

Raheem J. Brennerman
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The Hon. Laura Taylor Swain
Chief Judge
UNITED STATES DISTRICT COURT
Southern District of New York
Daniel Patrick Moynihan U.S. Courthouse
500 Pearl Street
New York, New York 10007

April 14, 2022

BY CERTIFIED FIRST CLASS MAIL

Regarding: U.S. v. Brennerman et. ano., 17 Cr. 155 (LAK)
Brennerman v. U.S., 22 Cv. 996 (LAK) (arising from U.S. v. Brennerman, 17 Cr.
337 (RJS))
LETTER TO CHIEF JUDGE (S.D.N.Y.)

Dear Judge Swain,

The undersigned, Raheem Jefferson Brennerman ("Brennerman") respectfully submits this correspondence following his previous correspondence(s) dated August 10 and 24, 2021 and your response dated August 17, 2021. This correspondence is presented with upmost regard for this Court and as requested by the investigative journalists currently observing the proceedings in respect of the two criminal cases, for the story on the misconduct.

On November 16, 2021, Brennerman submitted his Collateral Attack Motion before Judge Richard J. Sullivan in respect of the fraud conviction at case no. 17 Cr. 337 (RJS) and on January 31, 2021, he submitted his Collateral Attack Motion before Judge Lewis A. Kaplan in respect of the criminal contempt of court conviction at case no. 17 Cr. 155 (LAK). The Court filings are at:

U.S. v. Brennerman, case no. 17 Cr. 337 (RJS), EFC Nos. 269, 270, 272, 274 in respect of the fraud case; and Brennerman v. U.S., case no. 22 Cv. 996 (LAK), EFC Nos. 1, 2, 4, 9, 12, 17, 18 and at U.S. v. Brennerman et. ano., case no. 17 Cr. 155 (LAK), EFC Nos. 211, 212, 215, 222, 223, 227, 228 in respect of the criminal contempt of court case.

The Collateral Attack Motions, highlight the conspiracy to deprive Brennerman of the requested documents/evidence so as to wrongly convict and falsely imprison him. Among others, the motions highlight:

The history of the conspiracy commenced in 2016, when Judge Lewis A. Kaplan ignored the federal rule to conduct extra-judicial research into Petitioner, Raheem Jefferson Brennerman ("Brennerman"), including googling Brennerman and realizing that he is a black businessman, Judge Kaplan invited Linklaters LLP through Attorney Paul S. Hessler, who was responsible for the ICBC London relationship at Linklaters LLP's New York office, to pursue Brennerman for contempt even while there was no court order directing Brennerman personally to do anything. The underlying civil case before Judge Lewis A. Kaplan at Civil Action No. 15 Cv. 0070 (LAK) was between ICBC (London) plc ("ICBC London") and The Blacksands Pacific Group, Inc. ("BSPG"), an oil and gas corporation where Brennerman was Chairman and CEO. Without even filing a motion to compel Brennerman personally, Mr. Hessler filed an order to hold Brennerman in contempt of court, illegally piercing through the corporate veil of BSPG. Judge Kaplan did not permit either Brennerman or his attorney enough time to appear in Court before granting Mr. Hessler's request and holding Brennerman personally in civil contempt. Following which, Judge Kaplan then actively sought U.S. DOJ prosecutors at USAO, SDNY to prosecute Brennerman criminally. When the initial set of federal prosecutors refused to prosecute, Judge Kaplan actively sought more willing prosecutors.

In early 2017, the new U.S. DOJ prosecutors from USAO, SDNY charged Brennerman in two interrelated criminal cases, criminal contempt of court at case no. 17 Cr. 155 (LAK), before the same judge who initiated the prosecution, Judge Lewis A. Kaplan and fraud case at case no. 17 Cr. 337 (RJS) before Judge Richard J. Sullivan.

