

REQUEST FOR CONGRESSIONAL HEARINGS



FORMAL REQUEST FOR CONGRESSIONAL HEARING

Department of Justice - Code of Silence

August 10, 2023

Honorable Kevin McCarthy

Speaker, House of Representatives
H-232, U.S. Capitol
Washington, DC 20515

7018 1830 0001 4410 1692

Representative James Comer

Chairman, Committee on Oversight
2157 Rayburn House Office Building
Washington, DC 20515

7018 1830 0001 4410 1555

Representative Jason Smith

1011 Longworth House Office Building
Washington, DC 20515

7018 1830 0001 4410 1685

Representative Jim Jordan

Chairman, House Judiciary Committee
2056 Rayburn House Office Building
Washington, DC 20515

7018 1830 0001 4410 1678

Representative Alexandria O. Cortez

Member, Oversight & Reform Committee
250 Cannon House Office Building
Washington, DC 20515

7018 1830 0001 4410 1579

Representative Marjorie Taylor Green

Member, Oversight & Accountability
403 Cannon House Office Building
Washington, DC 20515

7018 1830 0001 4410 1548

Ms. Jennifer Olkeiwicz

Administrative Counsel
Office of the Chief Administrator
House of Representatives
Washington, DC 20515

7018 1830 0001 4410 1562

Senator Mitch McConnell

Senate Majority Leader
317 Russell Senate Office Building
Washington, DC 20510

7018 1830 0001 4410 1531

Senator Lindsey Graham

211 Russell Senate Office Building
Washington, DC 20510

7018 1830 0001 4410 1524

Senator Ted Cruz

Member, Judiciary
167 Russell Senate Office Building
Washington, DC 20510

7018 1830 0001 4410 1586

Senator Ron Johnson

328 Hart Senate Office Building
Washington, DC 20515

7018 1830 0001 4410 1593

Elizabeth MacDonough

Parliamentarian
Office of the Senate Secretary
U.S. Capitol
Washington, DC 20515

7008 1140 0001 7523 8579

August 10, 2023

Representative Jim Jordan
Chairman, House Judiciary Committee
2056 Rayburn House Office Building
Washington, D.C. 20515

SENT VIA U.S. POSTAL 7018 1830 0001 4410 1678

RE: Department of Justice - Code of Silence
Request for Congressional Hearings

Chairman Jordan,

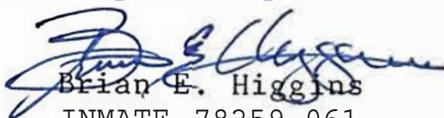
This is a follow-up to my July 10, 2023 correspondence, in which I reported misconduct within the Federal Bureau of Investigation and the Department of Justice. I recently received a response to my concerns (FBI and DOJ cover-up of an active sexual predator) from the Office of the Chief Administrator, House of Representatives. SEE ADMINISTRATIVE COUNSEL 7/26/2023 LTR - SEE NATIONAL CENTER FOR MISSING & EXPLOITED CHILDREN 8/7/2023 LTR

As previously discussed, I have a well documented dossier- including audio recordings of the FBI and DOJ officials engaging in misconduct. In August 2019, I was asked to provide damning information on Congressman Michael Turner, Chairman of the House Intelligence Committee and other local (Dayton) elected officials. When I declined, I met the hammer of the DOJ- multiple superseding indictments. In fact, the Assistant United States Attorney, Southern District of Ohio BRENT G. TABACCHI allowed former City of Dayton Mayor NAN WHALEY to collect hundreds of thousands of dollars in bribe money from a City contractor (for over a decade), only to turn a blind eye- allowing WHALEY to become the 2022 Ohio Democratic Gubernatorial Candidate. Seems there are [two] tiers of justice.

As a result of your repeated pleas for a call to action (anyone with information of misconduct within the DOJ or FBI) to come forward and testify as to what they know to you and the Judiciary Committee; I hereby, accept your call. I am requesting full Congressional Hearings into the Department of Justice - Code of Silence.

I look forward to hearing from your office.

Respectfully,


Brian E. Higgins
INMATE 78259-061

Cc: Attached Congressional Hearing L st

Yiota Souras
National Center for Missing & Exploited Children

August 10, 2023

Jennifer Olkeiwicz
Administrative Counsel
Office of the Chief Administrator
House of Representatives
Washington, D.C. 20515

SENT VIA U.S. POSTAL 7018 1830 0001 4410 1562

RE: Department of Justice - Code of Silence
Request for Congressional Hearings

Ms. Olkeiwicz,

Thank you for your July 26, 2023 response to my earlier correspondence. In your letter, you opined that I should forward my concerns (sex crimes against children) to the Department of Justice, specifically, the Inspector General MICHAEL HOROWITZ's Office.

Since 2010, I have been sounding the whistle on various bad-actors within the City of Chicago Police Department and public officials, who have gone to great pains to protect a convicted sexual predator. What began as an attempt to address political graft and public corruption, quickly morphed into a full-blown Code of Silence and the political weaponization of the Federal Bureau of Investigation and the Department of Justice- including high level senior government officials.

During my journey, attempting to bring justice for sexually abused children, I was led to the Dayton Resident Office of the FBI in the spring of 2019- on a ruse to turn over 3000 pages of documented evidence of crimes being committed in Chicago, Illinois. To date, this evidence has expanded to include the FBI and the DOJ protecting the same predator, actively preying on children. The irony of the times in which we live- 24 hour news feeds, there is always some former high ranking DOJ or FBI talking head, being quoted saying, "We [always] follow the facts, wherever they lead." It is time to follow the facts.

Having exhausted all available remedies within the Department of Justice, including the DOJ Office of Professional Responsibility; attempting to report professional misconduct against Assistant United States Attorney BRENT G. TABACCHI et al., I have become hamstrung. In fact, the very office that you referred me to, sent a response letter on August 10, 2020- exactly 3 years to the date of this writing. SEE ATTACHED DOJ CODE OF SILENCE 8/10/2020 LTR

Due to the [inactions] from the Federal Bureau of Investigation and the Department of Justice, in the protection of the children, I have formally requested that the National Center for Missing & Exploited Children conduct an investigation into my claims. As the national advocate for Child Sexual Exploitation, they certainly **will** have an interest in the protection of the very children that the FBI and

the DOJ have betrayed. SEE NATIONAL CENTER FOR MISSING & EXPLOITED CHILDREN 8/7/2023 LTR

While I do not make this request without pause- fully aware that there is certain to be public outcry in the streets of Chicago. The perfidious actions by the Chicago Police Department and public officials will be overshadowed by the demand of the [nation] for accountability within the Department of Justice. It is for the above reasons, I hereby am requesting full Congressional Hearings into the Code of Silence.

I once again, thank you for your response and attention.

Respectfully,


Brian E. Higgins
INMATE 78259-061

cc: Elizabeth MacDonough
Parliamentarian
Office of Senate Secretary

Yiota Souras, Esq
Chief Legal Officer
National Center for Missing & Exploited Children

WWW.CORRUPTGMEN.COM



U.S. Department of Justice

Criminal Division

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August 10, 2020

Mr. Brian Higgins
Code of Silence
442 Corporation Aly
Cincinnati, OH 45202-0989

Dear Mr. Brian Higgins:

Thank you for writing the Department of Justice. This is in response to your letter to Attorney General William P. Barr, dated May 29, 2020, requesting an investigation into alleged corruption of City of Chicago public officials. We assure you that the Department of Justice takes allegations of criminal conduct very seriously and will handle all such matters fairly and appropriately.

Again, thank you for writing the Attorney General. We hope this information has been helpful.

Sincerely,

Correspondence Management Staff
Office of Administration

Rcli:rcncc Number: S8301209651

For further correspondence please email criminaldivision@doj.gov. Should you wish to speak to a representative please call (202) 353-4641 and provide the reference number.

August 7, 2023

Ms. Yiota Souras, Esq.
National Center for Missing & Exploited Children
Chief Legal Officer
333 John Carlyle Street, Suite 125
Alexandria, VA 22314-5950

SENT VIA U.S. POSTAL 7018 1830 0001 4410 1517

RE: Department of Justice - Code of Silence

Ms. Souras,

Since 2019, I have been sounding the whistle to federal authorities, i.e. elected representatives, Federal Bureau of Investigation and the Department of Justice of a convicted sexual predator, actively preying on young boys in the Chicago Metropolitan Area.


In 2018, I self funded a covert investigation into JOHN W. KLACZAK, a Chicagoland business owner, operating multiple shell companies, in an attempt to conceal his identity. Mr. KLACZAK was convicted in 2005 (sentenced to 5 years in prison) for molesting 14 year old boys in the fire cadet program, while serving as the Fire Chief for the Village of Thornton, Illinois. This investigation led me to a business owned and operated by KLACZAK- Paw Palace, a pet boarding and canine training business in Lynwood, Illinois- 2739 Glenwood Dyer Road, which is also Mr. KLACZAK's primary residence.

It is during one of my covert visits, I observed two young boys exiting KLACZAK's residence. Fully aware that KLACZAK is prohibited from being in the presence of children (lifetime condition of his conviction), I elected to intensify my efforts of catching this predator. This led to JOHN W. KLACZAK attempting to host a "birthday party" for dozens of 13-14 year old boys on his sprawling 20 acre compound that boasts wooded trails with 4x4 ATV's, a large fishing pond complete with boats and DJ equipment for the children to use. KLACZAK also extended to have a sleep-over for those that wanted a "camping experience," for the sum of \$750.00.

It is with this information in hand, I went to the Federal Bureau of Investigation to report this predator on the prey. After several weeks of the FBI leading me on a ruse, I was arrested, charged and ultimately convicted of mail fraud. I am currently serving a 36 month prison sentence in a Federal Prison Camp. Unwaved by my current situation, I have continued to seek justice for KLACZAK's victim(s) (KLACZAK has filed multiple bankruptcies to avoid paying civil judgements to his victims). My continued works have revealed that KLACZAK shares his residence with another convicted sexual predator STACY GORGAS. Mr. GORGAS who manages a crime scene cleanup company (CSI, Inc.) owned and operated by JOHN W. KLACZAK was convicted in 2000 for molesting a 13 year old boy in Rock Island, Illinois.

As the nations leading advocate for Child Sexual Exploitation, I request that you investigate my claims of JOHN W. KLACZAK et al.

Respectfully,


Brian E. Higgins
INMATE 78259-061



CAO

CHIEF ADMINISTRATIVE OFFICER

July 26, 2023

Brian E. Higgins
Inmate# 78259-061
Federal Prison Camp
P.O. Box 33
Terre Haute, IN 47808

Dear Mr. Higgins,

Chief Administrative Officer of the U.S. House of Representatives Catherine L. Szpindor has requested that I respond to your letter dated July 10, 2023.

The matter you referenced within your letter is within the jurisdiction of the U.S. Department of Justice. As a U.S. House of Representatives Officer, I do not have jurisdiction over such matters.

For matters related to the U.S. Department of Justice, I recommend that you contact the U.S. Department of Justice Inspector General's Office. Their contact information is:

U.S. Department of Justice
Office of the Inspector General
950 Pennsylvania Avenue NW
Washington, D.C. 20530
(202) 514-3435
<https://oig.justice.gov>

Sincerely,

Jennifer M. Olkiewicz
Administrative Counsel
Office of the Chief Administrative Officer
U.S. House of Representatives

July 10, 2023

Catherine Szpindor
House of Representatives
Chief Administrative Officer
U.S. Capitol
Washington, D.C. 20515

U.S. SENT VIA U.S. POSTAL 7018 0040 0000 2831 4512

RE: Department of Justice - Code of Silence

Ms. Szpindor,

As the Chief Administrative Officer (CAO), you serve as the support system for our elected members of the House of Representatives and the steward of the day-to-day operations of the House. As governed by the Rules of the House of Representatives, One Hundred Eighteenth Congress, adopted on January 10, 2023, the CAO is tasked with the distribution, maintenance of documents, request(s) and reports deemed appropriate of the House.

Over the last several years, I have documented a cover-up within the Department of Justice, to include the Federal Bureau of Investigation. The concealment of crimes, reach the highest level of government, to include former Mayor of Chicago RAHM EMANUEL (current Ambassador to Japan), former FBI Chief of Staff (to Director CHRISTOPHER WRAY) COREY ELLIS and former White House Chief of Staff RONALD KLAIN, just to name a few. The crimes that have been unearthed, include the protection of a convicted sexual predator (actively preying on children), a procurement scheme related to the 8+ Billion Dollar federally funded Chicago O'Hare Airport Modernization Program, led by Chicago Aviation Commissioner JAMIE RHEE; and a bribery pay-to-play scheme of former City of Dayton Mayor and 2022 Ohio Democratic Gubernatorial Candidate NAN WHALEY.

In advance of what is certain to be contentious Judiciary and Oversight Committee Hearings into DOJ/FBI whistleblower complaints of Attorney General MERRICK GARLAND et al., I am enclosing a sampling of supporting documentation of the above mentioned crimes: FBI 1023, FBI 302, Warrant Affidavit (NAN WHALEY), DOJ Inspector General MICHAEL HOROWITZ Ltr., United States of America vs. Brian Higgins January 5, 2022 Transcript as well as Miscarriage of Justice Ltr. It is my hope that these documents will assist the Committee(s) in conducting a full and just investigation into the Department of Justice and the Code of Silence.

In your administrative capacity, I hereby, request that your office forward the enclosed documents to the appropriate House Committee(s), and the elected members of the House of Representatives .

INMATE 78259-061

Cc: The Honorable Kevin McCarthy
Speaker of the House of Representatives

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UNCLASSIFIED

FD-1023

FEDERAL BUREAU OF INVESTIGATION
CHS REPORTING DOCUMENT

U away to be sustainable. The CHS advised SHACKELFORD and OWENS to keep an arm's length from politicians.

The CHS was asked to elaborate on BLACKSHEAR'S plans for his political future. The CHS said BLACKSHEAR was the type of person who would start panning for a run for Mayor six to eight years ahead of time. The CHS said BLACKSHEAR'S plan was to be appointed as the Clerk of Courts if GREG BUSH retired midterm. The CHS explain that BLACKSHEAR wanted BUSH'S job because it paid more and it would increase his retirement pay. When asked who would appoint BLACKSHEAR to BUSH'S position, The CHS assumed it would be MARK OWENS and the Democratic Party. The CHS explained that OWENS ran the Democratic Party (and he was also the Dayton Municipal Clerk of Courts). The CHS said the "key players" within the local Democratic Party were KARL KEITH, MARK OWENS, NAN WHALEY and DAN HARRIS. The OIS noted that WHALEY'S husband worked for HARRIS.

While speaking of WHALEY, The CHS said she was an emotional person. The CHS said small things, such as someone shaking one of WHALEY'S opponent's hand could set her off. The CHS described WHALEY as being thinned skinned but at times very tough. The OIS said, "loyalty is everything to her." The CHS added that WHALEY'S loyalty went both ways, meaning that if you were loyal to WHALEY, she would be loyal to you.

The CHS was asked to provide information about CITYWIDE DEVELOPMENT CORPORATION (CITYWIDE). According to the CHS, CITYWIDE was started by the City of Dayton in the early 1990's. The CHS described CITYWIDE as the economic development arm of the City. The CHS said CITYWIDE was responsible for making loans for economic development and other projects such as home improvements. The CHS said approximately two years ago, CITYWIDE became independent of the City of Dayton. The CHS added that CITYWIDE still relied on the City for help with funding. The CHS thought the money given to CITYWIDE came from the City of Dayton's general fund. The CHS said he did not know the process for moving funds from the City of Dayton to CITYWIDE. The OIS thought the funds were given to CITYWIDE on a project by project basis. The CHS explained that the split from the City gave CITYWIDE more power. The CHS said CITYWIDE always had a Board of Directors and he thought some of those individuals were appointed by the City. The CHS was a member of the Board that oversaw the PHOENIX PROJECT. The CHS described the PHOENIX PROJECT as a collaboration between CITYWIDE and GOOD SAMARTTM: HOSPITAL

The CHS said a man (name unknown) came to the Commission meetings and would give updates on the various demolition projects. The CHS said the man would have been mentioned during the Commission meeting and his name should appear in the minutes of the meeting. The CHS explained that AARON SORREU, current Director of the City's Community Development and Planning Department, is deeply involved in all city demolition projects. The CHS said the man and SORRELL were "very close" to the decisions regarding demolition. The CHS explained that SORRELL was a "key player" and "go to person" regarding the NSP funds. SORRELL was also involved with CITYWIDE and funding their demolition projects on City of Dayton's behalf.

The CHS was asked why STEVE RAUCH was receiving all of the demolition contracts with the City of Dayton. The CHS was told that RAUCH had a monopoly because he was the only Contractor who had the capacity to do the work. The CHS said RAUCH did get into some trouble for not properly filling basements. The CHS wasn't a big fan of the demolitions and was disengaged with the project at first. The CHS said WHALEY (who was a Commissioner at the time) was incredibly engaged with the demolition projects. The CHS said that Mayor MCLIN played "coy" about her involvement with the demolition projects. The CHS said at that time, WHALEY was doing MCLIN'S bidding. The CHS said WHALEY was MCUN'S protege.

The CHS described SORRELL as the person who wanted to be an up and comer. The CHS said SORRELL seemed like the type of guy who would go a little extra to look good. The CHS explained that SORRELL had done well with the money for the Neighborhood Stabilization Program (NSP) and was being looked at for other positions within the City. The CHS said there were several years when the City of Dayton hit their NSP fund expenditure goals when other cities did not. The CHS said he was never suspicious of the NSP fund expenditures. The CHS said SORRELL'S NSP reports gave the impression that the City had their "stuff together."

The CHS thought SORRELL wanted to be considered for the position of Assistant City Manager. The CHS said former City Manager TIM RIORDAN at first thought very highly of SORRELL. The CHS said by the time RIORDAN left office, it was clear that SORRELL needed more experience. The CHS explained that SORRELL started having problems (racial issues) with the African American employees under his supervision. The CHS added that SORRELL was also in charge of creating a plan to move away from Community Priority Boards to Neighborhood Association. The CHS explained that WHALEY had a conflict with Priority Board President, PAT RICKMAN. The CHS thought WHALEY convinced SORRELL to make the change from Priority Board to Neighborhood Association. The CHS said

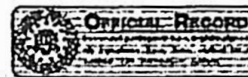
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Page 2 of 3

FEDERAL BUREAU OF INVESTIGATION-1

UNCLASSIFIED

HIGGINS-0182



FEDERAL BUREAU OF INVESTIGATION

J)UOafcmry 04/18/2019

On 4/18/2019, Special Agent Patrick Gragan called (937-5, a number Brian HIGGINS had provided SA Gragan on 4/10/2019. SA Gragan left a voicemail requesting HIGGINS to call back.

On the same day, HIGGINS returned the call and spoke telephonically to SA Gragan. SA Gragan informed HIGGINS that the FBI was interested in talking to him and hearing what he had to say and wished to interview him again in the new: future about his allegations regarding Ed Burke. HIGGINS advised that he would make himself **available** and be flexible for whenever the interview could be conducted.

