

CONSPIRACY AND MISCONDUCT BY FEDERAL JUDGES AND PROSECUTORS AT THE SOUTHERN DISTRICT OF NEW YORK

Dear Reader,

My mother would have been 73 years old this year had she not passed away in 2019, desperately waiting for me to clear my name and return to donate my kidney to save her life. That I could have saved her is my very sad past. My hope and prayer for the future is for the American people to learn the truth about the crimes of conspiracy and misconduct by judges, prosecutors and lawyers that led to the miscarriage of justice and my incarceration in a federal prison.

My name is Raheem Brennerman. I am a 44-year-old businessman who has been wrongly convicted as a result of a wide-spread criminal conspiracy between federal judges, prosecutors and lawyers at the Southern District of New York. These officials, who we all trust have committed crimes by conspiring to withhold and hide evidence from me and the jury that would have proven my innocence at trial. On top of that they also fabricated evidence to the jury to find me guilty. This conspiracy deprived me of the ability to exercise my Constitutional right to present a complete defense to the jury. And as a result of their crimes, I have spent the last 3 1/2 years in a Pennsylvania federal prison, for crimes I did not commit.

I am committed to discovering the truth, clearing my name and gaining justice. I thank you for reading my story.

I. THE CONSPIRATORS

The criminal conspiracy is between two senior federal judges, Judge Lewis A. Kaplan and Judge Richard J. Sullivan, four federal prosecutors, A.U.S.A's Robert B. Sobelman, Nicolas T. Landsman-Roos, Danielle R. Sassoon, Emil J. Bove III plus Paul S. Hessler, the former New York based partner of one of the largest law firms in the world, Linklaters LLP. I have described their crimes and misconduct in hundreds of pages of publicly filed court documents which can be read on Pacer and at www.freeraheem.org.

Given the widespread nature of the conspiracy, this must only be the tip of the iceberg. Once the Department of Justice has investigated my case, I am sure they will find many other similar miscarriages of justice as a result of conspiracy between judges and prosecutors. And the result will harm the public's confidence in the impartiality of the whole of the American judicial system.

II. CIVIL CONTEMPT CHARGES

My story starts 7 years ago in 2015 when my company, Blacksands Pacific, became involved in a civil dispute with the state-owned Chinese bank, ICBC, over a \$1.35 billion financing to buy oil assets in California and Nigeria. A short while after the dispute was referred to senior District Judge Lewis A. Kaplan, after only reviewing the financing documents, he ruled in favor of ICBC.

A year later, in September 2016, even though the parties were actively negotiating a settlement, ICBC asked Judge Kaplan to bring civil contempt charges against Blacksands Pacific, alleging insufficient disclosure of documents. Why did ICBC suddenly ask for this when they were already in settlement discussions? I believe they did this to pressurize my company to disclose sensitive commercial documents on a bid we were making for Californian oil leases and where the only other bidder was a Chinese company, Goldleaf.

A month later, in October 2016, Judge Kaplan made an unequivocal and clear order for the "parties to either settle or produce for discovery." But while the parties were complying with this order, at a hearing just 2 weeks later, Judge Kaplan ignored his previous order and found my company, Blacksands Pacific, guilty of civil contempt. This sudden change of heart made no sense at the time.

Roll forward a few weeks, in December 2016, and again while my company was actively providing discovery, ICBC now asked Judge Kaplan to order civil contempt charges against me personally. And just 5 days after ICBC's request, without a hearing or any investigation as to the truth, ignoring precedent law and without giving me any time to even appear in court, Judge Kaplan ruled, holding me in civil contempt.

III. CRIMINAL CONTEMPT

Several months after the civil contempt ruling, in March 2017, Judge Kaplan initiated a criminal contempt complaint against me for defiance and willful disobedience of a Court order, even though I had not been named in the court order.

