

## **FOR PRESS: CONSPIRACY AND JUDICIAL MISCONDUCT BY FEDERAL JUDGES AND PROSECUTORS**

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### **Dear reader:**

My mother would have been 73 years old on Monday, April 4, 2022, however she passed away in May 2019, while waiting for me to clear my name and return to donate my kidney to save her. My hope and prayer is for the world to learn the truth about the conspiracy and judicial misconduct and the injustice and gross miscarriage of justice which I suffered.

I am a 44-year-old businessman who has been wrongly convicted and sentenced because of a wide-spread conspiracy between judges, prosecutors and lawyers in the Southern District of New York. These members of the judicial system who we all trust, have conspired to withhold (and continue to withhold) the evidence that would immediately prove my innocence. They have ignored the law to charge me in the first place and, at my trial, they fabricated evidence to find me guilty. As a result, I have been incarcerated for over 3 years in a federal prison in Pennsylvania waiting to be freed and be fully exonerated for crimes that I did not commit.

All my arguments of conspiracy are detailed in hundreds of pages of public court documents that I have filed in 2021 and 2022 (you can read my filings on Pacer and my website: [www.freeraheem.com](http://www.freeraheem.com)). None of the judges, prosecutors, and lawyers have responded to my allegations because they cannot do so without admitting their roles in the conspiracy. Instead, I remain unjustly incarcerated awaiting judgment from the very judges who I have alleged were part of the conspiracy to imprison me. I have also repeatedly asked these judges to recuse themselves from my case but they have refused to do so. My belief is that the conspiracy against me is only the tip of the iceberg at the Southern District of New York and at the Second Circuit U.S. Court of Appeals. When my cases are fully investigated there are likely to be hundreds, if not thousands, of previous cases involving these judges and prosecutors which will have to be re-examined. As a result, confidence in the impartiality of the American judiciary will, I believe, be irreparably damaged both in the U.S. and worldwide.

### **My cases:**

I was held in civil contempt of court and charged in 2 separate cases for criminal contempt of court and for bank fraud. One common thread throughout has been the Chinese state-owned bank, ICBC, more of which I will discuss later. In my court filings I have alleged that the wide-spread conspiracy involved 2 senior judges, Judge Lewis A. Kaplan and Judge Richard J. Sullivan, 4 federal prosecutors, A.U.S.A.s Robert B. Sobelman, Nicolas T. Landsman-Roos, Danielle R. Sassoon and Mr. Paul S. Hessler, the former partner of one of the largest law firms in the world, Linklaters LLP. These very serious crimes need to be investigated.

### **Civil Contempt:**

My story starts nearly 7 years ago, in 2015, when my company, Blacksands Pacific, became involved in a civil dispute with a Chinese bank, ICBC, over a \$1.35 billion financing to buy oil assets located onshore California and offshore Nigeria. Judge Kaplan of the Southern District of New York presided over the civil case. In September 2015, after reviewing only the financing documents, Judge Kaplan ruled in favor of ICBC. He then agreed to ICBC's request for a broad discovery of documents. A year later, in September 2016, even though my company and ICBC were, at the time, actively negotiating a settlement (Judge Kaplan had instructed the parties to settle), ICBC requested that contempt charges be brought against my company alleging that insufficient documents had been disclosed. I believe that ICBC did this so as to pressure my company to provide them with sensitive commercial documents on my company's bid for the Californian oil assets. The only other competing bid for the assets was from another Chinese company, Goldleaf. I am sure the close relationship between ICBC and Goldleaf will come out eventually. Judge Kaplan granted ICBC's request but in open court he went further by asking ICBC to bring a civil contempt charge personally against me, even though I was not a named party in the dispute.

ICBC's lawyer, Mr. Hessler of Linklaters, then filed a motion, on December 7, 2016, requesting civil contempt charges be brought against me. Just 5 days later Judge Kaplan found me in contempt without giving me any time to appear in court, without holding a hearing or even investigating any of the documents that would have shown the active settlement discussion. This year I argued in my court filing that this finding was against binding precedent law because ICBC's lawyer and Judge Kaplan had illegally pierced through the corporate veil. The binding case is called OSRecovery. In fact, last year Judge Kaplan suggested that he was bound by an earlier case, People of the State of New York, but when I pointed out that the later OSRecovery case was in fact the binding law, Judge Kaplan summarily dismissed my argument with no further explanation. He just wrote "denied".