[Agent Note: Attached to the 1A section of this document are the interview notes from the previous interview of HIGGINS on 4/10/2019 which was documented as Guardian Incident 538461_CI)

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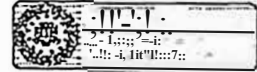
Investigation on 04/18/2019 at Centerville, Ohio, United States (Phone)

vc #

01:10 (hr) 04/18/2019

by Patrick: L. Gragan

This document contains information that is confidential, sensitive, or otherwise exempt from public release under the Freedom of Information Act. It is to be controlled and disseminated only to those individuals who have a valid need to know.



FEDERAL BUREAU OF INVESTIGATION

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Date enay 04/29/2019

On 4/25/2019, Special Agent Patrick Gragan made telephonic contact with Brian HIGGINS. SA Gragan scheduled an interview with HIGGINS for 0730 on 4/29/2019 at the Dayton Resident Agency in Centerville, Ohio.

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Investigation on 4/25/2019 at Centerville, Ohio, United States (Phone)

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[Redacted]

-----D.ilechft.cd

04/29/2019

by Patrick A. Gragan

This document contains neither recommendations nor conclusions of the FBI. It is the property of the FBI and is loaned to your agency; it and its contents are not to be distributed outside your agency.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON

FILED

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MICHAEL R. HERZ
U.S. DISTRICT COURT
WESTERN DIVISION AT DAYTON, OHIO

AFFIDAVIT

IN THE MATTER OF THE APPLICATION
OF THE UNITED STATES OF AMERICA
FOR A WARRANT AUTHORIZING THE
INSTALLATION AND MONITORING OF
A TRACKING DEVICE IN OR ON A 2-DOOR 2005
CHEVORLET COBALT, ORANGE IN COLOR
BEARING OHIO LICENSE PLATE NUMBER
FSY-8551, VEHICLE IDENTIFICATION
NUMBER 1GIAL12F957623479

I, Todd H. Burkart, Special Agent, Federal Bureau of Investigation ("Affiant"), being

duly sworn, hereby depose and say:

INTRODUCTION

1. I am a Special Agent with the United States Department of Justice, Federal Bureau of Investigation ("FBI").

2. I have been employed as a Special Agent with the FBI since 2004 and am currently assigned to the FBI resident office in Dayton, Ohio. Prior to my employment with the FBI, I was employed as a Special Agent with the Drug Enforcement Administration ("DEA") from 1999 to 2004. During my time as a law enforcement officer, I have participated in numerous investigations that have resulted in the execution of Federal search warrants and arrest warrants; the seizure of firearms, narcotics, and related contraband; as well the seizure of proceeds directly related to the violation of Federal laws. In connection with my official duties as a Special Agent, I currently investigate violations of federal criminal laws, including offenses involving wire and mail fraud, public corruption, and money laundering.

3. The facts in this Affidavit come from my personal observations, my training and experience, and information obtained from other agents and witnesses, including from the Ohio

Organized Crime Investigative ("OOCIC") Task Force and other law enforcement officers involved in this investigation. This Affidavit is intended to show merely that there is sufficient probable cause for the requested warrant and does not set forth all of my knowledge about this matter.

PURPOSE OF AFFIDAVIT

4. This affidavit is in support of a warrant authorizing the installation and use of a OPS tracking device on a vehicle driven by WILLIS E. BLACKSHEAR SR ("BLACKSHEAR"), described as an orange 2-door 2005 Chevrolet Cobalt (according to open source databases, Chevrolet replaced the Cavalier with the Cobalt in 2005), further identified by VIN 1G1AL12F957623479 and Ohio License Plate FSY-8551 ("**SUBJECT VEHICLE**"). The **SUBJECT VEHICLE** was initially believed to be a Chevrolet Cavalier and later determined to be a Chevrolet Cobalt. Subsequent references to a "Cavalier" in this Affidavit are referring to the **SUBJECT VEHICLE**. According to the Ohio Law Enforcement Gateway ("OHLEG") database, the only orange Chevrolet currently registered to BLACKSHEAR is the **SUBJECT VEIDCLE**. Based on our investigation to date (as detailed below), I believe there is probable cause to believe that the **SUBJECT VEHICLE** driven by BLACKSHEAR is presently being used in furtherance of violations of federal law, including bribery concerning programs receiving Federal funds, in violation of 18 U.S.C. § 666.

5. Affiant further states that there is probable cause to believe that the installation of a tracking device in or on the **SUBJECT VEIDCLE**, and use of the tracking device, will lead to evidence of a crime, contraband, fruits of crime and instrumentalities of the aforementioned crimes as well as to the identification of additional individuals who are engaged in the commission of those related crimes.

FACTS ESTABLISHING PROBABLE CAUSE

6. In January 2013, the FBI opened an investigation based in part on allegations that STEVE RAUCH ("RAUCH"), owner of STEVER RAUCH INCORPORATED ("SRI"), a Dayton-based demolition company, bribed state and local politicians in exchange for federally funded demolition contracts in and around the City of Dayton.

7. In April 2013, a former SRI Project Manager (hereafter referred to as Confidential Human Source One "CHS-1") was interviewed. CHS-1 stated that former Dayton Mayor RHINE MCLIN ("MCLIN") and RAUCH had a "tight" relationship and CHS-1 often heard jokes about them being "together." CHS-1 saw pictures of RAUCH and MCLIN together in RAUCH'S office as well as gifts from MCLIN. RAUCH often threatened to "call the Mayor" when he faced issues on Dayton projects. CHS-1 also heard RAUCH state, "I'm going to call the Mayor" on multiple occasions when RAUCH thought SRI wasn't the lowest bidder and therefore unlikely to get a demolition contract. CHS-1 recalled a City of Dayton federally funded demolition contract in excess of \$1 million issued to one of SRI's competitors. RAUCH told CHS-1 the competitor had the lowest bid, but failed to meet the city of Dayton's minority subcontractor requirement. The City of Dayton subsequently reassigned the contract to SRI, which CHS-1 suspected occurred because of RAUCH'S relationship with MCLIN rather than the minority subcontractor requirement.

8. In July 2013, a former project estimator and manager (hereinafter referred to a Confidential Human Source Two "CHS-2") of a now defunct demolition company that directly competed with SRI was interviewed. CHS-2 stated that he began bidding on federally funded demolition projects from the City of Dayton in approximately 2009. At the time, SRI did the majority of demolition work for Dayton and it was "very hard to compete" with them in the

bidding process. CHS-2 heard then Dayton Mayor RHINE MCCLIN was RAUCH'S girlfriend at the time. CHS-2 suspected MCCLIN used her influence to ensure RAUCH obtained federally funded demolition contracts because SRI won virtually all bids.

9. In August 2013, a second former SRI Project Manager (hereafter referred to as Confidential Human Source Three "CHS-3") recorded a meeting with DAN FEUCHT ("FEUCHT"), SRI's current controller. During their conversation, FEUCHT stated RAUCH gave MCLIN a "shit ton" of money while she was the Mayor of Dayton. FEUCHT continued that MCLIN used an individual (later identified by FEUCHT as two individuals with one being the current Montgomery County Recorder, WILLIS BLACKSHEAR SR) to pick up the money at SRI's headquarters once every few weeks, "so she [MCLIN] didn't have to ever touch it." While MCLIN was mayor, FEUCHT estimated that RAUCH gave her \$100,000 a year. FEUCHT recalled specific occasions when RAUCH would order him to leave money out for MCLIN as follows: "Steve would say, and you know, we need to get \$10,000 in cash. So we would get the money, put it in the envelope, seal the envelope, and put it on the front counter. Steve ... front counter? You know this was at like 5:30 at night. You sure? And he goes, when the door makes the noise... or ... you know, you hear the bell...we used to have a bell on the front door, and he goes, when you ... when you hear the bell, he goes, let it go."

10. In September 2013, CHS-3 placed an outgoing recorded telephone call to FEUCHT. During a pertinent portion of the conversation, CHS-3 asked FEUCHT to name of the individual who used to come to SRI and get money for MCLIN. FEUCHT reported that there were two individuals, and identified one of them as BLACKSHEAR (the current Montgomery County Recorder). FEUCHT continued that MCLIN used BLACKSHEAR to pick up her money because he was not directly related to her office and, "she couldn't come in herself." FEUCHT

stated that BLACKSHEAR still comes into SRI's headquarters and "Steve still pays his campaign and gives him a little money."

11. On September 21, 2013, the OOCIC Task Force conducted surveillance at the Town and County Shopping Center, Kettering, Ohio. The surveillance was based on CHS-3 information that RAUCH was hosting an annual party and attending guests would park at the Town and County Shopping Center before being bused to his residence. For approximately two hours, agents photographed vehicles and individuals who arrived and were believed to be attending the party. Upon reviewing the photographs, agents observed the SUBJECT VEHICLE parked in the lot (see attached photograph).

12. In October 2013, CHS-3 placed an outgoing recorded telephone call to FEUCHT. During a pertinent portion of the conversation, the CHS stated he/she was driving and observed BLACKSHEAR driving an "orange Cavalier." FEUCHT responded, "Yeah, yeah that's what he drives dude." CHS-3 then asked FEUCHT if that is what BLACKSHEAR drives to get his "little pay-offs." FEUCHT responded, "Uh-ha ... that's what he drives up here. Yeah, you're exactly right." Later in the conversation, FEUCHT stated, "What he [BLACKSHEAR] does is he acts as the intermediary, so NAN (current City of Dayton Commissioner and Mayor Candidate NAN WHALEY) doesn't have to come out here. You know, the City of Dayton Commission doesn't have to come out here. So he [BLACKSHEAR] does all the running. He [BLACKSHEAR] comes out here and collects all the money." Later CHS-3 asked if "even NAN WHALEY is in on that deal?" FEUCHT responded, "Oh yeah. Very much so." Later FEUCHT continued, "He [BLACKSHEAR] comes in here in his little orange Cavalier and he [BLACKSHEAR] takes the money to go to her [NAN WHALEY]."

13. In May and July 2013, United States Magistrate Judge Sharon L. Ovington and United States Magistrate Judge Michael R. Merz signed separate orders authorizing the FBI to install and monitor a pen register for a cellular phone subscribed to and believed to be used by RAUCH. An analysis of pen register data has revealed that the RAUCH's cellular phone had approximately 5 contacts with (937) 416-7953, approximately 2 contacts with (937) 263-5618, and approximately 15 contacts with (937) 222-7978, between June 3, 2013 and August 9, 2013. A review of Dayton Police Department MIS Database revealed that BLACKSHEAR filed a property damage report on October 12, 2011. The report lists BLACKSHEAR's daytime telephone number as (937) 416-7953, home phone number as (937) 263-5618, and work number as (937) 222-7978.

14. Based upon the information above, Affiant believes that there is probable cause to believe that BLACKSHEAR is using the SUBJECT VEHICLE described above to pick-up and deliver bribe payments from RAUCH to one or more current and former City of Dayton officials, including members of the City of Dayton Commission, in violation of federal law. As such, the use of a mobile tracking device would allow investigators to track the movement of the SUBJECT VEHICLE which may provide evidence of his travel, places where meets with individuals believed to receiving bribes from RAUCH, as well as potential other co-conspirators.

15. In order to track the movement of the SUBJECT VEHICLE effectively and to decrease the chance of detection, Affiant seeks to place a mobile tracking device in or on the SUBJECT VEHICLE while it is in the Southern District of Ohio. Because BLACKSHEAR parks the SUBJECT VEHICLE in his driveway and potentially on other private property, it may be necessary to enter onto private property in order to effect the installation, repair, replacement, and removal of the tracking device. To ensure the safety of the executing officer(s)

and to avoid premature disclosure of the investigation, it is requested that the court authorize installation and removal of the tracking device during both daytime and nighttime hours. The installation of the vehicle during daytime visibility may compromise the investigation.

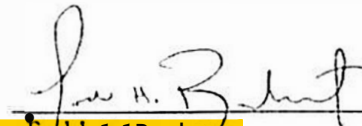
16. In the event that the Court grants this application, there will be periodic monitoring of the tracking device during both daytime and nighttime hours for a period of forty-five (45) days following the issuance of the requested warrant. The tracking device may produce signals from inside private garages or other such locations not open to the public or visual surveillance.

17. It is requested that the warrant and accompanying affidavit and application in support thereof, as they reveal an ongoing investigation, be sealed until further order of the Court in order to avoid premature disclosure of the investigation, and better ensure the safety of agents and others, except that copies of the warrant in full or redacted form may be maintained by the United States Attorney's Office, and may be served on Special Agents and other investigative and law enforcement officers of OOCIC, federally deputized state and local law enforcement officers, and other government and contract personnel acting under the supervision of such investigative or law enforcement officers, as necessary to effectuate the warrant.

18. In accordance with 18 U.S.C. § 3103a(b) and Federal Rule of Criminal Procedure 41(f)(3), I request that the warrant delay notification of the execution of the warrant for a period not to exceed 30 days after the end of the authorized period of tracking (including any extensions thereof) because there is reasonable cause to believe that providing immediate notification would seriously jeopardize the investigation.

WHEREFORE, your Affiant respectfully requests that the Court issue a warrant authorizing members of the FBI and OOCIC Task Force or their authorized representatives,

including but not limited to other law enforcement agents and technicians assisting in the above-described investigation, to install a tracking device in or on the **SUBJECT VEHICLE** within the Southern District or Ohio within 10 calendar days of the issuance of the requested warrant, and to remove said tracking device from the **SUBJECT VEHICLE** after the use of the tracking device has ended; to enter private property to effect the installation, repair, replacement, and removal of the tracking device; and to monitor this tracking device, for a period of 45 days following the issuance of the requested warrant, including when the tracking device is inside private garages and other locations not open to the public or visual surveillance, both within and outside the Southern District of Ohio.

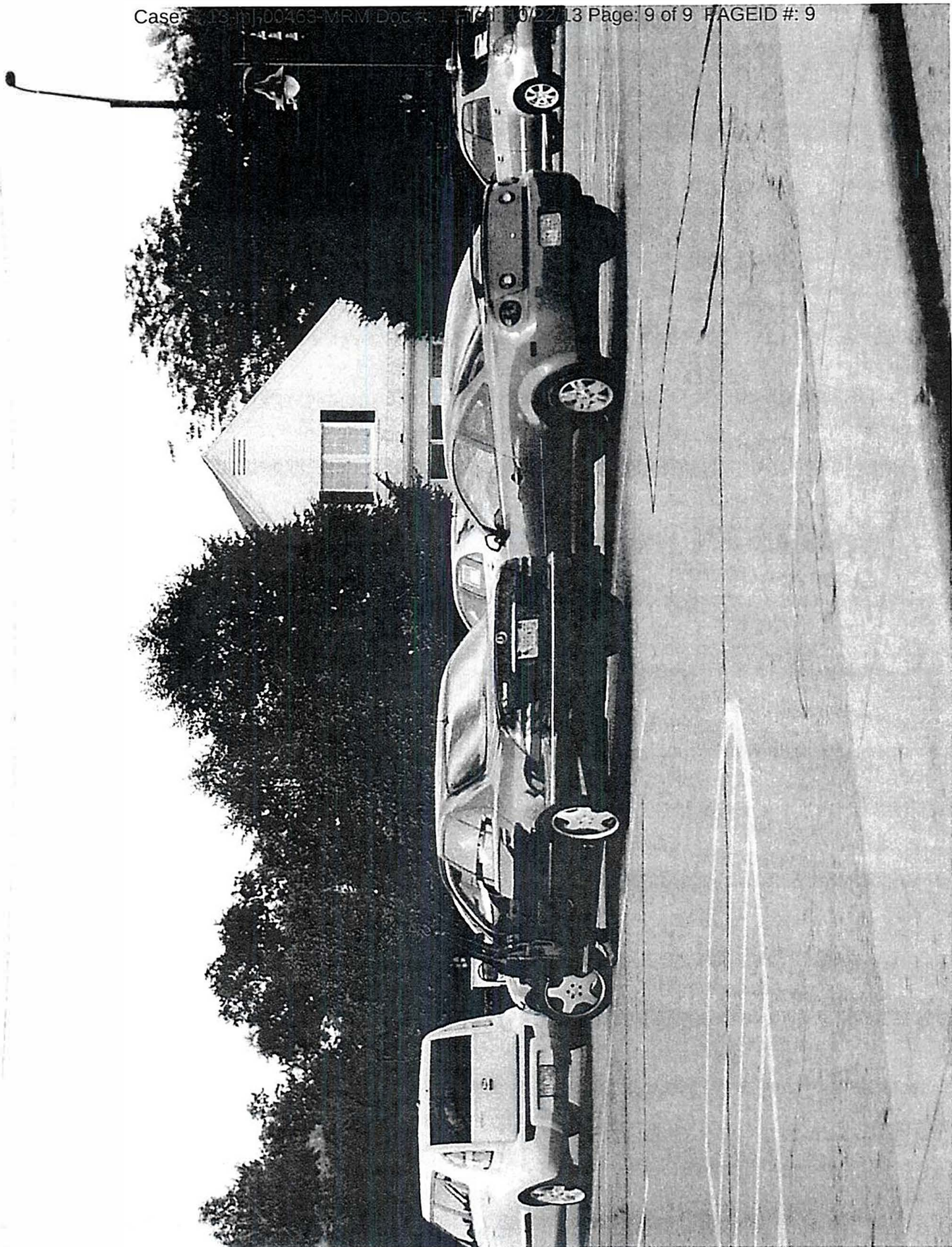


Todd L. Burkart
FBI Special Agent

Sworn to before me this 22nd day of October, 2013



Honorable Michael R. Merz
United States Magistrate Judge



September 30, 2022

Department of Justice
950 Pennsylvania Avenue
Office of the Inspector General
Michael Horowitz
Washington, D.C. 20530-0001

SENT VIA CERTIFIED U.S. POSTAL
7021 0950 0000 2050 7365

Dear Mr. Horowitz,

My writing comes as a request that your office open up an investigation into misconduct being committed by DOJ employees as well as a coverup by the FBI. The professional misconduct began in the Dayton, Ohio field office of the FBI and include the United States Attorney's Office of the Southern District of Ohio.

For the past 3.5 years, I have been attempting to expose active crimes being committed by public officials to the FBI. In April 2019, I was requested by the FBI (Dayton, Ohio) to meet and turn over 3000 pages of evidence of crimes being committed in Chicago, Illinois by elected officials within the City of Chicago. These crimes include a sexual predator actively preying on children, procurement crimes related to the 8 billion-dollar federally funded Airport Modernization Program (O'hare Airport) and a international ghosting scheme using the identity of the deceased.

In 2021, you and FBI Director CHRISTOPHER WRAY testified before the Senate Judiciary Committee about the misconduct related to the investigation of sex abuse claims by the USA Gymnastics players. Your office determined that the Indianapolis office of the FBI violated numerous DOJ policies and procedures. Unfortunately, I believe the same has occurred within the Dayton office of the FBI to include the United States Attorney's Office.

