

THE PROSECUTOR TOLD THE JURY:

“While he never completed any act that would constitute commercial sex ... if you believe that the defendant wanted him to engage in the commercial sex and put all of the other elements in play in order to accomplish that, he would be guilty....”

Trial Transcript, Day 3 - Assistant U.S. Attorney Sherri Zack's closing argument, DE 192 at 3-110 to 3-111.

**Six Years Awaiting Trial.
Four Years Without a Ruling on Meritorious
Suppression Motions That Should Never Have Been
Sealed.**

**A FAIR HEARING + MEDIA ATTENTION = FREE
GANDY!**

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Jason has been federally incarcerated since 2012 in the Southern District of Texas, Case No. 4:12-CR-503-1, before Judge Lee H. Rosenthal, and he maintains his innocence. His case also includes a documented four-year delay in resolving a meritorious suppression motion and other constitutional issues laid out at www.JudgeMisconduct.com.

To many people outside the United States, the American judicial system is presented as a model of constitutional government: innocent until proven guilty, entitled to counsel, entitled to challenge illegally obtained evidence, and guaranteed a speedy and public trial.

The case of Jason Daniel Gandy presents a profoundly different picture.

Jason was arrested in Houston, Texas, in July 2012. He did not receive his jury trial until July 2018-six years later. The government itself has acknowledged that his trial began almost six years to the day after his arrest.

Published account of the prosecution

During those six years, Jason was not serving a sentence. He was a pretrial detainee who remained legally presumed innocent.

Yet his family says those six years subjected him to conditions capable of breaking almost anyone.

Presumed Innocent, Treated as Condemned

Jason reports that he was repeatedly assaulted in custody and raped. He spent more than half of his six-year pretrial detention in solitary confinement.

He was placed under a Behavioral Management Plan and a Suicide Risk Management Plan. Under these restrictive conditions, he says he was confined without running water and denied basic necessities, including a spoon and toothbrush.

He was twice immobilized in four-point restraints, with both arms and both legs secured.

For a person suffering from severe claustrophobia and deteriorating mental health, the restraints were not merely uncomfortable. Jason says the experience created an overwhelming fear of ever feeling that trapped again. Instead of protecting him from self-harm, the terror associated with the restraints contributed to more serious suicide attempts.

This was the environment in which the United States expected Jason to understand complicated proceedings, evaluate plea offers, work with changing attorneys, investigate years-old allegations, and participate rationally in his defense.

When a person is detained for six years, assaulted, raped, isolated for years, placed under behavioral and suicide-management restrictions, deprived of basic hygiene and water, and strapped into four-point restraints, the resulting mental deterioration should not be treated as evidence that the person is difficult or irrational. It is a foreseeable consequence of prolonged institutional trauma.

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Four Years Without a Ruling

The prolonged detention is only one part of the story.

Jason’s lawyers filed two important suppression motions: **Docket Entry 34** and **Docket Entry 46**. These motions challenged statements attributed to Jason and the evidence allegedly obtained from those statements—the “fruits” of the government’s interrogations and searches.

DE 46, filed on **November 26, 2013**, contained a striking statement concerning the computer evidence:

“NO IMAGES CHARACTERISTIC OF CHILD PORNOGRAPHY.”

— Docket Entry 46, filed November 26, 2013

These were not minor administrative requests. Suppression concerned the evidentiary foundation upon which the prosecution was being built. If Jason’s statements and the evidence derived from them were unlawfully obtained, he had a constitutional right to have a court examine that question before the evidence was used against him at trial.

But DE 34 and DE 46 remained without a proper ruling or open evidentiary hearing for **four long years**.

In **December 2016**, attorney Dan Cogdell reminded Chief U.S. District Judge **Lee H. Rosenthal** that motions remained unresolved. By then, Jason had already spent years in pretrial detention. Still, the central suppression dispute was not resolved through the open, adversarial proceeding Jason says the Constitution required.

The public docket and later-produced transcript raise an even more troubling question. An ex parte transcript designated **DE 98**, dated **April 27, 2017**, records discussion outside an ordinary public suppression hearing. Jason and his family did not obtain that transcript until approximately **June 2025**—nearly eight years later.

The family maintains that DE 98 shows Judge Rosenthal deciding an open suppression hearing was “not needed” while lawyers were discussing withdrawal and a possible plea.

Jason had a constitutional right to challenge the evidence against him. He maintains that if DE 34 and DE 46 were finally heard fairly and the illegally obtained statements and their fruits suppressed, the prosecution’s evidentiary foundation would collapse and he would be entitled to release. Yet because of the nature of his charges, courts and lawyers have repeatedly avoided deciding the underlying constitutional question.

That is precisely why constitutional rights matter most in unpopular cases. A legal right that exists only for sympathetic defendants is not a right. It is a privilege distributed according to public approval.

Three Indictments, Six Years: The Speedy Trial Motion

Six years is not just the length of Jason’s pretrial confinement—it is also the span across **three sequential indictments** in the same case. He was first indicted on a single count on **August 25, 2012**. More than two years later, on **September 17, 2014**, a grand jury returned a superseding indictment adding two counts. Nearly five

THE SIX-YEAR DELAY: A SEPARATE INVESTIGATION

Professional Relationships, Plea Negotiations, and the Unresolved Suppression Record

The Gandy family is asking an independent investigator and journalists to examine a separate question: **why did Jason Gandy remain in pretrial custody for nearly six years while the suppression issues in DE 34 and DE 46 remained unresolved for roughly four years?** The family believes the answer may involve professional relationships and overlapping dealings among people involved in the prosecution. That is an investigative hypothesis, not a finding of misconduct.