### **Case 1 - Criminal Contempt**

Even though the civil contempt finding was clearly wrong in law, I must have piqued Judge Kaplan's interest in me because my story did not end there. Several months after the civil contempt ruling, in March 2017, Judge Kaplan initiated a new criminal contempt complaint against me. But when the judge went to the prosecutors, they refused to take on the case. Instead of giving up, Judge Kaplan found another set of more willing prosecutors led by A.U.S.A. Sobelman. Then, at a secret hearing in Judge Kaplan's robing room, Judge Kaplan pushed the reluctant prosecutors to have me immediately arrested for criminal contempt of court for flagrant defiance and willful disobedience of a legal court order. This was even though I was not personally named in the court order and despite the prosecutors saying to the judge that arresting me was unnecessary as they had already spoken with me.

The arrest warrant was prepared by Judge Kaplan, not the prosecutors. At the subsequent bail hearing, I found out that Judge Kaplan had carried out extra-judicial research on me, including googling me. Conducting extra-judicial research on any defendant is illegal as it demonstrates partiality. In my case all Judge Kaplan would have found out was that I was a black businessman.

But worse for me was then even though I argued that ICBC had told me repeatedly that they were interested in settling rather than receiving more discovery, Judge Kaplan and the prosecutors did not want to look at the settlement discussion evidence. In fact, a settlement had been agreed in principle before the criminal prosecution has even started. But Judge Kaplan and the prosecutors refused to look at the documents that ICBC had handed over to Linklaters, specifically emails, meeting minutes, notes related to the settlement negotiations and the transaction underwriting file. At the criminal contempt trial Mr. Hessler, ICBC's lawyer, then lied on the stand when giving testimony that there had been no settlement discussion. Just before Mr. Hessler took the stand at my trial he was suddenly terminated at Linklaters. Weirdly, ICBC, which is a very large state bank, continued to be represented by Mr. Hessler in his individual capacity. Why would a very large bank not just stay with Linklaters? I believe that Linklaters LLP discovered that Mr. Hessler had intentionally withheld the evidence which would have proven my innocence, terminated Mr. Hessler and refused to be involved with my criminal prosecutions.

At the end of the contempt trial Judge Kaplan then specifically told the jury of his civil contempt finding, even though the defense had objected to telling the jury. This swayed the jury to convict me per a press article of an interview with a juror (Law 360 article dated September 12, 2017). In the end I was sentenced to 2 years in prison for criminal contempt even though I had broken no law and I was refused the evidence/documents that would have proven my innocence.

### **Case 2 - Bank fraud**

In May 2017, a month after I was arrested for criminal contempt, the prosecutors upped the pressure on me by bringing a \$300 million international bank fraud charge (supposedly perpetuated against ICBC) against me. There was a lot of press coverage on this new charge at the time. This new charge was brought by the same prosecutors as for the criminal contempt charge, but this time, it was tried in front of Judge Sullivan.

At the bank fraud trial, the ICBC banker, Mr. Julian Madgett, testified as to the existence of the key underwriting file which contained documents showing ICBC's basis for approving the bridge finance to my company. This file would have clearly and quickly proven that no bank fraud had occurred. Mr. Madgett testified that ICBC had handed over all the documents related to the financing to Mr. Hessler at Linklaters. But the prosecutors and Judge Sullivan repeatedly refused to obtain the underwriting file that would have demonstrated my innocence. They did this so that they wouldn't be obligated to hand over the file for my defense.

Critically, under U.S. law for bank fraud to occur, the entity must be FDIC insured. Since the Chinese bank, ICBC, was not FDIC insured, as it was a British subsidiary of a Chinese bank, the prosecutors pivoted to a personal investment account I opened at Morgan Stanley Smith Barney, LLC in California. When they realized that that entity was also not FDIC insured, Judge Sullivan intentionally fabricated evidence by surreptitiously supplanting Morgan Stanley Smith Barney, LLC a non-FDIC insured entity where I held the account to Morgan Stanley Private Bank, a FDIC insured entity, but where I never had any interaction or held an account. Then, at sentencing, Judge Sullivan again fabricated that I received \$6,500 worth of banking perks from Morgan Stanley, in order to enhance the sentence of imprisonment.

### **My appeal:**

In 2019 I appealed both my criminal convictions to the Second Circuit U.S. Court of Appeals. The three appellate judges protected Judge Sullivan by obfuscating the issue of Judge Sullivan and the prosecutors not obtaining the exculpatory evidence. The appellate judges falsely wrote in their affirmation summary order that the underwriting file did not exist stating: "the only indication that such documents are extant comes from Brennerman's bare assertions." This was in contrast with the case record and trial testimony from ICBC's banker that the files had been handed over to their lawyer Linklaters. The appellate judges also misrepresented Judge Sullivan's fabrication of the evidence to convict me of bank fraud writing "the record did establish that Brennerman defrauded Morgan Stanley, an FDIC insured institution....." This was done intentionally to obfuscate and confuse, ignoring that there are several Morgan Stanley entities and not all are FDIC insured.