Attached, you will find a chronological order of events in a letter titled, "Miscarriage of Justice." My fear is that as the nation's leading law enforcement agency, there are serious systemic issues of misconduct that desperately must be addressed. Senior AUSA BRENT TABACCHI of the Southern District of Ohio has engaged in what can only be described as truly disturbing conduct (SEE Miscarriage of Justice).

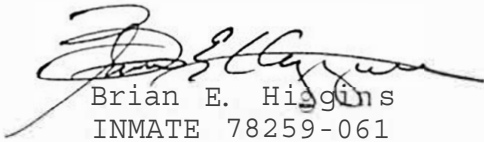
October 22, 2013, FBI Special Agent TODD H. BURKART and the Honorable Michael Merz signed a warrant affidavit uncovering crimes (bribery) being committed by former Dayton City Mayor NAN WHALEY. Seems that WHALEY dating back as far as 2013 when WHALEY was a Dayton City Commissioner had been accepting bribes from Dayton businessman STEVE RAUCH. According to the affidavit, WHALEY was receiving up to \$50,000.00 annually from RAUCH in exchange for City of Dayton contracts to his demolition enterprise.

The relevance of this information is that the Dayton FBI began an investigation dubbed, "Operation Demolished Integrity." The mission of this investigation was to catch RAUCH in a 'Pay to Play' scheme with City of Dayton elected officials. This covert investigation lasted approximately 6 years before becoming public on the morning of April 30, 2019 when the FBI rounded up 4 African Americans (myself included) in what the FBI called, a "Culture of Corruption." Seems as if there was one notable person absent; Dayton Mayor NAN WHALEY. Appears as though Senior Assistant United States Attorney BRENT TABACCHI elected not to issue an indictment against WHALEY despite there being clear and convincing evidence of crimes being committed (warrant affidavit) by WHALEY presented to a grand jury.

Mr. TABACCHI's abuse of prosecutorial discretion is certain to be a national conversation as WHALEY is the 2022 Democratic Gubernatorial Nominee for the state of Ohio. That is correct. Former Dayton City Mayor NAN WHALEY was given a pass to collect hundreds of thousands of dollars by BRENT TABACCHI. Now WHALEY has been given the opportunity to run for the highest state office- Governor of Ohio, an election that is certain to have an asterisk beside it due to the inactions of a rouge federal prosecutor.

It is for the above reasons that I request your office to conduct a full investigation into the "Code of Silence" being committed by DOJ officials, to include the Federal Bureau of Investigation.

Respectfully,



Brian E. Higgins
INMATE 78259-061

CC: Senate Judiciary Committee
U.S. Congresswoman Joyce Beatty
University of Michigan Appellate Law Clinic

WWW.CORRUPTGMEN.COM

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IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHER DISTRICT OF OHIO
AT DAYTON

-----)
UNITED STATES OF AMERICA,)
)
Plaintiff,)	CASE NO. 3:18-cr-186-TMR
)	
-vs-)	
)	
BRIAN HIGGINS,)	SECOND MOTION TO
)	WITHDRAW AS COUNSE
Defendant.)	
)	

TRANSCRIPT OF PROCEEDINGS
BEFORE THE HONORABLE **THOMAS M. ROSE,**
UNITED STATES DISTRICT JUDGE
WEDNESDAY, JANUARY 5, 2022
DAYTON, OH

For the Plaintiff: **BRENT TABACCHI, ESQ.**
GEORGE ROBERT PAINTER, IV, ESQ.
U.S. Atcorney's Office
200 W. Second Street
Room 602
Cayton, OH 45402

For the Defendant: **TAMARA S. SACK, ESQ.**
Attorney at Law
130 W. Second Street
Suite 310
Dayton, OH 45402
and
PAUL M. LAUFMAN, ESQ.
Lafman & Napolitano, LLC
4310 Hunt Road
Cincinnati, OH 45242

Courtroom Deputy: Elizabeth Penski

Also Present: Brian Higgin's, defendant

Proceedings recorded by mechanical stenography, transcript produced by computer.

Mary A. Schweinhagen, RDR, CRR
Federal Official Court Reporter
200 West Second Street
Dayton, OH 45402

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P-R-O-C-E-E-D-I-N-G-S

1:30 P.M.

THE COURT: We're before the Court this afternoon, originally scheduled this afternoon for the purposes of final pretrial. However, subsequent to the scheduling as a final pretrial for a trial that is to commence on Monday, there was a motion filed by counsel for Mr. Higgins entitled "The Second Motion to Withdraw as CJA Counsel."

The Court has reviewed that motion, and in preparation for this hearing the Court has conducted research in consultation for the ruling on the motion to withdraw as counsel. Among the cases that the Court has reviewed is the *United States v. Nacson*, affirmed by the Sixth Circuit, 2015. Like many cases, the factors considered set forth in *United States v. Back*, 258 Fed 3d 548, from the Sixth Circuit in 2001. The Court, in conducting any inquiry that it pursues in accordance with those authorities.

Would counsel enter their appearance for the record.

Mr. TABACCHI: Good afternoon, Your Honor. Brent Tabacchi and Rob Painter on behalf of the United States.

Ms. SACK: Good afternoon, Your Honor. Tamara Sack and Paul Laufman as counsel for defendant, Brian Higgins.

THE COURT: Mr. Higgins is present. And, Mr. Higgins, this is a motion that was filed by counsel which my understanding was the motion was filed by -- for cause

1 because of your communication with counsel asking for their
2 removal. That communication and this motion was filed
3 approximately 18 days before this trial was scheduled to
4 commence on Monday, January the 8th. In accordance with the
5 authority that the Court has previously stated, the Court at
6 this time would inquire, Mr. Higgins, the basis for your
7 motion.

8 THE DEFENDANT: Yes, Your Honor. Your Honor, the
9 pivot that I have made or decided to make in recent days --
10 you said 18. I think it actually may have been a few days
11 prior to that -- but the pivot that I made comes as a result
12 of several communications that the government and that my
13 counsel have made to this Court which are not only deceptive
14 but they are extremely misleading, if you will. In the -- in
15 the streets, they call it hoodwinked and bamboozled. This
16 Court has been hoodwinked and bamboozled for quite some time.

17 I actually have a zip drive with recordings for the
18 Court's pleasure. I realize there are people in the gallery
19 that you may not want this played in open court. You may want
20 to review this in camera, and I think it will shed a little
21 bit of light as to the miscommunications and the deceptions
22 that the government, Mr. Tabacchi mainly, and that my counsel
23 have spoken outside of this court. It's for those reasons and
24 those reasons only that I feel the need to make a pivot and
25 retain outside counsel.

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THE COURT: Did you provide the zip drive to your
counsel?
THE DEFENDANT: I have not. I have --
THE COURT: Have you told them what was on the zip
drive?
THE DEFENDANT: I have not. It's for you to review.
THE COURT: Have you told anyone what's on the zip
drive? Anyone that's a participant in this -- in this --
THE DEFENDANT: Not participants, no, Your Honor.
But it will definitely shed some light as to what we've been
doing here for the last, almost 36 months. And the
same semantics that have been played.
THE COURT: I have the same concern that you
went back one year ago when you moved to withdraw -- when you
moved for your counsel to withdraw?
THE DEFENDANT: No. No, sir. Totally different.
May the 24th we had a hearing that was the competency hearing,
I believe --
THE COURT: Right.
THE DEFENDANT: -- in which I went on a nice summer
sabbatical, toured the country, and had an opportunity to meet
some really decent people.
THE COURT: And found to be competent.
THE DEFENDANT: And found to be competent, Your
Honor.

11:36:17 1 THE COURT: Correct.

11:36:19 2 THE DEFENDANT: But this zip drive that I have will
11:36:23 3 definitely shed a little bit of light. And I don't know. I'm
11:36:30 4 prepared to play it for you in open court if you'd like, if
)1:36:36 5 you want.

)1:36:36 6 THE COURT: Well, Mr. Higgins, the Court does not
)1:36:39 7 work by ambush here. I mean, if this was the situation -- how
)1:36:44 8 long have you had this zip drive?

H:36:46 9 THE DEFENDANT: I just got it -- I went to Office
)1:36:49 10 Depot today.

J1:36:50 11 THE COURT: No, no, no. The information that's on
)1:36:53 12 the zip drive.

H:36:S<; 13 THE DEFENDANT: Oh, it's been ongoing.

)1:36:57 14 THE COURT: Did you ever provide that to counsel?

H:37:00 15 THE DEFENDANT: Did I ever provide the zip drive?

H:37:04 16 THE COURT: To counsel, to your counsel.

H:37:06 17 THE DEFENDANT: It's their conversations with me.
)1:37:08 18 It's their conversations with me.

)1:37:10 19 THE COURT: Okay. So what are you alleging they're
)1:37:13 20 doing?

H:37:13 21 THE DEFENDANT: Well, I'm alleging that Mr. Tabacchi
)1:37:16 22 is engaging in prosecutorial misconduct. I think you'll find
)1:37:20 23 that. And I'm alleging that my counsel has deceived the Court
)1:37:26 24 on many occasions, namely, May the 24th, 2021.

)1:37:32 25 THE COURT: And said what?

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THE DEFENDANT: I could play if --
THE COURT: No. I want you to tell me.
THE DEFENDANT: Well, it was all a setup, Your Honor, to get you to send me away. They never had any concerns for my competency. They never -- it was my -- it was my --
THE COURT: So it surrounds this motion for competency?
THE DEFENDANT: That is one part of it.
THE COURT: What's the other part then?
THE DEFENDANT: The children.
THE COURT: The children?
THE DEFENDANT: Yes, sexually abused children.
THE COURT: Where are these sexually abused children at?
THE DEFENDANT: In Chicago, Illinois.
THE COURT: And what relevance is that to this?
THE DEFENDANT: The fact that the Government assured me a meeting with Chicago FBI, and that meeting has yet to take place.
THE COURT: Mr, Higgins, you are charged with mail fraud.
THE DEFENDANT: That is correct.
THE COURT: There are certain elements to mail fraud,

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THE DEFENDANT: That is correct.

THE COURT: If there is some type of an action with regard to children in Chicago, Illinois, what relevance does that have to this?

THE DEFENDANT: I think if you would -- if you'll allow me to play the tape, I think Mr. Laufman indicates quite clearly the relevance in his recording. He indicates that if the government means to have any type of discussion talking about a fish tank, we first have to talk about the children and that we want a meeting in Chicago, with Chicago FBI, to which Mr. Tabacchi agreed to set that meeting up. To date, no meeting has taken place.

THE COURT: And that is to resolve the matter?

THE DEFENDANT: That is exactly -- yes, to resolve the matter. And it's in the recording.

THE COURT: All right. Mr. Laufman?

MR. LAUFMAN: Judge?

THE COURT: Do you want to respond to that?

MR. LAUFMAN: Judge, I'm not sure how. Certainly, I have not had an opportunity to review it.

THE COURT: All right.

MR. LAUFMAN: I know it's presumably a conversation between myself and my client. I'm uncomfortable discussing things that remain confidential between he and I, even as he seeks to air those in open court.

1 I'm certainly aware of conversations he and I have had.
 2 I understand the conversation that he discusses. I can assure
 3 the Court I have a different spin on it than Mr. Higgins does.
 4 But, Judge, my greatest takeaway from this entire discussion,
 5 is unfortunately what Ms. Sack and I have put in our motion,
 6 that this is not an adversarial relationship between
 7 Mr. Higgins and we.

8 THE COURT: I understand. I understand that. I
 9 understand your position with regard to that.

10 MR. LUPMAN: Part of the advocate in me, even the
 11 self-advocate, wants to respond at length and in detail. I
 12 can simply say I disagree with the characterizations. If
 13 somehow called upon to, respond in a meaningful fashion, I
 14 could and would, but I don't think it should come to that.
 15 This is a part of why Ms. Sack and I need to withdraw.

16 THE COURT: Ms. Sack, do you want to say anything?

17 MS. SACK: Yes, Your Honor. Thank you very much.
 18 Please forgive me if I go on a little bit, but I think it's
 19 important to give some historical background.

20 I started as a CJA attorney in this court in 2016, and I
 21 really -- I can't tell you how much I enjoy being an attorney.
 22 I have been a defense attorney for about 18 years and prior to
 23 that I was an assistant prosecuting attorney in Hamilton
 24 County.

25 So I started my career in Hamilton County, and when I

1:41:19 1 went into practice for myself, I largely practiced in Butler
1:41:24 2 County, in Warren County, and then made my way up here to
1:41:27 3 Montgomery County where I chose to move and settle because I
1:41:29 4 enjoy the legal community very much.

1:41:32 5 Mr. Laufman and I actually met in passing while we were
1:41:36 6 both students at UC College of Law, and later, as I was --
1:41:40 7 which we worked in our capacity as attorneys, we from time to
11:41:43 8 time would see each other in Cincinnati. I know the respect
11:41:46 9 that Paul has in the legal community in Cincinnati and indeed
11:41:51 10 in other parts of Ohio. I too worked very hard to cultivate
11:41:56 11 those relationships, and our reputation is very important to
11:41:59 12 us. We are, I believe, the utmost ethical attorneys.

11:42:04 13 When I was appointed to this case in March of 2020,
11:42:09 14 Mr. Cicero previously was counsel for Mr. Higgins. And
11:42:15 15 Mr. Cicero, in telling me about Mr. Higgins, was very
11:42:19 16 superficial in his explanations about the case, and I had no
11:42:22 17 reason to think otherwise; that it was just a matter of that,
1:42:26 18 mail fraud and at that time wire fraud case.

1:42:29 19 So I began my representation in earnest, and I'm sure
11:42:32 20 that Mr. Higgins would concede that we met regularly at our
1:42:35 21 office. I am sure he would agree with that.

11:42:38 22 THE DEFENDANT: That is correct.

11:42:38 23 MS. SACK: Sharing discovery with him, going over
11:42:39 24 the case. He in turn participated in his representation. He
11:42:44 25 provided me with documents. I cataloged those documents. We

1 discussed the relevance or irrelevance and so on. And he
 2 started to present with these issues about the children, and
 3 he started to manifest more and more about concerns that he
 4 had about Chicago and the like. And I listened to it. I
 5 didn't think it was as much as it was, and then over time it
 6 came to be such.

7 THE COURT: What do you mean by "as much as it is as"?
 8 Relevant to this case?

9 MS. SACK: No.

10 THE COURT: All right.

11 MS. SACK: It wasn't in my opinion, and I told --
 12 and I consistently told the Court that it's not relevant.
 13 Notwithstanding that, I did a number of things, one of my
 14 representations that the Court is aware of, filed the pre-se
 15 motions and filed. And indeed there was that issue, back in
 16 September of 2010 wherein Mr. Higgins violated the protection
 17 order, and we had a status hearing at that time. There-
 18 afterwards Mr. Laufman joined me.

19 And, Your Honor, we have done our very best to represent
 20 Mr. Higgins in the best possible way. I believe, in my
 21 collective experience as an attorney, there is -- there is
 22 simply no relationship. There is nothing left. There is no
 23 meaningful discussions being had. Mr. Higgins apparently has
 24 his own agenda, and it's not part of this case. And try as we
 25 may and might to get him to focus on the case, it's just not

1:44:15 1 happening. It's just a very uncomfortable position to be in.

•1:44:19 2 And in closing, I would just say I've never had an
•1:44:23 3 experience where I represent somebody who is working against
•i:44:25 4 us in our efforts to represent him. Thank you.

11:44:31 5 THE COURT: Mr. Higgins?

11:44:36 6 THE DEFENDANT: Yes, Your Honor.

11:44:37 7 THE COURT: You've heard the responses. Let me ask
11:44:40 8 you a question. That is your reason for firing your CJA --
11:44:52 9 which I will let you know, you don't have the authority to do
11:44:55 10 that -- firing your attorneys, is that the discussions
11:45:02 11 surrounding these children in Chicago and the competency
11:45:14 12 motion; is that correct?

Jl:45:19 13 THE DEFENDANT: In part, yes, Your Honor.

11:45:20 14 THE COURT: What's the other part then?

11:45:22 15 THE DEFENDANT: Well, quite frankly, our
11:45:24 16 relationship. And I do believe that Ms. Sack and Mr. Laufman
11:45:28 17 are more than decent attorneys.

1i:45:31 18 THE COURT: I would agree with you there; they are
11:45:33 19 more than decent attorneys. As a matter of fact, I probably
11:45:35 20 appointed you the best attorneys that I could appoint you, but
11:45:39 21 go ahead.

11:45:40 22 THE DEFENDANT: And I thank you for that, Your
11:45:42 23 Honor. I humbly disagree with their statement today in which
11:45:46 24 they say that there is no correlation with the children. If
11:45:54 25 the Court would allow, I could play the part where it is all

1 about the children. And until the government wants to discuss
 2 sexual abuse against children, whether it be in Chicago or
 3 wherever else -- you can go to human trafficking and all the
 4 things that that Jeacis into -- I do believe you will find that
 5 there is sufficient evidence to support deception that has
 6 been spoken in this court not only by my counsel but,
 7 specifically, Mr. Tabacchi.

8 THE COURT: Well, I've got to give you a chance,
 9 Mr. Tabacchi.

10 MR. TARACCHI: Your Honor, if the Court will recall,
 11 the motion in limine was filed in this case very early
 12 on, I believe, in January of 2011, and raised every issue
 13 of the children. Mr. Higgins, for the government, has
 14 allegations that the city of Chicago terminated its contract, I
 15 believe in the early 2010s, maybe even late 2000, early 2000s,
 16 with him and then entered that contract to a registered sex
 17 offender.

18 He has taken great pains to insist that it's incumbent
 19 upon the U.S. Attorney's Office in the Southern District of
 20 Ohio to investigate 10-year old allegations in the Northern
 21 District of Illinois over which we have no venue. The
 22 government filed a motion in limine on that. The Court has
 23 ruled on that, that it's not relevant.

24 From the government's perspective, Your Honor, this is
 25 just another eleventh hour attempt to avoid trial. He's

11:47:43 1 trying to avoid the inevitable here, and that's a trial, an
11:47:47 2 opportunity to confront the witnesses and the evidence against
11:47:50 3 him in this case, a mail fraud case, which is very powerful
11:47:55 4 evidence. It's very strong evidence. And it's just,
11:47:59 5 candidly, here we are 18 days -- or now five days away from
11:48:03 6 trial. The government's ready. I think everybody's ready,
>1:48:06 7 and Mr. Higgins is trying to pull out of a tailspin, raising
)1:48:10 8 wholly irrelevant issues that this Court has already deemed
11:48:13 9 irrelevant.

11:48:14 10 So, Your Honor, we are prepared to go to trial. We ask
11:48:16 11 that the motion be denied and set the trial and continue on
11:48:20 12 the 10th.

11:48:22 13 THE COURT: Thank you.

11:48:22 14 THE DEFENDANT: Your Honor, may I speak one more
11:48:23 15 time?

