RESPONSE TO ELROD'S 6-10-26 DENIAL OF GANDY'S JUDICIAL MISCONDUCT COMPLAINT

1. Summary of Elrod's Denial vs. What Was Actually Argued

Out of the 8 pages written explaining why transfer to another circuit is needed, Elrod appears to have read only these 4 points:

Rosenthal is well liked.

The appeals court would be lost without her.

Rosenthal is in charge of making strict rules.

The appeals court is using dilatory tactics and delay.

Elrod's 3 stated reasons for denying the transfer:

There are no issues of multiple disqualifications among members of the 5th Circuit.

The matters raised by the complaint are not highly visible.

Local disposition will not weaken public confidence.

Exhibit F — the 8-page transfer request — contained stronger arguments than these four cherry-picked quotes, detailed below.

2. Structural Error Doctrine & Right to Counsel of Choice

The opening three sentences of the original complaint ask Elrod to read the Missouri Law Review, vol. 85, Iss. 4 (2020), and demonstrate proof that the structural error doctrine — introduced in 1991 via Arizona v. Fulminante (Case Law #1) — cannot be waived without knowing the right exists and voluntarily relinquishing it. Trial attorneys and Rosenthal caused the error to be forfeited, which means it is now the appeals court's job to correct their obvious errors — yet Elrod rubber-stamped Rosenthal's conduct instead. There is no indication Elrod read this material. Instead, she spent pages 2 and 3 commenting on one sentence of the five-sentence first paragraph, quoting from a Houston Chronicle article about Rosenthal's reputation

among colleagues. The question raised: to prove impartiality, shouldn't Elrod have at least pretended to have read the case law and to understand what a structural error is?

Structural error authority: In Weaver v. Massachusetts, 582 U.S. 286 (2017) , the Supreme Court reaffirmed the category of errors requiring automatic reversal without a prejudice showing because they affect the entire framework of the trial — distinct from ordinary trial error subject to harmlessness review. The Court has historically classified total denial of counsel and denial of an impartial judge within that same structural-error category, directly bearing on the argument that Rosenthal's handling of the counsel withdrawals and her alleged bias belong in this category rather than being treated as ordinary error.

Right-to-counsel-of-choice / attorney withdrawal issues:

The second paragraph of the original complaint uses a WSJ article from 5-10-25, "The Case of District Judges v. Trump" — a weekend interview with Elrod's colleague, Judge James C. Ho — establishing that district judges (1) have wide discretion over the admission of evidence, scheduling, procedure, and remedies; (2) are among the only officials besides the president who exercise constitutional authority unilaterally; and (3) often abuse that power. Ho states that although Chief Justice Roberts says judges are like umpires, actual umpires tend to be biased toward the home team because they worry about the crowd's reaction. In Ho's analogy, the "home crowd" is not the spectators in the courtroom but "cultural elites," who both cheer and boo — a phenomenon known as "working the refs." Ho states this is a phenomenon he has seen affect judges throughout his career. Elrod ignored this article, which sits just one sentence away from the passage she focused on instead. Elrod does concede that Rosenthal was a member of "the counsel" and therefore part of the home team. (This bias material is developed further in Section 4 below.)

Attorney withdrawal timeline (Cogdell/DeBorde): Elrod's page 4 argues the 4-year delay in ruling on meritorious suppression motions was due to Gandy's retention of

new counsel. Timeline: Dan Cogdell was hired 9-28-12 (DE #25), filed DE #34 and #46 in 2013, and in DE #89 (12-5-16) continued asking Rosenthal to rule on his two suppression motions. Rosenthal did not allow him to withdraw until DE #98 (4-27-17). This argument therefore fails, and goes against the memorandum by "impartial Hollywood attorney" Michael Levin — see Exhibit V. Also see Exhibit G ("speedy trial") for details on how and why Rosenthal let four years pass without ruling on DE #34 and #46.

Flood withdrawal (page 6–7): Page 5 of Elrod's ruling describes the argument using the summary phrase "erroneous or improper decisions regarding motions to suppress" (addressed fully in Section 3 below). Page 6 addresses "erroneous or improper decisions regarding motion to withdraw filed by defense counsel Charles Flood." On page 7, Elrod states: "Even assuming arguendo that judge Rosenthal erred in her decision to allow Flood to withdraw without holding a hearing or otherwise affording Gandy an opportunity to respond to the motion..." Exhibit O (Missouri Law Review) shows this exact scenario is a structural error requiring reversal — also raised in the 52b under the following constitutional question:

Does U.S. v. Gonzalez-Lopez, 548 U.S. 140 (2006) (Case Law #50) — establishing the right to counsel of choice, treated as structural and not subject to harmless-error review — show that Rosenthal allowing Flood and two others to withdraw (simply because Gandy refused to take their advice and sign a plea deal), and then sealing that portion of the hearing and disguising it as a status hearing, means that established structural error deserves automatic reversal once a higher judge finally reads DE #98?

Supporting evidence for the Flood withdrawal argument:

Email from charles@floodandflood.com, 9-12-14, 10:43am, to jgandy79@gmail.com: Flood states he'd like to meet to discuss a potential strategy that would benefit Jason — a possible way to keep new charges from being filed and

give him more time to consider his decision. There is talk of Judge Rosenthal transferring the case to a different district court — not necessarily more punitive (Flood notes Dan would disagree with that characterization, and that both judges would be bad for this case), but Flood believes it is far less likely to give the motion to suppress the proper consideration. Flood asks that everyone meet early the following week because they will need to act quickly. This is proof Rosenthal saw the two motions (DE #34 and #46) as a "hot potato" that had to be dealt with once Gandy refused to sign a plea deal.

Flood — whose contract shows he was paid $30,000 for trial — fully understood how to win the case and watched the 7-20-12 interrogations, along with other interrogations of KV, who was shown illegally obtained photos used to coerce him to lie.

Handwritten notes from Flood, 8-8-14, stating Gandy's #1 goal was "WIN MOTION FOR SUPPRESSION." This document became available due to a 12-6-21 hearing, DE #262 (Sample's 2255 motion); the exhibits are DE #'s 263–65. This proves Gandy did not want Cogdell and DeBorde to have the motions ruled "moot."

A separate email from Flood to Julie Gandy, sent the day Rosenthal allowed him to withdraw, while Gandy was on suicide watch (3-31-15, 1:27pm): "In the event Rosenthal denies my request to withdraw, I will continue to fight zealously as if I

had never made the request."

Rosenthal's own DE #273 ("order denying motion to withdraw") cites Matter of Wynn, 899 F.2d 644, 646 (5th Cir. 1989): "An attorney may withdraw only upon a showing of good cause..." — showing Rosenthal knew this standard.

Gandy was on suicide watch from 3-12 to 3-31-15 (Exhibit I).

