

JASON DANIEL GANDY
Reg. No. 73006-279
FCI Memphis
FEDERAL CORRECTIONAL INSTITUTION
P.O, BOX 34550
MEMPHIS, TN 38184

United States Courts
Southern District of Texas
FILED

APR 28 2026
Nathan Ochsner, Clerk of Court

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS (Houston)**

JASON DANIEL GANDY,

Petitioner,

vs.

UNITED STATES OF AMERICA,

Respondent.

Case No: 4:12-cr-00503-1

**DEFENDANT'S MOTION FOR
RELIEF FROM JUDGMENT
UNDER FEDERAL RULE OF
CIVIL PROCEDURE 60(b)**

**DEFENDANT'S MOTION FOR RELIEF FROM JUDGMENT
UNDER FEDERAL RULE OF CIVIL PROCEDURE 60(b)**

I. INTRODUCTION

Defendant, **Jason Daniel Gandy**, respectfully moves this Court for relief from the judgment denying his motion under 28 U.S.C. § 2255 pursuant to **Federal Rule of Civil Procedure 60(b)**.

This motion does **not** seek to relitigate the merits of Defendant's conviction. Instead, it challenges **fundamental defects in the integrity of the prior §2255 proceedings**, including:

- the suppression and late disclosure of critical record evidence (DE 98),

- misrepresentation and disguising the docket sheet and sealing DOCKET ENTRY 98, was a calculated manipulation and misuse of judicial power, and
- failure to adjudicate core constitutional claims. (DE 34 and sealed DE 46) and require either a successive 2255, reversal, or remand for a open suppression hearing on DE 34 and DE 46 as **Waller v. Georgia (1984) 467 U.S. 39 (1984)** requires.

These defects prevented full and fair adjudication and require reopening of the §2255 proceedings. See, Exhibits Attached herein.

II. LEGAL STANDARD

A Rule 60(b) motion is proper where it attacks a defect in the integrity of prior habeas proceedings. See: *Gonzalez v. Crosby*, S.Ct.

Relief is appropriate where there is:

- mistake (60(b)(1))
- newly discovered evidence (60(b)(2))
- fraud or misconduct (60(b)(3))
- or “any other reason justifying relief” (60(b)(6))

III. THIS IS A TRUE RULE 60(b) MOTION (NOT SUCCESSIVE)

This motion does **not** assert a new claim attacking the conviction.

Instead, it demonstrates that the prior §2255 proceeding was fundamentally defective because:

- key evidence (DE 98 transcript) was unavailable,
- the Court relied on an incomplete or inaccurate record (the Defendant’s appellant counsel relied on an incomplete record due to disguising and feelings, and
- critical constitutional issues were never meaningfully adjudicated. See, DE 34 and DE 46.

1 Under *Gonzalez*, such a motion is **proper under Rule 60(b)**.

2 **IV. GROUNDS FOR RELIEF**

3 **A. Newly Discovered Evidence (Rule 60(b)(2)) — DE 98 Transcript**

4 The transcript of **DE 98**, unsealed and transcribed in April 2025, constitutes newly
5 discovered evidence that was **never available to Defendant or any reviewing**
6 **court.**

7 That transcript reveals:
8

- 9
- 10 • the Court advised Defendant that suppression motions did not need to be
 - 11 pursued;
 - 12 • this advice was legally incorrect and materially prejudicial;
 - 13 • no appellate court or §2255 proceeding previously had access to this
 - 14 evidence.

15 Because this evidence directly impacts the validity of prior rulings, reopening is
16 required.

17 **B. Judicial Misrepresentation / Mistake (Rule 60(b)(1))**

18 The Court's statements in DE 98—and subsequent reliance on an incomplete
19 record—constitute **mistake and misapprehension of fact and law.**

20 Specifically:

- 21
- 22 • the Court treated suppression issues as resolved when they were not;
 - 23 • the Court later relied on an inaccurate understanding of Defendant's actions
 - 24 and counsel status.

25 This prevented proper adjudication of Defendant's claims.

26 **C. Fraud, Misconduct, and Suppression of Evidence (Rule 60(b)(3))**

27 The Government's litigation posture contributed to a defective record, including:
28

- delayed responses to suppression motions (over four years),
- representations that evidence would not be used, while preserving impeachment use,
- failure to fully address derivative evidence (“fruits”).

Additionally, critical materials—including suppression-related filings and transcripts—were sealed or unavailable, preventing meaningful review.

D. Fundamental Defect in the Integrity of Proceedings (Rule 60(b)(6))

This case presents extraordinary circumstances:

1. Suppression motions were never adjudicated
2. A suppression hearing was canceled as “moot”
3. Critical proceedings (DE 98) were hidden from review for four (4) years (from 2017 – 2025)
4. §2255 proceedings proceeded without a complete record

These facts show that Defendant was denied a **full and fair opportunity to litigate his constitutional claims.**

Under Rule 60(b)(6), relief is warranted where the integrity of the judicial process is compromised.

V. PREJUDICE

These defects were not harmless.

They prevented the Court from considering:

- whether Defendant’s statements were unlawfully obtained,
- whether derivative evidence should have been suppressed,
- whether counsel’s performance was constitutionally deficient.

Because the §2255 proceeding was structurally flawed due to biased judge Rosenthol’s sealing her misconduct DE 98, the ground for Gandy’s 2255, its judgment cannot stand.

VI. RELIEF REQUESTED

Defendant respectfully requests that this Court:

1. **Vacate the judgment** denying his §2255 motion;
2. **Reopen the §2255 proceedings;**
3. Permit full briefing and development of the record, including DE 98;
4. Conduct an evidentiary hearing if necessary (for DE 34 and DE 46).

VII. CONCLUSION

This is not a routine request for reconsideration.

It is a case where:

- critical evidence was unavailable,
- the record was incomplete,
- the adjudicative process failed, and
- the Court can act Sua Sponte in permitting Gandy to have his Constitutional Claim ruled on the merits. DE 34 and DE 46, and 2255 Grounds.

Under **Rule 60(b)** and **Gonzalez v. Crosby**, relief is required.

PRAYER

WHEREFORE, Defendant respectfully prays that this Court grant this motion and reopen the §2255 proceedings.

April 22, 2026



JASON DANIEL GANDY
Reg. No. 73006-279
FCI Memphis
FEDERAL CORRECTIONAL
INSTITUTION
P.O. BOX 34550
MEMPHIS, TN 38184

CERTIFICATE OF SERVICE

I, Gandy, Reg. No. 73006-279, hereby certify that I have served a true and correct copy of:

**DEFENDANT'S MOTION FOR RELIEF FROM JUDGMENT UNDER
FEDERAL RULE OF CIVIL PROCEDURE 60(b)**

[which is considered filed/served at the moment it was delivered to prison authorities for mailing as provided for in Houston v. Lack, 487 U.S. 266, 101 a complete copy of the above-described materials in a sealed envelope affixed with the appropriate pre-paid first-class United States postage:

**TEXAS SOUTHERN DISTRICT COURT - HOUSTON, TX
UNITED STATES COURT
515 RUSK STREET
HOUSTON, TX 77002-2600**

And deposited same in the United States Legal Mail System at the:

**FCI Memphis
FEDERAL CORRECTIONAL INSTITUTION
P.O. BOX 34550
MEMPHIS, TN 38184**

Pursuant to Title 28 U.S.C. Section 1746, I declare under penalty of perjury that the foregoing is true and correct.

Dated and executed on April 22, 2026.

Signature 
JASON DANIEL GANDY
Reg. No. 73006-279
FCI Memphis
FEDERAL CORRECTIONAL
INSTITUTION
P.O. BOX 34550
MEMPHIS, TN 38184

**DEFENDANT'S MOTION FOR RELIEF FROM JUDGMENT
UNDER FEDERAL RULE OF CIVIL PROCEDURE 60(b)**

Jason Daniel Gandy

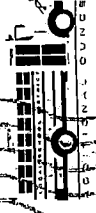
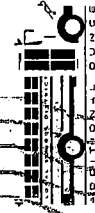
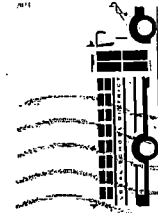
Reg. No. 73006-279

FCI Memphis

Federal Correctional Institution

PO Box 34550

Memphis, TN 38184



SPOKANE P&DC 992

FRI 24 APR 2026 PM



United States Courts
Southern District of Texas
FILED

APR 28 2026

Nathan Ochsner, Clerk of Court

United States District Court
Southern District of Texas
315 Rusk Street
Houston, TX 77002-2600

EXHIBITS

Exhibit A
Pg. 1

KATINE & NECHMAN L.L.P.

ATTORNEYS AND COUNSELORS AT LAW
1834 SOUTHMORE BOULEVARD
HOUSTON, TEXAS 77004

PARTNERS:

MITCHELL KATINE
713-808-1001
mkatine@lawkn.com

JOHN NECHMAN
713-808-1008
jnechman@lawkn.com

OF COUNSEL:

LATOYA "TJ" JARRETT
832-831-0833
tjarrett@lawkn.com

TELEPHONE: 713-808-1000

FACSIMILE: 713-808-1107

WWW.LAWKN.COM

SENIOR ASSOCIATE:

NEIL H. McLAURIN
713-808-1005
nmclaurin@lawkn.com

ASSOCIATES:

ASHLEY J. SCOTT
713-808-1020
ascott@lawkn.com

STEPHANY ALVAREZ
713-808-1000
salvarez@lawkn.com

October 1, 2019

Mr. Jason Gandy
No. 73006279
Federal Correctional Complex Beaumont—Med.
P.O. Box 26040
Beaumont, Texas 77720

Re: DECLINING LEGAL REPRESENTATION: Jason Gandy, No. 73006279.

Dear Mr. Gandy:

Reluctantly, I must decline undertaking representation in your legal matter. Primarily, this is due to the seeming impossibility of arranging a legal visit to you. Since your first communication with our office, we have tried through email, telephone calls and messages, facsimiles, and even certified mailings to allow for a visit to occur. We have on occasion reached officials who never followed up with us, or the facility has been on lockdown, or our many calls, messages, and letters have gone unanswered. However, in your most recent communication, you have expressed a need for representation on matters that are outside of my practice field, and your expressed need for immediate actions to be taken also lead me to have to decline representation in your matter.

Your mother has been very helpful in trying to arrange this visit. She did a credit card authorization with us to allow for the visit to occur. We have never charged the card due to the trouble of trying to make this visit occur, and we will shred and discard that authorization.

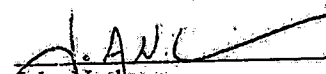
~~Some of your issues, as well as the issues of the FCC's seeming complete reluctance to allow for an attorney visit, may be of interest to civil rights organizations, such as the ACLU. You can contact the ACLU Texas at:~~

ACLU—Texas State Headquarters – Houston
P.O. Box 8306
Houston, TX 77288-8306

We wish you the best in all future matters.

Very truly yours,

KATINE & NECHMAN L.L.P.


John Nechman

CC: Julie Gandy (jgandy79@gmail.com)

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT
Exhibit A
pg. 2

No. 18-20823

Petitioners Affidavit

Jason Daniel Gandy,
Petitioner,
v.
United States of America,
Respondent,

Comes now, Jason Gandy (Petitioner), I'm writing because I don't have any training in law and I would like to express what went wrong with my direct appeal.

I was denied access to legal counsel and the courts on numerous

occasions.
While in custody of B.O.P. Attornies Seth Kretzer and John Nechman attempted to visit and communicate but were denied. (See Exhibit A)

a. I did not receive a copy of my direct appeal before it was filed, thus was denied the opportunity to correct a number of factual errors. My mom asked Seth Kretzer to provide with a copy before submitting. (See Exhibit B)

3. Despite knowing I was unfamiliar with specific procedures, my pro se filings to the District Court were not shared with the appropriate court, nor were they answered. (See Exhibit C)
After reviewing my Direct Appeal on 5-13-18, I realized it was filed on the wrong grounds. I immediately began contacting my attorney, the Judge, as well as the AUSA in an attempt to correct the error. My requests weren't addressed.



The Lyric Center
440 Louisiana, Suite 1440
Houston, TX 77002
www.kretzerfirm.com

Exhibit B
Pg. 1

On: Apr 17, 2019, at 3:08 PM, Julie Gandy <jgandy79@gmail.com> wrote:

Seth,
Is the brief ready yet? Please send me a copy. If not, how soon can I expect it?
Thanks
Julie

On Sun, Apr 14, 2019, 7:21 PM Julie Gandy <jgandy79@gmail.com> wrote:
OK thanks.
Please mail Jason a copy of appeal & email us a copy too.
Thanks
Julie

On Sun, Apr 14, 2019, 6:53 PM Seth Kretzer <Seth@kretzerfirm.com> wrote:
The government agreed not to use the evidence we had moved to suppress

The appellate court doesn't care what happens in BOP... they just take absolute value of the sentence

Seth Kretzer
Attorney at Law
seth@kretzerfirm.com

713 775 3050 Office
Skype: Seth.Kretzer



The Lyric Center
440 Louisiana, Suite 1440
Houston, TX 77002
www.kretzerfirm.com

On Apr 14, 2019, at 6:47 PM, Julie Gandy <jgandy79@gmail.com> wrote:

Seth,
A couple of things I wanted to mention about issues related to appeal.
1) Regarding Speedy Trial
* Judge allowed multiple lawyers to quit without Jason's approval:
Charles Flood quit while Jason was in suicide watch without a hearing
Dan Cogdell and Nicole DeBorde asked the judge to let them quit in a hearing and Jason told her that he didn't want them to quit. She allowed it anyway.
* Does the 5 yr delay in ruling on the suppression come into play?
2) Regarding extra time allowed off of Jason's sentence due to the extended periods that Jason has been in SHU and suicide watch over the 6.5 years. Does that come into play in the appeal?
3) Did the pictures labeled as pornography meet the requirements to be properly identified as pornography? I recall that Cogdell said that the 1 picture found of an ~~exhibition~~ was definitely pornography because of what it showed. However, I understand that picture wasn't used. Did the pictures they used show enough according to the definition of pornography? I wasn't there so not sure of what was shown.
Those are just issues that I've thought of and/or Jason has inquired about.
Please let me know you received this and a brief response.

Exhibit B
pg. 2



Julie Gandy <jgandy79@gmail.com>

Questions about brief/appeal

Julie Gandy <jgandy79@gmail.com>
To: Seth Kretzer <Seth@kretzerfirm.com>

Mon, May 20, 2019 at 11:17 AM

Seth,

I was wondering if it's possible to make any corrections or amendments to the brief. I read over it and found several typos. I've attached pages with words circled that contain errors. Also, one item that I didn't correct is the spelling of David's last name. It's actually Villagomez instead of Gomez. I don't know if these matter but wanted to let you know. Also, the last time we talked, you mentioned that the main issue that you would be bringing up was probably speedy trial act. I only saw brief mention of that. What changed? Are you able to make corrections after it's filed?

Also, wondering if a copy of the brief was sent to Jason on May 1? I received a letter from him dated May 7 and he doesn't make any mention of receiving the brief. I want to be sure that he got it. Did you by chance track the envelope?

Thank you,
Julie

Brief Errors.pdf
1659K

Exhibit B
pg. 3



Julie Gandy <jgandy79@gmail.com>

Questions about brief/appeal

Seth Kretzer <Seth@kretzerfirm.com>
To: Julie Gandy <jgandy79@gmail.com>

Thu, May 30, 2019 at 9:26 AM

Julie:

I spelled the last name the way it appears in the record

Speedy Trial Act argument had no legs... all the delays were occasioned by Jason's changes of counsel

Seth Kretzer
Attorney at Law
seth@kretzerfirm.com

713 775 3050 Office
Skype: Seth.Kretzer



The Lyric Center
440 Louisiana, Suite 1440
Houston, TX 77002
www.kretzerfirm.com

[Quoted text hidden]

Exhibit C
Page 1

USPS Tracking®

Exhibit

C

FAQs >

Track Another Package +

Tracking Number: 70103090000333692910

Remove X

Your item was delivered to the front desk, reception area, or mail room at 3:22 pm on June 24, 2019 in HOUSTON, TX 77002.

✓ **Delivered**

June 24, 2019 at 3:22 pm
Delivered, Front Desk/Reception/Mail Room
HOUSTON, TX 77002

Feedback

Tracking History

Product Information

Postal Product:

Features:
Certified Mail™

See Less ^

To: Judge Rosenthal

Exhibit C

pg. 2

May I please have a copy of the letters I sent you on 1-27 & 3-24-19?

Exhibit C
pg. 6
OE#99
App#18-20823

Case #976064-R1 on 4-11-19 I sent a BP-10 to Regional. I still haven't received my incident report from 9-21-18 which will show you the real reason for me going to suicide watch & it had to do with the suicide of Mark Adair. Were you supposed to sentence him? I tried to stand up at sentencing & Seth pulled me down. I was upset you were misinformed as to why I went on suicide watch.

I found out you called FDC Houston to confirm I was never given my PSI & FDC Houston still has it.

Doesn't the misinformation & not being allowed to read PSI constitute a New Sentencing?

Wouldn't this Also Post-Pone Civil Action H-12-3688?