11:48:24 16 THE COURT: Well, I was going to come back to you,
11:48:26 17 Mr. Higgins. Yes, go ahead, speak.

)1:48:27 18 THE DEFENDANT: Mr. Tabacchi should get like an
H:48:29 19 Oscar. He is very convincing if you didn't --

)1:48:36 20 THE COURT: Well, now let me ask you a question. I
)1:48:38 21 have a lot of attorneys that appear in front of me that are
)1:48:41 22 convincing. That doesn't mean they convince me. But let me
H:48:46 23 ask you this: What is the relevance that the Court has
)1:48:48 24 already ruled upon --

)1:48:53 25 THE DEFENDANT: If you would --

1:48:55 1 THE COURT: -- about the children in Chicago? I
1:48:57 2 have ruled on it, now, remember that.

1:48:59 3 THE DEFENDANT: Absolutely, Your Honor. And I come
1:49:01 4 in peace, Your Honor. I do not come to disrespect your
1:49:03 5 courtroom. If you will allow me to play or if you would lik
1:49:06 6 Lo take a moment to review this, I -- I am almost certain you
1:49:12 7 will see that what has been represented just now by counsel.
1:49:17 8 and by the government is totally opposite of what has been
1:49:22 9 spoken.

1:49:27 10 THE COURT: Okay. Tell me why it's opposite. I
1:49:32 11 cannot -- I am not going to take a piece of whatever you call
1:49:37 12 it, a circum... That... Judiciary... and... body has given a
1:49:42 13 response to, no one has been given an opportunity to make a
1:49:47 14 response to. If you are saying that... certain, things that
1:49:52 15 basically say that... scenario that has been shared with the
1:49:57 16 record in this court by your counsel, as well as Mr. Tabacchi,
1:50:02 17 if there is something that is absolutely false, then tell me
1:50:07 18 about that.

1:50:08 19 THE DEFENDANT: There are things that are absolutely
1:50:13 20 false -- namely, the children; namely, I understand, Your
1:50:18 21 Honor, that you have already excluded that from trial.

1:50:19 22 THE COURT: Right.

1:50:19 23 THE DEFENDANT: And that is not to be discussed. I
1:50:21 24 am talking about a conversation with my counsel in which he
1:50:24 25 tells me that until the government wants to have a meaningful

11:50:29 1 conversation about the children, sexually abused children that
11:50:33 2 is, we are not going to discuss a fish tank.

11:50:36 3 My counsel goes even further to say that Mr. Tabacchi has
11:50:41 4 agreed to set up a meeting with Chicago FBI. That meeting has
11:50:46 5 not taken place yet. Mr. Tabacchi talks about jurisdiction
11:50:51 6 and venue --

11:50:53 7 THE COURT: All right. Hold on. Hold on. So,
11:50:54 8 basically, what you are saying -- and I've been around a few
11:50:57 9 years. Basically, what you are saying to me is that counsel
11:51:02 10 allegedly, based on what you are telling me, said that it was
11:51:11 11 his position with the government that until they're willing to
11:51:20 12 do something about these children in Chicago, that you were
11:51:30 13 not willing to discuss anything with regard to, I guess,
11:51:37 14 resolution of this case; is that right?

11:51:38 15 THE DEFENDANT: That would be correct, Your Honor.
11:51:40 16 As a matter of fact, counsel says -- he goes on the record to
11:51:43 17 say "we." "We." I don't know if he's talking about me,
11:51:47 18 myself, and I, but he says we want a meeting in Chicago to
11:51:51 19 meet with Chicago FBI, to which Mr. Tabacchi agrees to set up
11:51:56 20 that meeting.

11:51:57 21 THE COURT: And these are all then part -- now, you
11:52:01 22 correct me if I'm wrong.

11:52:03 23 THE DEFENDANT: Yes, Your Honor.

11:52:05 24 THE COURT: This doesn't have anything to do with
11:52:10 25 proving or disproving the elements of the offenses that you

1 are charged with. It has everything to do with the fact, for
 2 you to talk some type of a resolution with the government, you
 3 need them to do something with regard to these children in
 4 Chicago?

5 THE DEFENDANT: No, Your Honor. It was communicated
 6 to me -- and once again, all I have is the recorded
 7 conversation -- is that until the government wants to
 8 address --

9 THE COURT: Right.

10 THE DEFENDANT: -- crimes against children --

11 THE COURT: You're not going to talk about a fish
 12 tank.

13 THE DEFENDANT: -- Mr. Laurin states
 14 "v.e." You'd have to ask him who "is" is -- He's not going
 15 to talk about a fish tank.

16 THE COURT: I mean the government never did that, and
 17 you never talked to them about the fish tank?

18 THE DEFENDANT: Oh, we have talked about the fish
 19 tank, Your Honor.

20 THE COURT: But you never -- did you ever talk to
 21 them about the fish tank?

22 THE DEFENDANT: Yes, Your Honor.

23 THE COURT: Okay. But you never resolved anything
 24 about this fish tank, right?

25 THE DEFENDANT: No. Because the government

11:53:12 1 continues to move the goal post. One minute it's wire fraud.

11:53:16 2 It's complex --

11:53:16 3 THE COURT: No, no, no, no, no. It's been wire
11:53:19 4 fraud from the very word "go."

11:53:21 5 THE DEFENDANT: Well, now it's mail fraud.

11:53:23 6 THE COURT: Okay. Mail fraud, wire fraud. None of
11:53:26 7 the elements of mail fraud or wire fraud have anything to do
11:53:29 8 with children.

11:53:33 9 THE DEFENDANT: Well, no, it -- in my particular
11:53:36 10 case, yes.

11:53:37 11 THE COURT: I am being straight with you. You be
11:53:39 12 straight with me.

)1:53:39 13 THE DEFENDANT: In my particular case, I would agree
)1:53:42 14 with that.

)1:53:43 15 THE COURT: I've already ruled on that, though.

)1:53:46 16 THE DEFENDANT: Understood, Your Honor.

Jl:53:47 17 THE COURT: So that's it?

)1:53:49 18 THE DEFENDANT: Oh, it's more than that, Your Honor.

)1:53:51 19 THE COURT: Okay. What else?

)1:53:52 20 THE DEFENDANT: Without the context, once again, me
)1:53:58 21 sharing this, and Mr. Tabacchi's defense and Ms. Sack and
)1:54:01 22 Mr. Laufman's defense, I don't think until you actually hear
)1:54:04 23 the recording it does it any justice. I mean, I can sit up
H:54:10 24 here all day long. I don't want to waste your time, nor do I
)1:54:13 25 want to waste the Court's time or anyone else. If you hear

1:54:16 1 the audio, I am almost certain that you will -- in one of the
 1:54:24 2 discussions, the government admits that they don't have the
 1:54:27 3 world's greatest case, and there were others that they didn't
 1:54:30 4 identify, namely, Nancy Pelosi and Shelley Dixon --

1:54:35 5 THE COURT: And you would -- if they don't have the
 1:54:38 6 greatest case, then you will win.

1:54:41 7 THE DEFENDANT: And I -- to Mr. Tabacchi's eleventh
 1:54:44 8 hour. Your Honor, three years of my life. I want this case
 1:54:47 9 to be over with.

1:54:50 10 THE COURT: Okay. So what do we do, what do we do
 1:54:53 11 if I grant this motion?

1:54:56 12 THE DEFENDANT: The defendant, the firms, located on the east
 1:55:00 13 coast area, in Chicago.

1:55:03 14 THE COURT: Well right. We've got their phone
 1:55:06 15 numbers. Give them to the FBI.

1:55:09 16 THE DEFENDANT: I can get them.

1:55:12 17 THE COURT: You've got three firms.

1:55:15 18 THE DEFENDANT: I have got three firms that I am
 1:55:18 19 currently looking at, yes, Your Honor.

1:55:21 20 THE COURT: Name me -- name me someone in those
 1:55:24 21 firms.

1:55:27 22 THE DEFENDANT: DLA Piper, Peter Bynoe.

1:55:29 23 THE COURT: Who?

1:55:32 24 THE DEFENDANT: DLA Piper.

1:55:35 25 THE COURT: So would it be fair to assume that at

11:55:24 1 this point in time you would agree with me -- and I understand
11:55:30 2 all the reasoning -- that this motion is really at the
11:55:34 3 eleventh hour? I am not agreeing with him. I am just saying
11:55:37 4 it's at the eleventh hour.

)1:55:39 5 THE DEFENDANT: Absolutely, Your Honor.

11:55:41 6 THE COURT: Now, you're also telling me that you
)1:55:46 7 have no -- everything's surrounding these children and the
)1:55:52 8 mental competency examination. You don't have --

)1:55:57 9 THE DEFENDANT: Not everything, Your Honor.

)1:55:58 10 THE COURT: Wait a minute. What?

)1:56:00 11 THE DEFENDANT: Not everything is surrounding that.

)1:56:02 12 THE COURT: Okay. What else is there?

)1:56:03 13 THE DEFENDANT: Well, namely, what I was doing at
)1:56:05 14 the FBI office on April the 10th, 2019. I was doing my
)1:56:09 15 ethical and moral obligation reporting sex crimes against
)1:56:13 16 children. And I know Mr. Tabacchi talks about jurisdiction,
)1:56:15 17 but the last time I checked, the FBI have jurisdiction. I
)1:56:20 18 only chose to go to Dayton FBI versus Chicago because of that
)1:56:25 19 relationship. I was then baited.

)1:56:28 20 THE COURT: Right. Now, wait a minute, Mr. Higgins.
)1:56:29 21 Now we are going astray again. You went to the FBI and made a
)1:56:35 22 report or complaint?

Jl:56:37 23 THE DEFENDANT: I went to the FBI. I was
Jl:56:39 24 interviewed. I was asked to come back because there are
)1:56:43 25 agents from Chicago --

1:56:45 1 THE COURT: Okay.

1:56:45 2 THE DEFENDANT: -- that were going to interview me.

1:56:47 3 I had 3,000 pages of documents.

1:56:49 4 THE COURT: Was that a part of anything?

1:56:50 5 THE DEFENDANT: It's a part of the 302, the

1:56:52 6 government's 302. I mean --

1:56:55 7 THE COURT: Is that part -- is that of this case?

1:56:57 8 THE DEFENDANT: Indirectly, yes, Your Honor.

1:56:59 9 THE COURT: Well, okay. So that in addition to the

1:57:01 10 child -- the children in Chicago. I guess it's the --

1:57:03 11 THE DEFENDANT: Yes, child molestation.

1:57:05 12 THE COURT: Same thing. It's the same thing. And

1:57:07 13 then the competency of anything else.

1:57:09 14 THE DEFENDANT: My over-11, carceration. I was

1:57:11 15 ordered to do 45 days --

1:57:13 16 THE COURT: Well, that's on me.

1:57:15 17 THE DEFENDANT: Well, I was ordered to do 45 days.

1:57:17 18 That turned into 68.

1:57:19 19 THE COURT: Right. And I am at the mercy of the

1:57:21 20 Bureau of Prisons on that.

1:57:23 21 THE DEFENDANT: Understood. That would have been

1:57:25 22 one of those options. And I will say that part of that is a

1:57:27 23 little -- I don't know why I wasn't allowed to just self

1:57:29 24 surrender. They were going to send me to Chicago. I --

1:57:31 25 THE COURT: To be real honest, through the advocacy

1:57:49 1 of Ms. Sack, you got out earlier.

1:57:51 2 THE DEFENDANT: Yes, and I am grateful for the

1:57:53 3 Court. Thank you, Your Honor.

1:57:56 4 THE COURT: Okay. So what else? Anything else?

1:57:59 5 THE DEFENDANT: Besides the government and the

1:58:01 6 gamesmanship that have taken place in this court, nothing

11:58:05 7 else, Your Honor.

11:58:06 8 THE COURT: All right. You can have a seat.

11:58:07 9 Well, let me ask -- wait a minute. I have got a couple

11:58:10 10 questions. So you come in here. You're not complaining about

11:58:18 11 the fact that they prepared for trial.

11:58:28 12 THE DEFENDANT: Oh, I question their -- their trial

11:58:30 13 prep.

11:58:34 14 THE COURT: What do you question?

11:58:35 15 THE DEFENDANT: Of my counsel.

11:58:38 16 THE COURT: No. What do you question about their

11:58:39 17 preparation?

11:58:39 18 THE DEFENDANT: Well, I question their witnesses

11:58:40 19 that they are going to call. You know, they are calling four

11:58:43 20 witnesses. I --

11:58:43 21 THE COURT: You want them to call people from

11:58:45 22 Chicago?

11:58:45 23 THE DEFENDANT: No, absolutely not, Your Honor.

11:58:47 24 Absolutely not. No.

11:58:53 25 People who have direct knowledge and/or -- people who

1:58:59 1 have direct knowledge of the work that was being done at 7240
 1:59:02 2 Meeker Creek.
 1:59:03 3 THE COURT: Have you told them about that?
 1:59:05 4 THE DEPENDANT: Yes, Your Honor.
 1:59:05 5 THE COURT: And have they made some kind of a
 1:59:07 6 judgment call on that?
 1:59:10 7 THE DEPENDANT: Your Honor, to say that I barely
 1:59:13 8 speak to my counsel --
 1:59:16 9 THE COURT: Is that from you or from them? Have you
 1:59:19 10 returned their calls?
 1:59:22 11 THE DEPENDANT: Yes. I never -- I never miss a
 1:59:25 12 call. I never miss an appointment. They tell me to show up
 1:59:28 13 at the office, MS. SACK'S Office, I show up at that office. I
 1:59:31 14 have never once held a meeting off.
 1:59:34 15 THE COURT: Yes, **Sack**, how about that?
 1:59:37 16 MS. SACK: (to the court) Yes, Your Honor, if I may?
 1:59:40 17 THE COURT: You may.
 1:59:43 18 MS. SACK: I absolutely -- he does respond to
 1:59:46 19 emails. I have to be very careful here because of
 1:59:49 20 attorney-client privileges, but I can't tell you how many
 1:59:52 21 times Mr. Higgins has gone as far as prepared witnesses,
 1:59:55 22 witness lists for me. I called every single witness. I went
 1:59:58 23 to their places of business. I vetted them. I spoke with
 1:59:59 24 them. I made a professional decision on who to call and who
 1:59:59 25 not to call.

>2:00:00 1 There are some witnesses to which Mr. Higgins refers
>2:00:03 2 direct knowledge of repairs to his home, and I can't get in
)2:00:06 3 touch with them. Their phones aren't working. I say I can't
)2:00:09 4 get in touch with this person or that person, and he has not
)2:00:12 5 followed through with getting me a number that -- a working
)2:00:14 6 number for a certain witness.

)2:00:17 7 So that's -- I have done my level best. And I cannot say
)2:00:20 8 that enough. And I believe that I have culled through the
)2:00:24 9 witnesses. I've spent so many hours on this case. I met
)2:00:32 10 personally with witnesses. I spoke with them. I vetted them.
)2:00:35 11 I returned calls after reviewing further items and so forth.
)2:00:40 12 In a collective 25 years of my experience, I made, I believe,
)2:00:47 13 a pointed decision, I think in light of where the case is
)2:00:50 14 headed with the fourth superseding indictment. I am very
)2:00:54 15 comfortable with the witnesses I have under subpoena.

)2:00:57 16 And, Your Honor, this is very uncomfortable. I have
)2:01:00 17 never been in a position quite like this, but, I mean, this is
)2:01:06 18 a communication breakdown. It's -- you know, it's like you
)2:01:10 19 are doing your job, you are moving forward, yet you are met
)2:01:15 20 with opposition at every turn from your client. It's very
)2:01:20 21 uncomfortable, and I apologize.

)2:01:21 22 THE COURT: I understand what you are saying. I
)2:01:23 23 think that -- the case of the *Watson* case is very instructive
)2:01:27 24 with regard to that type of an activity. So, all right.

)2:01:31 25 Let me ask you that, though -- Mr. Higgins, you don't

1:01:34 1
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2:02:38 25

have to remain standing. Now I am going to grill Ms. Sack.
MS. SACK: Sure.
THE COURT: Ms. Sack, is it your opinion, though, that you've done everything possible to prepare for trial at this time?
MS. SACK: Absolutely. Absolutely.
THE COURT: All right. Mr. Laufman, the same question.
MR. LAUFMAN: Given our abilities, Ms. Sack and I, I think, are very competent and talented attorneys. We have skills that we can utilize.
THE COURT: I would like to liaise with you, Mr. Laufman, if I don't think that.
MR. LAUFMAN: Thank you, Judge. We can file briefs. We can interview witnesses. We can do those things. We have done those things. We have done them to the best of our ability.
THE COURT: As a matter of fact, you've submitted a very intricate argument with regard to expert testimony, correct?
MR. LAUFMAN: I did, Judge. And I think you quoted from it at least once with a "sic." A matter I took quite personally, I would add.
THE COURT: Don't worry. People take a lot of stuff I say personally. You can have a seat.

12:02:41 1 Mr. -- ch, go ahead.

12:02:45 2 MR. LAUFMAN: Judge, whether now or later, I have a
)2:02:48 3 few thoughts when the Court is ready.

)2: 02: 50 4 THE COURT: All right. Mr. Tabacchi, is the
)2: 02: 53 5 government ready go to trial?

)2: 02: 55 6 MR. TABACCHI: We are, Your Honor.

)2:02:56 7 THE COURT: What have you done in preparation of
)2:02:59 8 trial?

)2:03:00 9 MR. TABACCHI: Your Honor, we have compiled our
)2:03:02 10 exhibit lists. We have compiled binders that have over 52
)2:03:08 11 exhibits, including multiple audio and video DVDs that we have
)2:03:15 12 spliced down. We have met with defense counsel on a number of
)2:03:18 13 occasions to share those audio files with them, to play them
)2:03:21 14 with them. We have prepped every witness that we intend to
)2:03:24 15 call. We have made travel arrangements for all of our
)2:03:28 16 witnesses. Those that are coming out of state plan on being
)2:03:32 17 here on Monday afternoon, preparing to testify on Tuesday.

)2:03:36 18 So, I mean, at this point the government really has
)2:03:39 19 nothing left to do to prepare for trial other than to start
)2:03:45 20 it.

)2:03:47 21 THE COURT: All right. Thank you.

)2:03:52 22 Okay, Mr. Laufman.

J2:03:53 23 MR. LAUFMAN: Thank you, Judge. Your Honor, I
)2:03:57 24 understand that everybody in this case has an interest in
)2:04:01 25 resolving this. The government does; the Court does;

2:04:04 1 Mr. Higgins does. However, I think there are considerations
 2:04:10 2 that need to be balanced. We are within probably 30 days of
 2:04:15 3 the filing of a fourth superseding indictment. This is not a
 2:04: 18 4 case that has sat statically for some time. The government, L's
 2:04:24 5 theories, the allegations have continued to shift and have
 2:04:28 6 done so up until recently. I think Mr. Higgins would have
 2:04:32 7 every right to point to that to say, Judge, this case isn't
 2:04:35 8 ready.

