LETTERS OF JUDICIAL COMPLAINT

JUDGE ERIC KOMITEE



Judge Eric Komitee, EDNY Judge

More Than 20 Complaints



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COMPLAINT OF JUDICIAL MISCONDUCT

Complainant: Jaklin [REDACTED]
Contact Address: [REDACTED]
Daytime telephone: [REDACTED]
Email: [REDACTED]

Judge: Eric Komitee

Court: United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, NY 11201

Lawsuit: United States v Carlos Watson

Dear Chief Justice Margo Brodie,

I am writing to formally submit a complaint against Judge Eric Komitee for his behavior during the United States v Carlos Watson trial. This complaint is made with the expectation that it will be taken seriously and thoroughly investigated.

During the proceedings (as a member of the public), I noted the following actions and behaviors by Judge Eric Komitee which I believe constituted misconduct:

1. Biased Statements and Inappropriate Conduct.
   (i) Distorted Patterns of Portrayal of Black Males such as Exaggerated Negative Associations – in multiple occasions Judge Komitee, reprimanded the defense attorney Professor Ronald S. Sullivan Jr. with comments about a vocal strength or lively behavior, intended to vividly illustrate characteristics that may perpetuate stereotypes.
   (ii) Automatic Responses and Hostility – in multiple occasions, during the defendant Carlos Watson's testimony and throughout the entire trial, Judge Komitee negatively evaluated positive reactions from the defendant (i.e., smile or laughter) by exhibiting frustration and threating to punish. In one notable instance, the defendant was accused by the prosecution of "performing" or "entertaining" in front of the jury, with the judge appearing to lean towards the prosecution's viewpoint.
   (iii) Incorrect Assumptions About What Audiences Want/Inappropriate Humor – On July 12,2024, in front of the public, prosecution and defense teams (after the jurors left for deliberations), Judge Komitee made a "joke" about Oprah Winfrey not coming to court to testify, which in the context of this trial was at best tasteless, and overall cruel for insinuating a lack of trust in the defendant.

It is my strong belief that Judge Eric Komitee failed to uphold the standards of judicial conduct expected from them. Such conduct not only undermines the integrity of the judicial system but also erodes public trust in the judiciary.

I request that this complaint be investigated promptly and impartially. Please keep me informed of the progress and outcome of the investigation.

Thank you for your attention to this matter. I trust that appropriate action will be taken to address this issue and ensure that such incidents do not recur in the future.

I declare that the statements made in this complaint are true and correct to the best of my knowledge.

Sincerely, Date: 7/14/2024



Jaklin [REDACTED]

Complaint of Misconduct- Judge Eric Komitee
July 15, 2024

Clerk of Court
United States Court of Appeals
Thurgood Marshall, U.S. Courthouse
40 Foley Square
New York, NY 10007

Dear Judge Margo Brodie,

This is a formal letter of complaint for misconduct against Judge Eric Komitee, in his role presiding over UNITED STATES OF AMERICA, v. CARLOS WATSON, and OZY MEDIA, INC. Defendants.

As a lawyer and social justice advocate, I am alarmed at the biased and hostile treatment by Judge Komitee against the defendant, Carlos Watson, and his counsel, Professor Ron Sullivan, Ms. Janine Gilbert and Ms. Shannon Frison. In fact, at every turn and every stage in the process from pre-trial, through the actual trial, and to closing arguments, Judge Komitee has behaved in a manner that is inconsistent with The Judicial Conduct and Disability Act of 1980, 28 U.S.C. §§ 351-364.

Pursuant to Rule 2(b) in the Act. Judge Komitee repeatedly engaged in egregious and hostile treatment of the defense:

• **Judge Komitee exhibited unwarranted aggression** by threatening Mr. Sullivan with contempt in front of the jury, simply for stating that an objection was overruled. (Tr. at 3316, ln 18-19).

• **During the defendant's testimony, Judge Komitee displayed overt bias** through his non-verbal physical communication including "doubling over" and "face-palming" at multiple points during proceedings to express exasperation. (Observation during Carlos DX on 07/01/24).

• **Judge Komitee consistently interrupted and admonished the defense in the jury's presence**, a behavior not similarly directed at the prosecution. This pattern of interruptions and rebukes (e.g., Tr. at 3149, ln 6-12; 3151, ln 13-16; 3065, ln 21) created an imbalanced courtroom atmosphere, potentially biasing the jury against the defense.

• **In an unprecedented breach of judicial conduct, Judge Komitee interrupted Mr. Sullivan's closing arguments on three separate occasions**. This interference at a crucial

juncture of the trial undermined the defense's ability to present their final case to the jury effectively. (Noted during Sullivan Closing on 07/11/24.)

• **Judge Komitee's jeered at the defendant,** saying (paraphrase) “at this point, it’s safe to say that Oprah [major topic of trial] won’t be making an appearance.”

Some additional egregious behavior towards the defense, that

These examples throughout the trial cause me great concern for the fair and impartial trial of my brother, the defendant, Carlos Watson. His life is at stake and constant appearance of bias and hostility towards him and the defense team (especially in front of the jury), jeopardizes his right to a fair trial. In fact, given the aforementioned reasons, I have no confidence that Judge Komitee will behave any differently during jury deliberations.

It is with urgency I request that you review Judge Komitee’s conduct in this case. I also request a copy of the audio/visual of the entire proceedings, to preserve the record of Judge Komitee’s biased conduct.

Respectfully,

Beverly [REDACTED], Esq.
[REDACTED]

Letter of Judicial Complaint- Judge Eric Komitee

Judge Margo Brodie
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, NY 11201

Lawsuit: United States v Carlos Watson

July 14, 2024

Dear Chief Judge Margo Brodie,

I hope this letter finds you well. I am writing to formally lodge a complaint about the conduct of Judge Eric Komitee, who has been presiding over the case "United States of America vs. Carlos Watson" in the Eastern District of New York. I am deeply concerned by the apparent partiality and unfair treatment demonstrated by Judge Komitee throughout the proceedings. Based on his actions, I believe that my brother, Carlos Watson, has his right to a fair trial compromised in this case.

It has been over a year now that I have observed the consistent bias of Judge Eric Komitee. Since August 2023, I have attended every in-person status hearing for my brother, Carlos Watson, traveling from Northern California to New York, often for hearings lasting barely more than an hour. Despite the significant personal and financial burden, Judge Komitee insisted that my brother, who resides in the Bay Area, be physically present at each hearing.

As a concerned taxpayer and troubled sister, I am dismayed by Judge Komitee's repeated displays of bias and lack of impartiality. His rulings, comments, and scheduling decisions have been blatantly unfair and callous.

- **Egregious Scheduling:**
    - *The trial has been unnecessarily prolonged*, stretching what could have been a 3-4 week trial into a 2-3 month ordeal. This has imposed severe financial and emotional stress on our family, as we must bear the costs of travel, accommodation, and sustenance, both in New York and back home.
    - *It is unconscionable for Judge Komitee to insist on a trial schedule that he himself cannot adhere* to, taking a vacation in the midst of the trial and further extending our burden. His insistence on beginning the trial in May 2024, despite his unavailability, has demonstrated a profound disregard for the hardship imposed on us.

- **Judicial Bias and Hostility:**
    - *In court, it has become glaringly apparent how biased the judicial system can be,* particularly against Black individuals. Judge Komitee has repeatedly disrespected distinguished defense attorneys, including Professor Ron Sullivan and former Judge Shannon Frison. His behavior towards them has been dismissive and hostile, cutting them off mid-sentence while allowing the prosecution to drone on uninterrupted, often to the point where jury members fell asleep.
    - *Judge Komitee's offensive behavior includes making baseless insinuations about Prof. Sullivan's integrity,* such as accusing him of attempting to submit false files, and rudely instructing him to lower his voice. He also prevented Prof. Sullivan from properly cross-examining a witness who had made racist comments, yet allowed the prosecution free reign with the same witness.
- **Fourth Prosecutor:**
    - *Judge Komitee has acted more like a fourth prosecutor than an impartial adjudicator.* He has coached the prosecution, sustained his own objections unprompted by the prosecution, and intervened directly in the questioning of witnesses. For example, on June 7, 2024, he sustained his own objection at 11:15 am, and did so again on June 10 and June 13. Reviewing the court transcripts will reveal a clear pattern of such behavior.
    - *Throughout the trial, Judge Komitee continued to coach the prosecution* on what to say and what rules to look up. For example, on June 13, 2024, during a break in the afternoon, Judge Komitee looked up a code, read it to the prosecutors, thereby doing their job for them.
- **Allowing Uninterrupted Prosecution:**
    - Judge Komitee allowed the prosecutors to go uninterrupted for over four hours during their closing statements, despite initially stating they would only need two hours. In stark contrast, he almost immediately interrupted the defense during their closing statements three times, impeding justice and fairness.
- **Partial Treatment:**
    - *Judge Komitee's scheduling has been erratic and unfair, favoring the prosecution's needs while disregarding the defense's*. He has also made biased statements in the presence of the jury, openly questioning the relevance of the defense's cross-examination and consistently overruling the defense's objections while rarely doing so for the prosecution.
    - *For example,* on at least two occasions, including on June 7, 2024, and June 14, 2024, Judge Komitee said while the jury was present, "I struggle to understand the relevance of your questions" and "I'm struggling to understand the relevance" as the defense was cross-examining a witness. This undermines the defense's credibility in front of the jury.
- **Judge's Aggressiveness:**
    - *I found Judge Komitee to have a very angry and aggressive disposition towards both the defendant and the defense team.* His actions have eroded our faith in the fairness of the judicial process.

This situation is profoundly disappointing and underscores a troubling bias within our judicial system. Judge Komitee's conduct throughout this trial has been marked by an aggressive and hostile disposition towards both the defendant and the defense team. I urge you to review Judge Komitee's conduct and take appropriate action to ensure that justice is served fairly and impartially. More specifically, I am concerned that the jury deliberation process will be affected by an improper and undue influence of Judge Komitee. His behavior and conduct should be investigated immediately– and there should be an outside supervision when he oversees/engages with the jury.

Your immediate action and attention to this matter is greatly appreciated.

Sincerely,

Dr. Carolyn [REDACTED]

[REDACTED]

August 29, 2024

Clerk of Court
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, NY 11201

Dear Clerk of the Court,

My name is Rodney [redacted] and I had the occasion to visit the Court on May 29, 2024, and again July 3, 2024. My profession is in Medicine, and I offer the disclaimer that I am not a legal expert, however, I have been in court on many occasions in a professional capacity as a medical expert. Hence, I am generally familiar with courtroom decorum.

I write to submit a complaint as I was aghast at what appeared to be preferential and unprofessional treatment. On May 29th as Attorney Sullivan was wrapping up his opening to the jury and indicated "…this is my last point and I promise to be just a couple more minutes", Judge Komitee interrupted him and asked Attorney Sullivan "How much longer are you going to be and can you please wrap it up (*tight paraphrase but may not be verbatim).* Later on July 3rd, I observed Judge Komitee reprimand Attorney Sullivan as he was dismissing the jury, however they were all clearly *still in the courtroom*, which felt unnecessary and an overreach given the context. Regularly, on that same day I also noted that whenever Judge Komitee denied a motion from the defense- he routinely and audibly stated: "Over-ruled" but never gave the same balanced and public treatment when the government was denied a motion- he simply continued the case. At one point after another sidebar, Judge Komitee queried where the court was prior to the interruption, Attorney Sullivan in refreshing that the government's motion was not granted indicated that the motion was "over-ruled", and an immediate sidebar was issued again so that Attorney Sullivan could be reprimanded. There existed a clear tension in the room and an animus that felt uneven throughout the days that I personally observed, which amounted to an aura of disadvantage for Mr. Carlos Watson.

As a citizen who regularly performs my civic duty via jury duty and a professional who understands appropriate decorum and the many complexities and nuances of legal cases, I feel strongly about the appropriateness and the obligation of impartiality and fairness. It is generally not my nature to be in the habit of submitting written complaints but understanding that when someone's life is hanging in the balance, the absence of that fundamental treatment (especially from the bench) is an egregious affront to our sensibilities as citizens of this great country. I respectfully request that that Judge Komitte's conduct be reviewed, especially as he enters the important phase of overseeing the jury deliberations in a fair and impartial manner.

Respectfully,

Rodney [redacted] MD, MBA, MSPH
Inaugural Bruce and Isobel Cleland Professor and Chair
Department of Otorhinolaryngology-Head & Neck Surgery
University of Maryland School of Medicine

Complaint of Misconduct- Judge Eric Komitee
July 15, 2024

Clerk of Court
United States Court of Appeals
Thurgood Marshall, U.S. Courthouse
40 Foley Square
New York, NY 10007

Subject: Lack of Faith in the Justice System

Dear Judge Margo Brodie,

This is a formal letter of complaint for misconduct against Judge Eric Komitee, in his role. presiding over UNITED STATES OF AMERICA, v. CARLOS WATSON, and OZY MEDIA, INC. Defendants.

I am outraged over the biased and hostile behaviors against the against the defendant, Carlos Watson, and his counsel, Professor Ron Sullivan, Ms. Janine Gilbert and Ms. Shannon Frison. I observed Judge Komitee often yell, berate, and disrespect the defense in response to anyone on the defense team speaking, including Carlos Watson during his testimony. He was irritable evident from holding his head in his hands and other behaviors outlined from the facts outlined below. I didn't see these behaviors when the prosecution team spoke. Judge Komitee's behaviors demonstrated extreme bias and favoritism for the prosecution team.

Morning of July 3, 2024

- After a few minutes of Carlos on the stand, the head defense lawyer was attempting to submit documents for evidence. The prosecution objected multiple times, wanting to know exactly what the defense was presenting. As a result, Judge Komitee dismissed the jury **several times** to attempt to resolve the problem. This back and forth led to several sidebars, with the lengthiest lasting for 1 hour and 47 minutes. This specific sidebar could be heard by anyone in the courtroom, and I witnessed it in its entirety.

- This sidebar (1 hour and 47 minutes) was about the prosecution asking which financial records the defense team was presenting and why. To appease the prosecution team, Judge Komitee had the defense share a substantial portion of Carlos's testimony, giving the prosecution team a preview of the defense's case. It appeared as if the judge was coaching the prosecution team, while also demonstrating complete disrespect for the entire defense team from eye rolling, yelling, holding his head in his hand showing that he was irritated and angry. Judge Komitee's behaviors would make anyone in the room wonder what happened to him that day, but these behaviors were demonstrated consistently throughout the case.

