

FROM: 54001048
TO: Taubenhaus, Marsha R
SUBJECT: BRENNERMAN REPRESENTATION SUMMARY (ADDENDUM - I)
DATE: 03/25/2024 06:14:18 AM

PART ONE

CLIENT REPRESENTATION SUMMARY

Hello Attorney Taubenhaus,

I am writing to you after conferring with U.K. counsels and the British Government. Below are the issues to include in an addendum letter to the British Government, to accentuate the miscarriage of justice concerns with my criminal cases and convictions. The addendum letter needs to address the injustices with both the antecedent civil case from which the criminal cases arose, the criminal contempt of court conviction and the fraud conviction.

SUMMARY ON THE MISCARRIAGE OF JUSTICE CONCERNS WITH MR. BRENNERMAN'S CRIMINAL CASES AND CONVICTIONS

1.) MISCARRIAGE OF JUSTICE CONCERNS IN THE FRAUD CASE

(a.) MR. BRENNERMAN WAS DEPRIVED OF THE PERTINENT EVIDENCE [ICBC UNDERWRITING FILE] WHICH HE REQUIRED TO SUPPORT HIS DEFENSE AND ALSO CONFRONT WITNESSES AGAINST HIM.

Following referral of Mr. Brennerman for criminal prosecution by Judge Lewis A. Kaplan, the prosecution commenced their investigation by making requests of ICBC's New York based counsel, Linklaters LLP through Attorney Paul S. Hessler for the pertinent ICBC documents. Mr. Hessler provided the prosecution with communications between Blacksands Pacific and ICBC on the one part and Mr. Brennerman and ICBC on the other part. However, glaringly obvious from the document production were the missing pertinent ICBC documents - there was no transaction underwriting file, no ICBC internal documents or minutes and no settlement discussion notes, meeting minutes or emails.

The prosecution then proceeded to obtain a search warrant upon Judge Kaplan insisting on them enforcing his arrest warrant, to obtain Mr. Brennerman's electronic devices so they may prove that those communications provided by Attorney Hessler was from Mr. Brennerman.

Prior to trial, Mr. Brennerman through his counsel at Thompson Hine LLP notified the prosecution of the missing ICBC documents which he (Brennerman) required for his defense. The prosecution refused to obtain or review those missing ICBC files and the Courts - both Judges Kaplan and Sullivan denied Mr. Brennerman's request to compel for the missing ICBC files.

During trial of the fraud case, the prosecution's sole witness from ICBC, Mr. Julian R. Madgett, testified in open Court before the Court and prosecution that the missing ICBC files including the underwriting file were provided by ICBC to their counsel, Linklaters LLP and that their counsel had communicated with the U.S. Attorney office. He also testified that the missing ICBC underwriting file, documents the basis for the bank, ICBC, approving the bridge finance thus would highlight which representation or alleged misrepresentation were MATERIAL to the bank in approving the bridge finance. See 17 CR. 337 (RJS), trial tr. 551-554.

During trial following Mr. Madgett's testimony, Mr. Brennerman again requested that the Court (Judge Sullivan) compel the prosecutors to obtain the missing ICBC file and present it to him (Brennerman) for his complete defense or in the alternative for ICBC to provide the missing ICBC file to him for his complete defense. See 17 CR. 337 (RJS), ECF No. 71, however, Judge Sullivan denied Mr. Brennerman's request while permitting Mr. Madgett to testify as to the contents of the missing ICBC underwriting file knowing that Mr. Brennerman was already deprived of the evidence (ICBC underwriting file) and would be unable to meaningfully cross-examine Mr. Madgett as to substance and credibility on the issue. Mr. Madgett made misleading statements to the jury, however, Mr. Brennerman was deprived of the ability to rebut his statements. That violated Mr. Brennerman's right to a fair trial by depriving him of his rights to present his complete defense and to confront witnesses against him. See 17 CR. 337 (RJS), ECF No. 96 (trial tr. 617-623)

That was not inadvertent but a deliberate endeavor by the prosecution and Courts (Judges Kaplan and Sullivan) to deprive Mr. Brennerman of his rights to a fair trial particularly given that the Courts asked Mr. Hessler, who was no longer employed at

Linklaters LLP at the time of the trials to confirm whether all ICBC evidence with Linklaters LLP had been turned over to the defense rather than simply compelling Linklaters LLP itself for the ICBC files.

During Mr. Brennerman's direct appeal, the Second Circuit U.S. Court of Appeals incorrectly stated that: "[t]he only indication that the document (ICBC file) is extant comes from Brennerman's bare assertion" in contrast with the trial records.

