

G. Exhibit K, Page 3"--Since there was no suppression motion that had to be pursued, G believes that was -- once the government said that it wasn't going to use that evidence, that took care of the need to pursue that motion." Rosenthal <"R" HERE ON OUT> actually told G this on page 8 of DE#98. Thankfully G has two advocates, his mom with power of attorney, and a jailhouse lawyer filing a judicial misconduct complaint on R finally got DE#98 unsealed and transcribed for the first time on 4-21-25. This is newly discovered evidence that no higher court or appellate lawyer has ever seen. Due to G's mental health, personality disorders, and prejudice to his case no one would listen to him without this needed evidence. See emails from Kretzer, Sample, and Flood, Exhibits B, H and K which prove G did all he could from prison to bring up how important DE#98 was. DE#239 in the District Court and DE#79 in the Appeals Court also prove this. Doesn't this qualify as a structural constitutional error? There are so many reversals of cases where a judge gives advice to a defendant to take a plea. Isn't the advice "no need to pursue that motion", structurally devastating?

H. Doesn't the above legal advice in letter G by R mean that she is incompetent since in order for "that evidence" to not be admitted at trial Gandy<"G" HERE ON OUT> had to refuse to testify or else it could be used to impeach him? (C.L. #8) Cooper v. Dupnik "... any competent judge would have excluded his statements for all purposes, including impeachment". (C.L. #32) Mincey v. Arizona "Reverse the accused's conviction because statements were not given voluntarily and cannot be used for purposes of impeachment." Also, see DE#91 and DE#94 showing G's statements and illegally obtained fruits of them will be used against him at trial if he decides to testify. (C.L. #5) The Appeals Court in Cooke v. Orser said that the judge's promise was a due process violation causing demonstrable prejudice. Doesn't R telling G after letting his counsel of choice (C.L.#50) quit that he didn't need a hearing on two meritorious suppression motions, and then impeaching him with the illegally coerced statements and evidence deserve the same relief as Orser? See also Exhibit L, a 2255 by Dallas Craig Hughes ground 1. This motion explains how G wanted to use Mincey. See email from brandon@brandonsample.com on 2-3-21 @ 12:20pm to jgand79@gmail.com saying the Hughes appeal was wrong. (Exhibit H) After reading the 2255 by Hughes, who was right?

I. This constitutional question is needed due to a shocking lie by R. How could R allow three lawyers to quit when G is on the record in the newly transcribed on 4-21-25 in camera hearing, DE#98 telling her he paid them for trial? How can R in the newly transcribed 5-6-24, DE#141 "the speedy trial hearing" lie and say "the record seems to indicate that he fired them"? Wouldn't a higher court after reading DE#141 and DE#98 clearly see this false claim that G fired his lawyers was the basis for denying the dismissal of Count 1 due to a six year delay that was actually caused by R ignoring DE#34 and DE#46 for four years. (C.L. #56) US v. Powe says R should have ruled sua sponte. See Exhibit J, the last page of DE#305 which is G's motion for R to provide the Grand Jury transcripts, for more details.

J. November 2025 G finally got to read his PSR without being too rushed thanks to Case Manager N.....s. Bullet #12 on page six says G waived his Miranda Rights and chose to speak with H. S. officer J. Johnson and HPD officer J. Roscoe. This is the exact opposite of what the 7-20-12 interrogation videos and DE#34 and DE#46 say. Why else would G's statements and some of the fruits of G's statements secretly get ruled "moot" if he waived his Miranda Rights? G's PSR then goes on to inaccurately and often quote the opposite of what he said from the illegal interrogation. Fruits of G's statements are everywhere in his PSR and start immediately when they are used to change KV's statement on the same day. How is it legal for the PSR to say G waived his Miranda rights when he did not?

K. Isn't it true that R should have held a suppression hearing as the Powe Case says was "constitutionally mandated", since fruits of G's statements have spilled over in to his PSR, Psych records, Bond transcripts, the Grand Jury transcripts that she is scared to release, her own rule 29 denial on Oct. 5th 2018, & the trial itself some of which is proven on day 2 ROA 1205 & ROA 947 (explained further on pg. 8-9 of S.T.) (Exhibit G)?

