

TRULINCS 54001048 - BRENNERMAN, RAHEEM J - Unit: ALF-G-A

FROM: 54001048
TO:
SUBJECT: LETTER TO CLERK OF COURT
DATE: 08/24/2021 06:02:27 PM

x

Raheem J. Brennerman
Reg. No. 54001-048
Federal Correctional Institution
Allenwood Low
P. O. Box 1000
White Deer, Pa. 17887-1000

Clerk of Court
UNITED STATES DISTRICT COURT
for the Southern District of New York
Daniel Patrick Moynihan U.S. Courthouse
500 Pearl Street
New York, New York 10007

August 24, 2021

BY CERTIFIED FIRST CLASS MAIL

Regarding: United States v. Brennerman, Case No. 17 Cr. 337 (RJS)
United States v. The Blacksands Pacific Group, Inc., et. al. (Brennerman), Case No. 17 Cr. 155 (LAK)

Dear Clerk:

The undersigned Raheem Jefferson Brennerman ("Brennerman") respectfully submits this correspondence in reliance on his U.S. Constitutional rights, applicable federal rule and law, to request that the appended response letter and exhibits be docketed at the above referenced criminal cases, Nos. 1:17 Cr. 337 (RJS) and 1:17 Cr. 155 (LAK).

Brennerman respectfully submits the above in the interest of justice.

Dated: August 24, 2021
White Deer, Pa. 17887-1000

Respectfully submitted

/s/ Raheem J. Brennerman
RAHEEM JEFFERSON BRENNERMAN
Federal Correctional Institution
Allenwood Low
P. O. Box 1000
White Deer, Pa. 17887-1000

Defendant Pro Se

TRULINCS 54001048 - BRENNERMAN, RAHEEM J - Unit: ALF-G-A

FROM: 54001048
TO:
SUBJECT: RESPONSE LETTER TO CHIEF JUDGE - PART I
DATE: 08/24/2021 04:57:08 PM

x

Raheem J. Brennerman
Reg. No. 54001-048
Federal Correctional Institution
Allenwood Low
P. O. Box 1000
White Deer, Pa. 17887-1000

The Hon. Laura Taylor Swain
Chief Judge
UNITED STATES DISTRICT COURT
for the Southern District of New York
Daniel Patrick Moynihan U.S. Courthouse
500 Pearl Street
New York, New York 10007

-and-

Clerk of Court
UNITED STATES DISTRICT COURT
for the Southern District of New York
Daniel Patrick Moynihan U.S. Courthouse
500 Pearl Street
New York, New York 10007

August 24, 2021

BY CERTIFIED FIRST CLASS MAIL

Regarding: United States v. Brennerman, Case No. 17 Cr. 337 (RJS)
United States v. The Blacksands Pacific Group, Inc., et. al. (Brennerman), Case No. 17 Cr. 155 (LAK)

Dear Honorable Judge Swain:

Defendant Pro Se Raheem Jefferson Brennerman ("Brennerman") respectfully submits this response to your letter dated August 17, 2021, in reliance on his Constitutional rights, all applicable law, federal rule and the Court's local rule for a fair proceeding.

Brennerman respectfully acknowledges your letter dated August 17, 2021. While he is entitled to collateral proceedings including collateral attack pursuant to 28 U.S.C.S. 2255 in respect of the criminal case at 17 Cr. 337 (RJS) and writ of error Coram nobis in respect of the criminal case at 17 Cr. 155 (LAK), the interest of justice will not be served should he submit the respective motion/writ to judges who have already willfully ignored the law and intentionally misrepresented evidence to convict and imprison him.

Including arguments for recusal in the aforesaid motion/writ will likewise not serve the interest of justice as both Judge Lewis A. Kaplan and Judge Richard J. Sullivan will willfully ignore the federal rule, the law and U.S. Constitution, so as to ensure that true interest of justice is not served.

Given the significance of the issues highlighted below and in the correspondence dated August 10, 2021, the United States District Court for the Southern District of New York assignment committee could reassign the cases to new judges or either judges - Judge Lewis A. Kaplan and Judge Richard J. Sullivan - could, sua sponte, dismiss the respective criminal cases if the Chief Judge is not authorized to grant such relief.