The Suppression Timeline

DE 46 was filed November 26, 2013. Page 5 states that the initial inspection found **"NO IMAGES CHARACTERISTIC OF CHILD PORNOGRAPHY."** The family maintains DE 34 and DE 46 were central because they challenged Jason's statements and evidence allegedly derived from them. Yet the suppression dispute remained unresolved through years of pretrial detention.

Cogdell, Zack, and the Morris Case

During this same general period, Jason's lawyer Dan Cogdell and Assistant U.S. Attorney Sherri Zack were opposing counsel in the federal prosecution of Henri Morris. Public reporting from 2014 documents a proposed Morris plea agreement that would have produced a sentence of approximately one year and one day before the district judge rejected it. Morris later pleaded guilty to one count. That separate prosecution does not prove anything improper occurred in Gandy's case, but it creates a concrete overlap of lawyers, dates, plea negotiations, and federal proceedings for an investigator to examine.

The Rodeo Recollection - A Lead Requiring Corroboration

Jason has told his family that during the Houston rodeo period, Cogdell discussed a favorable plea proposal and referred to Zack being in a good mood because she attended the rodeo. Jason also recalls Cogdell saying around that period that Zack should not have put Jason in the news again while a plea was being negotiated. **Those conversations are presently Jason/family recollections, not established fact.** They create a date-specific lead for comparison with February-March 2014 publicity, plea records, attorney notes, jail communications, emails, and docket activity.

DE 98 Adds a Documented Relationship Marker

The April 27, 2017 sealed ex parte transcript, DE 98, supplies another documented point. Cogdell referred to the only other federal withdrawal motion he had filed as having been in Judge Lee H. Rosenthal's court. Rosenthal responded, **"I remember."** Later in the exchange she said, **"Enough said."** This documents prior professional dealings; by itself it does not establish friendship, favoritism, or an improper agreement.

The Question an Independent Investigator Should Answer

Did any professional relationship, simultaneous case activity, plea negotiation, sealing decision, counsel withdrawal, or other documented interaction help explain why the Gandy suppression issues remained unresolved for years and why the case took nearly six years to reach trial?

The investigation should reconstruct DE 34 and DE 46; who sought or agreed to sealing and why; communications among Cogdell, Zack and other defense counsel; the Morris prosecution and plea chronology; 2014 Gandy publicity; counsel withdrawals; DE 98; and the later Michael Levin memorandum discussing the constitutional significance of an open suppression proceeding. Each connection should be labeled **DOCUMENTED** or **RECOLLECTION/NEEDS CORROBORATION** and supported by a source.

The family believes this investigation may ultimately explain the extraordinary delay. Until evidence establishes the cause, the chronology is presented as a serious question for independent investigation rather than as a proven conspiracy.

Working investigation title: Gandy Six-Year Delay - Relationship & Suppression Investigation

and a half years after the original indictment, on **February 15, 2018**—just five months before trial—a second superseding indictment added four more counts, expanding the case from one charge to seven.

On **June 17, 2018**, defense counsel Sean Buckley filed **Docket Entry 133**, a motion to dismiss the original count for violation of Jason’s speedy-trial rights under *Barker v. Wingo*, the Supreme Court’s four-factor test. The motion noted that the Fifth Circuit treats a five-year delay as sufficient to presume prejudice, and that the Supreme Court has called an eight-and-a-half-year delay “extraordinary.” By the defense’s own accounting, two of the four Barker factors—the length of the delay and the resulting prejudice—weighed against the government; the reasons for delay were treated as neutral; and only the fact that Jason had not affirmatively demanded a speedy trial along the way weighed in the government’s favor, a factor the motion itself said should not be held against him.

The government opposed the motion in a filing—**Docket Entry 136**, filed **June 29, 2018**—that the family says was sealed. A hearing followed on **July 9, 2018**, docketed as **DE 141**. According to Jason’s later filings, that hearing was not transcribed by the official court reporter until **May 6, 2024**—nearly six years after it occurred, and only after Jason had spent years asking, on the record, to see it.

The transcript, once obtained, is what the family says first revealed the full exchange in which Judge Rosenthal restricted the defense from raising the credibility and motivation of accusers coming forward during the #MeToo era—telling counsel, on the record, that the subject was simply off the table for a case involving minors.

“It’s not; It’s just not; It’s just not.”

— Judge Lee H. Rosenthal, July 9, 2018 hearing (Docket Entry 141), per transcript produced May 6, 2024

Jason’s post-conviction filings argue that ruling amounted to an improper restriction on his defense at the moment it mattered most—during jury selection—and that the six-year delay in producing the transcript meant no one outside the courtroom could evaluate that argument until years after his conviction.

The Pressure to Plead Guilty

During his years in pretrial detention, Jason was offered a **ten-year** plea agreement.

He rejected it because he maintained his innocence.

After he insisted on exercising his right to trial, he received a **thirty-year** sentence—three times the proposed plea sentence. He is now serving that sentence without ordinary good-time relief sufficient to repair the damage caused by the delay and his deteriorating mental health.

The government describes the case as a successful prosecution for child exploitation and trafficking. A jury convicted Jason on seven counts after a three-day trial, and the Fifth Circuit affirmed several challenged convictions. [Fifth Circuit decision](#) The Justice Department publicly characterized him as a child trafficker. [Government announcement](#)

But those labels cannot answer the constitutional questions.

