom.*, *Linares v. Senkowski*, 964 F.2d 1296 (2d Cir. 1992). *Ruine v. Walsh*, 00 Civ. 3798 (RWS), 2005 U.S. Dist. LEXIS 14297, 2005 WL 1668855 at \*6 (S.D.N.Y. July 14, 2005) (Sweet, D.J.). Furthermore, "Rule 6 does not license a petitioner to engage in a "fishing expedition by seeking documents 'merely to determine whether the requested items contain any grounds that might support his petition, and not because the documents actually advance his claims of error.'" *Ruine v. Walsh*, *supra*, 2005 U.S. Dist. LEXIS 14297, 2005 WL 1668855 at \*6, quoting *Charles v. Artuz*, 21 F. Supp. 2d 168, 169 (E.D.N.Y. 1998)

To obtain relief on an ineffective assistance of counsel claim a movant must establish that his counsel's performance was: (1) deficient, such that "in light of all the circumstances, the identified acts or omissions were outside the wide range of professionally competent assistance." *Strickland v. Washington*, 466 U.S. 668, 690, 104 S. Ct. 2052, 2066, 80 L. Ed. 2d. 674 (1984); and (2) prejudicial so "that counsel's error were so serious as to deprive the defendant of a fair trial whose result is reliable." *Id.* at 687, 104 S. Ct. at 2064.

## DISCUSSION:

In "United States v. Brennerman, No. 18-1033 (L), WL 3053867 at \*1 (2d Cir. June 9, 2020)", the Second Circuit Court highlighted that Petitioner, through his trial counsel Thompson Hine LLP - Attorneys Maranda Fritz and Brian Waller, failed to comply with the rules governing subpoenas under Rule 17(d) of the Federal Rules of Criminal Procedure, for compelling the production of the ICBC (London) plc transaction documents/evidence including the [underwriting file], [meeting minutes], [notes], [e-mails] which Petitioner required at trial. Such failure by Petitioner's trial counsel deprived him [Petitioner] of the ability to present a complete defense and confront witness(es) against him, in violation of his Sixth Amendment right as promulgated by the United States Supreme Court, that a criminal defendant has a Sixth Amendment right to present a complete defense. See "Crane v. Kentucky, 476 U.S. 683 (1986) (holding that "it is a federal law that a criminal defendant has a Constitutional right to present a complete defense")." The United States Court of Appeals for the Second Circuit adopted such holding in "Scrimo v. Lee, 935 F.3d 103 (2d Cir. 2019)."

The aforementioned documents/evidence, ICBC London, [meeting minutes], [e-mails], and [notes] would have highlighted to the Court and jury at trial that agents of ICBC London repeatedly and continually advised agents of BSPG and Petitioner that they were not interested in more discovery but in settlement on which Petitioner and agents of BSPG focused their attention in an endeavor to comply with the Court order directed at BSPG, particularly the second Court order which stipulated for the parties to either settle or provide discovery. The ICBC London, [underwriting file] would have highlighted to the Court and jury the reasons why agents of ICBC London preferred settlement rather than obtaining more discovery, however Petitioner was deprived of the ability to present those ICBC London documents/evidence which would have created reasonable doubt in the minds of the jury, due to his trial counsel's deficient performance and failure to compel for the production of those documents/evidence using appropriate Federal Rule of Criminal Procedure or Civil Procedure or "Letter Rogatory" pursuant to 28 United States Code Section 1781 for documents/evidence located abroad at the ICBC (London) plc office in London, United Kingdom.

The requested documents/evidence - ICBC London [underwriting file], [meeting minutes], [e-mails], [notes] related to the bridge loan transaction and settlement discussions between ICBC London, BSPG and BSPAB will allow Petitioner to succinctly expand the record in support of his arguments at Grounds One, Two and Four contained within his Collateral Attack Motion and to demonstrate that he is entitled to relief.

Government sole witness from ICBC London, Mr. Madgett testified in the interrelated fraud case trial that the bank, ICBC (London) plc produced the entire transaction documents related to the bridge loan transaction between ICBC London, BSPG and BSPAB to their New York based attorney, Linklaters LLP who were required to turn those documents/evidence to the U.S. Attorney Office.

