June 8, 2015

Dear Investor:

As shocking new evidence has been obtained, I have filed a lawsuit under RICO for treble damages in the Northern District of Florida, Case No. 4:15-cv-09-RH-CAS. I'm asking each of you to join me in demanding and collecting damages in this matter. The criminal racketeering enterprises include JF-Investigations, Suisse Security Holdings Ltd. ("SSH"), Suisse Security Investments ("SSI"), Suisse Security Bank & Trust ("SSBT"), Swiss Mercantile, MLC Developments Int'l, Inc. ("MLC"), Evergreen Investments LLC, Evergreen National Corp., and the Robert W. Plaster Trust, for which numerous federal government officials, also named as defendants, collaborated with the individuals owning or operating these organizations and others to fraudulently destroy my reputation and business, which caused the loss of the funds invested with us.

This lawsuit could not be filed in the Western District of Michigan because Judge Robert Bell refuses to acknowledge, much less file, anything that I send to his court, denying me access to the courts.

It has been a 24/7 battle against almost insurmountable odds in trying to obtain the evidence to prove the unclean hands and protection racket conducted to frame me for the losses caused by the third parties named above, which you will see by reviewing the content of http://www.janetmarcusse.com and http://www.ipiw.com where, among many other documents, the RICO Complaint, Statement of Facts, and Exhibits in Support are available. The RICO pleadings can also be found under the case number listed above on the government website, PACER, but there you will be charged a fee.

As I have long ago lost contact with most of you due to a lack of funds and time, as my focus has been on the fight for justice, which necessarily included justice for all of you as investor victims, it would be greatly appreciated if you would direct any investors you know and other helpful interested parties to this information. This time, however, please note that "helpful" interested parties would probably not include those current and former government officials that perpetrated the problems or their paid collaborators, who can get their copies from the U.S. Marshals when they are served with this lawsuit.

You should know that, when investing your funds, I foolishly relied on Senior Supervisory Agent Gerard Forrester of the FBI, who had made written endorsements of SSBT and its owner, Mohammed Harajchi, attesting they followed all U.S. money laundering laws and were the subject of no FBI investigations, which would necessarily mean investment programs being offered on site were compliant with the law. On March 5, 2001, however, the Central Bank of the Bahamas revokes SSBT's license under

allegations of money laundering. Jeanne McLaughlin, Federal Reserve, claims it was "improper loan transactions" to SSBT "insiders". The facts do not support her claim.

Official reports regarding the amount of funds lost vary, including the 8/4/02 Provisional Liquidators Report disclosing the Harajchi's stealing $18 million by moving the SSH and SSI accounts to Switzerland where the funds remain to the present day, to court documents in the Bahamas alleging the Harajchi's stole as much as $250 million.[1] I had been directed to invest the funds in our own account through the SSH account, making it easy for them to steal the money. To the present day, the Harajchi's have suffered no adverse consequences, such as criminal charges, also suggesting interference on their behalf from U.S. federal officials.

At the 2005 trial, when I asked for Agent Forrester as a defense witness, Judge Bell allows AUSA's Donald Davis, Thomas Gezon and Michael Schipper, who were under the control of U.S. Attorney Margaret Chiara and Attorney General John Ashcroft, to successfully argue the "existence" of Gerard Forrester was of "doubtful validity". Given all of the resources of the FBI and Dept. of Justice, one would certainly have thought a reasonable federal judge would have required them to state unequivocally whether or not Agent Forrester existed in order to even make such an objection. If that were not bad enough, this prosecutorial team claims I fabricated Forrester's letters as part of my fraudulent scheme, providing Judge Bell with the means to deny Forrester for a "good-faith reliance" defense, which otherwise would have required acquittals at trial.