But when Judge Kaplan then asked DOJ prosecutors to prosecute his criminal contempt complaint, they refused. Not giving up, Judge Kaplan then found a more willing team of prosecutors, led by A.U.S.A. Sobelman. Subsequently, at a secret hearing in Judge Kaplan's robing room, the Judge pushed the prosecutors to immediately arrest me. According to the transcript of the secret hearing, the prosecutors were reluctant, telling the Judge that an arrest was unnecessary because they were already speaking to me. Judge Kaplan ignored them. He prepared the arrest warrant and got me arrested. A clue as to why Judge Kaplan acted in this way is found at my subsequent bail hearing when it was described that he had carried out extra-judicial research on me, including googling me. Research by a Judge is illegal as it demonstrates partiality.

As the case moved to trial, I repeatedly told the Judge that the parties had been trying to settle in accordance with his earlier order. I specifically asked the Judge and prosecutors to look at the documents, the underwriting file, emails, meeting minutes and notes, as they would have highlighted to the jury that ICBC repeatedly advised my company and me that they did not want more discovery but rather preferred to settle. A draft settlement agreement was drawn up as a result. ICBC confirmed that it had handed these files to Mr. Hessler and Linklaters. But even though Mr. Hessler disclosed thousands of documents to the prosecutors, he did not hand over these documents that I, the Judge and the prosecutors knew existed.

Just before the trial started Linklaters fired Mr. Hessler. Law partners are very rarely fired. I believe Linklaters found out about Mr. Hessler withholding evidence. Later, even though Mr. Hessler was not working for any law firm, ICBC, a massive Chinese state-owned bank, still kept him on as their case lawyer. Mr. Hessler took the stand at my trial and lied when giving testimony that there had been no settlement discussions.

At the end of the trial Judge Kaplan having successfully shielded the jury from the key documents that would have shown my innocence, told the jury of his earlier civil contempt finding against me. This then swayed the jury to convict, as I discovered from reading a Law 360 article from September 12, 2017. In the end, I was sentenced for criminal contempt though I had broken no law and the prosecutors, Judge Kaplan and Mr. Hessler conspired to withhold and hide documentary evidence from me and the jury that would have proven my innocence.

IV. BANK FRAUD

In May 2017, a month after my arrest for contempt, the same prosecutors indicted me for a \$300 million bank fraud (against ICBC). This new charge was put in front of Judge Richard J. Sullivan. Today he is a judge on the Second Circuit Appeal Court.

The initial case against me was that I duped ICBC into approving a bridge loan to my company. The key document that would have should my innocence was the underwriting file. An ICBC banker, Mr. Julian Madgett, testified that the underwriting file, containing papers showing the basis for ICBC's approval of the bridge finance, had been handed over to Linklaters. ICBC's lawyers at the time. I kept asking Judge Sullivan and the prosecutors to obtain this underwriting file but they always refused so that they wouldn't become obligated to hand it over to me for my defense.

But the prosecutors had an even bigger problem to their case. Under U.S. law, for bank fraud to occur, the bank must be FDIC insured, that is insured by the federal government. The fraud allegedly occurred at the British subsidiary of ICBC which could not, and was not, FDIC insured. The prosecutors then completely changed their case to a \$6,500 bank fraud on a personal investment account that I had opened at Morgan Stanley Smith Barney, LLC (MSSB). During trial, it became clear that MSSB too was also not FDIC insured. But rather than giving up on the case, Judge Sullivan fabricated evidence by replacing the non-FDIC insured entity (MSSB) with an FDIC insured entity, Morgan Stanley Private Bank. There was one major problem with this - I never held an account there. At sentencing hearing Judge Sullivan went further by fabricating that I had received \$6,500 worth of banking perks from the non-FDIC-insured MSSB.

In the end I was sentenced to prison for bank fraud on the basis of evidence that was fabricated by Judge Sullivan and also on the basis of the prosecutors conspiring with Paul Hessler of Linklaters to withhold and hide documentary evidence (the underwriting file) from me and the jury that would have proven my innocence for the original indictment.