Rule 12(b)(6) ... the amendment insures that both parties shall be given a reasonable opportunity to submit affidavits & extraneous proofs to avoid taking a party by surprise through the conversion of the motion into a summary judgment.

This criminal justice system has taken me by surprise. I was supposed you let Charles Flood quit while I was in suicide watch. I & Dustin Newland didn't know a "Status Hearing" was Dan & Nicole quitting. I even asked for you to not let them quit & you told me if I wanted my \$ back it was a civil matter & I shouldn't listen to jail house lawyers.

Please Help Me Get Moved To A "Medical/FMC"
This "Correctional" B.O.P. May Kill Me & 9-21-18-6-20-19
is too long locked down 24/7 for anyone to not want to die.

Jason Gandy 6-20-19

Case 3:16-cr-00029-MMD-WGC Document 805 Filed 09/24/21 Page 3 of 3

Exhibit H pg 1

15

1 verify the accuracy of arguments Mr. Sample made based on this evidence. It also causes
2 the Court to question whether Mr. Sample is capable of complying with the Court's Local
3 Rules. In sum, the motion for compassionate release and corresponding reply that Mr.
4 Sample filed raise serious questions about Mr. Sample's competence and truthfulness
5 such that the Court is considering revoking his *pro hac vice* status.

6 It is therefore ordered that Mr. Sample must show cause, in writing, within 15 days
7 of the date of entry of this order, why the Court should not sanction him for his conduct in
8 in this case by revoking his *pro hac vice* status. Mr. Sample's response should also
9 propose alternative sanctions if Mr. Sample believes revoking his *pro hac vice* status is
10 too harsh a sanction.

11 DATED THIS 24th Day of September 2021.



12
13
14 MIRANDA M. DU
CHIEF UNITED STATES DISTRICT JUDGE
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4

Exhibit H
Pg 2

Vermont Supreme Court
Professional Responsibility Program
Office of Bar Counsel

Michael Kennedy
Bar Counsel
Michael.kennedy@vermont.gov



32 Cherry Street, Suite 213
Burlington, VT 05401
802-859-3004

August 23, 2021

Desiree Trapani

Via email only to deztrapani@gmail.com

Re: PRB File No. 2022-010
Brandon Sample, Esq., Respondent

Dear Desiree:

I am writing to inform you that I am dismissing the disciplinary complaint that you filed against the Respondent, Attorney Brandon Sample.

In Vermont, the Supreme Court has the constitutional authority to regulate the practice of law. Pursuant to that authority, the Court promulgated the Vermont Rules of Professional Conduct. The rules are often referred to as "the ethics rules." Lawyers who violate the rules are subject to having disciplinary sanctions imposed against their law licenses.

For many years, the Court's rules that govern the operation of the Professional Responsibility Program (PRP) required Bar Counsel to screen disciplinary complaints. That changed because of amendments that took effect on April 1, 2021. As amended, the rules require the State Court Administrator to assign Screening Counsel to screen disciplinary complaints.

Initially, the State Court Administrator assigned Licensing Counsel Andrew Strauss as Screening Counsel. In July, I was informed that due to workload issues, the State Court Administrator would assign someone other than Attorney Strauss to screen this complaint. I relayed that information to you. At the time, I did not know who would be assigned. Last week, I learned that the Vermont Supreme Court had assigned me to screen this complaint. On behalf of the Professional Responsibility Program, I apologize for the delay in assigning a screener.

The screening process is governed by Rule 12 of Supreme Court Administrative Order 9. The rule authorizes the screener to conduct a limited investigation to determine the nature of the complaint. The rule also authorizes the screener to dismiss or resolve any complaint that does not appear to warrant disciplinary sanctions or an investigation by Disciplinary Counsel.

3

Exhibit H
pg. 3

Professional Responsibility Board
c/o Costello Courthouse
32 Cherry St, Ste, 213
Burlington, VT 05401

Re: Report of Concern

To Whom it May Concern.

I am concerned about the clients of an attorney I briefly held a position with from April until July of this year. Attorney Brandon Sample is a Federal Defense Attorney who once had an office in Rutland, Vermont. I noticed a lot of strange behaviors while working for Mr. Sample that I believe I am obligated to report.

I would like to premise my statement by noting that Mr. Sample did in fact terminate his entire staff in the middle of the night last Wednesday, July 7, 2021. I do believe he opted to keep one employee who lives in the same town as Mr. Sample in Indiana. With that said, I have taken several days to process all that I had observed and the potential outcome for his clients who are often times mortgaging their homes to afford his services. I have a clear conscience that I am not submitting this complaint out of vengeance, I do believe this is the right thing to do for the sake of the clients and I sincerely hope that my suspicions are found to be unwarranted.

As I mentioned above, I began working for Mr. Sample in April and the office had two staff members; one who was supposed to assist in training me as a legal secretary. However, mid-way through my second week of employment Brandon terminated that staff member and left me to self-train. The week following this termination (my third week of employment), Mr. Sample decided to change the structure of the firm by creating Case Managers for the different practice areas and I was promoted to be the Case Manager for all compassionate release and clemency cases. Again, left to train myself, I accepted the task with the mutual understanding that it was going to take some time to train myself on my duties.

The weeks to follow were nothing more than a constant rollercoaster ride of Mr. Sample's manic and erratic behaviors, which brought overwhelming stress to all remote and in-house employees. Mr. Sample was often concerned about bringing in more clients and more money, but the few staff members were already submerged in paperwork, communication, and Mr. Sample's endless list of tasks that revolved around his continuous changes to the CRM software.

I am genuinely concerned for the numerous clients (approximately 80-100 clients) who have paid a non-refundable fee for services ranging from \$5000 for a clemency case, \$15,000 for compassionate release and \$25,000+ for Habeas, appeals – 2255's and 2241's, etc. There are already several clients who have waited months for Mr. Sample to provide services and I am concerned that they will never get the services now that he has eliminated nearly his entire staff.

I have had suspicions for several weeks to date based on what I have experienced myself and information gained through conversations with other staff members.



Exhibit H
pg. 4

Julie Gandy <jgandy79@gmail.com>

Re: Confirmation of phone call

1 message.

Julie Gandy <jgandy79@gmail.com>

Sun, Jan 31, 2021 at 3:44 PM

To: Rebecca Seguin <rebecca@brandonsample.com>

Cc: Brandon Sample <brandon@brandonsample.com>, Alina Sarli <alina@brandonsample.com>, Russell Marks <russell@brandonsample.com>

Here are the 2255 documents that Hughes provided to me. They are on the portal under different file names all beginning with LPS-DCH.Gandy.J, but sending on this email for your reference.

Thanks,
Julie

On Fri, Jan 29, 2021 at 3:02 PM Julie Gandy <jgandy79@gmail.com> wrote:

I just spoke with Jason and he asked me to send these documents to Russell. I'm attaching them here.

1) Docket Sheet: #97 & #98 is when Dan Cogdell & Nicole Deborde Quit and #141 is when Judge says Jason hired and fired lawyers.

2) Letter from Sean Buckley telling Jason that they have added other victims

Jason also wants a post trial motion filed to get his 2 tax boxes that were seized on the 2nd search of his home 2320 Truxillo behind the secret door" in the duplex. It has mitigating evidence to prove timeline that Jose Alfaro claims is false.

Thanks,
Julie

On Thu, Jan 28, 2021 at 11:34 AM Rebecca Seguin <rebecca@brandonsample.com> wrote:

Hi Julie,

I have Jason scheduled for tomorrow at 1pm CST/ 2pm EST. Please reach out if you have any questions or concerns. Thank you and have a good day!

-Becky

Rebecca Seguin
Legal Secretary



Brandon Sample PLC
P.O. BOX 250
Rutland, Vermont 05702
Tel: 802-444-4357, ext. 103
Fax: 802-779-9590
Email: Rebecca@brandonsample.com

— On Thu, 28 Jan 2021 12:28:33 -0500 Julie Gandy <jgandy79@gmail.com> wrote —

Thank you!

Julie



Exhibit H
Pg. 5

Julie Gandy <jgandy79@gmail.com>

Re: Confirmation of phone call

1 message

Brandon Sample <brandon@brandonsample.com>

Wed, Feb 3, 2021 at 12:20 PM

To: Julie Gandy <jgandy79@gmail.com>

Cc: Rebecca Seguin <rebecca@brandonsample.com>, Alina Sari <alina@brandonsample.com>, Russell Marks <russell@brandonsample.com>

Julie,

We filed on time yesterday. We have to get with the appellate AUSAs in Houston on the additional time for the memo which I am working on now. Rebecca will email you a copy of what we filed. At the end of the day, all of what Jason has been hung up on was not going to work. He apparently was operating under the mistaken belief that if his statements had been suppressed he would have been able to testify at the trial with none of his statements being used against him. That is not the law. I am actually appalled that Hughes put that in his draft because it is just not the law. Flagrantly wrong.

Brandon Sample, Esq.

Admitted to Practice in the State of Vermont, the Supreme Court of the United States, the U.S. Courts of Appeals for the 1st, 2nd, 3rd, 4th, 5th, 6th, 7th, 8th, 9th, 10th, & D.C. Circuits and the U.S. District Court for the Northern & Western District of Texas, the Eastern & Western District of Wisconsin, the Northern, Central & Southern District of Illinois, the Southern District of Indiana, the District of Colorado, the District of North Dakota, the Eastern District of Michigan, the Eastern & Southern Districts of New York, the District of Vermont, and the District of Columbia



Brandon Sample PLC

P.O. BOX 250

Rutland, Vermont 05702

Tel: 802-444-HELP, ext. 101
(4357)

636-LAW-HELP
(529-4357)

Fax: 802-779-9590

E-mail: Brandon@brandonsample.com

Website: <https://brandonsample.com>

<https://sentencing.net>

<https://clemency.com>

<https://compassionaterelease.com>

<https://2255motion.com>

— On Wed, 03 Feb 2021 10:52:47 -0500 Julie Gandy <jgandy79@gmail.com> wrote —

Brandon,

Exhibit I

HOUCC 531.01 *
PAGE 003 *INMATE HISTORY
QUARTERS

03-01-2018

18:23:20

REG NO.: 73006-279 NAME: GANDY, JASON DANIEL
CATEGORY: QTR FUNCTION: PRT FORMAT:

FCL	ASSIGNMENT	DESCRIPTION	START DATE/TIME	STOP DATE/TIME
HOU	F03-111U	HOUSE F/RANGE 03/BED 111U	05-21-2015 0929	06-18-2015 1819
HOU	Z01-124UAD	HOUSE Z/RANGE 01/BED 124U AD	05-13-2015 1108	05-21-2015 0929
HOU	Z01-122UAD	HOUSE Z/RANGE 01/BED 122U AD	04-30-2015 1800	05-13-2015 1108
HOU	Z02-127UAD	HOUSE Z/RANGE 02/BED 127U AD	04-22-2015 1125	04-30-2015 1800
HOU	Z01-101LAD	HOUSE Z/RANGE 01/BED 101L AD	04-21-2015 1430	04-22-2015 1125
HOU	H01-002L	HOUSE H/RANGE 01/BED 002L	04-08-2015 1022	04-21-2015 1430
HOU	Z01-112LAD	HOUSE Z/RANGE 01/BED 112L AD	04-07-2015 0856	04-08-2015 1022
HOU	Z01-112UAD	HOUSE Z/RANGE 01/BED 112U AD	04-02-2015 1134	04-07-2015 0856
HOU	Z01-111UAD	HOUSE Z/RANGE 01/BED 111U AD	04-01-2015 1911	04-02-2015 1134
HOU	Z01-130LAD	HOUSE Z/RANGE 01/BED 130L AD	03-31-2015 1248	04-01-2015 1911
HOU	Z01-112LAD	HOUSE Z/RANGE 01/BED 112L AD	03-31-2015 1146	03-31-2015 1248
HOU	H01-001L	HOUSE H/RANGE 01/BED 001L	03-12-2015 1600	03-31-2015 1146
HOU	Z01-130LAD	HOUSE Z/RANGE 01/BED 130L AD	03-12-2015 1423	03-12-2015 1600
HOU	F03-111L	HOUSE F/RANGE 03/BED 111L AD	01-27-2015 1258	03-12-2015 1423
HOU	Z02-111LAD	HOUSE Z/RANGE 02/BED 111L AD	01-15-2015 0855	01-27-2015 1258
HOU	Z02-128LAD	HOUSE Z/RANGE 02/BED 128L AD	12-31-2014 0929	01-15-2015 0855
HOU	Z02-129LAD	HOUSE Z/RANGE 02/BED 129L AD	12-18-2014 0920	12-31-2014 0929
HOU	Z02-128LAD	HOUSE Z/RANGE 02/BED 128L AD	12-04-2014 1142	12-18-2014 0920
HOU	Z02-129LAD	HOUSE Z/RANGE 02/BED 129L AD	11-23-2014 1246	12-04-2014 1142
HOU	Z02-130LAD	HOUSE Z/RANGE 02/BED 130L AD	11-17-2014 1003	11-23-2014 1246
HOU	H01-001L	HOUSE H/RANGE 01/BED 001L	11-12-2014 1504	11-17-2014 1003
HOU	Z01-107LAD	HOUSE Z/RANGE 01/BED 107L AD	11-03-2014 1030	11-12-2014 1504
HOU	Z01-109UAD	HOUSE Z/RANGE 01/BED 109U AD	10-17-2014 1643	11-03-2014 1030
HOU	E01-112L	HOUSE E/RANGE 01/BED 112L	07-31-2014 1544	10-17-2014 1643
HOU	E01-112U	HOUSE E/RANGE 01/BED 112U	07-31-2014 1402	07-31-2014 1544
HOU	E01-112L	HOUSE E/RANGE 01/BED 112L	07-09-2014 1406	07-31-2014 1402
HOU	E01-107L	HOUSE E/RANGE 01/BED 107L	04-17-2014 1307	07-09-2014 1406
HOU	E01-105L	HOUSE E/RANGE 01/BED 105L	04-16-2014 1226	04-17-2014 1307
HOU	Z02-120LAD	HOUSE Z/RANGE 02/BED 120L AD	04-10-2014 1045	04-16-2014 1226
HOU	Z02-123LAD	HOUSE Z/RANGE 02/BED 123L AD	04-03-2014 2047	04-10-2014 1045
HOU	Z02-123UAD	HOUSE Z/RANGE 02/BED 123U AD	03-31-2014 1312	04-03-2014 2047
HOU	Z02-112UAD	HOUSE Z/RANGE 02/BED 112U AD	03-31-2014 0901	03-31-2014 1312
HOU	Z01-101LAD	HOUSE Z/RANGE 01/BED 101L AD	03-28-2014 1303	03-31-2014 0901
HOU	Z02-118LAD	HOUSE Z/RANGE 02/BED 118L AD	03-13-2014 1038	03-28-2014 1303
HOU	Z02-128LAD	HOUSE Z/RANGE 02/BED 128L AD	03-03-2014 1414	03-13-2014 1038
HOU	F03-108U	HOUSE F/RANGE 03/BED 108U	03-03-2014 1010	03-03-2014 1414
HOU	Z02-128LAD	HOUSE Z/RANGE 02/BED 128L AD	02-27-2014 1324	03-03-2014 1010
HOU	Z01-108LAD	HOUSE Z/RANGE 01/BED 108L AD	02-24-2014 1401	02-27-2014 1324
HOU	Z01-108UAD	HOUSE Z/RANGE 01/BED 108U AD	02-22-2014 2058	02-24-2014 1401
HOU	Z01-109UAD	HOUSE Z/RANGE 01/BED 109U AD	02-21-2014 2007	02-22-2014 2058
HOU	Z01-108LAD	HOUSE Z/RANGE 01/BED 108L AD	02-21-2014 1655	02-21-2014 2007

G0002

MORE PAGES TO FOLLOW

197
+ 282
479

30
SW 14
7
Suicide Watch 20
70
Suicide Watch 6
25
55
4 hrs in pop.
2:14pm

TRULINCS 73006279 - GANDY, JASON DANIEL - Unit: TRM-J-A

FROM: 73006279
TO: Gandy, Joe
SUBJECT: Motion to provide Grand Jury Transcripts.
DATE: 05/10/2025 02:56:39 PM

Exhibit J
Front pg 1

United States of America
V.
Jason D. Gandy (prose)

(
(No.4:12-CR-503
(Motion to Provide Grand Jury Transcripts.

FACTS:

I got convicted in July 2018 and indicted in 2012, 2014, and 2018. The Grand Jury that indicted me has long been convened and discharged.

AUTHORITY:

The Grand Jury Secrecy Argument no longer applies. "After the Grand Jury functions have ended, disclosure is wholly proper where the ends of justice require it." U.S. V. Socony-Vacuum Oil Co. 310 US 150, 234 (1940).

I believe my illegally obtained statements were used to indict me. This creates additional grounds to dismiss my indictments which I need for motions I'm filing to the appeals court in the 5th circuit. Michael Cooper V. Clarence Dupnik. U.S. Ct. of Appeals 9th Cir.. 963 F.2d 1220; Lexis 8831 from 5-5-92: Immunity Does not shield deliberate Constitutional violations. My right to remain silent was breached and due process violated with physical and psychological coercion.