Furthermore, the aforesaid requested documents/evidence - ICBC London [underwriting file], [meeting minutes], [e-mails], [notes] from Linklaters LLP will also demonstrate the conspiracy to deprive Petitioner of those documents/evidence by highlighting the communication(s) between the prosecutors at United States Attorney Office for the Southern District of New York ("USAO, SDNY") and Linklaters LLP which led to Attorney Paul S. Hessler withholding the production of those pertinent documents/evidence, a reason why the prosecutors - USAO, SDNY and this Court (Judge Lewis A. Kaplan) endeavors to suppress the production of those documents/evidence and deprive Petitioner of the documents/evidence he requires in support of his arguments contained within his Collateral Attack Motion and to demonstrate that he is entitled to relief.

For unequivocal clarification and specificity, the ICBC London [underwriting file] is the document/evidence which Government witness, Mr. Julian Madgett testified to at U.S. v. Brennerman, 17 Cr. 337 (RJS), trial tr. 551-

554; see also U.S. v. Brennerman et. ano., 17 Cr. 155 (LAK), EFC No. 215 Ex. 1; and Brennerman v. U.S., 22 Cv. 996 (LAK), EFC No. 9 Ex. 1. The ICBC London [meeting minutes], [e-mails], [notes] are the communication(s) between agents of ICBC London and agents of BSPG which led to the "Draft Settlement Agreement" at U.S. v. Brennerman, 17 Cr. 155 (LAK), EFC No. 12 Ex. 10.

#### HISTORY OF CONSPIRACY TO DEPRIVE PETITIONER OF THE REQUESTED DOCUMENTS/EVIDENCE SO AS TO WRONGLY CONVICT AND FALSELY IMPRISON HIM:

The history of this conspiracy commenced in 2016, when Judge Lewis A. Kaplan ignored the federal rule to conduct extra-judicial research into Petitioner, Raheem Jefferson Brennerman ("Brennerman"), including Googling Brennerman and realizing that he is a black businessman, Judge Kaplan invited Linklaters LLP through Attorney Paul S. Hessler, who was responsible for the ICBC London relationship at Linklaters LLP's New York office to pursue Brennerman for contempt even while there was no court order directing Brennerman personally to do anything. The underlying civil case before Judge Lewis A. Kaplan at Civil Action No. 15 Cv. 0070 (LAK) was between ICBC London and BSPG, an oil and gas corporation where Brennerman was Chairman and CEO. Without even filing a motion to compel Brennerman personally, Mr. Hessler filed an order to hold Brennerman in contempt of court, illegally piercing through the corporate veil of BSPG. Judge Kaplan did not permit either Brennerman or his attorney enough time to appear in Court before granting Mr. Hessler's request and holding Brennerman personally in civil contempt. Following which, Judge Kaplan then actively sought U.S. DOJ prosecutors at USAO, SDNY to prosecute Brennerman criminally. When the initial set of federal prosecutors refused to prosecute, Judge Kaplan actively sought more willing prosecutors.

In early 2017, the new U.S. DOJ prosecutors from USAO, SDNY charged Brennerman in two interrelated criminal cases, criminal contempt of court at case no. 17 Cr. 155 (LAK), before the same judge who initiated the prosecution, Judge Lewis A. Kaplan and fraud case at case no. 17 Cr. 337 (RJS) before Judge Richard J. Sullivan.

The criminal contempt of court case charged Brennerman with flagrant defiance and willful disobedience of a legal court order issued by Judge Lewis A. Kaplan to BSPG notwithstanding that Brennerman was not personally named in the said court order. The fraud case charged Brennerman with fraud related to the bridge loan transaction between ICBC London, BSPG and BSPAB. Both criminal cases required the requested evidence/documents, [underwriting file], [meeting minutes], [notes], [e-mail] from ICBC London, to demonstrate that neither BSPG or Brennerman, willfully disobeyed or defied the court order, because agents of ICBC London continually advised agents of BSPG and Brennerman that they were interested in settling rather than receiving more discovery (BSPG has already provided over 400 pages of discovery at this point), compelling Brennerman and agents of BSPG to focus on settlement rather than discovery. A settlement was agreed-in-principle prior to commencement of the prosecution (see Draft Settlement Agreement at U.S. v. Brennerman et. ano., 17 Cr. 155 (LAK), EFC Nos. 12 Ex. 10), however Judge Kaplan insisted on proceeding with the criminal prosecution. The [underwriting file] was also required for Brennerman's defense in the fraud case, for him to demonstrate that ICBC London did not rely on any representations or alleged misrepresentations by BSPG or Brennerman, in approving the bridge loan.