Issues Presented:

17 Cr. 155 (LAK) - Criminal Contempt of Court

TRULINCS 54001048 - BRENNERMAN, RAHEEM J - Unit: ALF-G-A

Before Judge Lewis A. Kaplan

In the underlying civil case, between ICBC (London) plc v. The Blacksands Pacific Group, Inc., case no. 15 cv. 0700 (LAK), Judge Lewis A. Kaplan willfully ignored the law in "OSRecovery, Inc., v. One Groupe Int'l, Inc., 462 F.3d 87, 90 (2d Cir. 2006)" to hold Brennerman, a non-party in civil contempt without providing any legal explanation or citation for doing so (see 15 cv. 0700 (LAK), EFC. No. 139-140) then Judge Kaplan went a step further to actively persuade federal prosecutors to arrest Brennerman even preparing his own arrest warrant and insisting that he wanted Brennerman arrested (see 17 Cr. 155 (LAK), EFC. No. 12). On April 19, 2017, Brennerman was deprived of his Fifth Amendment right to liberty at the behest of Judge Kaplan, even though there were no pending indictments, complaints, order to show cause, there was no reason to arrest him.

During trial, Judge Kaplan encouraged and permitted the presentment of the erroneously adjudged civil contempt which was adjudged in violation of the OSRecovery law to the jury (see 17 Cr. 155 (LAK), at trial tr. 3 - 7). The jury were swayed by the fact that Judge Kaplan already held Brennerman in civil contempt to find Brennerman guilty of criminal contempt (see 17 Cr. 337 (RJS), at EFC. No. 236, Ex. 3 at 17).

On appeal, the panel Court ignored the law in OSRecovery (notwithstanding that one of the panel judges issued the opinion direct to Judge Kaplan in 2006), ignored the fact that Judge Kaplan had willfully ignored the law and ignored the fact that the presentment of an erroneously adjudged civil contempt order which was adjudged in violation of the law and U.S. Constitution significantly prejudiced Brennerman.

This was an egregious miscarriage of justice, where Judge Kaplan willfully ignored the law, federal rule and Constitution to pursue, prosecute, convict and imprison Brennerman. The Second Circuit Court exacerbated the prejudice suffered through its erroneous ruling approving Judge Kaplan's acts.

17 Cr. 337 (RJS) - Fraud Case
Before Judge Richard J. Sullivan

On May 31, 2017, notwithstanding that the Government failed to learn that the various Morgan Stanley subsidiaries - Morgan Stanley Smith Barney, LLC, where Scott Stout (Government witness) worked and where Brennerman opened his account (see 17 Cr. 337 (RJS), at EFC. No. 167) and the Institutional Securities division/subsidiary of Morgan Stanley, where Brennerman had a preliminary conversation with Kevin Bonebrake (Government witness) about oil asset financing (see 17 Cr. 337 (RJS), trial tr. 384-385; 387-388; 409), were not federally insured (see 17 Cr. 337 (RJS), at trial tr. 1057 - 1061), the government lacked jurisdiction to prosecute much less convict and imprison. In addition, that the Government intentionally refused to request, obtain or review the pertinent ICBC underwriting files for the transaction at issue in this case, thereby ignoring the law, statute and Constitution, the Government indicted Brennerman for fraud.

Brennerman had been deprived of the pertinent evidence - ICBC underwriting files which he required to confront (impeach) witness against him from ICBC (London) plc, Julian Madgett and to present his complete defense in reliance on the law and his Constitutional rights. Such deprivation occurred because Judge Richard J. Sullivan denied Brennerman's request for the evidence notwithstanding Mr. Madgett testifying in open Court before the Government, Court and jury that evidence, ICBC underwriting files existed in the bank's file which documents the basis for the bank approving the bridge loan at issue thus highlighting if any fraud occurred or not (see 17 Cr. 337 (RJS), at trial tr. 551-554) and the Court (Judge Sullivan) acknowledging that the witness, Mr. Madgett had testified to the existence of the evidence - ICBC underwriting file in the bank's file in London, U.K. (see 17 Cr. 337 (RJS), at trial tr. 617)

The Court (Judge Sullivan) denied Brennerman's request for the evidence - ICBC underwriting file twelve times, including during trial, immediately upon learning its existence from Government witness's testimony (see 17 Cr. 337 (RJS), at EFC. No. 71) and after trial (see 17 Cr. 337 (RJS), EFC. Nos. 153, 161, 187, 200, 236, 240, 241, 248, 250, 254, 256).

Additionally, because Brennerman's ineffective trial counsel, Thompson Hine LLP, the government and Court had omitted the fact that both Morgan Stanley subsidiaries - Morgan Stanley Smith Barney, LLC and Institutional Securities division of Morgan Stanley that Brennerman interacted with were not federally insured (see 17 Cr. 337 (RJS), at trial tr. 1057 -1061), on December 6, 2017, Brennerman was convicted of the alleged offenses.