Had Rosenthal forced Flood to stay on the case, he would have fought for the suppression hearing and won, as his brother Chris Flood did in the Zavala case (Case Law #56).

Question raised: doesn't Rosenthal's own cited case law prove that allowing Flood to quit was wrong?

Shocking misstatement about firing counsel: This constitutional question arises from a lie by Rosenthal. Gandy is on the record in the newly transcribed (4-21- 25) in camera hearing, DE #98, telling Rosenthal he paid his lawyers for trial and didn't want them to quit. Yet in the newly transcribed (5-6-24) DE #141, "the speedy trial hearing," Rosenthal states:

"the record seems to indicate that he fired them." Question raised: wouldn't a higher court, after reading DE #141 and DE #98, clearly see this false claim was the basis for denying dismissal of Count 1 for a six-year delay actually caused by Rosenthal ignoring DE #34 and #46 for four years? Case Law #53 (U.S. v. Powe) says Rosenthal should have ruled sua sponte. See Exhibit J, the last page of DE #305 (Gandy's motion for grand jury transcripts), for more detail.

Cogdell/DeBorde withdrawal (page 7): Elrod acknowledges "Gandy told the court that he wanted them to represent him at trial" — precisely what the Missouri Law Review says is required to qualify for structural error doctrine relief. Elrod omits that the actual reason for their withdrawal was Gandy's refusal to sign a plea deal, visible in the now-unsealed DE #98. Case Law #50, U.S. v. Gonzalez-Lopez, 548 U.S. 140, establishes the right to counsel of choice. Elrod mentions only the March 2025 transcript request for DE #98 and omits how long Gandy tried to obtain it — detailed below.

Why Rosenthal falsely claimed DE#98 was not sealed: Why would Rosenthal need to lie in DE #302, stating DE #98 was not filed under seal? The court reporter, kathymetzgercsr@gmail.com, emailed Julie Gandy at jgandy79@gmail.com on Monday, 1-8-24, at 10:51am, stating: "Ms Gandy, for the 4-27-17 sealed EX PARTE transcript, I will need a order from the judge allowing me to release it." See also Gandy's request in DE #239 and DE #79 in the 5th Circuit's own records under case #18-20822, proving he has been asking about the contents of DE #98 on the record

since 6-24-19 (Exhibit C). Julie Gandy also emailed the DOJ Criminal Division (criminal.division@usdoj.gov.org) and attorney noll@noll-law.com (Exhibit T). Exhibit O shows a classic example of a structural error caused by a judge that mirrors Gandy's counsel-of-choice problem. All of this was finally exposed for the first time on 4-21-25, credited by Gandy to a loving stepmother and caring jailhouse lawyer — DE #98 shows Rosenthal telling Gandy he shouldn't listen to them. This, per the filing, explains why Rosenthal sealed DE #98 ex parte.

Full text of the "not filed under seal" dispute: DE #34 and #46 (sealed to keep Gandy and the public in the dark) were NOT "moot" issues. On 3-31-25 (DE #302), Rosenthal finally responded to the many motions to unseal DE #98. Page 2, #4 of Rosenthal's "Order on Motion to Unseal Court Records" states: "...The following he requested to have unsealed were not filed under seal." DE #98 is listed. This is asserted to be a false statement — described as a fraud on the court that harmed Gandy and destroys public confidence in the judicial process. Supporting proof:

Julie Gandy, in DE #277, properly requested DE #98 on 1-5-24. Julie has email proof from Rosenthal's clerks and court reporter Kathy Metzger that Rosenthal sealed DE #98 "Ex Parte" and told Julie only Rosenthal could unseal it.

The "Rough Draft" and "Almost Final" versions of the Judicial Misconduct Complaint document due diligence in trying to obtain DE #98.

DE #239 (2-3-21) says only "Letter," yet points out the structural constitutional defects caused by Rosenthal; DE #98 was the missing link during the direct appeal and 2255 appeal.

Elrod's page 8, second paragraph, appears to confirm the 4-27-17 hearing (DE #98) was docketed as sealed on 4-21-25, and that transcripts of hearings on motions to withdraw are routinely sealed to protect attorney-client confidentiality — directly contradicting Elrod's own page-10 statement that DE #98 was not sealed.

Also referenced: Exhibit T page 5 (the court reporter's email); DE #239 / Exhibit U page 2 documenting numerous attempts to get DE #98 unsealed due to lawyers not listening to Gandy.

Elrod's misinterpretation of the Rule 60(b) motion: At the top of page 11, Elrod misinterprets the complaint just as Rosenthal did, by construing Gandy's Rule 60(b) motion as a second 2255 motion. This is not what the judicial misconduct complaint says — see page 5 of Exhibit E ("reasons law professors needed"), item 3, showing that Rosenthal's response to the compassionate release motion explained the direct appeal (insufficient evidence), the 2255 (ineffective counsel with plea), and DE #285 (property) — yet the 60(b) had no explanation. In DE #287 (Exhibit Y), Gandy states the fruits of his illegally obtained statements were used at trial, citing Mincey v. Arizona, 437 U.S. 385, for the proposition that his statements cannot be used to impeach or stop him from testifying at trial. Gandy also gave Rosenthal the United States v. Blevins case and asked whether Blevins's public defender, Marjorie Meyers, could represent him, given the similarity of the cases. Another similar case cited: United States v. Santos Oralana Hernandez, 5-12-21, Lexis #102168, in which Judge Zach Hawthorne granted suppression because, like Gandy, the defendant asked for his lawyer to allow him to care for a family member. Gandy's grandfather wrote Rosenthal in 2023 askimg for her to allow s grandson to care for him at home. This letter is now needed for sentimental reasons, since Kent Botkin passed away 4 -21 -2024. Gandy also requests copies of letters he wrote Rosenthal asking why she let Dan, Nicole, and Flood withdraw — dated 1 -27-19, 3- 24-19, 5-23 -19, and 6- 20-19, sent certified #701 0-3090 -0003 -3369 -2910 to her office on 6 -24-19 at 3 :22pm. Rosenthal was also emailed by the appeals court, which cc'd Carmen Mitchell and Andrew Sand, on 2- 4-21 — that letter was addressed to Rosenthal; Gandy asks whether she read it. In DE #289, Rosenthal does not acknowledge any of the above, and instead states only that Gandy said his statements

were used at trial in violation of his due process rights (also explained on page 7 of the 52b, letter M).