However, Linklaters LLP through Attorney Paul S. Hessler conspired with the U.S. DOJ prosecutors at USAO, SDNY, acting on behalf of Judge Lewis A. Kaplan, to deprive Brennerman access to the documents/evidence by intentionally withholding the production of those pertinent and exculpatory evidence/documents to the U.S. DOJ prosecutors at USAO, SDNY, so as to ensure that they [prosecutors] would not produce the documents/evidence to Brennerman for his defense.

During trial of the fraud case, the U.S. DOJ prosecutors from USAO, SDNY presented their sole witness from ICBC London, Mr. Julian Madgett who testified to the jury as to the contents of the underwriting file in

establishing the essential element of "Materiality" necessary to convict Brennerman, knowing that Brennerman had been deprived of the documents/evidence he required to challenge Mr. Madgett's testimony and defend himself. The U.S. DOJ prosecutors from USAO, SDNY never obtained or independently reviewed the underwriting file to corroborate the statements of Mr. Madgett prior to charging Brennerman with a crime or presenting his testimony at trial. More significantly, the U.S. DOJ prosecutors from USAO, SDNY never obtained or produced those documents/evidence to Brennerman for his defense. The reason why the prosecutors refused to obtain or independently review the underwriting file is so that they can argue that it [ICBC underwriting file] is not BRADY material, because if the documents/evidence were never in their custody then they can argue that they are not obligated to produce it to Brennerman for his defense. This was done with the deliberate intention to violate Brennerman's Constitutional rights.

At trial, Mr. Madgett testified as to the existence of the underwriting file, its importance to the criminal cases. He [Madgett] testified that the underwriting file documents the basis for the bank, ICBC London approving the bridge loan finance between ICBC London, BSPG and BSPAB, thus highlights what the bank relied upon in approving the bridge loan. Yet the U.S. DOJ prosecutors from USAO, SDNY refused to obtain, review or produce the documents/evidence. Mr. Madgett also testified that, the bank, ICBC (London) plc had produced all documents/evidence related to the transaction to their New York based counsel, Linklaters LLP and Attorney Paul S. Hessler and he [Madgett] was unaware whether those documents/evidence were fully turned over to the defense. See U.S. v. Brennerman, 17 Cr. 337 (RJS), trial tr. 551-554; see also U.S. v. Brennerman et ano., 17 Cr. 155 (LAK), EFC No. 215 Ex. 1; and Brennerman v. U.S., 22 Cv. 996 (LAK), EFC No. 9 Ex. 1.

To convict Brennerman for bank fraud and bank fraud conspiracy, Judge Richard J. Sullivan then intentionally misrepresented (fabricated) evidence, by surreptitiously supplanting Morgan Stanley Smith Barney, LLC, a non-FDIC insured institution with Morgan Stanley Private Bank, a FDIC insured institution, so as to falsely satisfy the law to convict and imprison Brennerman. See U.S. v. Brennerman, 17 Cr. 337 (RJS), EFC Nos. 269, 270, 272; see also 17 Cr. 337 (RJS), EFC No. 272 (emphasis added). Throughout the prosecutions, both Judge Kaplan and Judge Sullivan intentionally denied and deprived Brennerman access to those ICBC London documents/evidence. They both repeatedly denied Brennerman's request for the documents/evidence.

During appeal of the criminal convictions, as highlighted at U.S. v. Brennerman, 17 Cr. 337 (RJS), EFC No. 269, the Second Circuit U.S. Court of Appeals' panel Court of three appellate judges, in an endeavor to protect Judge Sullivan, obfuscated on the issue of misrepresentation with respect to the bank fraud conviction and falsely stated in their affirmation summary order that "the only indication that such documents [ICBC underwriting file] are extant comes from Brennerman's bare assertions (Slip Op., No. 18-3546, EFC No. 183 At 4-5)" in contrast with the case record and testimony at U.S. v. Brennerman, 17 Cr. 337 (RJS), trial tr. 551-554.