After trial, notwithstanding that Brennerman had interacted with non-federally insured institutions as demonstrated by the evidence at trial and testimony of Government's own witnesses, the Court denied Brennerman's motion for judgment of acquittal (Rule 29 motion) while intentionally misrepresenting the evidence by falsely stating on record that Brennerman had interacted with an unrelated institution - the private banking arm of Morgan Stanley (see 17 Cr. 337 (RJS), at EFC. No. 206 at 19). The Court did so to falsely satisfy the law required to convict and imprison Brennerman.

TRULINCS 54001048 - BRENNERMAN, RAHEEM J - Unit: ALF-G-A

On appeal, panel Court circumvented the trial record and made three distinct errors in their ruling:

First, the panel Court ignored trial testimony at, 17 Cr. 337 (RJS), at trial tr. 384-385; 387-388; 409 where Government witness, Kevin Bonebrake testified that Morgan Stanley operates through various subsidiaries/divisions; trial testimony at, 17 Cr. 337 (RJS), at trial tr. 1057-1061 where Government witness, Barry Gonzalez (FDIC commissioner) testified that each subsidiary / division of Morgan Stanley will require its own FDIC certified because the FDIC certificate of one subsidiary/division does not cover another subsidiary or the parent company as each will require its own FDIC certificate; Government exhibits - GX530; GX531; GX532; GX533 because none of the presented FDIC certificates were for Morgan Stanley Smith Barney, LLC or the Institutional Securities subsidiary/division of Morgan Stanley, the Government failed to prove that either were federally insured.

Second, the panel Court stated that "the only indication that the documents are extant comes from Brennerman's bare assertion" referring to the evidence - ICBC underwriting file. However, panel Court ignored Government witness, Mr. Madgett testimony at 17 Cr. 337 (RJS), at trial tr. 551-554 where he testified as to the existence of the documents in ICBC file in London, U.K and acknowledgment by Judge Sullivan at 17 Cr. 337 (RJS), at trial tr. 617 where Judge Sullivan acknowledged that Government witness had testified to the existence of the documents with the bank's file in London, U.K.

Third, the panel Court ignored Brennerman's argument that he had been deprived of the ability to present a complete defense in violation of the law and his Constitutional rights.

Relief Required:

The interest of justice and fair trial/proceedings militates impartial judges who adhere to the rule of law, federal rules and U.S. Constitution. That did not occur here. Judge Lewis A. Kaplan had previously denied motion request for him to recuse himself and for the case to be reassigned, given that he was the complainant, hence it is inconceivable that the judge who has willfully ignored the law, federal rule and U.S. Constitution so as to convict and imprison Brennerman will comply with the law to recuse himself.

Likewise, Judge Richard J. Sullivan intentionally misrepresented the evidence of which Morgan Stanley subsidiary / division, Brennerman interacted with so as to falsely satisfy the law to convict and imprison him. Judge Sullivan deprived Brennerman of the evidence which he required to confront (impeach) witness against him by denying Brennerman's request for the pertinent evidence - ICBC underwriting file, while permitting Mr. Madget to testify as to its contents. In a collateral proceeding context pursuant to 28 U.S.C.S. 2255 Brennerman will be able to expand the case record pursuant to Section 7 of the rules governing 28 U.S.C.S. 2255 and would require leave of Court pursuant to Rule 6 governing 28 U.S.C.S. 2255 to obtain discovery - ICBC underwriting file from ICBC (London) plc in London, U.K. pursuant to 28 U.S.C.S. 1781 - Letter Rogatory, however it is inconceivable that Judge Sullivan who has already denied Brennerman's request for the same pertinent evidence twelve times will now be inclined to serve the interest of justice to grant any requests for Brennerman to obtain the same evidence or to recuse himself.

Conclusion:

Given Brennerman's experience with the justice system to-date, he is without option but to seek assistance from the British Government to intervene and lobby the Biden/Harris administration on his behalf given the gross miscarriage of justice and violation of Human, civil and Constitutional rights which he has suffered. In addition to seek public attention through the media by highlighting the issues cited above.

As a matter of courtesy, Brennerman appends a draft Press Release which will be disseminated through his public relations strategist. However prior to its dissemination, Judge Kaplan and Judge Sullivan can provide demonstrable evidence to refute its contents should they disagree. If they do not disagree then both Judges Kaplan and Sullivan can dismiss the criminal cases before them in the interest of justice, given the gross miscarriage of justice which Brennerman has suffered and continues to suffer while unjustly incarcerated.