(b.) MR. BRENNERMAN WAS CONVICTED BASED UPON A THEORY WHICH BEARS NO RESEMBLANCE TO THE THEORY PROPOUNDED IN THE CHARGING DOCUMENT AND THE COURT (JUDGE RICHARD J. SULLIVAN) MADE FACTUALLY AND LEGALLY FLAWED RULINGS TO WRONGLY CONVICT AND IMPRISON HIM.

Mr. Brennerman was charged with "obtaining financing through fraud for purported business ventures" however during trial when the evidence and testimony did not support that theory, the prosecution pivoted to argue that Mr. Brennerman became entitled to banking perks including sky miles, free checking account and lower interest rate worth \$6,500 which was never charged in the charging document.

However, to convict Mr. Brennerman for bank fraud, the institution where he received the alleged banking perks had to be federally insured (FDIC insured). Judge Richard J. Sullivan then surreptitiously supplanted a non-FDIC insured (not federally insured) institution, Morgan Stanley Smith Barney, LLC (MSSB) where Mr. Brennerman opened his wealth management account based on all evidence adduced at trial, with a FDIC-insured (federally insured) institution, Morgan Stanley Private Bank (MSPB), so as to falsely satisfy the law and statute which requires that the institution be FDIC insured (federally insured) to wrongly convict and imprison Mr. Brennerman. This deprived Mr. Brennerman of his human and Constitutional rights to a fair trial and liberty.

Judge Sullivan has been advised numerous times of his factually and legally flawed rulings to wrongly convict and imprison Mr. Brennerman, however, he has chosen to ignore them including refusing to even docket some of the submissions.

Demonstrable Evidence:

(i.) Petition for Panel Rehearing/Rehearing En banc at the U.S. Court of appeals for the Second Circuit at Appeal No. 18-3546, Doc. No. 190 and in the Petition for writ of Certiorari at the U.S. Supreme Court at Doc. No. 20-6638

(ii.) Notification of violation to Court submission at U.S. District Court, S.D.N.Y. at case no. 17 CR. 337 (RJS), ECF No. 298

(iii.) motion at U.S. Court of Appeals for the Second Circuit at Appeal No. 23-6180, Doc. No. 28

(iv.) Collateral attack Petition submission at U.S. District Court, S.D.N.Y. at case no. 17 CR. 337 (RJS), ECF Nos. 269, 270, 272, 274, 290, 298, 303.

2.) MISCARRIAGE OF JUSTICE CONCERNS IN THE CRIMINAL CONTEMPT OF COURT CASE

(a.) DENIAL OF MR. BRENNERMAN'S EFFORT TO OBTAIN DISCOVERY - THE MISSING ICBC (LONDON) PLC ("ICBC") FILES INCLUDING THE [UNDERWRITING FILE] AND SETTLEMENT DISCUSSION [MEETING MINUTES], [NOTES], AND [E-MAILS]

Prior to trial, government prosecutors made request to ICBC's New York based counsel, Linklaters LLP through Attorney Paul S. Hessler, to obtain in-excess of 5,000 pages of discovery, however missing from the discovery production were the pertinent ICBC files including the transaction [underwriting file] and settlement discussions [meeting minutes], [notes], [e-mails] which Mr. Brennerman required to present his complete defense at trial.

To prepare for trial, Mr. Brennerman made requests to the prosecution for the missing ICBC files, however they refused to obtain or review those files from ICBC. ICBC also refused Mr. Brennerman's direct request for the files and Judge Lewis A. Kaplan denied Mr. Brennerman's request for subpoena to compel for the missing ICBC files. Thus at trial, Mr. Brennerman was deprived of the very evidence, missing ICBC files, which he required to present his complete defense, thereby depriving him of his right to a fair trial.

The missing evidence - ICBC files would have cast significant reasonable doubt in the minds of the jurors, particularly given that the second order in September 2016, specifically stipulated for the "parties to either settle or produce for discovery" and agents of ICBC, recipient of the discovery, repeatedly and continually advised Mr. Brennerman and Blacksands Pacific that they did not want more discovery but rather preferred to negotiate settlement.

Agents of ICBC and Blacksands Pacific negotiated settlement resulting in the draft settlement agreement at 17 CR. 155 (LAK), ECF No. 12 Ex. 10, however, Linklaters LLP (attorney for ICBC) and Attorney Paul S. Hessler, withheld and hid the missing ICBC files from Mr. Brennerman so he would be unable to present it to the jury at trial and the prosecution refused to obtain or present them..

The evidence would have shown that neither Mr. Brennerman nor Blacksands Pacific willfully or defiantly disobeyed the court order(s) directed at the company.

(b.) MR. BRENNERMAN WAS SIGNIFICANTLY PREJUDICED THROUGH THE PRESENTMENT OF THE ERRONEOUSLY ADJUDGED CIVIL CONTEMPT ORDER TO THE JURY DURING THE CRIMINAL CONTEMPT OF COURT TRIAL.

