

FROM: 73006279
TO: Gandy, Joe
SUBJECT: emails to court....
DATE: 01/12/2025 09:04:51 PM

Times Gandy asks Rosenthal, Appeals Court, and Clerks for sealed information.

1. 1-27-19 (this is found in "The problem: Chief Judge Rosenthal has refused...") Under due diligence #3 Part C.
2. 3-24-19 (D)
3. 4-14-19 (E) This is Julie's email to Kretzer asking if Rosenthal is allowed to let my attorneys quit.
4. 6-20-19 (I) As seen in Exhibit C page 6 of the letter I mailed to the Appeals court on 1-18-21.
5. 10-1-19 (J) I tell Office of Inspector General about letter I above since Rosenthal ignores me.
<Explanation of time lapse> : Covid Lockdown approximately 4-1-20 to 3-1-21.
6. 1-18-21 (M) I mail the Appeals Court a copy of Letter I above. They responded 2-4-21 and CC'd the district court.
7. 2-13-21 (L) DE#239 Done while I was "pro se" because I fired Dallas Craig Hughes.
<Explanations of time lapse> ; Transfer to Houston from FL
- 12-9-21: DE#266 "motion to appoint counsel by me"
- 2-9-22: Letter from me saying Brandon Sample was ineffective DE#269
- 2-14-22: DE#272: Letter from me "asking for a copy of 2255 for an inmate" This is not what I asked.
8. 1-5-24: DE#277 Julie Gandy asked for DE#98 hearing transcript on 4-27-17.
9. 1-8-24: Court reporter Kathy Metzgercsr@gmail.com emailed Julie Gandy saying "for the 4-27-17 sealed ex parte transcript, I will need an order from the judge allowing me to release it."
10. 2-16-24, 2-21-24, 4-11-24: Julie continues to ask for sealed documents and finally receives DE#141 by Fred Warner who transcribed it on 5-6-24.
11. 3-17-24: (Q) District court ignored DE#98 request by me. RED FLAG! DE#285
12. 5-24-24: Julie is ignored yet keeps asking for sealed docket entries #136, #98, #46 referencing my requests in DE#285 and attached her power of attorney. She forwarded the same request on 6-13-24 and 6-20-24. On 6-20-24 Darlene_Hansen@txs.uscourts.gov says "I forwarded your request to Lisa Eddins, Judge Rosenthal's case manager.
13. 7-19-24: The District court received my motion for 60(b) relief due to constitutional violation.
14. 8-10-24: Julie emails Lisa Eddins saying "I'm sure you are very busy. I understand that Hansen forwarded my request to you but I still haven't heard back."
~~which asks about SCD caused by "R"~~ "property" (which asks about SCD caused by "R")
15. 8-22-24: DE#288 and 8-27-24: DE#289 is the denial of my 60(b) request saying a COA will not be issued. Obviously this request which was read by my biased judge should not have been sent to her because how can she rule on her own misconduct?
16. 10-2-24: DE#292 Compassionate release motion. This motion expresses mostly under the "signs" section how Judge Rosenthal was biased, and broke the constitution in my case. & continues to ignore requests to unseal DE#98 etc.
17. 10-14-24: Julie emails Hansen "We have yet to hear anything back from Ms. Eddins..."
18. 12-10-24: Julie emails Glenda_Hassan@txs.uscourts.gov "I looked back and saw that we requested this transcript (DE#98) from K. Metzger through the courts with the proper request form. This was her response: "For the 4-27-17 sealed ex parte transcript, I will need an order from the Judge allowing me to release it."
19. 12-10-24 at 10:37AM: Hassan responds: 1. I am attaching a copy of the motion for return of property (DE#285).
2. Sealed Documents are not released without Court Approval. Mr. Gandy will need to formally file a request to get copies of the sealed documents filed at DE#46 and #136. DE#98 is a minute entry and there is no documentary attached to that entry.
3. Attaching DE#287. Also the docket sheet. Acting Case Manager to Rosenthal 7132505517.
- At 11:29AM Hassan responds "The minute entry is for the actual hearing held that day. I took a quick look at the docket, and it doesn't look like a transcript was requested for the 4-27-17 pre-trial conference. (DE#285 above was a formal request for this.) If you want to request a copy of that transcript, you will need to formally do so. The Clerk's office can help you with that, and they can be reached at 713-250-5500. There is no necessary form to request sealed documents. If Mr. Gandy just sends a written request (I ALREADY DID!!), that should suffice.
20. 12-12-24: Hassan emails Julie "The hearing for some reason was sealed and unfortunately, I do not know why. A request to the judge will need to be made if Mr. Gandy wants a copy of that transcript. If the order issued by the court (she is referring to DE#285 which was responded by the government in DE#286 and #288 on 6-24-24.) did not address the unsealing of documents, Mr. Gandy may file another request to unseal these documents.
21. 1-3-25 I mailed "Clerk of Rosenthal" Requesting DE#98 & many other sealed docs, DE#294 Finally Docketed 1-14-25
22. 1-22-25 Req. to Appeal CRM & DE#98 & Fed Judge R should Recuse DE 295 1-29-25

