

APPENDIX

<u>NUMBER</u>	<u>DESCRIPTION</u>
1	Original Indictment, Dated July 12, 2018
2	Dissenting Opinion of Honorable Judge M. Miller Baker (See Court of Appeals Docket (Case No.: 20-10378) #45 for Audio/Video Recording of Oral Argument and Judge Hurwitz concerns re: Ineffective Assistance of Trial Counsel in concurrence with Judge Baker.) (http://www.ca9.uscourts.gov/media)
3	Docket Entry: 11-9, Page 3
4	Judicial Notice - Fruit of the Poisonous Tree - Violations of the Exclusionary Rule
5	Judicial Notice - Malicious and Criminal Abuses of our Legal System

Exhibit #1

Exhibit #1

United States District Court

FOR THE
NORTHERN DISTRICT OF CALIFORNIA

VENUE: SAN FRANCISCO

FILED

UNITED STATES OF AMERICA,

v.

JUL 12 2018
SUSAN Y. SOONG
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
dn

LAWRENCE J. GERRANS, a/k/a LARRY GERRANS,

CR 18 310 EMC

DEFENDANT(S).

INDICTMENT

18 U.S.C. § 1343 - Wire Fraud;
18 U.S.C. § 1957 - Money Laundering;
18 U.S.C. § 981(a)(1)(C) & 28 U.S.C. § 2461(c) - Forfeiture Allegation

A true bill.

Linda J. Tol

Foreman

Filed in open court this 12th day of

July, 2018

7-12-18

MARIA-ELENA JAMES
UNITED STATES MAGISTRATE JUDGE

MJ *Rose G.* **ISSUE SUMMONS**

ROSE MAHER

Clerk

DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURT

BY: COMPLAINT INFORMATION INDICTMENT
 SUPERSEDING

OFFENSE CHARGED

18 U.S.C. § 1343 - Wire Fraud;
 18 U.S.C. § 1957 - Money Laundering;
 18 U.S.C. § 981(a)(1)(C) & 28 U.S.C. § 2461(c) - Forfeiture
 Allegation

Petty
 Minor
 Misdemeanor
 Felony

PENALTY: Counts 1-3 (each count); 20 years imprisonment; \$250,000 fine or
 2x gain or loss; \$100 special assessment; 3 years supervised
 release. Count 4; 10 years imprisonment; \$250,000 or 2x the
 amount of criminally derived property; \$100 special assessment;
 3 years supervised release.

PROCEEDING

Name of Complainant Agency, or Person (& Title, if any)

Federal Bureau of Investigation

person is awaiting trial in another Federal or State Court,
 give name of court

this person/proceeding is transferred from another district
 per (circle one) FRCrp 20, 21, or 40. Show District

this is a reprocution of
 charges previously dismissed
 which were dismissed on motion
 of:

U.S. ATTORNEY DEFENSE

this prosecution relates to a
 pending case involving this same
 defendant

prior proceedings or appearance(s)
 before U.S. Magistrate regarding this
 defendant were recorded under

SHOW
DOCKET NO.
}

MAGISTRATE
CASE NO.
}

Name and Office of Person
 Furnishing Information on this form Alex G. Tse

U.S. Attorney Other U.S. Agency

Name of Assistant U.S.
 Attorney (if assigned) Robin L. Harris

Name of District Court, and/or Judge/Magistrate Location

NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO DIVISION

DEFENDANT - U.S.

Lawrence J. Gerrans, a/k/a Larry Gerrans

DISTRICT COURT NUMBER

CR 18 310 EMC

FILED
JUL 1 2018
SUSAN Y. SOONG
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

DEFENDANT

IS NOT IN CUSTODY

Has not been arrested, pending outcome this proceeding.

1) If not detained give date any prior
 summons was served on above charges

3) Is on Bail or Release from (show District)

IS IN CUSTODY

4) On this charge

5) On another conviction

} Federal State

6) Awaiting trial on other charges

If answer to (6) is "Yes", show name of institution

Has detainer Yes
 been filed? No

} If "Yes"
 give date
 filed

DATE OF
ARREST

Month/Day/Year

Or... if Arresting Agency & Warrant were not

DATE TRANSFERRED
TO U.S. CUSTODY

Month/Day/Year

This report amends AO 257 previously submitted

PROCESS:

SUMMONS NO PROCESS* WARRANT

Bail Amount: _____

If Summons, complete following:

Arraignment Initial Appearance

* Where defendant previously apprehended on complaint, no new summons or
 warrant needed, since Magistrate has scheduled arraignment

Defendant Address:

Date/Time: _____ Before Judge: _____

Comments:

1 ALEX G. TSE (CABN 132612)
2 Acting United States Attorney

FILED

3 JUL 12 2018
4 SUSAN Y. SOONG
5 CLERK, U.S. DISTRICT COURT
6 NORTHERN DISTRICT OF CALIFORNIA
7

8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA
10 SAN FRANCISCO DIVISION

11 UNITED STATES OF AMERICA,

12 Plaintiff,

13 v.

14 LAWRENCE J. GERRANS,
15 a/k/a LARRY GERRANS,

16 Defendant.

17) N.C. CR 18 310 EMC
18) VIOLATIONS: 18 U.S.C. § 1343 – Wire Fraud; 18
19) U.S.C. § 1957 – Money Laundering; 18 U.S.C.
20) § 981(a)(1)(C) & 28 U.S.C. § 2461(c) – Forfeiture
21) Allegation
22) SAN FRANCISCO VENUE
23)
24)
25)
26)
27)
28)

18 I N D I C T M E N T

19 The Grand Jury charges:

20 Introductory Allegations

21 At all times relevant to this Indictment:

22 1. Defendant, LAWRENCE J. GERRANS, a/k/a LARRY GERRANS (“GERRANS”), was
23 an individual who resided in San Anselmo, California, and conducted business in San Rafael, California.

24 2. Sanovas Inc. (“Sanovas”) was a Nevada corporation with its principal place of business
25 in San Rafael, California. Sanovas’s stated objective was to create medical devices and to patent these
26 devices. GERRANS was the President and CEO of Sanovas. At all times relevant to this Indictment,
27 Sanovas’s bank account was a JP Morgan Chase account ending in 9874.

28 3. Halo Management Group, LLC (“Halo”) was a limited liability company formed

INDICTMENT

1 by GERRANS in Nevada on November 28, 2006. At all times relevant to this Indictment, Halo's
2 principal place of business was 28 Greensburgh Lane in San Anselmo, California. GERRANS was the
3 sole owner of Halo.

4 4. Hartford Legend Capital Enterprises ("Hartford") was a limited liability company formed
5 by GERRANS in Nevada on February 13, 2015. Hartford's principal place of business was Reno,
6 Nevada. GERRANS was the owner of Hartford. GERRANS's cell phone number (ending 3278) was
7 the same as Hartford's business phone number.

8 5. Beginning in approximately 2013 and continuing through March 16, 2015, GERRANS
9 rented a residence at 28 Greensburgh Lane in San Anselmo, California.

10 6. Between April 2, 2013 and May 7, 2014, GERRANS withdrew a total of \$500,000 from
11 his personal Individual Retirement Account ("IRA") and used the funds for personal expenses, including
12 vacations, jewelry, spa treatments, and rent on his personal residence.

13 7. At all times relevant to this Indictment, the individual C.G. was employed by Sanovas.
14 In May 2014, C.G. took over the accounting duties for Sanovas.

15 8. In the summer of 2014, GERRANS directed C.G. to create after-the-fact accounting
16 entries dating back to January 2010 for consulting and professional services that Halo supposedly
17 provided to Sanovas.

18 9. On August 20, 2014, GERRANS opened a bank account in Nevada ending in 6937 in the
19 name of Halo Management Group LLC, and listed as Halo's phone number the number ending 3278
20 alleged above as GERRANS's cell phone number.

21 10. On March 6, 2015, Sanovas convened its first meeting of the newly constituted Board of
22 Directors ("BOD"). The principal order of business at this meeting was compensation for GERRANS.
23 Among other things, GERRANS requested that the BOD reimburse GERRANS for deferred
24 compensation based on the liquidation of GERRANS's IRA and accompanying penalties. GERRANS
25 advised the BOD that he had expended the IRA funds in furtherance of Sanovas's business.

26 11. On March 17, 2015, GERRANS purchased the residence at 28 Greensburgh Lane in San
27 Anselmo, California for \$2,570,000.

28

The Scheme and Artifice to Defraud

2 12. Beginning at a date unknown and continuing until at least May 2015, defendant
3 LAWRENCE J. GERRANS, through the entities he controlled called Halo and Hartford, and in his role
4 as the President and CEO of Sanovas,

(a) sought BOD approval for reimbursement to GERRANS from Sanovas for the liquidation of his IRA and penalties without disclosing to the BOD that proceeds from the IRA were used for personal expenses that were not incurred in furtherance of Sanovas's business;

(b) sought BOD approval for payment of deferred compensation to GERRANS without disclosing that he had already received payments through his ownership of Halo and his submission of materially false Halo invoices to Sanovas for services and expenses that were supposedly provided or incurred by Halo when, in fact, as GERRANS well knew, Halo was not a legitimate independent consulting firm and provided no independent services to Sanovas because Halo was owned and operated by GERRANS; and

(c) created Hartford as a shell company to serve as a conduit for flow-through money from Sanovas and Halo, which money GERRANS obtained from Sanovas without the knowledge or approval of the Sanovas BOD, and which money GERRANS thereafter used to purchase his personal residence at 28 Greensburgh Lane in San Anselmo, California.

20 13. In furtherance of this scheme and artifice, GERRANS committed or caused to be
21 committed the following acts, among others:

- a) On January 9, 2015, GERRANS caused a check numbered 7175 from Sanovas's bank account ending in 9874 to be issued to himself for \$131,673.20;
- b) On January 10, 2015, GERRANS opened a new account in his name at JP Morgan Chase in Greenbrae, California ending in 1883 and deposited Sanovas check number 7175 into that account;
- c) On February 13, 2015, GERRANS formed Hartford in Nevada;

- d) On February 25, 2015, GERRANS entered into a California Residential Purchase Agreement to purchase a residence at 28 Greensburgh Lane, San Anselmo, California;
- e) On February 25, 2015, GERRANS wire transferred \$77,100 from GERRANS's bank account at JP Morgan Chase in Greenbrae ending in 1883 to Stewart Title of California, Inc. ("Stewart Title");
- f) On March 3, 2015, GERRANS opened a bank account in Nevada ending in 8584 in the name of Hartford Legend Capital Enterprises and listed Hartford's phone number as the number ending 3278 alleged above;
- g) On March 6, 2015, GERRANS convened the first meeting of the newly constituted Sanovas BOD. At or before this meeting GERRANS requested, but did not receive, approval from the BOD for the payment of deferred compensation from Sanovas and reimbursement for liquidation of his IRA and penalties from Sanovas, which IRA funds GERRANS claimed had been expended in furtherance of Sanovas's business;
- h) Between January 20, 2015 and March 13, 2015, GERRANS deposited six checks made payable to Halo drawn on Sanovas's JP Morgan Chase bank account ending in 9874, totaling \$1,435,544.25, into Halo's bank account ending in 6937;
- i) On March 13, 2015, GERRANS deposited two checks made payable to Hartford drawn on Sanovas's JP Morgan Chase bank account ending in 9874 totaling \$314,750, into Hartford's bank account ending in 8584;
- j) On March 13, 2015, GERRANS wire transferred \$80,000 from Sanovas's JP Morgan Chase bank account ending in 9874 to Halo's bank account in Nevada ending in 6937;
- k) On March 16, 2015, GERRANS wire transferred \$130,000 from Sanovas's JP Morgan Chase bank account ending in 9874 to an existing checking account in his and the individual S.G.'s names ending in 6055;

- 1 i) On March 16, 2015, GERRANS wire transferred \$65,000 from Sanovas's JP
2 Morgan Chase bank account ending in 9874 to an existing checking account held
3 in his and another individual's name ending in 6055;
- 4 m) On March 16, 2015, GERRANS wire transferred \$250,000 from Sanovas's JP
5 Morgan Chase bank account ending in 9874 to Hartford's bank account in Nevada
6 ending in 8584;
- 7 n) On March 16, 2015, GERRANS wire transferred an additional \$250,000 from
8 Sanovas's JP Morgan Chase bank account ending in 9874 to Hartford's bank
9 account in Nevada ending in 8584;
- 10 o) On March 16, 2015, GERRANS caused \$1,461,000 to be transferred from Halo's
11 bank account in Nevada ending in 6937 to Hartford's bank account in Nevada
12 ending in 8584;
- 13 p) On March 16, 2015, GERRANS wire transferred \$35,000 from his bank account
14 ending in 1883 to Hartford's bank account in Nevada ending in 8584;
- 15 q) On March 17, 2015, GERRANS wire transferred \$200,000 from his existing
16 checking account held in his and another individual's name ending in 6055 to
17 Stewart Title for the purchase of a residence at 28 Greensburgh Lane, in San
18 Anselmo California;
- 19 r) On March 17, 2015, GERRANS wire transferred \$2,303,966.42 from Hartford's
20 bank account in Nevada ending in 8584 to Stewart Title for the purchase of a
21 residence at 28 Greensburgh Lane in San Anselmo California;
- 22 s) On March 17, 2015, GERRANS purchased the residence at 28 Greensburgh Lane
23 in San Anselmo, California in part using \$2,303,966.42 from Hartford's bank
24 account in Nevada ending in 8584 for the purchase; and
- 25 t) On May 9, 2015, GERRANS told the Sanovas BOD he was entitled to deferred
26 compensation from Sanovas and unpaid back salary in part because GERRANS
27 had liquidated his IRA and used the proceeds to fund Sanovas.

28 14. The representations GERRANS made to the Sanovas BOD to reimburse GERRANS for

1 deferred compensation based on liquidating his IRA and unpaid back salary were false because, among
2 other reasons, (i) the IRA proceeds were not used in furtherance of Sanovas's business (instead, as
3 GERRANS well knew, he used the IRA proceeds for personal expenses, including the purchase of a
4 \$55,372 lady's diamond ring, spa treatments, luxury vacations, and rent on his personal residence);
5 (ii) GERRANS concealed from the Sanovas BOD that GERRANS had received significant payments
6 from Sanovas through GERRANS's ownership and control of Halo; and (iii) GERRANS had already
7 transferred monies from Sanovas to Halo and Hartford before any deferred compensation was approved
8 by the Sanovas BOD.

9 | COUNTS ONE THROUGH THREE: (18 U.S.C. § 1343 – Wire Fraud)

10 15. Paragraphs 1 through 14 are realleged and incorporated as if fully set forth here.

11 16. Beginning at a date unknown and continuing until at least May 2015, in the Northern
12 District of California and elsewhere, the defendant,

LAWRENCE J. GERRANS,

14 did knowingly devise and intend to devise a scheme and artifice to defraud as to a material matter, and
15 to obtain money and property by means of materially false and fraudulent pretenses, representations, and
16 promises, and omission and concealment of material facts, with a duty to disclose, and, for the purpose
17 of executing his schemes and artifices to defraud, did transmit and cause to be transmitted by means of
18 wire communication in interstate commerce, certain writings, signs, signals, pictures, and sounds,
19 namely, wire transfers as described in the separate counts below:

Count	Date	Description of Wire Communication
1	March 13, 2015	\$80,000 transfer from Sanovas's JP Morgan Chase bank account in San Rafael, California ending in 9874 to Halo's bank account ending in 6937 in Nevada
2	March 16, 2015	\$250,000 transfer from Sanovas's JP Morgan Chase bank account in San Rafael, California ending in 9874 to Hartford's bank account ending in 8584 in Nevada
3	March 16, 2015	\$250,000 transfer from Sanovas's JP Morgan Chase bank account in San Rafael, California ending in 9874 to Hartford's bank account ending in 8584 in Nevada

Each in violation of Title 18, United States Code, Section 1343.