2:04:36 9 THE COURT: One less count.

2:04:38 10 MR. LAUFMAN: I'm sorry, Judge?

2:04:40 11 THE COURT: One less count.

2:04:42 12 MR. LAUFMAN: No, they changed things quite
 2:04:44 13 substantially.

2:04:46 14 THE COURT: From the last amendment? From the last
 2:04:48 15 superseding indictment?

2:04:50 16 MR. LAUFMAN: The fourth superseding indictment
 2:04:52 17 removed completely, not by count, but shifted who was the
 2:04:54 18 alleged victim. We have been talking for some time about
 2:04:56 19 Assurant, the --

2:04:58 20 THE COURT: And when was that?

2:04:59 21 MR. LAUFMAN: -- insurance company. I'm sorry?

2:05:00 22 THE COURT: And when was that?

2:05:01 23 MR. LAUFMAN: The fourth superseding indictment, I'd
 2:05:03 24 have to check the records, but within 30 days is my
 2:05:05 25 recollection, Judge.

)2:05:08 1 MS. SACK: I believe December 16th.

)2:05:13 2 MR. LAUFMAN: Ms. Sack recalls December 16th. I'll

)2:05:16 3 rely on that. It's been relatively recently.

)2:05:19 4 Judge, we also have the issue of COVID that is

)2:05:23 5 unfortunately surging again. This is not a circumstance where

)2:05:26 6 Mr. Higgins is locked up where speedy trial is an issue.

)2:05:28 7 Obviously, any time on this delay would be at his behest and

)2:05:32 8 at his request. So, again, I don't --

)2:05:35 9 THE COURT: Like the -- like the seven previous

)2:05:37 10 times.

)2:05:38 11 MR. LAUFMAN: Understood, Judge.

)2:05:42 12 THE DEFENDANT: It's nine.

)2:05:42 13 THE COURT: Pardon?

)2:05:42 14 THE DEFENDANT: It's nine.

)2:05:43 15 THE COURT: Nine previous times. Thank you,

)2:05:44 16 Mr. Higgins.

)2:05:44 17 MR. LAUFMAN: I don't mean to minimize the impact

)2:05:47 18 that Ms. Sack and I understand will have on this.

)2:05:49 19 THE COURT: Three years, Mr. Laufman.

)2:05:51 20 MR. LAUFMAN: Judge, I view very critically my role

)2:05:55 21 not just as an advocate for a defendant like Mr. Higgins but

)2:06:00 22 as an officer of the court, somebody whose responsibility it

)2:06:03 23 is to see the Court's business from A -- from A to B to c in a

)2:06:08 24 fair and just manner. And it was with that duty, that very

)2:06:12 25 serious duty in *mind* that Ms. Sack and I filed this motion.

1 Obviously, the problems between Mr. Higgins and we began a
 2 long time ago. We hung in there. We hung in there. We kept
 3 fighting. But at the end of the day, Judge, where we are --
 4 and it is critical -- Mr. Higgins has accused, I would say
 5 "us," but in many ways me specifically of being deceptive,
 6 misleading, hoodwinking and bamboozling, and, most
 7 importantly, deceiving this Court.

8 THE COURT: And let me ask you -- let me ask you
 9 this: -- Would you agree that that -- then, basically, it's
 10 Mr. Higgins's relationship with you, not children in Chicago,
 11 not competency, is the issue that this isn't going to work?

12 MR. LAUFMAN: I would agree with one caveat. It
 13 is just. --

14 THE COURT: Some of you'd have a caveat.

15 MR. LAUFMAN: It is just as much, and perhaps more
 16 critically, our relationship with him. I have had clients who
 17 have not wanted to be federally prosecuted, who have been
 18 frustrated about where they are, who on my first meeting with
 19 them refused to speak with me, or I never felt I had earned
 20 their trust. And at some point, I was left doing the best of
 21 my ability for them and on their behalf.

22 But this is a situation where the relationship has failed
 23 very mutually. I would like to be so professional and so
 24 calmly calculating that I could be the recipient of some of
 25 the allegations such as those made by Mr. Higgins against my

12:08:13 1 professional reputation and allow them to roll off my back
12:08:18 2 like rainwater. I'm not that calculated. I take those things
12:08:23 3 personally. This has been an ongoing and developing problem
12:08:29 4 where at the end of the day Ms. Higgins -- Ms. Sack and I
12:08:32 5 filed this motion in large part not just because Mr. Higgins
12:08:38 6 is difficult to work with --

>2:08:39 7 THE COURT: Wait a minute.

)2:08:41 8 MR. LAUFMAN: -- but because we both feel --

)2:08:43 9 THE COURT: You basically -- now, I want -- I want a
)2:08:45 10 straight answer from you two.

)2:08:47 11 MR. LAUFMAN: Yes, Judge.

)2:08:48 12 THE COURT: You filed this motion -- you were going
)2:08:49 13 to file this motion anyway? Now?

)2:08:51 14 MR. LAUFMAN: The events that led up to the filing
)2:08:55 15 of the motion were the last straw for Ms. Sack and I.

)2:08:58 16 THE COURT: All right.

)2:08:59 17 MR. LAUFMAN: We had a meeting. It was a lengthy
)2:09:01 18 meeting. It was a considered meeting. And out of that, both
)2:09:04 19 of us looked at each other and mutually said, "li~~a~~'re done."

)2:09:08 20 THE COURT: All right.

)2:09:11 21 THE DEFENDANT: That's not factual, Your Honor. I
)2:09:12 22 have an email, I mean, and I don't want to --

)2:09:14 23 THE COURT: I'll just hear his final comments.

)2:09:18 24 THE DEFENDANT: You're right.

)2:09:19 25 THE COURT: This is what he thinks I should do.

09:22 1 MR. LAUFMAN: So, Judge, at the end of the day, to
 09:24 2 use a medical analogy, Ms. Sack and I could be excellent
 09:27 3 doctors, but there comes a point where somebody needs to be
 09:32 4 Mr. Higgins's doctor. And even if he's a difficult patient,
 09:35 5 we ought not be his doctors. If his surgery doesn't go well,
 09:38 6 nobody should look back on it and say, "Yeah, but those two
 09:41 7 were as good as anybody could have been."

09:44 8 This is just a case we should not go forward on. Our
 09:47 9 ability to represent him is, unfortunately, fatally flawed. I
 09:50 10 wanted to bring this case across the finish line for Your
 09:53 11 Honor, but I shouldn't. We have taken a lot of
 09:56 12 abuse in this case, and at this point where we are professionally frustrated, I think personally now
 09:59 13 affected, and you see why. I mean, he stood in this Court
 10:02 14 and calls us deceptive.

10:05 16 THE COURT: Okay. I have heard all of it.

10:08 17 MR. LAUFMAN: I'm sorry, Judge. We wanted to cry it
 10:11 18 for you. We think we need off.

10:14 19 THE COURT: So, basically, any time this happens
 10:17 20 with a defendant, I should let counsel off?

10:20 21 MR. LAUFMAN: Is that a question for me, Judge?

10:23 22 THE COURT: Yes.

10:26 23 MR. LAUFMAN: No, I don't think so.

10:29 24 THE COURT: All right.

10:32 25 MR. LAUFMAN: I don't know that I have ever filed --

•2:10:39 1 I filed one motion like this in my career, and it was when a
2:10:44 2 client filed a grievance against me.

02:10:45 3 THE COURT: So that could be a comparison of the
12:10:48 4 case, or it could be a comparison of the advocacy or the
12:10:52 5 personality of the defendant.

12:10:54 6 You can have a seat.

12:10:55 7 MR. LAUFMAN: Thank you, Judge.

12:10:56 8 THE COURT: Anything final, Mr. Tabacchi?

12:10:59 9 MR. TABACCHI: Just two comments, Your Honor. One,
12:11:03 10 I don't know that new counsel is going to solve any of the
2:11:06 11 issues here. Mr. Cicero had very similar issues with
2:11:11 12 Mr. Higgins. This appears to be a Mr. Higgins issue, not a
12:11:15 13 defense counsel issue. And the case law's pretty clear that
2:11:18 14 defense counsel can't continually act this way and sabotage --

2:11:22 15 THE COURT: Well, wasn't Mr. -- wasn't there a
12:11:23 16 conflict with Mr. Cicero?

12:11:25 17 MR. TABACCHI: There was, but these were similar
2:11:27 18 undercurrents already boiling with Mr. Cicero.

2:11:32 19 And then, second, just the issue on the superseding
2:11:34 20 indictment. I gave counsel notice that there was going to be
12:11:36 21 a superseding indictment. It contains identical, albeit
12:11:46 22 narrow, charges from the initial indictment. So I would
12:11:47 23 respectfully disagree with the categorization that somehow we
2:11:50 24 have slipped in a new theory of the case. In fact, we made
2:11:54 25 the case simpler, streamlined it so that everyone, both the

1 government and the defense, could focus in on some very
 2 narrow, specific issues that we think we can get this case
 3 tried in less than a week.

4 THE COURT: Mr. Higgins, one final shot.

5 THE DEFENDANT: Your Honor, I appreciate the Court's
 6 time and attention. In no way, shape, or form have I tried to
 7 disrespect this Court.

8 THE COURT: You never have. I didn't say that.

9 THE DEFENDANT: Or, for that matter, the process. I
 10 do want to get this resolved. However, we go back to your
 11 often used phrase of "miraculous work of justice." And if there
 12 is a reoccurring theme of "miraculous work of justice" during the
 13 entire process, in my opinion, has been a miscarriage.

14 THE COURT: Full right.

15 THE DEFENDANT: Thank you, Your Honor.

16 THE COURT: Thank you. Give me a couple minutes.
 17 I'll be right back.

18 THE COURTROOM DEPUTY: All rise. This court stands
 19 in recess.

20 (Recess from 2:13 p.m. until 2:19 p.m.)

21 THE COURT: Counsel, I appreciate everyone's
 22 arguments. Mr. Higgins, I appreciate your arguments. I
 23 appreciate your position. I understand where everyone's
 24 coming from. The Court has considered everything that's been
 25 presented to it and has done so with regard to the factors

2:20:29 1 that have been laid out in *United States versus Mack* as
2:20:33 2 supported by the *United States versus Watson*.

2:20:36 3 The Court does not find that the motion is well founded.
2:20:40 4 Counsel will not be -- the motion to withdraw is denied. The
2:20:42 5 matter is set for trial Monday morning. We will conduct a
2:20:45 6 final pretrial immediately after. Thank you.

2:20:50 7 THE DEFENDANT: Thank you, Your Honor.

2:20:51 8 THE COURTROOM DEPUTY: All rise. This court stands
2:20:53 9 in recess.

2:20:56 10 (Proceedings concluded at 2:20 p.m.)

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CERTIFICATE OF REPORTER

I, Mary A. Schweinhagen, Federal Official Realtime Court Reporter, in and for the United States District Court for the Southern District of Ohio, do hereby certify that pursuant to Section 753, Title 28, United States Code that the foregoing is a true and correct transcript of the stenographically reported proceedings held in the above-entitled matter and that this transcript page format is in conformance with the rules, regulations of the Judicial Conference of the United States.

Mary A. Schweinhagen

19th of September, 2022

MARY A. SCHWEINHAGEN, RDR, CRR
FEDERAL OFFICIAL COURT REPORTER

July 10, 2023

The Honorable Kevin McCarthy
Speaker of the House of Representatives
H-232, U.S. Capitol
Washington, D.C. 20515

SENT VIA U.S. POSTAL 7018 0040 0000 2831 2952

RE: Department of Justice - Code of Silence

Speaker McCarthy,

In recent weeks, there has been a call for accountability within the Department of Justice and the Federal Bureau of Investigation. In fact, several whistleblowers have come forward to report misconduct within the DOJ and FBI. You and other members of the House, have been outspoken about holding Attorney General MERRICK GARLAND accountable for the actions and [inactions] of Department of Justice officials.

Over the last several years, I have documented a cover-up within the Department of Justice, to include the Federal Bureau of Investigation. The concealment of crimes, reach the highest level of Government, to include former Mayor of Chicago RAHM EMANUEL (current Ambassador to Japan), former FBI Chief of Staff (to Director CHRISTOPHER WRAY) COREY ELLIS and former White House Chief of Staff RONALD KLAIN, just to name a few. The crimes that have been unearthed, include the protection of a convicted sexual predator (actively preying on children), a procurement scheme related to the 8+ Billion Dollar federally funded Chicago O'Hare Airport Modernization Program, led by Chicago Aviation Commissioner JAMIE RHEE; and, a bribery pay-to-play scheme of former City of Dayton Mayor and 2022 Ohio Democratic Gubernatorial Candidate, NAN WHALEY.

In advance of what is certain to be contentious Judiciary and Oversight Committee Hearings into DOJ/FBI whistleblower complaints of Attorney General MERRICK GARLAND et al., I am enclosing a sampling of supporting documentation into the above mentioned crimes: FBI 1023, FBI 302, Warrant Affidavit (NAN WHALEY), DOJ Inspector General MICHAEL HOROWITZ Ltr., United States of America vs. Brian Higgins January 5, 2022 Transcript as well as Miscarriage of Justice Ltr. It is my hope that these documents **will** assist the Committee(s) in conducting a full and just investigation into the Department of Justice and the Code of Silence.

I hereby, make myself available to your Office, in any formal or informal manner.

Respectfully,

INMATE 78259-061

WWW.CORRUPTGMEN.COM

July 10, 2023

Chairman James Comer
Chairman, Committee on Oversight
2157 Rayburn House Office Building
Washington, D.C. 20515

SENT VIA U.S. POSTAL 7001 2510 0003 4711 6963

RE: Department of Justice - Code of Silence

Chairman Comer,

In recent weeks, there has been a call for accountability within the Department of Justice and the Federal Bureau of Investigation. In fact, several whistleblowers have come forward to report misconduct within the DOJ and FBI. You and other members of the House, have been outspoken about holding Attorney General MERRICK GARLAND accountable for the actions and [inactions] of Department of Justice officials.

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I hereby, make myself available to your Committee, in any formal or informal manner.

Respectfully,

— • • —
E. ggins
INMATE 78259-061

July 10, 2023

Representative Jason Smith
1011 Longworth House Office Building
Washington, D.C. 20515

SENT VIA U.S. POSTAL 7018 0040 0000 2831 3812

RE: Department of Justice - Code of Silence

Representative Smith,

In recent weeks, there has been a call for accountability within the Department of Justice and the Federal Bureau of Investigation. In fact, several whistleblowers have come forward to report misconduct within the DOJ and FBI. You and other members of the House, have been outspoken about holding Attorney General MERRICK GARLAND accountable for the actions and [inactions] of Department of Justice officials.

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I hereby, make myself available to any Congressional Hearing(s), formal or informal.

Respectfully,

c {1t s
INMATE 78259-061

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July 10, 2023

Chairman Jim Jordan
Chairman, House Judiciary Committee
2056 Rayburn House Office Building
Washington, D.C. 20515

SENT VIA U.S. POSTAL 7001 2510 0003 4711 6987

RE: Department of Justice - Code of Silence

Chairman Jordan,


In recent weeks, there has been a call for accountability within the Department of Justice and the Federal Bureau of Investigation. In fact, several whistleblowers have come forward to report misconduct within the DOJ and FBI. You and other members of the House, have been outspoken about holding Attorney General MERRICK GARLAND accountable for the actions and [inactions] of Department of Justice officials.

Over the last several years, I have documented a cover-up within the Department of Justice, to include the Federal Bureau of Investigation. The concealment of crimes, reach the highest level of Government, to include former Mayor of Chicago RAHM EMANUEL (current Ambassador to Japan), former FBI Chief of Staff (to Director CHRISTOPHER WRAY) COREY ELLIS and former White House Chief of Staff RONALD KLAIN, just to name a few. The crimes that have been unearthed, include the protection of a convicted sexual predator (actively preying on children), a procurement scheme related to the 8+ Billion Dollar federally funded Chicago O'Hare Airport Modernization Program, led by Chicago Aviation Commissioner JAMIE RHEE; and, a bribery pay-to-play scheme of former City of Dayton Mayor and 2022 Ohio Democratic Gubernatorial Candidate, NAN WHALEY.

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I hereby, make myself available to your Committee, in any formal or informal manner.

Respectfully,


Brian F. Tins
INMATE 7821 066

WWW.CORRUPTGMEN.COM

July 10, 2023

Representative Alexandria O. Cortez
Member, Oversight & Reform Committee
250 Cannon House Office Building
Washington, D.C. 20510

SENT VIA U.S. POSTAL 7001 2510 0003 4711 6994

RE: Department of Justice - Code of Silence

Representative Cortez,

In recent weeks, there has been a call for accountability within the Department of Justice and the Federal Bureau of Investigation. In fact, several whistleblowers have come forward to report misconduct within the DOJ and FBI. You and other members of the House, have been outspoken about holding Attorney General MERRICK GARLAND accountable for the actions and [inactions] of the Department of Justice.

Over the last several years, I have documented a cover-up within the Department of Justice, to include the Federal Bureau of Investigation. The concealment of crimes, reach the highest level of Government, to include former Mayor of Chicago RAHM EMANUEL (current Ambassador to Japan), Former FBI Chief of Staff (to Director CHRISTOPHER WRAY) COREY ELLIS and former White House Chief of Staff RONALD KLAIN, just to name a few. The crimes that have been unearthed, include the protection of a convicted sexual predator (actively preying on children), a procurement scheme related to the 8+ Billion Dollar federally funded Chicago O'Hare Airport Modernization Program, led by Chicago Aviation Commissioner JAMIE RHEE; and, a bribery pay-to-play scheme of former City of Dayton Mayor and 2022 Ohio Democratic Gubernatorial Candidate, NAN WHALEY.

In advance of what is certain to be contentious Judiciary and Oversight Committee Hearings into DOJ/FBI whistleblower complaints of Attorney General MERRICK GARLAND et al., I am enclosing a sampling of supporting documentation into the above mentioned crimes: FBI 1023, FBI 302, Warrant Affidavit (NAN WHALEY), DOJ Inspector General MICHAEL HOROWITZ Ltr., United States of America vs. Brian Higgins January 5, 2022 Transcript as well as Miscarriage of Justice Ltr. It is my hope that these documents will assist the Committee(s) in conducting a full and just investigation into the Department of Justice and the Code of Silence.

I hereby, make myself available to your Committee, in any formal or informal manner.

Respectfully,

5i *6s ec:..-*
Brian E. Higgins
INMATE 78259-061

WWW.CORRUPTGMEN.COM

July 10, 2023

Representative Majorie Taylor Green
Member, Oversight & Accountability
403 Cannon House Office Building
Washington, D.C. 20515

SENT VIA U.S. POSTAL 7001 2510 0003 4711 6970

RE: Department of Justice - Code of Silence

Representative Green,

In recent weeks, there has been a call for accountability within the Department of Justice and the Federal Bureau of Investigation. In fact, several whistleblowers have come forward to report misconduct within the DOJ and FBI. You and other members of the House, have been outspoken about holding Attorney General MERRICK GARLAND accountable for the actions and [inactions] of Department of Justice officials.