V. MY APPEAL

In 2019 I appealed both my convictions to the Second Circuit Court of Appeals. The three appellate judges, however, protected Judge Sullivan. They wrote that the underwriting file did not exist: "The only indication that such documents are extant comes from Brennerman's bare assertions." they wrote. But this ignored ICBC banker, Julian Madgett's testimony that the file did exist. The appellate judges went further by doubling down on Judge Sullivan's fabrication writing "that record did establish that Brennerman defrauded Morgan Stanley, an FDIC institution." This ignored the fact that there are several Morgan Stanley entities and the one I had an account with was not FDIC insured. Were the appellate judges part of the criminal conspiracy? I will leave that to the future investigators to find out.

VI. CRIMES AND MISCONDUCT

VI.1 CHIEF JUDGE LAURA TAYLOR SWAIN

In April and May 2022, I write twice to the Chief Judge of the U.S. District Court of the Southern District of New York to notify her of the conspiracy and the crimes and misconduct of Judges Kaplan and Sullivan and federal prosecutors. In her role as the supervisory authority over the Judges I asked her to intervene to protect United States' democracy that affords every person within its territory the right to liberty and from unwarranted infringement of such rights through misconduct.

But the Chief Judge wrote back that the Court didn't exert any authority over the cases and to report the crimes to the Clerk of the Second Circuit Court. She did not want to get involved in investigating her Judges' crimes and misconduct despite her supervisory authority.

VI.2 JUDGE SULLIVAN

In November 2021, I made a 442-page filing seeking dismissal of all fraud and conspiracy to fraud convictions and sentence. Judge Sullivan and the prosecutors have remained silent, not even opening a separate civil for my Collateral Attack Motion. In the filing I laid out in detail how the evidence was fabricated by Judge Sullivan. I asked the Judge to recuse himself from the case. In May 2022 I wrote again to Judge Sullivan detailing the crimes and misconduct

perpetuated. This letter has not been docketed. Instead, on July 19, 2022 Judge Sullivan issued an order stating that I had made "inflammatory" statement, so he was not going to docket my letter. I wrote back straight away, to Judge Sullivan and the Clerk of Court, Ruby Krajick. In a criminal case the Federal Rule of Crimes Procedure requires the Clerk of Court to docket all papers, that Judges cannot decide which controversy will be publicly docketed and which will not and that the U.S. Constitution stipulates that all criminal proceedings shall be public. I reminded Judge Sullivan that he ruled not to docket my letters because it highlighted the crimes and misconduct by the Court and the government prosecutors carried out against me.

V.3 JUDGE KAPLAN

On January 31, 2022 I made a 189-page filing to Judge Kaplan seeking dismissal of the criminal contempt conviction and sentence. I highlighted the conspiracy that deprived me of the documents and evidence so as to wrongly convict and imprison me. I asked the Judge two things to compel the missing files from Linklaters and to hold an evidentiary hearing with Attorney Paul Hessler of Linklaters to testify under oath why he intentionally withheld and hid away the ICBC files.

Unlike Judge Sullivan who refused to docket my subsequent letters, Judge Kaplan flip-flopped with his order. At first, Judge Kaplan denied my requests (docket no. 19), citing that my request wasn't specific enough. Then Judge Kaplan reversed himself and reopened the case (docket no. 24). He issued his second denial order (at docket no. 28) and recently issued a Memorandum Endorsement stating that he was going to ignore and not deal with the conspiracy: "the court is not obliged to respond to defendant's commentaries and declines to do so." No impartial judge would ever utter such a statement unless he was complicit in the crime and misconduct, as is this case.

VII. SUMMARY

I clearly lay out my arguments in the court filings:

1. Judge Kaplan ignored the law in finding me guilty of civil contempt. He then illegally carried out extra-judicial research on me and forced prosecutors to arrest me, illegally piercing through the corporate veil of my company, Blacksands Pacific.

2. Judge Kaplan, Sullivan and prosecutors conspired with Linklaters to intentionally withhold the documents and evidence (meeting minutes, notes, emails, underwriting file) for my trial.