Judge Lewis A. Kaplan erroneously adjudged the civil contempt order against Mr. Brennerman by ignoring the finding in "OSRecovery, Inc., v. One Groupe Int'l, Inc., 462 F.3d 87 (2d Cir. 2006)" and the rules and law for compelling non-parties to produce for discovery. So after Judge Kaplan improperly held Mr. Brennerman in civil contempt in the antecedent civil case at 15 CV. 70 (LAK), ECF Nos. 139-140, he referred him for criminal prosecution.

During trial for the criminal contempt of court case, having prevented the jury from considering the missing ICBC files, Judge Kaplan then permitted the prosecution to present the erroneously adjudged civil contempt order to the jury (See Trial Tr. at case no. 17 CR. 155 (LAK), Trial Tr. 3-7), which significantly prejudiced him.

In OSRecovery, the Second Circuit Court promulgated: "Moreover we think it is fundamentally unfair to hold [a non-party] in contempt as if he were a party without sufficient legal support for treating him, a non-party, as a party but only for the purpose of discovery." OSRecovery, Inc., 462 F.3d at 90. In OSRecovery, the Second Circuit Court had found that the district court abused its discretion by holding a person "in contempt as a party without sufficient explanation or citation to legal authority supporting the basis upon which the court relied in treating [him] as a party --- for discovery purposes only --- despite the fact that [he] was not actually a party." Id at 93

Here, Judge Kaplan (the same district judge whose contempt order the Second Circuit found inappropriate in OSRecovery) held Mr. Brennerman in civil contempt as a non-party and failed to provide any legal authority or present any particular theory for treating him as a party solely for the purpose of discovery. See ICBC (London) PLC v. The Blacksands Pacific Group, Inc., 15-CV-70 (LAK)(S.D.N.Y. 2016) at ECF Nos. 139-140. No court order, subpoena or motion to compel were ever directed at Mr. Brennerman personally nor was he present during the civil case's various proceedings.

The presentment of the erroneously adjudged civil contempt order swayed the jury to find Mr. Brennerman guilty of criminal contempt of court according to an interview given by one of the jurors (named Gordon) to the media. (See Law 360 article at 17 CR. 337 (RJS), ECF No. 236 Ex. 3 at 17). The questions of whether the civil contempt order was improperly adjudged against Mr. Brennerman goes beyond a simple analysis of Rules 403 and 404(b) of the Federal Rules of Evidence. Mr. Brennerman was a non-party in the civil lawsuit at the time of the civil order. Because the order was erroneously adjudged against him, its erroneous adjudication had more serious legal implications above and beyond an abuse of discretion analysis.

The erroneous adjudication of the civil contempt order was more than an evidentiary error. It violated the Court's instruction concerning contempt orders against non-parties.

This issue was presented in the Petition for Rehearing en banc at the Second Circuit Court at Appeal No. 18-1033, Doc. No. 314 and in the Petition for writ of certiorari at the U.S. Supreme Court at Doc. no. 20-6895

FROM: 54001048
TO: Taubenhaus, Marsha R
SUBJECT: BRENNERMAN REPRESENTATION SUMMARY (ADDENDUM - II)
DATE: 03/25/2024 06:14:22 AM

PART TWO

(c.) JUDGE KAPLAN IMPROPERLY PIERCED THROUGH THE CORPORATE VEIL OF THE CORPORATION, THE BLACKSANDS PACIFIC GROUP, INC ("BLACKSANDS PACIFIC") TO HOLD MR. BRENNERMAN IN CIVIL CONTEMPT OF COURT

In "OSRecovery" the Second Circuit Court rejected Judge Kaplan's statement that ".....because OSRecovery is nothing more than a front for Clare, who entirely dominates and controls it" Id. Thus, according to the Court, Clare is a party as OSRecovery's proxy id. 2005 U.S. Dist. LEXIS 15699 at "3-4"

At 15 CV. 70 (LAK), ECF Nos. 127-128, the corporation, Blacksands Pacific, submitted its corporate shareholding structure to Judge Kaplan, which highlighted that Mr. Brennerman was not a direct shareholder of the corporation. However, Judge Kaplan ignored the submission. Furthermore, Judge Kaplan made no inquiries or fact-finding other than the proffer of ICBC (London) plc prior to illegally and improperly piercing through the corporate veil of Blacksands Pacific to hold Mr. Brennerman in civil contempt.

(d.) MR BRENNERMAN WAS DEPRIVED OF HIS CONSTITUTIONAL RIGHTS WHEN HE WAS ARRESTED BASED ON A DEFECTIVE ARREST WARRANT.