TRULINCS 54001048 - BRENNERMAN, RAHEEM J - Unit: ALF-G-A

FROM: 54001048
TO:
SUBJECT: RESPONSE LETTER TO CHIEF JUDGE - PART II
DATE: 08/24/2021 05:02:52 PM

x During this unfortunate situation, Brennerman lost his mother who was sick at the time of his arrest however due to the fact that Brennerman was deprived of the ability to donate his kidney to her (as he was a match) and care for her (even though Brennerman pleaded with Judge Sullivan) to allow him access to the evidence (ICBC (London) plc underwriting file) so that he may clear his name and return to care for his mother. (See Letter No. 17 Cr. 337 (RJS), at EFC No. 188). She passed away in 2019 while waiting for Brennerman to clear his name and return to care for her demonstrating one of the most egregious prejudice suffered through this deliberate violation of Brennerman's Constitutional rights, civil rights and liberties.

Brennerman also contracted Covid-19 in December 2020, alongside with 114-out of 116 inmates at his housing unit at Allenwood Low. He was later diagnosed with Covid-19 pneumonia which led to significant breathing difficulty and suffering while Allenwood Low, where he is currently incarcerated, provided no medication or therapeutics, further exacerbating the Constitutional rights violations already suffered.

Given the extraordinary circumstances highlighted above, where two federal judges willfully ignored the law and intentionally misrepresented the evidence to convict and imprison a criminal defendant, a standard solution of dismissal is warranted as a matter of public interest to promote the rule of law and emphasize conformity and uniformity with the law and Constitution and to avoid continued attack on the civil rights and liberties of Brennerman, a criminal defendant.

Brennerman respectfully submits the above in the interest of justice.

Dated: August 24, 2021
White Deer, Pa. 17887-1000

Respectfully submitted

/s/ Raheem J. Brennerman
RAHEEM JEFFERSON BRENNERMAN
Federal Correctional Institution
Allenwood Low
P. O. Box 1000
White Deer, Pa. 17887-1000

Cc: Hon. Lewis A. Kaplan
Cc: Hon. Richard J. Sullivan

TRULINCS 54001048 - BRENNERMAN, RAHEEM J - Unit: ALF-G-A

FROM: 54001048
TO:
SUBJECT: PRESS RELEASE
DATE: 08/24/2021 03:48:50 PM

FOR IMMEDIATE RELEASE

SEPTEMBER XX, 2021 - PENNSYLVANIA - RAHEEM BRENNERMAN ALLEGES CONSPIRACY BETWEEN TWO SENIOR FEDERAL JUDGES AND PROSECUTORS TO WRONGLY CONVICT AND IMPRISON HIM. HE SEEKS IMMEDIATE RELEASE FROM OVER 33 MONTHS IN FEDERAL PRISON.

In a 350 pages filing on Tuesday July 27, 2021 at the United States Court of Appeals for the Second Circuit, docket no. 20-4164 (L), doc. no. 12, Raheem Brennerman, 43, alleges he has been falsely imprisoned in a conspiracy between two senior federal judges and prosecutors. Following his allegations, prosecutors aggressively and vindictively sought retribution and retaliated by filing a motion for asset forfeiture nearly 3 years after sentencing which the judge immediately approved without giving Brennerman his right to respond. Brennerman is seeking immediate release from prison.

Brennerman alleges that Judge Richard J. Sullivan fabricated evidence so as to sentence him for bank fraud, that Judge Sullivan made up name of the bank at which the fraud allegedly occurred, and the \$6,500 of banking perks that Mr. Brennerman never received. The reasons for the fabrication was so as to falsely satisfy the law which requires that the bank must be FDIC insured and that there must be some value attached to an alleged fraud.

Mr. Brennerman also alleges that Judge Sullivan refused to allow the critical piece of evidence that would have proven his innocence, an underwriting file held by a Chinese state controlled bank, ICBC. Mr. Brennerman critically highlights he has asked for this file twelve (12) times (including during trial) from the judge, who has denied it each time. The last request for the file was made in February 2021, however the judge simply stated "Denied" with no explanation.

By fabricating evidence and refusing a critical piece of evidence to the defense, Mr. Brennerman asks that the judgment and sentence should be dismissed.

The other allegation is against Senior District Judge Lewis A. Kaplan, that he wrongly convicted him of contempt. Brennerman alleges that Judge Kaplan ignored the law and indicted him when the law clearly differentiates between the company, and the individuals. In 2006 Judge Kaplan had already been directly apprised of this law by the Manhattan federal appeals court.

Brennerman summarizes his motion quoting a precedent case law "Defendants in the American judicial system have the right to a fair trial, and part of that right is fulfilled by a judicial officer who impartially presides over the trial" Brennerman argues that the two senior judges were not impartial.

