

WHY BRITAIN SHOULD AMEND THE TREATY FOR THE EXTRADITION OF ITS CITIZENS TO THE CORRUPT UNITED STATES JUSTICE SYSTEM

Why the United States justice system cannot be trusted and how United States discriminates against foreign nationals in the criminal justice system.

Last autumn (check) the Right Honorable David Davis stood up in Parliament to question the U.K. - U.S. Extradition Treaty signed by Tony Blair's government back in 2003. The Rt. Hon. Davis said that 97.5% of U.S. federal indictments are settled with a guilty plea before reaching court. Of the remaining 2.5% indictments that eventually reach court, most defendants are found guilty. He questioned how it could be possible that U.S. federal prosecutors had a greater than 99% success rate. The Rt. Hon. Davis then questioned the tremendous reach of U.S. federal prosecutors that has resulted in approx. fifty U.K. citizens being extradited to the U.S. for every one U.S. citizen going the other way.

At that time the Rt. Hon. Davis was only able to give Parliament statistics to make his case for amending the Extradition Treaty. Now, however, motions for relief will be filed in U.S. Courts by two British nationals, which gives Rt. Hon. Davis more substance to his idea of amending the U.K. - U.S. Extradition Treaty. At their heart the motions raise three key questions relevant to the treaty. 1.) Can the U.S. justice system be trusted - where there are examples of federal judges who capriciously ignore the law and fabricate evidence so as to imprison a defendant, 2.) Can a British national receive a fair trial from the U.S. justice system, and 3.) Can a British national receive the benefits from rehabilitation in U.S. prisons that automatically applies to all U.S. citizens.

Are U.S. federal judges above the law and rule?

I, Raheem Brennerman, am a businessman who grew-up living in New York and London and also a British citizen. I have been in federal prison for 2.5 years and in my motion, I highlight misconduct by two senior federal judges - Judge Lewis A. Kaplan and Judge Richard J. Sullivan and Manhattan federal prosecutors - A.U.S.A. Robert Sobelman, Nicolas Landsman-Roos, Danielle Sassoon and Emil Bove III. I show that Judge Kaplan willfully ignored the law to imprison me and that Judge Sullivan fabricated evidence to convict me while denying me access to a critical piece of evidence I required to defend myself at trial.

My 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 vendetta and where U.S. federal prosecutors misuse their prosecutorial discretion in helping the federal judges achieve their desires.

The history of this misconduct and miscarriage of justice against me commenced in December 2016, when Judge Kaplan of the Southern District of New York, presiding over the civil dispute between ICBC (London) plc, a U.K. subsidiary of a Chinese bank and The Blacksands Pacific Group, Inc., a U.S. oil and gas development company where I was Chairman

and CEO, a case in which I was not party, ignored the law in "OSRecovery, Inc., v. One Groupe 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 ignored the law, illegally piercing through the corporate structure of Blacksands Pacific to hold me, a non-party, in contempt without providing any supporting legal citation or explanation. I received no motion-to compel nor any subpoena to do anything. Judge Kaplan then went a step further in actively persuading federal prosecutors to prosecute me criminally. When the initial prosecutors declined to prosecute, Judge Kaplan actively sought new more willing prosecutors.

On March 3, 2017 new prosecutors without considering the law in OSRecovery, initiated criminal contempt proceedings against me. On March 7, 2017, Judge Kaplan summoned the prosecutors to his robing room telling them that he had prepared an arrest warrant for me. Though the prosecutors attempted to convince Judge Kaplan that an arrest was not required, he insisted an arrest warrant be issued. His insistence was in contrast to the U.S. federal rule which stipulated that a Judge merely execute a warrant initiated by prosecutors (not one prepared by the Judge). Furthermore, Judge Kaplan having referred me for criminal prosecution and insisting on having me arrested then assigned the criminal contempt case to himself. Judge Kaplan thereby acted as the complainant, the prosecution and the Judge.

On April 19, 2017, I was arrested at my Las Vegas home, when there were no pending charges, no indictments, no orders to show cause nor any complaints pending. There was no basis for my arrest, made in violation of my Fourth, Fifth, Thirteenth and Fourteenth amendment rights. I was granted bail. However, a few weeks later and without any meaningful investigation (the FBI who would normally investigate fraud crimes were never involved), I was indicted for wire and bank fraud and their related conspiracy by the same prosecutors based on the same civil case from which the criminal contempt of court case had arisen.

Can U.S. federal prosecutors prosecute anyone without investigation?