- The jury was allowed in the courtroom around lunchtime where Carlos shared more of his testimony for about 8 minutes, until everyone was dismissed for lunch.

Afternoon of July 3, 2024

- As Carlos Watson continued his testimony, the defense entered another phase where the documents discussed during the morning sidebar were submitted for evidence.

- The prosecution objected at least 3 times at the start without stating a reason for their objection, and the jury was dismissed each time.

- There were several more objections after the jury came back in without a reason stated by the prosecution. Judge Komitee. responded with "Sustained" each time. At this time, the defense lawyer presenting got to a point where she asked Judge Komitee for clarity on how to proceed and he blatantly yelled "NO" and told her to proceed leaving the defense to proceed without any clarity on the issue. This confused me because in the morning, he told the defense team if they needed clarity on anything to simply ask. They asked and the judge didn't address and responded in a very rude and disrespectful manner as if he were speaking to a child to hurry it along. Keep in mind, most of the day was spent on sidebars and not much defense testimony.

- There were so many starts and stops throughout the day that it appeared that the prosecution team's goal was to control the narrative of the defense team and Judge Komitee fully supported this goal by how he responded with the examples shared above. The judge berated the defense and coached and supported the prosecution. It was very disturbing to watch such bias, unfairness, and disrespect demonstrated. It was a lot to watch and can only imagine how hard it was for the defense team who was just doing their job with interruption after interruption.

- There was a point where the judge again dismissed the jury for about 1 minute to tell Carlos to only ask the question and not add extra details. It was the yelling, rudeness, and disrespect to Carlos that was disturbing.

Afternoon of July 12, 2024

- I continued to see the same behaviors mentioned above during this time. Judge Komitee held his head in his hand, was irritable, and impatient. Is this how things are handled in a system that is supposed to support justice?

What I've outlined above briefly summarizes what I observed. The play-by-play of all the disturbing things witnessed would turn this letter into multiple pages. These observations of blatant unfair and preferential treatment have resulted in my lack of faith in the fairness and

equity of our justice system. I now refer to our justice system as simply a system because what I observed in no way represents justice, where people are treated **impartially, fairly, properly, and reasonably by the law and by arbiters of the law**.

Sincerely,

Mrs. Angela [REDACTED]
[REDACTED]

Complaint of Misconduct- Judge Eric Komitee
July 15, 2024

Clerk of Court
United States Court of Appeals
Thurgood Marshall, U.S. Courthouse
40 Foley Square
New York, NY 10007

Re: "**EXTREME JUDICIAL MISCONDUCT"- Judge Eric Komitee – (Trial Case U.S.D.C. Eastern District vs. Carlos Watson- Ozy Media):**

Dear Honorable Chief Justice Brodie,

I am writing to express my strong/extreme concerns of "Judicial Misconduct" in the courtroom by Judge Eric Komitee during the trial case - U.S.D.C. Eastern District vs. Carlos Watson- Ozy Media the past several weeks. Judge Komitee courtroom behavior has been "EXTREMELY" partial and unethical. Over the past two weeks alone, I've witness Judge Komitee behavior in the courtroom that showed personal bias towards the defense attorneys, Mr. Watson, and OZY Media that brings to questions "IF" a fair trial is possible. During this trial alone, I have taken over 12 pages of notes. Unfortunately, over the past two weeks, most of notes are dealing with either Judge Komitee changing how the defense will proceed during trial, his anger and outburst. I would love to share to share everything, but for the sake of time, I will give a few brief examples of Judge Komitee judicial misconduct.

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Few Brief Examples:

July 3,2024

- Mr. Watson spent majority of the day on the stand. Unfortunately, Mr. Watson was not allowed to give specific details by Judge Komitee regarding questions from the defense attorneys.
- Spent at lease 3 hours in "Sidebar" conversations (107 minutes straight), with Judge Komitee yelling and showing disapproval of the Defense attorney and Mr. Watson.
- Allowing the prosecution team to object without reason.

July 10, 2024

- Allowing the Easter District Office over 5 plus hours to close utilizing exhibits without interruptions.
- Reprimanded the defense team for asking any questions.

*July 11,2024

During the Defense closing arguments, I and numerous witnesses was shocked at the judicial conducting from Judge Komitee. ALARMING!

- Judge Komitee would not allow the defense to present their case unless the Eastern District preview the closing agreement notes and data.

- The defense was reprimanded throughout the closing argument utilizing the "same" data/ material that the Eastern District prosecution team present during closing agreements on July 10,2024 with the complete contents, data, and outlined details of those exhibits.

Since the U.S.D.C. Eastern District of New York filed the indictment on February 22, 2023. Personally, being an impartial spectator, I wanted to learn more about the case. Professionally, as a professor at the University of Bridgeport (Business School), from 2019-2023, OZY Media business/operational model was used as one of the case studies in several courses (Sports Event Management, Marketing, and Sports Marketing courses).
Honestly, after experiencing Judge Komitee courtroom behavior over the past few weeks his conduct for holding a judicial position. Also, I'm concerned that Mr. Watson and OZY Media would receive an "UNBIASED" Trial. The image he is presenting to the citizens and the media is extremely alarming. Honesty, after experience this I am very, very, very concerned if our legal system, especially, for upstart companies. Judicial recording during the trial.
This trial is a great example why we the people need more transparency. At times, I wasn't. sure, who was really trying this case. Or whom was the lead prosecutor, Mr. Jonathan Siegel, or Judge Eric Komitee. As an educator, we try to teach students that the US justice is fair to all regardless of ethnical or financial background. Judge Komitee example of conduct, I'm starting question the legal system even more. If this is what the US Judicial System considers as justice, then the definition is misleading.

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Lastly, trying write in detail what I and many others experience in the courtroom is challenging. I would love the opportunity to speak in person to whomever regarding Judge Komitee judicial misconduct during this trial. His conduct must be addressed immediately. *Friendly reminder that if found guilty, he faces 37 years in prison. That means Mr. Watson's life is on the line. We the people need an unbiased judge presiding over this trial. I look forward to the opportunity of discussing in person. In the interim, thank you for your consideration, attention, and forthcoming response.

Sincerely,

Rickie [redacted]

Rickie [REDACTED], MBA, ME
Business and Sports Management Professor
[REDACTED]
[REDACTED]

ATTN: Judge Margo Brodie
United States District Court Eastern District of New York
225 Cadman Plaza East
Brooklyn, NY 11201

July 14, 2024

Dear Judge Margo Brodie,

Please pay attention. Please hold Judge Eric Komitee accountable. I've been attending the trial of the United States vs. Carlos Watson and OZY Media. I am deeply concerned about the disparate treatment by Judge Komitee to the defense team of Mr. Watson and Ozy Media. There were multiple examples throughout the 7-week trial. Below are a few examples from throughout the trial:

- **Late Addition of New Charges:** Komitee added a charge of "Aiding and Abetting" **the last week of trial**, the day before summation started. This should have been included from the beginning of the trial.

- **Improper Objections**: Komitee did not require the prosecutors to specify what their objections were. He frequently guided the prosecutors, specifying their objections *for them*, acting as a 4th prosecutor. It appeared as if they were his students or children.

- **Closing Arguments:** He told Prosecutor Jillian Kassner to take as long as she needed during her summation which she said would be 2 hours but was over 4.5 hours. During the defense's summation, the judge objected, sustained, rushed, interrupted, scolded, and belittled Ron Sullivan.

- **Judge Not Acting Imparcial:** Komitee and the Prosecution repeatedly objected to **evidence** that contradicted their theory on several points. One being, that Carlos and Ozy Media lied about series C funding when there were PRESS RELEASES from members of OZY's board in major news publications confirming that series C funding was approved and did in fact happen. WHY ARE THE PROSECUTORS AND JUDGE MORE COMMITTED TO THEIR THEORY OF CARLOS' and OZY MEDIA's FRAUD THAN THE TRUTH?!?!

- **Disparate Treatment:** We sat through 6 days of Jonathan Siegel slowly reading texts and emails (admitted evidence) to the jury from their key witness Samir

Rao. However, Judge Komitee refused to let the Defense read their admitted evidence to the jury (including sections of executed Shareholder's Agreements) outlining investors' understanding that their investments were speculative and acknowledging that they were accredited investors— because these sections contradicted the governments' theory. Instead, as he did on many instances, he stated that it was "irrelevant". It seemed that Judge Komitee ruled anything that did not comport with the prosecution's case as irrelevant.

- **Misleading Statements:** The Prosecutors and Judge let their witness knowingly lie on the stand and mislead the jury "I know without a doubt that was Carlos Watson on the call." This misrepresentation happened even after it was fully established by Samir Rao himself that he was the only person responsible for the fake Goldman Sachs call.

- **Prosecution's Knowingly Misrepresenting Facts:** During the Prosecutors" Case-in-chief, they stated that *Ozy lied about having a Season 2 of "Black Women OWN the Conversation.(BWOC)"* However, during the Defense's Case-in-Chief, it became clear that the Prosecutors had knowledge and evidence that BWOC Season 2 was, in fact being negotiated. But the prosecution did not let this truth– stop them from lying about there being no Season 2 of BWOC in the prosecution's case-in-chief.

- **Improper Comments:** After the rebuttal to the Defense's summation, before reading jury instructions Judge Komitee mockingly said, "Well I guess it's safe to say Oprah won't be attending the trial." He then smirked and laughed.

As an observer, this trial seemed to be a sport to Judge Komitee and the prosecutors. It did not appear to be about truth, justice, or protecting the public. As a public policy, prison is for people who are a threat or danger to society. Not those trying to create opportunities and make lives and our community better. The government (and Judge Komitee) were constantly smirking and laughing about destroying Carlos and Ozy Media, using every manipulation to mislead the jury and distort the truth.

As an everyday citizen who follows social justice issues, I am very concerned that Judge Komitee and the three prosecutors will continue to mislead the jury toward their desired outcome during the jury deliberation process. I have little confidence that Judge Komittee will act differently than he has during the status hearings and the entire trial. I am very concerned about Judge Komitee's motivations in this case, as he has repeatedly demonstrated his partiality and leaning towards the prosecution's case.

His actions must be reviewed – and supervised during this important aspect of the American judicial system– the jury deliberations. I have no confidence that he will not put undue influence on the jury as they ask questions of the court. We ask that you investigate his conduct to ensure fairness in this process. It seems they are not concerned with truth or justice, but are solely concerned with proving their theory and are willing to destroy thousands of lives in the process.

Please pay attention. Please hold Judge Komitee and the government's prosecutors accountable.

Sincerely,

Emily [redacted] July 14th 2024

Emily Jennings

[redacted]

Dr. Karen A. Johnson
[redacted]

August 30, 2024

Judge Margo Brodie
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, NY 11201

Dear Judge Brodie,

I hope this letter finds you well. My name is Dr. Karen [redacted] and I am writing to express my profound concern regarding the judicial conduct I witnessed in the courtroom of Judge Eric R. Komitee during the trial of Carlos Watson. As a social worker with over three decades of experience and a doctor of research with doctoral and post-doctoral academic training at institutions such as Columbia University, Yale University, and Johns Hopkins University, I have a deep understanding of the importance of fairness and justice in legal proceedings. The irregularities I observed during this trial compel me to bring these matters to your attention, as they pose serious questions about the impartiality and integrity of the judicial process in this case.

During the six occasions I was present in Judge Komitee's courtroom, I observed with alarm several actions that raised significant concerns about his conduct and the fairness of the trial. These observations include:

1. **Interruptions during the Defense's Opening Statement:** Judge Komitee interrupted Mr. Ron Sullivan, the defense attorney, during his opening statement to ask how much longer he would take. This interruption was not directed at the prosecution during their opening statement, suggesting a disparity in the treatment of the defense and prosecution.

2. **Interruptions during Questioning:** Judge Komitee interrupted Mr. Sullivan's questioning of the primary witness to inquire about the duration. Again, the prosecution was not subjected to similar interruptions, which created an appearance of bias against the defense.

3. **Sustaining Objections without Justification:** Judge Komitee sustained multiple objections made by the prosecution without requiring them to state the reasons for their objections. This

practice disadvantaged the defense, as it limited their ability to respond and adapt their questioning accordingly.

4. **Proactive Objections:** Judge Komitee made multiple objections on his own during Mr. Sullivan's questioning without any prompting from the prosecution. This unusual behavior further disadvantaged the defense and undermined the adversarial nature of the proceedings.

5. **Unwarranted Accusations:** Judge Komitee accused Mr. Sullivan of yelling on multiple occasions when he was not. These baseless accusations were not directed at the prosecution, further contributing to the perception of bias.

These actions, taken together, suggest a pattern of behavior that favored the prosecution and impeded the defense's ability to present their case fully and fairly. Such conduct is deeply troubling and raises serious questions about the impartiality of the proceedings. It appears that Judge Komitee's conduct may reflect not only personal bias but also broader issues of institutional bias and racism within the judicial system. These concerns are particularly significant given the historical context of systemic racism and the disproportionate impact of the criminal justice system on minoritized communities.

As a Black woman and an immigrant, I have often seen on TV and read in print media about the unfair treatment of Black individuals in the U.S. legal system. However, this trial was the first time I personally witnessed such unfairness. I had some hope that the jury would be given all the facts necessary for a fair deliberation. Unfortunately, I observed repeated instances where the jury did not receive complete information, thereby preventing them from deliberating with all the facts. For example, Mr. Sullivan was not allowed to mention race during the trial, and it took Judge Komitee nine months to rule on the defense's request related to selective prosecution. It was shocking to see how the Judge operated more as a prosecutor than as a fair interpreter of the law.

The role of a judge is to ensure that both sides are given a fair and equal opportunity to present their cases. It is essential that judges maintain an appearance of neutrality and refrain from actions that could be perceived as favoring one side over the other. The conduct I witnessed in Judge Komitee's courtroom did not meet these standards, and it compromised the integrity of the trial.