The motion has been filed with the Manhattan federal appeals court. To-date, the U.S. federal prosecutors and respective judges have failed to provide any arguments or evidence to refute the allegations highlighted by Brennerman. However following the July 27, 2021 filing the prosecutors aggressively and vindictively retaliated against Brennerman by filing on August 12, 2021, motion to seize his assets which a day later, Judge Sullivan granted a preliminary order for forfeiture, without even allowing Brennerman a chance to respond. Brennerman replied on August xx, 2021 to the forfeiture order.

Brennerman has also made submission to the Chief Judge of the Manhattan federal court in respect of the criminal cases, 17 Cr. 155 (LAK) and 17 Cr. 337 (RJS) highlighting the judicial misconduct and bias and prosecutorial misconduct, seeking dismissal of the judgment of conviction and sentence or in the alternative that new judges be assigned to consider the issues.

As Brennerman is also a British citizen, he has formally made request to the British government including the [REDACTED], [REDACTED], [REDACTED], the [REDACTED] and [REDACTED], [REDACTED] and his [REDACTED], [REDACTED] asking for the British Government to intervene on his behalf given the gross miscarriage of justice suffered and that he continues to suffer.

Brennerman asked that the U.K. Ministry of Justice request the U.S. Attorney General, Hon. Merrick Garland to independently investigate the allegations of two senior U.S. federal judges ignoring the law and fabricating evidence to wrongly convict and imprison a British citizen. Brennerman highlights that his experience with the American justice system seriously departs from the international standards for fair trial.

The fundamental question for the U.S. public, Government and Congress is whether a criminal defendant can receive a fair trial

TRULINCS 54001048 - BRENNERMAN, RAHEEM J - Unit: ALF-G-A

in the American justice system. In Brennerman's experience it is an unequivocal "NO". His experience of the American justice system is one where the unchecked powers of the U.S. federal judges allows them to abuse that power to settle personal vendettas and where U.S. federal prosecutors misuse their prosecutorial discretion in helping the federal judges achieve their desires.

For more information, please visit: www.freeraheem.com

08/23/2021

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
DANIEL PATRICK MOYNIHAN UNITED STATES COURTHOUSE
500 PEARL STREET
NEW YORK, NEW YORK 10007

CHAMBERS OF
LAURA TAYLOR SWAIN
CHIEF JUDGE

TEL. (212) 805-0417
FAX (212) 805-0426

August 17, 2021

Mr. Raheem J. Brennerman
Reg. No. 54001-048
Federal Correctional Institution
Allenwood Low
P.O. Box 1000
White Deer, Pa. 17887-1000

Dear Mr. Brennerman:

Your August 10, 2021, letter addressed to former Chief Judge Colleen McMahon has been forwarded to me.

Your requests for dismissal of criminal cases 17 CR 155 (LAK) and 17 CR 337 (RJS) are not within my authority as Chief Judge to entertain. I note that you have appealed the judgments to the Second Circuit and have received rulings on your direct appeals. To the extent you wish to initiate post-conviction collateral challenges, you may do so in accordance with applicable law and make recusal motions within such collateral challenge litigation.

Very truly yours,

/s/ Laura Taylor Swain

Laura Taylor Swain

cc: The Hon. Lewis A. Kaplan
The Hon. Richard J. Sullivan

TRULINCS 54001048 - BRENNERMAN, RAHEEM J - Unit: ALF-G-A

FROM: 54001048
TO:
SUBJECT: LETTER TO CHIEF JUDGE - PART I
DATE: 08/10/2021 07:27:02 PM

x

Raheem J. Brennerman
Reg. No. 54001-048
Federal Correctional Institution
Allenwood Low
P. O. Box 1000
White Deer, Pa. 17887-1000

The Hon. Colleen McMahon
Chief Judge
UNITED STATES DISTRICT COURT
for the Southern District of New York
Daniel Patrick Moynihan U.S. Courthouse
500 Pearl Street
New York, NY 10007

-and-

Clerk of Court
UNITED STATES DISTRICT COURT
for the Southern District of New York
Daniel Patrick Moynihan U.S. Courthouse
500 Pearl Street
New York, NY 10007

August 10, 2021

BY CERTIFIED FIRST CLASS MAIL
URGENT CORRESPONDENCE

Regarding: Criminal Case No. 1:17 Cr. 155 (LAK), United States v. The Blacksands Pacific Group, Inc., et. al (Brennerman)
Criminal Case No. 1:17 Cr. 337 (RJS), United States v. Brennerman

Dear Judge McMahon:

The undersigned, Raheem Jefferson Brennerman ("Brennerman") respectfully submits this correspondence in reliance on his Constitutional rights, all applicable law and federal rules to seek relief in respect of the above criminal cases for a fair proceedings.