3. Motions to Suppress & Illegally Obtained Statements

Page 5 of Elrod's ruling says "erroneous or improper decisions regarding motions to suppress." These eight words, combined with Elrod's review of the record noting only that defense counsel filed DE #46 under seal, are argued to be a way of skipping over controlling case law: U.S. v. Powe, 591 F.2d 833 (D.C. Cir., 11-15-78) — "A fair hearing and reliable determination on the voluntariness of a confession are constitutionally mandated where the trial court has indicated its awareness that the issue has been raised" (see front page of attached 52b). Certain "alerting circumstances" (DE #46) impose a duty on the trial judge to take a more active role sua sponte. DE #305 ("motion to provide grand jury transcripts") provides more than a "conclusory assertion... that misconduct has occurred," because it shows Rosenthal is willing to ignore that Gandy's illegally obtained statements and their fruits were used in the indictment, the bond hearing, news media, interrogations of KV, obtaining a photo from Gandy's house that was illegally shown and used to coerce KV and his family, the plea deal, the PSR, and psych records. Elrod also needed to review the part of the record in DE #305 pointing out flat-out lies by Rosenthal in DE #302, #98, and #141. The best evidence that Rosenthal made errors regarding the motion to suppress is found in Exhibit V: the Memorandum of Law written by Attorney Michael Levin.

Memorandum of Law (Attorney Michael Levin) — full summary:

Introduction: The memorandum addresses whether Gandy has a basis to suppress the testimony of the victim (KV), who agreed to testify against Gandy only after the FBI communicated information to him that was illegally obtained from Gandy following a clear invocation of his right to counsel.

Governing Principles:

Right to Counsel (5th & 6th Amendments): Once Gandy unequivocally invoked his right to counsel during custodial interrogation, questioning should have ceased under Edwards v. Arizona, 451 U.S. 477 (1981). Statements obtained thereafter are inadmissible. Under the fruit-of-the-poisonous-tree doctrine, derivative evidence is also subject to suppression: Wong Sun v. United States, 371 U.S. 471 (1963).

Derivative Evidence: The exclusionary rule reaches not only the illegally obtained statement itself but also evidence derived from it. Courts inquire whether evidence was obtained "by exploitation of that illegality" or by means sufficiently distinguishable to purge the taint: Brown v. Illinois, 422 U.S. 590 (1975).

Witness Testimony as Fruit: The Supreme Court has recognized live witness testimony may in some cases constitute fruit of an illegal interrogation: United States v. Ceccolini, 435 U.S. 268 (1978). Ceccolini set out a framework emphasizing attenuation and the witness's free will, though courts apply a more lenient standard to live witness testimony and suppression is disfavored.

Application to the Present Facts: Gandy invoked his right to counsel but was nonetheless questioned — a clear Edwards violation. The FBI then conveyed to the victim (KV) information derived from this unlawful interrogation. Before receiving this information, KV had indicated he had "no beef with Gandy." Only after learning of the unlawfully obtained information did KV "flip" and agree to testify. Thus, KV's testimony was not the product of an independent decision but a direct consequence of the government's exploitation of an Edwards violation. The causal connection is particularly strong because KV had explicitly declined to implicate Gandy until exposed to the tainted information.

United States v. Scios, 590 F.2d 956 (D.C. Cir. 1978): The D.C. Circuit confronted whether witness testimony derived from an illegal interrogation should be suppressed. Applying Ceccolini, the court recognized live witness testimony can be suppressible fruit of an illegality if the government's exploitation of the violation was

the but-for cause of the testimony; the case was remanded for further factual findings on attenuation. Scios is directly helpful here: unlike Ceccolini, where the witness was predisposed to cooperate, KV had disavowed any intention to testify until unlawfully influenced by the FBI, strengthening the argument that his decision was not independent free will but the product of government misconduct.

Fifth Circuit Considerations: While the Fifth Circuit has generally been reluctant to suppress live witness testimony, emphasizing that such testimony ordinarily involves free will, the facts here present a stronger case for suppression — the FBI's direct exploitation of an Edwards violation to induce KV's testimony is precisely the scenario where taint is not attenuated. The argument is uphill but viable.

Conclusion: Gandy has a legitimate basis to move to suppress KV's testimony as fruit of an Edwards violation. Although suppression of live testimony is disfavored under Ceccolini and Fifth Circuit precedent, the unique facts — KV's explicit prior refusal to implicate Gandy and the FBI's exploitation of tainted information to secure his cooperation — provide a compelling argument for suppression. United States v. Scios offers persuasive authority supporting this position.

Additional suppression authority (strengthened): Kastigar v. United States, 406 U.S. 441 (1972), places the burden on the government to show that evidence used against a defendant is derived from a source wholly independent of illegally compelled statements — bearing on whether the "moot" ruling below improperly relieved the government of that burden.

Secret hearing / mootness ruling (page 5): Elrod's argument is that Gandy's attorneys and the prosecutors ("the parties") decided the suppression issue was moot, and the evidence at issue wouldn't be used at trial as long as Gandy did not testify — or else it would be used to impeach him. Attached Case Law #32, Mincey v. Arizona, 437 U.S. 385, holds that if statements are not given voluntarily, they cannot be used to impeach. Also see Exhibit L — the 2255 petition attorney Dallas Craig Hughes

prepared, given by Gandy's mother to Brandon Sample with instructions to add more grounds; Gandy got COVID and Sample ultimately did not turn in the two meritorious grounds. Also see the front page of attached 52b, and Exhibit V (Levin memorandum), which fully explains why the two motions to suppress needed an open hearing.

Additional cited case law: Wong Sun v. United States, 371 U.S. 471, and attached Case Law #'s 1, 3, 4, 5, 8, 9 (Coppedge), 10, 11 (DeBinder), 12, 13, 18 (Gonzalez v. Crosby), 20–22, 24, 25, 27, 29, 30, 32–34, 35 (Pittsburgh Plate Glass), 40, 41 (Spitznas), 45 (Ghailani), 47, 48, 51–54, 56, 60 (Meyer), 61 (Chatman), 63–66, 67, and 68. (Case Law #17, Frimmel, and #37, Roy, have been pulled from this list — see the note at the end of the Case Law Reference List below.)

Elrod did not take into consideration that the "evidence at issue" included more than the electronic devices mentioned in the second motion to suppress — see letters J, K, P, and X in the 52b to see where else the statements ended up. Therefore — regardless of whether Rosenthal had an "improper motive," she failed to follow the Constitution and Supreme Court guidance Gandy gave her, and now Elrod as well. Attorney John O'Neil, mentioned in the Houston Chronicle article, openly states Rosenthal is "at war with the constitution."

4. Judicial Bias / "Working the Refs" and Recusal Standards

(WSJ/Judge Ho article content is presented in Section 2 above, where it was originally introduced in the complaint as the second paragraph.)

Additional recusal/bias authority (strengthened): The controlling due process recusal standard does not require proof of actual bias. Under Caperton v. A.T. Massey Coal Co., 556 U.S. 868 (2009), objective standards require recusal when the probability of actual bias on the part of the judge is too high to be constitutionally tolerable — a standard assessed by the realistic appraisal of psychological tendencies and human weakness, not a finding of subjective intent. Separately, under Liljeberg v. Health

Services Acquisition Corp., 486 U.S. 847 (1988), disqualification is appropriate when a judge reasonably should have known that a situation created an appearance of impropriety, even without actual knowledge of the underlying facts, and the purpose of 28 U.S.C. § 455(a) is to avoid even the appearance of impropriety — a standard the Fifth Circuit itself applied and affirmed in the underlying Liljeberg proceedings before Supreme Court review. Both standards bear directly on: (1) Rosenthal's professional relationship with colleagues on the same bench whose conduct is also implicated; (2) Elrod's review of a fellow Fifth Circuit judge's conduct; and (3) Chief Judge Crane's position "under the same roof" as Rosenthal (see Section 7).