- They do not explain why a man presumed innocent waited six years for trial.
- They do not explain why two suppression motions went unresolved for four years.
- They do not explain why an open hearing was deemed unnecessary.
- They do not explain why the DE 98 transcript remained unavailable to Jason until 2025.
- They do not resolve the government document stating that the computer contained “NO IMAGES CHARACTERISTIC OF CHILD PORNOGRAPHY.”
- They do not answer evidence that witnesses corrected statements attributed to them in investigative reports, or the sworn 2019 testimony that J.A. was 17 when he first met Jason—placing that meeting outside the charged 2007 period.
- And they do not erase what happened to Jason while the court delayed.

A Bill Moving Through Congress — and a Case That Fits It Exactly

There is a bipartisan bill currently before the House Judiciary Committee that speaks directly to what happened to Jason. **H.R. 9095, the Right to Trial Act**, was introduced on **June 2, 2026** by Representatives **Morgan Griffith (R-VA)** and **Hank Johnson (D-GA)** and referred to the House Committee on the Judiciary, where it currently sits awaiting further action.

The bill targets what criminal-justice reformers call the “trial penalty”: the gap between the sentence a defendant is offered to plead guilty and the far longer sentence the same defendant receives after choosing to exercise the constitutional right to a jury trial instead. As written, the Right to Trial Act would require a sentencing judge to review the full history of plea negotiations in a case—including the original plea offer and the sentences given to any co-defendants who pleaded guilty—before imposing a post-trial sentence. If the judge finds that the sentence is vastly disproportionate simply because the defendant insisted on a trial, the bill gives the judge explicit authority to reduce that sentence, including below an otherwise-applicable statutory mandatory minimum.

Jason's family says his case is close to a textbook illustration of exactly the distortion the bill's sponsors describe. He was offered **ten years** to plead guilty. He refused, maintaining his innocence. After a three-day trial, he received **thirty years**—three times the plea offer, for exercising the same right to a jury trial that the Sixth Amendment guarantees every defendant. Under current law, no judge was required to explain that gap or weigh whether it reflected the seriousness of the conduct or simply the cost of going to trial. Under the Right to Trial Act as currently written, that comparison would become mandatory.

The family's advocacy case is straightforward: if Congress wants a concrete example of why this bill matters, Jason's sentence is one. They are asking members of the House Judiciary Committee, and the bill's sponsors directly, to consider his case as the kind of fact pattern the legislation was written to address, and are citing his six-year pretrial delay and unresolved suppression motions alongside the sentencing gap as part of the same argument about a system that stops applying its own rules once a case becomes unpopular.

To be precise about where things stand: H.R. 9095 has not passed, and as introduced it is a sentencing-time reform — it tells a judge what to consider when imposing a sentence going forward. Whether, or how, it would apply to someone already sentenced, like Jason, is a separate legal question that has not been resolved and that

the family is raising directly with Congress as the bill moves through committee. The family's position is not that the bill guarantees his release. It is that his case shows, in concrete numbers, precisely the problem the bill exists to fix—and that lawmakers weighing whether to advance it should know his name.

What This Case Says About American Justice

Corruption does not always arrive as a cash payment or a secret agreement. Institutional corruption can appear as silence, delay, sealed proceedings, unanswered motions, inaccessible records, and a collective unwillingness to enforce constitutional protections for a deeply unpopular defendant.

Jason's case asks foreign journalists, human-rights organizations, filmmakers, lawyers, and law students to consider several basic questions:

- Can the United States call a trial “speedy” after detaining a legally innocent person for six years?
- Can a suppression right be meaningful when the court leaves the motions unresolved for four years?
- Can a proceeding be considered fair when a critical discussion occurs outside an open hearing and the defendant does not receive the transcript until years after conviction?
- Can severe solitary confinement, sexual assault, suicide-management restrictions, deprivation, and four-point restraints be separated from a prisoner's ability to defend himself?
- Should inflammatory charges allow a court to avoid deciding whether the government obtained its evidence unlawfully?
- If constitutional protections disappear when accusations are disturbing, were they ever genuine protections?

Jason Gandy is not asking the world to accept his family's conclusions without examination. He is asking for something the American system has repeatedly failed to provide: an independent, public, evidence-based review of the underlying record.

The documents are available at JudgeMisconduct.com. Jason's own photograph and further personal materials are collected at **nothingwithoutyou.life**. Both sites identify the family's positions as disputed claims and invite lawyers and journalists to evaluate the source material independently.

For six years before trial, Jason lived inside a system that presumed him innocent in language while punishing him in practice. For four years, the court did not properly decide motions that could have determined whether the government's foundational evidence was lawful.

The charges against him were serious. So were his constitutional rights.

A justice system reveals its true character not by how it treats the popular and powerful, but by whether it obeys its own Constitution when the accused is someone the public has already been taught to hate.

The Detailed Record Behind the Human Story

The following record supplies the dates, docket entries, witness contradictions, investigative sequence, and source material behind the human account above. It is included here so a journalist or lawyer does not have to reconstruct the case from scattered references.

