**PRIVATE & LEGALLY CONFIDENTIAL**

**JUDICIAL & PROSECUTORIAL MISCONDUCT WITH PROSECUTION OF RAHEEM JEFFERSON BRENNERMAN**

**MISCONDUCT/CRIME**:

**Prosecutorial & Judicial Misconduct/Crime:**

Judge Lewis A. Kaplan sought willing Government prosecutors from USAO, SDNY to prosecute Brennerman. Government prosecutors, acting on behalf of Judge Kaplan, conspired with Linklaters LLP through Attorney Paul S. Hessler (attorney for alleged fraud conviction, ICBC (London) plc) to intentionally withhold production of the pertinent and exculpatory evidence from the bank, ICBC (London) plc, including pertinent ICBC transaction document (underwriting file) related to the bridge loan transaction between ICBC (London) plc ("ICBC London"), The Blacksands Pacific Group, Inc. ("BSPG") and Blacksands Pacific Alpha Blue, LLC ("BSPAB") and the settlement negotiations correspondence including ICBC [meeting minutes], [notes], [e-mails] related to the settlement discussions between ICBC London, BSPG and BSPAB.

Understanding that Linklaters LLP through Attorney Paul S. Hessler intentionally withheld production of the pertinent and exculpatory evidence, Government prosecutors refused to request, obtain or independently review the ICBC documents/evidence. The reason is because if those documents/evidence were never in Government's custody, then they [Government prosecutors] could argue that the ICBC documents/evidence are not BRADY material, hence Government prosecutors are not obligated to produce the documents/evidence to Brennerman for his defence.

Although Brennerman's trial counsel. Thompson Hine LLP through Attorneys Maranda Fritz and Brian Waller were ineffective for failing to compel production of the ICBC documents/evidence from Linklaters LLP's New York office, their ineffectiveness does not affect the conspiracy and misconduct by Government prosecutors and Linklaters LLP through Attorney Paul S. Hessler to deprive Brennerman of the ICBC documents/evidence which he required for his defence.

To convict and imprison Brennerman of bank fraud and bank fraud conspiracy, Judge Richard J. Sullivan intentionally misrepresented (fabricated) evidence by surreptitiously supplanting Morgan Stanley Smith Barney, LLC, a non-FDIC insured institution where Brennerman had a wealth management account with Morgan Stanley Private Bank, a FDIC insured institution, an institution Brennerman never interacted with, so as to falsely satisfy the federal law to convict and imprison Brennerman.

During the collateral attack proceeding for the criminal contempt of court conviction, Judge Kaplan, in an endeavour 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 abrupt 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.

When Brennerman wrote to Judge Kaplan highlighting that he [Judge Kaplan] was endeavouring to cover-up the crime of conspiracy, he reversed himself and ordered for Brennerman to file his reply motion. However, on May 5, 2022, concurrently with filing the reply motion, Brennerman submitted formal notice to Judge Laura Taylor Swain, Chief Judge of S.D.N.Y. notifying her that crimes had been perpetuated against him by the federal prosecutors and judges through the federal court. In response, Judge Kaplan immediately denied the collateral attack proceedings without ordering the ICBC file or any evidentiary hearing with Mr. Hessler's testimony on the issue of conspiracy. The Chief Judge denied the letter stating that she had no authority on the cases, docketed at U.S. v. Brennerman, 17 Cr. 337 (RJS), EFC No. 278 and U.S. v. Brennerman et. ano. 17 Cr. 155 (LAK), EFC No. 238. Copy of the May 5, 2022 letter to the Chief Judge is docketed at Brennerman v. U.S., 22 Cv. 996 (LAK), EFC No. 26 and U.S. v. Brennerman et. ano. 17 Cr. 155 (LAK), EFC Nos. 236, 237.

**HISTORY OF THE CONSPIRACY TO DEPRIVE BRENNERMAN OF THE REQUESTED ICBC DOCUMENTS/EVIDENCE SO AS TO WRONGLY CONVICT AND FALSELY IMPRISON HIM**

The history of this conspiracy commenced in 2016, when Judge Lewis A. Kaplan ignored the federal rule to conduct extra-judicial research into Brennerman including googling him 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 Brenneman 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 federal court order issued by Judge Lewis A. Kaplan to BSPG notwithstanding that Brennerman was not personally named on the said court order. The fraud case charged Brennerman with fraud related to the bridge loan transaction between ICBC London, BSPG and BSPAB. Both criminal cases required the requested evidence/documents [underwriting file], [meeting minutes], [notes], [e-mail] 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 this 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 No. 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 of 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 prosecution, 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 the 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 endeavour 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 criminal contempt of court collateral attack proceeding, on April 13, 2022, Judge Lewis A. Kaplan in an endeavour 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 conspiracy and ICBC file. 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.

To date, after 6 months, Judge Richard J. Sullivan has remained silent following Brennerman's fraud case collateral attack on November 16, 2021, and while Brennerman continues his unwarranted incarceration.

Pertinent Court Filings:

Criminal contempt of court case: Brennerman v. U.S., 22 Cv. 996 (LAK), [all docket entries]

Fraud case: U.S. v. Brennerman, 17 Cr. 337 (RJS), EFC Nos. 269, 270, 272, 274.

Written on May 17, 2022