### **Latest developments:**

While Judge Sullivan has continued his silence, notwithstanding my 442 pages of evidence to highlight that he fabricated evidence to convict and imprison me, Judge Kaplan and the prosecutors have been active in filing. However, the replies have been nonsensical and I have responded to them accordingly.

Judge Kaplan started by insinuating direction to the prosecutors on the argument they should present in their reply, that my request for evidence was not specific. When I responded that it was very specific, Judge Kaplan then simply directed the prosecutors to reply. Judge Sullivan, on the other hand, has not even directed the prosecutors to reply to my filings on his case, after nearly 6 months.

The prosecutors then replied to Judge Kaplan's case on March 22, 2022 but using nonsensical arguments as to why the documents/evidence, that would prove my innocence, were not accessed. They stated that the federal rule of criminal procedure does not provide a mechanism for obtaining the evidence, ICBC documents. But this mechanism clearly permits a subpoena to be issued by Judge Kaplan to Linklaters New York office where the ICBC documents/evidence are located, and the prosecutors knew that.

Recently in the collateral attack proceeding Judge Kaplan in an endeavor to cover-up the conspiracy, following my request for the ICBC documents/evidence abruptly denied all pending motions and ordered closure of the entire collateral attack petition without any evidentiary hearing on the critical issue of the conspiracy and ICBC file or allowing me the opportunity to file a reply motion and to develop the record, despite previously granting me 30 days to reply to the prosecutor's response.

When I wrote to Judge Kaplan highlighting that he was endeavouring to cover-up the crime of conspiracy, he reversed himself and ordered me to file my reply motion. On May 5, 2022, concurrently with filing my reply motion, I also submitted formal notice to Judge Laura Taylor Swain, Chief Judge of Southern District of New York, notifying her that crimes had been perpetuated against me by the federal prosecutors and judges through the federal court. In response, Judge Kaplan, again immediately denied the collateral attack proceeding, this time on the basis of concocted arguments which I did not present to the Court and without granting my request for the ICBC documents/evidence or any evidentiary hearing with Mr. Hessler's testimony on the issue of conspiracy. On May 22, 2022, I responded to Judge Kaplan's denial order with clear and unambiguous evidence that I had already presented to the Court and which Judge Kaplan had ignored. I also presented to Judge Kaplan evidence of the crimes committed.

In addition, in trying to deny me the evidence which would prove my innocence, the judges, prosecutors, lawyers - Mr. Hessler and Linklaters have remained silent on my argument of conspiracy and fabrication of evidence. The silence is deafening.

### **An endeavour to distract from the truth:**

Unsurprisingly, to distract from the conspiracy and the fact that there was no evidence of fraud, concurrent with arresting me, the prosecutors also requested that the Department of Homeland Security (DHS) issue a detainer to hold me because, as they claimed, they did not know my identity. They claimed that I was using aliases (an allegation which was later proven to be false). Judge Sullivan and the prosecutors then announced publicly that I would abscond to Nigeria, a country where I am neither a citizen or resident, but where I maintain significant business interest, all in an endeavor to promote racist xenophobia and support their false narrative of fraud. This was done all while the prosecutors were in possession of my birth certificate which proved my name, place of birth and nationality. The prosecutors also refused to present my birth certificate to the jury at trial, in an endeavor to cover-up the truth and their conspiracy.

The prosecutors then extended their falsity to include my oil and gas business in their indictment and press release for fraud, they stated: ".....BRENNERMAN sought financing for purported business deals by falsely representing that Blacksands Pacific had significant worldwide involvement in the exploration and development of oil and gas reserves, produced over 10,000 barrels of oil per day, had over \$1 billion in long term assets and over 100 million barrels of proved oil reserves.....when, in fact, BRENNERMAN knew that Blacksands Pacific lacked any long-term assets, and had, at most, a few employees, and minimal involvement in the oil and gas industry."