Presumed Innocent, Treated as Condemned

The detention chronology preserved with Exhibits A–Y and the supporting inmate-quarters material identifies where Gandy was held and when. It records placement on **July 21, 2012** in a suicide-watch cell described as smelling of feces and urine; threats after he appeared on television on July 26; a return to suicide watch from July 27 through July 31 for protection; and confinement from July 31 through August 16 in solitary confinement or the Special Housing Unit with psychologically unstable cellmates. The same chronology records threats and extortion from August 16 through October 3 and an assault by M.W. in cell 223, witnessed by Collins Cesar.

The later chronology is equally specific. It records confinement in the Galveston County Jail drunk tank beginning **October 19, 2012**; a **March 12, 2015** assault on unit 6W that moved three teeth; suicide watch from March 12 through March 31 in a cell described as having blood on the walls; a short transfer to the SHU from April 1 through April 7; a hanging attempt there; and a return to suicide watch. It also records a **July 1, 2015** trip to St. Joseph Hospital following a suicide episode while Gandy was in four-point restraints, incident reports 2732225 and 2732308 concerning denial of a toothbrush, and the **June 30, 2015** start of an eight-month Behavior Modification Plan.

These are not generic references to “bad jail conditions”; they are dated, location-specific assertions tied to the archived housing, incident and medical record. Gandy reports that he was repeatedly assaulted in custody and raped, and that he spent more than half of the six-year pretrial period in solitary confinement. He was placed under a Behavioral Management Plan and a Suicide Risk Management Plan. Under restrictive conditions, he says, he was confined without running water and denied basic necessities including a spoon and toothbrush. He was twice immobilized in four-point restraints, with both arms and both legs secured. For a person suffering from severe claustrophobia and deteriorating mental health, he says, the restraints created an overwhelming fear of ever feeling trapped again. Rather than protecting him from self-harm, he says that terror contributed to more serious suicide attempts. This was the environment in which the government expected him to understand complex proceedings, evaluate a ten-year plea offer, work with changing attorneys, investigate years-old allegations and participate rationally in his defense.

Four Years Without a Suppression Hearing

Gandy's lawyers filed a motion to suppress statements and derivative evidence on **April 1, 2013 (DE 32)**, followed by further briefing culminating in **DE 46** on **November 26, 2013**. Page 5 of DE 46 states that the initial airport inspection of his computer uncovered “NO IMAGES CHARACTERISTIC OF CHILD PORNOGRAPHY.” The motion challenged the use of his custodial statements to supply probable cause, a warrant nexus and fruits of the interrogation. DE 34 and DE 46 went without a full, open evidentiary hearing or definitive ruling for roughly four years. **DE 89** records counsel saying the defense was “still waiting on a response to our motions.” In **December 2016**, attorney Dan Cogdell again told U.S. District Judge Lee H. Rosenthal that the motions remained unresolved.

An August 8, 2014 defense note reportedly recorded Gandy's objective in blunt terms: "WIN MOTION FOR SUPPRESSION." A transcript designated **DE 98** records an ex parte proceeding held on **April 27, 2017**. The court treated an open suppression hearing as "not needed" after the government represented it would not use certain evidence. No public evidentiary hearing established whether that representation covered only direct admission of Gandy's words or also information, witnesses and evidence developed from them. Gandy and his family did not obtain DE 98 until approximately eight years later. In **January 2024**, court reporter Kathy Metzger described the proceeding as "sealed EX PARTE" and said a judicial order was required for release. The transcript was produced on **April 21, 2025**, and the family says Gandy received it around **June 2025**.

The Speedy Trial Motion in Detail: DE 133, DE 136, and DE 141

Gandy was indicted three times over nearly six years on overlapping conduct arising from a single investigation. He was first indicted on **August 25, 2012** for one count under 18 U.S.C. §2423(a). A first superseding indictment on **September 17, 2014** added two counts under 18 U.S.C. §2251(a),(e) and §2252(A)(a)(1),(b). A second superseding indictment on **February 15, 2018**—five months before trial—added four more counts under 18 U.S.C. §1591(a),(b) and §2, bringing the total to seven.

On **June 17, 2018**, trial counsel Sean Buckley filed **Docket Entry 133**, a Motion to Dismiss Count One for Lack of a Speedy Trial, applying the four-factor test from *Barker v. Wingo*, 407 U.S. 514 (1972): the length of the delay, the reasons for the delay, the defendant's assertion of the right, and the prejudice to the defendant. The motion cited *Doggett v. United States*, 505 U.S. 647 (1992), for the proposition that the Supreme Court has called an eight-and-a-half-year delay "extraordinary," and *United States v. Frye*, 489 F.3d 201 (5th Cir. 2007), for the Fifth Circuit rule that a five-year post-indictment delay is sufficient to establish presumed prejudice. Because the delay in Gandy's case was nearly six years, the motion argued both the length-of-delay and prejudice factors weighed against the government.

The motion's own docket-based accounting of the six-year delay attributed specific stretches to specific causes: time for successive defense counsel to review discovery (October 2012–January 2013 and April–September 2013); scheduling conflicts from new counsel; periods to "accommodate efforts to resolve the case" through plea negotiations (September 2013–January 2015, on and off); a psychiatric evaluation (January–April 2015); and a lengthy stretch from **April 27, 2015 to October 10, 2017**—roughly two and a half years—that the docket itself describes as delay "to accommodate defendant's mental health treatment." The final stretch, from October 2017 to trial in July 2018, was attributed to new defense counsel and the Second Superseding Indictment. Because the causes were mixed, the motion asked the court to weigh that factor neutrally rather than against either side—and it conceded that Gandy had not affirmatively asserted his speedy-trial right along the way, a factor the motion argued should not, under *Barker*, be held against the government either. By the motion's own tally: two factors against the government, one neutral, one in the government's favor.