Since July 16, 2024, Carlos has been detained in the Metropolitan Detention Center in New York, where two murders have already occurred since his arrival. One of those murders of which took place just a few cells away from where he sleeps each night, within his hearing. Even placing Carlos in such a facility while awaiting sentencing is unheard of considering his conviction for a non-violent, white-collar crime. Despite this, Judge Komitee has continued to show a troubling alignment with the prosecution, supporting their efforts to create what, to my knowledge, is an unprecedented set of obstacles to Carlos being released on bail. This obstruction is particularly cruel given Carlos' personal circumstances—his sister is battling terminal cancer, and his 90-year-old father has been in and out of the hospital for the past year.

His family and friends have complied with every single request made by the judge and prosecutor, including presenting a bail package of 3 million dollars. Even in the face of these dire family emergencies, the judge and prosecution's insistence on these extraordinary measures underscores Judge Komitee's judicial impropriety.

Given these observations and concerns, I respectfully urge you to review, supervise, and intervene during the final phase of this court proceeding. A thorough investigation into Judge Komitee's conduct is necessary to ensure fairness in this and other cases. Judge Komitee must be held accountable for actions that undermine the judicial process and the pursuit of justice.

I trust that you will take the necessary steps to address these concerns and ensure that justice is served. The credibility of our legal system depends on the impartiality and fairness of its judges, and any deviation from these principles must be promptly and thoroughly addressed.

Thank you for your attention to this matter. I look forward to your response and hope for a resolution that upholds the integrity of our judicial system.

Sincerely,

Dr. Karen [redacted]

August 28, 2024

Complaint of Misconduct – Judge Eric Komitee

Clerk of Court
United States Court of Appeals
Thurgood Marshall, U.S. Courthouse
40 Foley Square
New York, NY 10007

Dear Clerk of the Court:

This is a formal letter of complaint regarding the conduct of Judge Eric Komitee, in his role presiding over *United States of America vs Carols Watson* and *Ozy Media Inc*, the Defendants.

I attended the trial proceedings and was present in Mr Komitee's courtroom on the 15th and 16th of July 2024. As a witness to the proceedings, my complaint is that I believe Judge Komitee treated Mr. Watson and his defense team in a demonstrably egregious and hostile manner on those dates. It was very apparent throughout the days of the trial that I witnessed, that Judge Komitee was not a neutral party, clearly thought that Mr. Watson was guilty, and utilized his position as judge to ensure that legal decisions were made and that the jurors received limited information to ensure a guilty verdict. Such biased behavior was shockingly egregious. As a white person, I would like to convey that at least some, if not most of the behavior that I saw and the statements that I heard appeared to me to be racially discriminatory, due to prejudices that Judge Komitee holds, either consciously or unconsciously.

Please note, I have no legal background and have never before witnessed court proceedings. I have done my best to be accurate in my reflections without a copy of the transcript.

1) Judge Komitee misled the jury - On July 15, on two different occasions, the deliberating jury requested full transcript pages surrounding specific incidents or parts of the testimony. In both cases Judge Komitee only allowed certain sections of the transcript to be provided to the jurors. These transcript pages were vital to Mr. Watson's defense. The reason for denying the full transcripts was not made clear at any point, other than that Judge Komitee agreed with the prosecutors and did not wish for the jury to read all the pages. I question the merit of Judge Komitee's decision to withhold the full transcript pages. Rather than staying neutral and allowing the jury to review sections of the transcript that were imperative to Mr. Watson's defense, Judge Komitee did the opposite. The defense was understandably concerned and presented their legal argument to Judge Komitee, as any defense attorney should for their client. When Ms Gilbert tried to advocate on behalf of Mr. Watson, Judge Komitee became combative with her.

In an egregious display of his hostility, Judge Komitee admonished Ms. Gilbert, and later that day, called both the prosecuting and defense teams back into the courtroom to inform Ms Gilbert that she would be held in contempt of court. Judge Komitee spoke to Ms Gilbert in a disparaging manner as if she was beneath him rather than an equal and a professional. Judge Komitee stated that one of the reasons for being held in contempt was because the defense attorney had yelled at him during that day's trial proceedings. As a witness, I can tell you that this was an absolutely false statement; at no point did Ms Gilbert yell at anyone. When the attorney asked for the audio recording to be preserved for the record, Judge Komitee told her she

would only be given a written transcript. I believe that Judge Komitee inappropriately penalised the defense attorney as well as making a deliberate decision to withhold important information from the jury.

2) Judge Komitee misled the jury - After several days of jury deliberation, on the morning of July 16th before the jurors left for their morning deliberation, Judge Komitee addressed the jurors and stated that they would now be able to receive the remaining portions of the transcript that had been requested (and refused by Judge Komitee) the day before. He made no mention to the jury that these portions/pages had been withheld as a result of his decision at the request of the prosecutors. He provided no explanation as to why he was now allowing them to read these portions of the transcript after previously withholding them. Unfortunately, it was too late as the jurors were well into their deliberations and reaching their final conclusions. This was an egregious obstacle to truth, fairness, and justice for the defendant Mr. Carlos Watson.

This decision by Judge Komitee was a complete turn-around after the transcript denials/limitations that that Judge Komitee had imposed on the 15th July. It seems likely that the Judge understood the jury had more or less come to their conclusions and so he felt comfortable releasing the transcript portions that had been previously been denied to the jury, feeling confident now that they would find the defendant guilty. On this morning, compared to his previous behavior, Judge Komitee was exceptionally friendly and personable with the jury, making certain to sound very reasonable so that the jurors would trust him as he led them to believe that they did not need to request any further transcript portions because he was giving them all that they needed. Again, Judge Komitee at no time informed the jury of what had taken place the day before and I believe he manipulated the jury. I had the very distinct impression that the jury would not be requesting any further transcripts due to the judge's presentation of the situation. And in fact this is what transpired -- the jury finished their deliberations that day without asking for anything further. It is my opinion Judge Komitee deliberately delayed the provision of the transcripts to the jury and led the jurors to make the decision that he wanted them to make. Again, extremely unjust, egregious, and hostile behavior especially coming from a Judge.

3) Judge Komitee behaved as if he was an additional prosecutor - In addition to Mr Watson's trial, I also attended the sentencing of young man of color whose case was occurring intermittently with Mr Watson's, in Judge Komitee's courtroom on July 15th. This young man, Angel was his first name, was issued a sentence for armed robbery.

During Angel's court procedure, Judge Komitee behaved like an additional prosecutor rather than a neutral party. He kept interrupting the proceedings by adding stipulations to the young man's sentence and chastising the prosecutor for not having asked for additional penalties, such as restitution to the businesses, drug testing, and an additional $1000 to be paid by the defendant, none of which had been initially requested by the prosecution. Judge Komittee continually micromanaged the prosecution, which I believe is wholly inappropriate in his position.

I have been told by other Justice Watchers, witnesses to Mr Watson's trial, that Judge Komitee behaved similarly throughout Mr. Watson's trial, so I have come to the conclusion that his egregiously hostile behavior is consistent.

4) Judge Komitee displayed overt bias – throughout July 15th and 16th, Judge Komitee, on more than one occasion, displayed very unprofessional non-neutral physical behavior, often stretching in an exhausted manner, rubbing his face in an exacerbated manner as if he was irritated and other non-verbal behaviors to indicate that the entire trial was an annoyance to him. Judge Komitee appeared to be biased against the defendant and his defense team with his use of non-verbal communication and I do not doubt that this type of behavior would have been a powerful influence on the jury, even if they were not conscious of it.

5) Judge Komitee appeared to be very hostile and prejudicial towards Mr. Watson. After the verdict came in

from the jury, on July 16th, the judge's stated reasons for not granting bail to Mr. Watson were outlandish and demonstrated his true hostility toward Mr. Watson. Judge Komitee portrayed Mr. Watson's accidental mistake of bringing his defunct phone into court one time as purposeful and reason to question Mr. Watson's trustworthiness. Judge Komitee also stated that Mr. Watson had committed perjury simply because he testified on his own behalf during the jury trial and "jury of his peers" found him guilty. However, in my understanding, that is not the case. The jury found him (incorrectly) guilty of fraud—and not perjury. It's conceivable that the jury could have believed what Mr. Watson said on the stand as well as believed some of the other 20 witnesses—and still found him guilty. So, Judge Komitee's insistence that Mr. Watson perjured himself as a reason to withhold bail seemed baseless. In addition, Judge Komitee painted an egregiously hostile and false picture of Mr. Watson, stating that Mr. Watson "took" one million dollars from his sisters, implying that it was against their will and using this as a reason that Mr. Watson was not to be trusted or granted bail. This was a completely false statement. Mr. Watson's sisters, other family, as well as friends, myself included, have willingly and lovingly given money to help Mr. Watson financially. The judge also harshly admonished Mr. Watson for including his property and his sister's condominium as bail security after one of the prosecutors stated that these properties had no value, again, a blatantly false statement. Judge Komitee then stated that this was an additional reason why Mr Watson could not be trusted and would be denied bail.

Mr Watson and his family have spent thousands of dollars traveling back and forth from California for a year and a half (certainly not the behavior of someone untrustworthy). Once in the last status hearing before the trial, Mr. Watson and his family flew out from California, paying for tickets and accommodation, and Judge Komitee at no time informed Mr. Watson or his attorneys that he had cancelled the day's proceedings. I believe that Judge Komitee has behaved in a prejudiced and vindictive manner towards Mr. Watson and the defense attorneys throughout the trial. I do not know if this is because of their race, or if Judge Komitee was trying to get another win for the prosecution, or both.

And finally, I believe that Mr Watson, unlike other people convicted of white-collar crime, was purposefully placed into a highly dangerous prison facility out of egregious hostility while he awaits his November sentencing. I understand that it is not standard procedure to place white collar criminals with upstanding reputations and no previous criminal record, in the same facility as violent offenders. Therefore, as a rational person, I can only conclude that the defendant, Carlos Watson, is being treated in a prejudicial, egregious, and hostile manner.

It was clear to me, even in my short two days at the trial, that Judge Komitee was not able to separate his personal hostile feelings toward Mr. Watson and act professionally and neutral during his court proceedings. This causes me great concern that Mr. Watson did not receive a fair trial.

Bail Proceedings

Subsequent to the trial, Judge Komitee has continued to demonstrate judicial impropriety. After a series of eight bail hearings, Mr. Watson's Defense Team presented a $3 million bail package, backed by a combination of real estate, retirement accounts, and brokerage accounts, all perfected as per legal standards. Despite the Defense team's full, immediate, and ongoing compliance, Judge Komitee and the prosecution have repeatedly expanded both the bail amount and the bail requirements in ways that are unprecedented for someone convicted of a non-violent, white-collar crime. For example, after the defense secured a comprehensive package, including $1.3 million in real estate and non-real estate assets with all appropriate legal measures taken to perfect these assets, Judge Komitee expressed unfounded concerns about the non-real estate assets not being sufficiently encumbered, despite the defense executing affidavits for confession of judgment and filing UCC-1 financing statements.

When Watson's team sought clarification on how to perfect non-real estate assets further, Judge Komitee refused to provide a definitive answer regarding the procedural requirements, even though he criticized the defense's attempts to comply. This situation was made more egregious when both the judge and the prosecution acknowledged that they lacked clarity regarding the appropriate procedures, further underscoring

the unprecedented nature of their demands. This continual shifting of requirements, without proper justification, and the wholesale lack of direction provided also points to a pattern of intentional obstruction.

Moreover, Judge Komitee's judicial misconduct extends to his handling of Watson's detention. Since July 16, 2024, Carlos Watson has been detained in the Metropolitan Detention Center in New York, a facility notorious for its dangerous conditions, where two murders have occurred since his arrival—one just a few cells away from where Watson slept. Housing Watson in such a perilous environment while he awaits sentencing for a non-violent offense is deeply inappropriate.

Despite these dire circumstances and Watson's family emergencies—his sister battling terminal cancer and his 90-year-old father being in and out of the hospital—Judge Komitee and the prosecution have shown a disturbing alignment in their efforts to prevent Watson's release. After Watson's family and friends complied with every request made by the judge and prosecutor, including presenting a $3 million bail package and raising the total amount to $2.3 million in assets to meet the judge's escalating demands, Judge Komitee continued to delay Mr. Watson's release. Finally, after the eighth bail hearing, Mr. Watson was finally released but only after yet again, another requirement was added with little justification. The judge asked Mr. Watson to provide an additional suretor to underwrite the entire $3M bail bond (there were already 17 people standing alongside of Mr. Watson to guarantee his compliance with self-surrender). He gave Mr. Watson a 1-hour recess to accomplish this additional task or face not being released. Thankfully, Mr. Watson's committed circle of family and friends were able to step up once again to meet this demand. Lastly, I understand that as part of the bail package $1M cash was being placed in an account for the court, to ensure "perfection" per the judge's order. But the judge took over a week to actually accept the funds. It was an example to me of the conscious delaying tactics to keep Mr. Watson in harm's way at the very dangerous facility of MDC.

Judge Komitee's repeated actions raise significant concerns that he is deliberately creating obstacles to prevent Mr. Watson's bail, is acting beyond his judicial duty, and is displaying an egregious abuse of power.

I sincerely request that you review Judge Komitee's conduct by reviewing the audio and video of this trial from the beginning to the end, as I do not believe the transcripts will adequately capture the Judge's truly egregiously hostile treatment of the defendant and his attorneys during this trial.

Yours sincerely,

Amy [redacted]

Amy [redacted]

[redacted]

David [REDACTED]
[REDACTED]

August 15, 2024

Judge Margo Brodie
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, NY 11201

Dear Judge Brodie,

I pray this letter finds you well. My name is David [REDACTED] and I am an African American music artist and minister of the gospel of Jesus Christ. I am also a vocal coach. I worked closely with and sang backup for world renowned artists including Chrisette Michele and Donnie McClurkin to name a few. In 2012, I graced the stage of the Barclays Center with living legends such Stevie Wonder, Chris Brown and Jay-z. As a vocal coach, I have worked with two contestants of McDonald's gospel fest 2011. I acted as the praise and worship leader of Perfecting Faith Ministries for over ten years. I have also counseled young court-involved men and prepared them for re-entry into society after incarceration. Through motivation and care, while trying to provide love, opportunity, safety, and security, I have been used as a vessel to help many of the young people that have come through our program. I am writing to make a formal complaint regarding the actions of Judge Eric Komitee. In all of my experiences I have never witnessed an unjust judge like Judge Eric Komitee. His actions in the courtroom were astonishingly unacceptable and this letter is an attempt to have him held accountable for his actions.