REASONS I NEED MY GRAND JURY TRANSCRIPTS AND WHY A MAGISTRATE IS NEEDED:

Since January 2019, I have been writing Rosenthal to ask why she allowed my paid to go to trial lawyers to quit. This I believe gave her the idea to seal that hearing (DE#98 on 4-27-17). I finally got the transcripts to DE#98 and I'm now requesting the audio recording of it. On pg. 8 Rosenthal says "Since there was no suppression hearing that had to be pursued, I believe that was --- once the Government said it was not going to use that evidence, that took care of the need to pursue that motion." This is terrible legal advice and not true do the following:

MY ILLEGALLY OBTAINED STATEMENTS FROM 7-20-12 WERE USED IN:

1. My indictment
2. My 7-25-12 bond hearing
3. News Media
4. The 7-20-12 interrogation of K.V.
5. To obtain illegally a picture from my home which was illegally used to coerce K.V. and talked to about to his family.

Therefore:

DE#34 and 46 (sealed to keep me and the public in the dark) were NOT "Moot" issues! On 3-31-25 Rosenthal finally responded to my many motions to unseal DE#98. Pg. 2 #4 of Rosenthal's "Order on motion to unseal court records" says: "...The following he requested to have unsealed were not filed under seal." #98 is listed. This is a false statement.

To prove the above quote by Rosenthal is a lie (Fraud on the CT, harmed me and destroys public confidence in the judicial process):

1. My mother, Julie Gandy in DE#277 properly requested DE#98 on 1-5-24. Julie also has email proof from Rosenthal's clerks and the court reporter for DE#98, Kathy Metzger, who said that Rosenthal sealed DE#98 "Ex Parte" and told Julie only Rosenthal can unseal it.
2. Please read my "Rough Draft" and "Almost Final" version of my Judicial Misconduct Complaint to the Appeals Ct to see my due diligence in trying to get DE#98.
3. DE#239 from 2-3-21 only says "Letter," yet I point out structural Constitutional defects/errors caused by Rosenthal. DE#98 was the missing link in my legal work during my direct and 2255 appeal. Please read DE#239.

Ask yourself, why would Rosenthal need to lie by saying DE#98 was not sealed? I nearly died during trial on 7-20-18 and my appeal lawyers probably think I'm mentally ill. So sealing and disguising my docket sheet was a success for Rosenthal. It kept my 50k Direct and 37k 2255 lawyers from seeing what was in DE#98 and "Sealed event" DE#46, for example.

COMPARE DE#98 "Quitting Hearing" WITH DE#141 "Speedy Trial Denial based on a lie."

1. DE#98 on 4-27-17 pg.. 6 Rosenthal probes she was not aware I opposed Flood quitting by asking (line 15): "Was there

TRULINCS 73006279 - GANDY, JASON DANIEL - Unit: TRM-J-A

Exhibit J
Backside pg. 1

opposition to any of them by Mr. Gandy." Mr. Cogdell responds (line 17): "I don't know."

2. Pg. 6 My paid trial lawyer, Ms. DeBorde points out Rosenthal's pattern of letting my fully paid for trial lawyers to quit without asking me if it's ok, and then making the docket look like I agreed. (line 19): "I am looking at Mr. Flood's motion to withdraw on the docking sheet. It indicates that it was unopposed, and it was the day after I filed a notice of appearance..."

3. Pg. 7 Line 9-21 I tell Rosenthal that "... I did oppose him quitting." Rosenthal does not say sorry or even acknowledge her structural constitutional error.

4. Pg. 9 Line 10 I say "I would like them to stay on the case."

line 16 "I believe they still could represent me. I think they're just frustrated because I wasn't willing to negotiate a plea--"

5. Pg. 10 Line 11 Rosenthal says "In order for you to proceed with these good lawyers as your lawyers, and they are good lawyers--"

Line 13 I say "I agree"

Line 14-23 Rosenthal says I need to listen to Cogdell and DeBorde not jailhouse lawyers etc. Which to me sounds like Rosenthal is telling me I need to do what they want, and plead guilty.

6. Pg. 13 Line 2-9 I tell Rosenthal "I paid them to go to trial... if they want to quit, I should get my money back..."

Line 10-12 Rosenthal says "You also agreed to engage in a particular way with respect to their professional services and I gather that --"

Did Rosenthal read my contract with them? Nowhere does it say I'm supposed to engage in a particular way with respect to their professional services? I got ignored because I refused to sign a plea. I did nothing wrong!

Line 16-20 I say that I wanted Cogdell and DeBorde "to please help me with my defense" and "At one point it went one year without visiting.."

line 21-22 Rosenthal turns my lawyers' mistreatment of me via no prep for trial or visits into their benefit by allowing them to quit when she said "Well, you're making it even more clear why the relationship can't succeed and --"

I interrupted on Line 23 "But is it my fault that they don't visit me?"

Rosenthal Line 25 "This is not a question of fault."

7. Pg. 14 Line 2 Rosenthal says "This is a question of fact. Can the relationship which does require cooperation, trust, and good faith on both sides, can it go forward on that basis, and I don't believe it can, based on what I'm seeing and hearing on both sides. I will let you work out whatever financial consequences result..."

Rosenthal's decision cost me 75 thousand U.S. dollars for Cogdell, 30 thousand U.S. dollars for Flood, and 65 thousand U.S. dollars for DeBorde. If America were to poll every locked up pre trial inmate with a sex crime who paid their lawyers all their money up front for trial, I have no doubt most lawyers do the same thing: Take your money and do as little as a judge will let them get away with. This is illegal and against the 6th Amendment.

NOW LOOK AT DE#141 from 7-9-18, THE SPEEDY TRIAL HEARING TRANSCRIPTS:

Pg. 31 Line 15 Rosenthal says "... but the record seems to indicate that he fired them." This false claim that I fired my lawyers was the basis for denying a deserving dismissal of count 1 due to a 6 year delay caused by Judge Rosenthal not following the Constitution.

CONCLUSION

Please read #2 and #5 of Rosenthal's 3-31-25 "Order on Motion to Unseal Court Records" which says Julie Gandy (my mother) can file a DKT 13 Transcript order request form for TRANSCRIPTS of hearings not already on file with the court. Are the Grand Jury transcripts already on file? The Docket Sheet seems to indicate that they are:

1. DE#11 on 8-15-12 says "Indictment... on file under seal with the clerk"
2. DE#60 on 9-17-14 says "Superseding Indictment... on file under seal with the clerk"
3. DE#115 on 2-15-18 says "Superseding Indictment... on file under seal with the clerk"

The above deliberate Constitutional violations in my case, God willing, will cause the clerk or magistrate reading this motion to forward this to a Conviction Integrity Unit, Criminal.Division@usdoj.gov, or Office of Inspector General. A January 2018 Houston Chronicle article by Gabrielle Banks titled "Rosenthal rules federal courts in Houston with firm hand" pg. 4 quotes 45 year veteran attorney John O'Neil saying Rosenthal is "deeply at war with both the text of the Constitution and many years of Supreme Ct precedent."

Julie Gandy

Exhibit J
front pg 2

From: GANDY JASON DANIEL (73006279)
Sent Date: Tuesday, July 29, 2025 2:21 PM
To: jgandy3@sbcglobal.net
Subject: Gandy's response to gov't's DE305 Grand Jury Trans

USA V. Gandy NO: 4:12-503-1 My counter response to the Gov't's 7-7-25 response to my request in DE#305:

1.) Mr. Ganjel & Ms. Leo say that I must show a "particular need" that outweighs the Grand Jury policy of secrecy."

My Response: My motion points out a OBVIOUS Structural Constitutional Defect. Having this would free me based on Judge Rosenthals Misconduct and I need the info. for another Judicial Misconduct Complaint on her. This to me is a serious need that outweighs your courts not so secret misconduct. What is your definition of a Structural Constitutional Defect caused by a trial Judge?

2.) The 3 sentence description of my request in DE 305 leaves out that i asked on page 1 of 2 under "Therefore:" #2, for your court to please read my "rough draft" & "Almost Final" version of my Judicial Misconduct Complaint on Judge Rosenthal. I know Rosenthal has a copy of at least the "final version" the appeals court acknowledged on 4-17-25. So my "live action" obviously has to do with her misconduct.

NOTICE

Another female Judge in Texas thought she could get away with something much less damaging than what Rosenthal has done to me in: Matthew Jones v. Amber M. King filed on 9-13-23 (I feel this is a sign from my mom who passed away 9-13-08). It says on page 75:

The American System of Jurisprudence "rests on the assumption that all individuals, whatever their position in government, are subject to federal law; No man [or woman] in this country is so high that he [or she] is above the law. No officer of the law may set that law at defiance with impunity. All the officers of the government from the highest to the lowest, are creatures of the law, and are bound to obey it."

3.) Need Grand Jury Trans for COUNT 5: I want to thank Leo & Ganjel for footnote 2 on page 2 which also got noticed by my 1st 2255 lawyer Dallas Craig Hughes Tx Bar # 10874 on pg. 14-19 of the 2255 he gave me that my step mom forwarded on my 2nd 2255 lawyer Brandon Sample who it turns out shares ROsenthals "secret" animus towards S.O. cases. This is another example of a Structural Constitutional Defect directly caused by Rosenthal when she forced me out of the court room to change clothes in order to make a constructive amendment to count 5 by changing the grand jury dates from 2006 to 2005 by saying on my first day of trial "I will grant the variance with the change, I'm not sure it is a variance". Rather than show all the proof that I'm not guilty of count 5 by examples such as David's 7-26-12 recorded telephone call to the National Human Trafficking Resource Center's Sara Crowe in case #HO07QK12HO0026 where he says he knew me from 2006-2008, I'll ask you to read pg. 3-5 of an attachment titled "Speedy Trial Motion Doc 133."

4.) Need transcripts for count 7 due to the 2007 dates and numerous false facts fed to the Grand Jury for that count. 9 months after trial in a Civil Suit with Rosenthal's friend Judge Miller, Jose Alfaro was awarded 1.5 Million. In that hearing he claims to have met me in 2008 when he was 17. This is fully explained in my attachment "Speedy Trial..." pg. 5-6. Also in an email my mom sent on 12-10-2024 to noll@noll-law.com. (Julie made one mistake in that email, I'd like to see if Leo catches it)

5.) Need transcripts for count 6. That count requires the exchange of money or a pattern of sex trafficking, or something to meet the definition of Federal sex trafficking. At Trial KD admitted no money was exchanged nor did any sex act occur. KD also admitted no cell phone or internet use was involved. The grand jury heard a different false narrative. This is explained in attachment labeled "1404 Transfer of Venue ..." pg. 3 & 4.

6.) Need transcripts for count 2. The above attachment #7 pg. 2-3 explains why I need the false narrative explained to the Jury that illegally created the indictment for count 2 with "Testimony about 2 other pictures" This testimony would have never existed without KV being shown a headless picture H.S. Agent Johnson was never allowed to have nor my illegally obtained statements that structurally altered/created this case. This is the easiest to prove/most obvious structural constitutional defect that will be revealed in the grand jury transcripts.

7.) Need transcripts for count 3. For a full explanation of how I'm not guilty of count 3, see email from 9-9-24 with subject "Not guilty of count 3 (Attached)" Also see #8 on pg. 4-5 of "1404Transfer..." attached.



Exhibit J
pg 3

Julie Gandy <jgandy79@gmail.com>

Re: Defendant's Response to US Response for Grand Jury Transcripts RE: 4:12-503-

1

1 message

Julie Gandy <jgandy79@gmail.com>

Tue, Jul 29, 2025 at 12:26 PM

To: TXSDdb_Houston_Operation <houston_operation@txs.uscourts.gov>

Thank you for that information. We weren't aware of that but will mail his response instead.

Regards,
Julie Gandy
POA for Jason Gandy

On Tue, Jul 29, 2025 at 11:41 AM TXSDdb_Houston_Operation <houston_operation@txs.uscourts.gov> wrote:

Hello,

Is this attached for filing? If so, the court does not except filings by email or fax. Please to
PO Box. 61010, Houston, TX 77208.

Help Desk

From: Julie Gandy <jgandy79@gmail.com>

Sent: Friday, July 25, 2025 10:28 PM

To: Darlene Hansen <Darlene_Hansen@txs.uscourts.gov>

Cc: TXSDdb_Houston_Operation <houston_operation@txs.uscourts.gov>

Subject: Defendant's Response to US Response for Grand Jury Transcripts RE: 4:12-503-1

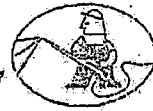
CAUTION - EXTERNAL:

Ms Hansen,

Jason received the U.S. Attorneys response to Jason's request for Grand Jury Transcripts. Jason was able to mail me a copy which I've attached. Jason read that he needed to reply within 14 days. Jason received the denial on July 10. Jason emailed me his response to the U.S. response on July 24 but I have still not received it due to the delay in transmitting emails thru Corrlinks. Jason also mailed me a copy by US mail today in case I don't receive it through Corrlinks. I will forward Jason's response as soon as I receive it, whether from email or in the mail. I am including an attachment that is referred to in Jason's response that contains a good deal of information to support his request for the transcripts.



ACTION CLEANING EQUIPMENT COMPANY



6010 MILWEE ST.
HOUSTON, TEXAS 77092
(713) 869-1417 FAX (713) 869-8141

Exhibit J
pg. 4

August 3, 2025

US Southern District of Texas
Nathan Ochsner
Clerk of the Court
PO BOX 61010
Houston, TX 77208

Dear Mr. Ochsner,

Jason received the U.S. Attorneys response to his request for Grand Jury Transcripts. Jason read that he needed to reply within 14 days. Jason received the denial on July 10. Jason mailed me a copy by US mail on July 24 due to delays in transmission through Corrlinks. I emailed the courts to notify them of the delay on July 25 and was told that the response needed to be mailed to the courts instead. I am forwarding Jason's response along with attachments that are referred to in his response. Please process accordingly.

Thank you,

A handwritten signature in cursive script that reads "Julie Gandy".

Julie Gandy
POA for Jason Gandy

Exhibit J
pg 5

TRULINCS 73006279 - GANDY, JASON DANIEL - Unit: TRM-J-A

FROM: 73006279

TO: Gandy, Joe

SUBJECT: 12-21-25 Grand Jury Trans. Request/Transparency Act

DATE: 12/21/2025 06:05:34 PM

Last month Trump signed the Epstein Files Transparency Act into Law which created a exception to Rules that normally keep Grand Jury proceedings confidential. Most of the reasons I need mine are explained in De#305 & my response to DE#309 I sent the Rosenthal's court on 7-24-25 which are now attachments in this motion with important questions. I will be appealing if this court refuses. HERE THEY ARE:

1. 7-24-25: I mailed my response to DE#309. Why didn't your court acknowledge my response? Who opened that response? Is there a secret storage area where are my other letters get taken, and never get acknowledgement?
2. 7-25-25: At 10:28 pm my mom, Julie Gandy, sent an email from jgandy79@gmail.com to Darlene_Hansen@txs.uscourts.gov with attachments of DE#309 and "speedy trial motion Doc #133". Did Hansen share this information with Rosenthal? Who has had access to the information in this email, and was it forwarded to anyone?
3. 8-3-25: Julie Gandy mailed a copy of my response to DE#309, speedy trial..., 1404 Transfer, a email Julie sent on 12-10-24 to noll@noll-law.com, and other documents. Where did this motion and attachments go?
4. 10-1-25: At 6:37 pm erica@wegmanlevin.com sent jgandy79@gmail.com a Memorandum attorney Michael M. Levin which directly relates to why I need to see the Grand Jury transcripts for Count 1, 2, 3 and 4. I need Rosenthal or preferably a non-biased and impartial judge to read this memo by a licensed lawyer who spent many months going over the 7-20-12 interrogations and other interrogations of KV where he is shown illegally obtained evidence, will that happen?
5. The above attached memo on page 2 uses United States v. Scios, 590, F. 2d 956 (D.C. Cir. 1978). Footnote #65 of this case describes two types of cases in which exclusion of a witnesses testimony is necessary to deter police misconduct. The first is where the police engage in unlawful acts for the specific purpose of discovering potentially useful witnesses. Ignoring my request for council, then asking me about KV qualifies my case for Example 1. The second is where the witness describes illegally seized evidence. Watch the 7-20-12 interrogations and KV's first three or four interrogations to see that my case is "Extraordinary". No judge has ever watched these videos.
6. DE#46 page 5 says "As the warrant affidavits state, inspection of Gandy's computer by government agents at the airport uncovered no images characteristic of child pornography. Ex. 1 pg. 17 and Ex. 2 pg. 17: This is additional proof I am not guilty of Count 3 and shows a compelling necessity for knowing what the Grand Jury heard for Count 3.
7. Why did Judge Rosenthal allow DE#34 and #46 to sit on her desk for four years when a very similar motion in U.S. v. Robert 86 F. Sup. 2d 678 (S.D. Tex. 2000) she ruled on BEFORE his Plea Stage?
8. Why does DE#46 say "Seal Event" in my docket sheet? Isn't it obvious sealing it hides a lot of government misconduct and fruit of the poisonous tree?
9. Why did Rosenthal lie in DE# 302 saying DE#98 was not sealed?
10. Why did Rosenthal seal the portion of DE#98 with a obvious structural constitutional defect caused by her that Supreme Court case law U.S. v. Gonzalez-Lopez 548 US 140 (2006) says is not allowed. A perfect example of a judge's interference in the paid attorney of choice relationship is shown on page 44/1008 and 45/1009 of Missouri Law Review, Vol. 85, ISS. 4 [2020], Art. 6. & Henderson: A comprehensive consideration of the structural-error doctrine. Will whoever reads this motion please read the above law review and give me an answer as to why Rosenthal's treatment of my case is not worse? Isn't allowing Attny. Charles Flood to quit while I was in suicide watch a structural constitutional defect? Flood was the only attorney who fully understood the 7-20-12 interrogations and later interrogations of KV because he watched the videos with me. I had paid Flood, Cogdell, and DeBorde all their money up front for trial. How is it right for Rosenthal to allow them to quit because I refused to take a plea?
11. If you read DE#285 and the responses in DE#286 and #288 you will see the above questions were ignored, why?
12. If you read DE#287 and Rosenthal's response in DE#289 you will see that the above questions were ignored and DE#289 suggests that I asked something different or she misinterpreted my questions. Was this done on purpose to hide her misconduct?
13. Honest answers to the above 12 questions will prove Rosenthal is a biased judge. ^{Will}Whoever reads this ^{please}take Judge William G. Young's advice "It is the responsibility of every judicial officer to correct a constitutional procedure just as soon as he becomes aware of its unconstitutionality"? Do not perpetuate something that you know is wrong because you are friends with Rosenthal.