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I hereby, make myself available to your Committee, in any formal or informal manner.

Respectfully,

ditriane 4s
Higgins
INMATE 78259-061

WWW.CORRUPTGMEN.COM

July 10, 2023

Senator Mitch McConnell
Senate Minority Leader
317 Russell Senate Office Building
Washington, D.C. 20510

SENT VIA U.S. POSTAL 7018 1830 0001 4410 0725

RE: Department of Justice - Code of Silence

Leader McConnell,

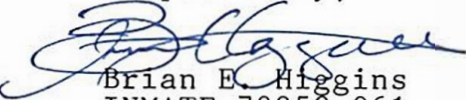
In recent weeks, there has been a call for accountability within the Department of Justice and the Federal Bureau of Investigation. In fact, several whistleblowers have come forward to report misconduct within the DOJ and FBI. You and other members of Congress, have been outspoken about holding Attorney General MERRICK GARLAND accountable for the actions and [inactions] of the Department of Justice.

Over the last several years, I have documented a cover-up within the Department of Justice, to include the Federal Bureau of Investigation. The concealment of crimes, reach the highest level of Government, to include former Mayor of Chicago RAHM EMANUEL (current Ambassador to Japan), former FBI Chief of Staff (to Director CHRISTOPHER WRAY) COREY ELLIS and former White House Chief of Staff RONALD KLAIN, just to name a few. The crimes that have been unearthed, include the protection of a convicted sexual predator (actively preying on children), a procurement scheme related to the 8+ Billion Dollar federally funded Chicago O'Hare Airport Modernization Program, led by Chicago Aviation Commissioner JAMIE RHEE; and, a bribery pay-to-play scheme of former City of Dayton Mayor and 2022 Ohio Democratic Gubernatorial Candidate, **NAN WHALEY**.

In advance of what is certain to be contentious Judiciary and Oversight Committee Hearings into DOJ/FBI whistleblower complaints of Attorney General MERRICK GARLAND et al., I am enclosing a sampling of supporting documentation into the above mentioned crimes: FBI 1023, FBI 302, Warrant Affidavit (NAN WHALEY), DOJ Inspector General MICHAEL HOROWITZ Ltr., United States of America vs. Brian Higgins January 5, 2022 Transcript as well as Miscarriage of Justice Ltr. It is my hope that these documents **will** assist the Committee(s) in conducting a full and just investigation into the Department of Justice and the Code of Silence.

I hereby, make myself available to any Congressional Hearing(s), formal or informal.

Respectfully,


Brian E. Higgins
INMATE 78259-061

July 10, 2023

Senator Lindsey Graham
211 Russell Senate Office Building
Washington, D.C. 20510

SENT VIA U.S. POSTAL 7001 2510 0003 4711 6949

RE: Department of Justice - Code of Silence

Senator Graham,

In recent weeks, there has been a call for accountability within the Department of Justice and the Federal Bureau of Investigation. In fact, several whistleblowers have come forward to report misconduct within the DOJ and FBI. You and other members of Congress, have been outspoken about holding Attorney General MERRICK GARLAND accountable for the actions and [inactions] of Department of Justice officials.

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I hereby, make myself available to any Congressional Hearing(s), formal or informal.

Respectfully,



Brian
INMATE 78259-061

WWW.CORRUPTGMEN.COM

July 10, 2023

Senator Ted Cruz
Member, Judiciary
167 Russell Senate Office Building
Washington, D.C. 20510

SENT VIA U.S. POSTAL 7001 2510 0003 4711 6956

RE: Department of Justice - Code of Silence

Senator Cruz,

In recent weeks, there has been a call for accountability within the Department of Justice and the Federal Bureau of Investigation. In fact, several whistleblowers have come forward to report misconduct within the DOJ and FBI. You and other members of Congress, have been outspoken about holding Attorney General MERRICK GARLAND accountable for the actions and [inactions] of Department of Justice officials.

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I hereby, make myself available to any Congressional Hearing(s), formal or informal.

Respectfully,

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INMATE 78259-061

WWW.CORRUPTGMEN.COM

July 10, 2023

Senator Ron Johnson
328 Hart Senate Office Building
Washington, D.C. 20510

SENT VIA U.S. POSTAL 7001 2510 0003 4711 6925

RE: Department of Justice - Code of Silence

Senator Johnson,

In recent weeks, there has been a call for accountability within the Department of Justice and the Federal Bureau of Investigation. In fact, several whistleblowers have come forward to report misconduct within the DOJ and FBI. You and other members of Congress, have been outspoken about holding Attorney General MERRICK GARLAND accountable for the actions and [inactions] of Department of Justice officials.

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Respectfully,

INMATE 78259-061

WWW.CORRUPTGMEN.COM

Miscarriage of Justice

While incarcerated in the Bureau of Prison (BOP) federal facility in Florence, Colorado, one can not help but to think of Dr. Martin Luther King and his Letter from Birmingham Jail. To fully understand how one takes a journey through the magical gates of the BOP, we must go back to the summer of 2004.

On June 1, 2004, my company (a forensic livery service) was tasked with the sensitive duty of Transportation of Deceased Persons for the City of Chicago (City) Department of Police (CPD). This work had previously been performed by CPD's famed 'Wagon Unit,' a controversial unit that transported the deceased to the Cook County Medical Examiner's Office as well as individuals in CPD custody. After the heatwave of 1995, the Fraternal Order of Police (FOP) took the City to federal court, arguing that it was not in their contract to transport deceased individuals. Ultimately, the FOP won and a federal court ruled that the City had to pay out of grade pay (millions of dollars annually) to the rank and file for every deceased transport made within their respected shifts.

We along with the City and CPD agreed to phase in our services (pilot program) to ensure a smooth transition to all 25 of CPD's districts that we would be responsible for. In the beginning, things were a little challenging as an outside firm (Dayton, Ohio) coming into a city known for political graft and abuse. To add to the growing pains, the City had grossly miscalculated the number of deceased transports (contract was based on a per body fee agreement) which made it fiscally difficult to perform our duties as we had over a million dollar shortfall in funding. Negotiations with the City to address this gap were very slow moving as the City had other "priorities" (Millenium Park) and Bossman Daley's never ending battles with a divided city counsel. In 2006, after several hard negotiations and rebids, a sucessful agreement had been hammered out. The City along with CPD would adequately fund this vital social service- (.5 year 15 million dollar contract) to ensure the success of. the program.

Enter Alderman EDWARD BURKE. Arguably the most powerful elected official in the City, BURKE wielded extreme power as the Chairman of the City's Finance Committee. BURKE is also the longest serving elected official in the history of Chicago, who just happens to be the husband of Illinois 5upreme Court Chief Justice Anne Burke.

In 2007, BURKE began to "take interest" in the Transportation of Deceased Persons contract. BURKE's meddling began as accusations of inflated pricing as it related to the amount the City was paying for our services. He argued that there were other cities throughout the country that paid less than Chicago and demanded that council hearings be held to "study" the cost that the City was paying. It was at the same time, I was informed by a high ranking CPD official that if I wanted to keep my contract, I was going to have to see BURKE as he held the keys to my future with the City of Chicago.

I went to the City Hall offices of Ald. BURKE to pay him a visit. After waiting over an hour, I was given a post it note by an aid that stated "LOOK" and had the name and number of someone named "Peter-" I ultimately turned the note over to the City's Inspector General (JOSEPH FERGUSON) Office as requested by DAVID HOFFMAN. It was apparent that this was the amount demanded if I had a desire to maintain my relationship with the City.

Ultimately, I declined BURKE's offer (you pay once, you pay forever). Soon, I would learn that the ring of BURKE (kissing of his pinky ring that he often wears on his left hand) was more powerful than the occupant of the 5th Floor (Mayor's Office) and that my days in the Windy City would be numbered. Soon, the City began to pressure me to renegotiate my pricing with CPD. After some concessions in the scope of service, a new fee was negotiated through the Department of Procurement Services (DPS). It was also at that time that CPD released over \$500K in monies for services previously performed but not paid by the City.

For the first several months of the renegotiated contract, things appeared to be quiet. All monthly meetings at CPD Headquarters with representatives from all 25 district commands had 'excellent' reviews for performance.

In 2008, BURKE's hammer reappeared. BURKE began to hold closed door meetings petitioning the City's Consumer Affairs Commissioner Norma. Reyes, to allow for the use of "decommissioned" ambulances. Seems that BURKE's law firm represented one of the largest private ambulance companies in the midwest. Shortly after, BURKE was able to get the passage of a city ordinance allowing for the use of decommissioned ambulances. In addition, BURKE began to assemble an Evaluation Committee (EC) as it had been decided that CPD along with DPS would prepare a Request for Proposals (RFP) to be issued,

allowing for the early termination of our contract. However, at some point the decision was made to allow our contract to remain in place until its expiration of September 30, 2011.

On July 27, 2010, DPS had a bid closing for the Transportation of Deceased Persons. CPD and DPS wanted to be prepared for any "issues" by bidding the contract out a year prior to its expiration. Approximately a week after the close of bids, Chief Procurement Officer (CPO) JAMIE RHEE made the unprecedented decision to allow for a "Double Late" bid from Allied Services Group (ASG)- once a bid date has been established, no bids will be accepted after the closing date. ASG stated that it was "unaware where to submit its bid," thus they needed additional time to get their bid in. CPO RHEE instructed ASG to submit its bid no later than the close of business on August 2, 2010. On August 3, 2010, ASG submitted its proposal to the Bid and Bond Room. This decision by RHEE is a violation of all Illinois procurement standards, to include DPS practices.

With the bids submitted, the EC (comprised of representatives from CPD, DPS, Chicago Fire, Law Department and Budget Department) began the process of reviewing the proposals. Numerous bids were received from several companies, all which seem to be lacking one crucial thing- the mandatory experience called for in the RFP. The EC was now faced with a challenge. How would they find a way to disqualify the incumbent (myself) provider and carry out the orders of BURKE to terminate the contract with the City, as this was a sham committee. This dilemma would fall in the hands of CPO RHEE and JON JOHNSON from the Office of Budget. The two of them would act as BURKE's point persons and report directly to the Alderman.

The EC reached a unanimous decision to score ASG's (Double Late) bid, "the most responsive bidder," elevating ASG to the top of all bids submitted. In fact, ASG was deemed "most qualified" with ZERO experience while committing fraud in their application as ASG listed its sole experience by purportedly "acquiring" another company, Allied Cleaning Service (ACS), who "specialized" in the transportation of deceased persons. The EC ultimately submitted its recommendation to interim Chicago Police Superintendent Terry Hillard for approval.

After conducting an extensive pre and post-award investigation of ASG's proposal, we uncovered many fatal flaws in ASG's application to the City. First, ASG listed its owner/president as Mr. JOHN STAMPS, formally of Stamps Construction (a handyman service)

Mr. STAMPS claims to have "acquired" ACS; a materially false claim as ACS was never acquired or owned by ASG. In fact, ASG and ACS were owned and operated by JOHN W. KLACZAK. Mr. KLACZAK had a good reason for not disclosing his identity in ASG's application to the City; Mr. KLACZAK is a convicted sexual predator.

Additionally, with the assistance of a private investigator (retired FBI agent) we learned that KLACZAK was a former police officer for the Village of Thornton, Illinois. It was there that Mr. KLACZAK was terminated as a village police officer, due to a cocaine addiction. Amazingly, three years later in 2003, KLACZAK was appointed fire chief of the same village. It is, after this appointment that things took a dark turn. The Thornton Fire Department had a cadet program (training for young adolescents interested in the fire service) which was under the direct supervision of Chief KLACZAK. Mr. KLACZAK was known for hosting cocaine and alcohol parties for 13-14 year old boys within the fire cadet program. Mr. KLACZAK's propensity for performing oral and anal sex on young boys was known throughout the department. In 2005, KLACZAK was sentenced to 5 years in state prison and ordered to register as a sexual predator for the remainder of his life.

It is with this information in hand that my corporate counsel Anthony Cicero filed a formal dispute with the Department of Procurement Services. Additionally, I retained local (Chicago) counsel to assist. Enter Mantel Gayles. Mr. Gayles was JAMIE RHEE's predecessor as Chief Procurement Officer for the City. In the capacity of CPO, Mr. Gayles had oversight of the City's multi-billion dollars worth of procurement contracts for goods and services. With Mr. Gayles representing our interest in the procurement process, he was able to identify the fatal flaws Ms. RHEE made in awarding ASG's contract.

After a through review of the procurement process, Mr. Gayles communicated the errors that the City made, directly to RHEE in the form of a Bid Protest. It quickly became the decision of DPS that Ms. RHEE acted within her discretion and DPS ultimately dismissed our grievance. I then retained the services of another local (Illinois) attorney James P. Rome. Mr. Rome filed suit against the City in Cook County Court of Chancery. It was there that things took yet another twist.

The City argued before the Honorable DIANE LARSON, that the CPO has unfettered discretion in awarding any contract that she pleases, absent of fraud. KAREN DORFF, the City's attorney gave a bizarre example of RCA and Comcast being wholly owned by NBC, somehow suggesting that we had erred in filing our suit due to the ownership of ACS. The court eventually ruled in the City's favor.

In 2017, believing that the previous court had erred, I retained the services of Michael Rosenblat, an attorney whose area of specialty is false claims and whistleblower suits. Upon review of the expansive record, Rosenblat not only determined that there were egregious errors in the way the City had administered the contract to ASG, there were numerous False Claims Violations in ASG's application. Mr. Rosenblat then filed a Qui Tam suit (Whistleblower), arguing gross abuse of discretion as well as fraud on the part of ASG and various City officials, including RHEE. The Illinois Attorney General argued in their response that I had an "Uphill Battle" in my pursuit for justice and the case was dismissed. (Side note- Mr. Rosenblat stated that in his 35+ years of practicing law, he had never seen a Qui Tam dismissed due to the complaintant having an "Uphill Battle").

Just when I had nearly given up any hope or faith in sounding the whistle- over 10 years of fighting the Machine to the tune of well over a million spent, being the voice for the children, there was a break.

July 27, 2018, the Chicago Tribune did an expose titled, "BETRAYED." Seems the Chicago Public Schools (CPS) had hundreds of un-investigated sex abuse claims involving CPS students, dating back over a decade. In fact, 520 students had been raped or sexually assaulted while the City and CPS leaders glossed over the abuse. Many students were re-victimized by Chicago Police investigators who questioned and dismissed the victims claims. In one case, a young girl was raped over 40 times by her track coach. In another, a special needs child was sexually assaulted by a school janitor; all with the City and CPS leaders turning a blind eye.

Immediately, Mayor RAHM EMANUEL and Janice Jackson, Chicago Public Schools CEO, attempted to get in front of the crisis. Even Ald. BURKE got involved by establishing a hotline for parents to call if they believed that their children had fallen prey. Meanwhile,

Mayor EMANUEL, issued a statement calling for "immediate accountability" and for ANYONE with suggestions on how the City could 'tighten things up,' to come forward. This was the call to action that I desperately needed!

Now having a sense of renewal, I was even more driven to fight for justice. I began a direct action campaign. I conducted covert site visits to several of KLACZAK's shell corporations. Ultimately, I landed in Lynwood, Illinois at a business owned by KLACZAK called Paw Palace. Paw Palace is situated on a sprawling 20 acre compound with a large pond- this also serves as KLACZAK's primary residence, approximately 1/8 of a mile from an elementary school. Paw Palace's primary business is pet grooming, dog boarding and in home canine training. They are also a Chicagoland leader in police K-9 training.

As I found myself on the grounds of Paw Palace, posing as having an interest in the adoption of one of the many rescue dogs, I was able to walk the grounds with 'Cash,' a 3 y/o mixed mastiff. I took notice of almost every detail on the property, it was upon our return to the adoption center that I witnessed a disturbing sight. Two young boys (guessing 12-14 years of age) exiting Mr. KLACZAK's residence which sits adjacent to the boarding/training center but across from the rescue center where I was now positioned. I asked one of the volunteers who was working the center if those were the owner's children, to which she replied, "No, they probably just went to use the bathroom." Astonished at what I had just witnessed, I knew that I had to intensify my investigation.

On the next day, I returned. This time I wanted to get photos of the house which is situated in front of the pond as well as information on several of the vehicles that were parked near the residence. After about 30 minutes on the property, I departed. The following week, I retained the services of a private investigator in Dayton, Ohio who ran the plates of the vehicles on KLACZAK's property. Within 24 hours of giving him the information, he called and asked, "Who did you piss off?" Seems the FEDS had called him and questioned why he was "snooping around" running those plates. He stated that he was working for a client, to which he was instructed to, "Leave those plates alone." In his 40 plus years of doing investigative work, he stated that, it was the first time he ever got a call from the FEDS concerning a license plate check.

Not having to be Perry Mason, I knew that I was on to something. I returned to Paw Palace two weeks later, this time with another individual. If I was going to catch this predator (Chris Hansen), it was going to take more than just me. Upon our arrival, we went to the office and inquired with the manager if he knew of the property ever being rented out as it would be the perfect place to host a birthday party. We were told that we needed to speak to the owner, who was not present. As we began to depart, the manager said, "Here he comes," as if on cue.

Not believing my eyes, I was about to be face to face with the "Man Behind the Curtain." My nearly 10 year pursuit had come down to this moment. The predator who had eluded many of his victims that had attempted to collect civil judgments by filing bankruptcy multiple times and created shell companies to conceal his identity, was walking our way. Extending his hand, he introduced himself as 'JOHN.' I began by complimenting his impressive property and the great work his volunteers did at the rescue and adoption center. My cohort then chimed in, asking if he would ever consider renting out the property for a birthday party for her "twin nephews" that were turning 14 years old. 'JOHN' paused for a second before asking, how many children did we anticipate, to which she stated 30-40 with a handful of adults chaperoning.

Knowing that this was a risky move as KLACZAK was certain to be on heightened alert considering his status as a predator, I held my breath. Without hesitation, KLACZAK responded, "I'd love to host your nephews party." He provided a Paw Palace business card and instructed us to contact him via company email with the details. In total shock at what had just occurred, I knew that we needed more. Clearly, no one would ever believe that "Mr. OZ" had agreed to host a birthday party on his property for dozens of children.

After a couple of months of "repositioning our strategy," I figured it was time to reconnect with "JOHNNY." Surely he would have forgotten our previous visit and even if he remembered, he would certainly have a change of heart and decline hosting the party. To my surprise, JOHN immediately replied to our email and was eager to provide details as he thought that we had made alternate plans.

JOHN W. KLACZAK confirmed the details in his response email, along with the amount of \$750.00 (no deposit required). In a follow-up conversation, he offered to make it an overnight camping party with a fire pit if the parents wanted to "Enhance the Experience-" should be noted that KLAZACK shares his residence with another convicted sexual predator- STACY M. GORGAS who runs Cleaning Specialist Inc. (CSI) a crime scene cleanup company owned by KLACZAK.