Evidence of Agent Forrester's "existence" has remained concealed from me, in spite of numerous motions and a lawsuit under the Freedom of Information Act ("FOIA"), until April, 2015, when it was discovered by a friend investigating the other claims in my lawsuit that he uses the name "Jerry", rather than Gerard or even Gerry, including when he was employed by the FBI, which exposed several scandals in which he has been involved and the court's culpability in preventing relief based on them. The day the first scandal breaks in the media--March 30, 2011--is the same day Judge Bell denies my claim in the habeas (§2255) petition that I was entitled to a good-faith reliance defense based on Agent Forrester's representations by finding it was "unclear" whether his existence could be verified. It might be noted that once a

1 In an Order dated January 31, 2011, in the Court of Appeal, Commonwealth of the Bahamas, SCCivApp & CAIS No. 32 of 2009, Michel Harajchi and Sonia Harajchi, Appellants, SSBT, Respondent, Paragraph 9, p. 6, states, "One has to pause to consider what this action is all about. The plaintiff company, in liquidation, is asserting that about US$250 million was unlawfully, wrongfully transferred to a bank account in the name of SSI, a company wholly controlled by the first appellant. What does that give rise to? It gives rise to a question as to the circumstances in which the plaintiff's money has been received into the account of the first appellant or a company controlled by him. As it happens, the liquidator is doing his best to find out how this money got into SSI's account, but he had not had much success because nobody has responded to his requests for information."

claim is brought in a §2255 petition, it cannot be raised in another. In other words, the appearance is that Judge Bell scurried to deny the claim once he was advised the scandal had hit the media to prevent me from being able to obtain and file the proof of Forrester's existence on the record, particularly when it is considered the §2255 petition had been filed on October 2, 2009.

The initial scandal in which Jerry Forrester was involved arose from his being secretly taped admitting he routinely kidnapped accused criminal defendants and delivered them to their country without the required extradition hearing under treaty or law, which resulted in a man being murdered in custody. Jerry Forrester was then caught bribing young women with cash to bring false rape charges to frame fashion mogul Peter Nygard, which resulted in criminal charges being filed against Forrester in the Bahamas. Most recently, Jerry Forrester has been suspected of being involved in a murder for hire, which also involves cocaine trafficking and "tax cons". It was even learned that "Jerry Forrester" appears in a 1981 entry in the 2003 House Report 108-414, "Everything Secret Degenerates: The FBI's Use of Murderers as Informants", which was before my trial, suggesting the prosecution team was lying at my 2005 trial to obstruct Agent Forrester as a defense witness.

These scandals led to the discovery that Gerard "Jerry" Forrester owns a private investigation company, JF Investigations, which lists SSBT as a "Notable Client". It shows Forrester's FBI badge, and his retirement date of January 12, 2001 "in good standing", which is 2 days after he wrote the second endorsement letter of SSBT and Mohammed Harajchi. The signature on this FBI badge bears a remarkable similarity to the signatures on the two endorsement letters the prosecution team accused me of fabricating as part of my fraudulent scheme. In other words, the new evidence available to me shows Jerry Forrester abused his authority as a federal agent to write these endorsement letters and then received consultancy fees to represent SSBT not only <u>after</u> they stole millions and millions of dollars, but <u>before</u> they stole all of this money, allowing me to be framed for his client's fraud and stealing while prosecutors protected these crimes by lying to claim he may not exist. This fraudulent scheme resulted in the draconian sentence of 25 years for me, which is in excess of the legally allowable maximum of 20 years, as Magistrate Ellen Carmody states on the record before trial, a restitution order for all of you these federal officials knew was bogus at the time it was made, and a $10 million forfeiture order, which unbeknownst to me until looking at another prisoner's case earlier this year is "income" to the Department of Justice that is <u>not</u> required to be paid to the "victims". Judge Bell has refused to file my motion for accounting of the restitution and forfeiture orders, which were sent via certified mail on February 12,

2015. As my next project, I intend to advise the new Attorney General, Loretta Lynch, of what I have learned and request an investigation as is my statutory right to do. All of you have the right to do the same.

Certainly, the Office of U.S. Attorney knew the restitution order against me was bogus at the time. In his rebuttal closing arguments, in order to secure guilty verdicts, AUSA Gezon refers to IRS Agent James Flink's one-page summary exhibit, GX-172, showing $7.3 million of "Other Spending", including a category for "foreign wire transfers" and "domestic transfers", which are calculations supported solely by references to bulk bank record exhibits, rather than dates, amounts and payees. On June 14, 2005, AUSA Gezon tells the jury, "we'll never know what she did with all that money. But the evidence shows...[she] spent millions between her and her [co-] defendants to live well". By the time of my sentencing, however, on October 28, 2005, AUSA Gezon and Agent Flink have it all figured out in a Press Release of the same date--"Approximately $7.4 million was spent by the defendants to promote the scheme and to make it appear to be a legitimate investment venture", showing their story has been changed for all of you as their audience, further advising their "Victim/Witness Unit" would collect and pay back "whatever funds may be recovered from the defendants over the coming years". This leaves an escape hatch miles wide where no mention is made of paying back funds collected elsewhere, leaving the millions stolen by the Harajchi's open for grabs amongst his criminal collaborators and the Dept. of Justice Forfeiture Fund and explaining the necessity for the "ponzi scheme" allegation, which I was not permitted to meaningfully rebut and which was not a "fact" put to jury deliberation.