1 COUNT FOUR: (18 U.S.C. § 1957 – Engaging in Monetary Transactions in Criminally Derived
2 Property)

3 17. Paragraphs 1 through 16 and Counts One through Three are realleged and incorporated as
4 if fully set forth here.

5 18. On or about the date set forth below, in the Northern District of California and elsewhere,
6 the defendant,

7 LAWRENCE J. GERRANS,

8 did knowingly engage in a monetary transaction by, through, and to a financial institution, in and
9 affecting interstate commerce, involving criminally derived property of a value greater than \$10,000,
10 said property having in fact been derived from a specified unlawful activity, namely, wire fraud, as set
11 forth below:

Count	Approx. Date	Description of Transaction
4	March 17, 2015	\$2,303,966.42 wire transfer from Hartford's bank account ending in 8584 in Nevada to Stewart Title in Greenbrae, California

15 All in violation of Title 18, United States Code, Section 1957.

16 FORFEITURE ALLEGATION: (18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461(c))

17 19. The allegations of Counts One through Three of this Indictment are realleged and fully
18 incorporated herein for the purpose of alleging forfeiture pursuant to the provisions of 18 U.S.C.
19 § 981(a)(1)(C) and 28 U.S.C. § 2461(c).

20 20. Upon a conviction of any offense alleged in Counts One through Three, the defendant,

21 LAWRENCE J. GERRANS,

22 shall forfeit to the United States all property constituting and derived from proceeds traceable to said
23 offense, including but not limited to 28 Greensburgh Lane, San Anselmo, California representing the
24 amount of proceeds obtained as a result of the offense.

25 21. If any of said property, as a result of any act or omission of the defendant:

- 26 (a) cannot be located upon the exercise of due diligence;
- 27 (b) has been transferred or sold to or deposited with, a third person;
- 28 (c) has been placed beyond the jurisdiction of the Court;

1 (d) has been substantially diminished in value; or
2 (e) has been commingled with other property which cannot be subdivided without
3 difficulty;
4 any and all interest defendant has in other property shall be vested in the United States and forfeited to
5 the United States pursuant to Title 18, United States Code, Section 981(a)(1)(C), Title 21, United States
6 Code, Section 853(p), as incorporated by Title 28, United States Code, Section 2461(c) and Rule 32.2 of
7 the Federal Rules of Criminal Procedure.

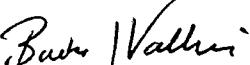
8 Dated: July 12, 2018

A TRUE BILL

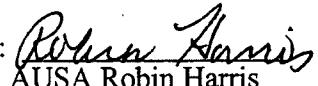

9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

FOREPERSON

ALEX G. TSE
Acting United States Attorney


14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

BARBARA J. VALLIERE
Chief, Criminal Division

(Approved as to form: 
17
18
19
20
21
22
23
24
25
26
27
28

AUSA Robin Harris

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

CRIMINAL COVER SHEET

FILED

Instructions: Effective November 1, 2016, this Criminal Cover Sheet must be completed and submitted, along with the Defendant Information Form, for each new criminal case.

EMC JUL 12 2018

CASE NAME:

USA v. Lawrence J. Gerrans, a/k/a Larry Gerrans

CASE NUMBER:

CR

SUSAN Y. SOONG
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

Is This Case Under Seal?

Yes No

Total Number of Defendants:

1 2-7 8 or more

Does this case involve ONLY charges
under 8 U.S.C. § 1325 and/or 1326?

Yes No

Venue (Per Crim. L.R. 18-1):

SF OAK SJ

Is this a potential high-cost case?

Yes No

Is any defendant charged with
a death-penalty-eligible crime?

Yes No

Is this a RICO Act gang case?

Yes No

Assigned AUSA
(Lead Attorney): Robin L. Harris

Date Submitted: 07/12/2018

Comments:

AO 83 (Rev. 06/09) Summons in a Criminal Case

UNITED STATES DISTRICT COURT

for the

Northern District of California

United States of America)
 v.)
 LAWRENCE J. GERRANS, a/k/a LARRY GERRANS,)
) Case No. **CR 18**
)
 _____)
 Defendant)

FILED

JUL 20 2018

SUSAN Y. SOONG
CLERK U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**310**
EMC

SUMMONS IN A CRIMINAL CASE

YOU ARE SUMMONED to appear before the United States district court at the time, date, and place set forth below to answer to one or more offenses or violations based on the following document filed with the court:

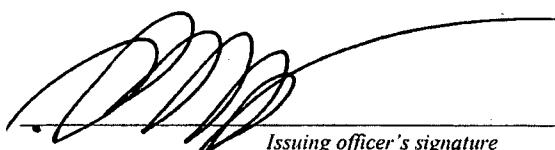
Indictment Superseding Indictment Information Superseding Information Complaint
 Probation Violation Petition Supervised Release Violation Petition Violation Notice Order of Court

Place: Phillip Burton Federal Building & United States Courthouse 450 Golden Gate Avenue, San Francisco, CA 94102	Courtroom No.: 15th Floor, Courtroom A
	Date and Time: 07/25/2018 9:30 am

This offense is briefly described as follows:

18 U.S.C. § 1343 - Wire Fraud;
 18 U.S.C. § 1957 - Money Laundering;
 18 U.S.C. § 981(a)(1)(C) & 28 U.S.C. § 2461(c) - Forfeiture Allegation

Date: 07/12/2018



Issuing officer's signature

Hon. Maria-Elena James, United States Magistrate Judge

Printed name and title

I declare under penalty of perjury that I have:

Executed and returned this summons Returned this summons unexecuted

Date: 7/19/2018



Server's signature

NICOLE LOPEZ / DEPUTY US MARSHAL

Printed name and title

Case No.

This second page contains personal identifiers and therefore should not be filed in court with the summons unless under seal.
(Not for Public Disclosure)

INFORMATION FOR SERVICE

Name of defendant/offender: Lawrence J. Gerrans

Last known residence:

Usual place of abode (if different from residence address):

If the defendant is an organization, name(s) and address(es) of officer(s) or agent(s) legally authorized to receive service of process:

If the defendant is an organization, last known address within the district or principal place of business elsewhere in the United States:

PROOF OF SERVICE

This summons was received by me on (date) 7/18/18

I personally served the summons on this defendant _____ at _____
(place) _____ on (date) _____; or _____

On (date) 7/18/18 I left the summons at the individual's residence or usual place of abode with (name) Shelly Gerrans, a person of suitable age and discretion who resides there, and I mailed a copy to the individual's last known address; or

I delivered a copy of the summons to (name of individual) _____, who is authorized to receive service of process on behalf of (name of organization) _____.

on (date) _____ and I mailed a copy to the organization's last known address within the district or to its principal place of business elsewhere in the United States; or

The summons was returned unexecuted because:

I declare under penalty of perjury that this information is true.

Date returned: 7/19/8

Server's signature

NICOLE LOPEZ Deputy vs Marisol
Printed name and title

Remarks:

MAGISTRATE JUDGE MINUTE ORDER		DEPUTY CLERK Rose Maher			REPORTER/FTR FTR: 10:36-10:49;11:19-11:23	
MAGISTRATE JUDGE Maria-Elena James		DATE 7/23/2018			NEW CASE <input type="checkbox"/>	CASE NUMBER 3:18-cr-00310 EMC-1
APPEARANCES						
DEFENDANT Lawrence J. Gerrans		AGE 47	CUST Y	P/NP P	ATTORNEY FOR DEFENDANT Randall Luskey, specially appearing	PD. <input type="checkbox"/> RET. <input checked="" type="checkbox"/> APPT. <input type="checkbox"/>
U.S. ATTORNEY Robin Harris		INTERPRETER None Needed			<input type="checkbox"/> FIN. AFFT SUBMITTED	<input type="checkbox"/> COUNSEL APPT'D
PROBATION OFFICER	PRETRIAL SERVICES OFFICER Katrina Chu			DEF ELIGIBLE FOR APPT'D COUNSEL	<input type="checkbox"/> PARTIAL PAYMENT OF CJA FEES	<input type="checkbox"/>
PROCEEDINGS SCHEDULED TO OCCUR						
<input checked="" type="checkbox"/> INITIAL APPEAR held	<input type="checkbox"/> PRELIM HRG	<input type="checkbox"/> MOTION		<input type="checkbox"/> JUGM'T & SENTG	<input type="checkbox"/> STATUS	<input type="checkbox"/> TRIAL SET
<input type="checkbox"/> I.D. COUNSEL	<input type="checkbox"/> ARRAIGNMENT	<input type="checkbox"/> BOND HEARING		<input type="checkbox"/> IA REV PROB. or or S/R	<input type="checkbox"/> OTHER	<input type="checkbox"/>
<input type="checkbox"/> DETENTION HRG	<input type="checkbox"/> ID / REMOV HRG	<input type="checkbox"/> CHANGE PLEA		<input type="checkbox"/> PROB. REVOC.	<input type="checkbox"/> ATTY APPT HEARING	<input type="checkbox"/>
INITIAL APPEARANCE						
<input checked="" type="checkbox"/> ADVISED OF RIGHTS	<input checked="" type="checkbox"/> ADVISED OF CHARGES	<input type="checkbox"/> NAME AS CHARGED IS TRUE NAME		<input type="checkbox"/> TRUE NAME:	<input type="checkbox"/>	
ARRAIGNMENT						
<input type="checkbox"/> ARRAIGNED ON INFORMATION	<input checked="" type="checkbox"/> ARRAIGNED ON INDICTMENT	<input type="checkbox"/> READING WAIVED SUBSTANCE		<input type="checkbox"/> WAIVER OF INDICTMENT FILED	<input type="checkbox"/>	
RELEASE						
<input type="checkbox"/> RELEASED ON O/R	<input checked="" type="checkbox"/> ISSUED APPEARANCE BOND \$300,000 unsecured	<input type="checkbox"/> AMT OF SECURITY \$		SPECIAL NOTES	<input checked="" type="checkbox"/> PASSPORT SURRENDERED DATE: today 7/23/18	
PROPERTY TO BE POSTED <input type="checkbox"/> CASH \$		CORPORATE SECURITY <input type="checkbox"/>			REAL PROPERTY: <input type="checkbox"/>	
<input type="checkbox"/> MOTION FOR DETENTION	<input checked="" type="checkbox"/> PRETRIAL SERVICES REPORT	<input type="checkbox"/> DETAINED	<input checked="" type="checkbox"/> RELEASED	<input type="checkbox"/> DETENTION HEARING AND FORMAL FINDINGS WAIVED	<input type="checkbox"/> REMANDED TO CUSTODY	
ORDER REMOVED TO THE DISTRICT OF						
PLEA						
<input type="checkbox"/> CONSENT ENTERED		<input checked="" type="checkbox"/> NOT GUILTY	<input type="checkbox"/> GUILTY		GUILTY TO COUNTS: <input type="checkbox"/>	
<input type="checkbox"/> PRESENTENCE REPORT ORDERED		<input type="checkbox"/> CHANGE OF PLEA	<input type="checkbox"/> PLEA AGREEMENT FILED		OTHER:	
CONTINUANCE						
TO: 8/15/2018		<input checked="" type="checkbox"/> ATTY APPT Id of Counsel	<input type="checkbox"/> BOND HEARING	<input type="checkbox"/> STATUS RE: CONSENT	<input type="checkbox"/> TRIAL SET	
AT: 9:30 a.m.		<input type="checkbox"/> SUBMIT FINAN. AFFIDAVIT	<input type="checkbox"/> PRELIMINARY HEARING	<input type="checkbox"/> CHANGE OF PLEA	<input type="checkbox"/> STATUS	
BEFORE HON. Jacqueline S. Corley		<input type="checkbox"/> DETENTION HEARING	<input type="checkbox"/> ARRAIGNMENT	<input type="checkbox"/> MOTIONS	<input type="checkbox"/> JUDGMENT & SENTENCING	
<input type="checkbox"/> TIME WAIVED		<input checked="" type="checkbox"/> TIME EXCLUDABLE UNDER 18 USC 3161	<input type="checkbox"/> IDENTITY / REMOVAL HEARING	<input type="checkbox"/> PRETRIAL CONFERENCE	<input type="checkbox"/> PROB/SUP REV. HEARING	
ADDITIONAL PROCEEDINGS						

Def. shall also appear on 8/15/2018 at 2:30 p.m., before Judge Chen re Status hrg. Def. released Bond: \$300,000 unsecured; Court admonished Def. re conditions of release and appearance. Def. report to PTS:SF. Def. report to Marshals Service, 20th Floor today, 7/23/18 for processing. Govt. moved to exclude time: Court ORDERED time excluded: 07/23/18-08/15/18.

DATE

CASE NUMBER

UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF CALIFORNIA		ORDER SETTING CONDITIONS OF RELEASE AND APPEARANCE BOND				
NAME OF DEFENDANT LAWRENCE GERRANS		ADDRESS OF DEFENDANT 28 GREENSBURGH LANE SAN ANSELIA CA 94160				
NAME OF SURETY		RELATIONSHIP TO DEFENDANT		TELEPHONE NUMBER 925-786-3278		
NAME OF CUSTODIAN		RELATIONSHIP TO DEFENDANT		ADDRESS OF CUSTODIAN TELEPHONE NUMBER		
AMOUNT OF BOND \$300,000	<input checked="" type="checkbox"/> UNSECURED	<input type="checkbox"/> SECURED BY \$	<input type="checkbox"/> DEPOSIT RECEIVED RECEIVED FROM: 	OTHER SECURITY POSTED TO BE POSTED BY: 	TIME/DATE OF NEXT APPEARANCE 9:30 AM 8/15/2018	COURTROOM/JUDGE DUTY MAGISTRATE

CONDITIONS OF RELEASE AND APPEARANCE **2:30 8/15/2018 Judge Chen**

Defendant is subject to each condition checked.

Defendant shall appear at all proceedings as ordered by the Court and shall surrender for service of any sentence imposed.

Defendant shall not commit any federal, state, or local crime.

Defendant shall not harass, threaten, intimidate, injure, tamper with, or retaliate against any witness, victim, informant, juror, or officer of the Court, or obstruct any criminal investigation. See 18 U.S.C. 1503, 1510, 1512, and 1513, on reverse side.

Defendant shall not travel outside the Northern District of California, that is, these counties: Alameda, Contra Costa, Del Norte, Humboldt, Lake, Marin, Mendocino, Monterey, Napa, San Benito, San Francisco, San Mateo, Santa Clara, Santa Cruz, and Sonoma. See map on reverse side.

Defendant shall report in person immediately upon release and thereafter as directed to Pretrial Services in **SF**.
See addresses and telephone numbers on reverse side.

Defendant shall surrender all passports and visas to Pretrial Services by **7/23/18** and shall not apply for any passports or other travel documents.

Defendant shall not possess any firearm, destructive device, or other dangerous weapon.

Defendant shall remain in the custody of custodian _____ at _____, who agrees to supervise him/her and to report any violation of a release condition to Pretrial Services. A custodian who fails to do so may be prosecuted for contempt.

Defendant shall participate in (drug) (alcohol) (mental health) counseling, and submit to (drug) (alcohol) testing, as directed by Pretrial Services.

Defendant shall not use alcohol to excess and shall not use or possess any narcotic or other controlled substance without a legal prescription.

The Defendant shall maintain current verifiable employment, or if unemployed, the defendant shall seek employment or commence an educational program as directed by Pretrial Services.

Defendant shall submit to a warrantless search of his/her person, place of residence and vehicle at the direction of Pretrial Services.

Defendant shall have no contact with any co-defendant, but of the presence of counsel. **NO CONTACT w/ Chris Gerrans re- CRIMINAL CASE outside presence of Chris Gerrans counsel**

Defendant shall not change residence without prior approval of Pretrial Services.

Defendant shall comply with the following curfew: _____ to _____.

Defendant shall be subject to electronic or voice track monitoring. Defendant may leave home for the purpose of _____.

Defendant must reside in Halfway House. participate in Residential Treatment

The following conditions also apply:

The A must disclose indictment to any potential investors in Sanovas Inc.