Now we had our "Golden Cookie!" Mr. KLACZAK committing himself over the wire certainly will get the City leaders to take notice now that I had tangible evidence of a predator on the prey.

November 2018, two months before the January mayorial election I decided that it was the right time to visit some former allies from the City's Black Caucus. I had gained their support years prior when the late Alderwoman JoAnn Thompson and Alderman WALTER BURNETT objected to BURKE's unwarranted meddling in our contract. I certainly did not want to catch the Caucus off guard with my sensitive information so close to what was certain to be a historic election (first openly gay African American female front-runner). After all, it was the Caucus along with the late Desiree Tate (a political powerhouse in her own right) who were instrumental in assisting me when I first arrived in the City, having no clue how to navigate the waters of the Windy City.

Armed with clear and convincing evidence of KLACZAK actively violating the terms of his lifetime predator registration of not being in the presence of children (let alone hosting 30-40 children running around his property) is what I needed. With evidence in hand, my first stop was Ald. BURNETT. Ironically, he was meeting with his Ward attorney when I arrived. He carefully began reviewing the handful of sensitive documents that I had provided, including the e mail from KLACZAK. As he studied the documents, he paused and said, "We have a problem." Seems that JOHN STAMPS had solicited the assistance of Ald. BURNETT in getting the CPO to accept his "Double LATE" bid years prior. BURNETT then asked the question that I had not anticipated... He said, "Have you gone to the FBI with this information?" Caught off guard, I told him no; the FBI was the last place that I would have thought to go to.

Clearly, in deep thought, the Alderman went on to discuss the timing of this information (historic election) as well as the Chicago Police Department PR nightmare in the wake of the killing of Laquan

McDonald and the subsequent cover-up by Mayor RAHM EMANUEL and the Chicago Public School sex abuse crisis. BURNETT stated that he would reach out to ED SISSEL (Corporation Counsel) as well as the 5th Floor and set up a follow-up meeting.

A week after ffleeting ith BURNETT, I was able to connect with Alderwoman CARRIE AUSTIN's office. AUSTIN was the powerful Chairwoman of the City's Budget Committee and had a history of standing up to BURKE. It was apparent that BURNETT had spoken to AUSTIN as I was instructed to forward the sensitive documents over to her via a private email account that was provided to me, prior to securing a meeting. After a couple of weeks had passed, I received confirmation from her chief of staff that she had agreed to meet.

Arriving at the Ward office was like a scene out of the movie, The Godfather. Constituents, business owners, laborers and then me; all cramped in a small lobby. It was clear tht it was going to be a long day! Five minutes after my arrival and to my surprise, I hear my name called. As I am ushered into the Alderwoman's office, she greets me with a hug. s if we were long lost friends. She appeared very relaxed and well briefed on the subject matter for which I was there for, uttering a familiar phrase, "I hear we have a problem."

As we begin to discuss the sensitive information, I was cut off in mid sentence. The Alderwoman asked; "Have you spoken to anyone outside of the City about this matter?" Not fully understanding the question, I stated that I had met on numerous occasions with the Inspector General's Office, including turning over the dossier that was requested of me. She said; "No. Have you gone to the FIH?" What are the chances of two people asking the same questi9n!? I replied, no but BURNETT asked the same question. She then explained that I had them (City) by the "Short Hairs" and.that I needed to be careful who I shared my information with.

Over the next 2.5 hours (there had to be some upset people in the lobby), the Alderwoman gave me some insight into the inner workings of the Machine. First, describing the City's payout to the family of Laquan McDonald (Budget Committee authorized the settlement). She stated that the City was prepared to pay in excess of 20 million had it not been for an eager family who settled for "pennies on the dollar" (5 million dollar settlement). She added that if it were her children or grandchildren; "They'd be paying me 5 million a day!" I found the Alderwomans candor to be surprising as this was a conver-

sation that I am certain, few have been privy to.

Then came the bombshell. Alderwoman AUSTIN began to explain that the City was well aware that they were doing business with KLACZAK. The reason that they had not terminated their relationship with the sexual predator was because of the exposure it would give "certain individual." Assuming she was talking about RAHM EMANUEL and the fact that his office was well aware of my years sounding the whistle, she chuckled and said, RHEE was the 'linchpin.' The Alderwoman went on to explain that the former CPO who oversaw and awarded KLACZAK's contract was now the Commissioner of Aviation. As such, AUSTIN explained that RHEE was the "Gatekeeper" of the 8 BILLION-DOLLAR federally funded Airport Modernization Program. Still not fully tracking where she was going, I asked her how that had anything to do with the Chicago Police Department partnering with a convicted predator. She began to explain in great detail that RHEE, in her capacity of being the Commissioner, was the "Keeper of the BBC." I was totally lost at this point, until she let out a laugh and said, the "Billionaire Boys Club." RHEE was overseeing a slush fund that awarded multi-million dollar contracts to friends and family of the BBC Stakeholders.

Finally, it all came together! The City had been ignoring my pleas to address its relationship with KLACZAK because if his contract was disturbed, it would open up RHEE's malfeasance as the City's Chief Procurement Officer, which would likely call into question hundreds of contracts that she had signed off on; potentially jeopardizing the BBC. The Alderwoman gave a look of approval as I for the first time was able to fully grasp the magnitude of the Machine. With that, AUSTIN closed by saying that she would reach out to Corporation Counsel (former White House Counsel under the Obama Administration) and get back with me.

Now, things had taken on a whole new dynamic, and I was fully aware why I had been blown to the wind. The City was stuck with KLACZAK. After a few weeks had passed, Alderwoman AUSTIN reached out and 'informed me that her "election was more important" (reason for the delayed response) and that she had spoken to Counsel and it was the City's position that I had pursued civil litigation in the courts and the City had no more to say. Shortly after, I received a similar call from JOE DEAL the Mayor's Chief of Staff informing me that the Mayor's Office did not feel that my concerns warranted a response or any involvement.

Several months later, one final stop on my "Informational Tour." With just weeks post the April 2, 2019 historic runoff mayoral election (I deliberately waited until after the runoff because of the crowded field of nine), it was time to pay mayor-elect LORI LIGHTFOOT a visit. The former Chicago Police Accountability Task Force President, LIGHTFOOT headed CPD's professional accountability board. LIGHTFOOT is a former federal prosecutor turned high-powered litigator with the firm Mayer Brown LLP. It is this firm that I pay my visit to. (The mayor-elect had a transition office but it was certain to be a "show" with people vying to get on the 5th Floor team).

As a partner with Mayer Brown, mayor-elect LIGHTFOOT had made a name for herself. The Ohio native (Massillon, Ohio), graduated from the University of Chicago School of Law and won the election in an unprecedented landslide (74%) against Cook County Board President Toni Preckwinkle. This visit would not be to see the Lady of the Hour, this visit is to see TYRONE FAHNER, senior partner and LIGHTFOOT mentor (also former Illinois Attorney General). It is my hope to get my sensitive information to the inner circle of the new Administration as it is certain to be a crisis landing on her desk.

Upon my arrival at the office of Mayer Brown, I scanned the directory for Mr. FAHNER. The security officer at the front desk called up to his office, eventually dispatching his assistant (Gail) to come down (people in Chicago get nervous when they get unsolicited visits- billionaire MICHAEL SACKS is a story for later). After quickly scanning the documents, Gail asks if she can make a copy for the "Big Guy" as the documents seem to have gotten her attention. I later follow up with an email to Mr. FAHNER to which I got no response. My work is now complete on the Chicago Tour. I now set my attention to the final piece of this twist d puzzle.

Back in Dayton, Ohio, I find myself searching for what my next move will be. 11 of my options to sound the whistle on public corruption, seem to be fading. There is nowhere to go next, or was there?! After weeks of feeling hopeless and not knowing where to turn, a light went off. The common denominator between Ald. AUSTIN and Ald. BURNETT was the FBI! I needed to report my muckrake to the federal authorities, they certainly would take notice of my 10 plus years of documented evidence. Plot twist ...

On April 10, 2019, I went to the resident office of the FBI in Dayton, Ohio as it was certain that the relationship between the Chicago Police Department and the Chicago FBI would be too close, at least for my initial visit. Upon my arrival, I was greeted by Special Agent ANDREW GRAGAN. SA GRAGAN seemed caught off guard by my unsolicited visit (I am sure most people do not cold call the FBI). I begin explaining that for the past 10 years, I had been sounding the whistle on public corruption taking place in Chicago, Illinois that involved elected officials at the highest level of city government. Having brought over 3000 pages of documented evidence, SA GRAGAN asked if I would be willing to return to the office at a later date, as he "needed to make some calls." Approximately 2 weeks later GRAGAN informed me that he was able to secure a meeting, in which Chicago FBI would travel to Dayton (for an interview) and asked that I return on April 30, 2019 at 0730 hrs with my dossier. Finally, someone to hear my pleas- not just someone, the Federal Bureau of Investigation!

April 30, 2019, would be the day that my life would be forever changed. I arrived at the office of the FBI on Clyo Road at the requested hour. I was greeted by the person that I had come to know as SA GRAGAN. Struggling to carry the banker boxes of evidence, GRAGAN began asking me; "Are you Brian Higgins?" I found this to be odd as we had previously met and had several conversations regarding my upcoming visit. After confirming my identity, GRAGAN asked me; "Do you have any weapons on you?" Now, I may not be the sharpest tool in the tool box but I was thinking for this to be the FBI, they ask some of the most elementary questions at 7:30 in the morning. I play along and reply; "No weapons ANDREW-" in my Dave Chappelle voice. The next thing out of his mouth was shocking. "You are under arrest Mr. Higgins." If not for the fact that my sense of humor was intact, I probably would have been shaken. I calmly asked him; "On what charges ANDREW?" He proceeded to state; "You are being arrested in connection with a 2014 leaking fish tank."

Seems that in a 2014 insurance claim for water damage to my residence (over 250K worth of damage), I spent 25K outside of the repairs to the home. The fact that I could do the repairs for less than what the insurance claim was, is somehow a federal crime.

The damage caused by the 900 gallon saltwater system required several contractors, most of whom I had relationships with as I supported many in business with various projects over the years. One contractor however; MICHAEL MARSHALL (would remind you of a bad used car salesman after Hurricane Ian), I retained on the suggestion of a friend to be the site manager (United Demolition). MARSHALL also had another company (Drywall Wizard) and asked that I give him the drywall work. Unbeknownst to me, MARSHALL was a Confidential Human Source a.k.a. CI working for the FBI. MARSHALL stated that he had some previous issues getting work with the City of Dayton as a contractor. I was asked if I would introduce him to City officials who I thought could help him and his company with public works contracts, which I did. In the end, I had to terminate MARSHALL and his ragtag companies for performing shoddy work on my residence but not before he ran off with over 30K of the insurance proceeds.

I was driven to the Courthouse and arraigned on the charges of mail fraud and wire fraud for spending 25K of the insurance monies outside of the residence. The Government's "theory" is that I did not intend to complete the repairs to the residence and that I was going to "run for the hills." The fact is, I was in litigation with the insurance carrier (Assurant Insurance Co.) for Bad-Faith as they deliberately withheld over 100 in monies needed to complete the repairs. In addition to my arrest, I was rounded up with three other individuals (first round of indictments), all of whom I knew. Two of the individuals were City of Dayton employees (one a City Commissioner and regional bank president) who I introduced to MARSHALL, unaware that he was a Government Informant.

In MARSHALL's capacity of an Informant, he forged relationships with the officials that I thought could assist him with city contracts. MARSHALL and these individuals began exchanging money for favors a.k.a. bribes. Now they too found themselves in front of Magistrate Michael Newman facing charges ranging from bribery to theft in office and lying to federal authorities.

The Government coined their dragnet operation, "Demolished Integrity;" a "Widespread Culture of Corruption" dealing with a 40K patio that MARSHALL had built for one of the individuals and 30K in cash received by another, both in exchange for public works contracts. United States Attorney BENJAMIN GLASSMAN stated that I was rounded up with the others because my case (manufactured by MICHAEL MARSHALL) stemmed from the same investigation- not public corruption. Side note-

most all contracts that MARSHALL was able to procure for public works were terminated due to his poor performance. Seems that the Cl's work was as shoddy as the "Keystone Cops" investigation.

During my arraignment, Magistrate Newman asked how I plead to the charges. After entering my "NOT GUILTY" plea, my counsel (arguably one of the best criminal defense attorneys in Ohio) excitedly said; "I've got great news, 'they' don't even want you (as if I had just won the Showcase Showdown on the Price is Right), you are here because you know where the 'bodies' are!" To this I laugh. I have traveled to the FBI exposing a multi-billion dollar federally funded slush fund, a ghosting scheme (using the identity of the deceased on the black market) and a sexual predator actively preying on children- yet, I am sitting in federal court shackled and arrested for a leaking fish tank. This is laughable if for no other reason, we now know that the Federal Bureau of Investigation could care less about the sexually abused children. They would rather use federal resources (millions spent) pursuing a civil matter, if that, as neither my insurance carrier or mortgage company had filed suit in connection to my 2014 insurance claim.

On August 8, 2019, the Government called a meeting purportedly in an attempt to "resolve" my case. Present were the AUSA BRENT TABACCHI, Ohio BCI BRENT KILPATRICK and FBI SA LANCE KEPPLER. The meeting began by the Government laying out their "theory" of the case. They described it as a "slam dunk," and my bank records show me taking 25K from the insurance proceeds and spending on items outside of my residence. However, TABACCHI had a "path" that would prevent me from going to prison. Mr. TABACCHI extended an olive branch. He proposed that I provide damning information against U.S. Congressman Michael Turner (R) and other elected officials to include Montgomery County Commissioner Debbie Lieberman, Montgomery County Coroner Dr. Kent Harshbarger as well as former Coroner/Crime Laboratory Director Kenneth Betz. In exchange TABACCHI would guarantee probation and ZERO restitution in my criminal case. I declined and the meeting was adjourned. Should be noted that TABACCHI stated that if any information that I would provide had been "outside of the statute of limitations, he had a way of getting around it."

January 21, 2020, another meeting was called by the Government, this meeting was attended by the previous individuals with the addition of FBI SA TYLER FREEMAN from the Chicago FBI. It was apparent

that in their haste to round up African American businessmen and elected officials on April 30, 2019, they neglected to interview me. In fact, the day that I was taken into custody, they had loaded the 3000 pages of evidence that I was requested to turn over, back into my vehicle.

This meeting however,, was different than the first as it had the appearanG,e of "housekeeping," to discuss my claims of crimes being committed in Chicago. I was asked if I would testify against the now disgraced Ald. ED BURKE (his meddling in my contract with the City and CPD)- he was indicted for extortion caught on tape in late 2018 related to a LOK shakedown of a Burger King restaurant remodeling permit in his ward. I agreed to testify against BURKE. Additionally, I was asked if I would go undercover and wear a wire on the sexual predator KLACZAK, to which I declined. At the conclusion of the meeting, counsel and I were asked if we preferred to travel to Chicago for a formal interview or if we wanted Chicago FBI to travel to Ohio. We agreed on going to Chicago (my last Dayton visit was not fruitful) and were told that a meeting would be confirmed within 2 weeks.

December 15, 2020, nearly 11 months after being assured of a meeting (another broken promise), we meet again. This time it was a meeting that I had requested as the Government had operated in bad-faith (I recorded it). This meeting urned out to be as fruitless as all others. It was quickly apparent that TABACCHI was under 'political pressure to "resolve my case." It began by him scolding me and telling me that I had "NO RIGHT TO MEET WITH ANY LAW ENFORCEMENT AGENCY," to include the FBI. After pressed as to why we were denied our meeting as promised, Mr. TABACCHI stated that, "WE CAN HAVE OUR REA.SONS. 11 He added that he had contacted FBI Chicago and that they had no interest in hearing what I had to say. When asked why the FBI would have me on a ruse to travel to their offices on the morning of April 30, 2019, TABACCHI replied, "THE FBI DIDN'T KNOW WHERE YOU LIVED;" at which time I excused myself from the meeting.

December 16, 2020, the next day after wasting my time, I received a call from counsel, informing me that after I departed, they stayed around to "discuss my case" in further detail. They conveyed that the Government wanted to know, what it was that I wanted. Counsel replied, "WE WANT A MEETING WITH CHICAGO FBI TO TALK ABOUT THE CHILDREN." After conversing amoungst themselves, TABACCHI now agreed to set up yet another meeting with FBI Chicago. One catc½. he wanted me to take a plea deal in my criminal case- a plea

deal of my choice as I was previously provided a copy of the Federal Misdemeanor Code and told to "pick the misdemeanor that was acceptable to me," with expungement within 12 months (great deal if you are guilty). Counsel once again emphasized that until we get our meeting with Chicago FBI, "WE ARE NOT DISCUSSING A FISH TANK."

Now within less than 24 hours, the Government had done yet another pivot. First, Chicago FBI had NO INTEREST in discussing sexually abused children, now they agree to meet with me. TABACCHI offering a quid pro quo to report high crimes in exchange for a plea, reeked of duplicity- as if my name was DAN.

December 17, 2020. the next day, the offer had been resended. Mr. TABACCHI filed a superseding indictment, charging me with witness tampering and witness retaliation for filing a timely civil suit against the Informant MARSHALL et al. that stole over 30K of the insurance proceeds. The superseding indictment is just another example of prosecutorial misconduct/vindictiveness on the part of BRENT TABACCHI.

May 2021, an exasperated legal team had come up with a "new strategy." They wanted me to participate in a game of "trickery" on the the Honorable Thomas M. Rose. Seems that they had coordinated efforts with the Government to request a Competency Evaluation of my mental state. This would require a formal hearing in open court. The AUSA and counsel however, would need my assistance to convince the Judge to send me away for a psychological evaluation to take place within the Bureau of Prison- up to 45 days with a goal of obtaining a "non-competent" diagnosis. This all in an attempt for a mistrial.

On May 21, 2021, counsel contacted me to "pregame" the upcoming Hearing. Not believing that my own defense team was going to intentionally "Hoodwink and Bamboozle" the Court, I recorded our conversation (one of many). It was in this conversation that counsel thanked me for following their advice and "ALWAYS DOING THE THINGS THAT THEY ASKED OF ME." They just needed me to do one last thing. They needed me to assist them in convincing the judge to send me away, arguing that I suffered from a "mental defect" that would require an in treatment mental evaluation. I was advised to be prepared to be taken into immediate custody of the U.S. Marshals and likely be shipped to Butner, North Carolina (BOP medical facility).

On May 24, 2021, standing before the Honorable Judge Rose, I was asked if I understood the proceedings, to which I affirmed. At this point, counsel and the Government began to argue that they had

"grave concerns" for my mental state and questioned if I had the ability to assist them in my defense. They specifically cited my desire to discuss things that were not apart of my criminal case i.e. the children. Counsel went on the record to say that I was "fixated" on crimes being 'committe.d in Chicago, Illinois dealing with former Mayor RAHM EMANUEL et al. , related to a "contract dispute and child molestation.'" TABACCHI concurred with defense counsel that I continue to raise issues that are "irrelevant" to my case (fish tank).