During the many days I was present in Judge Komitee's courtroom I witnessed several alarming and disturbing actions that caused me to question his capacity to facilitate a fair trial. Please see that all of these matters are addressed in a timely manner because they have negatively impacted the defendant's trial. These observations include:

1. **Judge Komiteenwas guiding the prosecution:** Judge Komitee would help the prosecutors on multiple occasions without them asking. For example he would state "You mean this, or like this, you would object here because of this." Also on multiple occasions Judge Komitee sustained his own objections in ways that clearly shows that there was biases in favor of the prosecutors.
2. **Judge Komitee went back on his word :** Judge Komitee agreed to order in which the defendant witnesses would testify early in pretrial, knowing that witnesses had a small

window to be in the courtroom. At the last minute he refused to let one of the witnesses who traveled from out of the country to be present in court that day to testify.

3. **Judge Komitee issued a gag order:** During mid-trial Judge Komitee issued a gag order, preventing the defendant from gaining any additional support from the public. This was done knowing that there are multiple articles, interviews and media that has existed for over 12 months that portrays the defendant in a negative light.

Best,
David [REDACTED]

Dr. Michelle [redacted]

August 27, 2024

Judge Margo Brodie
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, NY 11201

Dear Judge Brodie,

I hope this letter finds you well.

My name is Dr. Michelle [redacted], and I am writing to express my deep concern regarding the conduct of Judge Eric R. Komitee during the trial of Mr. Carlos Watson. As a University Professor with academic training from institutions such as Stanford University and the University of Pennsylvania, and as an immigrant from Jamaica in the Caribbean now turned US citizen, I have always held the judicial process in the highest regard, expecting fairness, and impartiality in all proceedings.

However, on the final day of Carlos Watson's trial, I was present in Judge Komitee's courtroom and was taken aback by a remark he made, which sounded like, 'where is Oprah...I guess that she is not here to help you'. This comment was not only irrelevant to the proceedings but also seemed highly inappropriate. It gave the impression that Judge Komitee was mocking Mr. Watson and his defense team, which I found both surprising and disturbing. Given the gravity of the situation and the serious nature of the charges against Mr. Watson, such remarks should have no place in a courtroom where impartiality and respect are paramount.

As someone who has always believed in the integrity of the U.S. legal system, I was deeply troubled by what I witnessed. The remark undermined the dignity of the court and reflected poorly on the seriousness with which the case was being handled. Moreover, it suggested a bias that is unacceptable in any judicial process, especially one involving such significant consequences for the individuals involved.

I respectfully request that you to review this matter and take the necessary steps to ensure that the courtroom remains a place of fairness, respect, and justice. It is crucial that judges maintain the highest standards of conduct to preserve the trust and confidence of the public in our legal system.

Thank you for your attention to this matter. I trust that you will take appropriate action to address these concerns and uphold the integrity of the judicial process.

Sincerely,

Dr. Michelle [redacted]

[redacted]

Annye [redacted]

[redacted]

August 26, 2024

Clerk of Court
United States Court of Appeals
Thurgood Marshall, U.S. Courthouse
40 Foley Square
New York, NY 10007

Dear Judge Margo Brodie,

I have worked in County Government for almost twenty-four years. Sadly, I am writing to express my immeasurable concern regarding the judicial process I observed during both the pre-trial hearings and the trial itself. The role of the Judge is the key component in every trial to ensure a fair trial. Each Judge takes an oath to "faithfully and impartially discharge and perform all the duties incumbent upon him/her under the Constitution and laws of the United States. So help me God." Judge Eric Komitee's demeanor and the inconsistencies, that I observed over my twelve visits to his court gave me a solemn cause for pause and to raise genuine questions about the fairness and impartiality of the proceedings. As a concerned citizen and family member, I feel compelled to address these bias issues in the hope that they will be sincerely investigated and corrected, ensuring that no other African American citizen faces such an experience in the future.

During my five times I traveled from Texas to attend twelve visits to Judge Komitee's courtroom, I was shocked by several actions that seemed to undermine the defense and compromise the integrity of the trial:

- **Sustaining Objections:** Judge Komitee repeatedly sustained the prosecution's objections without requiring them to provide reasons, hindering the defense's ability to respond effectively.
- **Judge Objections:** During the defense's questioning on multiple occasions, Judge Komitee independently raised objections without the prosecutor, (often times it seemed as if the judge was guiding the prosecutors instead of guiding the trial) the Judge making the objections, this practice is uncommon, this action also deprived the defense of getting the true answers out to the jury during the trial.
- **Baseless Allegations and Aggression directed to Defense and Ozy Attorneys:** Judge Komitee accused the defense attorney Mr. Sullivan of yelling on several occasions without cause. Even stating to "lower his voice decimals" These accusations were not directed at the prosecution, further contributing to the perception of bias. He often scolded Ozy's attorneys as well, Ms. Janine Gilbert and Ms. Shannon Frison.
- **Interruptions During the Defense Testimony:** Judge Komitee rudely interrupted Mr. Sullivan during his questioning of Mr. Carlos Watson to inquire about the duration, a practice not applied to the prosecution. The Judge often made faces and jesters during this phase of the testimony while the

1 page JEK CL CW

jury was present. Again, creating an appearance of bias unequal treatment. It was times during the trial Judge Komitee conducted himself as if he was on the prosecutor's team. These actions collectively suggest a pattern of conduct favoring the prosecution and obstructing the defense's ability to present their full case in a true and fair manner.

By withholding vital information regarding Mr. Carlos Watson's case from the jury, Judge Komitee continues to add onto the historic context of systemic racism in our criminal justice system for minorities. This trial was full of stumbling blocks that prevented an impartial, and just trial for Mr. Carlos Watson. It took Judge Komitee nine months to rule on race being discussed during this trial. The same biased attitude towards Mr. Carlos Watson is still evident even now with his bond. Again, this raises great concern within me.

Despite his conviction for a non-violent, white-collar crime, Judge Komitee has continued to align with the prosecution's efforts to create unprecedented obstacles to his release on bail. This is particularly heart-wrenching given Mr. Watson's personal circumstances, including his sister's terminal cancer battle and his Veteran elderly father's severe health challenges.

Mr. Watson has been detained in the Metropolitan Detention Center in New York, since July 16, 2024, where two murders have occurred since his arrival. One of these incidents took place just a few cells away from him.

After our family and friends complied with every request made by the judge and prosecutor, including presenting a $3 million bail package and raising the total amount to $2.3 million to meet the judge's escalating demands. Despite the successful submission of the fully perfected bail package on Thursday, August 15th, which even included a wire transfer to ensure the court had control over the funds. Judge Komitee continued to delay Mr. Watson's release, by adding even more layers and demands. Finally, after nine bail hearings on August 22, 2024 Mr. Watson was released.

Given all the injustice observations prior, during and after the trial, I respectfully with urgency request you review the videos and or listen to the court proceedings. The integrity of our Justice system is at stake. It was Judge Eric R. Komitee's duty to ensure an impartial and fair trial to Mr. Carlos Watson but instead he led the personal attack and bias charge towards Mr. Watson.

I will await your confirmation of this letter and the positive resolution to this egregious judicial problem.

Sincerely,

Annye [redacted]

2 page JEK CL CW



Sophia Victor
[redacted]

August 15, 2024

Judge Margo Brodie
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, NY 11201

Dear Judge Brodie,

I pray this letter finds you well. My name is Sophia [REDACTED] and I am a professional visual artist, educator and arts administrator. I have a Bachelor's Degree in Fine Arts from the School of Visual Arts, aMasters Degree in Visual Arts Administration from New York University, and a Master of Professional Studies Degree from the School of Visual Arts. I work both independently in my personal practice and also with various organizations including the Studio Museum in Harlem, the Whitney Museum of American Art, MOCADA, Amnesty International, and Artistic Noise. My work with these organizations involves the creation of large-scale murals and various art and educational initiatives. Through painting, I bring people together in order to address social justice issues affecting communities. I have worked closely with and mentored detainees at Rikers Island and also court involved youth. In my efforts to advocate for their immediate release I attended numerous court hearings for over ten years. In all of my experiences I have never witnessed an unjust judge like judge Eric Komitee. His actions in the courtroom were astonishingly unacceptable and this letter is an attempt to have him held accountable for his actions.

During the five occasions I was present in Judge Komitee's courtroom I witnessed several alarming and disturbing actions that caused me to question his capacity to facilitate a fair trial. Please see that all of these matters are addressed in a timely manner because they have negatively impacted the defendant's trial. These

1. **Objecting on behalf of the prosecution:** Over and over again Judge Komitee made objections on his own during the defense's questioning without any prompting from the prosecution. I have never witnessed such strange and unwarranted behavior. He spoke on behalf of the prosecutors and explained to them why they should be objecting as if he were coaching them.
2. **Interruptions during the defense's opening statement and during questioning:** Judge Komitee aggressively interrupted Mr. Sullivan multiple times during his opening statement and during questioning. This was done in a harsh and unacceptable manner. In the middle of Mr. Sullivan speaking Judge Komitee would interrupt with questions about how much time Mr. Sullivan planned to take which was unacceptable. At no time did the prosecution receive any of this unfair treatment in any way even when their opening statement and questioning of key witnesses would carry on for days.
3. **Judge Komitee displayed unwarranted aggression:** Judge Komitee was harsh when speaking with Mr. Sullivan and threatened to hold him in contempt in front of the jury and accused Mr. Sullivan of yelling when he had not raised his voice.

Best, Sophia [REDACTED]



August 18, 2024

Judge Margo Brodie
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, NY 11201

Dear Judge Brodie,

I greet you in the name of our Lord and Savior, who calls us to work for justice and freedom for all people. My name is Rev. Jeanette [REDACTED] and I am writing to express my deep concern regarding the conduct of Judge Eric R. Komitee in the ongoing legal proceedings involving my nephew, Carlos Watson.

As a pastor, I have devoted my life to serving others and advocating for justice grounded in faith, fairness, and compassion. Throughout this difficult time, I have leaned heavily on my faith to guide me, and I believe that God has a plan for Carlos. Throughout his life, Carlos's journey has been one of hard work, dedication, and the pursuit of his mother's high hopes for him. My sister and Carlos, with a shared vision, created the first newspaper that would eventually become Ozy. This served as a testament to their determination and belief in the power of hard work, and perseverance. My sister, who is now deceased, had always envisioned great things for Carlos.

I am deeply troubled by the actions of Judge Komitee, which seem to deviate from the principles of justice that our system is meant to uphold. Since Carlos's conviction, there have been numerous bail hearings, and despite our family's best efforts to meet every requirement set forth by the court, Judge Komitee has continually created insurmountable obstacles to Carlos's release on bail.

Because of our belief in Carlos, our family, in an act of faith and love, put up land that has been in our possession for over 100 years as part of the bail package. This land is not just property; it represents our family's legacy and a testament to the blessings we have received over generations. We believed that offering it would ensure Carlos's release. Judge Komitee's refusal to accept this and other fully perfected assets, such as retirement and brokerage accounts, is deeply unsettling. Despite our presenting a $3 million bail package—backed by real estate and other financial assets—Judge Komitee has continually increased the bail amount and imposed additional requirements without providing clear guidance on how to meet them. This ongoing obstruction seems designed to prevent Carlos's release, a conclusion that is hard to escape considering the circumstances.

My experiences with Judge Scanlon during the earlier bail hearings were in stark contrast to Judge Komitee's conduct. Judge Scanlon was tough but fair. She ultimately approved a bail package and assured us that Carlos would be released soon. She also remarked about how committed we were as a family. However, once Judge Komitee took over the case, not only was Carlos not released, but the demands kept increasing. Despite the defense team's compliance with every request, including securing an additional $1 million in pledged assets, Judge Komitee has failed to act in a timely and fair manner.

This situation is made even more heartbreaking given Carlos's current family circumstances. His sister, my dearly beloved niece, is battling terminal cancer, and his 90-year-old father has been in and out of the hospital over the past year. Carlos's mother, my dear sister, is no longer with us, but I know how proud she was of Carlos and the man he has become. She always believed that Carlos would achieve great things, and I feel that her spirit is watching over him and is deeply saddened by these unjust proceedings.

As I reflect on the scriptures, I am reminded of Jeremiah 29:11, where it is written, "For I know the plans I have for you," declares the Lord, "plans to prosper you and not to harm you, plans to give you hope and a future." I hold onto this promise for Carlos, but I am disheartened by the actions of Judge Komitee, which seem to stand in the way of the justice and mercy that Carlos, and all human beings, deserves.

Furthermore, during one of the last days of the trial, Judge Komitee made an inappropriate remark regarding Oprah Winfrey, implying that if she had cared enough, she would have intervened to secure Carlos's release. Such a comment was not only unprofessional but downright cruel, as it undermined the gravity of Carlos's situation and our family's sincere efforts to secure his release.

I am deeply troubled by the apparent lack of impartiality and fairness in Judge Komitee's courtroom. His actions, which seem to align closely with the prosecution's efforts to keep Carlos detained, suggest a bias that is unbecoming of a judge. It is my belief that Judge Komitee is acting beyond his judicial duty and is displaying an egregious abuse of power.

Given these concerns, I respectfully ask for your help in intervening in this matter. A thorough review of Judge Komitee's conduct is necessary to ensure that justice is served and that Carlos is treated fairly and impartially.

As I close this letter, I pray for wisdom and discernment for you Judge Margo Brodie as you determine how best to proceed. I trust that the Lord will guide you in your decision-making and that justice, tempered with mercy, will prevail. "The Lord will take care of His own," as the scriptures say, and I believe He is taking care of Carlos. But I also believe it is within your power, Judge, to ensure that Judge Komitee is reprimanded for his improper conduct and removed from any future dealings with this case.

May God bless you and grant you the strength to do what is right.