Brennerman is now entitled to file writ of Error Coram Nobis (the "Coram Nobis") in respect of the criminal case at 1:17 Cr. 155 (LAK) before Judge Lewis A. Kaplan and motion pursuant to 28 U.S.C.S. 2255 (the "Collateral attack") in respect of the criminal case at 1:17 Cr. 337 (RJS) before Judge Richard J. Sullivan, however due to the egregious judicial misconduct highlighted below and on record at the United States Court of Appeals for the Second Circuit at appeal docket no. 20-4164(L), at doc. no. 62, Brennerman seeks relief to allow for a fair proceeding.

ISSUE PRESENTED:

This history of this matter began in 2014 when ICBC (London) PLC ("ICBC London"), a U.K. subsidiary of a Chinese bank headquartered in Beijing sued The Blacksands Pacific Group, Inc ("Blacksands"), a Delaware-U.S. oil and gas development company in New York Supreme Court primarily alleging, inter alia that Blacksands had failed to repay approximately \$4.4 million dollars extended to Blacksands pursuant to a Bridge Loan Agreement, after ICBC London had reneged on the original \$1.35 Billion dollars financing agreed with Blacksands.

Blacksands removed the case to the Southern District of New York and the matter was assigned to Judge Lewis A. Kaplan, under the caption ICBC (London) PLC v. The Blacksands Pacific Group, Inc.

TRULINCS 54001048 - BRENNERMAN, RAHEEM J - Unit: ALF-G-A

The misconduct and miscarriage of justice against Brennerman commenced in December 2016, when Judge Kaplan of the Southern District of New York, presiding over the civil dispute between ICBC London and Blacksands where Brennerman was Chairman and CEO, a case in which Brennerman was not a party, ignored the law in "OSRecovery, Inc., v. One Group Int'l, Inc., 462 F.3d 87, 90 (2006)" which stated directly to Judge Kaplan that he could not hold a non-party in contempt. However, Judge Kaplan ignoring the law, illegally pierced through the corporate structure of Blacksands, to hold Brennerman, a non-party, in contempt without providing any legal citation or explanation to support him doing so. There was no motion-to-compel nor any subpoena directed at Brennerman to do anything. Judge Kaplan then went a step further to actively persuade federal prosecutors from the Southern District of New York to prosecute Brennerman criminally. When the initial prosecutors declined to prosecute, Judge Kaplan actively sought new prosecutors who were willing to prosecute Brennerman.

On March 3, 2017 the new prosecutors without considering the law in OSRecovery, initiated criminal contempt proceedings against Brennerman. On March 7, 2017, Judge Kaplan summoned the U.S. federal prosecutors to his robing room to advise the prosecutors that he had prepared an arrest warrant for Brennerman. Even though the prosecutors attempted to convince Judge Kaplan that an arrest was not required, Judge Kaplan insisted that an arrest warrant be issued. Judge Kaplan's insistence on issuing an arrest warrant was in contrast to the U.S. federal rule which stipulates that the Judge merely execute the warrant initiated by the prosecutors (not the judge himself). Furthermore, Judge Kaplan who had referred Brennerman for criminal prosecution and insisted on Brennerman being arrested then assigned the criminal contempt case to himself so that he could preside over that case and trial. Judge Kaplan thereby acted as the complainant, the prosecution and the judge.

On April 19, 2017, Brennerman was arrested at his Las Vegas residence at the behest of Judge Kaplan. At the time of his arrest there were no pending charges against Brennerman, no indictments, no orders to show cause or complaints pending, thus there was no basis for Brennerman's arrest. The arrest was in violation of Brennerman's Fourth, Fifth, Thirteenth and Fourteenth amendment rights. Brennerman was granted bail. However, a few weeks later and without any meaningful investigation (the FBI who would normally investigate fraud crimes were never involved) on May 31, 2017, he was indicted for wire and bank fraud and their related conspiracy by the same U.S. federal prosecutors based on the same civil case between ICBC London and Blacksands from which the criminal contempt of court case had arisen.