The government, represented by Assistant U.S. Attorney Sherri Zack, opposed the motion; its response, **Docket Entry 136**, was filed **June 29, 2018** and the family says it was sealed. A hearing was held **July 9, 2018** and docketed as **DE 141**, but the family says the official court reporter, Fred Warner, did not produce a transcript of it until **May 6, 2024**—despite Gandy requesting it on the record, in **DE 239**, for years beforehand. No order granting or denying DE 133 is reflected in the family's record as having been separately docketed and served on Gandy at the time.

The family says the 2024 transcript also documents an exchange, on page 15 of the hearing, in which the prosecutor objected to a defense voir dire question referencing the #MeToo movement, and the court agreed the subject should be eliminated from jury selection because the case did “not involve children” in that particular sense. The family's post-conviction filings argue that ruling prevented defense counsel from exploring accuser motivation with the jury pool at the one moment—jury selection—when it could have mattered most, and cite *United States v. Brown*, 859 F.3d 730 (9th Cir. 2017), and *United States v. Miguel*, 338 F.3d 995 (9th Cir. 2003), in arguing that improperly restricting a defense argument can constitute structural error.

The Interrogation Chain the Jury Never Fully Examined

The family's suppression claim is not limited to whether Gandy's own words were read to jurors. It asks whether investigators used challenged statements to reshape K.V.'s account and develop later evidence. The claimed sequence begins with questioning of Gandy on **July 20, 2012**, while he says he was represented, exhausted and repeatedly requesting his lawyer. It continues with alleged questioning during transport on July 25 and questioning of K.V. on July 26 using information attributed to Gandy. The family says K.V.'s break ended when investigators asked why he had lied about massages. The archived record identifies the evidence for that sequence: the July 20 and July 25 interrogations, transport and bond materials, agent notes, the July 26 K.V. questioning, later interviews, the Diaz report and the recorded jail call. The legal dispute is whether investigators exploited unlawfully obtained information and whether later evidence had an independent source or sufficient attenuation. Because live witnesses are involved, witness free will is part of the analysis under *United States v. Ceccolini*. A September 10, 2012 report by defense investigator Bert Diaz records statements that directly contradict the prosecution narrative. According to the report, K.V. said he told police what they wanted to hear because questioning continued; not everything he told police happened; Gandy never abused him; media coverage was untrue; and specific sexual and photographic allegations were false. K.V.'s mother reportedly said her son repeatedly told her Gandy had done nothing wrong and police had forced statements. His father reportedly described CPS pressure and fear that the family could lose children to foster care. At trial, K.V. said that “ICE separated us” at the U.K. airport. The phrase refers to separation by authorities in London, not proof of a later domestic immigration separation. The family contends immigration threats carried special weight because K.V.'s mother was born in El Salvador. Those claims require authentication and a response from the investigators, but they cannot fairly be excluded from the account.

The Evidence, Count by Count

Count Seven: a sworn age statement outside the charged period

Count Seven charged conduct involving J.A. between August 1 and November 3, 2007. At the criminal trial, J.A. testified that he was born April 15, 1991, was sixteen in August 2007, and met Gandy during that period. Nine months after trial, at an **April 23, 2019** civil damages hearing in *Alfaro v. Gandy*, No. H-18-1761, J.A. was asked his birth date and age when he first met Gandy. Under oath he answered that he was born April 15, 1991 and was seventeen when he met him. If that statement is true, the earliest possible meeting was April 15, 2008 — after Count Seven's entire charged period. The contradiction concerns the existence of the charged relationship, not a peripheral detail. It is documented by the charged dates in DE 115, the jury instructions at DE 192 pages 3-90 to 3-91, J.A.'s criminal testimony, and his sworn answer in the civil transcript at page 11, lines 8-11.

■ **San Diego chronology:** At sentencing, Gandy said he lived on Hillside Drive in San Diego during summer 2007, bought a Toyota Tundra and toy hauler, and did not return to Texas until October 2007 (DE 207 at 34-35).

■ **Independent corroboration:** K.D., a government witness, testified that Gandy was living in California and returned because his mother was ill (DE 190 at 2-162 to 2-163). Her death on September 13, 2008 fixes that separate 2008 chronology.

■ **Austin property:** Buckley told the court that the Austin house associated with J.A.'s account did not appear to have been purchased until October 2007. Rosenthal proposed that Gandy could have rented, borrowed or occupied another Austin property, although no identified witness, address, lease or owner established one (DE 192 at 3-5 to 3-9).

■ **Changing description:** During trial, J.A. reportedly could not recall details of the Austin house. At the civil hearing he described a promised nine-bedroom home, a four-bedroom house divided with sheets and college-student occupants.

■ **Financial interest:** J.A. acknowledged that conviction would make his contingency-fee civil claim easier to win (DE 190 at 2-237 to 2-240). That does not establish falsity, but it matters when sworn accounts conflict.

Catherine Edwards's August 2015 notes reportedly add more contradictions. They record that J.A. denied saying he felt like a prisoner or had to escape, explaining that he left through a window to avoid a face-to-face departure. The notes also state that he did not say massages felt like a job, did not say he wanted to stop and said Gandy told him he did not have to do anything he did not want to do. Report 17, the Edwards notes, the criminal transcript and the civil transcript preserve the competing accounts.