Judge Bell also knew the restitution order was bogus at the time. At trial, he denies me all witnesses and evidence to "alleged investments", whereas at George "Terry" Besser's sentencing on October 13, 2005, he takes a "perverse pleasure in the fact" that others "basically scammed Mr. Besser and Ms. Marcusse and their people" after having determined the "fact" the crime had been a "ponzi scheme". To whom was Judge Bell referring by "and their people"? All of you?

Not long after the Forrester scandals hit the press, which is over 6 years after the trial, the house where all of my business records were being stored--the records I had not been permitted to submit into evidence at trial--had an illegal entry where only my records were targeted and destroyed, as you will see from the pictures taken and attached to a motion to compel production of valid search warrant, yet another motion Judge Bell refuses to file on the public record.[2] It took me

2 On direct appeal, based on AUSA Schipper's misrepresentations, and the discriminatory activity of Judges Bertelsman, Rogers and Sutton in declining to consider my pro se brief after accepting it for filing, they are able to find, "With regard to

until January 9, 2013 to obtain copies of many of the bank records, and only then, because I had filed litigation under FOIA in the District of Columbia in Case No. 1:12-cv-1025, after Brian Delaney, Criminal Chief of the Office of U.S. Attorney, admitted to having "purged" documents in response to a January 5, 2011 Order for discovery by Judge Gustafson in U.S. Tax Court, and the IRS had repeatedly denied having them. Ordinarily, the Office of U.S. Attorney is required to maintain records in a felony criminal prosecution for at least 10 years. On March 25, 2014, Judge Colleen Kollar-Kotelly refuses to file my Motion for Order to Compel Defendants to Comply with the Federal Records Act in the FOIA litigation. All of this conduct, which would not be necessary if the charges against me were legitimate, has served to obstruct and impede the filing of proper claims on your behalf, and is a big concern where "any monies left over go to the Treasury" according to Provisional Liquidator, Raymond Winder.

Thankfully, I have the proof filed in the "evidence packs" in 2005, having refused to listen to either my court-appointed attorney, David Kaczor, or Judge Bell, who forced Kaczor on me under threats and having the U.S. Marshals abuse me. These contain some of the documents Kaczor withheld from evidence during my testimony, and given the new evidence now available, allow me to show probable cause in the RICO litigation. The "evidence packs" contain some of the wire transfers for SSBT's Bahamas program and the wiring instructions I was given to make investments. These documents show the funds had been directed to go to SSH, which is one of the two companies the Harajchi's used to steal money immediately following the March 5, 2001 license revocation, according to the 8/4/02 Provisional Liquidators Report. Judge Bell denied the admission of this Report when AUSA Schipper objected to it, causing me to include it in the "evidence packs". Judge Bell denied admission of the "evidence packs" for use with the jury because he didn't want them "confused". The wiring instructions were also removed from the June, 1999 investor newsletter by AUSA Gezon before he submitted it into evidence at trial.

Reconstructed records show that the monthly returns I quoted for the Bahamas program were derived from annualized returns filed with the SEC on its EDGAR reporting system from SB-2 filings, which were represented to be CPA audited, beginning in calendar year 1996 of 157.19%, calendar year 1998 of 293.08%, calendar year 2000 of 258.02%, and January, 2001 of 10.40%. The SEC did not shut them down for reporting unusually high returns; therefore, none of you should feel embarrassed for having invested based on the desire for high returns.

2 (Cont.) mail fraud, evidence that the defendant ordered destruction of files after learning of federal investigation supports finding of knowledge of and participation in conspiracy to defraud." **United States v. Flynn**, 265 Fed Appx 434 (CA6 2008). There was no evidence at trial to show I destroyed records.

