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August 19, 2021



Former AUSA Maria E. Douvas



Former AUSA Nicholas S. Goldin

The Government's Trial Counsels', AUSAs Douvas and Goldin, Unprecedented Ignorance of the Law, the Admission of Para. 10.1(iv) of GX-5, Acquitted Atlanta, GA Lawyer Ulysses T. Ware, Esq., of all Charges at Trial in U.S. v. Ware, 04cr1224 (SDNY).

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IIR has taken an interest in the Ware cases given the recent excellent reporting by IRNewswires' investigation into what appears to be a flagrant and unprecedented case of government and judicial fraud, corruption, and misconduct. Given the seriousness of the issues that have been raised and confirmed by credible evidence, IIR will focus its reporting, for now, on primarily the trial in **U.S. v. Ware**, 04cr1224 (SDNY) (RWS).

The 1224 trial was conducted by government prosecutors former AUSAs Maria E. Douvas (currently the purported the General Counsel at Canadian bank RBC) and Nicholas S. Goldin (currently a purported partner at New York law firm Simpson, Thacher, & Bartlett, LLP) before the Hon. Robert W. Sweet (deceased) in November 2007 in the federal court (SDNY) Manhattan, NY. Mr. Ware represented himself as pro se counsel after he terminated retained Sixth Amendment counsel Edward T.M. Garland, Esq. and Manny S. Arora, Esq., of Atlanta, GA in April 2007 for according to Mr. Ware “defective performance” and “failure to attack the Government’s case” (quoting Mr. Ware in an interview on August 1, 2021).

Court records confirmed that on November 17, 2004, former United States Attorney (SDNY) David N. Kelley for the Government charged Atlanta, GA lawyer Ulysses T. Ware, Esq. in the 1224 indictment with three counts of Title 18 Section 401(3) criminal contempt. The Government alleged that Mr. Ware, a lawyer, disobeyed three “lawful”^[1] orders of former District Judge Leonard B. Sand (deceased) entered in the Alpha Capital, AG, et al., 02cv2219 (SDNY) (LBS) litigation, (the “Alpha Litigation”). The Government’s case against Mr. Ware centered on whether or not Mr. Ware was required to issue Rule 144(k)

legal opinions to the “Civil Plaintiffs” named in paragraph 8 of the 1224 indictment, **Section 2(a)(11) statutory underwriters, and unregistered broker-dealers.**^[2]

As it turns out IIR confirmed with FINRA that each of the Civil Plaintiffs named in the 1224 indictment “on or around February 2001” were not and have never been registered with FINRA as broker-dealers. Federal law Title 15 Section 78o(a)(1) required each of the Civil Plaintiffs to register with FINRA to conduct the alleged transactions with IVG Corp. and others.

Moreover, it appears the government’s prosecutors AUSAs Douvas, and Goldin were not up to the job and not adequately prepared for the trial. According to IIR’s review of the trial transcript AUSAs Douvas and Goldin made many unforced critical and egregious trial errors that worked in favor of Mr. Ware. One of the more egregious and fatal trial errors made by the prosecutors was not being totally familiar with their trial evidence and the legal significance of trial exhibit GX-5, which Mr. Ware made the prosecutors look like fools in his devastating and brutal questioning of government witness Ari Rabinowitz.

By introducing trial exhibits GX 1–4 (IVG’s Convertible Notes) and GX-5 (the February 2001 Subscription Agreement)^[3], entered into by each of the Civil Plaintiffs and IVG Corp., through Ari Rabinowitz, the prosecutors made a **fatal trial error**. Paragraph 10.1(iv) of GX-5 according to Title 15 Section 77b(a)(11) conferred statutory underwriter status on each of the Civil Plaintiffs and **blew up the Government’s entire case** with that fatal error. Apparently, AUSAs Douvas and Goldin, and U.S. Attorney David N. Kelley were not properly informed and negligently unaware of the fact that **Section 2(a)(11) statutory underwriters are never legally eligible for Rule 144(k) exemption to evade and circumvent Section 5 registration requirements.**

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The **unprecedented ignorance of the law** by the Government's prosecutors, Kelley, Douvas, and Goldin was fatal to the indictment and fatal to the Government's case at trial. Paragraph 10.1(iv) of GX-5 as a matter of law acquitted Mr. Ware of all charges in the 1224 indictment in November 2007. However, the inquiry does not end there. What is more troubling is there appears to have been unprecedented grand jury perjury and fraud by David N. Kelley and AUSA Alexander H. Southwell in November 2004 in the procurement of the fatally flawed 1224 indictment.

IIR has reviewed the relevant laws that govern criminal contempt, Title 18 Section 401(3), Counts I, II, and III in the indictment, the 02cv2219 (SDNY) record, SEC Release 33-7190 n. 17 (1995), and the newly discovered Brady exculpatory evidence uncovered by Mr. Ware: the May 17, 2021, FINRA certification of unregistered broker-dealer status for each of the Civil Plaintiffs. IIR is of the opinion that David N. Kelley, et al., deliberately, and willfully fabricated the 1224 indictment by committing perjury and fraud on a federal grand jury to cause Mr. Ware to be illegally indicted based on known fraudulent grand jury testimony and the presentation of willful fabricated evidence.