Count Six: K.D.'s account

The fuller record includes K.D.'s recorded or investigator-documented denials that he performed a massage or received payment, his uncertain trial answer concerning payment, and his testimony supporting the California chronology. It also includes the prosecution's statement, in context, that the charged conduct was not a sex-trafficking crime. The indictment, elements, testimony and closing argument reveal a narrower evidentiary dispute than the stigmatizing label alone suggests.

Count Five and D.V.: a changed date and disputed age chronology

The case files state that Count Five proceeded after the government changed 2006 to 2005 over a prejudice objection while Gandy was outside the courtroom. Rosenthal stated that she would grant the variance and was not sure it was even a variance. The question is whether the alteration changed what the grand jury charged and whether the defense had a fair opportunity to meet it. D.V.'s chronology includes his statement that he met Gandy around age seventeen, his belief that they met in 2005, his testimony about going to clubs, his inability to recall where he lived on his eighteenth birthday, property and driver's-license records, and the Provenzano investigation. The family maintains D.V. was eighteen when the relevant relationship began. The property, license and investigative records provide the objective chronology behind that position.

The Rule 29 Motion and the Order Describing It

DE 174 is Buckley's six-page Rule 29(c) motion for judgment of acquittal; **DE 178** is the order denying it. The family's misconduct allegation rests on specific differences between the arguments in the motion and the descriptions in the order.

■ **Count One:** The motion challenged mens rea, including knowledge of U.K. law before Gandy's presence there; the family says the order omitted that argument.

■ **Count Two:** The motion addressed underwear or a loin-cloth description, while the order described the theory as nakedness.

■ **Count Three:** The defense made a narrower transportation-and-cache argument grounded in Chappell's testimony and the actual images.

■ **Count Six:** The motion's precise theory differs from the government's later description and the ruling.

This matters because later courts often rely on an order's summary rather than the underlying motion. If the summary changes the issue, the history may say an argument was rejected even though the precise argument was never decided.

Counsel Withdrew; the Later Record Said Gandy Fired Lawyers

DE 98 records Gandy opposing the withdrawal of retained counsel in unmistakable language: “I did oppose him quitting. I did not want him to quit.” “I don't want them to quit. I would like them to stay on and go to trial.” The counsel history includes Dan Cogdell and Nicole DeBorde's withdrawal, later funding issues, appointed lawyer Charles Flood's withdrawal, and trial lawyers Sean Buckley and Dustin Mayland. The family emphasizes that a withdrawal occurred while Gandy was on suicide watch. Yet DE 141 later described Gandy as having “fired lawyers.” DE 98 and the withdrawal filings record Gandy opposing the departures and asking counsel to remain.

The unresolved voluntariness dispute also affected trial strategy. The family says counsel feared the government could use challenged statements to impeach Gandy if he testified, a concern associated with *Mincey v. Arizona*, 437 U.S. 385 (1978). He therefore could not personally answer the Austin-property theory and other factual accusations before the jury.

On JudgeMisconduct.com, the family goes further, describing this as a two-part failure by trial counsel: that Buckley did not merely advise Jason against testifying, but also, in the family's account, failed to cross-examine several government witnesses in the manner Jason wanted. The family characterizes the combination—advice not to testify plus what it calls an inadequate cross-examination—as legal malpractice that left him unable to answer the accusations against him in either form.

The Structural-Error and Plain-Error Framework Behind the Later Filings

Gandy's most recent pro se filings, reorganized under Federal Rule of Criminal Procedure 52(b), rest on a specific legal distinction. In *Arizona v. Fulminante*, 499 U.S. 279 (1991), the Supreme Court distinguished ordinary “trial errors”—mistakes that can be evaluated for harmlessness—from “structural errors,” defects so fundamental to the framework of a trial that harmless-error review does not apply. Structural error is a narrow category, recognized by the Supreme Court in contexts such as the complete denial of counsel, a biased judge, or the denial of a public trial. Gandy's filings ask whether the absence of an open, adversarial suppression

hearing belongs in that category—a question the filings present for attorney review rather than assert as settled law.

Because prior counsel did not preserve some of these issues at trial, the filings also turn on the difference between forfeiture and waiver. Under *United States v. Olano*, 507 U.S. 725 (1993), an issue that was merely forfeited—not timely raised, without a knowing and intentional decision to give it up—can still be reviewed for plain error on appeal if the error was plain, affected substantial rights, and seriously affected the fairness or integrity of the proceedings. An issue that was knowingly and intentionally waived ordinarily cannot. The family's position is that prior counsel's failure to preserve the suppression, speedy-trial, and right-to-testify issues reflected uninformed failures to act, not Jason's own informed decisions to give up those rights—and that the issues therefore remain open for plain-error review under *Olano* and *Johnson v. United States*, 520 U.S. 461 (1997).

The family's list of disputed constitutional issues extends beyond suppression and speedy trial. It includes a Fifth Amendment claim that grand jury transcripts were withheld, preventing any challenge to the indictment itself, and Article III claims that venue objections and recusal requests were denied despite what the family describes as documented conflicts of interest. None of these claims has been adjudicated as misconduct; they are presented on this record for independent legal review.

