

No. 19-5056

IN THE SUPREME COURT OF THE UNITED STATES

BYRON RANDALL FISHER,
PETITIONER,

v.

RICHMOND THE AMERICAN INTERNATIONAL UNIVERSITY IN
LONDON, Inc.,

RESPONDENT.

On Writ of Certiorari to the United States Court of Appeals for the Second
Circuit

REPLY BRIEF FOR PETITIONER

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STATUTES

18 U.S. Code § 1001 (Pages 3 - 5)

18 U.S. Code § 1519 (Pages 3 - 5)

RULES

FEDERAL RULE OF CIVIL PROCEDURE 37(e) (Pages 3 & 4)

**NEW YORK RULES OF PROFESSIONAL CONDUCT (RULE 3.4)
(Pages 3 & 4)**

INTRODUCTION AND ARGUMENT

The act of the Respondent submitting an altered version of the Petitioner's transcript in response to an inquiry conducted by the United States Department of Veterans Affairs (VA) constitutes a violation of 18 U.S. Code § 1001 and 18 U.S. Code § 1519. The act of the Respondent's attorney, Samuel Feldman, assisting his client in submitting two copies of the said altered transcript to the United States District Court for the Southern District of New York (SDNY) constitutes a violation of 18 U.S. Code § 1519 by both the Respondent and its attorney. The actions of the Respondent's attorney also constitute a violation of the New York Rules of Professional Conduct (Rule 3.4). Additionally, all of the acts described above constitute a violation of Federal Rule of Civil Procedure 37(e).

In its brief, the Respondent failed to address the accusations made against it with respect to 18 U.S. Code § 1519, Rule 3.4 of the New York Rules of Professional Conduct, and Federal Rule of Civil Procedure 37(e). Also, the Respondent did not deny violating 18 U.S. Code § 1001. Instead, the Respondent claims that its violation of 18 U.S. Code § 1001 is irrelevant to these proceedings. Nothing could be further from the truth. The fact that the Respondent submitted to the SDNY two copies of the same altered transcript that was utilized to obstruct an investigation by the VA, which is a

violation of both 18 U.S. Code § 1001 and 18 U.S. Code § 1519, is relevant to these proceedings because it is demonstrative of the Respondent's pattern of criminal behavior. The Respondent's brief also states that the Petitioner authorized the release of the said altered transcript. This is not true because the Petitioner never authorized the release of an altered transcript and the Respondent has not provided any evidence to the contrary. Lastly, the Respondent stated in its brief that the Petitioner's application for postgraduate study was accepted under false pretenses. This is also not true because the Petitioner made all required disclosures on the said application, which the Respondent has failed to disprove.

CONCLUSION

The judgment of the Second Circuit should be reversed.

Respectfully submitted,

Byron Randall Fisher

Petitioner



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Signed August 12, 2019