Recently, during this Collateral Attack Proceeding, this Court (Judge Lewis A. Kaplan) on February 15, 2022, in an order at 17 Cr. 155 (LAK), EFC No. 216 and at 22 Cv. 996 (LAK), EFC No. 6, did not contend that the process adopted by Petitioner for requesting the documents/evidence required in furtherance and support of his Omnibus Motion lacks consonance with the norm in the context of a collateral attack petition and/or proceedings, yet inexplicably, this Court attempted to obfuscate Petitioner's request.

This Court engaged in an attempt to obfuscate the request for documents/evidence by stating that Petitioner requested for [unspecified] documents/evidence. This was/is an erroneous statement intentionally made by this Court to cause prejudice as more succinctly presented in Petitioner's submission titled: "Response to Court Order (Re: Request for Evidence)" at: Brennerman v. U.S., 22 Cv. 996 (LAK), EFC Nos. 11, 12.

B. PETITIONER WILL BE FURTHER PREJUDICED AND UNABLE TO PRESENT A SUBSTANTIVE REPLY AND ARGUMENT, IN REBUTTING GOVERNMENT'S OPPOSITION TO HIS COLLATERAL ATTACK MOTION, WITHOUT PRIOR ACCESS TO THE REQUESTED DOCUMENTS/EVIDENCE, ICBC UNDERWRITING FILES & OTHERS.

In addition to the ineffective assistance of counsel suffered by Petitioner, he also suffered Constitutional rights deprivation with the Government commencing this prosecution without obtaining or independently reviewing the documents/evidence from ICBC (London) plc prior to commencing this prosecution. This was exacerbated with the Government conspiring with Linklaters LLP through Attorney Paul S. Hessler to deprive Petitioner of the ICBC London documents/evidence which he required to present his complete defense and to confront witness(es) against him at trial.

Thus, to effectively rebut Government's opposition arguments and demonstrate the errors and unfairness with his conviction, Petitioner requires the requested documents/evidence - ICBC London [underwriting file], [meeting minutes], [e-mails], [notes] to support his arguments contained within the Collateral Attack Motion and demonstrate that he is entitled to relief.

#### IV. CONCLUSION

Petitioner Raheem J. Brennerman respectfully submits this Supplemental Motion in furtherance and support of his Request for Evidence and Omnibus motion including collateral attack motion, and prays that this Court grants his requests in its entirety.

Dated: March 21, 2022

White Deer, PA 17887-1000

Respectfully submitted

/s/ Raheem J. Brennerman  
RAHEEM JEFFERSON BRENNERMAN  
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Pro Se Petitioner/Movant

TO FURTHER SUBSTANTIATE AND HIGHLIGHT THE CONSPIRACY, PETITIONER APPENDS COPIES OF PRIOR FILINGS BEFORE THIS COURT (JUDGE LEWIS A. KAPLAN) IN THE ANTECEDENT CIVIL CASE BETWEEN ICBC (LONDON) PLC AND THE BLACKSANDS PACIFIC GROUP, INC., AT CASE NO. 15-CV-0070 (LAK), EFC NOS. 127 - 128, HIGHLIGHTING INFORMATION WHICH WERE ALREADY KNOWN TO THIS COURT AND THE PROSECUTORS, YET INTENTIONALLY WITHHELD AND/OR MISREPRESENTED DURING THE CRIMINAL PROSECUTION.

THIS APPENDIX INCLUDING EXCERPTS OF THE DOCKETED DOCUMENT/EXHIBITS IN THE ANTECEDENT CIVIL CASE BETWEEN ICBC (LONDON) PLC AND THE BLACKSANDS PACIFIC GROUP, INC AT 15-Cv.-0070 (LAK), WAS FILED IN DECEMBER 2016, APPROXIMATELY ONE YEAR PRIOR TO THE CRIMINAL PROSECUTION. SEE 15-CV-0070 (LAK), EFC NOS. 127 - 128.

THE BELOW AND APPENDED DOCUMENTS FURTHER SUPPORTS THE ALLEGATION OF CONSPIRACY TO WRONGLY CONVICT AND FALSELY IMPRISON BRENNERMAN. WHILE THE COURTS AND THE PROSECUTORS WERE AWARE OF CERTAIN INFORMATION WHICH WERE ALREADY FILED ON RECORD, THEY INTENTIONALLY MADE MISLEADING STATEMENTS AND ARGUMENTS PUBLICLY BY IGNORING THE CLEAR EVIDENCE WHILE ALSO REFUSING TO OBTAIN THE PERTINENT AND EXCLUPATORY EVIDENCE FROM ICBC (LONDON) PLC AND THEIR COUNSEL, LINKLATERS LLP.