On February 8, 2013, Special Agent Stephen Corcoran of the IRS admits in a Declaration filed in the FOIA litigation that 99,838 pages of documents had been withheld from me in discovery because they did not support the government's theory of the case that was "ultimately abandoned at prosecution", another term for a trial, including documents on "investment entities", the "role of third parties", and "bank records", for a trial that AUSA Schipper began by charging me with a "ponzi scheme". Agent Corcoran argues the government needed to continue to withhold these documents because I had a pending habeas proceeding at the time in which I could submit new evidence. Incredibly, Judge Kollar-Kotelly agrees, in effect defaulting me by refusing to grant an extension of time to respond to the 10,960 pages of documents that had been provided, some of which had been tampered with, and the 1,890 pages of responses filed by the 7 government agency defendants, giving the IRS and FBI defendants 3 months' more time to prepare responsive pleadings arguing the case should be dismissed.

It might be noted that, over the past 11 years, the criminal charge against me has changed 7 times, beginning as a "ponzi scheme" with the grand jury, but omitted from the indictment, alleged over 160 times at trial, but withdrawn from jury deliberation because it wasn't charged in the indictment, misrepresented as found by the jury in the October 28, 2005 Press Release to all of you and found by Judges Bertelsman, Rogers and Sutton on direct appeal as a "fact" in 2008, but not found by Judge Bell to be a charge in the habeas (§2255) proceedings in a March 30, 2011 Opinion, yet later found to be the charge in an October 26, 2012 Opinion by Judge Bell in the same case (1:09-cv-913, Dkts. 41, p. 7; Dkt. 77, p. 50), and most recently, found not to be a charge to deny the second or successive habeas petition in 2014.

These schizophrenic findings stem from varying degrees of success in attempting to silence me behind unwanted court-appointed counsel, which worked to withhold bank records from admission as evidence at trial, but which could not hush my testimony, and is a tactic not available in a habeas proceeding or in U.S. Tax Court where a January 31, 2012 Judgment reduced the $936,626 in unreported "income" alleged at trial to "zero" in Docket 14234-09. Judge Bell refused to consider the Tax Court Judgment in the habeas proceedings. One would certainly think the average jury likely decided against me because they believed federal prosecutors who attested I stole almost a million dollars, and that I may not have had a fair trial where an honest rendition of the bank record evidence would have proven those funds were not used for personal spending as IRS Agents Flink and Darline Goeman testified.

The investment product I allegedly promised has likewise changed where it was created out of evidence tampering for the indictment and trial. Clearly, it would make convicting an innocent person for false representations a far easier task if

the alleged promises can be based on a product in which it was impossible to have invested because the product had been invented out of merging the characteristics of two unrelated products together. In this case, the characteristics of the Bahamas stock trading program introduced in mid-1999 with the prime bank debenture program withdrawn at the same time were merged.

Once I obtained the bank records and government's trial exhibits from Agent Corcoran on January 9, 2013--documents for which Judge Bell placed a pretrial "protective" order only against those of us that wanted to represent ourselves--I could finally submit the proof investments had been made, as well as show from Agent Corcoran's affidavit the Dept. of Justice's "open file" policy had been violated which AUSA Gezon had stated would apply, in a second or successive habeas petition. On September 12, 2014, in Case No. 14-1095, Judges McKeague,[3] Guy and Donald deny the claims by finding the Bahamas program was not a program promised investors. This new finding contradicts the government's chief investigative witness at trial, Agent Flink, who testified the Bahamas program had been promised, not the prime bank debenture program. These judges also find, "Marcusse merely speculates that the documents are exculpatory due to Special Agent Corcoran's statement in his affidavit that they were not introduced at trial because they did not substantially support or advance the government's legal theory at the time of prosecution."

Now that Forrester's existence, employment at the FBI, and endorsement letters can no longer be denied, and that investments were made in the Bahamas program can no longer be denied because the bank records had to be released, these federal judges change the facts underlying the charges to deny the Bahamas program was promised. The denial of a second or successive habeas petition cannot be appealed. Hence, my current lawsuit also requests a Declaratory Judgment to state the theory, e.g., the "facts", upon which the charges against me are based, and for Agent Corcoran to state the theory allowing him to withhold 99,838 pages of documents from discovery, so that this corruption can be put to an end.

