TO BE PLACED ON LAW FIRM CORPORATE LETTER HEAD

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Madame Jacqueline GREENLAW

Vice Consul

BRITISH CONSULAR SERVICES

One Dag Hammarskjold Plaza

885 Second Avenue

New York, NY 10017

-and-

Ambassador Karen PIERCE

Ambassador of the United Kingdom to the United States

EMBASSY OF THE UNITED KINGDOM

3100 Mass. Ave. NW

Washington, D.C. 20008

June 21, 2021

PRIVATE & LEGALLY CONFIDENTIAL

BY CERTIFIED FIRST CLASS MAIL

Regarding: BRENNERMAN, Raheem Jefferson

Dear Ambassador Pierce and Madame Greenlaw:

We write on behalf of Raheem Jefferson Brennerman ("Brennerman"), a British citizen currently incarcerated at Federal Correctional Institution Allenwood Low, Pennsylvania arising from the criminal cases at the United States District Court for the Southern District of New York (U.S. District Court, S.D.N.Y), at case no. 17 CR. 155 (LAK), criminal contempt of court before Judge Lewis A. Kaplan and at case no. 17 CR. 337 (RJS), bank and wire fraud before Judge Richard J. Sullivan.

We write to highlight the egregious miscarriage of justice suffered by Brennerman with his wrongful prosecution and imprisonment and urge the British Government to take notice and actively pursue resolution on behalf of Brennerman. His civil, Constitutional and Human rights have been gravely violated and his prosecution vastly contrasts from the International standards to which United States is required to adhere to. All nations that adhere to the international standard governing human rights are urged to advocate on behalf of an innocent man who is wrongly incarcerated.

The history of this miscarriage of justice commenced in December 2016, when Judge Lewis A. Kaplan of the Southern District of New York presiding over the civil dispute case between ICBC (London) PLC ("ICBC or bank"), a United Kingdom subsidiary of a Chinese Bank headquartered in Beijing and The Blacksands Pacific Group, Inc. ("Blacksands Pacific or Company"), a Delaware-U.S. Oil and Gas development company where Brennerman was Chairman and CEO, a case in which Brennerman himself was not a party, ignored the law in "OSRecovery, v. One Groupe Int`l, Inc., 462 F.3d 87, 90 (2006)" which stated directly to Judge Kaplan that he could not hold a non-party in contempt. However, in 2016, Judge Kaplan ignored the law and illegally pierced through the corporate veil of The Blacksands Pacific Group, Inc., to hold Brennerman in contempt without providing any legal citation or explanation to support him doing so. Judge Kaplan then went a step further to actively persuade the federal prosecutors from the Southern District of New York to prosecute Brennerman criminally. When the initial prosecutors declined to prosecute, Judge Kaplan actively sought new prosecutors willing to prosecute Brennerman.

On March 3, 2017 the new prosecutors, without considering the law in OSRecovery, initiated criminal contempt proceedings against Brennerman. On March 7, 2017, Judge Kaplan summoned the prosecutors to his robing room to advise the prosecutors that he had prepared an arrest warrant for Brennerman. Even though the prosecutors attempted to convince Judge Kaplan that an arrest warrant was not required, he insisted that an arrest warrant be issued as to Brennerman. Judge Kaplan`s insistence on issuing an arrest warrant was in contrast to U.S. law which stipulates that the Judge merely executes the warrant initiated by the prosecutors (not the judge himself). Furthermore, Judge Kaplan who had referred Brennerman for criminal prosecution and insisted on him being arrested then assigned the criminal contempt case to himself so that he could preside over the case and trial. Judge Kaplan thereby acted as the complainant and the judge.

On April 19, 2017, Brennerman was arrested at his home in Las Vegas at the behest of Judge Kaplan. At the time of this arrest there were no pending charges against Brennerman, no indictment, no order to show cause or complaint pending, thus there was no basis for his arrest. The arrest was in violation of Brennerman`s Fourth, Fifth, Thirteenth and Fourteenth amendment rights. Brennerman was granted bail. However, a few weeks later and without any meaningful investigation (the FBI that would normally investigate white collar crimes were never involved) on May 31, 2017, Brennerman was indicted for wire and bank fraud by the same federal prosecutors based on the same civil case between ICBC (London) PLC and The Blacksands Pacific Group, Inc., from which the criminal contempt of court case arose.

