No.________17-6755____________________

IN THE SUPREME COURT OF THE UNITED STATES

KEVIN P. BRENNAN,	)	Docket#
	)	
Petitioner	)	
	)	
vs.	)	
	)	No. 17- 6755
UNITED STATES OF AMERICA,	)	
	)	
	)	
Respondent	)	

MOTION TO RECONSIDER THE DECISION OF THIS HONORABLE COURT

Relief:

The Petitioner asks that this Honorable Court reconsider its decision, and grant the review of the petition that is attached.

Grounds:

The Court, in its decision to deny the review of the petition, is allowing the government to manufacture a purely fictional scheme, which the government used to indict, and convict, an innocent citizen of an alleged crime that could never have occurred. It would seem a dangerous precedent is set, whereby the government can convict any citizen without an actual crime occurring. A fake scheme, the government can create without any real participants, including actual victims of the fake scheme, eliminates any opportunity the defendant has for due process of law. This fake government scheme would

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not have generated an indictment had the government not purposely sited their fake scheme in a venue, the Southern District of Florida, where there was no previous case of securities fraud involving a public company.

As cited in the accompanying petition, the government wrote in the indictment that a broker, who allegedly had a fiduciary relationship with his clients because of their discretionary accounts, misused his client's money. The trial judge instructed the jury that the government had to prove beyond a reasonable doubt that this scheme as written in the indictment defrauded somebody.

Therefore the FBI and the Justice Department knowingly and willfully colluded in a plan in which the Justice Department lied in describing the scheme they wrote in the indictment. The Court stated to the jury that this lie was the complete basis for determining the defendant's guilt or innocence in the crime charged, securities fraud. Both the executive branch and the judiciary were aware of the lie that they had created and supported, yet they went forward with an indictment, and a trial in which more lies were stated by the government prosecutor, to the jury. The result was a conviction, and a seventy five month prison sentence, for a defendant who has now served almost 60 months in prison.

Both the government and the judge knew there was no broker, there were no clients, there was no client money, and there was no fiduciary relationship, because there were no discretionary accounts. Neither the government nor the judge disclosed to either the grand jury, or the trial jury, this fact. Because there was no broker, nor clients, there could never have been a crime of securities fraud, where the security was publically traded common stock. The real and true facts are, there was no scheme that occurred, and there was no one defrauded.

Because there was no broker, nor clients, the Petitioner was not able to examine either the broker or his fake clients, at the trial, violating his Sixth amendment right of confrontation. This may be the most absolute right of a criminal defendant, as described and opined by the late Justice Scalia.

Because there was no precedent for cases involving public companies in the Southern District of Florida, the Petitioner was not represented by a competent effective attorney experienced, or even vaguely familiar with securities law. This attorney was appointed to represent the Petitioner, by the

Court. Both the trial court, and the appeals court, denied the Petitioner's request that this attorney be removed, due to his lack of knowledge in securities law, and his indifference to make an effort to learn the intricacies of securities law, and public companies. As a result of the Court's denying the Petitioner's request for the government appointed attorney's removal, the Petitioner was prevented from raising any trial issues in his direct appeal. The trial court and the Appeals Court has subsequently stonewalled, by procedurally barring, any attempt by the Petitioner to raise the above issues. The Petitioner has never been able to raise these issues with any Court, ever.

Had the Petitioner been tried in the Southern District of New York, the only lawful venue for this case, the government would never have presented an indictment to a grand jury. The case law, where precedent is predominate in securities fraud cases, resides in the Second Circuit. The government and the Court's in the Southern District of New York, would never have allowed a scheme similar to the fake scheme described above, an unconstitutional fake scheme, to go to trial.

The trial court in the Southern District of Florida and the 11th Circuit Court of Appeals have denied every attempt the Petitioner has made to have the issues described in the attached petition addressed. Is it the Supreme Court's position that this case does not merit review when there is no actual crime? How does a citizen, bulldozed by the government without competent representation, gain justice? Was this truly the vision the founding fathers had when they wrote the fifth and sixth amendments?

The Petitioner therefore respectfully requests that this Court grant a review of the petition attached. It is not constitutional that the Petitioner, who has been incarcerated for almost five years, continues to be incarcerated, and his life destroyed, when a crime was never committed, and his constitutional rights to a fair trial, and equal protection was ignored by the courts of the eleventh circuit.

Respectfully Submitted,
December 21, 2017

Kevin Brennan
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Additional material from this filing is available in the Clerk's Office.