Sincerely,

Rev. Jeannette [redacted]

Ms. Jeanette [redacted]

[redacted]

Patrice Johnson

[redacted]

August 30, 2024

Judge Margo Brodie
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, NY 11201

Dear Judge Brodie,

I pray that all is well. My name is Patrice [redacted] and I am writing to express my deep concern regarding the judicial conduct I observed in the courtroom of Judge Eric R. Komitee during the trial and bail proceedings of Carlos Watson. I am an Actor, Writer, Director, Producer, and University Instructor who immigrated from Jamaica in the Caribbean. I have a profound respect for the integrity and fairness that our legal system should embody. Unfortunately, the stark contrast between how Judge Komitee and Judge Vera M. Scanlon conducted their respective judicial proceedings has left me deeply troubled.

Over several days of the trial it became increasingly clear to me that Judge Komitee's behavior was anything but impartial. I also had the opportunity to observe Judge Vera M. Scanlon during the bail proceedings. She was the opposite. I found her to be tough yet fair, ensuring that both sides were heard and respected. In stark contrast, Judge Komitee appeared to side consistently with the prosecution. The difference between them was disturbing and raised serious concerns about the fairness of the trial.

One particularly concerning incident occurred during the defense's closing statement, led by Attorney Ronald S. Sullivan Jr. from Harvard Law School. As Attorney Sullivan began to say something along the lines of, "The prosecution will tell you that...reasonable doubt," Judge Komitee interrupted him, asserting that he did not have the right to say that. This was just one of several instances where Judge Komitee interrupted the defense's closing arguments, which seemed aimed at undermining their case.

Moreover, I was appalled when Judge Komitee shouted at Attorney Sullivan's wife, who is also a Harvard University attorney and served as co-counsel. This behavior was not only unprofessional but also seemed to be rooted in misogyny and racial bias. It was evident that the judge's harsh treatment was directed specifically at Black people and women. In

contrast, Judge Komitee treated the prosecution team with much more respect and deference.

It was disheartening to witness such clear bias in a courtroom where fairness should be paramount. Judge Vera M. Scanlon, on the other hand, listened intently and conducted her proceedings with the utmost fairness, which only highlighted the partiality and inappropriate conduct displayed by Judge Komitee.

Given these observations, I respectfully urge you to review Judge Komitee's conduct in this case. It is crucial that our judicial system maintains its integrity and that all parties are treated with fairness and respect, regardless of their race or gender. The behavior I witnessed in Judge Komitee's courtroom is inconsistent with these principles and demands careful scrutiny.

Thank you for your attention to this matter. I trust that you will take the necessary steps to address these serious concerns and ensure that justice is served.

Sincerely,

Patrice [redacted]



[redacted]

Complaint of Misconduct- Judge Eric Komitee

August 26 2024

Clerk of Court United States Court of Appeals

Thurgood Marshall, U.S. Courthouse 40 Foley Square
New York, NY 10007

Dear Judge Margo Brodie,

I am Dr. Judith [redacted] and I attended the trial of UNITED STATES OF AMERICA, v. CARLOS WATSON, and OZY MEDIA, INC. with presiding Judge Komitee, on July 11-12, 2024.
I came to Court to observe and to support my friend Carlos Watson during his trial. Carlos and I met over 20 years ago as graduate students, he was in the school of law and I was in the Mechanical Engineering Thermosciences department at Stanford, and we have been friends for the decades since meeting.

I not a lawyer but as an educated person I'm sharing how I feel about some of the disturbing actions that I saw and heard from Judge Komitee while he was presiding over Carlos' trial.

#1. On Thursday (7/11) during closing arguments it appeared the Judge was assisting the prosecution present their case rather than acting as an impartial decision maker.

When Mr. Sullivan was giving his closing arguments to jury he was routinely interrupted by an exasperated Judge and the Jury was sent out up to 3 times.

The prosecution was never interrupted, despite their presentation to the jury being multiple times longer than Mr. Sullivan's presentation. This in spite of Mr. Sullivan arguing in the same manner as the prosecution as far as explaining the Court's instructions to the jury.

For example when Mr. Sullivan tried to explain reasonable doubt to the jury, with the definition that was already included in the Court's charge, the judge interrupted him with hostility and asked the jury to file out of the room. The Judge then lectured Mr. Sullivan in an incredibly demeaning and condescending way and almost shouted that "the judge" was the only person that could give instructions to the jury.

Yet, during the prosecutor's rebuttal argument, that lawyer was not only able to explain terms in the Court's instruction but he was also able to actually instruct the jury (beyond what was written by the Court) on how to find Carlos Watson guilty, with explicit instructions on where to mark "guilty" on "verdict page."

#2. On Friday (7/12) at the end of trial and before the jury comes in for final instructions:

The judge stood at the bench and asked "Should I stop waiting for Oprah Winfrey to arrive? Looks like she is not going to make it to court after all, right"?

I was shocked by these unprofessional remarks from the judge. I suspect the entire courtroom was shocked by how malicious the judge was behaving at such a critical point of a long trial.

It was and is hard for me to understand how the judge who is supposed to be impartial and neutral would be mocking a criminal defendant that sat before him ready to face judgement from the jury.

I could not understand why this would happen.

The actions above made me feel angry, helpless and that the justice system was not just.

I appreciate that judges are human and have bad days but this behavior displayed by Judge Komitee seemed excessively improper.

Mocking a defendant, who has already raised concerns about racial bias, with a racially charged snub was and is over the top. More importantly it demonstrates a sinister intent, or at a minimum the appearance of a sinister intent, to influence the trial process to ensure that the outcome was a guilty verdict.

I implore you to please help save the fairness or at least the appearance of fairness of the proceedings yet to come.

Thank you for your time and attention.

Dr Judith [redacted] August 26, 2024

A Resolution from Avenue Church NYC
April 2024

Resolution by Avenue Church NYC calling on the United States Department of Justice ("DOJ") to work with the church in selecting an independent investigator to explore ongoing racism within the agency and help develop the implementation of reforms to eliminate this practice within, at minimum, DOJ - the heart of the legal system of our federal government.

WHEREAS, in the words of President Joseph R. Biden, "We need to root out systemic racism across our laws and institutions, and we need to make sure black Americans have a real shot to get ahead."[i]

WHEREAS, nowhere is it more important to eliminate racism than in law enforcement, particularly at the United States Department of Justice, the agency now accused of ignoring racial injustice by engaging in selective prosecution based on race.[ii]

WHEREAS, the Reverend Dr. Martin Luther King, Jr., in his Letter from Birmingham Jail, April 16, 1963, rebutted his critics, pointing out "Injustice anywhere is a threat to justice everywhere."[iii] More than 60 years later it is widely accepted that Black and brown people in the United States are over-policed, over-prosecuted, and over-sentenced at alarming rates. Responsible scholarship points to these documented systemic factors as what causes the crime rate disparity between Blacks and Whites.[iv]

WHEREAS, the United Nations' report on Human Rights released in the autumn of 2023, citing "a legacy of slavery, the slave trade, and one hundred years of legalized apartheid…"[v] concluded, "Police and criminal justice systems in the United States require urgent reform to eradicate 'systemic racism' against people of African descent."[vi]

WHEREAS, following several articles published in print and then circulated on the internet alleging the misleading of investors by Carlos Watson, a noted Black entrepreneur and producer of world-class music festivals, highly-regarded podcasts, as well as Emmy award-winning streaming content for Hulu, Amazon and other digital and print efforts, and Ozy Media, the company he founded, three Assistant United States Attorneys ("AUSAs") from the DOJ in the Eastern District of New York in Brooklyn - Jonathan Siegel, Gillian Kassner, and Dylan Stern – are criminally prosecuting Mr. Watson. In 2023, Ronald S. Sullivan Jr., Mr. Watson's lead attorney, commented that the prosecutors "…appear to be white…"[vii] If convicted, Mr. Watson faces up to 37 years in prison.[viii]

WHEREAS, defense counsel raised strong concerns that Mr. Watson and Ozy Media are the targets of "selective prosecution" by the three AUSAs as being "Too Black for Business,"[ix] the practice of prosecuting prominent Black entrepreneurs based on race, while seemingly ignoring White entrepreneurs alleged to have engaged in similar wrongdoing.

WHEREAS, history is littered with stories of Black business leaders being ruined, and their businesses destroyed, by DOJ's "selective prosecution," e.g., the case of Calvin Grigsby.[xi] The founder of the country's largest minority-owned bond firm at the time, Mr. Grigsby was targeted by federal prosecutors and indicted for bribery. Sadly, despite his acquittal by a jury, Mr. Grigsby no longer leads the prominent, Black-run firm he founded.

WHEREAS, Mr. Watson's defense attorneys provided data claiming to show that the AUSAs prosecuting Mr. Watson and Ozy Media charge people of color 90 percent of the time, these same prosecutors only charge whites in 6 percent of cases.[xii]

WHEREAS, according to United States Attorney General Merrick Garland, "The Justice Department was founded in the wake of the Civil War and in the midst of Reconstruction, with the first principal task of bringing to justice white supremacists and others who terrorized Black Americans to prevent them from exercising their civil rights.[xiii]

WHEREAS, AG Garland stated before the House Judiciary Committee, "The Justice Department's job then - and it is now - to fulfill that promise that is at the foundation of our democracy: that the law will treat all of us alike."[xiv]

WHEREAS, Avenue Church NYC has a long-standing commitment to civil rights and racial justice, e.g., some 25-years ago, the Church supported an earlier demand that the Department of Justice in the Eastern District of New York launch an investigation into the racial beating of Black Long Island resident John Mims by Southold Police Officers.[xv] As background, Mr. Mims was beaten by a member of the Southold Police Department; he was then criminally charged. When the criminal charges were eventually dropped, Mr. Mims filed a civil action against the Southold police officer who administered the beating. At trial the jury, containing no Black members, found for Mt. Mims, awarding him punitive damages. Following this jury trial, the DOJ in the Eastern District of New York - despite calls for an investigation and prosecution of the violent police officer - refused to file any criminal charges against the police or even respond to pleas for justice for the Black victim.[xvi] Mr. Mims, fearing for the safety of his family, fled from his home in Greenport.

WHEREAS, having this decades-long history of social justice initiatives and support for the victims of police violence, we at Avenue Church NYC continue to witness - in horror - acts of physical abuse by law enforcement reminiscent of the historic images, captured on film, of fire hoses and dogs being trained on, and beatings delivered against, Black citizens including the young, later Congressman, John Lewis, during many Civil Rights marches. These acts continue until today, as the sickening video of the murder of a helpless George Floyd, brought back memories for our Church, of beatings of Mr. Mims, an earlier victim of what is often perceived as a racist justice system with a DOJ that ignores the pleas of its citizens for racial justice, or even an independent investigation.

WHEREAS, we at Avenue Church NYC continue to hold to the truth within the Confession of Belhar, a theological statement arising out of apartheid South Africa, that "the Church as the possession of God must stand where the Lord stands, namely against injustice and with the wronged."[xvii]

WHEREAS, for President Biden to fulfill his promise to "...root out systemic racism across our laws and institutions..." and if he expects the public to believe that he cares that BLACK LIVES MATTER, his Administration and the Attorney General must commit to initiating an independent investigation, answering questions, and changing policies to end racism in the legal system.

WHEREAS, it has been shown that organizations and government agencies – including the DOJ - cannot investigate themselves.[xviii]

WHEREAS, Avenue Church NYC - the first Church in the Presbytery of New York City to ordain a female ruling elder and a congregation at the forefront of advocacy for the full inclusion of LGBTQ members in Church life as the original home to *Presbyterian Welcome*, an organization advocating such inclusive values - celebrates diversity, respect for the individual and the family, and is committed to racial justice;

Therefore be it RESOLVED, that we, the Ruling Elders comprising the Session, i.e., the Board of Directors, of Avenue Church NYC, a member congregation of the Presbytery of New York City, guided by our Book of Order, i.e., part of 8our denomination's constitution, in particular this excerpt from Section W-5.0301

"...through its mission in the world, the [Presbyterian Church (U.S.A.)] seeks, acts of compassion, [to] work for justice and peace…[xix] along with this guidance in Section W-5.0304 "promoting justice and fairness in the law; overcoming disparities between rich and poor; bearing witness against systems of violence and oppression; and redressing wrongs against individuals, groups, and peoples…[xx] calls on President Joseph R. Biden, and Attorney General Merrick Garland, to implement policies and programs to expedite the following:

1. Immediately retain an independent investigator, mutually agreeable to community leaders and members from Avenue Church NYC, to conduct an investigation concerning allegations of discriminatory, selective prosecution based on race within the DOJ; and
2. Immediately retain an independent investigator, mutually agreeable to community leaders and members from Avenue Church NYC, to conduct an investigation concerning allegations of selective prosecution based on racial discrimination in the prosecution of Carlos Watson; and,
3. All aspects of the above-referenced investigations be continuously and fully transparent and made public, redacting only those names and private information deemed necessary.

And be it also RESOLVED,

4. The Avenue Church NYC community welcomes President Joseph Biden, and Attorney General Merrick Garland, government officials, prosecutors, church leaders, members of the Presbytery and the public to join us in a dialogue to discuss practical ways to promote the full, independent, impartial, and transparent investigation; and
5. Discuss forward-thinking ways to promote and implement ways the DOJ can break free from race-based, and any other discriminatory practices.

Avenue Church NYC further encourages the circulation and adoption of this, along with complementary resolutions, to faith based communities, organizations committed to racial justice, schools, colleges and universities around the world, with the intent of helping develop reforms to eliminate this practice within, at minimum, the legal system of our federal government.