FILED
JUL 23 2018

**SUSAN Y. SOONG
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

Defendant shall contribute to the cost of services provided by Pretrial Services as directed by Pretrial Services.

CONSEQUENCES OF DEFENDANT'S FAILURE TO OBEY CONDITIONS OF RELEASE

Payment of the full amount of this bond shall be due forthwith, and all cash or property posted to secure it shall be forfeited. Judgment may be rendered and executed against defendant and all sureties jointly and severally.

An arrest warrant for defendant shall issue immediately, and defendant may be detained without bail for the rest of the proceedings.

Defendant shall be subject to consecutive sentences and fines for failure to appear and/or for committing an offense while on release. See 18 U.S.C. 3146 and 3147, on reverse side.

We, the undersigned, have read and understand the terms of this bond and acknowledge that we are bound by it until duly exonerated.

SIGNATURE OF DEFENDANT

SIGNATURE(S) OF SURETY(IES)

SIGNATURE OF CUSTODIAN

SIGNATURE OF MAGISTRATE JUDGE

THIS ORDER AUTHORIZES THE MARSHAL TO RELEASE DEFENDANT FROM CUSTODY.

7-23-18
DATE

PROPOSED ORDER/COVER SHEET

TO: Honorable Maria-Elena James
U.S. Magistrate Judge

FROM: Silvio Lugo, Chief
U.S. Pretrial Services Officer

RE: Gerrans, Lawrence

Docket No.: 3:18-CR-00310-EMC

Date: July 23, 2018

THE ATTACHED MEMORANDUM WAS PREPARED BY PRETRIAL SERVICES OFFICER:

Katrina Chu 415-436-7508

U.S. Pretrial Services Officer **TELEPHONE NUMBER**

We are requesting direction from the Court. Please initial the appropriate box(es), and return this form to us so that we may comply with your instructions.

I have reviewed the information that you have supplied. I do not believe that this matter requires any action by this Court at this time.

Inform all parties concerned that I will conduct a Bail Review Hearing in Courtroom No. _____ on _____ at _____.

Inform all parties concerned that a Bail Review Hearing will be conducted by:
Magistrate Judge _____ Presiding District Court Judge _____

I agree with the recommendation of the Pretrial Services Officer and hereby modify the defendant's Pretrial Release conditions as indicated below:

Modification(s)

A. **The defendant is allowed to travel outside of the ND/CA with the prior approval of Pretrial Services.**

B.

Bail Revoked/Bench Warrant Issued.

I am returning the signed order and direct that a copy be provided to the Court file and all interested parties (AUSA and Defense Counsel).

Other Instructions:

July 24, 2018

JUDICIAL OFFICER

Exhibit #2

Exhibit #2

BAKER, Judge, concurring in part and dissenting in part:

JAN 7 2022

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

I join Parts 1, 2, 5, and 6 of the memorandum disposition. But I respectfully dissent as to: (i) Gerrans's ineffective assistance of counsel challenge to his convictions under Counts 1–6 (wire fraud and money laundering) and 10–12 (contempt, witness tampering, and obstruction of justice), and (ii) Gerrans's jury instruction challenge to his convictions under Counts 1–6. With regard to those charges, I would vacate Gerrans's convictions and remand for a new trial.

1. The majority correctly observes that ineffective assistance claims are normally resolved through a subsequent collateral proceeding brought under 28 U.S.C. § 2255. *Ante* at 5 (citing *United States v. Lillard*, 354 F.3d 850, 856 (9th Cir. 2003)). But this is not always necessary; in some cases, the record is sufficiently developed that an appellate court can decide the issue on direct appeal. *See United States v. Alferahin*, 433 F.3d 1148, 1160 n.6 (9th Cir. 2006). I think this is one such case, and that both judicial economy and fairness to Gerrans support lancing this boil now.

Trial counsel is “typically afforded leeway in making tactical decisions regarding trial strategy.” *Reynoso v. Giurbino*, 462 F.3d 1099, 1112 (9th Cir. 2006) (citing *Riley v. Payne*, 352 F.3d 1313, 1324 (9th Cir. 2003)). But “counsel cannot be said to have made a tactical decision without first procuring the information necessary to make such a decision.” *Id.* (citing *Riley*, 352 F.3d at 1324).

Here, because Gerrans's trial counsel never bothered to interview several key witnesses, he could not possibly have made professionally responsible decisions regarding which witnesses to call and which evidence to introduce. According to the declaration of Gerrans's post-trial counsel, who reviewed the relevant records, trial counsel never interviewed Sanovas's CFO Farrell, whose emails established that Gerrans's expense reimbursements were authorized, and who calculated that the company owed Gerrans over \$700,000 in deferred compensation. Nor did Gerrans's trial counsel interview the attorneys at King & Spalding, who specifically advised Gerrans that he would face steep tax penalties if he delayed in taking the money due to him under his deferred compensation arrangement. As Gerrans's only defense to the wire fraud charges against him was that he thought he was entitled to the receipt of the funds in question, trial counsel's failure to at least interview Farrell and the King & Spalding attorneys was inexcusable, as those witnesses might have vouched for his defense.

As if that weren't bad enough, trial counsel also inexcusably failed to interview Swisher and Huante, the two witnesses to the confrontation between Gerrans and his brother Chris that undergirds the contempt, witness tampering, and obstruction of justice charges. Again, these witnesses might have vouched for Gerrans's defense at trial, and to make a professional judgment about whether to call

them, counsel needed to interview them.¹

“[C]ounsel has a duty to make reasonable investigations or to make a reasonable decision that makes particular investigations unnecessary.” *Strickland v. Washington*, 466 U.S. 668, 691 (1984). “A lawyer who fails adequately to investigate, and to introduce into evidence, [information] that demonstrates his client’s factual innocence, or that raises sufficient doubts as to that question to undermine confidence in the verdict, renders deficient performance.” *Reynoso*, 462 F.3d at 1112 (quoting *Lord v. Wood*, 184 F.3d 1083, 1093 (9th Cir. 1999) (brackets in *Lord*)). In that same vein, we have held that “[f]ailure to investigate possible exculpatory witnesses can be ineffective assistance.” *United States v. Mendoza*, 107 F.3d 878, 1997 WL 97279, at *1 (9th Cir. Mar. 4, 1997) (citing *Sanders v. Ratelle*, 21 F.3d 1446, 1456–58, 1461 (9th Cir. 1994)); *see also United States v. Tucker*, 716 F.2d 576, 583 (9th Cir. 1983) (failure to even attempt to interview key prosecution witnesses constitutes deficient performance).

Here, there is simply no conceivable tactical justification for defense counsel’s flagrant abdication of the duty to fully prepare. *See Riley*, 352 F.3d at 1318–19. Since the failure to interview many critical witnesses in connection with

¹ Gerrans also argues that “there is no evidence” that his trial counsel sought to interview the Sanovas Board members, but on this record neither is there any evidence to the contrary, and therefore I do not rely on this argument.

Counts 1–6 and 10–12 is so glaring,² I do not think we need to wait for Gerrans to develop a separate record through a 28 U.S.C. § 2255 motion. *Riley*, 352 F.3d at 1319–20. In my view, these “multiple deficiencies have the cumulative effect of denying a fair trial” to Gerrans as to those counts. *Ewing v. Williams*, 596 F.2d 391, 396 (9th Cir. 1979).³

2. The majority acknowledges that as to the wire fraud charges (Counts 1–5), the intent element of the jury instruction was erroneous under *United States v. Miller*, 953 F.3d 1095 (9th Cir. 2020), and *Shaw v. United States*, 137 S. Ct. 462 (2016), because it allowed the jury to convict if it determined that Gerrans merely meant to “deceive” rather than “cheat.” *Ante* at 4. Nevertheless, the majority concludes—as

² Gerrans has not identified any critical witnesses that trial counsel failed to interview in connection with Counts 7–9.

³ Trial counsel’s abject failure to interview key witnesses standing alone warrants a new trial in connection with Counts 1–6 and 10–12, but unfortunately for Gerrans, his counsel dug an even deeper hole at trial by failing to put on any affirmative defense in connection with any of the charges against him. As a result, the jury never learned of various potentially exculpatory documents, such as the email from Farrell authorizing the challenged reimbursements, the memorandum from Farrell outlining the deferred compensation owed to Gerrans, the email from the King & Spalding attorneys advising him to take the deferred compensation to avoid tax penalties, an accounting firm’s report detailing the money owed to Gerrans, and Gerrans’s employment agreement authorizing a loan to him to purchase a home. Nevertheless, unlike the failure to interview critical witnesses—which seems to me patently unreasonable in these circumstances—trial counsel’s highly suspect failure to put on any affirmative defense is better suited for resolution in a subsequent collateral proceeding.

in *Miller*, which involved the same Ninth Circuit pattern jury instruction⁴—that this error was rendered harmless by “another instruction requiring the jury to find that Gerrans knowingly engaged in a scheme to defraud *or* obtain money or property by dishonest means.” *Ante* at 4 (citing *Miller*, 953 F.3d at 1101–03) (emphasis added).⁵ And so, the majority reasons, “[t]hat second instruction ensured that the jury would not have convicted Gerrans of wire fraud unless it found that he intentionally cheated Sanovas of funds.” *Id.*

Miller, however, relied not only on the other language in the pattern jury instruction to find harmless error, but also on, *inter alia*, the jury’s conviction of Miller on related tax fraud charges, because that conviction foreclosed “any notion that the jury thought that Miller was guilty of deception, but not cheating.” 953 F.3d at 1103. Here, there were no related charges (and convictions) that might be said to establish that the jury found Gerrans guilty of cheating rather than mere deception. Because *Miller*’s harmless error analysis does not apply here, we should reverse and remand for a new trial as to Counts 1–5.⁶

⁴ *Manual of Modern Criminal Jury Instructions for the District Courts of the Ninth Circuit* § 8.124 (2019).

⁵ I emphasize the disjunctive “*or*” in the quoted passage for the reasons explained below.

⁶ Reversal and remand for a new trial as to Counts 1–5 would also necessarily require reversal and remand for Gerrans’s conviction under Count 6 for money laundering

In any event, if *Miller* stands for the proposition that the majority ascribes to it—that the quoted language renders the jury instruction’s error on the intent element essentially *per se* harmless—then I respectfully submit that *Miller* (while binding on us) itself is in error.

The pattern jury instruction used both in *Miller* and here provided that the defendant was charged with “wire fraud in violation of Section 1343 of Title 18 of the United States Code,” and that for

the defendant to be found guilty of that charge, the government must prove each of the following elements beyond a reasonable doubt:

First, *the defendant knowingly participated in, devised, or intended to devise a scheme or plan to defraud, or a scheme or plan for obtaining money or property by means of false or fraudulent pretenses, representations, or promises, or omitted facts*. Deceitful statements of halftruths may constitute false or fraudulent representations;

Second, the statements made or facts omitted as part of the scheme were material; that is, they had a natural tendency to influence, or were capable of influencing, a person to part with money or property;

Third, the defendant *acted with the intent to defraud, that is, the intent to deceive or cheat*; and

Fourth, the defendant used, or caused to be used, an interstate wire communication to carry out or attempt to carry out an essential part of the scheme.

(emphasis added).

in violation of 18 U.S.C. § 1957, as the government conceded at argument that Gerrans’s convictions under Counts 1–5 and 6 rise and fall together.

Critically, the pattern jury instruction's first element, which contains the language invoked by *Miller* and the majority—is disjunctive: “the defendant knowingly participated in, devised, or intended to devise a scheme or plan to defraud, *or* a scheme or plan for obtaining money or property by means of false or fraudulent pretenses, representations, or promises, or omitted facts.” Although the second part of that formulation—“a scheme or plan for obtaining money or property by means of false or fraudulent [actions]”—necessarily implies intent to obtain money or property via deceptive means (and thus cheat), the first part—“a scheme or plan *to defraud*”—does not, because the instruction's third element defines “intent to defraud” as “the intent to deceive *or* cheat.” In short, the first part of the disjunctive first element of the pattern jury instruction relied on by the majority to salvage Gerrans's wire fraud convictions necessarily incorporates the erroneous intent standard of the instruction's third element.

Applied here, that means the jury might have concluded that Gerrans “knowingly participated in, devised, or intended to devise a scheme or plan to defraud” with the intent to “deceive” but *without* the intent to “cheat” Sanovas—a standard at odds with the Supreme Court's decision in *Shaw*. See 137 S. Ct. at 469 (wire fraud jury instruction was erroneous insofar as it “could be understood as permitting the jury to find [the defendant] guilty if it found no more than that his scheme was one to deceive the bank but not to ‘deprive’ the bank of anything of

value") (emphasis in original). Thus, insofar as *Miller* is read as the majority does, it conflicts with *Shaw*, under which "wire fraud requires the intent to deceive *and* cheat—in other words, to deprive the victim of money or property by means of deception." *Miller*, 953 F.3d at 1103 (emphasis in original).

* * *

For the reasons above, I concur in part and respectfully dissent in part.

Exhibit #3

Exhibit #3

Count 6, concurrently; 60 months on Counts 7 through 9 concurrently; 5 months on Count 10 consecutively; 5 months on Count 11 consecutively; 5 months on Count 12 consecutively. Supervised release is to be served as follows: term of 3 years on Counts 1 through 9 and 11 through 12; 5 years on Count 10, to be served concurrently. A special assessment fee of \$1,200.00; fine is waived. Restitution and forfeiture will be determined at later hearing

Defendant is committed to the Bureau of Prisons for a total term of 135 months, consisting of 120 months on Counts 1 through 5, concurrently; 120 months on Count 6, concurrently; 60 months on Counts 7 through 9 concurrently; 5 months on Count 10 consecutively; 5 months on Count 11 consecutively; 5 months on Count 12 consecutively. Supervised release is to be served as follows: term of 3 years on Counts 1 through 9 and 11 through 12; 5 years on Count 10, to be served concurrently. A special assessment fee of \$1,200.00; fine is waived. Restitution and forfeiture will be determined at later hearing

18:1503 Obstruction of Justice
(12ss)

Highest Offense Level (Opening)

Felony

Terminated Counts

18:1343 Wire Fraud
(1-3)

18:1343 Wire Fraud
(1s-3s)

18:1957 Engaging in Monetary Transactions
in Criminally Derived Property
(4)

18:1957 Engaging in Monetary Transactions
in Criminally Derived Property
(4s)

18:1001(3) False Statements
(5s-7s)

Disposition

Highest Offense Level (Terminated)

Felony

Complaints

None

Disposition

Exhibit #4

Exhibit #4

IN THE UNITED STATES CIRCUIT COURT
FOR THE NINTH CIRCUIT
SAN FRANCISCO

LAWRENCE J. GERRANS,) CASE NO.: 20-10378
APPELLANT,)
v.) JUDICIAL NOTICE OF ADJUDICATIVE FACTS
UNITED STATES OF AMERICA,) RELATING FRUIT OF THE POISONOUS TREE
APPELLEE,) PURSUANT TO FEDERAL RULES OF EVIDENCE
) RULE(S) 201 and 402

JUDICIAL NOTICE OF ADJUDICATIVE FACTS
RELATING FRUIT OF THE POISONOUS TREE - VIOLATIONS OF THE EXCLUSIONARY RULE
PURSUANT TO FEDERAL RULES OF EVIDENCE RULE(S) 201 and 402

COMES NOW, Lawrence J. Gerrans, Appellant, who does hereby move this Honorable Court to take Judicial Notice of Adjudicative Facts contained in the Testimony, Documents, and Filings referenced and/or exhibited herein, pursuant to Federal Rules of Evidence (F.R.E.) Rule 201, et seq. and Rule 402, in support of current and future Proceedings in Case No.: 3:18-cr-00310EMC and all related Appellate matters.