L. Doesn't the United States v. Angel Richiez in the 11th Circuit prove G was required to at least get resentenced so that he can have a minimum of ten days (32(c))to read his PSR without disturbing a busy prison unit manager? Isn't R giving G less than one hour to read his PSR combined with all of the misconduct above (more details in Exhibit G "speedy trial Doc #133", Exhibit E "reasons law professors needed", T.V., Exhibit F) enough to prove she has violated the due process clause of the 5th and 14th Amendments which guarantee an unbiased judge?

M. See page 10 to 11 of "S.T.", page 4 through 5 of "reasons law professors needed", page 1, 7 & 8 of T.V. After reading all of these pages isn't it obvious that DE#285 (response in 286 3 months later & 288 nearly 4 months later), #287 (response in 289), (Exhibit Y) were purposely ignored, misinterpreted, the docket sheet hid structural errors, and flat out lies are in the responses to these motions? 285 & 287 ask R to please look at the 7-20-12 interrogations with case law in hand some of which G provided showing she caused structural errors. It's obvious from the responses that no defendant should ever have to ask the Judge who caused constitutional errors to fix what she did wrong. What can G do about R's friends in the 5th Cir. ignoring 5 Judicial Misconduct Complaints and another by a Jail house lawyer?

N. See page 3 through 7 of R.L.P.N., (Exhibit E) DE#292 CRM , R's response in DE#293, & DE#301 R's refusal to recuse or to allow G to proceed to file his CRM without paying the filing fee. After reading all these documents isn't it obvious R's misconduct is ongoing?

O. Knowing R's district court & the appeals court are biased / part of the Home Team (explained in pg.1 of T.V.), G filed a civil law suit on Rosenthal (pg.2 of T.V.) in the W.D.of Tx. On 4-7-25 Judge Ernest Gonzalez WROTE BACK, saying he transferred it to the corrupt S.D.of TX. with new

case # 4:25-CV-1613 (Exhibit M, Page 1) which to this day 1-17-25 never got a response, WHY? See letter G sent to Chief Judge Randy Crane on 7-31-25 (Exhibit M, Page 2) asking why no acknowledgment? Is this the same situation as DE#34 & 46 where the courts ignore defendants when a motion has merit?

P. DE#178 on 10-5-18 is R's order denying Buckley's Rule 29 motion filed during G's freezing stay in suicide Watch (9-21-18-1-4-19) Case Law # 25 says the defendant's absence = structural error.

DE# 174 on 8-21-18 was Buckley's Rule 29 motion (filed a month before Mark Adair hung himself), yet to this day G has never seen DE#174. This is important b/c just reading Rosenthal's response on pg.3 count 3 says "G's 3rd argument is that he did not know the images he transported to the UK were child porn." R & Buckley knew better since on day 3 of trial 7-23-18 pg. 63/ROA1204 Buckley says, "There nudist images, I know that there is case law that has in some circumstances recognized images like that as child porn, but I don't believe that in this case the images rise to that level. Pg 66 ROA 1207 R responds "I don't find that nudist photographs that could have been worse than they are sufficient to take from the jury..." The missing piece of evidence that R has labeled in G's docket sheet as "sealed event" (DE46) on pg 5 says "As the warrant affidavits state, inspection of G's computer at the airport by Gov't agents uncovered no images characteristic of child pornography." Since Buckley was hired 6-7-18 just 40 days before trial & Neyland had been hired as 3rd chair just to help communicate with investigators and communication with Dan & Nicole who Rosenthal let quit, Buckley never had time to read "sealed event" DE#46 to see that his argument "G didn't know" should have been "the jury didn't apply the dost factors like the Gov't agents at the airport did and concluded they were not child porn." Isn't this a perfect example of how R Structurally destroyed the foundation of G's case since G's counsel of choice wrote DE#46 proving no c.p. was on the computer = not guilty of count 3?