The issue of the arrest warrant at 17 CR. 155 (LAK), ECF No. 12 Ex. 3. The entire issue is contained within the one page arrest warrant. It was improperly issued and its issuance violated Mr. Brennerman's Fourth and Fifth Amendment rights.

The arrest warrant, while it bore the civil case no. 15 CV. 70 (LAK), from the antecedent case between ICBC (London) plc and The Blacksands Pacific Group, Inc., the caption on the arrest warrant was for the criminal case, United States v. Brennerman, even though it was issued at a time when the criminal case did not exist.

Additionally, because none of the offense conduct which the arrest warrant charged were pertinent to Mr. Brennerman, the judge crossed-out one of the check box and wrote-in "The Petition" even though no petition existed at the time, because the judge had failed to sign the draft order to show cause petition presented pursuant to Federal Rule of Criminal Procedure 42 by the prosecution. In fact, the petition was not issued and signed until 5 months later in August 2017 after Mr. Brennerman's arrest.

The question is: Whether the arrest warrant was fabricated and whether its issuance violated Mr. Brennerman's Fourth and Fifth amendment rights? No petition, information, indictment, order to show cause etc. existed at the time of its issuance. Judge Kaplan had failed to sign the order to show cause as it related to Mr. Brennerman, so there was no probable cause basis for the issuance, hence why the judge crossed-out and wrote-in his own offense conduct - "The Petition" which did not exist at the time plus the criminal case caption did not exist at the time of its issuance.

The addendum letter should be addressed to:

The Rt. Hon. David CAMERON MP
United Kingdom Foreign Secretary
FOREIGN, COMMONWEALTH & DEVELOPMENT OFFICE
King Charles Street
London. SW1A 2AH
UNITED KINGDOM

-and-

The Rt. Hon.. David RUTLEY MP
Minister for Americas and the Caribbean
FOREIGN, COMMONWEALTH & DEVELOPMENT OFFICE
King Charles Street

London. SW1A 2AH
UNITED KINGDOM

-and-

The Rt. Hon. Greg HANNS MP
Member of Parliament for Chelsea and Fulham |
Chairman of the conservative party
HOUSE OF COMMONS
London. SW1A 0AA
UNITED KINGDOM

At the bottom of the letter, the following should be copied (CC'ed on the letter)

- a.) Ms. Lisa STRATHDEE, Vice Consul, BRITISH CONSULATE GENERAL (New York), One Dag Hammarskjold Plz, 885 Second Avenue, New York, New York 10017. UNITED STATES.
- b.) Honorable Volker TURK, United Nations High Commissioner for Human Rights, THE OFFICE OF THE UNITED NATIONS HIGH COMMISSIONER FOR HUMAN RIGHTS (OHCHR), Palais Des Nations, CH-1211, Geneva 10. SWITZERLAND
- c.) Honorable Representative Hakeem JEFFRIES, House Minority Leader, UNITED STATES HOUSE OF REPRESENTATIVES, 2433 Rayburn HOB, Washington, DC 20515. UNITED STATES
- d.) Honorable Senator Charles SCHUMER, Senate Majority Leader, UNITED STATES SENATE, 322 Hart Senate Office Building, Washington, DC 20510. UNITED STATES
- e.) Honorable Merrick B. GARLAND, United States Attorney General, U.S. DEPARTMENT OF JUSTICE, 950 Pennsylvania Avenue, NW, Washington, DC 20530-0001. UNITED STATES
- f.) Mr. Kenneth A. POLITE JR., Assistant Attorney-General for Criminal Division, U.S. DEPARTMENT OF JUSTICE, 950 Pennsylvania Avenue, NW, Washington, DC 20530-0001. UNITED STATES
- g.) Honorable John ROBERTS, Chief Justice, SUPREME COURT OF THE UNITED STATES, 1 First Street N.E. Washington, DC 20543

Note: Please send the letter and any exhibits by courier.

Also, please send an e-mail with the letter and any exhibits to the e-mail addresses highlighted below (in one single e-mail)

- 1.) rjbrennerman@gmail.com
- 2.) handsg@parliament.uk
- 3.) UKinNewYork@fcdo.gov.uk
- 4.) fcdo.correspondence@fcdo.gov.uk
- 5.) kaddy.bojang2@fcdo.gov.uk

- 6.) keir.starmer.mp@parliament.uk
- 7.) ohchr-infodesk@un.org
- 8.) ohchr-civilsociety@un.org
- 9.) congressmanjeffries08@gmail.com
- 10.) kate.beioley@ft.com
- 11.) joe.miller@ft.com

Thank you and best regards,

Written by Ms. Nikki
as instructed and on behalf of:
Mr. Raheem J. Brennerman
E: rjbrennerman@gmail.com
W: <https://freeraheem.org>