RULES OF LAW

Appellant formally moves this Honorable Court to take Judicial Notice pursuant to F.R.E. Rule 201(a), which "governs judicial notice of an adjudicative fact" (which includes controlling or operative facts - *Id. Black's Law 9th Edition*); Rule 201(b)(1) & (2), which provides that "The Court may judicially notice a fact that is not subject to reasonable dispute because it: (1) is generally known within the Trial Courts territorial jurisdiction; or, (2) can be accurately and readily determined from sources whose accuracy cannot be reasonably questioned"; Rule 201(c)(2), which provides that "The Court MUST take judicial notice if a party requests it and the Court is supplied with the necessary information"; and Rule 201(d), which confirms that this Judicial Notice is timely, because "The Court may take Judicial Notice at any stage of the Proceedings".

F.R.E. 402 "governing the General Admissibility of Relevant Evidence" further applies. Accordingly, in support hereof, Appellant submits the following adjudicative facts to this Honorable Court:

"FRUIT OF THE POISONOUS TREE"

GOVERNMENT VIOLATIONS OF THE 'EXCLUSIONARY RULE'

Our Justice System has long held as precedent the Supreme Courts controlling Decision in Olmstead v. United States, 277 US 438, 485, 72 L.Ed 944, 959, 48 S.Ct. 564, 66 ALR 376 (1928), wherein Justice Brandeis gave the Courts Opinion, ruling that:

"If Fraud, Subterfuge, Trespass, or Theft is perpetrated by Government Officials, or if a Government Official participates directly or indirectly therein, the evidence thus secured is not admissible for the reason that it was secured in a manner which violates the provisions of the 4th and 5th Amendments to the Constitution of the United States."

Here, the Court enforced its prior ruling(s), dating back to 1855, that established in Criminal Procedure the "Exclusionary Rule", which

"Excludes or suppresses evidence obtained in violation of an accused persons Constitutional Rights"

Then, in 1948, the 9th Circuit initiated the "Fruit of the Poisonous Tree Doctrine" which established the Rule that:

"Evidence derived from an illegal search, arrest, or interrogation is inadmissible because the evidence ("The Fruit") was tainted by the illegality ("The Poisonous Tree")." [Id. Black's Law, 10th Edition]

In the instant Case the Supreme Courts Ruling(s), the "Exclusionary Rule", and the "Fruits Doctrine" are all proven to apply to the Governments illegal Investigation and Prosecution of Mr. Gerrans. The preceding Docket entries which communicate Judicial Notices of Adjudicative Facts relating the "Lack of Government Standing", a "Malicious Prosecution", an "Illicit Charging Scheme", an "Illegal Indictment", a "Civil RICO Conspiracy among Key Witnesses" in which the prosecuting AUSA is implicated, "Witness Perjury and Fraud Upon the Court", by a grossly negligent and liable Board of Directors, and "Brady/Giglio/Jencks Act Violations" by the Government, among other direct and indirect acts of fraud, subterfuge, trespass, theft and violations of the Constitution, Laws, and Rules of Federal Criminal Procedure by the Government, upon a Private Corporation and its Founders management of his Patent Rights ("Patent and Copyrights Clause" -

Article I, Section VIII, Clause VIII) evidence the cumulatively harmful behaviors of the Government to criminalize Mr. Gerrans to tortiously interfere with his Patent and Commerce Rights and those of his Businesses.

Pursuant to the Supreme Courts Ruling(s) and the Exclusionary Rule any and all Evidence in this "Case" was inadmissible because it was tainted by the Direct illegality of the Governments Fraud, Subterfuge and Trespass upon the Law and Mr. Gerrans Constitutionally Protected Rights and by the illegality of the Evidence the Government Indirectly acquired from its Key Witness (and yet to be identified Sources and Methods) - Erhan Gunday, Chris Gerrans, Lloyd Yarbrough, Kevin Brown, et al. who are proven to have engaged in a Racketeering Enterprise and RICO Conspiracy to steal Money and Property from Mr. Gerrans and his Businesses and Rob Georges, Ken Koen and Bruce Nichols who are proven to have made False Statements and to have given false, perjurious testimony at Trial.

"Under the Courts precedents, the Exclusionary Rule encompasses both the "primary evidence obtained as a direct result of an illegal search or seizure" and, relevant here, "evidence later discovered and found to be derivative of an illegality", the so-called 'Fruit of the Poisonous Tree'".

Segura v. United States, 468 US 796, 804, 104 S.Ct. 3380, 82 L.Ed.2d 599 (1984)

"Fruit that must be cast aside includes not only evidence directly found by an illegal search but also evidence "come at by an exploitation of that illegality."

Wong Sun v. United States, 371 US 471, 488, 83 S.Ct. 407, 9 L.Ed.2d 441 (1963)

"When Courts admit illegally obtained evidence as well, they reward "manifest neglest if not an open defiance of the prohibitions of the Constitution".

Weeks v. United States, 232 US 383, 392, 34 S.Ct. 341, 58 L.Ed 652 (1914)

The aforementioned list of Judicial Notices of Adjudicative Facts sufficiently invalidates the Governments Case. The Governments Investigators and Prosecutors could not have "Detected" an "Offense" (no less an "Offense against the United States") without having violated the 4th and 5th Amendment Rights and 10th Amendment Protections of both Sanovas, Inc. and Mr. Gerrans. This is indisputable. The Government engaged in fraud, subterfuge, trespass and theft to conduct exploratory investigations into Mr. Gerrans Private Corporations to obtain

Proprietary and Confidential Corporate Records to Criminalize Mr. Gerrans and tortiously interfere with Sanovas, Inc. and Mr. Gerrans Patent portfolio of disruptive Medical innovations; and, the Judicial Branch Officers conceded their Supervisory Authorities to enable the Governments illegal and prohibited activities - orchestrating a "collapse in the Separation of Powers".

This is best evidenced by the Governments proven concealment and failures to disclose its illegal access and monitoring of Sanovas, Inc. and Mr. Gerrans entire compendium of Corporate Records and Communications at Google, Inc., from April 2015 to June 2017, wherein the Government clearly and indisputably invaded the Privacy Rights of Sanovas, Inc. to unlawfully investigate Sanovas, Inc. and Mr. Gerrans in search of a crime. Incredibly, AUSA's Lloyd Farnham and Robin Harris, in June 2020, then lied to Appellate Counsel, Shawn Halbert, about the 2015 Google Subpoena. First, about its existence. Then, about its contents.

Records further reveal that, on November 28, 2015, the Government illegally obtained access to the A.T.&T Cell Phone Accounts for Mr. Gerrans, his Business and Family and installed a "Trigger Fish" to intercept and monitor Mr. Gerrans and his Employees Communications, Cell Phone Calls and whereabouts. The Government illegally obtained access to Mr. Gerrans and Sanovas, Inc.'s Comcast Cable Accounts to access and intercept Mr. Gerrans and Sanovas, Inc.'s "Wi-Fi" Routers and Cable Television and Internet to monitor those transmissions and their contents. The Government then wasted Treasury Funds to conduct illegal "Stake-outs" in front of Mr. Gerrans Business. Whereby they ran the License Plate Numbers of the Cancer Patients who were coming and going from their Therapy Sessions at the Cancer Charity, "Sunflower Wellness", which Mr. Gerrans established to aide the treatment and survival of these Cancer Patients.

Going further in their unabated waste, fraud and abuse the Government created fictitious people (namely "Nina Ochoa" and "Jonathan Lucas") to pose as interested Investors and Real Estate Agents to access and to interrogate Mr. Gerrans, his Investors and Employees and to obtain unlawful access to, and the search of, Mr.

Gerrans Facilities.

In 2015, the Government utilized Officers of the Central Intelligence Agency (C.I.A.), namely Bill Gleason and Rick Wyatt, and Foreign Agents to infiltrate Mr. Gerrans Business as both Investors and International Distributors ("Cellmark International") of Mr. Gerrans Products and Technologies.

These illegal Frauds, Subterfuge and Trespasses exceeded the Statutory limitations upon these Executive Branch Officers Duties and Authorities. These ridiculous Prosecutorial tactics evidence the anatomy of "Lawfare" and Prosecutorial Over-Reach exacted upon Sanovas, Inc. and Mr. Gerrans in this "Case" and ongoing in our Country. Which is nothing short of the Communist Police Power and mentality of "Show me the Man ... and I will Show you the Crime".

The Government possessed NO Constitutional Authority nor Legal Right (Regulatory or Property) to fraudulently trespass into the Private Affairs of a Private Corporation to seek out a 'Controversy' against the Inventor of that Corporations 200+ Multi-National Patents and Trademarks, 384 Products and Technologies, and 35 Breakthrough innovative Medical Procedures, who founded its 27 Subsidiary Corporations, who owns the majority of the Stock and Assets of the Enterprise; and, who, as the Chairman, President, and Chief Executive Officer possesses 100% Management Control and Authority over the Enterprise he created and built.

Yet, in disobedience to the vast limitations to their Statutory and Lawful Authorities, these Government Officers wasted Treasury Monies and broke Laws to illegally access and ferret through nearly a decade of Mr. Gerrans and his Businesses Bank Records. Upon information and belief, these Executive Branch Officers took illegal advantage of the Prohibited Activities of these Racketeers and their Star Witnesses - Erhan Gunday, Lloyd Yarbrough, and Chris Gerrans (along with their RICO accomplice Kevin Brown) to fraudulently obtain the Bank Records for Mr. Gerrans' Businesses at JP Morgan Chase Bank from these Racketeers, who obtained them unlawfully. The Government then made the fatal mistake of using these fraudulently obtained Bank records as Trial Exhibits 107,108, 109, 110, 111,

and 112 in "The United States Trial Exhibit List", wherein the Government identified "Erhan Gunday" as the "Sponsoring Witness". Inadvertantly documenting their Fraudulent Act.

In a Trial Exhibit List where all of the Exhibits were clearly derived from their "Sponsoring Witness(es)" it was illegal for Erhan Gunday to have provided these Exhibits to the Government. These Trial Exhibits specifically relate to Sanovas, Inc.'s JP Morgan Chase Bank Account Records between January 2016 and July 2016. However, Erhan Gunday had been long gone from Sanovas, Inc. since April 1, 2014 (over 2 Years prior); and, was formally and legally removed from Sanovas, Inc. JP Morgan Chase Bank Accounts that day, in accordance with the mandates of Gunday's formal Separation Agreement and unceremonious exit from Sanovas, Inc. Accordingly, this evidence was inadmissible because the "Sponsoring Witness" (Gunday) lacked personal knowledge of the Records and could not have produced them, testified to them, nor authenticated their contents - no less "Sponsored" them. So, HOW did the Government obtain this poisonous fruit from Gunday, et al.?

Erhan Gunday, Lloyd Yarbrough, Chris Gerrans and Kevin Brown are formally documented in a Civil RICO Action as having engaged in a Racketeering Enterprise intended to sabotage Mr. Gerrans and his Businesses to steal his Money and Property. This includes their creation of false identities, as Sanovas, Inc. "Treasurer" on the public facing Social Media website "LinkedIn", to fraudulently access Sanovas, Inc. Bank Records, Customers, Vendors, etc. Upon information and belief, this is HOW Erhan Gunday came into possession of Trial Exhibits 107, 108, 109, 110, 111, and 112. Thus, we here evidence the "Fruit" and the "Poisonous Tree" (Gunday). Records reveal that these Racketeers successfully influenced and manipulated the Prosecutors with false and fraudulent Records and Narratives. In fact, AUSA Harris received from Lloyd Yarbrough stolen Accounting Records from Sanovas and used those Records at Trial. These Records and Yarbrough's Testimony at Trial about them, which featured Yarbrough's testimony that he took the Records to

"someday use against Larry" were tainted and inadmissible, given the revelations of Theft, Fraud, Trespass, and Subterfuge by these Witnesses and their RICO Enterprise. The Government Prosecutor(s) are clearly and indisputably evidenced as being influenced by and colluding with these Racketeers to advance their mutual unlawful agenda's.

Above ALL of this remains the fact that: because Mr. Gerrans Private Corporations are not within the scope of Limited Federal Jurisdiction, because they are not Regulated and because the Government possesses no Property or Legal interest in them, the Government possessed no lawful right to trespass into them to seek out a 'Controversy' in which to build a 'Case' to criminalize Mr. Gerrans. Title 15 and the Federal Code of regulations (CFR) outline the exemptions of Mr. Gerrans Companies from Regulation. Therefore, these Executive Branch Officers possessed NO Legal Right to possess Mr. Gerrans or his Corporations Bank Records - whether derived from Gunday and the CIVIL RICO Racketeers or otherwise.

Nonetheless, the Government orchestrated their trespasses into the Banking Records of Sanovas, Inc., Halo Management Group LLC., Hartford Legend Capital Enterprises, LLC., and Mr. Gerrans personal Bank Accounts (at JP Morgan Chase Bank, Wells Fargo, and others) in direct violation of the "Bank Secrecy Act" and Title 12, United States Code, Chapter 35 "Right to Financial Privacy".

12 USC §3402 entitled "Access to Financial Records by Government Authorities Prohibited" and ALL subsections within Chapter 35 prohibit Government access to Private Bank Records without disclosure to the Customer. See Exhibit #1.

12 USC §3404 - 'Customer Authorizations' stipulates the requirement and exhaustive listing of disclosure and authorization parameters the Customer MUST document in a written "Statement Furnished by Customer to Financial Institution and Government Authority: Contents"; and, further instructs the Law in 12 USC §3404(b) that "Authorization as a condition of doing Business is prohibited".

NO Notifications of the Governments accessing of Mr. Gerrans Personal or Business Bank Records were ever received by Gerrans and NO Authorizations to disclose Mr. Gerrans or his Businesses Bank Records were ever granted by Mr. Gerrans. Pursuant to Corporate Governance and Policy of Mr. Gerrans Businesses NO such authorizations could be considered or granted without the express written consent and approval of Mr. Gerrans, in his capacity as Owner, Chairman, President, and CEO. None were ever presented to nor granted by Mr. Gerrans.

In the event that the Government sought Bank Records via a Summons or Subpoena, Title 12, Chapter 35 and all of its Subsections still required the Government to provide official Notification to Mr. Gerrans. This was NEVER done. Moreover, Records reveal that these Executive Branch Officers obtained and possessed the Bank records of Mr. Gerrans' Businesses in 2016 - over 1 Year before Mr. Gerrans or anyone knew of any Law Enforcement activity or investigation; and, 1 Year before the Government admitted, under Oath, that it had even begun the FBI's Investigation, which even Google's Notice of the FBI's Subpoena on June 1, 2017 refutes. Here, again, we evidence more Government deceptions, Lies and subterfuge. See, for example, the "Goverments Response" to Mr. Gerrans Motion under 28 USC §2255, wherein the Government Headlines an entire Section in Bold that reads: "FBI BEGINS ITS INVESTIGATION IN 2017". This is a bold-faced Lie!

12 USC §3417(b) - 'Civil Penalties' provides for "Disciplinary Action for Willful or Intentional Violation of Chapter 35 by Agents or Employees of [a Federal] Department or Agency."

The Governments illegal access of Mr. Gerrans and his Businesses Bank Records, and failure to disclose said illegal access by "Notice" as Statutorily and Legally required renders all Bank and Financial Records Evidence inadmissible.

Within 28 Days of Mr. Gerrans receiving an Illegal Indictment with its Illicit Charging Scheme, Bill Gleason (C.I.A) filed a Civil Lawsuit, in his

capacity as a Sanovas, Inc. "Investor" (which, by the way, begs the question "How does an Officer of the C.I.A. afford a \$600,000 Investment in a "Start-Up" Bio-Technology Company?") which mirrored the criminal indictment and began soliciting Mr. Gerrans Investors and Employees to participate in the suit to escalate it into a Civil Class action.

Using tactics and methods right out of the C.I.A. expose' "Diary of an Economic Hitman" and former FBI Special Agent Mike German's Book, entitled "Disrupt, Discredit and Divide - How the New FBI is Damaging Democracy", Bill Gleason began an internal investigation into Mr. Gerrans and his Businesses. Replete with "Fireside Chats" and "Scotch Whiskey Tastings", Bill Gleason (a Poisonous Tree) began conducting interrogations of Mr. Gerrans Employees Contractors and Investors. Mr. Gleason is also reported to have obtained Mr. Gerrans 'Discovery Files' from the Government in its Criminal Indictment to aide his interrogations and Civil Legal Actions. All wholly illegal. Accordingly, the FBI 302's and testimony derived from these Witnesses - who include Chris Gerrans and others are inadmissible.