A related article — WSJ, 11-28-25, by kim@wsj.com, titled "Gratitude for Accountability" — describes government agents Gary Shapley and Joseph Zeigler blowing the whistle on a politicized investigation. Due to Gandy's case making international news, the argument is that Rosenthal did not want to risk her political popularity by allowing an open, fair suppression hearing on DE #34 and #46 — and that when Rosenthal realized Gandy was not accepting a plea, she considered transferring the case to another district (see the Flood email, quoted in full in Section 2 above).

Empower Oversight, a nonprofit that assists whistleblowers, is noted in connection with Chief Judge Randy Crane, who has the power to escalate concerns and works under the same roof as Rosenthal (developed further in Section 7).

5. Pattern of Dilatory Tactics by the Appeals Court

Undeniable proof, per the filing, that Elrod and her clerks are purposely using dilatory tactics and delay designed for Gandy's continued incarceration — fully explained on pages 1–3 of Exhibit F:

5th Circuit DE #79 ignored page 1 of a letter referencing case #18-20823, and instead stamped page 3 of Exhibit C "Received 1-26-21," then falsely claimed the wrong case number.

7-15-24 — a Judicial Misconduct Complaint (JMC) was ignored because the words "rough draft" appeared in it.

11-7-24 — same, because of the words "almost final."

2-3-25 — a JMC filed by Gandy's jailhouse lawyer was ignored because Haynes, Richmond, and Costa are accused of being biased. Open questions: why Richmond/Owen is no longer chief; why Haynes is no longer listed in the JMC Rules packet; and Deputy Clerk Blair Robottom's 2-3-25 statement to Gandy's jailhouse lawyer that "Gregg J. Costa is no longer a federal judge." Request: copies of complaints filed on these three judges, who handled the direct appeal.

1-21-25 — Gandy mailed his notice to appeal Rosenthal's denial of his compassionate release motion. Within the notice — only 12 lines — he mentions a Sixth Amendment structural constitutional defect that Rosenthal hid by sealing DE #98 on 4-27-17. Instead of noticing this, the appeals court said Gandy only initialed the bottom, ignoring that he fully signed and dated it one-quarter of the way from the top, then threatened not to act due to this technicality.

4-7-25 — the appeals court accepted the 11-7-24 "almost final" JMC. Ironically, Gandy's W.D. Tex. complaint against Rosenthal, case #2:25-CV-00021-EG, got transferred to S.D. Tex. the same day.

5-20-25 — the appeals court acknowledged receipt of Gandy's "supplemental statement of facts," whose cover letter states Gandy "may need your court to help get the Grand Jury transcripts." He also attached the motion, now DE #305, from 5-16-25. This got ignored under Rule 6(d) because Gandy forgot to sign the complaint form.

6-9-25 — the appeals court acknowledged receipt of the completed complaint form, resolving the Rule 6(d) issue above. Gandy states he is a victim of Rosenthal's "war on the Constitution," and had just given her boss's department the black-and-white proof via unsealed DE #98 — yet was ignored due to Rule 8(a). A cited example

from Henderson (Missouri Law Review, 2020, page 45/1009): imagine being a criminal defendant with money in the bank to hire whoever you want, and for some erroneous reason the judge prevents you from doing so — you are obviously upset. [Gandy: so was I — see DE #98, unsealed 4-21-25, showing he wanted to keep his $75,000 trial lawyer, Dan Cogdell, who won federal cases at trial and proved his loyalty on 12-5-16 (DE #89), telling Rosenthal "we're still waiting on a response to our motions." Had Rosenthal forced him to stay, he would have done a much better job than Neyland, who has never tried a case in federal court.] The illustration continues: a newly court-appointed public defender tells you, to your surprise, that what the judge did was wrong — that the court committed a structural error, that you can appeal, and the reviewing court will be forced to reverse the case. Unlike this example, Gandy states he did not have an "excellent strategic reason not to object," and in fact did object. Despite this, the clerk stated "a review of PACER indicates overlapping issues in Gandy v. Rosenthal, USDC No. 4:25-CV-1613 (S.D. Tex.)," and decided to take no action.

8-6-25 — the appeals court acknowledged receipt of a "mini-JMC," but again warned Gandy he exceeded the 5-page limit (Rule 6(d)), and reminded him that on 6-9-25 he was told not to ask to "forward" documents to Deputy Clerk Amanda Duroncelet — yet she still had not responded to his request to rule on his indigent status so he could proceed in case #25-20032. Robottom forwarded the indigent request on 8-6-25; still no word from Duroncelet. Robottom, however, ignored important questions, resent 11-30-25:

A. PACER login: Michael M. Levin paid $2.90 on 7-17-25 for a 29-page docket report and gave Gandy a copy. Nowhere in that PACER docket report does case #4:25-CV-1613 appear. Request: may Gandy pay for a copy of whatever PACER report Robottom is using, if it differs from what the public sees?

B. Item #2 of a 7-31-25 letter states Gandy wrote Chief Judge Randy Crane about the civil action against Rosenthal, and this is the official update that the action has been cancelled so the court can move forward on the JMC.

C. Gandy tells Robottom that Rule 8(a) conflicts with Rules 5 and 11, via complaint #05-24-9002 on Judge David R. Jones from 10-13-23, and quotes then-Chief Judge Priscilla Richman's decision: "...hereby identify a complaint against David R. Jones... because many of the allegations regarding Jones have been made public... & in the filing of a lawsuit..." See also the attachment sent 7-31-25 showing that Michael Van Deelen filed his district court complaint before Richman decided to take up his Judicial Misconduct Complaint. (Full expanded comparison in Section 6 below.)

D. Gandy also sent a quote from Justice Black stating structural constitutional defects can be brought up at any time. Instead of engaging this, Gandy was met with 5th Cir. Proc. Rule 6(f): "The chief cannot consider allegations made in attachments, motions, etc., i.e., all allegations must be set out in the statement of facts." Question raised: does this sound like a "Rosenthal rule" designed to protect herself? What is the definition of investigation? Wouldn't an investigator look at attachments and motions?