The Sealed Record and Contradictory Docket Descriptions

The record dispute is best understood through document pairs, not a generalized allegation:

- **DE 141 versus DE 98:** “fired lawyers” versus Gandy's recorded opposition to counsel withdrawing.
- **DE 285 and DE 302 versus DE 305:** descriptions that material was “not under seal” versus the court reporter's “sealed EX PARTE” description and the practical inability to obtain DE 98 without an order.
- **DE 278 versus DE 289; DE 174 versus DE 178; DE 285 versus DE 286:** what the earlier filing requested compared with how the later ruling characterized it.
- **DE 239 and DE 277:** earlier attempts to raise structural issues and obtain records, relevant to any claim that Gandy abandoned them.
- **DE 315:** a request involving production or preservation of interrogation video and the status of any ruling.
- **DE 316 and DE 316-1:** the later Rule 60(b)(6) filing and its attachments, preserved as part of the record.

How DE 287 Became Something Narrower in DE 289

DE 287 alleged that an investigator was “using my illegally obtained statements” while K.V. was being interrogated and referred to use connected with the July 25 bond proceeding. DE 289 characterized the contention as alleging that Gandy's involuntary statements “were used against him at trial.” Those are not identical claims. Directly presenting a defendant's words to jurors differs from using information in those words to question a witness and develop evidence. DE 316 later attacked the alleged failure to adjudicate the broader governmental-use and derivative-use contention. The prior §2255 motion handled by Brandon Sample concerned the plea-deal issue and, according to Gandy, did not present the broader case he wanted litigated. A corrective filing therefore seeks to strike only reliance on that limited prior-§2255 theory. It does not strike or

replace DE 316, DE 316-1, their attachments, or the broader factual allegations. The family's request in ordinary language is simple: identify exactly what Gandy presented, exactly what the court decided, and whether the order answered a narrower question than the filing raised.

The Pressure to Plead and the Concrete Prejudice of Delay

Gandy rejected a written ten-year plea offer while maintaining his innocence. The proposed agreement stated that he had waived his Miranda rights and willingly spoken to investigators. Gandy refused to sign an agreement containing that account. DE 34 and DE 46, the interrogation record and the reported four requests for counsel present the opposite factual position: that the statements were involuntary and obtained despite requests for a lawyer. The conflict is therefore visible on the face of the written plea and the filed suppression record; it is not a missing-document question.

After a three-day jury trial in **July 2018**, Gandy was convicted on seven counts and received **thirty years**—twenty years more than the plea offer and three times its proposed sentence. The Fifth Circuit affirmed in November 2019. At sentencing, Rosenthal called him “an abuser of vulnerable human beings” and “evil.” Describing the difference as a “trial penalty” is an argument, not a judicial finding. The numerical difference is undisputed.

The six-year delay produced more than abstract anxiety. The claimed prejudice includes changing attorneys; deteriorating mental health; isolation, alleged assault and rape; restraints and suicide-management restrictions; fading memories; disappearing witnesses and records; lost access to property and electronic evidence; and reduced ability to help counsel reconstruct events dating to 2005. The prosecution also said witnesses were under subpoena and “didn't want to be here,” a fact relevant to memory, pressure and voluntariness.

Is This an Isolated Case, or a Pattern?

The Gandy family is not the only party to criticize Rosenthal's handling of a case. These examples have different evidentiary weight. None is presented as an official finding of judicial misconduct.

Craig Patty: a destroyed truck and no trial

Houston lawyer Andy Vickery represented Craig Patty, whose truck was taken through the cooperation of his driver, a paid government informant, and used in a drug operation. The driver was killed and the truck returned riddled with bullets. In *Patty v. United States*, Rosenthal granted summary judgment to the government under the discretionary-function exception. The Fifth Circuit affirmed and the Supreme Court denied review. “At least the judge should sit there and listen to the sworn testimony of the people before making up her mind,” Vickery later said on the Trial Lawyer Talk podcast. “But she didn't do that.”

Judge Ho: binding precedent was not addressed

In a 2019 Title VII appeal, Fifth Circuit Judge James Ho wrote separately that Rosenthal's ruling said the circuit had not addressed the issue while failing to mention *Blum v. Gulf Oil Corp.*, which he viewed as binding. “Yet the district court did not mention, let alone distinguish, *Blum*,” he wrote, adding concern that courts were giving the public reason to lose faith in institutions. Ho nevertheless joined the judgment affirming the district court.

The Texas Lawbook's report on the episode quotes Ho more bluntly still: “Judge Rosenthal is not following precedent.” The exchange between the two judges is preserved in full in the archived Texas Lawbook article and Ho's own concurrence, both cited in the family's filings.

A 2026 writ ordering expedited consideration

On **August 26, 2026**, a divided Fifth Circuit panel granted mandamus in *In re Paula Goodhart*, No. 26-20337. The majority ordered expedited consideration well before the November election and directed the district court to follow *Daves II*, concluding that consideration should not have been delayed in that manner. Judge Stephen Higginson dissented, arguing that the panel was improperly taking over docket control in complex litigation. The majority's writ is a verified appellate intervention; the dissent is part of the same public record.

John O'Neill's constitutional criticism

Attorney John O'Neill, representing Harris County judges in the bail litigation, called Rosenthal's 193-page ruling “exhaustive but deeply at war with both the text of the Constitution and many years of Supreme Court precedent” and described it as the most tragic ruling of his 45-year legal career. He later called the underlying decision “disastrous.” These are named, on-the-record assessments, not disciplinary findings.

