

UNCHECKED POWERS OF U.S. FEDERAL JUDGES

Why the United States justice system cannot be trusted

The Constitution affords certain inalienable rights to every person within the U.S. Those Constitutional rights were not afforded to me. In my experience the American justice cannot be trusted and criminal defendants do not receive a fair trial.

A businessman who grew-up in New York and London, I have been in federal prison for over 2.5 years, as a result of misconduct by two senior federal judges and four Manhattan federal prosecutors. I have filed motion highlighting how Judge Lewis A. Kaplan willfully ignored the law to imprison me and that Judge Richard J. Sullivan fabricated evidence to convict me while denying me access to a critical piece of evidence I required to defend myself at trial.

The history of this misconduct and miscarriage of justice commenced in December 2016, Judge Kaplan of the Southern District of New York presiding over a civil dispute between ICBC (London) plc, a U.K. subsidiary of a Chinese bank and The Blacksands Pacific Group, Inc., a U.S. oil and gas development company where, I was Chairman and CEO, a case in which I was not a party, ignored the law in "OSRecovery, Inc., v. One Groupe Int'l, Inc., that a judge could not hold a non-party in contempt, ignored the law, illegally piercing through the corporate structure of Blacksands Pacific, to hold me, a non-party, in contempt without providing any supporting legal citation or explanation, no motion-to-compel nor any subpoena. Judge Kaplan then went a step further by actively persuading federal prosecutors to prosecute me criminally, and when the initial prosecutors declined to prosecute, he actively sought new more willing prosecutors.

The new prosecutors, again without considering the law in OSRecovery then initiated criminal contempt proceedings against me. On March 7, 2016, Judge Kaplan summoned the prosecutors to his robing room telling them that he had prepared an arrest warrant for me. The prosecutors attempted to convince Judge Kaplan that an arrest was not required but he insisted an arrest warrant be issued, breaking the U.S. federal rule that a judge merely execute a warrant initiated by prosecutors, not one prepared by the judge. Judge Kaplan having referred me for criminal prosecution and insisting on having me arrested then assigned the case to himself, acting as complainant, prosecutor and judge.

On April 19, 2017, I was arrested at my Las Vegas home, with no pending charges or complaints, no indictments and no orders to show cause. There was no basis for my arrest. Though I was granted bail, a few weeks later, without any meaningful investigation (the FBI who would normally investigate fraud crimes were never involved), I was indicted for wire and bank fraud by the same prosecutors based on the same civil case from which the criminal contempt of court had arisen.

Files from ICBC that would have shown that ICBC and Blacksands were trying to settle their civil case, that no one was defying court orders, so a criminal contempt case could not be brought, were not reviewed or even requested by the prosecutors when they indicted me on fraud charges.

Pre-trial the prosecutors refused my request for the ICBC files that allegedly highlighted my misconduct and Judge Kaplan then denied my request to compel the prosecutors to provide me with the files. More significantly, Judge Kaplan allowed prosecutors to present to the jury the wrongly adjudged civil contempt case order as did the judge. In the law journal, Law 360, a juror stated that jurors had been swayed by specific evidence of Judge Kaplan holding me in civil contempt.

The fraud case tried by Judge Sullivan was even more egregious. Prior to trial, I requested the judge to exclude testimony from any witness from ICBC because it would be unfair and highly prejudicial as I would not be able to meaningfully cross-examine the witness. Judge Sullivan denied my request. During trial, the prosecution's sole witness from ICBC testified that the underwriting files, which would have highlighted if any fraud occurred or not existed in London, that the prosecutors had never requested, obtained or reviewed these files. I again asked Judge Sullivan to compel the prosecutors to obtain the files. Judge Sullivan denied my request while confirming that the evidence existed in London. I have so far asked Judge Sullivan twelve times for the ICBC files which he has denied each time.

For the bank fraud charge, I was charged with fraudulently obtaining \$300 million financing. During trial it became clear that I had never requested or obtained any financing from a Morgan Stanley subsidiary where I had opened an account, so post trial the prosecution and Judge Sullivan alleged that the fraud was now entitlement to banking perks worth \$6,500 including free checking account, sky miles and a "fancy" credit card. Even worse this account was only opened for a few weeks with not enough time to receive perks, and the "fancy" credit card was issued by another institution.

Even worse trial evidence demonstrated that I opened my account at Morgan Stanley Smith Barney, LLC, a subsidiary which is not a bank, and is not federally insured. Federal law clearly stipulates that a prosecution cannot be made for bank fraud based on interaction with non-federally insured institution. Here Judge Sullivan then fabricated the evidence. He stated on record that my interaction was with another unrelated institution - Morgan Stanley Private Bank, but no supporting evidence was presented. Judge Sullivan did this to falsely satisfy the law required to convict me. This was a gross miscarriage of justice, with the presiding judge fabricating evidence to convict and imprison an innocent man.

The fundamental question for the U.S. public, Government and Congress is whether a criminal defendant can receive a fair trial in the American justice system. In my experience, I would unequivocally say "No". My experience of the American justice system is one where the unchecked powers of the U.S. federal judges allows them to abuse that power to settle personal vendettas and where U.S. federal prosecutors misuse their prosecutorial discretion in helping the federal judges achieve their desires.

I have filed a motion at the Manhattan federal appeals court at docket no. 20-4164, at doc. no. 62, seeking immediate release from my wrongful imprisonment. More of the issues are succinctly highlighted at www.freeraheem.com

As I am also a British citizen, I have written to the Government including the U.K. Ambassador to the U.S., Ambassador Karen Pierce and others, seeking for the British Government to intervene on my behalf and highlighting that my experience with the federal justice system seriously departs from the International standards for fair trial.