New evidence has also been obtained regarding Robert Plaster. At trial, Agent Flink admits he limited the definition of an "investment" to mean a prime bank debenture only in crafting his 3 one-page summary exhibits constituting the government's "overwhelming evidence" no investments had been made. In other words, Flink refused to consider stocks, bonds, real estate, or any other product normally considered to be an investment as an "investment" in this case. When it is further considered

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3 David McKeague was a judge in the Western District of Michigan at the time of my arrest on July 1, 2004. McKeague is the author of the outrageous dissent in **Rouse v. Stacy**, 478 Fed Appx 945, 956 (CA6 2012), where he finds the prosecutor should have enjoyed absolute immunity for admittedly ordering the jailhouse beating of a pretrial detainee intended to force him to plead guilty because it could be considered part of the plea bargaining process. On July 24, 2004, I was similarly assaulted.

Flink admitted the investment promised was the Bahamas program, not the prime bank debenture program, this proves his summary exhibits showing no investments made were a deliberate act of fraud by fabricating evidence. Not only did this serve as a protection racket for SSBT and Agent Forrester, but also Robert Plaster, the friend of U.S. Attorney General John Ashcroft, who was in power at the time the charges were lodged against me. It should be noted that a similar but unrelated "ponzi scheme" prosecution was pursued at the same time as mine, in the Western District of Missouri, which resulted in Plaster obtaining the Branson Inn from the SEC, a property needed for his Branson Landing Project that otherwise would not have been available.

Here, where the existence of Robert Plaster could not be denied, AUSA's Gezon, Schipper, and most recently Jennifer McManus, deny the MLC Showcase Branson Project was ever an investment promised. They further protect his ability to keep the funds invested in MLC by having Plaster testify they were a "nonrefundable deposit" on $45 million of real estate, which was news to me at trial. Plaster submits a half-page contract with MLC, which contained no property description and no witnesses to the signatures of Michael Carney on behalf of MLC and Robert Plaster on behalf of the stock of the Evergreen National Corporation, that I never saw before the trial. Mike Carney dies on November 8, 2002, right after I write Plaster on October 29, 2002, telling him I would report both of them to law enforcement if they did not immediately honor their obligations to all of us, reference of which was made in my October, 2002 newsletter to a RICO lawsuit. It is my belief the attorney, Darwin Kal, was scared off after having made the commitment to bring the lawsuit.

After the trial, I wrote the Springfield News-Leader in Missouri to complain about Plaster being a crook. They began to run a series of articles about Plaster's use of campaign contributions to get what he wanted, except then he files a lawsuit for $65 million, which effectively puts an end to the articles. I do, however, learn Plaster committed fraud by selling the property to MLC because the Stone County Commissioner's Office had <u>denied</u> him the zoning to be able to use the property for the project. In other words, Plaster gave Carney a letter on behalf of Evergreen Investments, LLC, which was intended to be given to me, where Plaster agreed in writing to release the property for leasing income when he <u>knew</u> his representation was false and fraudulent. When Plaster accepted your money, he knew the property could <u>not</u> be used for the Branson Showcase Project.

In the habeas (§2255) petition, Judge Bell disregards this evidence of fraud to deny relief, and he disregards the fact that the federal government had no right to suborn your claims and position as victims to allow Plaster to keep your money after the proof was obtained to show he had not been an innocent third party.

As the result, Judge Bell has not only refused to file my §2255 brief and its exhibits providing such proof in Case No. 1:09-cv-913, but he has taken the steps to misrepresent the documents filed to conceal their content from public view on PACER. Docket No. 34-1, which states it is the Memorandum (brief) and its exhibits, instead links to Docket No. 1, which is merely the motion listing the claims raised. The higher courts, including the Supreme Court, have all denied my petitions to require Judge Bell to correct this fraud. If this were not enough on its own to raise the suspicion of a fixed case, it might be noted that my case is the only one in the history of the United States where a federal criminal defendant has been designated a "restricted" filer in the first habeas (§2255) petition, a fact I discovered after running a search on over 16 million files. The higher courts, including the Supreme Court, have denied my petitions objecting to this discriminatory and arbitrary restriction, causing me to raise discriminatory conduct in this new lawsuit.