BOTH THE COURTS (JUDGE KAPLAN AND JUDGE SULLIVAN) AND THE PROSECUTORS WERE FULLY AWARE THAT THE ICBC (LONDON) PLC DOCUMENTS WOULD EXONERATE BRENNERMAN, HENCE WHY THEY ALL ENDEAVORED TO SUPPRESS THEM AND THE THREE APPELLATE JUDGE PANEL OF THE SECOND CIRCUIT COURT FALSELY STATED ON RECORD THAT THE EVIDENCE DID NOT EXIST "BEYOND BRENNERMAN'S BARE ASSERTIONS."

THE REQUESTED DOCUMENTS/EVIDENCE, ICBC [UNDERWRITING FILE], [MEETING MINUTES], [NOTES], [E-MAILS] RELATED TO THE BRIDGE LOAN FINANCE BETWEEN ICBC LONDON AND BSPG WILL REBUT THE FALSE NARRATIVE, ARGUMENTS AND DISSEMINATION BY THE PROSECUTION. IT WILL ALSO REBUT THE FALSE VICTIM IMPACT STATEMENT SUBMITTED BY ATTORNEY PAUL S. HESSLER AT 17 CR. 337 (RJS), EFC NO. 177, ON BEHALF OF ICBC LONDON. THUS ANY ATTEMPTS TO SUPPRESS OR DENY THE REQUESTED DOCUMENTS/EVIDENCE IS TANTAMOUNT TO A COVER-UP OF THE ALLEGED CONSPIRACY TO WRONGLY CONVICT AND FALSELY IMPRISON BRENNERMAN.

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A.) Evidence initially filed at 15-Cv-0070 (LAK), EFC Nos. 127-128 and refiled at 17-Cr-155 (LAK), EFC No. 12 Ex. 7.  
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(Letter to Judge Kaplan appending several documents and comprehensive summary, which was filed in December 2016, a year prior to the commencement of the criminal prosecution)

Below is a summary of the shaded sections within the document:

- 1.) On the record is evidence that the business was not owned directly by Brennerman but instead by a trust to which Brennerman is one of the beneficiaries hence argument that the company was/is an alter-ego of Brennerman is false and Judge Kaplan was well aware of that fact prior to the commencement of the criminal prosecution,



particularly given the arguments made by this Court and the prosecution in the criminal contempt of court case. No further fact-finding with respect to this significant issue was conducted by this Court (Judge Lewis A. Kaplan).

2.) On the record is evidence of the valuation of the business (as of December 2016) which included appended exhibits as evidence, hence Judge Kaplan, Judge Sullivan and the prosecutors were well aware of that information and fact prior to the false dissemination by the prosecution during the criminal prosecution. In fact, in the enclosed excerpt of a "sealed transcript" between Judge Kaplan and the prosecutors, Judge Kaplan eluded to his awareness of Brennerman's business interests.

The prosecution were aware of this fact prior to the commencement of the criminal prosecution and their false dissemination. Inexplicably, the indictment for fraud referenced an amount which was/is inaccurate and lesser than the correct and actual value of the business. The false indictment alleged that "Brennerman falsely misrepresented the business value at \$1 Billion." This is ridiculous given that, at the time of the indictment as confirmed by the evidence and exhibits submitted to the Court in the antecedent civil case, the business was valued in-excess of U\$4 billion and at U\$4.08 billion. This was submitted a year prior to the criminal prosecution where the prosecutors made inaccurate arguments regarding the value of the business. No further fact-findings as to this significant issue was conducted by either the Court or the prosecution.

3. - 4.) On the record and filed with this Court are evidence of the oil assets owned by the business, Blacksands Pacific International Limited. These assets were already known to both Judge Kaplan and the prosecutors prior to the commencement of the criminal prosecution. Notwithstanding, the prosecutors made false allegations and statement during the criminal prosecution as to the business assets - that their [so-called] experts could not locate assets belonging to the business while intentionally omitting and overlooking these assets and the Blacksands Pacific corporate entity - Blacksands Pacific International Limited.