Exhibit K
pg 1

8/8/14

AT FDC

- Complainants:

OCIEL

J. S. (BS)

DAVID Villagomez

Kevin Vasquez

- On the 3rd Video

SGS Δ :

① Win Motion for Summary

② Δ had parental consent.

2.5: KV lied to the British
authorities

2.6. KV ^{was} being removed
by his family (DAD)
✓ they will take away kids

2.7

③ DAVID Villagomez

Exhibit K
pg 2

Zack, Sherri (USATXS)

From: Zack, Sherri (USATXS)
Sent: Thursday, September 11, 2014 9:19 AM
To: Charles Flood
Subject: RE: Gandy

My pleasure.

-----Original Message-----

From: Charles Flood [mailto:Charles@floodandflood.com]
Sent: Thursday, September 11, 2014 9:17 AM
To: Zack, Sherri (USATXS)
Subject: Re: Gandy

I mean it when I say thanks for your patience.

Charles Flood

> On Sep 11, 2014, at 9:13 AM, "Zack, Sherri (USATXS)" <Sherri.Zack@usdoj.gov> wrote:

>

> Thank you for letting me know before my agent got in the car. Keep me posted.

>

> -----Original Message-----

> **From:** Charles Flood [mailto:Charles@floodandflood.com]

> **Sent:** Thursday, September 11, 2014 9:08 AM

> **To:** Zack, Sherri (USATXS); Dan Cogdell

> **Cc:** Cynthia_Jantowski@txs.uscourts.gov

> **Subject:** Gandy

>

> This is to confirm that Gandy is off the docket for 10:00 am.

> Sherri, Dan and I are going to have him mentally evaluated.

>

> Thanks for everyone's patience...

>

> Charles Flood

>

>

Exhibit K
pg 3

Charles Flood

From: Charles Flood
Sent: Saturday, September 13, 2014 10:11 AM
To: Julie Gandy
Cc: Dan Cogdell
Subject: Re: Jason

I'm available Monday and Tuesday afternoons. I'm cc'ing Dan to see when he's available.

Charles Flood

On Sep 13, 2014, at 8:59 AM, "Julie Gandy" <jgandy79@gmail.com> wrote:

Please let me know if Monday or Tuesday is best for you. I have a secretary to cover on Monday but not Tuesday unless I plan ahead. Whichever day it is, we'd need to be done by 4:30. If it isn't till Wednesday, it would have to be in the morning, as I have to take my father somewhere in the afternoon. Let us know so we can make plans.

Thank you

Julie

On Sep 12, 2014 11:08 AM, "Julie Gandy" <jgandy79@gmail.com> wrote:

Yes. We can make that happen. We'll be visiting with Jason on Sunday. It sounds like this something that he needs to know about asap. Can you visit him before then & let us know the outcome so we can discuss with him? How soon would this decision need to be made?

Thanks

Julie

On Sep 12, 2014 10:43 AM, "Charles Flood" <Charles@floodandflood.com> wrote:

I'd like to meet and discuss A potential strategy that would benefit Jason. There may be a way to keep new charges from being filed and give him more time to consider his decision. There is talk of Judge Rosenthal transferring the case to a different district court, it is a court that is not necessarily more punitive (I think Dan would disagree with that, but both of these judges would be bad in this case) but I believe is far less likely to give his motion to suppress the proper consideration. but we will have to act quickly, can you all come in early next week?

Charles Flood

On Sep 12, 2014, at 10:37 AM, "Julie Gandy" <jgandy79@gmail.com> wrote:

Charles,

Please let us know as soon as a new trial schedule is set and/or more charges are filed. We don't want to be caught off guard.

Thanks,

Julie

On Thu, Sep 11, 2014 at 9:16 AM, Charles Flood <Charles@floodandflood.com> wrote:

Julie, I just want to let you know that the 10:00 plea is off. Judge Rosenthal's case manager will be sending us a new trial schedule. I think we should sit down and talk

Exhibit K
pg 4

11/5/14

- w/ Julie & Phoebe Smith

□ JASON wants Me & Dan to try
the case.

- Any Additional Discovery

TO

DO

- Hispanic investigator

TO
DO's

- forensic computer expert.

GM

Exhibit K
pg. 5

Info. for Jason

Julie Gandy <jgandy79@gmail.com>

To: Roger Bridgwater <roger@rogerbridgwater.com>

Thu, Nov 13, 2014 at 1:41 PM

Roger,

I've attached the letter I'd like you to give to Jason along with a copy of Dan's emailed reply to me concerning going to trial. Also, I just got this email from Charles:

Julie, we went and saw Jason. You're correct, he is having suicidal ideations and I am worried about him. He is obsessing about someone named Aaron Swartz who was incarcerated and committed suicide as some sort of attestation of his innocence. Dan and I did our best to counsel him, but obviously we are legal, not mental, counselors.

Jason was unsure if he wants us to proceed as his counsel. Dan is starting a trial tomorrow and we all agreed that we would reconvene next week - hopefully with Ms. Smith also.

Please let me know how your visit goes. It sounds like he's very depressed and needs some Christian compassion. I'll be praying for God's will to be done!

Thanks,
Julie

2 attachments

 November 13 Letter- Roger.docx
16K

 Dans Response.doc
24K

Exhibit K
pg 6

JUDGE LEE H. ROSENTHAL
United States Courthouse
515 Rusk Street, Room 11535
Houston, Texas 77002

Dear Honorable Judge Rosenthal,

Facts: Jason paid Dan Cogdell \$74,000 on Sept. 21, 2012 as his legal counsel. This included fee to trial and extra money for expenses, i.e. investigators, etc.

Jason learned early on that Mr. Cogdell was not good at communication and rarely visited Jason to discuss his case. Mr. Cogdell only visited Jason twice during the entire year of 2013. Jason had been told that Mr Cogdell was an excellent trial lawyer and probably one of the best in the courtroom. Because Jason did not want to forfeit the money he had paid Mr. Cogdell, he did the only thing he could in order to establish communication concerning his case, which was to hire co-counsel.

Mr. Cogdell was very particular about who Jason brought on as co-counsel and recommended Charles Flood. Jason paid Charles Flood \$30,000 on April 2, 2013 to come on as second chair co-counsel. In the contract that Jason signed with Mr. Flood, it stated that \$30,000 was his fee to represent Jason and no other money would be required for expenses as they would be paid by Mr. Cogdell. He further states that he will require additional fees if charges are brought in another jurisdiction and/or in the case of an appeal. Mr. Flood started out in an efficient manner and kept lines of communication open with Jason. Mr. Flood also began to visit less and less and communication dried up again. Jason also began to feel that they were not being totally honest with him. There were several cases where they told Jason and/or his parents one thing and then later said they did not recall the conversation.

Jason repeatedly ^{never told me} requested to see his file and discuss the case to little avail. Every time the lawyers came to visit, they were looking at their watches and in a rush. Once when they visited, they joked openly about how long it had been since they'd been to see Jason.

In an attempt to keep lines of communication open, in January of 2014, Jason went on to hire a young lawyer to visit Jason and communicate between Jason and Mr. Cogdell & Mr. Flood. She was to discuss the case with Jason and bring information from Jason's file over for Jason to review. In short, she could take the time needed to communicate with Jason when his lawyers didn't. Unfortunately, she was never given any of the file to bring to Jason and had very little contact with his lawyers. To date, Jason has spent \$612.50 for her fees as she's only charge \$35/hr.



Exhibit K
pg 7

Julie Gandy <jgandy79@gmail.com>

Jason's case

1 message

Charles Flood <Charles@floodandflood.com>

To: Julie Gandy <jgandy79@gmail.com>

Tue, Mar 31, 2015 at 1:27 PM

Julie,

As you all expected, I moved to withdraw from representing Jason. I've spoken to Nicole (via email) and I know that this Motion was not unexpected. As I explained to you, and Jason, I wish him all the luck in the world and I hope he is successful at trial.

In the event Judge Rosenthal denies my request to withdraw, I will continue to fight for him zealously as if I had never made the request.

Sincerely,

Charles Flood

Flood & Flood

914 Preston, Suite 800

Houston, TX 77002

713-223-8877

713-223-8879 (fax)

Charles@floodandflood.com

Case 2:25-cv-00021-EG Document 4 Filed 04

Exhibit M
front pg. 1

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
DEL RIO DIVISION

JASON DANIEL GANDY #73006-274

v.

LEE H. ROSENTHAL, et al.

Case transferred to
United States District
Court - Houston Division
515 Rusk st # 5300
Houston, Tx 77002
Houston Case Number
4:25-CV-1613

ORDER

Before the Court are Plaintiff Jason Daniel Gandy's complaint and motion to proceed in forma pauperis. Plaintiff sues Judge Lee Rosenthal, prosecutors Sherri Zack and Kim Leo, Homeland Security Agent Junae Johnson, and FNU Roscoe from the Houston Police Department. Plaintiff's complaint relates to his federal conviction in the Southern District of Texas in Cause No. 4:12-cr-00503. Plaintiff fails to allege how his complaint has any connection to the Western District of Texas. After reviewing Plaintiff's complaint, the Court finds that this action should be transferred to the Houston Division of the Southern District of Texas.

There is no specific venue provision contained in the Civil Rights Act under which this action was brought. Therefore, venue in civil rights cases is controlled by 28 U.S.C. § 1391. The relevant portions of the statute provide:

A civil action may be brought in –

- (1) a judicial district in which any defendant resides, if all defendants are residents of the State in which the district is located;
- (2) a judicial district in which a substantial part of the events or omissions giving rise to the claim occurred, or a substantial part of property that is the subject of the action is situated; or
- (3) if there is no district in which an action may otherwise be brought as provided in this section, any judicial district in which any defendant is subject to the court's personal jurisdiction with respect to such action.

FROM: 73006279
TO: Gandy, Joe
SUBJECT: Chief Judge Randy Crane
DATE: 07/31/2025 10:53:26 AM

Was case no. 2:25-CV-00021-EG

I am told by the Western District of Texas judge Ernest Gonzalez, that the new case number is 4:25-CV-1613

1. Are you aware your prior chief, judge Rosenthal made obvious structural constitutional defects in my case? Please watch my interrogation on July 20, 2012, and take notice of the Grand Jury transcripts to see that my illegally obtained statements were used to indict me.
2. Please see attached response to my judicial misconduct complaint on Rosenthal. Fifth Circuit clerk, Robotom, claims the above case is on Pacer, yet my print does not show your court ever got it. Why?
3. Why hasn't your court acknowledged the above complaint?
4. I believe Rosenthal, who also works in the Appeals court, has such strong connections there and obviously in your court, which should allow you to remove my complaint like you did in the Van Deelen v. Jones, Southern District of Texas 4:23-CV-03729 on 6/6/24.
5. May I, or my mom, Julie Gandy, who has power of attorney, have a copy of the above complaint on Rosenthal? Also, of the request for a magistrate I sent on 6/12/25, which I suspect may be what the sealed document number 308, on 6/20/25 was regarding. Were you at the 6/20/25 sealed event? May I know what it was regarding?

Exhibit M
pg. 3

TRULINCS 73006279 - GANDY, JASON DANIEL - Unit: TRM-J-A

FROM: 73006279
TO: Gandy, Joe
SUBJECT: RE: 6925 Rule 8(a) Abatement
DATE: 07/31/2025 10:16:55 AM

RE: Rule 8(a) Conflicts with Rule 5 & 11 via complaint number 05-24-9002 from 10-13-23.

Dear Clerk Robottom,

1. Your 6-9-25 Review of Pacer "indicating" overlapping issues due to Gandy v. Rosenthal USDC No. 4:25-CV-1613(S.D. Tex.) is Not a Reason in my very similar situation as Deelen's issue w/ Judge David R. Jones, to wait & see what happen in the above case that I can not find on Pacer(Attached Docket from Pacer).

Why is your Pacer different than mine? May I have a copy of yours?

2. I have written to Chief Judge Randy Crane about the above Civil Action against Rosenthal, So this my official update to you that that action has been canceled so that your court can move forward with my Judicial Misconduct Complaint.

3. The best reason for your Court to finally look at the merits of my complaint and to stop holding it in Abeyance can be found in an attachment I have provided. The prior Chief Judge Priscilla Richman's decision to "...herby identify a complaint against Judge David R. Jones. I conclude that disclosure of the existence of this complaint is necessary and appropriate, particularly because many of the allegations regarding Judge Jones' conduct have been made public in the press and in the filing of a law suit against Judge Jones. This statement makes rule 8(a) not applicable in my circumstance. See also attachment showing when Michael Van Deelen filed his district court complaint, which was before Richman decided to take up his judicial misconduct complaint.

4. Structural constitutional defects are according to justice Black, J., "Irrespective of the circumstances, convictions obtained by unconstitutional methods should be subject to challenge at any time."

TRULINCS 73006279 - GANDY, JASON DANIEL - Unit: TRM-J-A

Exhibit M
pg 4

FROM: 73006279
TO: Gandy, Joe
SUBJECT: Mini Judicial Misconduct complaint
DATE: 07/31/2025 01:14:56 PM

Consider this mini Judicial Misconduct complaint, in addition to the one that was "received" 6/5/25.

1. Rosenthal refuses to allow a magistrate to fill in when I am asking for proof of her misconduct that is in the Grand Jury transcripts.
2. After I asked for a magistrate to rule on DE 305 in a letter sent 6/12/25, Rosenthal has another "sealed event" DE 308 on 6/20/25. Please look into this and take notice of ALL the unnecessarily sealed events in my case as part of your investigation into Rosenthal's misconduct.
3. As mentioned in my appeal to the denial of my compassionate release motion, case no: 25-20032 (please mail or email my mom a copy of the appeal I sent your court in March or April of 2025.) pg...2 # 2 to pg... 3 of my copy (attached) shows how Rosenthal mislabeled DE#285 in my docket sheet as "motion for return of property". It's obvious she's ignoring Structural Constitutional Defects when you read the response to DE 285 in DE 286.
4. #3 of my attached appeal to my compassionate release motion explains how Rosenthal misinterpreted DE# 287 in her response to my 60(b) request in DE#289. Her response lies about what I'm asking for. This is proof conflicts happen when a judge rules on her own misconduct.
5. This complaint is simple. Please read my attachment dated 7-24-25 the day I mailed the Southern District court my response to prosecutor Leo's denial of my request to my Grand Jury transcripts (DE 307). Page 2 #1 under "Case Law shows how I should be treated": in Boyd v US decided 9-28-06 "The trial Judge abused her discretion by declining to examine the relevant statements in camera". No judge has ever watched the illegal interrogations (7-20-12) with case law in hand.
6. All your court needs to do is watch my 7/20/12 illegal interrogation, after I asked for my lawyer who was at the Bush airport to pick me up. Then, see how my illegally obtained statements were used to coerce KV's statements on 7/20/12. This is well documented in motions to suppress my statements and their fruits in DE 34 and 46. Rosenthal had over four years to watch the videos and respond to the two suppression motions, yet never did. On 12/5/16 DE 89 Dan Cogdell said "we're still waiting on a ruling to our motions", referring to the two above, which he had filed in 2013.
7. Please read all of page 2 of prosecutor Leo's denial of my Grand Jury transcript request, which ends "... to perpetuate something we all know to be wrong, only because we fear the consequences of being right." This quote describes what your court, and the district court, is currently doing to me. By now, your court should know Rosenthal is "deeply at war with both the text of the constitution and many years of supreme court precedent." This quote by 45 year veteran attorney, John O'Neil, in a 1/15/18 Houston Chronicle article titled "Rosenthal rules federal courts in Houston region with firm hand", helped me realize judge Rosenthal did this on purpose.
8. Structural constitutional defects structurally caused by a trial judge are subject to challenge at any time according to Justice Black, J. "irrespective of the circumstances, convictions obtained by unconstitutional methods are subject to challenge at any time." Please stop making rules that protect your fellow judges from being held accountable for their misconduct. It defeats the purpose of the Judicial Improvement Act of 2002.