Bill Gleason's Civil Action was orchestrated by the Government to "Bleed" over \$1.2 Million from Mr. Gerrans Directors and Officers (D&O) Insurance Policy, which was paying for Mr. Gerrans Criminal defense and investigations into the the Governments Conflicts of Interest and the Racketeers Prohibited Activities. The D&O Policy was limited \$2 Million. So, the Governments tactical use of Civil Litigation was an insidious, predacious and corrupt attack on Mr. Gerrans First Amendment Rights to petition the Government for redress of grievances and denied Mr. Gerrans his Due Process Rights.

These Defendants Waste, Fraud and Abuse of Treasury Monies and Government Resources to tortiously interfere with Mr. Gerrans Businesses and to destroy Mr. Gerrans and his Family, Employees and Investors to protect the Financial interests of corrupt monopolistic Pharmaceutical and Financial Corporations, who are profiting on the durated poisoning (Pills, Injections, and Procedures)

of the American People; and, to cover up the Conflicts of Interest of corrupt AUSA's and Government Attorneys who fell prey to the RICO Activities of a Racketeering Enterprise - going so far as to use these Racketeers as 'Star Witnesses' in a 'Sham Trial' which excluded 50% of the Facts and Evidence, is beyond criminal. To do all of this and more these Executive Branch Officers violated our Laws and the Constitutional Rights and Liberties of Mr. Gerrans and his Businesses; and, they fleeced the U.S. Treasury and violated the Integrity of our Justice System to do it.

Supreme Court Justice Brandeis further opined in the "Olmstead Decision":

"Decency, Security, and Liberty alike demand that the Government Officials shall be subjected to the same rules of conduct that are commands to the Citizen. In a Government of Laws, existence of the Government will be imperiled if it fails to observe the Law scrupulously. Our Government is the potent, omnipresent Teacher. For good or for ill, it Teaches the whole People by its example. Crime is contagious. If the Government becomes a Lawbreaker, it breeds contempt for Law, it invites every man to become a Law unto himself, it invites anarchy. To declare that in the Administration of the Criminal Law the end justifies the means ... would bring terrible retribution. Against that pernicious Doctrine this Court should resolutely set its Face."

[Id, Olmstead]

"The quality of a Nations civilization can be largely measured by the methods it uses in the enforcement of its Criminal Law"

Schaefer, Federalism and Crime, Proc., 70 Harvard Law Review 1, 26 (1956)

This Honorable Court is a known Member of the "Federal Family". Members of the "Federal Family" in this case have acted "above the Law ... at defiance". The American People are relying upon this Honorable Court to cast out the elitism and corruption that has manifested this "Lawfare", which is collapsing the 'Separation of Powers'; and, to restore the "Federal Family" back to the Constitutional principles which inspired and created "We The People" as an all inclusive Federal Family, by the Framers of our Constitution and the Founders of our Constitutional Republic.

I, Lawrence J. Gerrans, do hereby swear under the penalty of perjury that the testimony herein is true and correct to the best of my knowledge and ability, as of this 14th Day of January 2025; and, pursuant to 28 USC §1746.

Respectfully,



LAWRENCE J. GERRANS

Encl./

USPS Tracking No.: 7000 1670 0009 4588 1497
7000 1670 0009 4588 1503

Exhibit #5

Exhibit #5

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO

UNITED STATES OF AMERICA,) CASE NO.: 3:18-cr-00310EMC
PLAINTIFF,)
v.) JUDICIAL NOTICE OF ADJUDICATIVE FACTS
LAWRENCE J. GERRANS,) MALICIOUS & CRIMINAL ABUSE OF LEGAL SYSTEM
DEFENDANT.) PURSUANT TO FEDERAL RULES OF EVIDENCE
) RULE(S) 201 and 402

JUDICIAL NOTICE OF ADJUDICATIVE FACTS
MALICIOUS AND CRIMINAL ABUSES OF OUR LEGAL SYSTEM
PURSUANT TO FEDERAL RULES OF EVIDENCE RULE(S) 201 and 402

COMES NOW, Lawrence J. Gerrans, Pro Se for this Motion, who does hereby move this Honorable Court to take Judicial Notice of Adjudicative Facts contained in the Testimony, Documents, and Filings referenced and/or exhibited herein, pursuant to Federal Rules of Evidence (F.R.E.) Rule 201, et seq. and Rule 402, in support of current and future proceedings in Case No.: 3:18-cr-00310EMC; and, in support of all related Appellate matters.

RULES OF LAW

Defendant formally moves this Honorable Court to take Judicial Notice pursuant to F.R.E Rule 201(a) which "governs judicial notice of an adjudicative fact" (which includes controlling or operative facts - Id. Black's Law 9th Edition); Rule 201(b)(1) & (2), which provides that "The Court may judicially notice a fact that is not subject to reasonable dispute because it: (1) is generally known within the Trial Courts territorial jurisdiction; or, (2) can be accurately and readily determined from sources whose accuracy cannot be reasonably questioned"; Rule 201(c)(2), which provides that "The Court MUST take judicial notice if a party requests it and the Court is supplied with the necessary information"; and Rule 201(d), which confirms that this Judicial Notice is timely, because "The Court may take Judicial Notice at any stage of the Proceedings".

F.R.E. 402 "governing the General Admissibility of Relevant Evidence" further applies. Accordingly, in support hereof, Defendant submits the following adjudicative facts to this Honorable Court:

IN THE UNITED STATES CIRCUIT COURT
FOR THE NINTH CIRCUIT
SAN FRANCISCO

LAWRENCE J. GERRANS,) CASE NO.: 20-10378
APPELLANT,)
v.) JUDICIAL NOTICE OF ADJUDICATIVE FACTS
UNITED STATES OF AMERICA,) MALICIOUS & CRIMINAL ABUSE OF LEGAL SYSTEM
APPELLEE,) PURSUANT TO FEDERAL RULES OF EVIDENCE
) RULE(S) 201 and 402

JUDICIAL NOTICE OF ADJUDICATIVE FACTS
MALICIOUS AND CRIMINAL ABUSES OF OUR LEGAL SYSTEM
PURSUANT TO FEDERAL RULES OF EVIDENCE RULE(S) 201 and 402

COMES NOW, Lawrence J. Gerrans, Appellant, who does hereby move this Honorable Court to take Judicial Notice of Adjudicative Facts contained in the Testimony, Documents, and Filings referenced and/or exhibited herein, pursuant to Federal Rules of Evidence (F.R.E.) Rule 201, et seq. and Rule 402, in support of current and future Proceedings in Case No.: 3:18-cr-00310EMC and all related Appellate matters.

RULES OF LAW

Appellant formally moves this Honorable Court to take Judicial Notice pursuant to F.R.E. Rule 201(a), which "governs judicial notice of an adjudicative fact" (which includes controlling or operative facts - Id. Black's Law 9th Edition); Rule 201(b)(1) & (2), which provides that "The Court may judicially notice a fact that is not subject to reasonable dispute because it: (1) is generally known within the Trial Courts territorial jurisdiction; or, (2) can be accurately and readily determined from sources whose accuracy cannot be reasonably questioned"; Rule 201(c)(2), which provides that "The Court MUST take judicial notice if a party requests it and the Court is supplied with the necessary information"; and Rule 201(d), which confirms that this Judicial Notice is timely, because "The Court may take Judicial Notice at any stage of the Proceedings".

F.R.E. 402 "governing the General Admissibility of Relevant Evidence" further applies. Accordingly, in support hereof, Appellant submits the following adjudicative facts to this Honorable Court:

MALICIOUS AND CRIMINAL ABUSES OF OUR LEGAL SYSTEM
BY EXECUTIVE BRANCH OFFICERS

In a *prima facie* example of the "Lawfare" and malicious abuses of the Constitution, Laws and Federal Rules of Criminal Procedure which has infected our Justice System and corrupted the Public's confidence in our Judiciary the Department of Justice, its Agencies, Officers and Employees within, did knowingly, willingly and intentionally act and/or fail to act, in their official capacity and under the color of Law, by refusing to yield to the Constitution and the Statutory limits Congress imposed upon them in their Investigation, Detection, and Prosecution of a Private Corporation and its Founder, Lawrence J. Gerrans. These Executive Branch Officers malicious and criminal abuses of our Legal System are chronicled with particularity in Mr. Gerrans "EX PARTE Petition for Habeas Corpus Relief" at the Supreme Court; in Mr. Gerrans "Petition for Relief Pursuant to 5 USC §§701 to 706 of the Administrative Procedures Act" (Case No. 1:24-cv-01252); in Mr. Gerrans "Complaint for Violations of the False Claims Act Pursuant to 31 USC §3729, et. seq" (Case No. 1:24-cv-00933) - both, of which, are pending in the District and Appellate Courts of the District of Columbia; and, in the associated Judicial Notices of Adjudicative Facts in Mr. Gerrans Appellate Case (Case No. CA9 20-10378) in the Ninth Circuit; and are enumerated herein, as follows:

#1.) INITIAL MATTERS

As an initial matter, all of the aforementioned Cases prove the Government possessed no Constitutional Authority nor Legal Right (Regulatory nor Property) to trespass into the Private Affairs of a Private Corporation to seek out a 'Controversy' in which to manufacture a 'Case' to criminalize the Inventor (Mr. Gerrans) of that Private Corporation's (Sanovas, Inc.) 200+ multi-national Patents and Trademarks, 384 Products and Technologies, and 35 "Breakthrough" innovative Life-Saving Medical Procedures; who was also the Owner of the majority of the Stock and assets of his Businesses; who owned four (4) out of his

Corporations five (5) Board Seats; and, who possessed Veto Powers and 100% Management Authority and Control of his Corporations by virtue of his capacity as the Chairman, President, and Chief Executive Officer of his Enterprise.

The Government used not only impeached Witnesses, convicted criminals and conflicted RICO Racketeers against Mr. Gerrans they also utilized C.I.A Operatives (Bill Gleason, Rick Wyatt, etc.) and Foreign Agents (operating on U.S. soil) to infiltrate Sanovas, Inc., as both Investors in Sanovas and as Distributors of Mr. Gerrans Products and Technologies through a shell company named "Cellmark International, Inc.", to disrupt the operations of Mr. Gerrans Private Corporations and to tortiously interfere with Mr. Gerrans and Sanovas, Inc.'s Intellectual Property and Commerce Rights in violation of the United States Constitution under Article I, Section VIII, Clause VII - 'Patent and Copyright Clause' and Article I, Section X, Clause I - 'Commerce Clause'.

The Government possessed no justiciable interest in the Private Affairs of Sanovas, Inc. nor in Mr. Gerrans enforcement of his Intellectual Property and Commerce Rights, whatsoever.

#2.) CONFLICTS OF INTEREST OF AUSA ROBIN HARRIS

Assistant United States Attorney Robin Harris was legally disqualified from investigating and prosecuting Mr. Gerrans and his Businesses because her involvement was in knowing and willful violation of 28 USC §528, 28 USC §530B(a) and in criminal violation of 18 USC §208, §201, and §227.

At all times AUSA Robin Harris was a resident of Sausalito, California who lived in a \$3.5 Million Mansion within 1 mile of the Liberty Ship Harbor - where all of Mr. Gerrans twenty seven (27) corporations were domiciled and where Mr. Gerrans worked day and night. As a resident of Sausalito, who was a Civic Activist Politician running for Election to the Sausalito City Council, a "Partisan Political Body", with stated and documented Personal, Financial, and Political concerns which ran in direct opposition to the \$70 Million Economic Development and Minority Job creation and growth initiatives that Mr. Gerrans and his Companies were spearheading

in AUSA Robin Harris' neighborhood, with the enthusiastic support of United States Senator Diane Feinstein who had appeared with Mr. Gerrans in a promotional video, AUSA Robin Harris possessed bonafide, legitimate, and concrete Conflicts of Interest which are "Personal, Financial, Political, and Professional" in direct violation of 28 USC §528 and every conceivable Code of Conduct, Rule of Professional Responsibility, Moral, Value and Ethic known to our Legal system.

Pursuant to 28 USC §528, the "Disqualification" of any U.S. Attorney from a Legal Proceeding of any kind, no less one the AUSA manufactured herself, simply requires the "Appearance" of a "Personal, Financial, or Political Conflict of Interest". AUSA Harris Conflicts of Interest far exceeded a mere "Appearance". They rise to malicious and criminal abuses of our Legal System in criminal violations of 18 USC §208, §201, and §227. Over 20 "Appearances" of Conflicts of Interest, malicious, vindictive, and selective acts of Prosecutorial misconduct are enumerated herein.

For example, on May 5, 2017 AUSA Robin Harris trespassed the Supervisory Authority of a Magistrate Court forum to criminally access a Grand Jury to illegally obtain a fraudulent Subpoena for the Private Financial and Accounting Records of Sanovas, Inc. and Halo Management Group LLC. Then, 12 Days later, on May 17, 2017, AUSA Robin Harris filed her "Petition for Election to the Sausalito City Council"; wherein, AUSA Robin Harris raised, as her #2 'Platform Position', concerns about "Development" in the Liberty Ship Harbor, which is a very small industrial park that only runs 400 Yards in length. At the time, Mr. Gerrans was the ONLY person actively promoting a major "Development" in the Liberty Ship Harbor - with the active support of Senator Diane Feinstein no less. (Please see "Robin Harris Petition for Election to Sausalito City Counsel, dated May 17, 2017").

Mr. Gerrans initiated to create 4,435 Jobs in Sausalito for the Black Community and in San Rafael for the Hispanic Community was a "Bombshell" proposal that had the Sausalito City Council, its Mayor, its Activist Residents (who created Flyers), and Marin County Politicians and Supervisors scrambling to stop Mr. Gerrans because of their "Anti-Growth" politics. The evidentiary record in this regard is

robust. At the time, Sausalito was under Federal investigation for having already segregated Marin City's Black Children from their predominantly white Elementary Schools. This is a matter of Federal and Public Record. Mr. Gerrans \$150 Million Economic Development authorization was also a matter of Federal and Public Record(s) at the time, as it was filed with the United States Citizenship and Immigration Service (U.S.C.I.S) EB-5 Program. Mr. Gerrans and his Company, Sanovas, Inc., Lobbying Activities and expenditures in Washington D.C., for the Sausalito "EB-5" expansion were registered with the federal Elections Commission (F.E.C.). So, Mr. Gerrans Plans and Objectives were quite visible and readily available to and accessible by AUSA Robin Harris and her fellow Residents, Activists and Politicians.

AUSA Robin Harris was the sole and exclusive AUSA leading the Investigation of Sanovas, Inc. and the Prosecution of Mr. Gerrans. Acting under the color of her Federal Authority, AUSA Harris abused her influence and authority to manipulate an Article II Magistrate Court to access and to weaponize the Subpoena power of the Grand Jury and to selectively control what facts and evidence the Grand Jury was able to see and the Jury instructions the Grand Jury were to follow. At ALL times, AUSA Robin Harris led an Investigation in search of a crime. This is evidenced by the fact that D.O.J. investigative inquiries with the FDA to investigate FDA Regulatory Fraud, with the SEC to investigate Securities Fraud, with Sanovas, Inc. Investors to investigate "Blue Sky Law" and potentials for "Investor Crimes", and a myriad of other investigative inquiries all led absolutely NO WHERE.

The Governments use of C.I.A. Operative, William "Bill" Gleason, his associates and Foreign Agents - illegally operating on United States Soil - to infiltrate Mr. Gerrans Business, Sanovas, Inc., as "Investors" and "Distributors" of Mr. Gerrans Products and Technologies through its enterprise "Cellmark International, Inc." to monitor, investigate, and disrupt Mr. Gerrans also occurred in Sausalito. So, the nexus to AUSA Robin Harris is clear and evident - as is AUSA Robin Harris' "Disqualification" from this 'Case', which AUSA Robin Harris manufactured.