Their false argument was deliberately made by intentionally presenting the previous corporate structure, The Blacksands Pacific Group, Inc., as the business structure rather than the correct corporate structure, The Blacksands Pacific Group, LP and Blacksands Pacific International Limited, which were both the current and appropriate corporate structures at the time of the prosecution. Both Judge Kaplan and the prosecutors were aware that the corporate structure, The Blacksands Pacific Group, Inc., which was presented during trial, held no assets at the time of the prosecution, because Blacksands Pacific and Brennerman already advised this Court of that fact in the referenced submission, a year prior to the prosecution.

On the record and filed with this Court a year prior to the commencement of the criminal prosecution, are evidence that the previous corporate entity, The Blacksands Pacific Group, Inc., disposed of all its assets in the United States starting in 2014 due to a change in strategy and maintained no employees or officers in the United States or elsewhere. Blacksands Pacific made submission to the Court advising that it disposed of all its oil and gas assets in the United States assets to focus on assets and operations overseas (on the African continent).

5.) On record and filed with this Court is evidence that as of December 2016, the core Blacksands Pacific business, Blacksands Pacific International Limited, an affiliate of The Blacksands Pacific Group, LP through its interest in the SAA assets was/is entitled to approx. 2 billion barrels of oil equivalent (2 BBOE) in reserves and production in-excess of 70,000 barrels of oil per day (70 kp/d) and 400 million cubic feet of gas per day (400 mmcf/d) totaling approx. 132,000 barrels of oil equivalent per day (132,000 boep/d). This fact was well known to Judge Kaplan and the prosecution prior to and during the criminal prosecution however the prosecution intentionally omitted mentioning this business or fact during trial, in an endeavor to support their false narrative.

6. and 7.) On record is evidence that the prior corporate structure, The Blacksands Pacific Group, Inc maintained no oil and gas assets, employees or officers as of December 2014. This was the corporate structure which the prosecution presented at trial as having no employees or oil and gas assets while intentionally omitting the new structure, The Blacksands Pacific Group, LP and its affiliate, Blacksands Pacific International Limited from the trial.

NOTE (Based on submission with the Court in the antecedent civil case):

The indicted corporate entity, The Blacksands Pacific Group, Inc. ("BSPG") which was also presented as evidence of the alleged crime, during trial had no assets, employees or operations in the United States or elsewhere since December 2014 and the company was in the process of being dissolved given that all its intellectual properties were to be acquired jointly by both The Blacksands Pacific Group, LP ("BSPGLP") and Blacksands Pacific International Limited ("BSPIL") at the time of the indictment and criminal prosecution.

BSPIL through its fully-owned subsidiaries maintains interest in oil and gas assets, has employees and conducts the operations of the Blacksands Pacific business. BSPGLP was incorporated in 2016 as a new partnership, to acquire the intellectual properties of BSPG jointly with BSPIL, and to acquire opportunistic oil and gas assets/operations in the United States. Both BSPIL and BSPGLP operate as affiliate partners under the same Blacksands Pacific brand.

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B.) This is a "sealed transcript" which exposes the off-record discussion between Judge Kaplan and the prosecutors, hence highlights their thinking at the time of the meeting - The meeting off-record occurred on March 7, 2017, prior to Brennerman's initial arrest on April 19, 2017.

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9.) Evidence that the transcript was sealed to prevent their discussion from becoming public....the transcript was unsealed through efforts by Brennerman's counsel.

10.) The transcript highlighted that Judge Kaplan coerced the prosecutors to arrest Brennerman even while the prosecutors endeavored to reason with Judge Kaplan that an arrest was not warranted.

11.) The transcript demonstrates that Judge Kaplan conducted extra-judicial research into Brennerman, in violation of the federal rule and he was aware of Brennerman's travel movements. Furthermore, it demonstrates that while the prosecution attempted to obfuscate Brennerman's name and nationality, the courts and prosecutors were aware of the fact.

For instance, Judge Kaplan stated:

"I think the record is reasonably clear that he spends a great deal of time and has business interest outside of the United States, and in all....."

Hence, the question asked is why would Brennerman spending a great deal of time and having business interest outside of the U.S. be an issue for Judge Kaplan?

Notwithstanding their private discussions and acknowledgment, the prosecution made false and contrasting statements / arguments publicly.

--THE END--