Exhibit N



Julie Gandy <jgandy79@gmail.com>

Info from Visit with Jason

1 message

Julie Gandy <jgandy79@gmail.com>
To: Sean Buckley <buckleyfirm@gmail.com>
Bcc: miklyn.provenzano@gmail.com

Thu, Jul 12, 2018 at 10:35 PM

Sean,

Jason wanted me to share this info with you.

1) Jason really wants you to use the proof from Chase about [REDACTED] using his card without permission. Will you be able to use what I gave you or do I need to get more complete statements? The printouts that I gave you don't both include the full list of transactions.

2) Jason wants us to reach out to the following people to see whether or not they will be willing to say something that could help him. I told him that they probably won't want to be involved but he said he doesn't care, he just wants to know. I can ask Katherine Griff or Miklyn to contact them but wanted to double check with you first.

The first 2 are regarding the texts that the Feds have and are on the list that I shared with you from him: (you may have already contacted them?)

[REDACTED]
The 2nd two are [REDACTED] and [REDACTED] who was on [REDACTED] facebook and knows Jason.

4) He believes Judge is prejudice and would like to request another judge if that's possible. He doesn't believe he can get a fair trial with her.

He said that Judge Rosenthal knew better than what she said at the pretrial. She was the one that released the lawyers when they quit. Jason only fired Alston and the rest quit.

Cogdell, Flood and DeBorde all quit because Jason wouldn't take plea deal. In each case, Jason hired another lawyer because they quit working his case when he wouldn't take a plea deal.

With Flood, he went to the judge and asked to be released while Jason was in suicide watch. With Cogdell and DeBorde, they both asked to be released when Jason hired Neyland. Jason told the judge that he didn't want them to quit because they were hired to go to trial. In each case, the judge released them against Jason's wishes. This is a far cry from firing all those lawyers.

I'm not sure why she said that he fired 9 lawyers.

Jason also wanted to add to the motion for speedy trial act if possible. He feels that Judge Rosenthal purposely delayed consideration of his suppression motion for 5 years which made a huge difference in his lawyers' attitudes towards his case. Several of the lawyers said that he wouldn't be able to win his case because of the statements made in Jason's interrogation. If the suppression had been considered and granted earlier, he would have had a better chance of winning without all the extra charges being filed.

Thank you,
Julie

Henderson: A Comprehensive Consideration of the Structural-Error Doctrine

Exhibit O
Pg. 1

2020] CONSIDERING THE STRUCTURAL-ERROR DOCTRINE 1009

Though convincing on its face, this reasoning relies on the false premise that there are no good reasons to waive a structural error. That is simply untrue. Imagine that you are a criminal defendant with plenty of money in the bank – enough money to hire whoever you want to defend you. You have a lawyer as a family friend, and you really trust him; he always says smart-sounding things when he comes over for dinner, and he brags constantly about all the cases that he has won. After you are indicted, you try to retain him – but for some erroneous reason, the judge prevents him from representing you. (Let's stipulate that it was structural error to prevent you from hiring this attorney; he is in good standing and has defended criminal cases before in this court, but the judge just thinks he is obnoxious.)

When your newly court-appointed public defender stops by your jail cell, you are obviously upset. You tell her, "I don't even want you to represent me, you know – the court wouldn't let me use *my* lawyer, and he's the only one I want. Now I'm stuck with you." To your surprise, she tells you that it sounds like what the judge did was wrong, and that so long as there really is no good reason why your friend cannot practice before the court, you have a right to be represented by him. She then explains that the court committed what is called a structural error. She goes on to explain that, so long as you object to the denial and the court denies your objection, you can appeal, and the reviewing court will be forced to reverse the case no matter the result.

You are obviously relieved; *what a great attorney*, you think! You and she plan to raise that objection at the next hearing. In the meanwhile, you decide to look up some of your friend's cases to see for yourself how he handles his cases. You are horrified. His written work product is full of incomplete sentences and is impossible to read. Worse, you discover that despite all his bragging, in fact he has not won a single criminal case. In a panic, you look up your public defender and, to your great relief, discover that she has won multiple awards for outstanding advocacy. You are even more shocked and impressed to learn that she has the highest acquittal rate of any attorney in the city.

Needless to say, you tell her not to raise the objection. She represents you through trial and sentencing and does an amazing job, but you still ended up losing your case; a jury convicts you, and you are sentenced to twelve months' imprisonment. Remembering what your attorney told you about structural error (and recalling that she said something about automatic reversal), you decide to appeal. On appeal you invoke your right to self-representation and explain in your brief that you know all about structural error, that the district court committed one, and that you know that you have the right to a new trial.

What result? The answer is obvious: by not objecting, you waived your structural-error argument. In fact, you had an excellent strategic reason not to object: you got lucky, and your court-appointed attorney was far superior to the attorney the court erroneously prevented you from hiring. Sure, if you had objected you could have gotten a new trial with your counsel of choice – but the structural error you experienced ended up being a windfall; it would have

WIS 54 I
K202

I did

Exhibit O
pg 2

1008

MISSOURI LAW REVIEW

[Vol. 85]

structural error, it has concluded that it so-alters the constitutional framework of the trial that the fairness of the proceedings are destroyed – and it undeniably is a substantial right of a defendant to have a fair trial. Whether the ultimate *outcome* would be the same is certainly one kind of prejudice, but structural errors focus on more fundamental substantial rights than mere outcome determinacy. The Court will likely conclude on this basis that all structural errors satisfy the third prong.

In sum, it is likely the Supreme Court will rule that structural error automatically satisfies the third prong, and this Article argues that it has already ruled that a structural error does not automatically satisfy the fourth prong.

C. Structural Error and Waiver

The last question this Article addresses is whether structural error can ever be waived. The Supreme Court has not yet answered this question, though several circuits have weighed in. Before going to the circuits, it is worth pausing to think through the logic of why structural error should, or should not, be susceptible to waiver.

We know already that a structural error can be forfeited – so why couldn't one be waived? There is no technical or legal reason why structural errors cannot be waived, but there is a line of thinking that might lead us to conclude that they are not waivable in practice. Though that reasoning is incorrect, it is worth our time to walk through it.

Whatever else is true of structural error, one thing is certain: raising an objected-to structural error on direct appeal results in automatic reversal.²⁹⁷ Put slightly differently, if properly objected to, a party is guaranteed to have the error remedied. Add to this what must be true of all waiver: it is the *intentional* relinquishment of a *known* right.²⁹⁸ (The *unintentional* relinquishment of a known or unknown right is forfeited, as we discussed earlier.²⁹⁹) So to waive a structural error, one must *intentionally* relinquish the right to raise it. But let's expand this out a bit: waiving a structural error means intentionally giving up the right to raise an error that will *guarantee* you a new trial. On its face, it might seem like an absurd decision – one that, in practice, no party or counsel would ever make. As a result, one might argue that any accusation (by the government, for example) that a party waived a structural error must fail, because no party would ever intentionally give up the right to raise such an error.

297. *United States v. Davila*, 569 U.S. 597, 611 (2013) (quoting *United States v. Marcus*, 130 S. Ct. 2159, 2164 (2010)) (“We have characterized as ‘structural’ ‘a very limited class of errors’ that trigger automatic reversal because they undermine the fairness of a criminal proceeding as a whole.”).

298. *Hamer v. Neighborhood Hous. Servs. of Chicago*, 138 S. Ct. 13, 13 (2017).

299. *Id.*

Exhibit P
pg 1

TRULINCS 73006279 - GANDY, JASON DANIEL - Unit: HOU-F-E

FROM: Alston, James
TO: 73006279
SUBJECT: Re: RE: Re: RE: Re: 10 TO LIFE
DATE: 08/31/2012 03:45:12 PM

In hiring another attorney are you wanting to fire me and have this new attorney replace me?

As soon as the investigator is approved by FDC, both he and I will come and meet with you before he goes and talks to anyone.

The grand jury does not decide what the charge is or what the punishment range is. The grand jury decides if the evidence presented to them establishes probable cause for the case to proceed.

I am not an asset manager and I never said I would manage your assets. I advised you and your parents that if you had funds that you wanted to place into my trust account for future legal services then we could place those funds into my trust account. I notarized the power of attorney so that your parents could move your assets.

James

JASON GANDY on 8/31/2012 2:04:36 PM wrote

I REALLY do not want to hire another asset manager since I told you before hiring you that it was very important to do that and you agreed you would help. Many other attorneys put their clients assets in an attorney trust for them during their trial and to protect their clients. Im asking if the \$ I've paid you can be used to pay someone else if you cant help my parents get it done.

I believe it was the grand jury that decided the sentencing should be 0- 10 years. They did all sorts of changing after they met.

I need to interview a investigator. I would think since I know him better than they do that they would want to meet me before just driving over there. This is very important.

Im sorry for wanting to hire another attorney but there were several reasons for me wanting to do so.

1. asset protection I told you about before I paid you.
2. I feel rushed every time you come here yet the client behind me you said you needed to talk to for 4 hours and I got less than 40 minutes.
3. I feel sherry zack should not have changed the 0-10. And I thought you should have at least tried to say something to the judge about it. I know you said that would be stupid but it never hurts to try.
4. Im innocent and feel you think im guilty. Maybe thats because you were a prosecutor and want people accused of my type of crime to burn in hell like sherry seems to want. (sorry for the strong words here but the looks she gives me makes me feel like she'd like me to die)
5. From the beginning I've said the investigator needs to do a good job asap yet its been over 50 days and I believe Kevin is going crazy at this point knowing he did not tell the truth and neither did I due to the brutal unfair interrogation where I was asked the same questions over and over until I broke down crying saying "maybe hope" and ok maybe fantasize (there words not mine) to appease them after a 5- 6 hour relentless interrogation after NO SLEEP FOR 4 DAYS. THIS IS THE KEY TO STOPPING THIS CASE.

—Alston, James on 8/30/2012 6:00 PM wrote:

Jason:

I received the message that you left with my assistant. First, of all I have been to visit you several times. 7/31 at the FDC to introduce myself and execute the power of attorney; 8/14/12 at the FDC to discuss the case; 8/21 at the FDC to discuss the case and the indictment; 8/23 at the courthouse after the arraignment; and 8/29 at the FDC to discuss the asset forfeiture, the law enforcement reports, give you a status of the case and to get approval from you to hire an investigator.

You need to be patient and let me review all of the evidence in your case. It is more important at this stage of the case for me

TRULINCS 73006279 - GANDY, JASON DANIEL - Unit: HOU-F-E

Exhibit P pg. 2

JASON GANDY on 8/28/2012 8:55:34 PM wrote
MY TAX PAPER WORK was in the big closet to the left of the fridge in the FILING CABINET MADE OF WOOD. ALSO SOME TO THE LEFT OF THE FRIDGE IN THE RV AND ON THE TABLE IN THE RV.

PLEASE BRING THE CONTACT LIST MY PARENTS PRINTED OUT FOR ME

STATUTE OF LIMITATIONS FOR STATE CHARGES?

DOUBLE JEOPARDY?

—Alston, James on 8/28/2012 11:30 AM wrote:

>

Jason:

I am reviewing the discovery in your case. As soon as I have finished reviewing it, I will be by to see you. Also, I am still checking on the car. As soon as I have an update, I will let you know.

As far as the email below, if you can tell me where your tax paper work was located I can ask the prosecutor to turn it over. For example, it was located in the blue folder in the second drawer on the right of my desk.

Below is an email that I received from Julie.

"James,

I know you have a lot to talk to Jason about when you go. I wanted to remind you to talk with Jason about identifying the paperwork needed for taxes that was confiscated. We'll need to get that paperwork to the CPA as soon as possible so he can file taxes by October 15.

Also, tell him to communicate by email with us if he runs out of minutes. His step-dad, Dick, is sending in paperwork for visitation today. If he's approved, he plans on coming Saturday morning. Jason will need to get us word by Friday that Dick is approved. He can call or email me.

Thank you,
Julie Gandy"

James

JASON GANDY on 8/24/2012 2:08:24 PM wrote

DID YOU TALK TO THE PROSECUTOR ABOUT SWITCHING THE SENTENCING TO 0 TO 10 INSTEAD OF 10 TO LIFE?

ALSO IF IT IS 10 TO LIFE IS THERE A MANDATORY MINIMUM?

AM I ELIGIBLE FOR A SAFETY VALVE?

IF SO THEN I SHOULD BE ABLE TO GET UNDER THE MANDATORY MINIMUM CORRECT?

I AM WILLING TO DO ANYTHING TO ENSURE THE SENTENCE GOES BACK TO 0 TO 10 YEARS INCLUDING GETTING MR. ODEM (YOUR FRIEND) INVOLVED IF YOU BELIEVE IT WILL HELP?

Julie Gandy

Exhibit R front

From: GANDY JASON DANIEL (73006279)
Sent Date: Monday, July 1, 2024 3:49 PM
To: jgandy3@sbcglobal.net
Subject: July 1st 2024....

Today I got a certified letter from Prosecutor ZACK:

"U.S. Response to Defendants Motion for Return of Property Pursuant to 41(g)"

A. The deft, filed this motion w/out stating what property he is seeking but asserting claims none of it should have been ordered by the court.

My response: I need a copy of my original letter received by the Court on April 1st 2024 DE#285. In that letter, I also asked:

1. The court to unseal DE#46, which is a hearing about the poisoned fruits of my illegally obtained statements.
2. I also asked for a compassionate release to care for my 88 year old grandfather with lung cancer, who passed away 4/21/2024 due to the Court ignoring my requests and Kent Botkin not getting a level of care he needed.
3. An investigation into the 7-20-12 interrogation of mine which caused Kevin to say things he wouldn't have.

B. Zack says "#46 (this motion in november 2012 deserved a hearing) was "terminated" when "defendant" moved to plea early in the case.

My response: How could #46 have been terminated when on 12-08-2016 DE#90 Dan Cogdell told Judge Rosenthal he was still waiting on a response to his motions. This is when I found out about these two motions #34 and #46 existed. Dan Cogdell was allowed to quit by Judge Rosenthal, a scant few weeks after DE#46 and DE#34 were ruled "moot." The new attorney Dustin Neyland had never been to trial in the Feds, and was clueless.

Had DE#46 gotten a proper hearing, it would have thrown out my entire case. An in-camera review by any Judge would show that my illegally obtained statements were used to convince Kevin to say things he wouldn't have.

See ROA945 page 109 of the 7-19-18 trial where Kevin says

Kevin: "I was trying to help Jason" and "I didn't want him to get in trouble. I didn't want to get in trouble myself, and I didn't want my mom to know what we were doing."

Zack: "And at that time, how did you feel about the defendant?"

Kevin: "I really liked Jason. I felt bad that I got him in (ROA946 Pg.110): Trouble."

Zack: "Does there come a point in time you give another interview at the CAC?"

Kevin: "Yes"

Zack: "And during that interview, are you still trying to protect the defendant?"

Kevin: "Yes, part of me was still trying to protect him."

Zack: (ROA947 Pg.111) Quote "And at this point, did your parents know what had happened?"

Kevin: "Not yet."

Kevin says "Jason's private investigator... I told him I felt bad for what happened and I wanted my friend to get out. I told him that if there was any way to help him."

All of the above quotes from Kevin prove that had my statements on 7-20-12 not happened, nothing he had to say would have put me in jail. No statements should have ever been taken from me because I evoked my right to council before the plane touched ground in Houston, and my attorney was at the airport when the interrogation started. I asked for my attorney numerous times as DE#34 and DE#46 quotes directly from my illegal Interrogation on 7-20-12.

Further proof told to Kevin's mom to my investigator Jarvis, "Kevin is not the type to allow himself to be used or abused."

My trial transcripts confirm what his mom said (Page 113 ROA#949)

Kevin: "Because he wanted to have massage clients as guys, and I wasn't really -- I didn't even want that. So I told him I was like, well, can we do women?"

Zack: "And -- "

Julie Gandy

*Exhibit R
back*

Kevin: "That's what we did in the Craigs ad for women."

Kevin told me what to do. At this pivotal point, Kevin's first interaction with police was given while he considered me a "friend" and "really liked me."

Kevin is a second deacon, 3-31-4-9 Aries ruled by the sun making him consistent, loyal, and determined with a side of fiery intensity. They keep their feelings to themselves. It's hard for this Aries to open up to others - Even those they know and trust. Negative energy traits: Often brash and demanding, even to those they love. They want everything done the way they see to be right. On this point, Kevin's mom, his sign (According to Kristy Robinett, who wrote "Born under a good sign"); and my trial transcripts all confirm that Kevin was in control, not me.

Kevin: "I don't know why he wanted me to put the laptop in my bag, but it was more like to protect himself, because I was going to protect him."

All of this needs to be brought up in a 60(b) motion due to Judge Rosenthal not ruling on motion #34 and #46 in 2013.