Footnote 65:↓

There are two extraordinary types of cases in which exclusion of a witness' testimony is necessary to deter police misconduct. The first is where the police engage in unlawful acts for the specific purpose of discovering potentially useful witnesses. See p. ---of 191 U.S.App.D.C., p. 991 of 590 F.2d Infra. The second is where the witness' testimony (E. g., the testimony of a police officer who participated in an illegal search) Describes illegally seized evidence or otherwise inadmissible fruits. The deterrence principle obviously would be emasculated if the prosecution could use a willing witness to describe tainted evidence, and under established exclusionary rule doctrine such testimony is inadmissible. My analysis and conclusions are confined to the ordinary cases of live-witness testimony the types of cases with which the circuit court opinions cited above have uniformly been concerned in which the witness' testimony derives from knowledge he possesses Independently of any illegal police conduct

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United States v. Janis, 428 U.S. at 453, 96 S. Ct. 3021

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United States v. Calandra, 414 U.S. at 351, 94 S. Ct. at 621

68

Michigan v. Tucker, 417 U.S. at 448, 94 S. Ct. 2357

69

See pp. -----of 191 U.S.App.D.C., pp. 987-988 of 590 F.2d Supra

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In Stone, Justice Powell stressed the important role played by proportionality in criminal justice. See 428 U.S. at 490-91 & n. 29, 96 S. Ct. 3037, Quoted at p. ---of 191 U.S.App.D.C., p. 988 of 590 F.2d Supra

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The path of the law, of course, has headed unerringly toward unrestricted admission of relevant testimony. See McCormick's Evidence § 71 at 150 (2d ed. E. Cleary 1972):
The rules which disqualify witnesses who have knowledge of relevant facts and mental capacity to convey that knowledge are serious obstructions to the ascertainment of truth. For a century the course of legal evolution has been in the direction of sweeping away these obstructions.

See Brown v. United States, 126 U.S.App.D.C. 134, 143, 375 F.2d 310, 319, Cert. denied, 388 U.S. 915, 87 S. Ct. 2133, 18 L. Ed. 2d 1359 (1967) (Burger, J., concurring), Quoted in note 33 Supra.

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It is on this principle, for example, that 18 U.S.C. §§ 2510-2520 (1976), regulating electronic surveillance, prohibit not only unauthorized interception of communications but equally their subsequent disclosure

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See, e. g., United States v. Miller, 425 U.S. 435, 96 S. Ct. 1619, 48 L. Ed. 2d 71 (1976) (depositor has no Fourth Amendment interest in bank records relating to his accounts); Couch v. United States, 409 U.S. 322, 93 S. Ct. 611, 34 L. Ed. 2d 548 (1973) (taxpayer has no Fourth or Fifth Amendment interest in financial records surrendered to accountant); United

Jason Gandy

1 message

Julie Gandy <jgandy79@gmail.com>
To: noll@noll-law.com

Tue, Dec 10, 2024 at 10:21 AM

Mr Noll,

I apologize for missing a call from your office yesterday. It's a very busy time for me at work and I didn't answer because it was from Illinois & I wasn't expecting a call. I thought I'd go ahead and send some information on what we're needing. I'm reaching out on behalf of my step-son, Jason Gandy who reached out to your office and was told to send information. Jason is serving a 30 yr sentence under Case # 4:12cr503, USA v. Gandy. He was detained in July 2012, tried in July 2018 and sentenced in Dec. 2018. He filed and lost an appeal and a 2255 which was denied. He also filed a compassionate release motion but has not received any response. He is now seeking other post conviction relief options. He has been working on a judicial misconduct complaint against Judge Rosenthal due to several violations throughout the indictment and trial period. One of the major violations that Jason is presenting is that his lawyer in 2013 filed a Motion to Suppress (see attached DE34) which was repeatedly delayed by Judge Rosenthal and then was ruled as "moot" in April 2017 in a closed hearing of which Jason was not even aware of until after the fact. She also allowed 2 of his lawyers to quit against Jason's wishes. Jason was present and argued that they were paid to go to trial but she allowed them to quit anyway. (This hearing is now sealed and Jason hasn't been able to obtain a transcript of it) Judge Rosenthal also let a 3rd lawyer quit while Jason was in suicide watch and said that Jason did not oppose it, even though he wasn't even aware it happened until after the fact. She later used the argument that Jason hired and fired all his lawyers to deny a speedy trial motion. I know there are other issues but Jason would have to share those. I have attached the rough draft of Jason's Judicial Misconduct Complaint which was handwritten because he was desperate to file it.