6. Post-Conviction Motions & Compassionate Release

DE #285 (motion for return of property) — mislabeled scope: Elrod's page 10 quotes Gandy stating Rosenthal mislabeled the docket entry for the motion for return of property, DE #285, page 11. The motion also asked the court to: (1) unseal DE #98, DE #136, and DE #46 — regarding the poisoned fruits of the illegally obtained statements; (2) grant compassionate release to allow Gandy to care for his 88-year-old grandfather with lung cancer, who passed away 4-21-2024 due to the court ignoring the requests and Kent Botkin not receiving the level of care he needed; (3)

open an investigation into the 7-20-12 interrogation, which caused KV to say things he otherwise wouldn't have.

Up to that point, Gandy states he had thought maybe Rosenthal was simply too busy a judge to have grasped the interrogation issue without it being spelled out with case law, and that surely, once he did so, she would follow the Constitution and Supreme Court precedent — since "everyone says she is fair." Julie Gandy emailed Rosenthal's clerk Darlene on 5-24-24 (9:26am), 6-13-24 (10:43am), and 6-20-24 (2:24pm), stating docket entry #285 is much more than a request for return of property. Page 5 of DE #285 asks whether Rosenthal watched the 7-20-12 interrogations of Gandy and Kevin Vasquez. Gandy states J. Johnson used his illegally obtained statements to alter his interrogation, and that without Gandy's statements, Johnson's interrogation "wouldn't have led to [Gandy's] arrest." This is characterized as newly discovered knowledge leading to cases like United States v. Jonathan Patrick Blevins, whose judge, Lynn Hughes, followed the Constitution.

TheRobingRoom.com comment #'s 6156, 6693, and 17401 shows other lawyers who've experienced the same problems with Rosenthal. Saying for example, "To produce the desired result Rosenthal doesn't just bend the rules, she breaks them..." As of 7-20 26, Gandy states he still needs Rosenthal to respond to the questions in DE #285, also raised in DE #287 (the formal compassionate release motion) and the grand jury transcript request.

Compassionate release / emergency motion: Elrod quotes Gandy complaining that Rosenthal ignored his emergency compassionate release motion, then falsely claims (in parentheses) that it "was written on the back of an envelope." Pages 4 and 5 of DE #285 are cited as showing this is where Gandy asked Rosenthal to allow home incarceration to care for his dying grandfather, who passed away 4-21-2024, just three weeks after Rosenthal mislabeled DE #285 and ignored the request.

DE #302 / DE #98 sealing dispute: Fully addressed in Section 2 above.

Elrod's misinterpretation of the 60(b) motion: Fully addressed in Section 2 above (top of page 11 discussion).

DE #293 (response to compassionate release motion, DE #292) — full disputed content, page by page:

Page 1: Rosenthal describes the charges as "Transporting Minors... in interstate..." — noted that only one minor ever traveled internationally. Every case Gandy has found with these charges involves actual harm or force. Trial transcripts are cited to dispute Rosenthal's description: "This description understates the predatory nature of Gandy's offenses & his cruel use of vulnerable children" — see "speedy trial doc #133" to see the four "victims" were not, in the filing's characterization, "cruelly used children." Summary of the victims in order:

A. K.D.: Elements that would make Gandy guilty of a federal trafficking crime are not only unmet, but K.D. himself says so — both in his trial statements and in statements to investigator Catherine Edwards. Gandy did not meet K.D. online. There was never any inappropriate massage between them, nor was one ever contemplated.

B. D.V.: According to trial testimony, Gandy met D.V. on an adults-only website called Gay.com. D.V. dated K.D. (above) for six months. K.D. told investigator Catherine Edwards that D.V. told him he was 18 when he met Gandy, and that before meeting Gandy, D.V. had been prostituting himself for drugs — his drug and alcohol issues were part of what caused D.V. and K.D. to grow apart. According to trial testimony, Gandy stayed with D.V. for three years, offered as evidence that Gandy is a patient, understanding, compassionate, and empathetic massage therapist who wanted the best for everyone. This is why it is upsetting to see a judge exaggerate, embellish, and flatly misstate facts about Gandy in public court documents — behavior one would expect from a prosecutor, not from a judge who is supposed to at least appear impartial. D.V.'s family reportedly thanked Gandy for helping D.V. get off drugs, and commented on D.V.'s improved color and muscle tone after meeting Gandy.

C. J.A. (Alfaro) — disputed credibility: Described as a "flat out #MeToo inspired liar" who was awarded $1.5 million by Judge Miller — described as greatly admiring his friend and colleague on the same court, Judge Rosenthal. Even taking Alfaro's allegations as true, the question raised is whether a 17-year-old presenting as 18 on an adult gay hookup site meets the "vulnerable child" characterization Rosenthal used. See "speedy trial doc #133," pages 2–8.

D. K.V.: Coerced, using Gandy's illegally obtained statements, into saying things at his 7-20-12 interrogation he otherwise would not have said. At trial, KV attended only because of a subpoena and reluctantly admits to having had unprotected sex in exchange for shoes before meeting Gandy. The only reason the name "Jamie Bam" ever came up is because of Gandy's second illegal interrogation, on 7-25-12, on the way to the bond hearing, while Gandy was represented by counsel. KV then testified at trial that Gandy taught him how to massage — which would logically give him a way to make money without unprotected sex with strangers met online. Question raised: how does any of the above equate to "cruel use of vulnerable children"? Why is Rosenthal exaggerating?

Page 2: Rosenthal states, "Gandy later filed a motion for return of property, DE #285." Julie Gandy's emails to clerk Darlene (5-24-24, 9:26am; 6-13-24, 10:43am; 6-20-24, 2:24pm) state DE #285 is "much more than his request to return property... i.e... requests for transcripts of sealed DE #'s 46, 98, 136, etc." Gandy also asked Rosenthal how his illegally obtained statements were used to coerce KV, and whether she had ever watched the 7-20-12 interrogations. Misinterpreting or ignoring motions, emails, and letters — and lying to or misleading the public and appeals court by manipulating the docket sheet — are characterized as obvious signs of a biased judge.

David R. Jones comparison — full expanded version: Judge David R. Jones got in trouble for sealing a docket entry that also only protected him, and was exposed to

the public due to a lawsuit filed by Michael Van Deelen. Gandy states he and his mother have talked to Van Deelen, and although Gandy has tried to follow in his footsteps by filing a lawsuit, the district court has ignored it and the appeals court used it as an excuse not to open a judicial misconduct complaint on Rosenthal.

Expanding on the sequence: Van Deelen filed his district court civil complaint before then-Chief Judge Priscilla Richman decided to take up the judicial misconduct complaint against Jones. Richman's stated basis for acting, quoted in the original complaint, was that she would "identify a complaint against David R. Jones... because many of the allegations regarding Jones have been made public... & in the filing of a lawsuit..." Gandy states he filed his own civil suit against Rosenthal before filing his judicial misconduct complaint — the same sequence as Van Deelen's case. Yet rather than treating Gandy's pre-filed civil suit as a reason to act, the way it was treated in the Jones matter, the appeals court instead cited the existence of Gandy's civil action (case #4:25-CV-1613, S.D. Tex.) as the reason to take no action on the JMC, per the clerk's note that "a review of PACER indicates overlapping issues in Gandy v. Rosenthal." Question raised directly by Gandy: why would the same sequence of events — a civil suit filed before a judicial misconduct complaint — justify opening an investigation in the Jones matter, but justify closing one here? Please read all of the "motion for return of property," DE #285, for the full set of questions about the structural constitutional defects caused by Rosenthal.