The Government's dystopic exercise of Police and Judicial Power betrays troubled, conspiratorial minds, whose fraudulent, reckless disregard for our Constitution and the Laws of our Country has created a costly and prejudicial effect on the administration of the Business of our Justice System and the Courts which includes a substantial and widespread lowering of public confidence in our Justice System among reasonable people. AUSA Robin Harris defrauded our Treasury of its Money and our Justice System of its Integrity.

Not only is AUSA Robin Harris "Disqualification" from this 'Case' clearly and evidently warranted, her "willful violation" of the "provision[s]" of 28 USC §528 warrant AUSA Robin Harris' "removal from Office". In addition, it is clear and evident that the Executive and Judicial Branch Officers failed in their Duties, Supervisory Authorities, and disciplinary oversight of AUSA Robin Harris - or - that were complicit in the miscarriages of Justice exacted upon Mr. Gerrans and his Businesses. In either case, a collapse in the 'Separation of Powers' was allowed to occur. As such, ALL Executive Branch and Judicial Branch Officers involved in this 'Case' are culpable for their violations of and trespasses upon our Constitution and their failures to obey their Oaths of Office.

28 USC §528 calls for the "Disqualification of Officers and Employees of the Department of Justice", as follows:

"The Attorney General shall promulgate Rules and regulations which require the Disqualification of any Officer or Employee of the Department of Justice, including a United States Attorney or a Member of such Attorney's Staff, from participation in a particular investigation or prosecution if such participation may result in a Personal, Financial, or Political Conflict of Interest, or appearance thereof. Such Rules and Regulations may provide that a willful violation of any provision thereof shall result in removal from Office."

The Supreme Court's rulings are instructional in this very matter:

"[Pursuant to] 28 USC §528 we categorically forbid an interested person from controlling the Defendants prosecution.[] The Supreme Court has recognized the requirement of a disinterested prosecutor, because a prosecutor exercises considerable discretion in a criminal proceeding, and those decisions are all made outside the supervision of the Court. [] prosecution by an interested party may be influenced by improper motives. [] The right to a disinterested prosecutor is important and pervades the entire case."

Young v. U.S. ex rel. Vuitton et files S.A., 481 US 787, 807, 107 S.Ct. 2124 2137, 95 L.Ed.2d 710 (1987)

Executive Branch Officers and United States Attorneys, specifically, are held to the most voluminous and exhaustive compendium of Administrative Laws, Criminal prohibitions, Professional Rules, Responsibilities and Ethics in the World; to include, the Federal Code of Regulations (CFR), the United States Code (USC), Supreme Court Rulings, Constitutional Law, Model Rules of Professional Conduct, and the United States Attorney Manual, among other Laws, Rules, Codes, Ethics, and Responsibilities. The "Ethics in Government Act" codified 28 CFR § 45, et seq., 5 CFR §2634 through §2640; 5 CFR §735; 5 CFR §3801. Most recently, the "Hatch Act" Reform Amendments of 1983 reinforced the mandates to uphold Ethics in Government, codifying another voluminous catalog of Laws (5 USC §7323, §7324, §7325). 5 USC §7323(a)(3) and (a)(4)(B) prohibited AUSA Harris from running for the "nomination to a partisan political office" and from "participating in an ongoing audit, investigation, or enforcement action".

In U.S. v. Miller, the Ninth Circuit Court of Appeals ruled that:

"A Prosecutor has the responsibility of a Minister of Justice and not simply an advocate." Model Rules of Professional Conduct Rule 3.8 Cmt. 1. She represents not her own interest but "the interest of society as a whole". Ferri v. Ackerman, 444 US 193, 202-03, 100 S.Ct. 402, 62 L.Ed.2d 355 (1979). For this very reason, the Department of Justice holds United States Attorneys and their Assistants to exacting ethical standards, not least with respect to actual and apparent conflicts of interest. See e.g., U.S. Attorneys Manual 1-4.320(F) ("Employees may not engage in outside activities that create or appear to create a conflict of interest with their official duties. Such a conflict exists when the outside activity would ... create an appearance that the employee's official duties were performed in a biased or less than impartial manner")."

AUSA Robin Harris mere appearance of her Personal, Financial, and Political Conflict of Interests Disqualified her from investigating or prosecuting Mr. Gerrans and Sanovas, Inc. Accordingly, Mr. Gerrans Indictment MUST be Dismissed and his Criminal Case Vacated with prejudice.

#3) CRIMINAL VIOLATIONS OF THE LAW BY AUSA ROBIN HARRIS AND THE GOVERNMENT

The Governments official acts, influenced and led by AUSA Robin Harris and her Partisan Political Affiliates, whose intentions were to tortiously interfere with Mr. Gerrans Businesses and Properties and to wrongfully influence Mr. Gerrans Commercial Development and the creation of 4,435 Minority Jobs in Sausalito's Liberty Ship Harbor, succeeded in adversely influencing Mr. Gerrans Employment initiative(s) and the Employment Decisions and Employment Practices of Mr. Gerrans Businesses and of Mr. Gerrans Personal Employment and the Employment of Mr. Gerrans Employees, in Criminal Violation of 18 USC §227. The evidence in this matter is robust and AUSA Robin Harris role in this Crime is beyond dispute. The Law states:

"18 USC §227. Wrongfully influencing a private entity's employment decisions by a Member of Congress or an Officer or Employee of the Legislative or Executive Branch

- (a) Whoever, being a covered government person, with the intent to influence, solely on the basis of partisan political affiliation, an employment decision or employment practice of any private entity -
 - (1) takes or withholds, or offers or threatens to take or withhold, an official act, or
 - (2) influences, or offers or threatens to influence, the official act of another,

shall be fined under this title or imprisoned for not more than 15 years, or both, and may be disqualified from holding any office of honor, trust, or profit under the United States."

AUSA Robin Harris' Personal and Financial interests, Political aspirations and corrupt utilization of her Professional Powers are in criminal violation of 18 USC §208(a), which expressly states:

"18 USC §208 - ACTS AFFECTING A PERSONAL FINANCIAL INTEREST

- (a) Whoever, being an Officer or Employee of the Executive Branch of the United States Government, [] participates personally and substantially as a Government Officer or Employee, through Decision, Approval, Disapproval, Recommendation, the rendering of Advice, Investigation, or otherwise, in a Judicial or other Proceeding, Application, Request for a Ruling or other Determination, Contract, Claim, Controversy, Charge, Accusation, Arrest, or other particular matter in which to his knowledge, he, [] or any Person or Organization with whom he is negotiating or has any arrangement concerning prospective Employment, has a Financial Interest - SHALL be subject to the Penalties set forth in Section 216 of this Title [18 USC §216]."

The Penalties set forth in 18 USC §216 call for Five (5) Years Imprisonment and a \$50,000 Civil Penalty for each Violation.

The United States Attorney (Alex Tse), the Chief of the Criminal Division (Barbara Valliere), AUSA Lloyd Farnham, Special Agents Jason Richards and Sarah Bak, the Article III Court Judge (Edward N. Chen), and numerous others were all fully informed and advised of AUSA Robin Harris Conflict(s) of Interest and did NOTHING to supervise or self-govern the matter by recusing the AUSA and Dismissing the Case, pursuant to Rule 48 of the Federal Rules of Criminal Procedure. Instead, these Officers and the Agencies who failed to Supervise AUSA Robin Harris stood idle and silent and watched AUSA Robin Harris subject Mr. Gerrans and his Company to Selective and Vindictive prosecutorial tactics and retaliatory animus, once Mr. Gerrans brought the facts and evidence forward.

Worse, the AUSA's Conflicts of Interest and Criminal conducts only compounded once Mr. Gerrans and his Lawyers brought the Truth to Light. It created actions and conducts by the AUSA that permeated and polluted the 'Case', all parties in it and influenced the course of Proceedings and outcome of the Trial and Post-Trial Appellate Proceedings. Mr. Gerrans "Whistleblowing", requests for the AUSA's Disqualification and Investigations into her criminal wrongdoing was weaponized against Mr. Gerrans by AUSA Harris, the Government and even the Article III Judge. Please see Evidence of the same herein and in the Judicial Notice(s) of Adjudicative Facts relating Judicial Conflicts of Interest and Misconduct.

Instead of calling for an Evidentiary Hearing and/or Disqualifying AUSA Robin Harris, the Executive Branch and Judicial Branch Officers in the Northern District of California, San Francisco Division, of the Ninth Circuit ridiculed Mr. Gerrans as having an "obsession", and a "fascination with this Wild Conspiracy Theory" that "betrays a Troubled Mind". This "Circle the Wagons Standard Operating Procedure" was a wholly irresponsible, unprofessional, biased, prejudicial, and unlawful position for both these Executive and Judicial Branch Officers to take in the absence of any formal, or informal, inquiry into the facts of the matter.

Especially in view of 28 USC §528's incredibly low threshold for Disqualification, which simply requires the "appearance" of a Conflict of Interest.

The facts are that, had Mr. Gerrans not been indicted and wrongfully prosecuted and incarcerated by AUSA Robin Harris, Mr. Gerrans would have successfully completed the \$150 Million EB-5 Economic Development and Minority Hiring initiatives in Sausalito, in whole or in part. Doing so, would have impacted the Real Estate Values, Sight Lines, Traffic, Crime and other Personal, Financial, and Political issues which AUSA Harris stated, in her own words on her Petition for Election to the Sausalito City Council, that clearly mattered and were, without question, interests of Personal, Financial, and Political importance to AUSA Harris; and, commensurately, to the affiliates and constituents who supported and influenced AUSA Harris participation in Sausalito Politics and the investigation of Sanovas, Inc. and prosecution of Mr. Gerrans, in Criminal Violation(s) of 18 USC §201 - "Bribery of Public Officials".

In addition to AUSA Robin Harris Conflicts of Interest and Criminal violations, the Executive Branch Officers (AUSA Lloyd Frnham, Chief of the Criminal Division, Barbara Valliere, and Special Agents Jason Richards and Sarah Bak, among others) were fully informed and advised that their Star Witnesses - Erhan Gunday, who is the Chief Complainant, Lloyd Yarbrough, and Chris Gerrans - were engaged in a RICO Conspiracy and Racketeering Enterprise to criminally and tortiously sabotage and interfere with Mr. Gerrans Intellectual Properties and Businesses to steal Mr. Gerrans Money, Property and Business. Yet, these Executive Branch Officers, without Supervision or Oversight, proceeded to "Allow the Fraud" and to "make opportunity for the commission of the fraud[s]" and Prohibited Racketeering Activities against Mr. Gerrans and his Businesses in further aide to AUSA Robin Harris' Conflicts of Interest and those of her personal, financial and political affiliations in her neighborhood, community and political circles, in direct violation of 18 USC §201.

In Criminal violation of 18 USC §201(b), §201(c)(2), and §201(c)(3) these Executive Branch Officers allowed Erhan Gunday to escape Justice and flee to Turkey. Yet, the Attorney General and the Director of the FBI authorized and allowed AUSA

Robin Harris, Sarah Bak and other Officials to take a trip to Greece, at Taxpayer Expense, to meet, confer and depose Erhan Gunday in a controlled environment at the Greek Embassy. The Gunday deposition was later edited and admitted as Trial Testimony in an illegal Trial. ALL in violation of the "Confrontation Clause" of the Sixth Amendment and Mr. Gerrans Constitutionally Protected Right to confront Mr. Gunday "Face-to-Face". Please see Exhibit #1. Please also see the "Judicial Notices of Adjudicative Facts relating Judicial Conflicts of Interest" and the Governments prejudicial and unlawful treatment of RICO Racketeer and convicted Felon, Christopher M. Gerrans.

#4) ARTICLE I - CONSTITUTIONAL VIOLATIONS

The Governments criminalization of Mr. Gerrans Private Civil Matters tortiously interfered with Mr. Gerrans "Life's Work", Intellectual Properties, and Businesses. The Governments Fraudulent and Abusive Acts - in excess of Statutory Authority and Limitations; contrary to Constitutional Protections, Rights, Powers and Privileges; and, in disobedience to Federal Rules of Criminal Procedure - violated Mr. Gerrans Constitutionally Protected Right to enforce his Patents for the "Limited Times" he possessed to execute and enforce the contracting and commercialization Rights of his Intellectual Properties in Interstate and Foreign Trade and Commerce, as Constitutionally Guaranteed under Article I, Section VIII, Clause VIII - 'Patents and Copyrights Clause' and Article I, Section X, Clause I - 'Commerce Clause'.

The Governments misconducts not only defrauded Mr. Gerrans, his Investors, and Businesses, they defrauded our Health Care System and the very Patients in desperate need of Mr. Gerrans Medical innovations. Going further, these Executive and Judicial Officers betrayed our Republic and the Free Market principles and ideals our Country and Constitution were founded upon, and, millions of Souls who have died to protect our Constitution and these principles of Freedom, since.

#5) ARTICLE II - CONSTITUTIONAL VIOLATIONS

The Executive Branch Officers disobeyed their Oath and Covenant that they "Shall Take Care that the Laws be faithfully executed", pursuant to Article II, Section III, Clause IV - 'Take Care Clause' of the United States Constitution. The Governments investigations into the Accounting and Financial practices of a Private Corporation and prosecution of its Owner exceeded their Constitutional and Statutory authorities and weaponized the limited jurisdiction of an Article III Court in violation of Tenth Amendment Protections and both its "Abstention" and "Pre-emption" Doctrines and subverted the general lawful Corporate immunity it imparts to those who are domiciled under a States commercial protections.

The Supreme Court ruled as much in United States v. Fox, 95 US 670 (1898):

"But an act committed within a state, whether for Good or Bad, or whether honest or criminal in intent, cannot be made an offense against the United States, unless it have some relation to the execution of a Power of Congress, or to some matter within the jurisdiction of the United States. An act not having any such relation is one in respect to which the State, alone, can legislate."

The Government possessed NO LEGAL RIGHT to exercise plenary Police Power over the actions of a Private Corporations Accounting and Finances. This fact completely negates any "Standing" these Officers falsely claimed to possess.

Congress enacts Legislation which, when followed, strictly limits Executive Action and Federal Police Powers, in accordance with Constitutional Principles. These Executive Branch Officers willfully and skillfully ignored and evaded obediences to their Statutory Limits and the Federal Rules of Criminal Procedure, to introduce an "abstract grievance" into an Article II and III Court Forum(s). The Government ran through every "Red Light" Congress imposed. For example:

28 USC §530C(b)(4) specifically limits the Attorney General's Authority to Use Available Funds for the Federal Bureau of Investigation instructing that:

"Funds available to the Attorney General for the Federal Bureau of Investigation for the Detection, Investigation, and Prosecution of Crimes against the United States may be used for the conduct of all its authorized activities."

The limitations of this Statute to "Crimes against the United States" clearly evidence Robin Harris misappropriating Treasury Funds and the U.S. Attorneys Budget to detect, investigate and prosecute a "Non-Offense" against the United States via Robin Harris and the Attorney General's utilization of the FBI and the CIA to investigate, infiltrate and prosecute Mr. Gerrans Company and then Mr. Gerrans for her/their own malicious and criminal purposes.

28 USC §533(1) further consecrates Congress' intentions to strictly limit the investigative powers of the Executive Branch only to "Crimes against the United States". The Statutes words are clear and unambiguous, stating: "The Attorney General may appoint Officials (1) to detect and prosecute crimes against the United States."

28 USC §547(1) clearly and unambiguously defines the Prosecutorial duties and limitations of United States Attorneys, as follows:

"Except as otherwise provided by Law, each United States Attorney, within his District, SHALL (1) prosecute all offenses against the United States."

No such "crimes against the United States" were ever alleged to have occurred with respect to the foundational allegation of Fraud by the Government. At all times in the Indictment, the Government alleges that their investigation established that Mr. Gerrans embezzled money from his own Privately-held Company ... making Mr. Gerrans the victim of his own alleged crime. This is not only an absurdity, it is a temporal and legal impossibility.