Respectfully,

Reverend Dr. Jordan A. Tarwater
Pastor

Josephine Wilson, Ruling Elder
Clerk of Session

Gary Ireland, Ruling Elder
Session Member

Stephen McKinley, Ruling Elder
Session Member

James Nedelka, Ruling Elder
Session Member

Deborah Widerkehr, Ruling Elder
Session Member

The Session
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[i] https://www.usatoday.com/story/opinion/2020/06/10/biden-root-out-systemic-racism-not-just-divisive-trump-talk-column/5327631002/

[ii] https://assets-global.website-files.com/6548cda829d7c8ad6c8d9e3f/657ff6647546e59809756fe1_MTD%20(Aug.%202023)%20(84-1.pdf).pdf

[iii] https://digitalcollections.libraries.ua.edu/digital/collection/p17336coll22/id/2661

[iv] https://www.nyujlpp.org/wp-content/uploads/2014/01/Davis-In-Search-of-Racial-Justice-16nyujlpp821.pdf

[v] https://news.un.org/en/story/2023/09/1141652

[vi] https://www.ohchr.org/en/press-releases/2023/09/systemic-racism-pervades-us-police-and-justice-systems-un-mechanism-racial

[vii] https://www.dailymail.co.uk/news/article-12642179/Ozy-Carlos-Watson-fraud-racism-discrimination.html

[viii] https://www.justice.gov/d9/press-releases/attachments/2023/02/23/ozy_indictment_0.pdf

[ix] https://www.tooblackforbusiness.org

[xi] https://www.tooblackforbusiness.org/ewb-home/ewb-calvin-grigsby

[xii] https://www.dailymail.co.uk/news/article-12642179/Ozy-Carlos-Watson-fraud-racism-discrimination.html

[xiii] September 20, 2023, when Attorney General Merrick Garland testified before the House Judiciary https://www.justice.gov/opa/speech/attorney-general-merrick-b-garland-delivers-openingstatement-house-judiciary-committee

[xiv] https://www.tooblackforbusiness.org/ewb-home/entrepreneuring-while-black

[xv] https://www.nytimes.com/1999/01/10/nyregion/police-brutality-claim-roils-southold.html?searchResultPosition=2

[xvi] https://www.nytimes.com/2003/05/25/nyregion/officer-in-beating-case-will-remain-on-duty.html

[xvii] https://www.pcusa.org/site_media/media/uploads/theologyandworship/pdfs/belhar.pdf

[xviii] https://www.police1.com/officer-misconduct-internal-affairs/articles/for-better-misconduct-investigations-use-third-parties-UMx5DV9G0GI4edCn/

[xix] https://www.pcusa.org/site_media/media/uploads/oga/pdf/boo_2023-2023_publishedversion_cover_and_boo_complete.pdf p122

[xx] https://www.pcusa.org/site_media/media/uploads/oga/pdf/boo_2023-2023_publishedversion_cover_and_boo_complete.pdf p123

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August 22, 2024

Honorable Joseph R. Biden
President, United States of America
The White House
1600 Pennsylvania Avenue, N.W.
Washington, D.C 20500

Honorable Merrick B. Garland
Attorney General
U.S. Department of Justice 950
Pennsylvania Avenue, N.W.
Washington, D.C. 20530-0001

Honorable Chief Justice Margo K. Brodie
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201
(margo_brodie@nyed.uscourts.gov)

Re: United States v. Carlos Watson and Ozy Media – Bias Impacting Trial
Criminal Docket No. 23-82 (EK)

Dear President Biden, Mr. Attorney General Garland, and Madame Chief Justice Brodie:

I am writing on behalf of the Session of Avenue Presbyterian Church located in New York City ("Avenue Church").

Members of the Avenue Church community have witnessed the trial of Carlos Watson and Ozy Media, including, regrettably, the ongoing, bias treatment directed at Mr. Watson and his defense counsel by Judge Eric Komitee.

Given the overt bias of trial Judge Komitee directed at the defendant, and because much of what we witnessed was also in front of the jury, we do not believe that Mr. Carolos Watson could have been given a fair trial. Moreover, the obvious bias we witnessed in the courtroom does a disservice to our justice system, as the same should be impartial. As such and based on what we have witnessed in the courtroom, Avenue Church supports the attached complaints of judicial bias filed by Duke Professor David Robinson, as well as defense counsel, Harvard Professor Ronald S. Sullivan, Jr., and Judge Shannon Frison USM (Ret.).

Avenue Church is similarly concerned by the Justice Department's selection for prosecution of Ozy Media and its founder, Black business leader, Carlos Watson, who is also a California resident, seemingly with few ties to the Eastern District of New York.

As stated in the Avenue Resolution from April 2024 (*attached*), our community respectfully requests an independent investigation concerning allegations of discriminatory and selective prosecution of Mr. Watson and Ozy Media by the Justice Department.

We have attached additional references to the historical record of law enforcement targeting members of Black and brown communities for prosecution, as well as the failure of the Justice Department in the Eastern District of New York to meaningfully investigate or prosecute members of law enforcement involved in the near death beating of EDNY resident, John Mims.

Thank you for your anticipated support to end racism and in upholding principles of impartiality in law enforcement.

Respectfully,

Gary Ireland
Gary Ireland
Session Member
with attachments

Copy to: Rev. Dr. Mary Newbern-Williams, Transitional Executive Presbyter, *The Presbytery of New York City*
Selma Jackson, Ruling Elder, Moderator, *The Presbytery of New York City*

RONALD SULLIVAN LAW, PLLC
Ronald S. Sullivan Jr.

July 2, 2024

By ECF

The Honorable Eric R. Komitee
United States District Judge
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: United States v. Carlos Watson and Ozy Media, Inc.
Criminal Docket No. 23-82 (EK)

Dear Judge Komitee:

It is with great regret that the defendants submit this objection letter in the present matter on trial, United States v. Carlos Watson and OZY Media, Ind. 23-cr-82. We have not come to this request lightly. But the court's repeated actions both in the lead up to trial and during the trial make this both of immediate necessity to protect the 6th Amendment Rights of our clients and for larger policy reasons in that our system relies on fair administration by judges. What has happened in this trial is anything but fair. One need only sit in this courtroom one day to see and hear much of the behavior and bias complained of in this letter. From the court's pro-government bias to the racial dynamics in this courtroom (including the audience), a reasonable person's confidence in the administration of justice will be shaken.

I. The Conduct of the Trial by the Court has Been Prejudicial to the Defendants.

The conduct of the trial by the court has led to certain impressions of the defendants' attorneys, witnesses, and evidence that are destructive of a fair trial. In Rivas v. Brattesani, where the trial judge made a series of comments, in apparent exasperation with defense counsel, the Court reasoned that while due process "requires a fair trial rather than a perfect trial," a court must "strive for that atmosphere of perfect impartiality which is so much to be desired in a judicial proceeding." Rivas v. Brattesani, 94 F.3d 802, 807 (2d Cir. 1996) (quoting Ricketts v. City of Hartford, 74 F.3d 1397, 1416 (2d Cir. 1996); Santa Maria v. Metro-North Commuter R.R., 81 F.3d 265, 273 (2d Cir. 1996)).

The court's entire interaction with the defense team has created an atmosphere where the defense is not perceived as equal participants in the judicial process. The judiciary's role demands not only fairness but also the appearance of fairness. When the judge makes disparaging remarks about defense lawyers or witnesses, it sends a signal to the jury and the courtroom that the defense's arguments and evidence are less worthy of consideration. This can influence the jury's perception and potentially sway their decision-making process.

RONALD SULLIVAN LAW, PLLC
Ronald S. Sullivan Jr.

While a judge is entitled to ask questions during a trial to clarify both legal and factual issues to minimize confusion, those questions, "may not convey the court's view about the merits of a party's claim" (Berkovich v. Hicks, 922 F.2d 1018, 1025 (2d Cir. 1991), because the judge may not impose his own opinions on the jury. Rivas, 94 F.3d at 807 (quoting Care Travel Co., 944 F.2d at 991). The Second Circuit has observed

that "while a trial judge may understandably become impatient with counsel's examination of a witness, either because of its ineptness, lack of clarity or organization, or for some other reason, the judge must exercise self-restraint in his interference lest "clarification" only create more confusion or the impression in the jurors' minds that the judge is hostile to one party's position." Anderson v. Great Lakes Dredge & Dock Co., 509 F.2d 1119, 1131 (2d Cir. 1974).

The judge's attitude towards the defense may also impact the demeanor and confidence of defense witnesses. Witnesses, particularly those called by the defense, must feel assured that they can testify without fear of bias or prejudice. Derogatory comments from the bench can intimidate witnesses and undermine their willingness to provide truthful and accurate testimony, thus impeding the search for truth that is central to any trial.

Moreover, the judge's role as a judicial officer requires upholding the highest standards of professionalism and respect. Comments that belittle or demean any party in the courtroom, including defense counsel and witnesses, fall short of these standards and erode public confidence in the judiciary's ability to administer justice fairly and impartially.

Even if the court were to make a curative instruction with regard to its interference, the damage cannot be undone. "No curative instruction, in our view, could undo the cumulative prejudicial effect of the court's various inappropriate comments in the presence of the jury." Rivas,
94 F.3d at 808 (quoting United States v. Filani, 74 F.3d 378, 386 (2d Cir. 1996) ("curative instructions to the jury, to the effect that they can decide what version to believe as sole judges of credibility, do not remove . . . an impression [that the judge believes one version of an event and not another] once it is created").

A. The court has assisted the government and acted as a "fourth" prosecutor.

At trial, it has become painfully clear that the court has not treated the parties equally. What was at first, an acknowledgement by the defendants that there may be a prosecutorial affiliation (since the judge served in the same U.S. Attorney's Office) has turned into the actual bias in favor of the prosecutors shown by this court. It is almost as if the court is grooming the prosecutors and coddling them at every turn on every issue. Clearly, the court has a true bias in favor of the prosecution due to personal likes and affection for the individual prosecutors trying the case.

For example, on May 31, 2024 (3rd day of trial) the court assisted the prosecutors by helping question Samir Rao to "clarify" for them that without advertisement revenue, The Carlos Watson Show made $0 (a theory and point of the prosecution). Tr. at 724, ln 14 – 23.

B. The court "sustains" objections that are not made by the prosecutors.

Beginning with the government's first witness, Janeen Poutre, the court sustained 3 or more of his own objections during the defense's cross examination of Ms. Poutre. Weighing in on the evidence, the court repeatedly exclaimed "sustained" without any objections being put forward by the government. It is absolutely imperative that the court allow the *lawyers* on both sides to fairly try the case. The court should not assist the prosecutors in trying the case because of their youth or inexperience. The roles in the courtroom are strict for a reason, especially in a criminal case. It does not take much for the judge, the leader of the courtroom, to affect the jury's attention, attitudes, and beliefs. The court must be much more reserved so as not to weigh in on the defendants' guilt or innocence.

A fair criminal trial is one in which the defendants have a full opportunity to challenge the government's evidence and confront the witnesses against them. That cannot happen when the court objects primarily to the questions put forth by the defense. The court has made more than 30 such objections on behalf of the prosecutors despite repeated respectful requests by defense counsel and a formal objection made by Attorney Ronald Sullivan that the court not aid prosecutors in such a biased and blatant way. This pattern has existed on

cross examination of every government witness and the direct examination of 2 of the defense witnesses so far including:

1. Janeen Poutre, Tr. at 133, ln 23; 138, ln 21 – 22; 146, ln 14; 153, ln 22.
2. Samir Rao, Tr. at 985, ln 2; 1015, ln 14, ln 18; 1019, ln 14; 1029, ln 22; 1214, ln 24; 1215, ln 1; 1223, ln 6; 1232, ln 13; 1278, ln 15 – 16.
3. Allison Berardo, Tr. at 1522, ln 20; 1523, ln 16; 1525, ln 16; 1528, ln 17; 1529, ln 6, ln 8.
4. Tripti Thakur, Tr. at 1623, ln 13.
5. Alex Piper, Tr. at 1718, ln 8, ln 18; 1727, ln 22.
6. Hillel Moerman, Tr. at 1775, ln 24; 1776, ln 3; 1859, ln 3.
7. Suzee Han, Tr. at 2144, ln 12; 2315, ln 20.
8. Renata Erlikhman, Tr. at 2513, ln 8.
9. Dr. David Robinson, Tr. at 2732, ln 4.

C. The court has repeatedly asked questions of witnesses to help meaningfully bolster and advance the prosecution's case -- doing so multiple times with multiple witnesses more than a dozen times so far.

In addition to interrupting testimony with a slew of sua sponte and immediately sustained objections, the court continually interrupts the lawyers on both sides of the v in order to ask questions of the witnesses that completely serve to aid the government's theory of the case. The language, tone, and subject matters on which the court interrupts all signal to the jury what evidence

they should pay attention to and how they should feel about that evidence. This does more than put a thumb on the scales, the court is standing on the scales in this case.

In Anderson v. Great Lakes Dredge Dock Co., where the trial judge engaged in extensive questioning of witnesses, the Court reasoned that the judge's behavior "might be construed as protective rather than as merely investigative in nature." Anderson v. Great Lakes Dredge Dock Co., 509 F.2d at 1132. The Court concluded that the cumulative impact of a judge's behavior is an essential factor in determining prejudice against a defendant. Id. The Court stressed "it is essential, at least where appellant's brief (as here) raises a substantial issue as to the trial judge's fairness in conducting the trial, to make a close scrutiny of each tile in the mosaic. Id. (quoting United States v. Weiss, 491 F.2d 460, 468 (2d Cir. 1974) (footnote omitted)"). Here, there are more than 100 instances where the court has interrupted the examination of a witness to ask his own questions. However well-intended, the cumulative effect of his interjections has been prejudicial to the defense.

The court has asked its own questions of the following witnesses in assistance to the prosecution:

1. Janeen Poutre, Tr. at 82, ln 15; 110, ln 8; 112, ln 22; 119, ln 14; 123, ln 1 – 24; 129, ln 14; 146, ln 2, ln 6; 147, ln 16.
2. Samir Rao, Tr. at 321, ln 2 – 16; 399, ln 5 – 17; 405, ln 16; 476, ln 6 – 22; 543, ln 7; 549, ln 112; 559, ln 9; 579, ln 19; 593, ln 10 - 18; 606, ln 8; 608, ln 21; 639, ln 22; 668; ln 15 – 23; 734, ln 14 – 22; 980, ln 23; 992, ln 25.
3. Abbas Maniar, Tr. at 1416, ln 16; 1422, ln 8 – 20; 1461, ln 8 – 12; 1473, ln 11.
4. Allison Berardo, Tr. at 1516, ln 17.