The criminal contempt of court case charged Brennerman with flagrant defiance and willful disobedience of a legal court order issued by Judge Lewis A. Kaplan to BSPG notwithstanding that Brennerman was not personally named in the said court order. The fraud case charged Brennerman with fraud related to the bridge loan transaction between ICBC London, BSPG and Blacksands Pacific Alpha Blue, LLC ("BSPAB"). Both criminal cases required the requested evidence/documents, [underwriting file], [meeting minutes], [notes], [e-mails] from ICBC London, to demonstrate that neither BSPG or Brennerman, willfully disobeyed or defied the court order, because agents of ICBC London continually advised agents of BSPG and Brennerman that they were interested in settling rather than receiving more discovery (BSPG had already provided over 400 pages of discovery at that point), compelling Brennerman and agents of BSPG to focus on settlement rather than discovery. A settlement was agreed-in-principle prior to commencement of the prosecution (see Draft Settlement Agreement at U.S. v. Brennerman et. ano., 17 Cr. 155 (LAK), EFC Nos. 12 Ex. 10), however Judge Kaplan insisted on proceeding with the criminal prosecution. The [underwriting file] was also required for Brennerman's defense in the fraud case, for him to demonstrate that ICBC London did not rely on any representations or alleged misrepresentations by BSPG or Brennerman, in approving the bridge loan.

However, Linklaters LLP through Attorney Paul S. Hessler conspired with the U.S. DOJ prosecutors at USAO, SDNY, acting on behalf of Judge Lewis A. Kaplan, to deprive Brennerman access to the documents/evidence by intentionally withholding the production of those pertinent and exculpatory evidence/documents to the U.S. DOJ prosecutors at USAO, SDNY, so as to ensure that they [prosecutors] would not produce the documents/evidence to Brennerman for his defense.

During trial of the fraud case, the U.S. DOJ prosecutors from USAO, SDNY presented their sole witness from ICBC London, Mr. Julian Madgett who testified to the jury as to the contents of the underwriting file in establishing the essential element of "Materiality" necessary to convict Brennerman, knowing that Brennerman had been deprived of the documents/evidence he required to challenge Mr. Madgett's testimony and defend himself. The U.S. DOJ prosecutors from USAO, SDNY never obtained or independently reviewed the underwriting file to corroborate the statements of Mr. Madgett prior to charging Brennerman with a crime or presenting his testimony at trial. More significantly, the U.S. DOJ prosecutors from USAO, SDNY never obtained or produced those documents/evidence to Brennerman for his defense. The reason why the prosecutors refused to obtain or independently review the underwriting file is so that they can argue that it [ICBC underwriting file] is not BRADY material, because if the documents/evidence were never in their custody then they can argue that they are not obligated to produce it to Brennerman for his defense. This was done with the deliberate intention to violate Brennerman's Constitutional rights.

At trial, Mr. Madgett testified as to the existence of the underwriting file, its importance to the criminal cases. He [Madgett] testified that the underwriting file documents the basis for the bank, ICBC London approving the bridge loan finance between ICBC London, BSPG and BSPAB, thus highlighting what the bank relied upon in approving the bridge loan. Yet the U.S. DOJ prosecutors from USAO, SDNY refused to obtain, review or produce the documents/evidence. Mr. Madgett also testified that, the bank, ICBC (London) plc had produced all documents/evidence related to the transaction to their New York based counsel, Linklaters LLP and Attorney Paul S. Hessler and he [Madgett] was unaware whether those documents / evidence were fully turned over to the defense. See U.S. v. Brennerman, 17 Cr. 337 (RJS), trial tr. 551-554; see also U.S. v. Brennerman et. ano., 17 Cr. 155 (LAK), EFC No. 215 Ex. 1; and Brennerman v. U.S., 22 Cv. 996 (LAK), EFC No. 9 Ex. 1.

To convict Brennerman for bank fraud and bank fraud conspiracy, Judge Richard J. Sullivan then intentionally misrepresented (fabricated) evidence by surreptitiously supplanting Morgan Stanley Smith Barney, LLC a non-FDIC insured institution with Morgan Stanley Private Bank, a FDIC insured institution, so as to falsely satisfy the law to convict and imprison Brennerman. See U.S. v. Brennerman, 17 Cr. 337 (RJS), EFC Nos. 269, 270, 272, 274; see also 17 Cr. 337 (RJS), EFC No. 272 (emphasis added). Throughout the prosecutions, both Judge Kaplan and Judge Sullivan intentionally denied and deprived Brennerman access to those ICBC London documents/evidence. They both repeatedly denied Brennerman's request for the documents / evidence.