Although, the ICBC files would have demonstrated to the federal prosecutors that agents of ICBC advised agents of the company, Blacksands Pacific including Brennerman that ICBC preferred settlement rather than discovery, thus demonstrating that neither the company nor Brennerman willfully defied the Court orders directed at the company because they believed by pursing settlement with ICBC that they were complying with the Court order given that was ICBC`s request. Additionally, the ICBC files would have also demonstrated that the bank, ICBC, did not rely on any representations or alleged misrepresentations made by Brennerman, thus there was no fraud. Instead, the Manhattan federal prosecutors indicted Brennerman on fraud charges without ever requesting, obtaining or reviewing the ICBC files for the transaction at issue. The Fifth amendment due process requires that nobody be deprived of property, life or liberty without the due process of law which required the prosecutors to independently investigate the allegation of fraud prior to depriving Brennerman of liberty, however that did not occur in this case.

Prior to trial for the criminal contempt of court case Brennerman, through his trial counsel Thompson Hine LLP, requested for the complete ICBC files. However, the federal prosecutors refused the request arguing that they had never obtained the files highlighting the misconduct because Brennerman was prosecuted without the federal prosecutors considering all available evidence including the pertinent transaction files. ICBC itself denied Brennerman`s request and Judge Kaplan denied his request to the Court to compel ICBC or the prosecutors to provide him the files. During trial, Brennerman lacked the evidence which he required to defend himself. More significant, Judge Kaplan permitted the federal prosecutors to present to the jury the erroneously adjudged contempt against Brennerman. The jury were swayed concluding that given that the presiding judge had already held Brennerman in civil contempt, he must be guilty of criminal contempt. One of the juror actually gave an interview after the trial saying that the jurors were swayed by evidence of Judge Kaplan holding Brennerman in civil contempt. The denial of evidence (complete ICBC files) to Brennerman which he required to defend himself and the presentment of an erroneously adjudged civil contempt which was adjudged in violation of the law, all significantly prejudiced Brennerman and violated his Constitutional rights to a fair trial and to present his defense.

The fraud case was even more egregious. Prior to trial for the fraud case, Brennerman through his counsel, Thompson Hine LLP made request to Judge Richard J. Sullivan to exclude testimony from any witness from ICBC because Brennerman had been denied access to the complete ICBC files including the pertinent underwriting file. Brennerman's counsel argued that it would be patently unfair and highly prejudicial that the prosecutors would be able to elicit testimony from the witness while Brennerman would be deprived of the ability to meaningfully cross-examine the witness as to substance and credibility on the issues which will violate his Constitutional rights to confront witness against him. Judge Sullivan denied his request. The trial went on. During trial, the prosecution witness, Julian Madgett from ICBC testified that evidence - the complete underwriting files which documents the basis for the bank approving the bridge loan at issue with the case and thus would highlight if any fraud had occurred or not, exists with the bank in London, United Kingdom, however that the prosecutors never requested, obtained or reviewed the file, see case record Trial Transcript 551-554. Upon becoming aware of the missing evidence Brennerman again made request to Judge Sullivan to either compel the prosecutors to obtain the files or ICBC to provide the files to Brennerman for his defense. However, Judge Sullivan denied the request while stating on record that prosecution witness, Julian Madgett had testified that the evidence exist with the bank`s file in London, United Kingdom. See case record Trial Transcript 617.

The trial commenced and Brennerman was deprived of the ability to present his defense against the charge or meaningfully challenge the testimony of prosecution witness, Julian Madgett. This was a violation of Brennerman`s Sixth Amendment U.S. Constitutional rights because he was deprived of the ability to present his defense or meaningfully cross-examine witness against him.

With respect to the bank fraud, although the prosecution charged Brennerman with obtaining $300 million financing through fraud, during trial when it became apparent that Brennerman had never requested or obtained any financing from the Morgan Stanley subsidiary where he had opened his wealth management account. The prosecution and Judge Sullivan then pivoted to argue that the fraud was Brennerman becoming entitled to banking perks worth $6,500 including free checking account, sky miles and fancy credit card. This was in spite of the fact that Brennerman had not been charged with obtaining banking perks. In fact Brennerman did not receive any banking perks because the wealth management account was opened for few weeks and there was not enough time to receive any perks. Moreover, the "fancy" credit card was issued by another institution (not the Morgan Stanley subsidiary) and was closed with zero balance.

Even though all evidence presented by the prosecution at trial clearly demonstrated that the wealth management account was opened at Morgan Stanley Smith Barney, LLC. See case record at 17 CR. 337 (RJS), at doc. no. 167, a subsidiary which is not a bank and not federally insured. The federal law clearly stipulates that the prosecutors cannot prosecute Brennerman for bank fraud based on his interaction with a non federally insured institution. However Judge Sullivan fabricated the evidence and stated on record that Brennerman`s interaction was with another unrelated institution - Morgan Stanley Private Bank, see case record at 17 CR. 337 (RJS), doc. no. 206, Sentencing Transcript at 19, even while the prosecution presented no evidence to support such promulgation by the Court. Judge Sullivan did so in an effort to falsely satisfy the law required to convict and imprison Brennerman. This was/is a gross miscarriage of justice and a clear departure from the International standards for fair trial where the presiding judge fabricates evidence to satisfy the law so as to convict and imprison an innocent man.