The Honorable Thomas M. Rose asked that I "Cooperate with the Court" as he was going to place me in immediate custody for up to 45 days. He further stated that the Court also shared the same concerns as counsel and the Government. Additionally, he stated that if I came back deemed to be competent, the Court would get my case back on schedule as this evaluation was going to delay our insurance experts Daubert Hearing (expert testimony, no crime was committed).

After spending a total of 68 days in the magical BOP (Summer Cross Country Tour) that took me from two county jails, a federal holding facility in Oklahoma, City OK and finally to downtown Chicago. Yes, the Windy City, where .it all began- Metropolitan Correctional Center (MCC) Chicago. There I spent several weeks in solitary confinement ("Covid 19 protocol"), finally meeting with Dr. Jason Dana, Chief of Psychology who was tasked with determining my "sanity." Dr. Dana spent approximately 3 hours in multiple interview sessions, discussing my childhood and adolescent upbringing- (did I kill small animals as a child). In addition, I was asked to pair various shapes -and sizes i.e. squares vs triangles vs circles, to which I was declaired to be competent and was im ediately released from custody after 23 days of additional incarceration (Court ordered maximum of 45 days in BOP custody).

For the next several months, my legal team did very little in the way of representation/trial prep. In fact, the tension was so intense that one of my attorney's refused to give me eye contact and the other slipped up and disclosed that they had contacted th= malpractice carrier, putting them on notice of a potential claim. It seems that our attorney/client relationship had erroded no tna: I was "fully woke," and on to the games and deception that the\ had displayed in open court. Having nothing to lose, I thought t :

I would try a little experiment. Let's call it, "Operation Hot Potato." How many Government officials, A.K.A. "G-men" (coined by J. Edgar Hoover) can I pass over knowledge of high crimes and abuse against children before someone acknowledges my pleas. For the record, my bet was no'ne.

I begin with my representatives from Ohio, U.S. Sen(s) ROB PORTMAN and SHERROD BROWN, followed by AUSA BRENT TABACCHI's target-U.S. Rep MICHAEL TURNER. All were provided courtesy copies of the dossier, to which none elected to acknowledge receipt. I was currently batting 1000. Next up, let's hit I-95 to Washington, certainly there will be someone that wants to save the children. I start with COREY ELLIS, at the time Chief of Staff to FBI Director CHRISTOPHER WRAY, (now United States Attorney for South Carolina). He certainly would take interest as the gatekeeper for the Director. After all, it was WRAY who was quoted, "It is jarring to me. It is totally inconsistent with what we train our people on and totally inconsistent from what I see from the hundreds of agents that work these cases everyday." (Reference to the handling of the USA Gymnastics sex abuse investigation by the Indianapolis FBI office). Mr. ELLIS appears to be a smart guy, graduate of Brown University, followed by the University of Memphis School of Law. As expected, crickets- ZERO interest in the children from 950 Pennsylvania Avenue (DOJ Headquarters).

On to the next, I need to "Land the Big Tuna," in the words of Alderman EDWARD BURKE. How could I get to 1600 Pennsylvania Avenue?" I figured the new administration that ran on transparency and accountability would be the answer to addressing my concerns. I began by studying the cabinet. We had the DOJ and the FBI who gave ZERO F's, not much higher than that. Wait a minute, my attention immediately went to the "Man of the Hour," RAHM EMANUEL. After all, he was the one that coined, "Never allow a good crisis to go to waste, it's the opportunity to do the big things you never thought possible and make them possible." I needed to reach the Chief of Staff, as I heard rumblings of "46" appointing RAHM EMANUEL A.K.A. "RAMBO" the Ambassador to Japan. If this is accurate, I predict his appointment to be the shortest ambassadorship an administration has had as he is certain to be recalled to Washington to answer some questions- "What did you know, when did you know it and what did you do?" I turned my attention to RONALD KLAIN, former high-powered attorney and Chief

of Staff to Vice President Biden, now returning to the White House for an encore as Chief of Staff to "46."

Mr. KLAIN, husband to Monica Medina, co-founder of Our Daily Planet, an environmental news platform; certainly the family man (father of 3) would take notice of crimes against children as this was the next stop on our "Hot Potato Tour." For several weeks, I hit roadblocks. The White House can be a tricky place to navigate, especially when you are dishing out Hot Potatoes. I attempted once again to penetrate the WH Switchboard (humorous story for later), to no avail. Knowing that KLAIN was once a prominent D.C. attorney, I turned my attention to the D.C. Bar Association. Bingo, the needle in the haystack. Seems that Mr. KLAIN was registered online with the Bar who listed his personal email address in its directory. KLAIN had a AOL.COM email (a tyrannosaurus rex by today's standards) but made sense as he previously worked for Case Holdings (Steve Case, founder of AOL).

Potato in hand, I sent Mr. KLAIN a personal note informing him of a potential crisis that was certain to be of national interest if not handled appropriately. I emphasized that it was not my intent to harm or embarrass the incoming Administration; however, a number of DOJ AND FBI officials had put the in peril, namely BRENT TABACCHI. After a couple of weeks of no response, I reached out to Mr. KLAIN for a second time. Certainly he was busy solving some world crisis, he probably had just overlooked my note. To my surprise, it seemed that I may have spooked the Chief of Staff. KLAIN had changed his email account. Unfortunately for him, he attached a forwarding message, directing anyone attempting to contact him via email to use his "new" GMAIL.COM account. Seems the Potato was a bit too hot for the West Wing power broker.

Now the table was set. There is no one in Government that can claim to be "uninformed" (most political puppets like to hide behind the cover of their underlings). Every level of Government had a seat at this uncomfortable table. Just one final stop on this roller coaster, my TRIAL.

Out of the "Gang of 7"¹¹ (6 African American and 1 wealthy white guy) I was the lone one standing in the way of the Government closing the door on their failed 'dud' operation. The "Big Whale" out of the group was STEVE RAUCH, a self-proclaimed "Hillbilly with money" (his words, not mine) paid millions of dollars in "compensat-

ory gifts" in brown paper bags to elected officials over the decades to gain favor for his demolition business. In fact, a year prior to his federal indictment, RAUCH beat a highly publicized state case for illegal dumping that involved the U.S. EPA. Seems that RAUCH should change his name to TEFLON. RAUCH was charged by TABACCHI for mail fraud, conspiracy to commit mail fraud and aiding and abetting. Facing decades in prison, RAUCH had one trick up his sleeve. Mr. 'TEFLON' retained the services of Taft-Stettinius & Hollister LLP., to represent him- ALL CHARGES DROPPED! Not only did RAUCH give the Government the middle finger, his enterprise was ordered to pay a measly \$15,000.00 fine, rubbing TABACCHI's nose in his doo-doo of a case.

On January 5, 2022, in the Walter H. Rice Courthouse, I sat for my final pretrial. We were set to conclude the Witch Hunt in 5 days but not before doing a little housekeeping. The Honorable Thomas M. Rose wanted to confirm that all parties were ready to proceed with the January 10, 2022 trial. I was given the opportunity to address the Court and communicate my concerns with proceeding with counsel as there had been little to no trial prep- case was never anticipated to go to trial by counsel (former or current) nor the Government. There was lack of material witnesses being called (NONE) and probably most troubling, I had never been asked by counsel for my side of the Governments flawed theory (scheme to defraud Assurant Insurance Co). This is laughable on its face as I was the one pursuing a Bad-Faith Claim against Assurant for dishonesty in administrating the claim.

Counsel then had an opportunity to address the Court. Appropriately, they conceded that the attorney/client relationship had eroded and they in fact did not feel comfortable moving forward with the trial as scheduled. Next up; the Court asked the Government if they were prepared to proceed with the trial, to which Mr. TABACCHI proudly boasted, "The Government is ready to proceed, you Honor." Now this is a 180 pivot from previous hearings where I was asked on multiple occasions to take continuances to delay the proceedings as former counsel and TABACCHI attempted to let my case "cool down." (Previous counsel and TABACCHI had made a pact that my case would never see trial)- my case was 100% politically motivated and had garnered enormous media coverage due to the "Culture of Corruption." TABACCHI accused counsel and myself of attempting an "11th hour delay" and argued that the trial should proceed. With that, Judge Rose orders that the trial would commence on January 10, 2022 at :00 am.

January 10, 2022, "All Rise" were the words from Liz Penske, Clerk for the Honorable Judge Thomas M. Rose (reminiscent of an umpire calling the start of Opening Day at Great American Ballpark- "Play Ball"). Thinking to myself, this should be interesting (I was well aware that I had a 98% chance of losing this game- pretty good odds, if you are the house). This case however, did not require Clarence Darrow. The only way that TABACCHI would be victorious, was if he "scuffs the ball and uses a corked bat." His case and theory had more holes than a slice of handcut swiss cheese on a ruben from Katzinger's Deli in German Village.

January 13, 2022, three days into the Witch Hunt, I was informed by a dear friend that he and his 'lady' had tested positive for Covid. This was only relevant because, leading up to the trial, I had spent time with them socially, including dinner, just two days prior. Out of an abundance of caution, I informed my counsel, there was a chance that I may have been exposed (I sat between my counsel at the same table during trial). Unaware of the consequences of this disclosure, Judge Rose ordered the closure of the Court, until I could be tested, resulting in a day of delay. I tested negative. As the trial resumed the following day, the Government requested that I be sequestered to home confinement (house arrest with GPS tracking) for the remainder of the trial, to ensure that I did not become a "super spreader" and interrupt the Kangaroo Court. The Court granted the Government's request and I was placed on house arrest.

As the trial resumed, it was abundantly apparent that I was "down 5-0 in the bottom of the ninth with 2 outs." This was all but a done deal. The best that I could hope for, was a box of Cracker Jacks and a Barry Larkin bobble-head as a parting gift. The Government had pulled out all of its tricks- false testimony, manufactured evidence, witness perjury and the kitchen sink.

The Government however, made a unique move. Mr. TABACCHI elected not to call FBI SA LANCE KEPPLER to the stand. Remember, it was KEPPLER that was the Case Agent of the biggest FBI dragnet operation in Dayton's famed history. In fact, SA KEPPLER is the one who presented the case to the Grand Jury (they say that you can indict a ham sandwich) to make a case against the Gang of 7. Instead, the Government was careful not to have the FBI on the stand committing perjury; instead, they threw KILPATRICK under the perjurious bus (smart move) as the Government was under water with a house full of scandal.

KILPATRICK did not fail. He went down the perjurious rabbit hole, giving false testimony, while getting caught up in perjury, but not before handing over the "Golden Cookie." KILPATRICK gave what I predict will be the nail in TABACCHI's case on appeal- this really is the "Gang That Couldn't Shoot Straight" (a 1971 comedy).

January 20, 2022, the magical words- GUILTY! I have been found guilty on 5 out of 7 counts. As one juror departed the court, she muttered the words, "I'm sorry." Now for most people, this would be a moment of anguish and sorrow. For me, this is a cumulation of an experiment. Let's call it an Experiment of the [INJUSTICE] system.

My case began as something out of Laurel and Hardy. An FBI led investigation by a sketchy Confidential Informant that the Government put into business (United Demolition) to bait City of Dayton officials into getting public service contracts, in exchange for the, "brown paper sack." In the end, the Government allowed the Confidential Human Source(s) to pocket tens of thousands of tax payer dollars. The ringleader, MICHAEL MARSHALL had duped many unassuming individuals in both United Demolition and his ragtag Drywall Wizard. MARSHALL et al., not only stole from the public and private sector, he entrapped many to go down rabbit holes that they may not have even considered, let alone masterminded. Unfortunately, all took plea deals with the Government- some even became Informants themselves.

At any rate, my experiment is going as planned. Justice is not "blind" as we have been taught to believe in 5th grade civics class. I predict an autopsy of this case, will be studied by many, for years to come- this is truly a Miscarriage of Justice at the highest level.

May 25, 2022, in a packed courtroom (mostly Government workers within the building that rarely see a high profile 'Heater Case' go trial), are present to witness my fate, as this is sentencing day. I have been advised that I need to be prepared to be taken into immediate custody (like the board game Monopoly- Go to jail, go directly to jail, do not pass go, do not collect \$200), not being afforded the customary ability to settle my affairs and self surrender to a BOP facility- it appears that my latest writing (exposing the Code of Silence) has chafed some tails, including the Honorable Thomas M. Rose. In addition, Mr. TABACCHI has once again moved the goal post. A day before my sentencing, the Government has asked the Court to impose restitution (previously no restitution was ordered) in the amount of \$84,613.04 to Mr. Cooper LLC (formally NationStar

Mortgage). Seems that Mr. TABACCHI has pulled this amount out of his Department of Justice issued toolbox- it was originally 25K that the Government claimed I had "diverted."

Prior to Judge Rose imposing my sentence, he afforded me the opportunity to address the Court. I began by giving my thanks to the Court and the many people that made this moment possible (like an Oscar acceptance speech) i.e. FBI, Ohio BCI, Liz Penske, the Court reporter and most of all, Assistant United States Attorney BRENT G. TABACCHI. Without Mr. TABACCHI, I would have never had the opportunity to experience the Justice System at its finest.

As I stood before Judge Rose, he began to reprimand me for not "showing remorse" for my actions and that he feared that I may become a repeat offender, as I was a "danger to the community." Rose then imposed the maximum (Pretrial Services recommendation of 36 months) and ordered that I be taken into immediate custody of the United States Marshal Service. Ough, remember the GPS monitor that was placed on me three days into my trial. It was finally removed 132 days later and replaced with shackles and leg irons- I am now officially a convicted felon- game 2 shutout loss 1-0 (down 2 games of a 5 game series). The best screenwriter could not make this up!

So, an update since my conviction 129 days ago ... I have had some monumental victories (in the words of the late Vin Scully- "We have a lot of baseball left"). First, I am in a place that can only be described as breathtaking. There are 360 degree mountain views, where the air is pure and clean. I am currently training to become a certified service dog trainer through CARES, Inc., an organization that places therapy dogs for schools, hospitals, children with medical issues along with veterans with severe PTSD and brain injuries. Additionally, the University of Michigan School of Law (Appellate Litigation Clinic) has picked up my appeal before the Sixth Circuit Court of Appeals. The Clinic has identified significant issues in the trial court proceedings and has assembled a team of 3rd year law students along with faculty attorneys to work my appeal.

On a somber note, I filed a complaint against my dear friend and former attorney Anthony Cicero. It was Cicero and TABACCHI who conspired (chain conspiracy) to get me to "sit idle" while they figured a way to either get my case dismissed or to convince me to take a plea deal (more of the latter) as my case was politically polarized and motivated. In fact, it was Cicero who represented me in

the Bad-Faith against Assurant Insurance Co. and failed to disclose the conflict of interest- Cicero was a material witness to the Governments flawed theory (scheme to defraud). It was Cicero and TABACCHI who were trying to find a way to "quietly resolve" my case. In the end, Cicero represented me for 11 months before I made the difficult decision to terminate his representation. The Ohio Disciplinary Counsel of the Supreme Court is investigating my claims against Cicero, aware that he will be given (should be) an opportunity to respond to my claim. I am confident that the extensive record of Mr. Cicero's involvement in the 2014 Bad-Faith Claim will be evident that Cicero had a duty to recuse himself from my criminal case.

Finally, citizen journalist and community activist David Esrati (the only journalist that covered the trial from cover to cover) has been entrenched in his own legal battle. Seems that Mr. Esrati has pinched a nerve with the Government when he unearthed the FBI and TABACCHI covering up grand jury testimony of crimes being committed by former Mayor of Dayton NAN WHALEY while she was in office. (Must be noted that WHALEY is the 2022 Democratic Nominee for Governor of Ohio).

Mr. Esrati filed a Freedom of Information Act (FOIA) request to the Department of Justice requesting the grand jury transcript. Under rare circumstances are grand jury testimonies released; however, it appears as though Esrati has found case law stating that elected officials who commit crimes while in office are not protected from grand jury secrecy. To date, Esrati has filed suit in federal court against the DOJ and FBI to obtain the transcript, showing WHALEY accepting bribes from STEVE RAUCH- this is the same grand jury that was seated for the Gang of 7.

Since Esrati's federal suit, his case has been transferred to 4 separate federal judges. It appears that Esrati is dishing out his own Hot Potatoes as the DOJ is desperate to conceal the truth behind WHALEY's crimes before the November 8, 2022 Ohio Gubernatorial election, duping the Ohio voters in a key midterm election. Full disclosure, David Esrati and I have been friends for nearly 20 years and are both former United States Army Paratroopers. Esrati is also running against TABACCHI's main target- MICHAEL TURNER in the 2022 race for U.S. House of Representatives.

Recently U.S. Attorney General MERRICK GARLAND has defended the DOJ by saying that his office, "Follows the facts wherever they lead." GARLAND also stated in response to the USA Gymnastics debacle (FBI investigation) that, "The FBI has revised its procedures and

the Deputy Attorney General has issued a memoranda to the field so whenever U.S. Attorney's Office or federal law enforcement decides not to follow-up (investigate sex abuse claims), that they immediately advise the state and local law enforcement, so they can continue to investigate suspected crimes." To date, after sounding the whistle for well over a decade, I have been denied even a meeting with the "janitor." The Federal Bureau of Investigation Director CHRISTOPHER WRAY summed it up when he said, "No one is above the law." Does this hold true for Senior Assistant United States Attorney BRENT G. TABACCHI et al.? That is correct, Mr. TABACCHI was given a promotion after securing my conviction. Perhaps TABACCHI gets the same pass that former Dayton City Mayor NAN WHALEY received after accepting hundreds of thousands of dollars from demolition contractors- the blessing of the AUSA to run for Governor of the State of Ohio in the 2022 election after committing documented crimes.

Post my conviction, I have reached out to officials in Illinois, requesting that Illinois Attorney General Kwame Raoul revisit my 2017 Qui Tam suit, that his predecessor LISA MADIGAN wrongfully dismissed. In addition, I have requested that Cook County States Attorney Kim Foxx, open up an investigation into ALTHEA TAYLOR, of Taylor Made Industries. Ms. TAYLOR wrote the proposal that JOHN W. KLACZAK used to induce the City of Chicago in obtaining the fraudulent contract with the Chicago Police Department.

Fully aware of the gravity of the alligations that I am levying against high ranking Government officials, I created a website which contains the dossier of the cover-up by DOJ and FBI officials. This site also hosts numerous audio recordings of Government officials dismissing my concerns of a convicted sexual predator, actively preying on children. In the words of the late John Lewis, "Never, ever be afraid to make some noise and get in good trouble, necessary trouble." As a Politically Punished Prisoner, I will continue to endeavor to get into, "Good Trouble," being the voice for the children who find themselves, the victims of sexual abuse.

It is for the above reasons, I am requesting a full Congressional Hearing(s) into the Code of Silence.

Respectfully,

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