In November 2004 Mr. Kelley did not have any factual basis to believe Mr. Ware, GPMT's securities counsel, had willfully disobeyed "lawful" orders, GX-11 and GX-24, and judgment, GX-7, entered by the 02cv2219 District Court (Sand, J.). Mr. Kelley and the Government lacked all probable cause to have

sought the 1224 indictment. Had Mr. Kelley and AUSA Southwell adequately and thoroughly researched the relevant law, especially **SEC Release 33-7190 n. 17 (1995), Section 2(a)(11), and paragraph 10.1(iv) of the Subscription Agreement** it is, without doubt, they would have found there was no criminal contempt case against Mr. Ware for not issuing fraudulent Rule 144(k) legal opinions to the Civil Plaintiffs, Section 2(a)(11) statutory underwriters and unregistered broker-dealers, to enable an illegal unregistered public offering of GPMT's securities, GX 1-4, **in criminal violation of Sections 5, 77x, and 78ff.[4]**

The conduct charged by Mr. Kelley in Counts I, II, and III in the 1224 indictment do not charge Mr. Ware with an “**offense**” against the laws of the United States, Title 18 Section 401(3). Therefore, the 1224 indictment did not charge an “**offense**” and the 1224 District Court (Sweet, J.) consequently, lacked 18 USC 3231 subject matter jurisdiction to have conducted the 1224 criminal proceedings, and; accordingly, Judge Sweet lacked all Article III and 18 USC 3231 subject matter jurisdiction to enter judgments of conviction and sentence against Mr. Ware. Mr. Ware as a matter of law, given the Government's introduction of GX-5 at trial and federal law, **SEC Release 33-7190 n. 17 (1995)** is actually and factually innocent of all charges in 1224.

The law requires that District Judge Edgardo Ramos **immediately reverse and vacate Mr. Ware's illegal and fraudulent conviction and sentence, grant a new trial, and sua sponte dismiss the 1224 indictment with prejudice for “flagrant” prosecutorial misconduct.** For some unexplained reason, Judge Ramos has done absolutely nothing in the interest of justice. Judge Ramos has refused to adjudicate the Court's subject matter jurisdiction over the proceedings; yet Judge Ramos on July 28, 2021, Doc. 304, entered an ultra vires order in favor of the Government on its motion, Doc. 250. Judge Ramos' unprecedented conduct raises other questions regarding whose interests are

Judge Ramos more interested in? The interests of Justice? Apparently not. Or the interests of *unregistered broker-dealer* Alpha Capital, AG (Anstalt) and their surrogates and flunkies? It seems that Judge Ramos has a disqualifying undisclosed actual bias and actual conflict of interest in favor of **unregistered broker-dealer** Alpha Capital, AG (Anstalt).

IIR is preparing a comprehensive reporting on apparent covert and undisclosed conflicts of interests and connections between District Judge Edgardo Ramos, Judge Robert W. Sweet (deceased), former AUSA Nicholas S. Goldin, and the New York law firm of Simpson, Thacher, & Bartlett, LLP.

[1] IIR's reporters have thoroughly reviewed the entire 1224 trial transcripts and can confirm the Government's prosecutors did not put on any evidence or expert witness that testified that GX-7, GX-11, and GX-24 were "lawful" judgments or orders. Accordingly, the Government's trial proof failed as a matter of law. **IIR can confirm that former District Judge Robert W. Sweet illegally charged the trial jury, Tr. 882 L 2-11, in violation of the Due Process Clause of the United States Constitution that "as a matter of law" GX-7, GX-11, and GX-24 were "lawful" orders and thus, Judge Sweet, not the trial jury, illegally convicted Mr. Ware of the "lawful" element of the Government's trial burden of proof in violation of the Due Process Clause. The 1224 verdict is null and void ab initio.**

[2] IIR reporters on August 1, 2021, travelled to New York and conducted an on the record interview with Ulysses T. Ware regarding the Ware cases. IIR has reviewed what appears to be suppressed and concealed material Brady exculpatory evidence, the May 17, 2021, FINRA certification and other evidence, which was required to have been disclosed by AUSAs Douvas and Goldin to Mr. Ware "prior to trial" as ordered by District Judge Sweet in the August 10, 2007, Dkt. 32, Brady disclosure order. Which raises other very

important issues, Why has District Judge Edgardo Ramos not vigorously enforced the written Brady order, Dkt. 32, entered by District Judge Sweet? Is Judge Ramos acting as a government agent? and has he been bribed or paid off to not enforce the Brady order?