Jason has requested approval to file a 60B motion and I've attached the response from the courts.

Jason has also discovered major discrepancies in the testimony of one of the victims, Jose Alfaro. Jose Alfaro testified in the criminal trial that he was 16 in 2007 at the time of his interactions with Jason and moved to Austin into a house that Jason didn't buy until Oct of 2008. When that was brought up in the trial by Jason's defense attorney, Judge Rosenthal speculated that perhaps Jason was renting at the time, etc. offering assistance to the prosecutor for discrepancy. Alfaro also filed a civil suit in which he testified that he met Jason when he was 17 in 2008. There are other discrepancies in the testimonies of both trials. In addition, Jason nor I were aware of when the civil hearing was held nor were we notified that Jose was awarded over 1M in the civil judgement. We didn't find out about this until several years later. (I've attached the trial transcript for both the criminal hearing and civil hearing) Day 2 starting at 2-209 is Alfaro's testimony, Day 3 on page 3-7, Rosenthal speculates about Jason possibly renting the house. On the Civil hearing, Alfaro testifies on page 11 that he was 17 when he met Jason.

Jason is seeking help in choosing the best avenue to pursue and assistance in preparing a Judicial Misconduct Complaint, 60B Motion or possibly a 2nd 2255 if grounds warrant. We would greatly appreciate any assistance or guidance that your firm can offer.

As this has become overwhelming to me over all this time and I have a hard time keeping the facts straight, it would be best to talk with Jason. Jason would welcome a phone call and ideally a legal call as all his calls are limited to 15 minutes otherwise.

I appreciate your time and interest in considering Jason's plight.

Thank you,
Julie Gandy

6 attachments

 Transcript Day 2 jury trial day 2 837.pdf
1042K

 Transcript Day 3 jury trial day 3 1142.pdf
607K

 Gandy vs Alfaro.Hearing.pdf
760K



Exhibit T
pg. 4

Julie Gandy <jgandy79@gmail.com>

Case 4:12-CR-503.1, 18-20823

1 message

Mon, Dec 30, 2024 at 10:00 PM

Julie Gandy <jgandy79@gmail.com>

To: criminal.division@usdoj.gov, criminal.divison@usdoj.org

To Whom It May Concern,

I'm forwarding this request on behalf of my stepson, Jason Gandy, who is currently incarcerated at FCI Oxford. I have power of attorney for Jason. Below is his explanation as to why we are addressing these concerns to your agency instead of the 5th Circuit Appeals Court who would typically address a change of venue request.

Chief Judge Richman, Judge Owen at the time of Jason's direct appeal, is involved in reading Judicial Misconduct complaints.

Chief Owen/ Richman has created a conflict of interest and shown clear prejudice in Jason's direct appeal. This is fully explained in his 1404 request for a change of venue which is attached. Jason believes there is a level of corruption in public officials in the federal courts in the state of Texas relating to his case that cannot be cured by simply assigning his complaint to another Judge, who is likely to go along with their fellow judges.

This is why I'm forwarding these attempts Jason has made to show bias and prejudice that has affected his structural constitutional rights. Jason has experienced this from the beginning and it has been ignored for 12.5 years.

We have numerous emails & documents that are mentioned in the attachments to this email, which we are glad to provide as needed.

We appreciate your assistance in allowing Jason to move his case to another appeals' circuit, ideally the Seventh Circuit, where Jason is currently housed. Please let us know where this request should be sent if you are not the correct agency to assist.

We anxiously await your response which can be emailed to me as his POA and mailed directly to him:

Jason Gandy 73006-279
FCI Oxford
PO Box 1000
Oxford, WI 53952

Sincerely,

Julie Gandy (POA) on behalf of Jason Gandy

5 attachments

 **1404 Transfer of Venue request due to the following.docx**
20K

 **12cr503 Motion for permission to file a 60B motion.pdf**
177K

 **Request for 60B Motion.pdf**
4306K

 **12cr503 Motion for return of property (DE 285).pdf**
257K

 **Informal JMC Filed November 7 .pdf**
12560K



Exhibit T
pg. 5

Julie Gandy <jgandy79@gmail.com>

4:12cr503-1

1 message

Mon, Jan 8, 2024 at 10:51 AM

kathy metzger <kathymetzgercsr@gmail.com>
To: jgandy79@gmail.com

Ms. Gandy,

For the 4-27-17 sealed ex parte transcript, I will need an order from the Judge allowing me to release it.

Kathy Metzger
court reporter