5. Tripti Thakur, Tr. at 1609, ln 1; 1610, ln 10; 1615, ln 13; 1711, ln 19 – 25; 1712, ln 13 – 23; 1724, ln 23.

6. Suzee Han, Tr. at 1870, ln 13; 1924, ln 20; 2144, ln 9; 2160, ln 17.

7. Maurice Werdegar, Tr. at 2250, ln 19 – 24.

8. Joseph O'Hara, Tr. at 2408, ln 2; 2411, ln 14; 2412, ln 7.

9. Renata Erlikhman, Tr. at 2513, ln 11.

10. Chetan Bansal, Tr. at 2585, ln 19; 2589, ln 15; 2609, ln 14 – 19.

11. Dr. David Robinson, Tr. at 2700, ln 17, ln 20, ln 23; 2713, ln 10, ln 23; 2738, ln 5; 2750, ln 19; 2754, ln 10; 2755, ln 11; 2763, ln 16; 2770, ln 17; 2772, ln 2; 2775, ln 9, ln 16; 2776, ln 14.

12. Claire Lightfoot, Tr. at 2801, ln 5; 2802, ln 8, ln 17.

Persistent questioning of witnesses may be perceived as belief in the defendant's guilt or innocence. In United States v. Guglielmini, where the judge frequently participated in the trial, by questions and comments, the Court concluded that his behavior "gave the jury the impression that he credited the prosecution and disbelieved the defense." United States v. Guglielmini, 384 F.2d 602, 605 (2d Cir. 1967) ("While the trial judge may, and indeed should, take an active part in the trial where necessary to clarify evidence and assist the jury, the persistent questioning the trial judge conducted in this case, together with his comments to defense counsel, conveyed to the jury far too strong an impression of his belief in the defendants' guilt"). This is exactly the impression the court in the trial at bar is giving the sitting jury.

D. The court rules are transparently biased in favor of the prosecution in its evidentiary rulings.

While quickly addressing and/or ruling in favor of the prosecution almost any time they raise an issue (even specious and irrelevant ones), the court has repeatedly and seemingly intentionally dragged its feet on ruling on critical defense motions throughout the last year including multiple Motions to Dismiss including with regard to racial bias, violation of attorney client privilege and improper venue. Even when the court has finally ruled on defense motions, it has done so in the most modest and lenient way.

The court has repeatedly flouted settled law to rule in favor of the prosecution in its evidentiary rulings, allowing the government to wrongfully prevail on matters of hearsay, impeachment, document admission, and expert witnesses threatening yet more bias.

On May 31, 2024 (the 3rd day of trial), the prosecution offered a resignation email of Tripti Thakur, in which she accuses Samir Rao of committing fraud and recruiting her to commit fraud. Because this is a communication from a nonlawyer on the ultimate issue of the case, the defense requested that it be excluded or redacted. The court denied both motions and refused to even give a limiting instruction *before* the email was read and shown to the jury in full. After allowing the jury to fully take in this highly prejudicial communication, the court gave a shallow (and likely pointless by then) limiting instruction. Tr. at 587, ln 8 – 25; 588, ln 1 – 3. The ruling and the timing of the limiting instruction essentially allowed the jury to make inappropriate inferences and conclusions that the limiting instruction is designed to prevent.

On June 7, 2024 (5th day of trial) with the government's star witness on the stand, the court refused to allow proper impeachment by prior inconsistent statements of the cooperator. The court conducted an extensive sidebar conference on how impeachment works, taking the word of the prosecutors over the analysis of a Professor of Evidence. Tr. 1005 – 1011. The court told Attorney Sullivan that he *cannot* read from the documents. This ruling governed the entire trial, and all witnesses the defense attempted to impeach with their

own FBI interviews or other documents they authored. This scripting of the testimony in this way effectively prevented the defense from impeaching *any* witness unless the witness himself *agreed* that he had lied. It has operated as a

sweeping violation of the defendants' rights to confront their accusers per the 5th Amendment of the United States Constitution.

E. The court continuously disparages defense witnesses in front of the jury and outside the presence of the jury but in open court.

Webb v. Texas instructs against badgering or embarrassing witnesses at trial. In Webb, a defense witness, prior to testifying, was admonished at length by the trial judge and threatened with jail time if the witness lied. Webb v. Texas, 409 U.S. 95 (1972). The witness, who had previously elected to testify on the defendant's behalf, refused to do so after the judge's comments. Id. at 97. The Court ruled that "...the judge's threatening remarks, directed only at the single witness for the defense, effectively drove that witness off the stand, and thus deprived the petitioner of due process of law under the Fourteenth Amendment." Id. at 98 ("Just as an accused has the right to confront the prosecution's witnesses for the purpose of challenging their testimony, he has the right to present his own witnesses to establish a defense. This right is a fundamental element of due process of law").

Minor v. Harris is also instructive on this issue. In Minor, the Court opined that close questioning of witnesses is "particularly improper where a defendant's guilt or innocence rests almost exclusively on the jury's evaluation of the witnesses' demeanor and credibility." Minor v. Harris, 556 F. Supp. 1371, 1384 (S.D.N.Y. 1983). "[B]y coming quickly to the aid of prosecution witnesses during cross-examination, and by indicating that he credited their testimony and that defense counsel was trying to prevent the jury from hearing the truth, clearly risked leading the jury to believe that the judge favored the government's witness[es] and [their] version of the facts. His close questioning of petitioner clearly indicated disbelief in the defendant's testimony." Id. at 1384 (quoting United States v. Nazzaro, 472 F.2d at 308-10). This case on trial is one in which the credibility of the witnesses is of supreme importance and will be weighed heavily by the jurors.

On June 27, 2024 (12th day of trial) during the cross examination of defense expert Duke Professor David Robinson, the judge goaded the professor about his answers and gave the impression that he was not answering the questions truthfully by his tone and demeanor in questioning this witness on top of the prosecutor's questions on the very same topic. Professor Robinson was effectively driven off the stand by the court in this case.

F. The court has drenched this trial in insulting comments to the defense lawyers in front of the jury, their students, the public, and the press.

Since day one of the trial, the court has been particularly disparaging the defense team. Its comments have been purposely embarrassing to defense counsel and clearly meant to make anyone in the room think that the defense is incompetent.

On May 29, 2024 (the 1st day of trial), the court said to the defense team, ""I don't know where you've tried cases before…this is federal district court!"

On May 30, 2024 (the 2nd day of trial), the court continues what will be a consistent and almost daily verbal assault on the defense team. Regarding contracts that the government were in possession of, the court said to the defense team, "I am not getting a coherent explanation of what happened, what the services were […] Mr. Sullivan, this is a document case. I need you to know the documents better so that we don't have to

stop and have you look for things every time we ask a question about what is where […] "I need you to stay on subject". After a period of interrupting defense counsel and both parties growing frustrated, the court directed to Attorney Ronald Sullivan: "First of all, Mr. Sullivan, I want you to lower your voice. […] I want you to lower your voice. Understood? […] Is that understood?"

Also, on May 30, 2024 (the 2nd day of trial), the court announced that it had "tried to guide the defense as best [it] could to comply, even in piecemeal, even in half-baked fashion with their obligations. But we are where we are."

On June 7, 2024 (the 5th day of trial), the court interrupted cross examination of Samir Rao to ask defense counsel, "Did you hear his answer?" indicating to the jury that Attorney Sullivan was not listening to the testimony. The court then stated, "asked and answered sustained because the previous question had 99% overlap" without objection from the prosecution. This meticulous micromanagement of the evidence the defense is allowed to elicit from witnesses is unwarranted, one-sided, and prejudicial to the defendants.

Also, on June 7, 2024 (the 5th day of trial) the court continued to signal to the jury that the defense is unprepared because they did not have multiple physical copies of exhibits that have been presented electronically for the entire trial.

Further on June 7, 2024 (the 5th day of trial), in front of the jury, the court stated "How much longer of this? I guess I'm just struggling to understand the relevance of this" then sat in silence as the jury and witness digested exactly what the court meant to imply – this is evidence is not important. This is very prejudicial to the defendants as the jury prepares to deliberate on this matter.

On June 26, 2024, the court addressed the defense counsel's mentorship to their law clerks, two of whom are still in law school. The court stated "Point two, which I have made before during this trial, and I will make again just because we have law students and young lawyers with us and some interns coming in and out, is, and I speak personally here, I was fortunate, as a young lawyer, to have mentors who impressed on me in no uncertain terms as a very young lawyer the absolutely critical nature of every word in every representation that we made to the Court." Tr. at 2628, ln 19 – 25. The court added, "And that principle has at times during the course of this litigation been observed again in a breach. I hope -- I wish for every law student and young lawyer that that message gets to them somehow, and I'm not entirely convinced that watching this trial has been the best way for young lawyers to absorb that lesson. I will leave it at that." Tr. at 2629, ln 1 – 9.

Also on June 27, 2024, at sidebar conference about the court blocking Attorney Sullivan's questioning of expert witness Professor David Robinson, the court said to Attorney Sullivan in a hostile tone that the jury was likely to hear, "Are you crazy!?"

These comments continue to jeopardize Mr. Watson's enjoyment of a fair trial. In Guglielmini, the Court observed "numerous instances of repartee between the judge and defense counsel," most of which were "wholly unnecessary" and only served to "demean counsel and case an unfavorable light on the defense." Guglielmini, 384 F.2d at 604. The Court found that "the cumulative effect of these errors was such as to render it highly doubtful that the appellants enjoyed the fair trial to which they were entitled." Id.

In United States v. Ah Kee Eng, the judge continuously "exhibited an attitude of impatience, and an annoyance at proper objections and interruptions" as well as "gratuitous comments disparaging the defense counsel and the defense." United States v. Ah Kee Eng, 241 F.2d 157 (2d Cir. 1957). The Court concluded that "repeated indications of impatience and displeasure of such nature to indicate that the judge to indicate that the judge thinks little of counsel's intelligence and what he is doing are most damaging to a fair presentation of the defense." Id. at 161.

The court has created an incredibly hostile environment and repeatedly aggressively insulted defense counsel including implying criminal and/or sanctionable behavior on the part of distinguished Harvard Law Professor Ronald Sullivan, veteran New York City Assistant District Attorney Janine Gilbert, and recently retired Massachusetts Superior Court Justice Shannon Frison.

While these comments are often made while the jury is dismissed, the court should be mindful that media reporters frequently attend trial and are present during these disputes.
Consequently, several statements made by the court have been reported in various articles. While the court may instruct jurors not to seek case-related information, it cannot prevent inadvertent exposure to such media coverage – nor can it predict whether each juror will follow its instruction. Therefore, any statements made in open court should be presumed as having been made in front of the jury.

G. The court simply will not allow any examination or discussion of race in this trial, even where it is plainly relevant.

Despite the obvious and often troubling role that race plays in our society and most of our cases, the court has repeatedly and improperly denied the very obvious role of race in this case going so far as to block the impeachment of a witness (Allison Berardo) whose own racist statements had been put in evidence by the prosecution ("No white man has a voice that sounds like that"). The court flat out refused to allow the witnessed to be cross examined about her statement, and even asked Mr. Sullivan what is racist about the statement she made.

Other examples have included an improper ruling to completely preventing an expert witness on the very subject of how the race of founders affects fundraising for start-up companies (Duke University Professor David Robinson) to comment on the role of race in this case and the

casual dismissal of the Motion to Dismiss based on the prosecutors' demonstrated record of prosecuting black and brown people 90% of the time in a predominantly white district (EDNY).

H. The court has repeatedly accused defense counsel and the defense team of illegal and/or unethical conduct.

The court has allowed the prosecution wide lenience in getting things wrong (case law, facts, timing) and not being fully prepared to finish their case on June 18, 2024. Indeed, none of the government's missteps have been assumed to be for unethical or dilatory tactics, nor has a single prosecutor been accused of any misconduct. It has been obvious to anyone watching this case that the court has not extended the same goodwill to the defense -- indeed the opposite. The court has offered daily hostility towards the defense both in front of the jury and the public on similar matters. There are clearly two sets of rules being applied. Just two instances are discussed below.

On June 13, 2024 (the 7th day of trial), after the court shut down impeachment of witness Allison Berardo on her racist text messages, the court went to a recess. Upon resuming, prosecutor Jonathan Siegel reported to court that Mr. Watson had "shouted" in the hallway "Good thing this has nothing to do with race!" implying that he was within earshot of the jury. Without even *asking* Attorney Sullivan or any member of the defense team about this alleged incident (which absolutely did not occur the way Mr. Siegel alleged), the court automatically assumed government's account was true and threatened to revoke bail or otherwise change Mr. Watson's conditions of release because of it.

On June 14, 2024 (8th day of trial) the court inexplicably accused Attorney Gilbert of submitting a falsely modified version of a document into evidence. The court accused the defense attorney of purposely stapling an additional page to the top of DX629. When counsel expressed her indignation at the unwarranted accusation, the court responded, "Your outrage is noted." The court also announced in open court that compliance with production rules have been so spotty from defense and that it was a "sizeable coincidence" that this one page did not appear in the government's version of the same document. In reality, it was the *government's* use of and admission into evidence an early and incomplete version of the same document that caused the confusion the jury may now have about the document.

Therefore, the defendants respectfully urge the court to reflect on the impact of its comments on the proceedings of this trial. Specifically, the defense requests that the court not only refrain from making insulting comments towards counsel, but also from interrupting our remaining witnesses. As ongoing evidentiary

disputes make it possible that many defense exhibits will be precluded and several defense witnesses will not be permitted to testify, the credibility of our remaining witnesses is crucial. Again, the Court in Minor v. Harris stresses that close questioning of witnesses is "particularly improper where a defendant's guilt or innocence rests almost exclusively on the jury's evaluation of the witnesses' demeanor and credibility." Minor v. Harris, 556 F. Supp. 1371, 1384 (S.D.N.Y. 1983). Having interrupted each of the defense witnesses so far, the court risks prejudicing the jury and undermining the ability of the defense to present a complete and effective case. Fairness dictates that all parties be afforded equal opportunity to present their arguments and

RONALD SULLIVAN LAW, PLLC

Ronald S. Sullivan Jr.

evidence without undue interference. Therefore, we urge the court to exercise restraint and impartiality in its conduct throughout the remainder of these proceedings.

Upholding the principles of fairness and impartiality requires vigilance and adherence to the highest standards of judicial conduct. By refraining from derogatory remarks and maintaining a demeanor of neutrality, as well as allowing for a robust and thorough defense by way of witness testimony and exhibits - the court can ensure that justice is not only done but is seen to be done in this courtroom.