While you may suspect these restrictions are due to the Agent Forrester and Robert Plaster protection rackets, there is yet another scandal being protected in this case. At trial, Leonard Zawistowski, a senior official at the Federal Reserve, admits to me under cross that his employer had "collapsed" the banks in the Bahamas in 2001, except when the trial transcripts are published three months later, this admittance on page 806 is now missing. As the result, in the current lawsuit, I am requesting the original shorthand notes of Court Reporter Kevin Gaugier to prove this and other tampering with the transcript before publication. It was my initial request on November 15, 2005 requesting these notes and accusing Gaugier of committing transcript tampering that resulted in Judge Bell making me a "restricted" filer on November 18, 2005. I am deeply concerned about this particular issue in that these original notes are required under law to be kept with the clerk of court for 10 years, a deadline which is rapidly approaching. Any one of you, however, can go the federal courthouse and ask to review these notes, or send a notice to the court that you want the notes kept so that they can be reviewed.

I also intend to ask for discovery in the lawsuit as to whether any of these federal government employees obtained kickbacks or bribes for their outrageous activity, because to presume such conduct is a matter of normal course is to indict the entire federal justice/court scheme as a criminal racketeering enterprise.

If you are so inclined, after reviewing the Complaint, Statement of Facts, and Exhibits in Support, it would also be most helpful if you would express your opinion to the appropriate authorities, including not just those federal, but state, such as your Governor and consumer protection agencies, and even the Bahamian government and Central Bank. A private individual can file criminal charges in the Bahamas, as this is a right available under common law. Federal common law was abolished

by the Supreme Court in 1938. Your representatives in Congress should also be made aware of the facts of this case. The U.S. Department of Justice, Office of Inspector General, Investigations Division, is located at 1425 New York Ave., NW, Suite 7100, Washington, D.C. 20530-0001. The Attorney General, Loretta Lynch, is also located at the 950 Pennsylvania Ave., NW, Washington, D.C. 20530 address. A tort claim can be filed with the U.S. Department of Justice, Civil Division, Torts Branch, at Post Office Box 888, Benjamin Franklin Station, Washington, D.C. 20044. John A. Koskinen is the Director for the Internal Revenue Service, 1111 Constitution Ave., NW, Washington, D.C. 20224. A judicial misconduct complaint can be filed against a judge in the Sixth Circuit with the Office of Circuit Executive, United States Court of Appeals, 503 Potter Stewart U.S. Courthouse, 100 East Fifth Street, Cincinnati, OH 45202. Complaints against state judges are made public, whereas complaints against federal judges are concealed from public view. Perhaps if there were more transparency, this case would not have gotten so far out of control.

Former prosecutor Thomas Gezon uses winning my trial as advertising in private practice for his law firm, Smietanka, Buckleitner, Steffes & Gezon, 4250 Chicago Drive, S.W., Suite B, Grandville, MI 49418 (http://www.smietankalaw.com/sbsg_tom.htm), which I find particularly offensive, given the dirty tactics employed to achieve it. Similarly, former prosecutor Michael Schipper used it to have Michigan Gov. Snyder appoint him as a judge for Barry County 56-B District Court. Hypocritically, Schipper tells the Hastings Banner in June, 2011, while he had practiced under some very biased judges, no doubt referring to Judge Bell, it was his intent litigants would leave his court feeling they had gotten a "fair shake". Without using Judge Bell's biased rulings, Schipper never would have won my trial. Further, it is required under a prosecutor's code of ethics to come forward when he is aware an accused is innocent. As the result, I could use your support in signing the petition asking for justice in my criminal case, which is located at https://www.change.org/p/barack-obama-hillary-clinton-a-wrongful-conviction-is-judicial-murder-free-janet-marcusse-stop-judicial-misconduct. Other online sources of information include http://www.facebook.com/janetmarcusse and http://www.janetmarcusse.wordpress.com.

Updates will be placed on http://www.janetmarcusse.com and www.ipiw.com, as time allows by the friends running them. They work full-time jobs, so please be patient. You may even want to thank them, for without their tireless help over many years, I would never have been able to obtain the proof to now be in the position to go after the culpable parties by this litigation. I'm sorry that it has taken so long, but, as you will see, it has not been for the lack of trying.

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