Also isn't it obvious that G's abnormal mental condition, obvious ignorance, or lack of awareness reveal a dereliction in defense counsel's failure to include the defendant in his defense? R is more to blame under due process standards in this fruits filled case because she was required "sua sponte" (C.L. #56 Powe) to hold a hearing? R had 5 yrs to notice page 5 of DE46.

Other fruits of G's 7-20-12 interrogation are found on pg. 3 under count 2 where R says "DEVICES" when only 1 device was allowed in evidence. R also on pg. 3 under count 3 talked about things in Asia that are not found in the trial and are false fruits that should never have been entered in the record. These last 2 sentences show R having to resort to "alternate facts" which are methods deemed illegal under C.L. 34 & 38, Nardone & Riley. Will whoever reads this please also read (S.T. Exhibit G, pg 8-9) to see these arguments in more detail?

Q. After reading letter P above & then Kretzer's direct appeal without G's approval that was a "cut & paste" job (which Kretzer who was introduced to G by Buckley told G that was something "other lawyers do"), can you tell this was all caused by Rosenthal destroying the foundation of G's case? Isn't it obvious Neyland & Buckley hired 30 days before trial, did not understand like Flood (who's brother "Flood & Flood" won a case just like G's, C.L.#55), DE#46? Also R's own case law in DE#273 Matter of Wynn (in letter F) proves Flood should not have been allowed to quit so why would R allow it unless it's because he knew too much (C.L. #55 Zavala)? Although Kretzer violated G's instructions omitting issues he wanted raised (CL# 6 Clemmons), had G been allowed to keep his counsel of choice he would have never met Kretzer or Buckley. Therefore CL#21 Henderson says the suppression of statements was a critical stage Kretzer & Buckley couldn't understand; especially since DE46 was sealed; requiring REVERSAL! CL 10 Davis, CL 50 US v. Gonzalez & CL 25 Kentucky says Reversal is automatic if defendant's absence constitutes a structural error that permeates the entire conduct...affects the framework..".

R. After reading P & Q above, then the denial of Kretzer's Direct appeal by R's coworkers OWEN, HAYNES, & COSTA on 11-4-19 case # 18-20823, can you see the structural defect & tell they copied R's DE# 178 above? Was it legal for these 3 appellate judges to lie on pg. 2, 3 & 6 saying Victim #1 said that G used his computer to "watch" child porn without quoting from the trial transcripts where they found this? Since the jury never saw any videos to "watch" & Gov't agents confirmed there was no c.p. on the computer, this alternate statement of lies (illegal & cause for reversal C.L. # 38 Ruiz) = a manifest abuse of discretion. Was this done to protect their favorite coworker?

S. The 2255 by Dallas Craig Hughes shows R's Constructive Amendment to count 5: While G was being forced out of the room to change out of his prison clothes he requested to wear; R takes full advantage and changes the indictment from Nov 1st 2005 - Dec. 27th 2005 to the year 2006. CL # 9 Coppedge, #11 DeBinder, #60 US v. Meyer "Judge who functions like a Grand Jury = Biased Judge", #57 US v. Kojayan "failure to acknowledge error & lack of supervision over prosecutor..", & # 42 Stirone Sup. Ct. case law says "After indictment changes may not be broadened through amendment" Since G had until recently not known the above could fix R's Structural Errors, which he only learned about after finding it in his trial transcripts, what can be done now?

T. All of the above case Law in Letter S above is just 1 reason G needs his GRAND JURY TRANSCRIPTS. The other reasons are fully explained in the attached "Gandy's Response to Gov't DE 305 response", Michael Levin's memo, & "The Grand Jury transcript request/Transparency Act" sent on 12-21-25 certified 7022 2410 0001 7386 1888 received in R's court 1-5-26 @ 12:21pm which has 13 ?'s. If R ignores G again, how long until your court needs to know?

U. DE#91 on 1-24-17 says "RESPONSE to motion by USA as to Jason Gandy re34 (pg.86)
MOTION to Suppress Statements, filed. (Zack, Sherri)

DE#94 on 3-30-17 says "RESPONSE by USA as to Jason Gandy, filed. (Leo, Kimberly Ann)