Page 2 (cont.): Notice there is NO explanation of what Gandy is asking for in the 60(b) — yet Rosenthal proudly explains all other motions: (A) Direct Appeal — Evidence Insufficient; (B) 2255 — Ineffective counsel with plea; (C) DE #285 — property. To see why: compare DE #287 (the 60(b)) to Rosenthal's response in DE #289, which is argued to ignore the same questions being asked in the compassionate release motion, and to mislead the public and appeals court about what is being

requested. DE #289, page 1, states: "Allegedly involuntary statements that he made to investigators were used against him at trial," and "the use of these involuntary statements at trial violated his due process rights." Gandy states nowhere in the 60(b) does he say his statements were used at trial — the fruits of his statements were. See DE #287.

Page 7, #3: "Alleged" disparity between those who enter a guilty plea and those who go to trial. Rosenthal heard every detail about the 10-year plea deal at the 2255 hearing, including emails from prosecutor Zack to Gandy's lawyers proving a 200% trial penalty. Gandy states there is nothing "alleged" about the 20 extra years given for going to trial.

Pages 7–8, #4: Rosenthal responds to "several pieces of legislation introduced in congress over the past 4 years." The first two lines of page 8 name all three, then — in Gandy's characterization — prove Rosenthal never bothered reading them, by stating "Even if these proposed Acts applied to Gandy's conduct — a finding this court does not make..." The Right to Trial Act and the Acquitted Conduct Act of 2023 are argued to concern Rosenthal's conduct, not Gandy's; Rosenthal is argued to have used false accusations at sentencing and to know Gandy got a 200% trial penalty, yet did nothing to correct her own conduct. Cited example: Judge D.J. Young, sentencing Reginald Abraham, recognized a trial penalty by stating that "strikingly disparate sentencing ranges (which do not even come close to overlapping) simply do not square with the statutory mandate [of a] sufficient, but not greater than necessary [sentence]." Abraham's case is characterized as much worse than Gandy's, yet Abraham was treated fairly because he had an impartial judge.

Page 9: Rosenthal states "the prisoner has the burden to show that the abuse occurred," and that "misconduct must be established by a conviction... or admission." Gandy states this shows Rosenthal did not read the Christopher Blauvelt

CRM, which recognizes that assaults by fellow inmates can be considered. Gandy's assaults were, per the filing, a fruit of the poisonous tree — caused by news media using his illegally obtained statements. The assaults were on camera, investigated by SIS, the assailant was found guilty, and a permanent separation order ("Sepra T") was issued. During sentencing, Rosenthal falsely accused Gandy of assault right before giving him 30 years; on 10-5-18, to deny DE #178, she falsely accused him of crimes in other countries. Gandy argues a non-biased judge would have read the Acquitted Conduct Act of 2023 and recognized this pattern as her own biased conduct.

Page 10 / Page 14: Rosenthal: "Reassert his contention that he was illegally interrogated," and (page 14) "Simply repeat his claims that he alleges statements were illegally obtained from him & other witnesses in 2012." Cited: Ramos v. Louisiana, decided 4-20-20, Justice Gorsuch's concurrence: "not a single member of this court is prepared to say [Louisiana] secured Ramos' conviction constitutionally under the 6th Amendment. No one suggests the error was harmless. The best anyone can seem to muster against Ramos is that if we dared to admit in his case what we all know to be true about the 6th amendment, we might have to say the same in some others. Where is the justice in that? Every judge must learn to live with fact mistakes. But it's something entirely different to perpetuate what we all know to be wrong only because we fear the consequences of being right." (This passage is a Supreme Court opinion and therefore in the public domain.)

The filing addresses this to "Dear Law Professors," asking them to read the section titled "Signs" (DE #292-1, pp. 11–15), referenced by Rosenthal on page 14 of DE #293 — specifically the paragraph beginning with a reference to a WSJ article from 12-22-23, page B4, about the UK's Serious Fraud Office beginning an investigation based on tips "improperly obtained." This is characterized as the newly discovered knowledge/evidence sent to Rosenthal in DE #285, #287, and #292, which is being

illegally ignored — Gandy states Rosenthal needs to answer whether she watched the 7-20-12 interrogation videos. Rosenthal also allegedly ignores a docket entry after DE #89, with no DE# assigned, reading "Attorney update LEO for USA added on 12-8-16" — raising the question of why there is no docket number, and suggesting prosecutor Zack let the blame fall on a less experienced prosecutor, who less than four months later ruled the long-awaited hearing on the illegally obtained statements "moot" on 3-30-17 (DE #94). Rosenthal ignored this despite case law such as Waller v. Georgia, 467 U.S. 39, showing Gandy had a right to be present at this secret meeting, or else to sign a waiver — he was never told about the "moot" meeting, and three weeks later, on 4-27-17, Rosenthal allowed Cogdell and DeBorde to withdraw.

Page 13: "Nor has he served the lion's share of his sentence." The average trial penalty the Right to Trial Act intended to address is 50%. Gandy's 10-year plea deal was fully documented in front of Rosenthal at the 2255 hearing, showing prosecutor Zack knew everything introduced at trial when the 10-year offer was made. Had Gandy signed it, he'd have gone home over five years ago. Gandy argues Rosenthal, by refusing to read the Right to Trial Act material and the D.J. Young/Abraham comparison, ignored that he has served more than the "lion's share" of an unfair sentence.

Page 15: "International Transportation of AT LEAST ONE CHILD..." — Gandy asks what this phrase is meant to convey, given that only one minor ever traveled with him, and that the government had six years to investigate and found nothing further. This is offered as proof Rosenthal is biased.

Proposed solution: Have a non-biased judge — such as D.J. Young, Victoria A. Roberts, or Lynn N. Hughes — read and rule on the compassionate release motion (CRM), or open an investigation into all of Rosenthal's alleged misconduct, starting

with the 7-20-12 interrogations, then rule on Dan Cogdell's 4-1-13 motion to suppress (DE #34) along with sealed DE #46.

