

THE UNCHECKED POWERS OF U.S. FEDERAL JUDGES

Why the United States justice system cannot be trusted

To the word the American judicial system is widely regarded as scrupulously fair, based on the rule of law, underpinned by the U.S. Constitution. My personal experience sadly shows a reality that is vastly different. I have suffered from senior federal judges and prosecutors ignoring the law, withholding critical evidence and even going so far as to fabricating evidence so as to convict and imprison me. That the U.S. judiciary cannot be trusted haram the very fabric of American society.

This is my story. I have now been in federal prison for nearly 3 years and though I have filed many motions for my case to be dismissed, the district and appellant judges have ignored them, hoping that I would just give up. But I haven't gone away. Instead, from prison, my filings have kept a bright light shining on the misconduct and fabrication of evidence by two senior New York federal judges (Judge Lewis A. Kaplan and Judge Richard J. Sullivan) and several federal prosecutors (A.U.S.As Robert Nobleman, Nicolas Landsman-Roos, Danielle Sassoon and Emil Bove III). Ignoring me won't make the issue go away.

Judge ignored the law to indict

My story starts with a standard civil contractual dispute between my company, Blacksands Pacific Group, where I was CEO and a Chinese bank, ICBC. I was not a party to this civil lawsuit which was being heard before federal Judge Lewis A. Kaplan. In December 2016, during the discovery phase ICBC made a complaint to the Judge that Blacksands wasn't providing enough discovery even though the two companies were pursuing a settlement. This is when Judge Kaplan suddenly, over the space of 4 short days, and without giving me a chance to response, decided to charge me, a non-party, of civil contempt of court. Judge Kaplan didn't provide any legal cases to justify his decision even though the settled law, OSRecovery, Inc., v. One Groupe Int'l, Inc., is that a non-party can't be charged with contempt.

The robing room transcript

A few months later, though the transcript of a meeting between Judge Kaplan and the prosecutors in the Judge's robing room, I was able to piece together the events that then led to my arrest. In March 2017, Judge Kaplan summoned the prosecutors to his robing room forcing them to charge me and telling them that he had prepared an arrest warrant for me for criminal contempt. The prosecutors told the judge that an arrest warrant wasn't needed as they had spoken with me. Judge Kaplan, however, insisted that the warrant be issued, then he assigned the criminal contempt case to himself. The transcripts show that Judge Kaplan had Googled me, something federal judges aren't allowed to do as they need to stay impartial at all time. Judge Kaplan was behaving as the prosecution, the Chief complainant and the judge.

A month later I was arrested at my Las Vegas home. There were no pending charges, no indictments, no orders to show cause nor any complaints pending, egregiously violating all my Constitutional rights. A few weeks after that I was indicted on new charges of wire and bank fraud and their related conspiracy all coming from the same civil case. In this case there was no meaningful investigation. The FBI who would normally investigate fraud crimes were not involved. The prosecutors

were the same for both cases but a new judge, Judge Richard J. Sullivan, was assigned to preside over the fraud case.

Judge withheld evidence

Leading up to both trials later in 2017, I repeatedly requested a key piece of evidence, the ICBC transaction files, that I needed to impeach witnesses and make a complete defense. But both Judge Kaplan and Judge Sullivan refused to instruct the prosecutors to obtain these files, pre-trial, during trial and post-trial, even though they were critical to my defense. The files would have demonstrated that ICBC didn't rely on any representations for the financing that was the initial indictment of fraud against me and that ICBC had repeatedly told my company that they were not interested in discovery because they preferred to settle the matter. Incredibly I have so far asked Judge Sullivan 12 times for the files, and each time he has refused.

Judge swayed the jury

At the contempt trial Judge Kaplan then allowed the prosecutors to present the civil contempt finding that the judge had suddenly made against me a year earlier. This was against the law; worse the jury were swayed according to interviews by a law journal Law 360 of one of the jurors.

Judge fabricated evidence

At the fraud trial, which started out as a \$300 million fraud allegation, due to no evidence of the alleged fraud, then pivoted to fraud based on me having banking perks worth \$6,500. This new charge, however, hinged on whether the bank in question was FDIC insured. And here Judge Sullivan fabricated the evidence at sentencing by declaring that the bank was FDIC insured when it plainly wasn't, as the evidence at trial showed. Without this I could not be found guilty or imprisoned.

Conclusion

The question I pose is, were the Judges Kaplan and Sullivan impartial? The evidence shows that they were not. I would go even so far as to say that the judges conspired to convict me and by extension are illegally convicting innocent men and women every day.

I regard myself as being fortunate enough to have been able to piece together the evidence of misconduct and fabrication of evidence though it took me many months spent in the prison library. Even then, the unchecked powers of federal judges are so overwhelming that lawyers I tried to hire to represent me have all withdrawn, the issues were too hot for them to handle. Other innocent men and women are unable to do what I have been fortunate enough to do.

The United States judicial system cannot be trusted and a criminal defendant does not receive a fair trial. That is my conclusion. Worse, the power of Judges Kaplan and Sullivan and the prosecutors go unchecked every day. I hope the light that I have shone on such judicial misconduct and on judges and prosecutors conspiring to achieve prosecutions that harm the very bedrock of our society will make our lawmakers take note.

Raheem J. Brennerman, is an oil and real estate businessman who grew-up living between New York city and London.