Files from ICBC would have demonstrated that ICBC had requested settlement rather than discovery, showing that neither Blacksands Pacific nor I willfully defied court orders directed at the company because we believed that by pursuing settlement we were complying with the court order(s). The files would have also demonstrated that ICBC did not rely on any representation or alleged misrepresentation made by me to approve the bridge finance, thus there was no fraud. Instead, federal prosecutors indicted me on fraud charges without ever requesting, obtaining or reviewing the ICBC transaction files. The U.S. Fifth Amendment requires that nobody be deprived of property, life or liberty without the due process of law which required the prosecutors to independently investigate the fraud allegation. That did not occur in my case.

Can a defendant be deprived of the evidence to prove his innocence?

Pre-trial the prosecutors refused my request for the complete ICBC file saying they had never obtained the files that allegedly highlighted the misconduct. Judge Kaplan then denied my request to compel the prosecutors to provide me the files. I was, prosecuted without all available evidence being considered and I lacked the evidence required to defend myself. More significantly, Judge Kaplan permitted the prosecutors to present to the jury the erroneously

adjudged civil contempt directed against me. The jury were swayed by the judge declaring that he had already held me in civil contempt. In an interview after the trial to a law journal, Law 360, a juror stated that jurors were swayed by specific evidence of Judge Kaplan holding me in civil contempt.

The fraud case was even more egregious. Prior to trial, I requested Judge Richard J. Sullivan to exclude testimony from any witness from ICBC because I had been denied access to the complete ICBC files. I argued that it would be unfair and highly prejudicial for prosecutors to elicit testimony from an ICBC witness while I would not be able to meaningfully cross-examine the witness. Judge Sullivan denied my request. During trial, the prosecution's sole witness from ICBC, Mr. Madgett, testified that the complete underwriting files, which documented the basis for the bank approving the bridge loan at issue (and this would have highlighted if any fraud had occurred or not) existed in London. He testified that the prosecutors had never requested, obtained or reviewed this file. I again requested Judge Sullivan to compel the prosecutors to obtain the file or for ICBC to provide the files for my defense. Judge Sullivan denied my request while stating on record that Mr. Madgett had testified the evidence existed in London. I have so far asked Judge Sullivan 12 times for the ICBC files which he has denied each time.

Being deprived of the ability to present my defense or meaningfully challenge the testimony of prosecution witness, was in violation of my Sixth Amendment right.

Are U.S. federal judges permitted to fabricate evidence, if none exists?

For the bank fraud charge, the prosecution charged me with fraudulently obtaining \$300 million financing. During trial it became apparent that I had never requested or obtained any financing from the Morgan Stanley subsidiary where I had opened an account. After trial the prosecution and Judge Sullivan then pivoted to an alternative strategy. The alleged fraud was now entitlement to banking perks worth just \$6,500 including free checking account, sky miles and a "fancy" credit card. I had not been charged with obtaining any banking perks and I did not receive any banking perks because the account was opened for a few weeks with not enough time to receive any perks. Moreover, the "fancy" credit card was issued by another institution (not the Morgan Stanley subsidiary) and was closed with zero balance!

The evidence presented at trial demonstrated that I opened my account at Morgan Stanley Smith Barney, LLC, a subsidiary which is not a bank, and is not federally insured. Federal law clearly stipulates that a prosecution cannot be made for bank fraud based on interaction with a non-federally insured institution. Judge Sullivan then fabricated the evidence. He stated on record, that my interaction was with another unrelated institution - Morgan Stanley Private Bank. The prosecution had presented no evidence to support such promulgation by the court. Judge Sullivan did so to falsely satisfy the law required to convict me. This was a gross miscarriage of justice and a clear departure from the international standards for fair trial where the presiding judge fabricates evidence to falsely satisfy the law so as to convict and imprison an innocent man.

Can the U.S. justice system be trusted?

To distract from the fact that there was no evidence of fraud. Judge Sullivan and the prosecutors then fabricated and promoted falsehoods about my name, national origins etc. in their endeavor to promote false stereotype/narrative.

Notwithstanding, to-date, the Manhattan federal appeals court has ignored and refused to correct the civil, Human and Constitutional rights violations that occurred in these cases.

The fundamental question for the Rt. Hon. Davis and Parliament is whether a British national can receive a fair trial in the American justice system. In my experience, I would unequivocally say NO. I am presenting my new motion on the conviction and sentence at the Manhattan federal appeals court at docket nos. 20-4164 (Lead); 21-654 (Consolidated) seeking immediate release from my wrongful 2.5 years imprisonment. In these cases the judges acted as the judge, jury and prosecution. More of the issues are succinctly highlighted at www.freeraheem.com

I have written to the United Kingdom Ambassador to the United States, Ambassador Karen Pierce, and the British Consulate-General highlighting that my experience with the American justice system seriously departs from the international standard.

I urge the U.K. Government and Parliament to urgently consider demanding that the United States provide adequate proof of case prior to agreeing to extradite any citizen to the United States.