Recusal motion (DE #295/#301): Elrod's third paragraph on page 11 states Rosenthal denied Gandy's request to recuse herself from considering his motions for the grand jury transcripts. This request is DE #295, which states only "notice of appeal of docket entry number 239" — Rosenthal's denial of the compassionate release motion, without answering all the questions in it. The only way to know DE #295 also functioned as a motion for Rosenthal to recuse is that DE #301 states "order denying motion to recuse and motion to proceed on appeal without paying the filing fee." This is offered as proof that DE #285 could equally be read as also asking whether Rosenthal watched the 7-20-12 interrogation that led to the illegally obtained statements being used to alter Kevin Vasquez's interrogation. Had Rosenthal done this with case law in hand, she would have had to give Gandy the same relief her colleague, Judge Lynn Hughes, gave to United States v. Jonathan Patrick Blevins on 8-12-14. See all of the attached 52b for why Rosenthal should recuse. Under Caperton and Liljeberg, recusal turns on the objective appearance or probability of bias — not a showing of actual bias — which bears directly on this denial, given Rosenthal's documented professional relationships with colleagues whose conduct is also at issue in the complaint.

Grand jury transcripts denial: Elrod's fourth paragraph on page 11 states Rosenthal denied Gandy's motion for the grand jury transcripts without ever watching the illegal interrogations with case law in hand. Elrod is argued to have copied Rosenthal by not acknowledging that "a fair hearing and a reliable determination on the voluntariness of a confession are constitutionally mandated where the trial court has indicated its awareness that the issue has been raised" — from the front page of the 52b and Case Law #53 (U.S. v. Powe). DE #34 and #46 are the alerting circumstances Rosenthal had no right to ignore for four years, before telling Gandy

in a closed, in camera, sealed part of DE #98 that he didn't need a fair hearing on his motion. Rosenthal did not say "motions" (plural) because Cogdell never told Gandy about the second motion to suppress, from November 2013, DE #46, which just says "sealed event."

Numbers 1 through 7 in this section were lumped together by Elrod on pages 10–11 with a five-sentence response addressing only the false "envelope" accusation. There is no evidence Elrod read any of the other six meritorious complaints.

7. Allegations Against Chief Judge Crane and Circuit Judges Richmond & Haynes

Chief Judge Crane: Elrod, bottom of page 11, addresses "allegations against chief judge Randy Crane, who never responded to his correspondence alerting him to Rosenthal's misconduct." A Friday, 11-28-25, WSJ article by kim@wsj.com, titled "Gratitude for Accountability," describes government agents Gary Shapley and Joseph Zeigler blowing the whistle on a politicized investigation. Because Gandy's case made international news, the argument is that Rosenthal did not want to jeopardize her political popularity by allowing an open, fair suppression hearing on DE #34 and #46 — and that once she realized Gandy was not accepting a plea, she wanted to transfer the case to another district (see the full Flood email in Section 2). Empower Oversight, a nonprofit that assists whistleblowers, is noted; Randy Crane has the power to escalate concerns and works under the same roof as Rosenthal. Under Caperton, a decisionmaker's institutional relationship to the subject of a complaint bears directly on whether recusal or reassignment — rather than review by a close colleague — is the appropriate mechanism.

Circuit Judges Richmond and Haynes: Elrod's page 12 addresses "allegations against circuit judges Richmond and Haynes." Exhibit F (transfer of venue) quotes directly from the trial transcripts, arguing these judges did not source where they obtained the basis to deny the direct appeal. Question raised: if Elrod is "the end of the road," and

is doing exactly what Rosenthal, Richmond, and Haynes have done, how can the Judicial Improvements Act of 2002 accomplish its purpose in the Fifth Circuit? On page 12, last paragraph, Elrod states: "Gandy complains that although he retained counsel to represent him on appeal" — disputed as false, since Gandy filed his direct appeal pro se. This is raised as a First Amendment issue, tied to Gandy's stated wish for others who may be affected by appellate attorney Kretzer to know that Kretzer was the one who mishandled the direct appeal — Kretzer allegedly ignoring his client's instructions, then withdrawing as soon as possible without giving Gandy time to contest the withdrawal.

Full restoration — Kretzer/direct-appeal argument (letter Q): After considering the DE #174/#178 material (Section 3) and Kretzer's direct appeal, filed without Gandy's approval and described by Gandy as a "cut & paste" job — which Kretzer, introduced to Gandy by Buckley, told Gandy was "something other lawyers do" — the argument is that this entire chain of events traces back to Rosenthal destroying the foundation of Gandy's case. Neyland and Buckley, hired 30 days before trial, are argued not to have understood DE #46 (sealed) the way Flood would have — Flood's brother, of "Flood & Flood," having won a comparable case (Case Law #56, Zavala). Rosenthal's own cited case law in DE #273 (Matter of Wynn) is argued to show Flood should not have been allowed to withdraw, raising the question of why Rosenthal permitted it unless Flood "knew too much" (Case Law #56, Zavala). Although Kretzer violated Gandy's instructions by omitting issues Gandy wanted raised (Case Law #6, Clemmons), had Gandy been allowed to keep his counsel of choice, he would never have been assigned Kretzer or Buckley in the first place. Case Law #21 (Henderson) is cited for the proposition that the suppression of statements was a critical stage Kretzer and Buckley could not have understood, especially since DE #46 was sealed — requiring reversal. Case Law #10 (Davis), #50 (U.S. v. Gonzalez-Lopez), and #25 (Kentucky) are cited for the proposition that

reversal is automatic if a defendant's absence constitutes a structural error that "permeates the entire conduct... affects the framework" of the proceeding.

Additional letter I (shocking lie by Rosenthal): How could Rosenthal allow three lawyers to withdraw when Gandy is on the record — in the newly transcribed (4-21-25) in camera hearing, DE #98 — telling her he paid them for trial? How can Rosenthal, in the newly transcribed (5-6-24) DE #141 ("the speedy trial hearing"), state "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 was the basis for denying dismissal of Count 1 for a six-year delay actually caused by Rosenthal ignoring DE #34 and #46 for four years (Case Law #53, Powe, holding Rosenthal should have ruled sua sponte)? See Exhibit J, the last page of DE #305, for more detail. (Restated here in full for completeness — see also Section 2.)

Letter P (DE #178/#174, full restoration): DE #178 (10-5-18) is Rosenthal's order denying Buckley's Rule 29 motion, filed during Gandy's suicide watch (9-21-18 to 1-4-19). Case Law #25 says a defendant's absence constitutes structural error. DE #174 (8-21-18) was Buckley's Rule 29 motion — filed a month before Mark Adair hung himself — yet to this day Gandy has never seen DE #174. This matters because Rosenthal's response, page 3, count 3, states "G's 3rd argument is that he did not know the images he transported to the UK were child porn." Rosenthal and Buckley are argued to have known better, since on day 3 of trial, 7-23-18, page 63/ROA1204, Buckley states: "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." Page 66/ROA1207, Rosenthal 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 — labeled in Gandy's docket sheet as "sealed event" (DE #46), page 5 — states: "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, and Neyland was hired as third chair only to help communicate with investigators and with Dan and Nicole (whom Rosenthal let withdraw), Buckley never had time to read the sealed DE #46 to see his argument should have been that the jury didn't apply the Dost factors the way government agents at the airport did — who concluded the images were not child pornography. Question raised: isn't this a perfect example of how Rosenthal structurally destroyed the foundation of Gandy's case, since Gandy's counsel of choice wrote DE #46 proving no CP was on the computer — meaning not guilty of Count 3?