Exhibit 5
pg. 1

1 You have pictures that say Bali inside the computer.

2 And let's talk about the credibility of these

3 witnesses. Why were they here talking about this? Not

4 because they wanted to. They were here because they were

5 under subpoena. They didn't want to be here. JS

6 And let's go through each of them in turn. As

7 to Minor Victim 1 and to what was going on at the time, if we

8 could look at the image of Minor Victim 1 and these other

9 victims, please, at the time, Mr. Buckley talked about the

10 fact that Minor Victim 1 never told customs control or the

11 people in London that he was scared or upset or worried or

12 any of that because he wasn't, he wanted to be there. He

13 wanted to go to London, and he did what he believed he needed

14 to do to go there, which was to cooperate with what the

15 defendant wanted him to do.

16 You know what? Mr. Buckley was absolutely

17 correct in saying that this is upsetting and repulsive

18 because all of the things the defendant did to manipulate

19 these children is upsetting and is repulsive. And you will

20 have the opportunity to find him guilty of all of those

21 crimes.

22 As to the credibility of Minor Victim 1, there

23 is absolutely no evidence to suggest that the Department of

24 Justice has done anything to influence his career, to derail

25 his career or has anything to do with his career in the

Case 4:12-cr-00503 Document 192 Filed in TXSD on 12/15/18 Page 130 of 155

Exhibit
S
Pg. 2

Therefore without Gandy's statements on 7-20-12 KV 3-130
wouldn't have said anything; HS would find bigger fish to Fry.
1 military. He was 15 years old when he was stopped in London,

2 and the fact that he was trying to protect the defendant and
3 to protect himself because he thought he was going to be in
4 trouble back when he was 15 has nothing to do with when he is
5 sitting here today and it's being suggested that somehow what
6 happened to him when he was 15 could hurt his career now.
7 That's just a leap and a stretch and not supported in any
8 way, shape or form by this record.

9 Let's talk about Minor Victim 2 and his
10 credibility. But before we get there, I just want to suggest
11 to you one thing as to the images that were taken of Minor
12 Victim 1. He testified that two images were taken in the
13 massage room that exposed his backside naked and the front of
14 his body, his genitals. And I would suggest to you that if
15 you look at the definition of lewd and lascivious as it's
16 described and related to child pornography you will find that

17 it fits within the instructions that Judge Rosenthal gave
18 you. Suggesting a pic KV's Never Seen from Illegally obtained evidence
19 is the #2 part of footnote 65. in the Scios case in Levins memo.

As to the credibility of all of the witnesses,
20 please, please scrutinize their testimony. Use the criteria
21 the Judge gave you because there is nothing to explain the
22 fact that all of them told you a similar story when they did
23 not know each other than it is true. They had no contact
24 with each other. Picture at trial shows KD & DV (Victim 3 & 2)
25 Together. KD dated DV, see investigation by Catherine Edwards

Minor Victim 1 was 2012. Minor Victim 3 was
Victim #4 JA admitted to meeting Victim #2 in Houston;
recognized his picture when shown at trial. So why lie?

18-20823.1271

TRULINCS 73006279 - GANDY, JASON DANIEL - Unit: OXF-S-A

Exhibit T pg. 1

FROM: 73006279
 TO: Gandy, Joe
 SUBJECT: emails to court....
 DATE: 01/12/2025 09:04:51 PM

Times Gandy asks Rosenthal, Appeals Court, and Clerks for sealed information.

1. 1-27-19 (this is found in "The problem: Chief Judge Rosenthal has refused...") Under due diligence #3 Part C.
2. 3-24-19 (D)
3. 4-14-19 (E) This is Julie's email to Kretzer asking if Rosenthal is allowed to let my attorneys quit.
4. 6-20-19 (I) As seen in Exhibit C page 6 of the letter I mailed to the Appeals court on 1-18-21.
5. 10-1-19 (J) I tell Office of Inspector General about letter I above since Rosenthal ignores me.
 <Explanation of time lapse>: Covid Lockdown approximately 4-1-20 to 3-1-21.
6. 1-18-21 (M) I mail the Appeals Court a copy of Letter I above. They responded 2-4-21 and CC'd the district court.
7. 2-23-21 (L) DE#239 Done while I was "pro se" because I fired Dallas Craig Hughes.
 <Explanations of time lapse>: Transfer to Houston from FL
- 12-9-21: DE#266 "motion to appoint counsel by me"
- 2-9-22: Letter from me saying Brandon Sample was ineffective DE#269
- 2-14-22: DE#272: Letter from me "asking for a copy of 2255 for an inmate" This is not what I asked.
8. 1-5-24: DE#277 Julie Gandy asked for DE#98 hearing transcript on 4-27-17.
9. 1-8-24: Court reporter Kathy Metzgercsr@gmail.com emailed Julie Gandy saying "for the 4-27-17 sealed ex parte transcript, I will need an order from the judge allowing me to release it."
10. 2-16-24, 2-21-24, 4-11-24: Julie continues to ask for sealed documents and finally receives DE#141 by Fred Warner who transcribed it on 5-6-24.
11. 3-17-24: (Q) District court ignored DE#98 request by me. RED FLAG! DE#285
12. 5-24-24: Julie is ignored yet keeps asking for sealed docket entries #136, #98, #46 referencing my requests in DE#285 and attached her power of attorney. She forwarded the same request on 6-13-24 and 6-20-24. On 6-20-24 Darlene_Hansen@txs.uscourts.gov says "I forwarded your request to Lisa Eddins, Judge Rosenthal's case manager.
13. 7-19-24: The District court received my motion for 60(b) relief due to constitutional violation.
14. 8-10-24: Julie emails Lisa Eddins saying "I'm sure you are very busy. I understand that Hansen forwarded my request to you but I still haven't heard back."
 "property" (which asks about SCD caused by "R")
15. 8-22-24: DE#288 and 8-27-24: DE#289 is the denial of my 60(b) request saying a COA will not be issued. Obviously this request which was read by my biased judge should not have been sent to her because how can she rule on her own misconduct?
16. 10-2-24: DE#292 Compassionate release motion. This motion expresses mostly under the "signs" section how Judge Rosenthal was biased and broke the constitution in my case. & continues to ignore requests to unseal DE#98 etc.
17. 10-14-24: Julie emails Hansen "We have yet to hear anything back from Ms. Eddins..."
18. 12-10-24: Julie emails Glenda_Hassan@txs.uscourts.gov "I looked back and saw that we requested this transcript (DE#98) from K. Metzger through the courts with the proper request form. This was her response: "For the 4-27-17 sealed ex parte transcript, I will need an order from the Judge allowing me to release it."
19. 12-10-24 at 10:37AM: Hassan responds: 1. I am attaching a copy of the motion for return of property (DE#285).
2. Sealed Documents are not released without Court Approval. Mr. Gandy will need to formally file a request to get copies of the sealed documents filed at DE#46 and #136. DE#98 is a minute entry and there is no documentary attached to that entry.
3. Attaching DE#287. Also the docket sheet. Acting Case Manager to Rosenthal 7132505517.
- At 11:29AM Hassan responds "The minute entry is for the actual hearing held that day. I took a quick look at the docket, and it doesn't look like a transcript was requested for the 4-27-17 pre-trial conference. (DE#285 above was a formal request for this.) If you want to request a copy of that transcript, you will need to formally do so. The Clerk's office can help you with that, and they can be reached at 713-250-5500. There is no necessary form to request sealed documents. If Mr. Gandy just sends a written request (I ALREADY DID!!), that should suffice.
20. 12-12-24: Hassan emails Julie "The hearing for some reason was sealed and unfortunately, I do not know why. A request to the judge will need to be made if Mr. Gandy wants a copy of that transcript. If the order issued by the court (she is referring to DE#285 which was responded by the government in DE#286 and #288 on 6-24-24.) did not address the unsealing of documents, Mr. Gandy may file another request to unseal these documents.
21. 1-3-25 I mailed "Clerk of Rosenthal" Requesting DE#98 & many other sealed docs. DE#294 Finally docketed 1-14-25
22. 1-22-25 Reg. to Appeal CRM: DE#98 & Fee! Judge R should Recuse DE 295 1-29-25

Exhibit T
pg. 2

Footnote 65:↓

There are two extraordinary types of cases in which exclusion of a witness' testimony is necessary to deter police misconduct. The first is where the police engage in unlawful acts for the specific purpose of discovering potentially useful witnesses. See p. ---of 191 U.S.App.D.C., p. 991 of 590 F.2d *Infra*. The second is where the witness' testimony (E. g., the testimony of a police officer who participated in an illegal search) Describes illegally seized evidence or otherwise inadmissible fruits. The deterrence principle obviously would be emasculated if the prosecution could use a willing witness to describe tainted evidence, and under established exclusionary rule doctrine such testimony is inadmissible. My analysis and conclusions are confined to the ordinary cases of live-witness testimony the types of cases with which the circuit court opinions cited above have uniformly been concerned in which the witness' testimony derives from knowledge he possesses independently of any illegal police conduct

66

United States v. Janis, 428 U.S. at 453, 96 S. Ct. 3021

67

United States v. Calandra, 414 U.S. at 351, 94 S. Ct. at 621

68

Michigan v. Tucker, 417 U.S. at 448, 94 S. Ct. 2357

69

See pp. -----of 191 U.S.App.D.C., pp. 987-988 of 590 F.2d *Supra*

70

In *Stone*, Justice Powell stressed the important role played by proportionality in criminal justice. See 428 U.S. at 490-91 & n. 29, 96 S. Ct. 3037, Quoted at p. ---of 191 U.S.App.D.C., p. 988 of 590 F.2d *Supra*

71

The path of the law, of course, has headed unerringly toward unrestricted admission of relevant testimony. See McCormick's Evidence § 71 at 150 (2d ed. E. Cleary 1972); The rules which disqualify witnesses who have knowledge of relevant facts and mental capacity to convey that knowledge are serious obstructions to the ascertainment of truth. For a century the course of legal evolution has been in the direction of sweeping away these obstructions.

See *Brown v. United States*, 126 U.S.App.D.C. 134, 143, 375 F.2d 310, 319, Cert. denied, 388 U.S. 915, 87 S. Ct. 2133, 18 L. Ed. 2d 1359 (1967) (Burger, J., concurring), Quoted in note 33 *Supra*.

72

It is on this principle, for example, that 18 U.S.C. §§ 2510-2520 (1976), regulating electronic surveillance, prohibit not only unauthorized interception of communications but equally their subsequent disclosure

73

See, e. g., *United States v. Miller*, 425 U.S. 435, 96 S. Ct. 1619, 48 L. Ed. 2d 71 (1976) (depositor has no Fourth Amendment interest in bank records relating to his accounts); *Couch v. United States*, 409 U.S. 322, 93 S. Ct. 611, 34 L. Ed. 2d 548 (1973) (taxpayer has no Fourth or Fifth Amendment interest in financial records surrendered to accountant); *United*

49

Gmail

Exhibit T
pg. 3

Julie Gandy <jgandy79@gmail.com>

Jason Gandy

1 message

Julie Gandy <jgandy79@gmail.com>

Tue, Dec 10, 2024 at 10:21 AM

To: noll@noll-law.com

Mr Noll,

I apologize for missing a call from your office yesterday. It's a very busy time for me at work and I didn't answer because it was from Illinois & I wasn't expecting a call. I thought I'd go ahead and send some information on what we're needing. I'm reaching out on behalf of my step-son, Jason Gandy who reached out to your office and was told to send information. Jason is serving a 30 yr sentence under Case # 4:12cr503, USA v. Gandy. He was detained in July 2012, tried in July 2018 and sentenced in Dec. 2018. He filed and lost an appeal and a 2255 which was denied. He also filed a compassionate release motion but has not received any response. He is now seeking other post conviction relief options. He has been working on a judicial misconduct complaint against Judge Rosenthal due to several violations throughout the indictment and trial period. One of the major violations that Jason is presenting is that his lawyer in 2013 filed a Motion to Suppress (see attached DE34) which was repeatedly delayed by Judge Rosenthal and then was ruled as "moot" in April 2017 in a closed hearing of which Jason was not even aware of until after the fact. She also allowed 2 of his lawyers to quit against Jason's wishes. Jason was present and argued that they were paid to go to trial but she allowed them to quit anyway. (This hearing is now sealed and Jason hasn't been able to obtain a transcript of it) Judge Rosenthal also let a 3rd lawyer quit while Jason was in suicide watch and said that Jason did not oppose it, even though he wasn't even aware it happened until after the fact. She later used the argument that Jason hired and fired all his lawyers to deny a speedy trial motion. I know there are other issues but Jason would have to share those. I have attached the rough draft of Jason's Judicial Misconduct Complaint which was handwritten because he was desperate to file it.

Jason has requested approval to file a 60B motion and I've attached the response from the courts.

Jason has also discovered major discrepancies in the testimony of one of the victims, Jose Alfaro. Jose Alfaro testified in the criminal trial that he was 18 in 2007 at the time of his interactions with Jason and moved to Austin into a house that Jason didn't buy until Oct of 2008. When that was brought up in the trial by Jason's defense attorney, Judge Rosenthal speculated that perhaps Jason was renting at the time, etc. offering assistance to the prosecutor for discrepancy. Alfaro also filed a civil suit in which he testified that he met Jason when he was 17 in 2008. There are other discrepancies in the testimonies of both trials. In addition, Jason nor I were aware of when the civil hearing was held nor were we notified that Jose was awarded over 1M in the civil judgement. We didn't find out about this until several years later. (I've attached the trial transcript for both the criminal hearing and civil hearing) Day 2 starting at 2:209 is Alfaro's testimony, Day 3 on page 3-7, Rosenthal speculates about Jason possibly renting the house. On the Civil hearing, Alfaro testifies on page 11 that he was 17 when he met Jason.

Jason is seeking help in choosing the best avenue to pursue and assistance in preparing a Judicial Misconduct Complaint, 60B Motion or possibly a 2nd 2255 if grounds warrant. We would greatly appreciate any assistance or guidance that your firm can offer.

As this has become overwhelming to me over all this time and I have a hard time keeping the facts straight, it would be best to talk with Jason. Jason would welcome a phone call and ideally a legal call as all his calls are limited to 15 minutes otherwise.

I appreciate your time and interest in considering Jason's plight.

Thank you,
Julie Gandy

6 attachments

 Transcript Day 2 jury trial day 2 837.pdf
1042K

 Transcript Day 3 jury trial day 3 1142.pdf
607K

 Gandy vs Alfaro.Hearing.pdf
760K



Exhibit T
pg. 4

Julie Gandy <jgandy79@gmail.com>

Case 4:12-CR-503.1, 18-20823

1 message

Mon, Dec 30, 2024 at 10:00 PM

Julie Gandy <jgandy79@gmail.com>

To: criminal.division@usdoj.gov, criminal.divison@usdoj.org

To Whom It May Concern,

I'm forwarding this request on behalf of my stepson, Jason Gandy, who is currently incarcerated at FCI Oxford. I have power of attorney for Jason. Below is his explanation as to why we are addressing these concerns to your agency instead of the 5th Circuit Appeals Court who would typically address a change of venue request.

Chief Judge Richman, Judge Owen at the time of Jason's direct appeal, is involved in reading Judicial Misconduct complaints.

Chief Owen/ Richman has created a conflict of interest and shown clear prejudice in Jason's direct appeal. This is fully explained in his 1404 request for a change of venue which is attached. Jason believes there is a level of corruption in public officials in the federal courts in the state of Texas relating to his case that cannot be cured by simply assigning his complaint to another Judge, who is likely to go along with their fellow judges.

This is why I'm forwarding these attempts Jason has made to show bias and prejudice that has affected his structural constitutional rights. Jason has experienced this from the beginning and it has been ignored for 12.5 years.

We have numerous emails & documents that are mentioned in the attachments to this email, which we are glad to provide as needed.

We appreciate your assistance in allowing Jason to move his case to another appeals' circuit, ideally the Seventh Circuit, where Jason is currently housed. Please let us know where this request should be sent if you are not the correct agency to assist.

We anxiously await your response which can be emailed to me as his POA and mailed directly to him:

Jason Gandy 73006-279
FCI Oxford
PO Box 1000
Oxford, WI 53952

Sincerely,

Julie Gandy (POA) on behalf of Jason Gandy

5 attachments

 **1404 Transfer of Venue request due to the following.docx**
20K

 **12cr503 Motion for permission to file a 60B motion.pdf**
177K

 **Request for 60B Motion.pdf**
4306K

 **12cr503 Motion for return of property (DE 285).pdf**
257K

 **Informal JMC Filed November 7 .pdf**
12560K



Exhibit T
pg. 5

Julie Gandy <jgandy79@gmail.com>

4:12cr503-1

1 message

Mon, Jan 8, 2024 at 10:51 AM

kathy metzger <kathymetzgercsr@gmail.com>
To: jgandy79@gmail.com

Ms. Gandy,

For the 4-27-17 sealed ex parte transcript, I will need an order from the Judge allowing me to release it.