Roy Maynor: jury verdict set aside

A twelve-person federal jury found that Dow Chemical illegally fired Roy Maynor in retaliation for protected activity. Rosenthal then granted judgment as a matter of law for Dow. The Fifth Circuit affirmed, describing her opinion as thorough and well considered. Public federal-court documents confirm that Rosenthal presided; the author of an anonymous Robing Room comment criticizing the decision remains unidentified.

Other anonymous Robing Room comments accuse Rosenthal of being dismissive of briefs, playing favorites, breaking rules and signaling an intention to dismiss before a motion was presented. Those statements remain unverified because the writers did not provide names and docket numbers. They are allegations, not findings, and are included here with that limitation.

A Formal Misconduct Complaint and Petition for Review

Gandy filed a judicial-conduct complaint concerning Rosenthal. A **June 10, 2026** order dismissed it. He then filed a petition for review confined to what he calls a repeated, objectively testable record-integrity pattern: DE 98 compared with DE 141 on whether he wanted counsel to leave; DE 174 compared with DE 178 on what the Rule 29 motion argued; DE 285 compared with DE 286 and DE 288 on whether a multi-request filing was reduced to a property request; DE 287 compared with DE 289 on derivative investigative use versus direct use at trial; and DE 98's access history compared with DE 302's statement that it was not filed under seal. The petition expressly says it is not asking the Judicial Council to reverse the conviction or redetermine the motions. The complaint response, dismissal order—issued by Judge Jennifer Walker Elrod—and five-page petition are archived on JudgeMisconduct.com.

The Record Is Already Collected

The public record is assembled in two places. JudgeMisconduct.com collects the full district-court docket from 2012 through 2026, the newest filings, earlier motions and orders, trial and sentencing transcripts, DE 98, the reorganized Rule 52(b) filing, the judicial-conduct papers, and Exhibits A–Y. The independent CourtListener

docket supplies a second public docket source. Together, they provide direct access to the documents cited throughout this account.

A September 2026 Documentary Evidence Packet, also on JudgeMisconduct.com, compiles the core filings, transcripts, and constitutional issues into a single reference document specifically organized for journalists, documentary filmmakers, and investigators. Jason's own photograph and additional reflections in his own words are collected separately at **nothingwithoutyou.life**.

This case ultimately asks whether constitutional rights mean anything when the accusation is so stigmatized that courts, lawyers and the public may stop examining particulars. Can a trial be called speedy after six years of pretrial detention? Can a suppression right be meaningful when the motion waits four years without a public evidentiary hearing? Can a closed proceeding be treated as adequate when the defendant does not receive its transcript for nearly eight years? And can finality substitute for a ruling on the issue actually raised?

Full source documents — including DE 46, DE 98, DE 133, DE 174, trial and sentencing transcripts, post-conviction filings and the documentary evidence packet — are available at JudgeMisconduct.com and nothingwithoutyou.life. Press and legal inquiries: freejasongandy@gmail.com or joegandy1956@gmail.com.

Selected Sources

Titles below are clickable links.

- [Complete Gandy docket](#)
- [Fifth Circuit opinion, No. 18-20823](#)
- [ICE arrest release](#)
- [DOJ sentencing release](#)
- [Houston Chronicle trial report](#)
- [Houston Chronicle sentencing report](#)
- [Case archive, docket, transcripts and Exhibits A–Y](#)
- [Current Section 2255\(h\)\(1\) record package](#)
- [Documentary evidence packet \(Sept. 2026\)](#)
- [DE 174 Rule 29 motion](#)
- DE 133 — Motion to Dismiss for Lack of a Speedy Trial
- [Motion addressing the limited prior-Section 2255 theory](#)
- [In re Paula Goodhart, No. 26-20337](#)
- [Patty v. United States, No. 15-20245](#)
- [Andy Vickery interview](#)
- [Maynor v. Dow Chemical Co.](#)
- [Maynor district-court record](#)
- [Patty district-court decision](#)
- [The Texan mandamus report](#)
- [Appellate mandamus record](#)
- [Texas Lawbook report on Judge Ho's criticism](#)
- [Houston Chronicle report quoting John O'Neill](#)

- [Rosenthal comments at The Robing Room](#)
- [nothingwithoutyou.life — Jason's photograph and personal materials](#)
- [H.R. 9095, the Right to Trial Act \(119th Congress\)](#)

This article distinguishes court records, attributed statements and family allegations. It does not claim that an adverse ruling, reversal or criticism by itself establishes judicial misconduct.

The Human Life Behind the Record

Behind every docket entry is a person who was abruptly removed from his life. Jason lost his freedom, his property, his ability to communicate normally with the people who loved him, and years that can never be returned. From inside detention, with severely restricted communication and deteriorating mental health, he tried to help lawyers and investigators prove his innocence. His family says he spent his life savings pursuing that effort while surviving isolation, assault, alleged rape, deprivation, restraints, and repeated despair.

Yet the person his family describes is not consumed by revenge. Jason has said that if he is freed and the full record establishes that witnesses participated in a false prosecutorial narrative, he would cry tears of joy and forgive them rather than seek retaliation. His family describes him as compassionate, empathetic, and forgiving. They are not asking the public to ignore the seriousness of the accusations. They are asking that Jason be seen as a human being and that the evidence, the constitutional violations, and the years taken from his life receive an independent and honest examination.

Jason Gandy, Register No. 73006279, is currently held at FCI Memphis. A photograph of Jason and further reflections in his own words are available at **nothingwithoutyou.life**, alongside the case documents at JudgeMisconduct.com.

For Jason, this is not simply a dispute over docket entries. It is his life.