The lack of any legal, regulatory, or property interest in Mr. Gerrans Company or its accounting rendered the FBI and CIA's invasion illegal and negated any justiciable basis for the Government to claim an "Injury in Fact" or "crime against the United States". Therefore, Robin Harris caused "Redress" to be given to a party lacking in the right to receive redress, for non-existent Legal Harm. No "exception as provided by Law" was ever introduced, overriding these clearly defined investigative, prosecutorial and statutory limitations.

Federal plenary Police Powers into the Private affairs of Private Corporations and Private Citizens are not the Historic Tradition of the Executive Branch.

#6) FOURTH AND FIFTH AMENDMENT CONSTITUTIONAL VIOLATIONS

Please see "Judicial Notice(s) of Adjudicative Facts relating":

"Lack of Government Standing"; "Illicit Charging Scheme"; "Illegal Indictment"; "Brady/Giglio/Jencks Act Violations"; "Fruit of the Poisonous Tree - Violations of the Exclusionary Rule"; as Filed in Case No.: CA9 20-10378 (9th Circuit) in December 2024 and January 2025; and the Facts related herein.

#7) VIOLATIONS OF THE FEDERAL RULES OF CRIMINAL PROCEDURE

Please see "Judicial Notice(s) of Adjudicative Facts relating":

"Lack of Government Standing"; "Illicit Charging Scheme"; "Illegal Indictment"

#8) ILLICIT CHARGING SCHEME

Please see "Judicial Notice of Adjudicative Facts relating Illicit Charging Scheme", as filed in December 2024 in Case No.: CA9 20-10378 (9th Circuit)

#9) ILLEGAL INDICTMENT

Please see "Judicial Notice of Adjudicative Facts relating Illegal Indictment", as filed in December 2024 in Case No.: CA9 20-10378 (9th Circuit)

#10) ARTICLE III CONSTITUTIONAL VIOLATIONS

Facts and evidence reveal that the Executive Branch Officers evaded the supervision and supervisory authorities of the Attorney General, dominated the Magistrate and Grand Jury forums and collapsed the Separation of Powers between the Executive and Judicial Branches of our Government - trespassing the Limited Jurisdiction of an Article III Court - to present criminal allegations against Mr. Gerrans which lacked in the necessary "Legal Interest" belonging to the United States or one of its Regulatory Agencies to satisfy the Constitutional and Statutory Justiciability ("Standing") lawfully required to access the limited Federal jurisdiction of an Article III Court forum, pursuant to Article III, Section II, Clause I of the United States Constitution, as mandated by 18 USC §3041 - 'Power of the Courts and Magistrates', and as enforced by Rule 3 of the Federal Rules of Criminal Procedure ("The Complaint Rule"). All governing Article III's 'Case' or 'Controversy' Doctrine and the lawful jurisdictional limitations our Framers and our Congress placed upon our Judicial and Executive

Branch Officers reach into the Private affairs of the Citizenry. These Executive Branch officers illegally weaponized the FBI and CIA and used an Article III Court as a "Super-Legislative Body". This caused the Court to assume a jurisdiction it did not lawfully possess, function without authority ("Ultra Vires") and issue a void Judgment which unlawfully convicted and illegally incarcerated an innocent man. A Miscarriage of Justice was orchestrated in Violation of Article III.

#11) C.I.A. INITIATED INVESTIGATIONS, INTERROGATIONS, AND CIVIL SUIT

Please see "Judicial Notice of Adjudicative Facts relating Fruit of the Poisonous Tree - Violations of the Exclusionary Rule" as well as Civil Case William A. Gleason, et al. v. Lawrence J. Gerrans, et al., Case No. 1803695 (related Case No. 1802981), Superior Court of State of California County of Marin

#12) SUPERSEDING INDICTMENT IN AID TO C.I.A INITIATED CIVIL CLASS ACTION

Subsequent to the Governments Indictment of Mr. Gerrans, on July 12, 2018, to interfere with his Fundraising efforts on Wall Street, William A. Gleason and his Wife, Doreen A. Gleason, initiated the above referenced Civil Class Action, on August 8, 2018 (27 days later), These events required Mr. Gerrans to announce the requirement that he must resign his position(s) as Chairman, President, and C.E.O of Sanovas, Inc., in October 2018.

This requirement further required Mr. Gerrans to negotiate a "Separation Agreement" along with a "Consulting Agreement" to assist the continued Development, Commercialization, and Management of his Intellectual Properties and Businesses with Sanovas, Inc.. These Agreements included compensation amounts for "Accrued and Deferred Compensation", "Severance Pay", and "Consulting Fees and Expenses".

On November 8, 2018, AUSA Robin Harris filed a "Superseding Indictment" alleging Mr. Gerrans made "False Statements" to the FBI when, on June 5, 2017, the FBI served Mr. Gerrans the May 5, 2017 Grand Jury Subpoena requesting Sanovas, Inc. and Halo Management LLC Financial and Accounting information. With nothing to hide, Mr. Gerrans immediately provided the FBI the Financial and Accounting Data they requested, within minutes of their request, which

included certain Invoices relating Mr. Gerrans and Halo Management Group LLC's "Accrued and Deferred Compensation" Amounts.

AUSA Robin Harris' Superseding Indictment, on November 8, 2018, alleged that these Invoices were "False". This allegation aided the C.I.A. initiated Civil Class Action's Plaintiff, William A. Gleason, obtain a Temporary Restraining Order (T.R.O) from the Superior Court Judge to stop Sanovas, Inc. from paying Mr. Gerrans any and all compensation amounts because the Governments allegation in the Superseding Indictment created "Probable Cause" that the Invoices were "False" and, thus, established doubt as to the veracity of Mr. Gerrans Agreements.

What is insidious about the Governments tactic(s) here is the fact that, if the Government really believed the Invoices were false, the Government had a responsibility to have included those allegations and Charges in the Original Indictment, filed only four (4) months prior, on July 12, 2018.

Here, we, indisputably, evidence the coordination of efforts, tactics, and strategy between AUSA Robin Harris and C.I.A. Operative(s) William A. Gleason, et al to tortiously interfere with Mr. Gerrans Business and Intellectual Properties; and, to "Choke Out" Mr. Gerrans financially to impede Mr. Gerrans ability to afford his Defense; and, to dislocate Mr. Gerrans from Sanovas, Inc., his Businesses, Properties, and Investors. This was a malicious and criminal abuse of our Justice System.

#13) WEAPONIZATION OF BANKING SYSTEM BY U.S. GOVERNMENT ("DE-BANKED")

Mr. Gerrans resignation from Sanovas, Inc. was, sadly, effected on December 31, 2018.

On January 1, 2019, Mr. Gerrans, his Family Members, and Employees woke up to the New Year only to learn that the Government had closed ALL of their Bank Accounts. In total, over two (2) dozen Business and Personal Bank accounts had been instantly and deliberately closed by AUSA Robin Harris and our Government. Mr. Gerrans Employees could not cash their Paychecks. Mr. Gerrans, his Wife and Five (5) Children could not access ANY money, whatsoever. AUSA Robin Harris had

deliberately caused Mr. Gerrans, his Businesses and Family Members to be "De-Banked". This was yet another outrageously malicious and criminal abuse of Government Power and our Legal System.

#14) VINDICTIVE PROSECUTION AND RETALIATORY ANIMUS BY AUSA ROBIN HARRIS

Upon being informed, by Legal Counsel, of AUSA Harris Conflicts of Interest and then learning of the existence of the RICO Enterprise which had been tortiously and criminally interfering with his Businesses and stealing his Money and Property Mr. Gerrans hired additional Legal Counsel, Lawrence Dale Murray, to investigate AUSA Robin Harris misconducts and to File a Civil RICO Lawsuit against these Racketeers, because Attorney Brian Getz refused to do it because he feared AUSA Harris and retaliation from the United States Attorney's Office and the Court. Fears and concerns we now know to be well founded.

Attorney Murray immediately initiated a "Motion to Dismiss All Counts". Attorney Murray was funded by over \$90,000 in donations from Mr. Gerrans Friends and Investors. On, or about, August 8, 2019, at a Pre-Trial, in-person, Hearing before the Court, Attorney Getz announced to the Court that Attorney Murray would be filing a "Motion to Dismiss All Counts". AUSA Robin Harris became angry and threatened "If they bring a Motion [to Dismiss All Counts], I will bring more Charges your Honor." This threat, and AUSA Robin Harris subsequent actions and misconducts, was/were illegal because a Prosecutor cannot punish nor retaliate upon a Defendant for what the Law plainly allows a Defendant to do.

Six (6) days later, AUSA Robin Harris manufactured a "Second Superseding Indictment, had Mr. Gerrans illegally arrested, unlawfully incarcerated, and caused Attorney Murray's Legal Fund for Mr. Gerrans to be confiscated. Thereby, "De-Banking" Attorney Murray, isolating and silencing Mr. Gerrans, intimidating the Court and Mr. Gerrans Attorneys, and Bankrupting Attorney Murray's Legal Representation of Mr. Gerrans and investigations into AUSA Robin Harris Conflicts of Interest and Criminal Misconducts. This caused Attorney Murray to walk off the Case, because he was now out of money and thoroughly in fear of the AUSA.

Here, again, we evidence AUSA Robin Harris' malicious and criminal abuses of Government Power and our Legal System.

Please see Exhibit #1 (Ground #9) herein for exhaustive details.

Please also see "Judicial Notice(s) of Adjudicative Facts relating"; "Rule 12(d) Violation"; and, "Pre-Trial Punishment", as filed in Case No.: CA9 20-10378 (9th Circuit) in January 2025.

#15) ILLEGAL ARREST AND UNLAWFUL INCARCERATION IN AID TO AUSA HARRIS' COVER UP

AUSA ROBIN HARRIS Arrest and Incarceration of Mr. Gerrans was in violation of Law and the Federal Rules of Criminal Procedure. Records prove that NO Rule 3 Complaint "made under Oath before a Magistrate Judge" NOR a Rule 4 "Arrest Warrant Issuance or Return" exist in Mr. Gerrans "Case". Pursuant to the 4th Amendment "No Warrant shall issue but upon Probable Cause supported by Oath or Affirmation". Most importantly, 18 USC §3047 expressly instructs that "A Warrant SHALL be necessary to commit [a Defendant] for Trial". Pursuant to Rule 9, "A Rule 7 Indictment SHALL be supported by a Rule 3 'Complaint' and a Rule 4 'Warrant'.

A Rule 7 Indictment, by itself, does not require an Oath or Affirmation. Such reliance is placed within and upon the Rule 3 'Complaint'. Thus, the mandatory and Legal necessity of a Rule 3 Complaint Sworn "under Oath before a Magistrate Judge". Therefore, without a Sworn Rule 3 'Complaint', an Indictment alone cannot be legally relied upon. Consequently, AUSA Robin Harris' failures to comply with the Federal Rules of Criminal Procedure caused Mr. Gerrans to be illegally Indicted, Illegally Arrested, Illegally Incarcerated and Illegally presented to an Article III Court for Trial. Thus, causing the Article III Court to function 'Ultra Vires' and issue a Void Judgment.

Please see "Judicial Notice of Adjudicative Facts relating:

Illicit Charging Scheme; Illegal Indictment; Lack of Government Standing; and, Exhibit #1 herein.

#16) SIXTH AMENDMENT (RULE 12(d)) VIOLATION DUE TO VINDICTIVE PROSECUTION

The vindictive and retaliatory animus and intimidation exacted upon Mr. Gerrans, his Attorneys and the Court caused the Article III Court to violate F.R.Crim.P Rule 12(d), caused Lawrence Dale Murray to flee the 'Case' and quit Mr. Gerrans and caused Trial Counsel, Brian Getz, to become an "Agent" for the Prosecution and "Throw" Mr. Gerrans Defense.

Please see "Judicial Notice of Adjudicative Facts relating":

"Sixth Amendment (Rule 12(d)) Violation", as Filed in Case No. CA9 20-10378, in January 2025.

#17) SIXTH AMENDMENT VIOLATION - PRE-TRIAL PUNISHMENT

Please see "Judicial Notice of Adjudicative Facts relating 6th Amendment Violation - Pre-Trial Punishment", as Filed in Case No. CA9 20-10378, Jan. 2025.

#18) CONFLICT OF INTEREST BY AUSA ROBIN HARRIS - BOGUS THREAT CLAIM

Please see Exhibit #1 (Ground #14) herein.

#19) FIRST AMENDMENT VIOLATION - FREE EXERCISE OF RELIGION

AUSA Robin Harris domination of the Article III Court violated, and caused the Court to violate, Mr. Gerrans First Amendment Rights by prohibiting Mr. Gerrans Free Exercise of Religion, guaranteed by the First Amendment. AUSA Robin Harris did instruct and domineer Judge Edward n. Chen to make Mr. Gerrans stop reading his Bible at the Defense Table, without the Jury even present in the Court Room, make Mr. Gerrans surrender his Bible at that very moment, make Mr. Gerrans remove his Bible from the Court Room, and then made Judge Chen admonish Mr. Gerrans and bar Mr. Gerrans from EVER bringing his Bible back into the Court Room.

#20) SUBORNATION OF WITNESS PERJURY BY AUSA ROBIN HARRIS

AUSA Robin Harris led a colloquy with FBI Special Agent Jason Richards which misled Jurors into believing that Mr. Gerrans lied on his Bank Account Applications and misrepresented his Compensation amounts. The facts were otherwise, and both AUSA Harris and Richards knew it. The AUSA also solicited perjurious testimony from Trial Witnesses Erhan Gunday, Chris Gerrans, Lloyd

Yarbrough and Sanovas, Inc. Board Members - Rob Georges, Ken Koen, and Bruce Nichols. Please see "Judicial Notice of Adjudicative Facts relating Witness Perjury and Fraud Upon the Court", and "Subornation of Perjury from FBI Witness" as filed in Case No. CA9 20-10378 (9th Circuit), in January 2025.

#21) SIXTH AMENDMENT VIOLATION – PRE-SENTENCING PUNISHMENT

Please see "Judicial Notice of Adjudicative Facts relating Pre-Sentencing Punishment", as filed in Case No. CA9 20-10378 (9th Circuit), in January 2025.

#22) SIXTH AMENDMENT VIOLATION – PRE-APPEAL PUNISHMENT

Please see "Judicial Notice of Adjudicative Facts relating Pre-Appeal Punishment", as filed in Case No. CA9 20-10378 (9th Circuit), in January 2025.

I, Lawrence J. Gerrans, do hereby swear under the penalty of perjury that this testimony is true and correct to the best of my knowledge and ability, as of this 18th Day of January, in the year of our Lord 2025; and pursuant to 28 USC §1746.

Respectfully,



LAWRENCE J. GERRANS

Encl./ Exhibit #1

U.S.P.S Tracking No. 7000 1670 0009 4588 1442
7000 1670 0009 4588 1459

Exhibit #1

Exhibit #1

1 an appearance that the employee's official duties were performed in a biased or less than impartial
2 manner")

3
4 AUSA Harris mere appearance of a Personal, Financial and Political Conflict of Interest Disqualified
5 her from investigating and prosecuting Defendant. Accordingly, Defendant requests the conviction
6 be Reversed and Remanded.

7
8 **GROUND #9 - INEFFECTIVE ASSISTANCE OF COUNSEL - FAILURE TO DISQUALIFY**
9 **THE AUSA AND DISMISS THE CASE DUE TO AUSA's RETALIATORY ANIMUS AND**

10 **VINDICTIVE PROSECUTION**

11
12 Trial Counsel failed to challenge or move to dismiss the second superseding indictment and
13 to disqualify the AUSA Robin Harris for her retaliatory animus and vindictive prosecution of
14 Defendant. Trial Counsels deficient performance and failure to disqualify the AUSA, for a second
15 time, exacerbated the pollution that permeated and controlled the Case. It is at this very point in the
16 case that the corrosive effects of AUSA Harris conflicts of interest and efforts to cover them up began
17 to infect all parties, all proceedings and dictate the course of the Trial and Post Trial Proceedings.