Kathy Metzger
court reporter

Reasons DE#34 & 46 Need a Suppression Hearing: pg. 1 Exhibit U

The looks Gandy got from customs in London and being sent back on separate flights, was enough to teach him to stop socializing with anyone under 18. Had on 07/20/2012, Gandy's lawyer been allowed in and told him to shut up, KV's statements wouldn't have hurt him. As he predicted in his 07/20/2012 Interrogation, "KV was worried Gandy would not call him again after everything that had happened." KV. was right to think that and after 12 years in prison, plus catching COVID for the 4th time on 09/07/2023, Gandy has long ago learned his lesson.

In KV's 2nd interrogation on 07/26/2012, he's shown 6 pictures. He only recognized 2. 1 at the gym. And 1 in red boxers. The other pictures of penis and buttocks, he'd never seen, nor did he recognize the blue sheet or partial face. KV admitted to uploading 3 pictures on Gandy's laptop intentionally. KV. doesn't think Gandy looks at porn. KV is concerned about getting his parents in trouble (mom was born in El Salvador). When asked again ^{About} the headless nude pictures, KV says "I don't know, it shouldn't be me, but if it was, I never told Gandy he could take it." KV's mom told him to "tell you all what you wanted to know." Gandy believes he is saying whatever Johnson wants in hopes his family will be left alone. KV is also

Told info obtained from me on 7-25-12 (at the airport) about what happened to Gandy on the way to Bond in a Ford SUV which led to KV unwillingly giving up more info on Jamie Ben/Luke. What happened to Jamie Ben/Luke?

3rd interrogation on 08/02/2012: KV says "Never seen those blue sheets, check Gandy's house and RV, he doesn't own sheets like that and would never take a picture of me nude, not me."

Investigator Bert Diaz on 09/10/2012 was told by KV that investigators were scheduled to talk to him on Wednesday. How many times did KV have to talk to the government? Is Gandy allowed to have the videos?

Why does it seem obvious they coerced him into saying whatever they wanted? KV said that he lied to police when he said that Gandy might deserve jail time. He also said that Gandy did not give him head or take pictures of his backside. KV's mom Sonia Nolasco said upon her son's return to the US, he told her repeatedly that Gandy did nothing wrong and that the police forced him to make those statements. Ms. Nolasco doesn't want an innocent man to go to jail. She claims her son is such that he would not allow himself to be used or abused. His stepfather, Jose Nolasco said at 4am, 07/20/2012 H.S. said he and his wife had to travel to the airport. Jose & Sonia were threatened by the government and CPS that just one more bad decision and they would be subject to lose their children to foster care. Both Homeland Security and CPS said their phone and internet would be monitored and that they should not talk to anyone. Is this how H.S. treats people who aren't born in this country?

From the 4 recorded investigations that KV gives, it is obvious the nude pictures not in evidence, yet talked about in the trial are not pictures KV is aware of. Yet, in the 11/04/2019 appeals court, "testimony about 2 nude pictures is the reason "Gandy's challenge to the sufficiency of the evidence as to count 2, falls."

Exhibit
pg. 2

Memorandum of Law

Exhibit V
front pg. 1

Introduction

This memorandum addresses whether GANDY, prosecuted in federal court in Texas, has a basis to suppress the testimony of VICTIM, who agreed to testify against GANDY only after the FBI communicated to him information that was illegally obtained from GANDY following a clear invocation of his right to counsel.

Governing Principles

1. Right to Counsel (5th & 6th Amendments)

Once GANDY unequivocally invoked his right to counsel during custodial interrogation, questioning should have ceased. *Edwards v. Arizona*, 451 U.S. 477 (1981). Any statements obtained thereafter are inadmissible. Further, under the fruit of the poisonous tree doctrine, derivative evidence is also subject to suppression. *Wong Sun v. United States*, 371 U.S. 471 (1963).

2. Derivative Evidence

The exclusionary rule reaches not only the illegally obtained statement itself but also evidence derived therefrom. Courts inquire whether the evidence was obtained 'by exploitation of that illegality' or by means sufficiently distinguishable to purge the taint. *Brown v. Illinois*, 422 U.S. 590 (1975).

3. Witness Testimony as Fruit

The Supreme Court has recognized that live witness testimony may in some cases constitute fruit of an illegal interrogation. *United States v. Ceccolini*, 435 U.S. 268 (1978). In *Ceccolini*, the Court set out a framework for evaluating whether witness testimony should be suppressed, emphasizing attenuation and the witness's free will. However, courts apply a more lenient standard to live witness testimony, and suppression is disfavored.

Application to the Present Facts

Here, GANDY invoked his right to counsel but was nonetheless questioned. This constitutes a clear *Edwards* violation. The FBI then conveyed to VICTIM information derived from this unlawful interrogation. Prior to receiving this information, VICTIM had indicated he had 'no beef' with GANDY. Only after learning of the unlawfully obtained information did VICTIM 'flip' and agree to testify.

Thus, VICTIM's testimony was not the product of an independent decision but rather a direct consequence of the government's exploitation of an *Edwards* violation. The causal



Julie Gandy <jgandy79@gmail.com>

Gandy Legal Memo

1 message

Exhibit V
pg. 2

Erica Juarez <erica@wegmanlevin.com>

Wed, Oct 1, 2025 at 6:37 PM

To: Julie Gandy <jgandy79@gmail.com>

Cc: "Michael M. LEVIN" <mml@wegmanlevin.com>, Luis Gonzalez <Luis@wegmanlevin.com>, Izabella Meza <Izabella@wegmanlevin.com>, "wegman-levin-YTCtGLs4A7@mycasemail.com" <wegman-levin-YTCtGLs4A7@mycasemail.com>

Hello Ms. Gandy:

I hope this finds you well. Michael and Jason spoke earlier this week. We told Jason we would be sending you the attached memorandum. Since we are not retained on the matter, this memo is what we can provide for you to forward to any professors that are willing to assist. Thank you!

Erica Juarez-Ramos

WEGMAN & LEVIN

4605 Lankershim Boulevard, Suite 650

North Hollywood, California 91602

Tel: (818) 980-4000

Fax: (818) 980-4080

Disclaimer

This e-mail message from Erica Juarez, Case Manager at Wegman & Levin, is intended only for the named recipient(s). It contains information that may be confidential, privileged, attorney work product, or otherwise exempt from disclosure under applicable law. If you have received this message in error, are not the named recipient(s), or are not the employee or agent responsible for delivering this message to a named recipient, be advised that any review, disclosure, use, dissemination, distribution, or reproduction of this message or its contents is strictly prohibited. Please notify us immediately at erica@wegmanlevin.com that you have received this message in error, and delete the message. Thank you.

Gandy Memo of Law .pdf
122K

11/20/25, 9:45 AM

Jason Neck Wound 7-18.jpg

Exhibit W

Page 1 of 1

Printed on 11/19/2020 09:57 AM

Scan on 7/20/2018 by Molina, Sergio L, Resident MD of Neck laceration

Gandy, Jason



TRULINCS 73006279 - GANDY, JASON DANIEL - Unit: TRM-J-A

FROM: 73006279

TO: Thomas, Clarence

SUBJECT: Exhibits

DATE: 01/22/2026 03:21:29 PM

- A.) Page 1. 10-1-19 Law Firm Katine & Nechman did everything possible to get a legal call or visit, while Gandy (G here on) was at Beaumont medium for 11 months, & gave up.
 Page 2. Shows the front page of what is now DE# 79 in the appeals court under Case # 18-20823 which has Structural Constitutional Errors (SCE's here on) caused by Judge Rosenthal. Instead of noticing the correct case # on page 1, Henderson stamped pg.3 of exhibit C and refused to take action due to "wrong case #".
- B.) Page 1. 4-14-19 email from G's mom Julie Gandy @ 3:22pm to seth@kretzer firm.com
 Page 2. Email from Julie to Kretzer asking why he did not include the "speedy trial" issue on direct appeal & said the letter G sent her on 5-7-19 made no mention of the Direct Appeal he turned in on 5-1-19 & she asked if he tracked the the letter?
 Page 3. Kretzer's response to the above ignored the fact that he did not send the mail to G until way after he turned it in and G did not get it until 5-13-19. Kretzer also falsely claimed speed trial issue had "no legs".
- C.) Page 1. 6-24-19 @ 3:22pm USPS Certified mail sent to Rosenthal with SCE's got ignored.
 Page 2. Exhibit C pg. 6 in DE#79 that Deputy Clerk Shawn Henderson CC'd to AUSA's in G's case tells Rosenthal about SCE's.
- D.) CASE LAW 1-68.
- E.) Reasons LAW PROFESSOR'S NEEDED (RLPN)
- F.) Transfer of Venue/Circuit (T.V.)
- G.) Speedy Trial Doc. #133 (S.T.)
- H.) Issues with Brandon Sample: Page 1. 4-24-21, Chief Judge Miranda M. Du said he is incompetent and wanted sanctions.
 Page 2. Vermont Supreme Court PRB file #2022-010. Page 3. Page 1 of the PRB complaint. Page 4. 1-31-21 Julie Gandy sent Brandon the Dallas Craig Hughes 2255, DE #97, DE #98 and a request to get G's tax box back. Page 5. 2-3-21 Brandon said the Hughes appeal was flagrantly wrong. *Julie Gandy sent G's response to DE#309 certified with attachments as instructed by the help desk" seen in page 3.*
- I.) Inmates History Quarters page 4 8-3-25
- J.) Documents related to G trying to get his Grand Jury transcripts. Page 1. DE#305. Page 2. G's response to DE#309. Page 3. Email from jgandy79@gmail.com to darlene_hansen@txs.uscourts.gov, Subject: Defendant's response to US response to GJ transcripts sent 7-24-25. Page 4. 12-21-25 Grand Jury transparency act led G to file a renewed motion for GJ trans.
- K.) 8-8-14 handwritten notes by Charles Flood during a Legal visit where G said his number one goal was to win Motion for Suppression. Page 2. 9-11-14 Email from Flood to the Court saying "Sherri, Dan and I are going to have him mentally evaluated. Page 3. 9-12-14 Floods email saying Rosenthal wanted to transfer G's case to another District less likely to give his suppression motion a proper hearing. Page 4. 11-5-14 Floods hand written notes "G wants me & Dan to try the case." Page 5. 11-13-14 Floods forwarded email saying G is having suicidal ideations. Page 6. Letter prepared by Julie to Rosenthal explaining issues with Lawyers. Page 7. 3-31-15 Floods email saying if Rosenthal doesn't let him quit, he'd "fight zealously".
- L.) 2255 by Dallas Craig Hughes
- M.) Page 1. 4-7-25 Judge Gonzalez transferring Lawsuit on Rosenthal to her court where G never got a response. Page 2. 7-31-25 letter to Chief Judge Randy Crane asking about Lawsuit on Rosenthal. No Response! Page 3. 7-31-25 Letter from G to Clerk Robottom where no answers given to important questions. Page 4. 7-31-25 "Mini Judicial Misconduct Complaint" turned in to Clerk Robottom.
- N.) 7-12-18 Email from Julie Gandy to Buckley shortly after Speedy Trial Hearing explaining what went wrong etc.
- O.) Pg. 45/1009 of Missouri Law Review G's mom found online with a perfect example of what Rosenthal did wrong in DE#98 & finally explains WHY she sealed it. *Page 2 pg 44/1008*
- P.) Alston emails from G PAGE 1. G explained how the illegal interrogation was the key to stopping his case. Page 2. G asking for his tax box back.
- Q.) Emails from Dustan Neyland asking for a additional \$25,000 due to being forced into 1st chair when he was hired as 3rd.
- R.) G's response to DE 286 (also in S.T.)
- S.) Page 1. Transcripts of trial proving KV was subpoena'd & didn't want to come. Page 2. KV admitting he was G's friend & was trying to protect him.
- T.) Page 1. Times G asks the court for sealed doc's. Page 2. Footnote 65 of Sclos case mentioned in Levin's Memo. Page 3. 12-10-24 Email from Julie to noll@noll-law.com Page 4. 12-30-24 email from Julie to criminal.division@usdoj.gov Page 5. 1-8-24 email from the court reporter for DE#98 saying only Rosenthal could unseal it.
- U.) Page 1. Reasons DE#34 & 46 need a Suppression Hearing. Page 2. DE# 239
- V.) Memorandum by Michael Levin. Page 2. 10-1-25 email from Levin's Secretary Erica
- W.) 7-20-18 Ben Taub Hospital picture of Neck.
- X.) Jan. 2018 Houston Chronicle Article "Rosenthal Rules Federal Courts in Houston With Firm Hand"
- Y.) page 1 DE#285 "Req for Property" page 2 DE#287 60(b)

TRULINCS 73006279 - GANDY, JASON DANIEL - Unit: TRM-J-A

Will YOUR COURT ACTUALLY READ MY ATTACHED TRANSFER OF VENUE/CIRCUIT REQUEST? (called T.V. from here on out) If your court for some reason, after fully reading it decides not to transfer this 60(b)(6), 52(b), & successive 2255 with attachments, to another circuit, please provide a full explanation for why not? Knowing I know how connected Rosenthal is in the 5th appeals court. (Houston Chronicle Article by Gabrielle Banks in Jan. 2018 plus my own research.) Also (C.L.#38) shows how Judges, the Government, and the 5th Appeals Court react when I submit a meritorious motion or Judicial Misconduct Complaint on Rosenthal that your court has gone silent on. IF I were the appellate Judge reading this, I'd rather eliminate any chance of corruption in an appeals court that Rosenthal appears to be in full control of. (C.L.#38) If a supervisors action or inaction contributed to the constitutional violation caused by the subordinate, liability exists. Epstein's victim (Bille Jean Dufrie?) I wanted to meet who recently killed herself, finally got her constant writing (like me on this case) to show real CHANGE by the introduction of "THE EPSTEIN FILES Transparency ACT" which God Willing will finally allow me to have access to my Grand Jury Transcripts (see attached motions) I filed on 12-21-25. I would think having this proof should be required due to The Structural Error Doctrine which doesn't even require showing harm...

However even if there not "structural" I'm ready for a open suppression hearing to determine all the harm caused by Rosenthal not acting "Sua Sponte" when the Gov't refused to rule on my 2 motions to suppress filed in April & November 2013 for 4 years! Rosenthal knew better because in DE# 294 I'm shown asking again for DE#98 etc. and when the Gov't did not respond for almost 4 months, she ruled sua sponte in DE# 302 on 3-31-25 saying "The Gov't has not responded to the motion". SO WHY DID ROSENTHAL NOT RULE ON DE#34 & 46 when it had been 4 YEARS?

3. **Newly Discovered **The attached Memorandum by a licensed attorney Michael Levin on 10-1-25 is PROOF Rosenthal should have held a hearing to discover where all the fruits were to my statements besides what was illegally obtained from my home and shown to KV & talked about to his family.

4. Rosenthals Misconduct in my case has POISONED PUBLIC CONFIDENCE IN THE JUDICIAL PROCESS: CONSTITUTIONAL QUESTIONS some posed to me by Law Professors (Martin Lee Camp of SMU) and crime beat reporters (Gabrielle) who actually consider Rosenthals conduct in my case criminal after reading all the documents I've had a hard time taking from Rosenthal NEED ANSWERS:

A. How can Rosenthal rule so fast in a identical case as Gandy's (G here on out) in the year 2000 with (C.L.#67) William Douglas Roberts and then in 2013 allow the same motions to suppress Statements & fruits of my statements DE#34 & 46 to be ignored for 4 years?

B. Why is DE#46 "Sealed Event" in my docket sheet?

C. US v. Kim L Powe (D.C. Cir. 1978) says: The Dist. Court Judge was obligated, sua sponte, to conduct a hearing regarding the voluntariness of the defendants confession when defense counsel failed to object. Circumstances suggested the confession was obtained through promises of leniency. [G's statements were used to get illegal evidence in the form of 2 headless pictures which were then illegally shown to KV (victim #1) & had been immediately illegally talked about to him on 7-20-12. These pictures were also talked about to other people & this is documented in recorded video interrogations that attorney Charles Flood and G watched together. These pictures and more importantly G's illegally obtained statements were used to structurally alter KV's 7-20-12 interrogation which destroyed the foundation or in reality created a case that without G's statements would never have existed. It appears the pictures that G and Flood saw at FDC Houston appear to be what made Flood & Cogdell file DE#34 & 46. These 2 lawyers seemed to put forth a greater attempt than the Powe case (C.L. 56) to get the statements & their fruits a hearing yet it's not possible to erase the pictures from the mind of KV nor what he was told that G said. A hearing in this case is required.

D. DE# 89 on 12-5-16 has G's attorney Dan Cogdell asking "Judge, as you may or not recall..there are motions that have yet to be ruled on". This shows his patience nearly 4 years AFTER he filed DE# 34 & 46??? The way Rosenthal treated G's case is not fair or constitutional especially since it was his first court appearance after he was incorrectly found competent to stand trial. Yet she allowed over 4 more months to pass without her or the "Government" ruling on it. Doesn't the above POWE (C.L. #56) case have within it case law showing this was reversible structural error caused by a biased Judge?

E. Doesn't U.S. v. Gonzalez-Lopez (C.L.#) show that Rosenthal allowing the above & 2 others to quit just b/c I refused to take their advice and sign a plea deal & then sealing that portion of the hearing and disguising it as a status hearing mean that this established Structural Error deserves a automatic reversal once a higher Judge finally reads DE #98?