The ICBC London files would have demonstrated to the federal prosecutors during the criminal trial that agents of ICBC advised agents of Blacksands including Brennerman, that ICBC preferred settlement rather than discovery. This would have shown that neither the company, Blacksands nor Brennerman willfully defied the Court orders that were directed at the company because they believed that by pursuing the settlement with ICBC they were complying with the Court order(s). Plus it was ICBC who had requested to settle. Additionally, the ICBC files would have demonstrated that the bank, ICBC did not rely on any representation or alleged misrepresentation made by Brennerman to approve the bridge finance, thus there was no fraud. Instead, the U.S. federal prosecutors indicted Brennerman on fraud charges without ever requesting, obtaining or reviewing the ICBC transaction files. The U.S. Fifth Amendment due process right requires that nobody be deprived of property life or liberty without the due process of law which required the prosecutors to independently investigate the allegation of fraud prior to depriving Brennerman of liberty. That did not occur in this case.

Prior to trial for the alleged criminal contempt of court, Brennerman through his trial counsel, Thompson Hine LLP, requested for the complete ICBC files. However, the U.S. federal prosecutors refused the request arguing that they had never obtained the files allegedly, highlighting the misconduct. Brennerman was, therefore, prosecuted without the prosecution considering all available evidence including the pertinent transaction files. ICBC itself denied Brennerman's request and Judge Kaplan denied his request to the Court to compel ICBC London or the prosecutors to provide Brennerman the files. During trial, Brennerman lacked the evidence required to defend himself. More significantly, Judge Kaplan permitted the prosecution to present to the jury the erroneously adjudged civil contempt directed against Brennerman. The jury were swayed by this concluding that, given that the presiding judge has declared that he had already held Brennerman in civil contempt, he must be guilty of criminal contempt. One of the jurors gave an interview after trial to a law journal, Law 360, that the jurors were swayed by specific evidence of Judge Kaplan holding Brennerman in civil contempt.

The denial of evidence (the complete ICBC London files) which Brennerman required to defend himself, Judge Kaplan ignoring the law and the presentation of an erroneously adjudged civil contempt which was in itself adjudged in violation of the law, all significantly prejudiced Brennerman and violated his Constitutional rights to a fair trial and his Sixth Amendment right to present his defense.

The fraud case was even more egregious. Prior to trial for the fraud case, Brennerman through his trial counsel made a request to Judge Richard J. Sullivan to exclude testimony from any witness from ICBC because he has been denied access to the complete ICBC files including the pertinent underwriting file. Brennerman argued that it would be patently unfair and highly prejudicial for the prosecution to elicit testimony from an ICBC witness while Brennerman would be deprived of the ability to meaningfully cross-examine the witness as to substance and credibility on the issues. This would violate his Constitutional

TRULINCS 54001048 - BRENNERMAN, RAHEEM J - Unit: ALF-G-A

rights to confront the prosecution witness. Judge Sullivan denied his request. The trial went on. During trial, the prosecution's sole witness from ICBC, Julian Madgett testified that the key evidence - the complete underwriting files - which documented the basis for the bank approving the bridge loan at issue with the case (and thus would have highlighted if any fraud had occurred or not) existed with the bank in London. He testified that the prosecution has never requested, obtained or reviewed the file. Upon becoming aware of the missing evidence, Brennerman again made request to Judge Sullivan to either compel the prosecution to obtain the files or for ICBC to provide the files to him for his defense. However, Judge Sullivan denied the request while, at the same time stated on record that the prosecution witness, Julian Madgett, had testified that the evidence existed with the bank's file in London.

During trial Brennerman was deprived of the ability to present his complete defense against the charge or meaningfully challenge the testimony of prosecution witness, Julian Madgett. This was a violation of his Sixth Amendment right because he was deprived of the ability to present his complete defense or meaningfully cross-examine the witness presented against him.

With respect to the bank fraud, although the prosecution charged Brennerman with obtaining \$300 million financing through fraud, during trial it became apparent that Brennerman has never requested or obtained financing from the Morgan Stanley subsidiary where he had opened his wealth management account. The prosecution and Judge Sullivan pivoted after trial to an alternative strategy arguing that the fraud was Brennerman becoming entitled to banking perks worth \$6,500 including free checking account, sky miles and a "fancy" credit card in spite of the fact that he had not been charged with obtaining banking perks. In fact, Brennerman did not even receive any banking perks. Moreover, the "fancy" credit card was issued by another institution (not the Morgan Stanley subsidiary) and was closed with zero balance.

In addition, all evidence presented by the prosecution at trial clearly demonstrated that Brennerman opened the wealth management account at Morgan Stanley Smith Barney, LLC, a subsidiary which is not a bank, and not federally insured. The federal law clearly stipulates that the prosecution cannot prosecute Brennerman for bank fraud based on his interaction with a non federally insured institution. However, Judge Sullivan then misrepresented the evidence and stated on record that his interaction was with another unrelated institution - Morgan Stanley Private Bank, even while the prosecution presented no evidence to support such promulgation by the Court. Judge Sullivan did so in an effort to falsely satisfy the law required to convict and imprison Brennerman. This was/is a gross miscarriage of justice and a clear departure from the U.S. and International standards for fair trial where the presiding judge misrepresented evidence to falsely satisfy the law so as to convict and imprison an innocent man.