3. Judge Sullivan fabricated evidence by surreptitiously supplanting a non-FDIC institution with a FDIC insured institution so as to falsely satisfy the law to convict me of bank fraud.

4. Appellate judges protected Judge Sullivan by obfuscating the issue of the exculpatory evidence and the FDIC insurance.

It is very telling how the judiciary at the Southern District of New York have dealt with the crimes and misconduct. They ignored it.

The Chief Judge, Laura Taylor Swain, stated that her court does not exert any authority over the cases, while at the same time ignoring the crimes and misconduct committed by the judges she heads.

Judge Sullivan's strategy has also been to ignore the crimes and misconduct for over 8 months. When he finally did respond, he wrote that he wasn't going to even docket my letter because I had made "inflammatory" statements. The law and the Constitution requires that impartial judges in a criminal case make all correspondence public. An impartial judge can't just choose which controversy to make public and which not to make public.

Judge Kaplan has flip-flopped first denying my motion, then reversing him and reopening it and then finally shutting it down again on the basis that he is "not obliged to respond to defendant's commentaries and refuses to do so."

Are these the actions of an innocent judiciary? Clearly not. Throughout I have asked the judges in writing that should they disagree with me, they are entitled to refer me for further prosecution. But they can't and won't do so because such action will entitle me to discovery. I will be able to request and obtain the missing ICBC documents/evidence. I will be to depose Attorney Paul Hessler under oath as to why he intentionally withheld production of the ICBC documents/evidence, thereby exposing the conspiracy. I will be able to depose Judge Sullivan as to why he intentionally misrepresented and fabricated the evidence so as to falsely satisfy the law to convict and imprison me.

I also write to the judges that I do not believe that any action will be taken by them given my assumption that the Courts do not believe that I am entitled to any civil and Constitutional rights. When judges, prosecutors and lawyers conspire to withhold and hide evidence that would show a defendant's innocence to a jury, when they ignore the law to prosecute and when they fabricate evidence to satisfy the law in order to imprison, then these serious crimes and misconduct must be investigated. And any investigation must include the cover-up actions when they ignore and only when forced, summarily deny these crimes and misconduct. Any party found to have committed crimes must be prosecuted.

I am committed to discovering the truth. I thank you once again for reading my story.

Raheem J. Brennerman

www.freeraheem.org

APPENDIX

PERSONAL BACKGROUND

I was born in 1978, growing up living in New York city and then in London and Switzerland. At the age of 16 I was admitted to one of Europe's most prestigious colleges at the University of London, where I earned my Bachelor's degree in Economics with honors at the top of my class. Later I achieved a Masters degree from Columbia University.

My career started in Investment banking at JP Morgan Chase & Co. After I left JP Morgan, I worked for my family's oil & gas business, started by my paternal grandfather. I also managed my family's real estate business, started by my maternal grandparents. In 2004 I founded a real estate and lifestyle business, BLV Group Corporation and in 2010 I founded an oil & gas company, Blacksands Pacific. It remains one of only 3 black owned energy businesses in the U.S.

While in prison my mother died of kidney failure when I could have saved her by donating one of my kidneys, had I not been unjustly incarcerated. I also contracted Covid and developed Covid pneumonia with severe breathing difficulties. As a diabetic requiring daily insulin injections and with high blood pressure I am on the C.D.C's most at risk category from Covid.

COURT FILINGS

My court filings are at:

- (i.) U.S. v. Brennerman, case no. 17 Cr. 337 (RJS), EFC Nos. 269, 270, 272, 274 (for the fraud case);
- (ii.) Brennerman v. U.S., case no. 22 Cv. 996 (LAK), EFC Nos. [all docket entries] (for the criminal contempt case);
- (iii.) My correspondences with the Chief Judge are at: U.S. v. Brennerman, case no. 17 Cr. 337 (RJS), EFC Nos. 266, 267 and at Brennerman v. U.S., case no. 22 Cv. 996 (LAK), EFC No. 26.

--THE END--