Also raised: isn't it obvious that Gandy's abnormal mental condition, ignorance, or lack of awareness reveals a dereliction in defense counsel's failure to include the defendant in his own defense? Rosenthal is argued to bear more responsibility under due process standards in this "fruits filled" case because she was required sua sponte (Case Law #53, Powe) to hold a hearing — she had five years to notice page 5 of DE #46.

Other fruits of the 7-20-12 interrogation: page 3, under Count 2, Rosenthal says "DEVICES" (plural) when only one device was allowed into evidence. Page 3, under Count 3, Rosenthal discusses matters in Asia not found in the trial record — characterized as false fruits that should never have entered the record. These are characterized as Rosenthal resorting to "alternate facts," methods deemed illegal under Case Law #34 and #40, Nardone v. United States and Silverthorne Lumber Co. v. United States (the government may not use indirectly what it is forbidden to obtain directly). Reference: S.T. Exhibit G, pages 8–9, for further detail on these arguments.

8. Exhibit Index

Exhibit C — case #18-20823 correspondence record

Exhibit E — "Reasons Law Professors Needed"

Exhibit F — 8-page transfer-of-venue request

Exhibit G — "Speedy Trial" documentation

Exhibit I — suicide watch records (3-12 to 3-31-15; 9-21-18 to 1-4-19)

Exhibit J — DE #305 excerpt (grand jury transcripts motion)

Exhibit L — 2255 petition draft (Hughes/Sample)

Exhibit O — Missouri Law Review structural error example (Henderson)

Exhibit T — court reporter/DE#98 sealing correspondence

Exhibit U — DE #239 correspondence record

Exhibit V — Memorandum of Law by attorney Michael Levin

Exhibit Y — DE #287 (60(b) motion)

52b — supplemental letters A–Y, cross-referenced throughout (letters J, K, M, P, Q, X specifically cited)

"Speedy trial doc #133" — cited for victim-by-victim detail

S.T. Exhibit G, pages 8–9 — "alternate facts" / Nardone-Silverthorne detail

Case Law Reference List (strengthened, with new additions)

Structural error / counsel of choice: Arizona v. Fulminante, 499 U.S. 279 (1991) (Case Law #1); United States v. Gonzalez-Lopez, 548 U.S. 140 (2006) (Case Law #50); Weaver v. Massachusetts, 582 U.S. 286 (2017); Kentucky v. Stincer, 482 U.S. 730 (1987) (referenced as "Kentucky," Case Law #25 context); Matter of Wynn, 899 F.2d 644 (5th Cir. 1989). Right to be present at a critical stage / constructive amendment — added because they map directly onto the Day 1 / DE#189 and Flood-withdrawal facts: U.S. v. Meyer, 462 F.2d 827 (D.C. Cir. 1972) (Case Law #60, a judge absent at a critical stage destroys the trial's structure); Stirone v. United States, 361 U.S. 212 (1960) and Lucas v. O'Dea, 179 F.3d 412 (6th Cir. 1999) (Case Law #28, constructive amendment of the indictment); Frank v. Mangum, 237 U.S. 309 (1915) and Hopt v. Utah, 120 U.S. 430 (1884) (right to be present after indictment). Suppression / fruit of the poisonous tree: Edwards v. Arizona, 451 U.S. 477 (1981); Wong Sun v. United States, 371 U.S. 471 (1963); Brown v. Illinois, 422 U.S. 590

(1975); United States v. Ceccolini, 435 U.S. 268 (1978); United States v. Scios, 590 F.2d 956 (D.C. Cir. 1978); Mincey v. Arizona, 437 U.S. 385 (1978) (Case Law #32); Kastigar v. United States, 406 U.S. 441 (1972); United States v. Powe, 591 F.2d 833 (D.C. Cir. 1978) (Case Law #53); Waller v. Georgia, 467 U.S. 39 (1984) (Case Law #68); Cooper v. Dupnik, 963 F.2d 1220 (9th Cir. 1992) (en banc) (Case Law #8) Silverthorne Lumber Co. v. United States, 251 U.S. 385 (1920) (Case Law #40); United States v. Ghailani, 743 F. Supp. 2d 261 (S.D.N.Y. 2010) (Case Law #45, coerced-statement testimony not attenuated, directly parallel to the KV "flip" argument); United States v. Chatman, ARMY 2012 0494 (Army Ct. Crim. App. 2014) (Case Law #61, second interview inadmissible as derivative of the first); United States v. Rubalcava-Montoya, 597 F.2d 140 (9th Cir. 1978) (Case Law #63). Perjured/contradictory testimony: Napue v. Illinois, 360 U.S. 264 (1959) — relevant to the Alfaro credibility dispute.

Grand jury transcripts / discovery (added, ties directly to the DE #305 request and the Rule 60(b) mischaracterization argument): DeBinder v. United States, 292 F.2d 737 (D.C. Cir. 1961) (Case Law #11); Pittsburgh Plate Glass Co. v. United States, 360 U.S. 395 (1959) (Case Law #35); Coppedge v. United States, 369 U.S. 438 (1962) (Case Law #9); Gonzalez v. Crosby, 545 U.S. 524 (2005) (Case Law #18, distinguishing a true Rule 60(b) claim from a second-or-successive § 2255 motion — the central authority for the 60(b)-mischaracterization argument in Section 2 and Section 6); Spitznas v. Boone, 464 F.3d 1213 (10th Cir. 2006) (Case Law #41, same distinction).

Ineffective assistance of appellate counsel (added, ties to the Kretzer/Sample allegations): Banks v. Reynolds, 54 F.3d 1508 (10th Cir. 1995) (Case Law #2, "dead-bang winner" standard); United States v. Cook, 45 F.3d 388 (10th Cir. 1995) (Case Law #58, same standard). Related: U.S. v. Riascos, 76 F.3d 93 (5th Cir. 1996) (Case

Law #62, a district court's failure to construe a pro se filing liberally is an abuse of discretion — relevant given Gandy's pro se status throughout).

Sentencing: North Carolina v. Pearce, 395 U.S. 711 (1969); United States v. Watts, 519 U.S. 148 (1997).

Judicial bias / recusal: Caperton v. A.T. Massey Coal Co., 556 U.S. 868 (2009); Liljeberg v. Health Services Acquisition Corp., 486 U.S. 847 (1988); 28 U.S.C. § 455(a); Gov't of the Virgin Islands v. Gereau, 502 F.2d 914 (3d Cir. 1974) (Case Law #19, judge's own findings violated the recusal statute — pairs directly with the Section 4 recusal argument).