TRULINCS 54001048 - BRENNERMAN, RAHEEM J - Unit: ALF-G-A

FROM: 54001048

TO:

SUBJECT: LETTER TO CHIEF JUDGE - PART II

DATE: 08/10/2021 07:29:07 PM

RELIEF REQUESTED:

In ICBC (London) PLC v. The Blacksands Pacific Group, Inc., case no. 1:15 cv. 0700 (LAK), Judge Lewis A. Kaplan willfully ignored the law in OSRecovery to hold Brennerman, a non-party, in civil contempt. The U.S. federal prosecutors failed to consider the law in OSRecovery prior to initiating the criminal contempt of court case against Brennerman which precipitated in the criminal case in United States v. The Blacksands Pacific Group, Inc., et. al. criminal case no. 1:17 Cr. 155 (LAK). Judge Kaplan then permitted the U.S. prosecutors to present the erroneously adjudged civil contempt to the jury which caused significant prejudice to Brennerman.

Because the U.S. federal prosecutors and Judge Lewis A. Kaplan who presided over the criminal case in United States v. The Blacksands Pacific Group, Inc., et. al, case no. 1:17 Cr. 155 (LAK), willfully ignored the law in OSRecovery to prosecute, convict and imprison Brennerman in violation of his Constitutional rights and the law, the entire case including the conviction, should be dismissed. In the alternative, a new judge be assigned to consider the writ of Error Coram Nobis (the "Coram Nobis"), which seeks to correct the gross miscarriage of justice already suffered by Brennerman, to allow a fair proceeding.

In United States v. Brennerman, case no. 1:17 Cr. 337 (RJS), Judge Richard J. Sullivan misrepresented evidence to falsely satisfy the law to convict and imprison Brennerman; failed to protect the Constitutional rights of Brennerman, a criminal defendant, when he [Judge Sullivan] permitted the prosecution's sole witness from ICBC - Julian Madgett to testify as to the contents of the evidence ("ICBC underwriting file") while denying Brennerman's request to obtain the evidence which he required to impeach (confront) the witness against him and to present his complete defense.

Because Judge Richard J. Sullivan who presided over the criminal case in United States v. Brennerman, case no. 1:17 Cr. 337 (RJS), surreptitiously misrepresented the evidence of a federally insured institution so as to falsely satisfy the law required to convict and imprison Brennerman in violation of his Constitutional rights and the law, the entire case including the conviction, should be dismissed. In the alternative, a new judge be assigned to consider the motion pursuant to 28 U.S.C.S. 2255 (the "collateral attack"), which seeks to correct the gross miscarriage which Brennerman already suffered and continues to suffer in prison, to allow a fair proceeding.

CONCLUSION:

Brennerman relies on his Constitutional rights, all applicable law and federal rules, and respectfully submits the above.

Dated: August 10, 2021
White Deer, Pa. 17887-1000

Respectfully Submitted

/s/ Raheem J. Brennerman
RAHEEM JEFFERSON BRENNERMAN
Federal Correctional Institution
Allenwood Low
P. O. Box 1000
White Deer, Pa. 17887-1000

Court submissions for consideration:

- a.) United States Court of Appeals for the Second Circuit,
United States v. Brennerman, at appeal docket no. 20-4164(L), at doc. no. 62
- b.) Supreme Court of the United States,
Brennerman v. United States, at docket no. 20-6638
- c.) Supreme Court of the United States,
Brennerman v. United States, at docket no. 20-6895

54001-048

Raheem J Brennerman
FCC Allenwood LOW
1000 P O Box
Gregg A Unit
White DEER, PA 17887-1000
United States

CERTIFIED MAIL



7020 1810 0001 4643 1835

RECEIVED
AUG 27 2021
CLERK'S OFFICE
S.D.N.Y.

REC'D
SDNY
AUG 27 2021

HARRISBURG P&DC 171
WED 25 AUG 2021 PM

U.S. POSTAGE PAID
FORM 1625-ENVY
WHITE DEER, PA
17887-2521
POSTAGE WILL BE PAID BY ADDRESSEE
\$0.00
R2305K138972-08



10007



1000

CFIM

CLERK OF COURT
UNITED STATES DISTRICT
FOR THE SOUTHERN DISTRICT

DANIEL PATRICK MOYNIHAN
UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT
127 A