In fact, the prosecutors knew their press statement and indictment were false. A year earlier, in the antecedent civil case from which the criminal cases arose at case no. 15-cv-0070 (LAK), before Judge Kaplan, Blacksands Pacific and Brennerman submitted on record with demonstrable evidence at 15-cv-0070 (LAK), EFC Nos. 127-128 highlighting that as of December 2016 (5 months prior to the indictment of May 31, 2017) 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 in reserves and production in-excess of 70,000 barrels of oil per day and 400 million cubic feet of gas per day totaling approx. 132,000 barrels of oil equivalent per day, valuing the business long-term assets in-excess of US\$4 billion. This fact was known to Judge Kaplan and the prosecutors prior to and during the criminal prosecution. However, the prosecutors intentionally omitted mentioning this business or fact during trial, even though the indictment was wrong, in an endeavor to falsely imprison me. Recently in the collateral attack proceedings, I reminded Judge Kaplan and the prosecutors this fact at: Brennerman v. U.S., 22 Cv. 996 (LAK), EFC No. 17, however both remained silent on the issue.

### **What's next?**

I keep writing about 3 things in all my filings:

- 1.) I need the documents/evidence which would show my innocence.
- 2.) Judge Sullivan fabricated evidence.
- 3.) Judge Sullivan, Judge Kaplan, the prosecutors and the lawyer - Paul Stephen Hessler, were involved in a conspiracy to intentionally deprive me of my liberty.

And worst of it the Chief Judge told me that there's nothing she can do, that I must seek relief from the very same judges who I have argued conspired against me and to file a report with the clerk of the Second Circuit court. This is why I ask you to investigate and write about my case.

### **Conclusion:**

In my court filings I clearly laid out my arguments that:

- 1.) Judge Kaplan ignored the law in finding me guilty of civil contempt, then illegally carried out extra-judicial research on me following which he then forced SDNY prosecutors to have me arrested on criminal contempt charges.
- 2.) The prosecutors, acting on behalf of Judge Kaplan, conspired with Linklaters LLP through Attorney Paul S. Hessler to intentionally withhold production of the documents and evidence (meeting minutes, notes, emails and underwriting file) from ICBC, so that I will be deprived of those documents and evidence for my defense at trial.

- 3.) Judge Kaplan, Judge Sullivan, and the prosecutors, intentionally denied my repeated requests for the documents and evidence from ICBC and its lawyers Linklaters LLP. The reason is so that the prosecutors can argue that because the documents/evidence were never in their custody, they were not obligated to produce it to me for my defense.
- 4.) Judge Sullivan fabricated the evidence by surreptitiously supplanting a non-FDIC insured institution with a FDIC insured institution so as to falsely satisfy the law to convict me of bank fraud and bank fraud conspiracy.
- 5.) Appellate judges protected Judge Sullivan by obfuscating the issue of the exculpatory evidence and the FDIC insurance.

When judges, prosecutors and lawyers conspire to deprive a defendant of liberty and the evidence that would demonstrate the defendant's innocence, when they ignore the law to prosecute and when they fabricate the evidence to satisfy the law, this situation must be investigated. I am fully committed to discovering the truth.

**My court filings are at:**

U.S. v. Brennerman, case no. 17 Cr. 337 (RJS), EFC Nos. 269, 270, 272, 274 (for the fraud case), and at;

Brennerman v. U.S., case no. 22 Cv. 996 (LAK), EFC Nos. [all docket entries] (for the criminal contempt of court case)

My correspondences with the Chief Judge are at: U.S. v. Brennerman, case no. 17 Cr. 337 (RJS), EFC No. 266, 267 and at Brennerman v. U.S., case no. 22 Cv. 996 (LAK), EFC No. 26.

**Personal/Background:**

Born in 1978, I grew-up living in New York city and then in London and Switzerland. I was admitted at the age of sixteen to one of Europe's most prestigious colleges at the University of London, where I earned my Bachelors degree with honors in Economics at the top of my class and later achieved a Masters degree from Columbia University. I started my career in Investment banking at JP Morgan Chase & Co with focus on mergers and acquisition in the U.S. and European markets. On leaving JP Morgan Chase & Co, I worked for the family energy business, which was started by my paternal grandfather in Louisiana. I also managed my family-owned real estate business and investments, established by my maternal grandparents. Having gained business experience, in 2004 I founded a real estate and lifestyle company, BLV Group Corporation and then in 2010 I founded an oil and gas company, Blacksands Pacific, which was one of only three black-owned energy business in the United States.

While in prison I contracted COVID-19 and developed COVID-19 pneumonia with severe breathing difficulty. As a diabetic with high blood pressure and requiring daily insulin injections, I am on the C.D.C. most at-risk category, yet Judge Sullivan has remained silent and refuses to correct his own fabrication of evidence and keeps me illegally imprisoned.

Respectfully yours,

Raheem J. Brennerman

[www.freeraheem.org](http://www.freeraheem.org)