[3] GX 1–4 and GX-5 are illegal contracts entered into “on or around February 2001” (quoting para. 8 of the 1224 indictment) by unregistered broker-dealers, and **unenforceable** by the **unregistered** broker-dealers as plaintiffs in a court of law, 15 USC 78cc(b).

[4] See Title 15 Section 77d(1) and Rule 144. Rule 144’s express language expressly exempted from underwriter status except issuers, brokers, and dealers (15 USC 77d: “(a) **In general.** The provisions of section 77e of this title shall not apply to — (1) transactions by any person other than an issuer, underwriter, or dealer.”).

Maria Douvas

Nicolas Godin

Edgardo Ramos

David Kelley

Alexander Southwell



Written by Ulysses Thomas Ware, JD, LLM, Ph. D. (Elec. Engr.)

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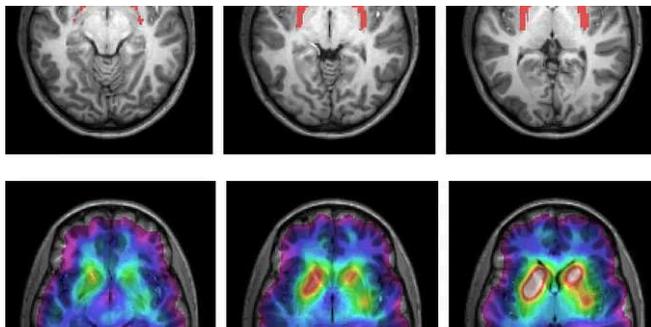


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ABSTRACT

Post-training alignment often reduces LLM diversity, leading to a phenomenon known as *mode collapse*. Unlike prior work that attributes this effect to algorithmic limitations, we identify a fundamental, pervasive data-level driver: *typicality bias* in preference data, whereby annotators systematically favor familiar text as a result of well-established findings in cognitive psychology. We formalize this bias theoretically, verify it on preference datasets empirically, and show that it plays a central role in mode collapse. Motivated by this analysis, we introduce *Verbalized Sampling* (VS), a simple, training-free prompting strategy to circumvent mode collapse. VS prompts the model to verbalize a probability distribution over a set of responses (e.g., “Generate 5 jokes about coffee and their corresponding probabilities”). Comprehensive experiments show that VS significantly improves performance across creative writing (poems, stories, jokes), dialogue simulation, open-ended QA, and synthetic data generation, without sacrificing factual accuracy and safety. For instance, in creative writing, VS increases diversity by 1.6-2.1x over direct prompting. We further observe an emergent trend that more capable models benefit more from VS. In sum, our work provides a new data-centric perspective on mode collapse and a practical inference-time remedy that helps unlock pre-trained generative diversity.

Problem: Typicality Bias Causes Mode Collapse

Solution: Verbalized Sampling (VS) Mitigates Mode Collapse

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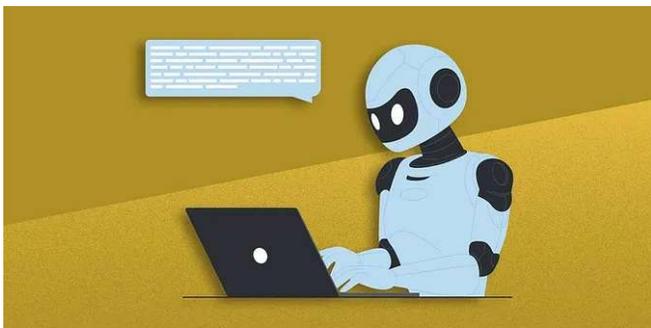
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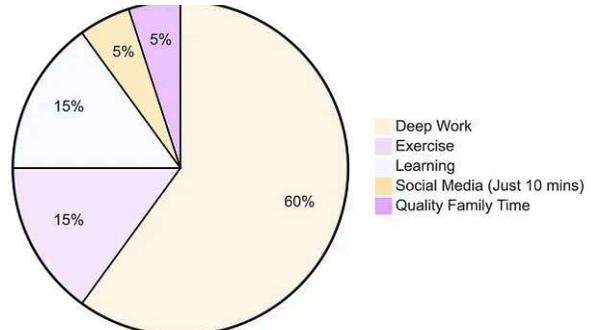
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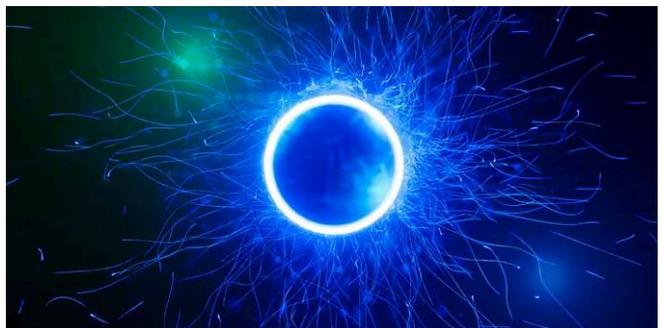
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