G gets migraine headaches from, the bright fluorescent lights in prison, staring at a computer screen too long, and this dates back to when he was a kid due to being legally blind in the right eye and the left can't see up close/ he's off balance. Therefore he's had to hire & trust lawyers and Judges advice that were wrong when you read Levin's attached memo & Rosenthals advice in DE98. How many Structural Errors caused by Rosenthal can you find in DE# 98?

F. "There is talk of JUDGE ROSENTHAL TRANSFERRING THE CASE TO A DIFFERENT DISTRICT COURT, it is a court that is not necessarily more punitive (I think Dan would disagree with that, but both of these Judges would be bad in this case) but I believe IS FAR LESS LIKELY TO GIVE HIS MOTION TO SUPPRESS THE PROPER CONSIDERATION". From Exhibit K pg.3 charles@floodandflood.com on 9-12-14 @ 10:43am to jgandy79@gmail.com. This is proof Rosenthal saw the 2 MOTIONS DE#34 & 46 were like a hot potato that had to be dealt with since I refused to sign a plea deal. Also Flood who my contract says he was paid 30k for trial, fully understood how to win my case and watched the 7-20-12 interro's along with other interro's of KV who is shown illegally obtained photos to coerce him to lie. Also see handwritten notes from Flood on 8-8-14 which say

Exhibit K pg.1

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Exhibit K pg. 7

my #1 goal was "WIN MOTION FOR SUPPRESSION" This valuable attached document is easily found due to a Hearing on 12-6-21 DE# 262 which was Sample's 2255 motion. The exhibits are DE #'s 263-65. This proves I did not want to have Cogdell & DeBorde rule them "moot". Another email Flood sent to my mom was the day Rosenthal allowed him to quit while I was in suicide watch on 3-31-15 @ 1:27pm saying "In the event Rosenthal denies my request to withdraw, I will continue to fight zealously as if I had never made the request". Rosenthal proves she knows this was wrong in DE#273 in my docket sheet saying "order denying motion to withdraw" using case law Matter of Wynn, 899 F.2d 644, 646 (5th Cir. '89) "An atty may withdraw only upon a showing of good cause..." I was in suicide watch from 3-12 to 3-31-31.) Had Rosenthal forced Flood to stay on my case he would have fought for the suppression hearing and won like his brother Chris flood in the Zavala case (C.L.#55). Doesn't Rosenthal's own case law prove allowing Flood to quit was wrong?

Exhibit I

TRULINCS 73006279 - GANDY, JASON DANIEL - Unit: TRM-J-A

FROM: 73006279

TO: Thomas, Clarence

SUBJECT: 60(b)(6), 52(b), successive 2255 (part 2)

DATE: 01/17/2026 01:24:26 PM

G. "—Since there was no suppression motion that had to be pursued, I believe that was — once the government said that it wasn't going to use that evidence, that took care of the need to pursue that motion." Rosenthal <"R" HERE ON OUT> actually told me this on page 8 of DE#98. Thankfully G has two advocates, his mom with power of attorney, and a jailhouse lawyer filing a judicial misconduct complaint on R finally got DE#98 unsealed and transcribed for the first time on 4-21-25. This is newly discovered evidence that no higher court or appellate lawyer has ever seen. Due to G's mental health, personality disorders, and prejudice to his case no one would listen to him without this needed evidence. See emails from Kretzer, Sample, and Flood; which prove he did all he could from prison to bring up how important DE#98 was. DE#239 in the District Court and DE#79 in the Appeals Court also prove this. Doesn't this qualify as a structural constitutional error? I have seen so many reversals of cases where a judge gives advice to a defendant to take a plea. Isn't the advice "no need to pursue that motion", structurally devastating?

H. Doesn't the above legal advice in letter G by R mean that she is incompetent since in order for "that evidence" to not be admitted at trial Gandy <"G" HERE ON OUT> had to refuse to testify or else it could be used to impeach him? (C.L. #8) Cooper v. Dupnik "... any competent judge would have excluded his statements for all purposes, including impeachment". (C.L. #32) Mincey v. Arizona "Reverse the accused's conviction because statements were not given voluntarily and cannot be used for purposes of impeachment." Also, see DE#91 and DE#94 showing G's statements and illegally obtained fruits of them will be used against him at trial if he decides to testify. (C.L. #5) The Appeals Court in Cooke v. Orser said that the judge's promise was a due process violation causing demonstrable prejudice. Doesn't R telling G after letting his counsel of choice (C.L.#50) quit that he didn't need a hearing on two meritorious suppression motions, and then impeaching him with the illegally coerced statements and evidence deserve the same relief as Orser? See also the attached 2255 by Dallas Craig Hughes ground 1. This motion explains how G wanted to use Mincey. See email from brandon@brandonsample.com on 2-3-21 @ 12:20pm to jgand79@gmail.com saying the Hughes appeal was wrong. After reading the 2255 by Hughes, who was right?

I. This constitutional question is needed due to a shocking lie by R. How could R allow three lawyers to quit when G is on the record in the newly transcribed on 4-21-25 in camera hearing, DE#98 telling her he paid them for trial? How can R in the newly transcribed 5-6-24, DE#141 "the speedy trial hearing" lie and say "the record seems to indicate that he fired them"? Wouldn't a higher court after reading DE#141 and DE#98 clearly see this false claim that G fired his lawyers was the basis for denying the dismissal of Count 1 due to a six year delay that was actually caused by R ignoring DE#34 and DE#46 for four years. (C.L. #56) US v. Powe says R should have ruled sua sponte. See the last page of DE#305 which is G's motion for R to provide the Grand Jury transcripts, for more details. *Exhibit J pg. 1*

J. November 2025 G finally got to read his PSR without being too rushed thanks to Case Manager N.....s. Bullet #12 on page six says G waived his Miranda Rights and chose to speak with H. S. officer J. Johnson and HPD officer J. Roscoe. This is the exact opposite of what the 7-20-12 Interrogation videos and DE#34 and DE#46 say. Why else would G's statements and some of the fruits of G's statements secretly get ruled "moot" if he waived his Miranda Rights? G's PSR then goes on to inaccurately and often quote the opposite of what he said from the illegal interrogation. Fruits of G's statements are everywhere in his PSR and start immediately when they are used to change KV's statement on the same day. How is it legal for the PSR to say G waived his Miranda rights when he did not?

K. Isn't it true that R should have held a suppression hearing as the Powe Case says was "constitutionally mandated", since fruits of G's statements have spilled over in to his PSR, Psych records, Bond transcripts, the Grand Jury transcripts that she is scared to release, her own rule 29 denial on Oct. 5th 2018, & the trial itself some of which is proven on day 2 ROA 1205 & ROA 947 (explained further on pg 8-9 of S.T.)?

L. Doesn't the United States v. Angel Richiez in the 11th Circuit prove G was required to at least get resentenced so that he can have a minimum of ten days (32(c)) to read his PSR without disturbing a busy prison unit manager? Isn't R giving G less than one hour to read his PSR combined with all of the misconduct above (more details in "speedy trial Doc #133", "reasons law professors needed", T.V.) enough to prove she has violated the due process clause of the 5th and 14th Amendments which guarantee an unbiased judge? *Exhibit G*

M. See page 10 to 11 of "S.T.", page 4 through 5 of "reasons law professors needed", page 1, 7 & 8 of T.V. After reading all of these pages isn't it obvious that DE#285 (response in 286 3 months later & 288 nearly 4 months later), #287 (response in 289), were purposely ignored, misinterpreted, the docket sheet hid structural errors, and flat out lies are in the responses to these motions? 285 & 287 ask R to please look at the 7-20-12 interrogations with case law in hand some of which G provided showing she caused structural errors. It's obvious from the responses that no defendant should ever have to ask the Judge who caused constitutional errors to fix what she did wrong. What can G do about R's friends in the 5th Cir. ignoring 5 Judicial Misconduct Complaints and another by a Jail house lawyer? *Exhibit E*

N. See page 3 through 7 of R.L.P.N., DE#292 CRM, R's response in DE#293, & DE#301 R's refusal to recuse or to allow G to proceed to file his CRM without paying the filing fee. After reading all these documents isn't it obvious R's misconduct is ongoing?

TRULINCS 73006279 - GANDY, JASON DANIEL - Unit: TRM-J-A

FROM: 73006279

TO: Thomas, Clarence

SUBJECT: 60(b)(6), 52(b), successive 2255 (part 3)

DATE: 01/17/2026 07:37:43 PM

The actual motion for DE 91 says The U.S. will not introduce defendant's statements unless he testifies opening the door to using them for purposes of impeachment. DE 94 says the same, just replace statements with "evidence". QUESTIONS: 1.) WHY'd these simple responses take 4 years? 2.) Why does DE 91 say "re34" & "motion to suppress statements" with Zacks name-who's name is inside the motion with Martinez & then DE 94 just says "RESPONSE" without a "re" or what the response was to & uses Leo's name when Zack & Martinez's names were in the DE 94 motion? 3.) Supreme Court case law says coerced statements cannot be used for purposes of impeachment (CL 32 Mincey), so when will a Appeals court do anything "sua sponte"? 4.) Will your court read CL # 8 Cooper to see a very similar interrogation as G's which said "Any competent Judge would have excluded his statements for ALL purposes including IMPEACHMENT" & realize this was done on purpose? 5.) Would you agree the knowledge the Gov't had with this illegal evidence for nearly 5 years is a Structural Error? 6.) CL # 10 Davis says admissibility of fruits of a confession was a mixed ? of fact & law subject to "PLENARY REVIEW". Would you agree G's statements & their fruits never got any review by any judge ever? 7.) Would you agree G's case is a repeat of history found in Chris Floods CL#55 US v. Zavala with District Judge Ewing Werlein Jr. [who is shown in a picture provided by R in a article titled "Rosenthal Rules Federal Courts With A Firm Hand" in Jan. 2018 by Gabrielle Banks (These 2 Judges play by the same unconstitutional games).], where the 5th Cir. found it inappropriate for the Gov't to be put in a better position than it would have been in-but for the police misconduct? Werlein, just like Rosenthal illegally did not hold a suppression hearing and carried the motion until trial, ruling it "moot". Sound familiar? = REVERSED! 8.) CL 67 Waller, 25 Kentucky, 24 Jackson, 32 Hopt, say G was entitled to a hearing & his absence = a Structural Error requiring Automatic Reversal! 9.) DE 94 only mentions the 7-26-12 search and leaves out the 8-16-12 search where Johnson took G's tax boxes that Gov't Rpt. # 9 on 10-26-12 case # HO07QK12HO0026 says had, "travel doc's, financial records, & another laptop." Within this "Brady Material" is proof count 7 lied. G is on the record telling his attorney's (see email to Alston) to get the tax boxes back so his mom could do his taxes. Count 7 already had 3 jury questions in DE 163, 164 & 166. Did DE 94 leave out the 8-16-12 search b/c it wanted to hide the proof JA lied at trial?

Exhibit P

V. COUNT 7 in G's case says Aug. 1st '07 to Nov. 3rd '07. Yet the same #METOO "victim", JA in civil action No. H-18-LV-1761 claims he met G in 2008 @ 17. See pg 9-10 of S.T. for the rest of JA's lies. How would JA look after swearing to tell the truth & then thanks to G's taxes, phone records, receipts etc. he is proven to have lied? Prosecutorial misconduct for encouraging "victims" to lie has happened alot in G's case. Prosecutor Zack has a reputation for coercing "victims" to lie according to inmates at FDC Houston. Since R turns a blind eye to it doesn't there need to be a Conv. Integrity Unit or special prosecutor to find where else this has happened? See CL 10, 15, 18-24, 27, 51-53, 29 mapp, & CL 26 Kyles v. Whitley where like G's case the witnesses stories were inconsistent to the point of 4 different versions. The investigation was limited by Zack & Johnson's uncritical readiness to accept the story. "Fairness" cannot be stretched to = "Fair Trial".

W. "It is Structural Error for a trial court to improperly restrict counsel from making an argument. If a Dist. Ct. ERRONEOUSLY believed that there was no evidence in the record supporting a theory, then precluding the argument was improper." CL 46 US v. Brown (9th Cir. '17). See pg 1 of S.T. for details of what R said in DE #141 (recently transcribed in 2024) pg. 15 "It's not; It's just not; It's just not. That doesn't involve children. Full stop. I think that's enough...Far from it. I think we can simply eliminate any reference...". In response to Zack saying "The defenses voir dire has a whole section on the Me Too movement, which I don't believe is relevant at all in this case." IT WAS RELEVANT b/c count 5 & 7 were #METOO liars & G gave Buckley the proof, yet due to the above, his whole trial strategy changed to "G's guilty but it's State not Federal". This caused G to give up on life as the attached picture on 7-20-18 shows.

Exhibit G

X. What can be done about the trial Judge & prosecutor speaking about fruits of G's illegally obtained statements in order to persuade the jury to convict & uphold his convictions? CL #43 Travis Haney v. US "The prosecutor stressed on the deft's words taken from the video taped statement" REVERSED. See pg. 8 of S.T. for more details. Based on G's illegally obtained statements some of which mentioned a picture taken and deleted, Gov't agents then decided to search the laptop that traveled to London & could not find any child porn. G's statements were also used to ask KV about pics taken of him by G. KV said in the 1st 4 interrogations spanning nearly a year that no pictures of him naked were ever taken & when the Gov't took a headless picture which was also illegally taken from G's house KV still denied that the headless pic was him & even invited them to search G's home & RV to see that G does not own any blue sheets seen in the background of the pic. The memorandum by Attorney Michael Levin on 10-1-25 explains how this police misconduct was enough to keep KV from having to be a witness or victim in G's case. (see attached response to prosecutor Zacks response to DE 285) Especially since the prosecutor admitted at trial that KV had to be subpoenaed, didn't want to testify, G was KV's friend who was trying to protect G, & KV slips at trial and says ICE when referring to officials in London, meaning he fears ICE deporting his mom who was born in El Salvador & ICE H.S., & the FBI had already threatened to put his siblings in foster care if....? (Copies of trial transcripts attached & pg. numbers found in S.T.) The case law in Levin's Memo CL#47 Ceccoloni & # 64 Scios plus #63 US v. Santos (D.C. Cir. '78) "The testimony challenged is so immediate that we can't find the attenuation necessary to hold the test admissible. There is no indication that the connection between the crime & the witness would have been discovered.", are so closely aligned with G's

Exhibit G

Exhibit 5-6

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case, he got goose bumps lol. Also CL 48 US v. Charles Felix, CL 53 US v. Jonathan Patrick Blevins "Evidence & statements that were later discovered b/c of the interrogation will be suppressed as a direct consequence of the officers ignoring the limits on their authority/fruit of the poisonous practices. CL 45 U.S. v. Ghailani "defendant's coerced statements were not attenuated because the link was direct and close" CL 65 sorrondo pressured him, CL 66 Ramirez played on defendant's trust/use of deceit, CL 61, Chatman "2nd interview derivative of the 1st", CL 26 Kyles - story inconsistent to the point of 4 different versions, CL 52 U.S. v. Jesus Sandoval "This testimony is not admissible under any of the exceptions to the fruits doctrine. All of the above proves that KV is not a victim & G's case wouldn't exist without his illegally obtained statements. CL 54 U.S. v. Jones (11th Circuit) prosecutor committed plain error by urging jury to convict based off an exhibit never admitted into evidence. Prosecutor Zack on Day 2 of trial ROA 1206 says "While we were unable to find these pictures within the DEVICES, we had access to for purposes of trial presentation. The fact is that they were taken...and focused on his naked genitalia." STOP!! DE#190 is Day 2 of trial pg 94/ROA 930 KV said G "Deleted it" and no where does KV ever say that he saw the picture that was taken so how can Zack tell the jury where a picture's focus was that is not in evidence and was deleted? The appeals court needs to watch ALL of KV's interrogations to see that he was coerced to lie and made up the "flash story at trial". Homeland Security Johnson showing KV illegally obtained evidence over and over combined with fear of his family being broken apart is why KV lied. CL#17 Frimmel v. H.S. shows how bold H.S. can be and reversals are how to stop them.

Y. Why Would R need to Lie in DE#302 on 3-31-25 "Docket Entry #98 was NOT filed under Seal". ?? The Court Reporter Kathryn Metzger cstg@gmail.com emailed G's Mom at jgandy79@gmail.com on Monday 1-8-24 at 10:51 AM "Ms Gandy, For the 4-27-17 sealed ex parte transcript, I will need an order from the Judge allowing me to release it." See also G's request in DE#239 & DE#79 in the 5th Circuit's own records under case #18-20823 ^{about the contents of DE#98} proving he asked on 6-24-19 (Exhibit C). Julie Gandy also emailed criminal.division@usdoj.gov, .org, & nollennoll-law.com (Exhibit T). Exhibit O shows a classic example of a Structural Error caused by a Judge that mirrors G's Counsel of Choice problem, Finally Exposed on 4-21-25 thanks to a Loving Step mother & Caring Jail House Lawyer who Rosenthal advised G to ignore. No Wonder Rosenthal Sealed DE#98 & sealed it "Ex Parte".