Prior to Brennerman`s appeal, Judge Richard J. Sullivan was appointed to the United States Court of Appeals for the Second Circuit, the same appeals court where Brennerman was required to appeal his conviction and sentence. On June 9, 2020, the United States Court of Appeal affirmed Brennerman`s conviction and sentence in a summary order. The decision exacerbated the civil, Human and Constitutional rights already suffered by Brennerman. First, with the contempt conviction appeal, notwithstanding that one of the panel judges, Judge Rosemary S. Pooler had previous issued an opinion in "OSRecovery" to Judge Kaplan that he could not hold a non party in contempt. During Brennerman`s appeal she ignored her own prior opinion thereby creating disparity in equal protection of the law between Brennerman and the Appeal Court`s own prior decision about holding non-party in contempt.

Second, the Manhattan federal appeals Court stated on record, that "the only indication that the evidence was extant comes from Brennerman`s own assertion." Such promulgation by the Court ignored the case record at 17 CR. 337 (RJS), at trial transcript 551-554 where prosecution witness, Julian Madgett testified that the evidence - the ICBC files, exist with the bank in London, United Kingdom and Judge Sullivan`s acknowledgment at case record at 17 CR. 337 (RJS), trial transcript 617, where Judge Sullivan stated on record that the prosecution witness, Julian Madgett had testified that the evidence was with the bank`s file in London, United Kingdom. Acknowledgment by the federal appeals Court that Brennerman was deprived of evidence which existed with the bank, the alleged victim would have resulted in reversal of the conviction and sentence, however for inexplicable reasons the federal appeals Court made such inaccurate promulgation. The Court actually ignored the fact that Brennerman had requested for the evidence - ICBC files twelve (12) times. See case record at 17 CR. 337 (RJS), at doc. nos. 71, 153, 161, 187, 200, 235, 240, 241, 248, 250, 254, 256

The Manhattan federal appeals Court also ignored the fact that Brennerman was convicted in violation of the statute because none of the evidence presented by the prosecution at trial demonstrated that Brennerman interacted with a federally insured institution (a requirement by law to convict Brennerman). Even the prosecution witness Barry Gonzalez, the FDIC commissioner, testified that neither of the two Morgan Stanley subsidiaries which Brennerman interacted with, Morgan Stanley Smith Barney, LLC where he opened his account and the Institutional Securities subsidiary of Morgan Stanley where Brennerman had a brief discussion with an employee about oil and gas financing, were federally insured. See case record at trial transcript 1057-1061. Mr. Gonzalez further testified that the FDIC certificate of one Morgan Stanley subsidiary does not cover another subsidiary or the parent company because each will require its own FDIC certificate so there was no mistaking that the two subsidiaries that Brennerman interacted with could be federally insured. Notwithstanding the testimony and evidence, the Manhattan federal appeals court ignored the record to continually imprison Brennerman.

Following the decision by the Manhattan federal appeals Court, Brennerman appealed to the Supreme Court of the United States. See Supreme Court of the United States record at 20-6638 (for the fraud case) and 20-6895 (for the contempt case) however the Supreme Court did not grant Certiorari to review the case.

Brennerman again submitted demonstrable evidence to the Chief Judge of the United States Court of Appeals for the Second Circuit and to the panel Court that decided his appeal at the United States Court of Appeals for the Second Circuit at 18-1033(L), doc. no. 334 for the criminal contempt of court appeal and at 18-3546(L), doc. nos. 211, 217, 222, 224 for the fraud case, highlighting that the Court had misapprehended and misrepresented the facts and ignored the record, however the Court ignored Brennerman and responded with a single word "Denied" then closed the record.

The cumulation of the various civil, Constitutional and Human rights violation and the continual refusal by the Courts to rectify its errors necessitates the involvement of the British Government to intervene on behalf of Brennerman. Brennerman has now been in Allenwood Low prison for over two and half years. During that time, his mother has passed away because of his incarceration Brennerman contracted Covid-19 which led to significant suffering with breathing difficulties causing Covid pneumonia because of his medical vulnerabilities including diabetes and hypertension. The prison at Allenwood Low did not provide any medication or therapeutics to Brennerman while he suffered from Covid-19.

There is no guarantee that the Courts both U.S. District Court for the Southern District of New York and the United States Court of Appeals for the Second Circuit will reverse their continual denial of rights conferred by the United States Constitution or the International Standards to fair trial to Brennerman.

We respectfully submit the above and plead for your intervention on behalf of Brennerman.

Dated: June 21, 2021

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very truly yours

/s/ xxxxxxxxxxxxxxxxxxxxxxxxxxxxxx

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