During appeal of the criminal convictions, as highlighted at U.S. v. Brennerman, 17 Cr. 337 (RJS), EFC No. 269, the Second Circuit U.S. Court of Appeals' panel Court of three appellate judges, in an endeavor to protect Judge Sullivan, obfuscated on the issue of misrepresentation with respect to the bank fraud conviction and falsely stated in their affirmation summary order that "the only indication that such documents [ICBC underwriting file] are extant comes from Brennerman's bare assertions (Slip Op., No. 18-3546, EFC No. 183 At 4-5)" in contrast with the case record and testimony at U.S. v. Brennerman, 17 Cr. 337 (RJS), trial tr. 551-554.

Recently, during the Collateral Attack Proceedings, Judge Lewis A. Kaplan on February 15, 2022, in an order at 17 Cr. 155 (LAK), EFC No. 216 and at 22 Cv. 996 (LAK), EFC No. 6, did not contend that the process adopted by Petitioner for requesting the documents/evidence required in furtherance and support of his Omnibus Motion lacked consonance with the norm in the context of a collateral attack petition and/or proceedings, yet inexplicably, Judge Kaplan attempted to obfuscate Petitioner's request, by stating that Petitioner requested for [unspecified] documents/evidence. This was/is an erroneous statement intentionally made by Judge Kaplan to cause prejudice as more succinctly presented in Petitioner's submission titled: "Response to Court order (Re: Request for Evidence)" at Brennerman v. U.S., 22 Cv. 996 (LAK), EFC Nos. 11, 12.

In presenting the collateral attack petitions, Brennerman endeavored to fully develop the records with respect to the conspiracy to deprive him of pertinent and exculpatory evidence so as to deprive him of liberty and the intentional misrepresentation of evidence to falsely satisfy the law to convict and imprison him.

Furthermore, Brennerman has also written to Linklaters LLP to notify them that he is filing formal complaint in the United Kingdom with the Solicitors Regulation Authority ("SRA") and the Serious Fraud Office ("SFO"), to allow both institutions to investigate the conspiracy and undertake any necessary prosecution of Linklaters LLP in the U.K. That process will uncover the conspiracy and also produce the ICBC pertinent and exculpatory documents/evidence.

Judge Kaplan, in an endeavor to cover-up the conspiracy, following Brennerman's request for ICBC evidence and extension to file reply motion, 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 Brennerman the opportunity to file a reply motion (to rebut Government's response) and to fully develop the record, despite previously granting him 30 days to reply to Government's response. Judge Kaplan's denial was to cover-up the conspiracy to deprive Brennerman of the ICBC evidence, and testimony of Mr. Hessler to explain why he [Mr. Hessler] withheld the evidence. In addition inexplicably Judge Sullivan has not yet rectified the Constitutional rights violation cited after 5 months. These actions by 2 senior federal judges has precipitated the investigative journalists to ask whether there is/was any supervisory authority for Brennerman to turn to, because he remains unjustly incarcerated. Such uncertainty adduced this correspondence to the Chief Judge of the Southern District of New York to ascertain whether there is any authority within S.D.N.Y. or elsewhere, who can rectify the miscarriage of justice which Brennerman continues to suffer.

Brennerman respectfully submits the above with the upmost respect for this Court. And understands, that while this Court was never involved with these criminal cases, it is now being involved solely given the Court's position as the Chief judge of Southern District of New York.

Brennerman's mother would have been 73 years old on April 4, 2022 however she passed away on May 18, 2019 while waiting for Brennerman to clear his name and return to donate his kidney to save her. Brennerman would be 44 years old, a week from the date of this letter. He has been deprived and robbed of 5 years of his life since April 19, 2017 when this situation commenced, and Brennerman was arrested on April 19, 2017, based on Judge Kaplan's insistence.

Brennerman respectfully submits this correspondence and hopes that a supervisory authority within the Southern District of New York judiciary will intervene to protect United States' democracy which affords every person(s) within its territory the right to liberty and from unwarranted infringement of such right through misconduct. Any response will be greatly appreciated.

Dated: April 14, 2022
White Deer, Pa. 17887-1000

Respectfully submitted

/s/ Raheem J. Brennerman
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Cc: Hon. Lewis A. Kaplan
Cc: Hon. Richard J. Sullivan

Cc: Mr. Coulter Jones, Wall Street Journal
Cc: Mr. Alan Feuer, New York Times.

Cc: Linklaters LLP