18
19 After Trial Counsel informed the AUSA that Defendant had hired additional Counsel,
20 Lawrence Dale Murray, to investigate her conflicts of interest; to file a Class Action Lawsuit against
21 Erhan Gunday for Industrial Sabotage, Breach of Contract, and violations of his non-competition,
22 non-circumvention, non-solicitation, and Intellectual Property Agreements; and, to file a Motion to
23 Dismiss All Counts; AUSA Harris threatened to bring additional charges. The AUSA also made this
24 threat in Court, threatening the Judge and Defendant "*Your Honor, if they bring a Motion to Dismiss,*
25 *I will bring more charges*".

26
27 In June 2019, AUSA Harris then targeted brother Chris Gerrans for prosecution of his \$2
28 Million embezzlement. Instead of prosecuting Chris Gerrans for his Crimes, AUSA Harris took

1 advantage of Chris Gerrans criminal history as a Child Predator, Female Predator, Thief, and
2 Informant. Playing on Chris Gerrans fears of going to Prison with this terrible criminal history, the
3 AUSA co-opted Chris Gerrans, in July 2019, to manufacture a Second Superseding Indictment and
4 to obtain Defendants incarceration. Art Gerrans Sr. testified to the Grand Jury, on August 26, 2019,
5 that Chris Gerrans informed him in Mid July 2019 that the government had given Chris an equitable
6 offer in exchange for helping the government manufacture charges against defendant, in violation of
7 18 USC 201(c)(2).

8

9 Upon information and belief , AUSA Harris then proceeded to abuse her authority by having
10 the California State Franchise Tax Board seize monies from Attorney Lawrence Dale Murray's Legal
11 Defense Fund for Defendant at U.S. Bank. This predatory and vindictive act was especially alarming
12 because the Account was set up by Attorney Murray and funded by third parties who sought the
13 investigation and prosecution of Erhan Gunday, the AUSA and believed the Motion to Dismiss All
14 Counts was warranted.

15

16 On Monday, August 12, 2019, Trial Counsel filed the Motion to Dismiss All Counts.
17 On Tuesday, August 13, 2019, AUSA Harris used Chris Gerrans to track and entrap the
18 Defendant in a government contrived confrontation used against MOVANT.

19 Then, magically , Chris Gerrans first call was to FBI Agent Jason Richards. How and why did
20 Chris Gerrans have S.A. Richards Cell Phone number? The FBI then altered/fabricated the video
21 evidence at the Storage Facility to delete the footage showing the Witness laying " in waiting for the
22 Defendant to arrive, smoking cigarettes." Then the FBI instructed the Employees at the Storage
23 Facility to "*Call the Police and File a Report*" AFTER the FBI had already corrupted the scene. This
24 act sorely biased the Judge against Defendant in Proceedings because the Judge denied Defendants
25 Bond because he believed that the Defendant "clearly blew his lid enough to scare the Employees
26 into calling the Police". This was false. The governments deceit duped the Judge. Trial Counsel
27 failed to investigate ANY of this; despite being a contemporaneous witness to the e-mails and phone
28

1 calls Defendant sent Trial Counsel relating the witness' strange behaviors and misconduct in the days
2 and hours leading up to this entrapment.

3

4 On Wednesday, August 14, 2019, the District Court Judge ordered the Government to file their
5 "Opposition to the Motion to Dismiss All Counts" by August 30, 2019, and set a Hearing Date
6 for the Motion to Dismiss All Counts for September 10, 2019.

7

8 As the Defendant exited the Court Room with his Wife and Daughter, on their way to take
9 their daughter to her freshman year of College, AUSA Harris had Defendant mauled and arrested in
10 a ridiculous and unnecessary Show of Force and intimidation. Defendant was then incarcerated in
11 deplorable conditions of confinement, denied access to a Legal Library or Court ordered Laptop and
12 punished prior to Trial, in violation of Due Process.

13

14 On August 21, 2019, the "Minute Entry for Proceedings held before Judge Edward M. Chen",
15 Docket #51, reads "By Request of the Parties Motion (42) is taken off Calendar without
16 prejudice. Briefing Dates and Hearing Dates vacated by Court."

17

18 Why? The Motion to Dismiss All Counts and the Witness Declarations it contained were
19 exculpatory to Defendant and evidentiary to the Grand Jury's Independent Investigation of all the
20 allegations the government was asking the Grand Jury to charge in the Second Superseding
21 indictment. Examine closely the lengths to which the government took actions to accuse the
22 MOVANT of fabricated crimes.

23

24 On August 26, 2019, Art Gerrans Sr. testified to the Grand Jury that he delivered a 5" Binder,
25 entitled "Sanovas Governance Documents", containing all of the Governance Documents,
26 Agreements and Memorandums exculpatory to Defendants innocence and evidentiary to the Grand
27 Jury's independent investigation, to AUSA Harris, AUSA Farnham and Agent Richards to give to the

28

1 Grand Jury. The AUSA's failed to give these exculpatory Documents to the Grand Jury nor produce
2 same under BRADY.

3

4 The next day, August 27, 2019, AUSA Harris filed the Second Superseding indictment that
5 added five (5) additional false charges against Defendant, as threatened.

6

7 Trial Counsel failed to object, failed to investigate, failed to interview witnesses, failed to
8 disclose the e-mails he possessed relating the truth, failed to obtain Defendants release, failed to
9 challenge the integrity of the Grand Jury nor its instructions and independence, failed to challenge or
10 move to dismiss the Second Superseding indictment, failed to disqualify AUSA Harris for Conflicts
11 of Interest in violation of 28 USC 528 and in criminal violation of 18 USC 208; and, now failed to
12 Disqualify AUSA Harris a second time for her blatant retaliatory animus and vindictive prosecution.
13 Instead, Trial Counsel was intimidated by the Governments conduct. The record evidence Trial
14 Counsel, hereafter, acting as an agent for the government, which calls into question the influence of
15 Judge Chen's Law Clerk whose Conflict of Interest with Trial Counsel was disclosed to the District
16 Court at the Jury Selection Proceedings on January 6, 2020.

17

18 The AUSA's threat was unnerving to Defendant and Trial Counsel. The Ninth Circuit has
19 asserted that "*The power of a threat lies not in any negative actions eventually taken, but in the*
20 *apprehension, it creates in the recipient of the threat.*" ~ *Brodheim v. Cry*, 584 F.3d 1262, 1271 (CA9
21 2009).

22 Trial Counsels conduct after this threat and the vengeant, retaliatory actions of AUSA Harris
23 had an unpredictable, immeasurable effect on Trial Counsel - forcing him to choose between the
24 Defendant and his standing in his Legal Community and "Federal Family". Trial Counsel chose the
25 latter.

26

27 The Supreme Court has ruled that "*A Defendant may not be penalized for exercising a Legal*
28 *Right. Due Process forbids even the appearance of vindictiveness, which should be presumed from*

1 *the filing of additional charges after the Defendant asserts a Right. A prosecutor cannot, however,*
2 *punish a person simply because 'he has done what the Law plainly allows him to do". ~ U.S. v.*
3 *Goodwin, 457 U.S. 368, 372 (1982)*

4

5 The Second Superseding indictment would not have been brought against defendant, BUT
6 FOR AUSA Harris hostility, contrived acts by the government, and punitive animus toward
7 Defendant because he exercised his specific Legal Rights; and, BUT FOR AUSA Harris fear of her
8 own criminal, professional and ethical violations becoming exposed through Defendants exercise of
9 his Legal Rights.

10

11 Acting under the color of her Federal Authority, AUSA Harris made the unsupervised,
12 arbitrary, and capricious decision not to prosecute Chris Gerrans to the fullest extent of the Law (in
13 July 2019) but, instead, to use Chris Gerrans vengeantly to create the additional charges the AUSA
14 threatened to "Bring" against Defendant (in August 2019). The Defendant asserted his right on
15 Monday, August 12, 2019. The AUSA exacted her vengeance and filed the vindictive Charges two
16 days later, as threatened. The AUSA's vindictiveness goes far beyond mere appearances.

17

18 CHRIS WAS NOT TO ACT AS A TRUTHFUL GOVT WITNESS, RATHER , TO BOLSTER
19 GOVT CASE THRU HIS OWN DESPERATION TO NOT GO TO PRISON.....THIS IS A
20 FORM OF FABRICATION OF EVIDENCE ANDKNOWINGLY ALLOWING PERJURY.

21

22 The misconduct of AUSA Harris and that of Chris Gerrans further violated the Doctrine of
23 Equitable Estoppel - which prevents a party from benefiting from her own wrongdoing and applies
24 primarily in situations in which a potential Defendant has taken actions to prevent a Plaintiff from
25 filing suit. Both the AUSA and the Witness were advised that they were facing both civil and criminal
26 violations for their misconduct. The consequences of Trial Counsels failures to clean up this pollution
27 proceeded to infect the Trial.

28

1 functioning as the Counsel guaranteed the Defendant by the Sixth Amendment in violation of the 14th
2 Amendment of the U.S. Constitution

3

4 **GROUND #14 - INEFFECTIVE ASSISTANCE OF COUNSEL - FAILURE TO**
5 **DISQUALIFY AUSA AND PROTECT DEFENDANTS' SUBSTANTIAL RIGHTS**

6

7 Trial Counsel failed to move the District Court to disqualify AUSA Robin Harris from
8 prosecuting Defendant at Trial because the AUSA claimed that she felt particularly threatened by
9 defendant because she believed Defendant had plotted and was going to Kill her.

10

11 THIS AUSA STATED POSITION WAS THEN AND ALWAYS SHALL BE AN ATTEMPT TO
12 ENFLAME THE COURT AND BRING FURTHER PRESSURES ON THE DEFENSE AND L.
13 GERRANS IN PARTICULAR. GIVEN GERRANS ACTIONS AND TOTAL LACK OF
14 CRIMINAL HISTORY, THERE WAS NO RELIABLE EVIDENCE TO SUPPORT AUSA S
15 CLAIM. DISCOVERY IS WARRANTED.

16

17 AUSA Harris was disqualified from prosecuting the Defendant under 28 USC 528. It was
18 Plain Error for AUSA Harris to lead Defendants prosecution because she made the claim that she was
19 particularly threatened by the Defendant, and this affected the Defendants Substantial Rights to a Fair
20 Trial. HER VERY POSTURE ON THIS NON EXISTANT THREAT DISQUALIFIES HER FROM
21 PROSECUTING THIS CASE.

22

23 On, or about, January 6, 2020, AUSA Harris and the FBI elicited statements from their pliant
24 witness, Chris Gerrans, who was presumably having reservations about going to Prison with a record
25 for being a Child Predator and Informant. Being the degenerate Gambler and addict that Chris Gerrans
26 is known to be, it is presumed he was angling for a better deal on the eve of Trial. The statement that
27 was elicited was that the Defendant wanted to "Take out" the AUSA. Ostensibly, this was derived
28 from the Defendants efforts to recuse or have the AUSA "Taken Off" the case. The Witness, FBI and

1 AUSA embellished the meaning of these words to mean that the Defendant meant to harm the AUSA.
2 THE WORD OF THIS WITNESS WAS BEYOND BELIEF OF REASONABLE PEOPLE GIVEN
3 THE SOURCE. AND NO OTHER CREDIBLE EVIDENCE.

4

5 On, or about, January 8, 2020, AUSA Harris brought this matter to the District Court and Trial
6 Counsels attention (Defendant was never informed) along with a Miriad of other false claims in the
7 effort to portray Defendant as a "Disciplinary Problem" with murderous intent, making an outrageous
8 request that the District Court restrain and shackle Defendant during Trial. It was at this point that
9 AUSA Farnham, Trial Counsel and the District Court had a duty to recognize that AUSA Harris
10 retaliatory animus and unwarranted disposition toward Defendant. They had a duty to demand AUSA
11 Harris be Disqualified, and the Case be Dismissed or postponed. They have Legal, Ethical and
12 Professional Responsibilities and obligations to protect Defendants Substantial Rights and to mitigate
13 a vindictive prosecution and Miscarriage of Justice.

14

15 AUSA Harris misconduct at Trial is now a matter of fact. The AUSA weaponized this
16 allegation during Sentencing (see Dockets 160, 301, 308) and employed the media to influence public
17 perception to triangulate on the District Court Judge to intimidate the Judge and influence the District
18 Courts rulings against Defendant in Post-Trial Proceedings. The AUSA used www.law360.com, a
19 Pro DOJ Media outlet, to publish a salacious Nationwide Press Release, entitled "Ex-CEO's Threat
20 to Kill Prosecutor Snarls COVID Release Bid". In the Press Release AUSA Harris volunteered that
21 "Gerrans had a clear intent to kill me" adding that "He knew where Movant lived" and "He
22 planned to do it after Movant got Home from Work".

23 THESE STATEMENTS BORDER ON DILUSIONAL. SHE STATES SUFFICIENT GROUNDS
24 BY HER OWN ADMISSION THAT SHOULD HAVE REMOVED HER. IMAGINE A SYSTEM
25 WHERE DEFENDANTS ARE PROSECUTED BY BIASED, VENGEFUL, THREATENED
26 AUSAS WHOM FEARED FOR THEIR LIVES.....AND ADMIT IT IN COURT.

27

28

1 AUSA Harris public expression of fear and concern about Defendant documented her
2 Personal and Professional Conflict of Interest in violation of 28 USC 528 and "categorically forbid"
3 and Disqualified the AUSA from Prosecuting the Trial.

4

5 The Supreme Court's ruling in U.S. v. Spiker is instructional in this very matter. It states:

6

7 *"(Pursuant to) 28 USC 528 we categorically forbid an interested person from controlling the
8 Defendants prosecution. Young v. United States ex rel. Vuitton et Fils S.A., 481 U.S. 787, 807, 107
9 S.Ct. 2124, 2137, 95 L.Ed.2d 740 (1987). "The Supreme Court has recognized the requirement of a
10 disinterested prosecutor, because a prosecutor exercises considerable discretion in a criminal
11 proceeding, and those decisions are all made outside the Supervision of the Court" . . . Next, we must
12 consider whether this Plain Error affected Spikers Substantial Rights. see Perez, 661 F.3d at 583.
13 "The right to a disinterested prosecutor is important and pervades the entire case".*

14 *"The Supreme Court has said: Prosecution by an interested party may be influenced by improper
15 motives. A prosecutor exercises considerable discretion in matters such as the determination of which
16 persons should be targets of investigation; what methods of investigation should be used, what
17 information will be sought as evidence, which persons should be charged with what offenses, which
18 persons should be utilized as Witnesses, whether to enter Plea Bargains and the Terms on which they
19 will be established, and whether any individuals should be granted immunity. Young, 481 U.S. at 807,
20 107 S.Ct at 2137.* This prong of Plain Error analysis asks us to consider whether the error affected the
21 outcome of the Proceedings. Rodriguez, 398 F.3d at 1299. Given the far-reaching effect of an
22 interested prosecutor prosecuting Spiker, as well as Spiker's High-End Guideline Sentence, we find
23 that this Error affected Spiker's Substantial Rights.

24

25 *Finally, we ask whether the Plain Error seriously affected the Fairness, Integrity, or Public
26 Reputation of a Judicial Proceeding. We conclude that it did. See Young, 481 U.S. at 811 (Plurality)
27 ("An interested prosecutor creates an appearance of impropriety that diminishes faith in the fairness*

28

1 *of the Criminal Justice System in general") The District Court plainly errored by allowing the AUSA*
2 *to continue prosecuting Spiker . . . We REVERSE and REMAND for a New Trial".*

3

4 Trial Counsel failed to move the District Court to follow the Law, protect Defendants
5 Substantial Rights and Disqualify the AUSA from continuing to Prosecute the Defendant at
6 Trial. Accordingly, the Trial should be Reversed and Remanded for a New Trial.

7