Respectfully submitted,

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David T. Robinson, PhD

[redacted]

July 1, 2024

Chief Judge Margo Brodie
United States District Court Judge
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

RE: United States versus Carlos Watson and Ozy Media, Inc.

Dear Judge Brodie:

I appeared as an expert witness for the defense in US v. Carlos Watson and Ozy Media on Thursday, June 27. I am writing to you to convey my concern about the judicial bias that I saw present that day.

At the outset, I want to be clear: I am not writing at the request of defense counsel, nor has defense counsel (or anyone, for that matter) reviewed or assisted in the preparation this letter. I am writing simply as a private citizen to express my concern based on what I witnessed in the courtroom, no different than if I were sitting in the public gallery listening to the trial.

At numerous points during the day in connection with my testimony, the judge took actions that seemed clearly to favor or assist the prosecution. For example, during my cross-examination, I found it impossible to understand a particular hypothetical question posed by prosecution. The judge then reformulated the hypothetical to help the prosecution get her point across. In fact, he began his interjection with, "I think the question is meant to imply …" and then went on to vary the hypothetical on her behalf, departing from what I understood her to be asking. I was then directed to answer his question instead of hers. I found myself wondering, "Is the Judge working for the prosecution? I didn't think a judge could do this." If leading the witness is a basis for objection, how is leading the prosecution not objectionable?

Evidence of his disdain for the defense was rampant throughout the day. Over the weekend I shared the following courtroom exchange with a colleague who teaches in a law school:

> **Ron Sullivan**: "At this point, Your Honor, we would tender Dr. Robinson as an expert in the area of entrepreneurial finance."
>
> **Judge Komitee**: "I do not qualify witnesses as experts, but the witness may give testimony pursuant to Rule 702"

When my colleague heard this, he cackled and said, "Well when he allowed you to give testimony pursuant to Rule 702 he in fact DID qualify you as an expert, because 702 concerns the definition of an expert. It sounds to me that he just didn't want to say those words in front of the jury because he didn't want the jury to hear the word *expert* in connection with your testimony."

There were other instances that day where the context of the question from the judge, his tone of voice, nonverbal cues, etc., suggested to me that he looked on the defendant with suspicion, but did not look upon the prosecution with similar suspicion. When I shared my concerns about my experience to friends and colleagues who either teach in law schools or have argued cases before juries, they each said, "Judges can ask questions but they aren't supposed to be biased." Their reactions have led me to conclude that I needed to share my concerns with you.

I fully understand and accept that courtrooms are contentious places. I also understand that the prosecution has an obligation, as well as strong incentives based on career concerns, to work as hard as it can to win its case. My concern is that the behavior I saw in court deprives the accused of a fair trial by limiting his counsel's ability to mount a defense. My understanding is that it is the solemn responsibility of a jury, and their responsibility alone, to render a verdict based on the facts of a case as they understand them. If a judge behaves in a manner that suggests to the jury that he looks with suspicion at one side but not the other, then that judge surely biases their judgments. I worry that this is happening right now on the 8th floor of your courthouse in the matter of US vs. Carlos Watson and Ozy Media.

Very truly yours,



David T. Robinson

Frison
LAW FIRM, P.C.

July 7, 2024

By ECF

The Honorable Eric R. Komitee
United States District Judge
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: United States v. Carlos Watson and OZY Media, Inc. Criminal Docket No. 23-82 (EK)

Dear Judge Komitee:

While the nature of a criminal trial is adversarial, the role of the prosecutor, defense team, and especially the Court is to ensure a fair trial. The United States v. Carlos Watson and OZY, Media Inc. is not a fair trial. In instance after instance, The Court has put its thumb on the scale of justice by providing inappropriate assistance to the prosecution, undermining the credibility of Mr. Watson's defense team, and through rulings that have reflected a disturbing bias. In doing so, the Court has constricted and restrained the defense's ability to provide effective representation.

This letter is a plea to the Court to uphold the standards expected in a criminal jury trial.

This is not the defense's first request of this Court. The defense has yet to receive a comprehensive response. After the initial letter (attached), the Court on July 2, 2024 (14th day of trial), briefly addressed the defendants' first letter on this topic before the testimony began that day. Tr. at 3084 – 3089. At that time, the Court gave an oral response in open court, cherry-picking and taking out of context several of defense counsel's claims. The Court noted that it would also respond in writing but has not yet published a letter on ECF. Tr. at 3084, ln 2 – 3. Of note, the Court did *not* allow undersigned counsel to respond in open court. Even upon a specific request to address the Court orally, the judge directed counsel instead to write yet *another* letter, hence this filing. Tr. at 3174, ln 1 – 24.

Response to the Court's July 2nd Comments:

1. The Court first stated that defense counsel made claims "without any citations." Tr. at 3084, ln 7 – 12. The first letter filed on July 2nd included several illustrative examples of the Court's treatment towards the defense as well as transcript citations; however, those instances are not exhaustive. Attached is a

more comprehensive list of comments and rulings made by the Court, the dates of those instances, and transcript citations.

2. The Court next stated that it has given "constructive feedback" to the defense. Tr. at 3085, ln 5 – 14. In fact, what it has given the defense has been anything but constructive. The trial has been rife with demeaning and demoralizing comments, overly harsh penalties for alleged rule violations, and a general lack of care and appreciation for the optics and for the real consequences of this treatment.

   While these comments are *sometimes* made while the jury is dismissed, the Court is now making comments in front of the jury. For example, on July 3, 2024, the Court paused the direct examination of Mr. Watson, stating that the line of questioning was in a "place that is of questionable relevance" in front of the jury. Tr. at 3294, ln 13 – 18.

   Additionally, the Court signals to the jury its frustration with defense counsel and witnesses through its physical demeanor. At several points during the direct examination of Mr. Watson, the Court threw his face into his palms and became noticeably red at moments when Mr. Watson would elaborate on an answer. Please see attached tracker at entry 45.

   Anyone watching the Court's treatment of the defense can see that Mr. Watson is not receiving a fair trial, and the press continues to cover these disputes.

3. The Court then stated that "candor to the Court is an important feature in cases like this one." Tr. at 3086, ln 9 – 10. The defense does not lack candor with the Court. Defense counsel has been transparent and candid about its issues with the discovery platform and with receiving information from Mr. Watson's previous counsel.

   Defense counsel has provided the Court with as much information about its observance of the Court's orders as possible, yet the Court continues to misconstrue its actions and intentions. On June 26, 2024, for example, the Court suggested that defense counsel willfully violated its discovery and 26.2 disclosure obligations, calling it a "tactical choice and purposeful violation." Tr. at 2642 – 2643. The Court even suggested that defense counsel had a "brazen disregard for the rules and practices of this Court." Tr. at 2642 – 2643. That same day, the Court also suggested that defense counsel was not setting an appropriate example for the young lawyers in the room. Tr. at 2628 – 2629.

   The Court's belief that defense counsel has not been transparent throughout this trial has bled into its interactions with witnesses. For example, Professor David Robinson, the defense's expert witness, wrote a letter to both the Court and to the Chief Judge of the Eastern District of New York about the injustice he witnessed and experienced in courtroom 8D South. See attached. Professor Robinson also copied the prosecutors and defense counsel on that letter. In it, Professor Robinson made clear that he did not write the letter "at the request of defense counsel, nor has defense counsel (or anyone, for that matter) reviewed or assisted in the preparation this letter." Yet, on the afternoon of July 1, 2024, when it was received by all the above parties, the Court stated in open court that it came to his attention that the *defense* took issue with the fact that the Court refused to qualify Professor Robinson as a witness. Tr. at 3002, ln 18 – 21.

   Again, the defense was accused of something it did not do. The defense did not request or assist the professor in communicating with the Court or the Chief Judge. The allegations against counsel must end to ensure a fair trial for both defendants.

4. The Court then denied that it primarily sustains its own objections against defense counsel. Tr. at 3086, ln 14 – 18. In fact, the Court has sustained its own objections against questions from defense counsel approximately 32 times and against the prosecution team only four times. Tr. at 365, ln 6 – 7; 436, ln 12 – 13; 1588, ln 8; 2778, ln 9. See also the attached tracker for objections sustained against the defense.

5. The Court then denied that it has acted as a fourth prosecutor in this trial. Tr. at 3086, ln 21 – 25; 3087, ln 1 – 8. In fact, the Court's assistance to the prosecution has been legion. For example, the Court has granted every request for sidebar from the prosecution but has denied the defense counsel's request for sidebar on three occasions – each in front of the jury. Tr. at 3457, ln 2 – 3; 3494, ln 8 – 12, 17 – 19. The Court previously demanded that defense counsel ask for clarification about rulings "instead of just winging it." Tr. at 3299, ln 3 – 6; 3150, ln 21 – 23.

   The Court has also made controversial rulings in favor of the prosecution. Significantly, on June 6, 2024 (5th day of trial), during the cross examination of the government's first witness, inexplicably, the Court did not allow Mr. Sullivan to impeach Mr. Rao with a document that Mr. Rao himself authored. The Court opined that Mr. Sullivan could not read from a document not in evidence, notwithstanding that this was a rudimentary, non-hearsay impeachment permitted under the Federal Rules of Evidence and allowed in every court across the country. Tr. at 1010.

6. Lastly, the Court denied defense counsel's account of how he handled an accusation against Mr. Watson, stating, "That's not my recollection." Tr. at 3088, ln 19 – 25. The Court continued to suggest that he gave Attorney Sullivan the opportunity to respond after Attorney Siegel flagged the incident, but that is not true. The Court first chastised Mr. Watson and then threatened to revoke his pre-trial release on bail. Tr. at 1539. The Court specifically stated the following *before* Attorney Sullivan was able to speak:

   > "THE COURT: Yes. Obviously, the need to ensure -- Mr. Watson, I'm speaking to you directly now. Mr. Watson, the need to ensure an impartial jury that hears the evidence in this case and nothing else from anybody in this room, no lawyer, no party, you've heard me instruct the jury over and over again that they should not be engaged in any communication with you or the lawyers, and that you and the lawyers should not be engaged in any communication with them. If I hear one more thing along those lines, we are going to contemplate the state of your pretrial release on bail." Tr. at 1539.

Defense counsel has observed the following in the last week:

1. On July 1, 2024 (13th day of trial), during the direct examination of Mr. Watson, the Court sustained its own objection to the defendant's testimony once more. Tr. at 3063, ln 21. In doing so, the Court is not allowing for a vigorous examination of the issues from the defendant, who is facing 37 years in prison for these charges.

2. Also, on July 1, 2024 (13th day of trial), the Court repeatedly sustained government objections to the most basic information a witness can provide on the stand. Even as to *his own conduct*, Mr. Watson was

shut down in explaining the business of OZY Media in meaningful ways that

3. would assist the jury. For instance, Mr. Sullivan asked Mr. Watson if he knew from his finance team whether OZY Media used a cash basis or accrual basis for its accounting. The prosecution objected, and the Court sustained the objection. Tr.at 3036 – 3039. So, Mr. Watson is unable at his own trial to state *whether his own company (also being tried) used a cash basis or accrual basis*. Not only does this hamper the jury in understanding what the actual dispute is as to OZY's finances and accounting, it completely violates Mr. Watson's ability to present his defense in this criminal trial.

4. Also, on July 1, 2024 (13th day of the trial), the Court sustained government objection to Mr. Watson testifying as to whether he received an email from Samir Rao (that also was sent to the entire OZY staff) announcing the company's Series C fundraising round. Tr. at 3045 – 3052. Mr. Watson was also not allowed to testify that he received the attachment to that email, which was a press release that was published in the Wall Street Journal and other publications. Tr. at 3045 – 3052. Mr. Watson was himself a board member and helped draft that press release and discussed with other board members how they would send it out. Again, this ruling completely deprives Mr. Watson of his right to testify about a specific *allegation* in the indictment and present a defense head-on against the charges against him.

5. On July 2, 2024 (14th day trial), the Court did not allow the cross examination of Mr. Watson by Ozy Media's undersigned counsel to meaningfully take place. Specifically, it did not allow Attorney Frison to question Mr. Watson on *all* of the topics on which he was directed by Professor Sullivan. Tr. at 3458 – 3460; 3485 – 3490. Instead, the Court has limited OZY's examination of him and ordered that the entire examination *conclude* on July 3, 2024, at 4:30
p.m. Tr. at 3459, ln 3 – 23. Notably, the Court allowed the government's star witness, Samir Rao, to testify on the stand for 6 days (May 29, 2024 – June 10, 2024). The Court is not allowing Mr. Watson a fair defense by rushing defense counsel along and shutting down relevant examination questions.

   The Court's desire to move questions along quickly – and seemingly wanting to adjourn early – might be related to the rigid schedule it has. See attached. It is clear from the transcript that the trial has been impacted by the Court's personal summer calendar. Tr. at 497 – 498.

6. The Court also holds defense counsel to a different standard than the prosecution as it relates to its presentation of witnesses and evidence. For example, when the defense asked for the lineup of prosecution witnesses to be called, the Court stated that the government only had to tell the defense the day before the witness testifies, Tr. at 13 – 14, which the prosecutors regularly did at or after 8:00 pm. However, during the defense case, the Court has asked defense counsel every day *in court* who its witnesses will be the next day and what they will be testifying about. See Tr. at 3510 – 3513. The government has also strangely and unfairly gotten a preview of defense witnesses, their testimony, and on several occasions the defense direct or cross examination of witnesses (Hillel Moerman, Kosmo Kalliarekos, Professor David Robinson, Carlos Watson) per order of the Court. Tr. at 1791 – 1824; 2785 – 2793; 2657 – 2682; 3153 – 3159. The unfairness is overwhelming and visible to all in the courtroom.

The Court's repeated indications of impatience and displeasure with defense counsel and their questions jeopardize Mr. Watson's right to a fair trial. Again, in United States v. Ah Kee Eng, where the judge continuously made disparaging remarks towards the defense and displayed an attitude of

impatience or annoyance, the Court concluded that "repeated indications of impatience and displeasure of such nature to indicate that the judge thinks little of counsel's intelligence and what he is doing are most damaging to a fair presentation of the defense." Id. at 161. This is exactly the problem in the trial at bar.

While the Court believes it is "revealing" that the defense has not quoted the long list of instances in which the Court has improperly intervened, Tr. at 3087, ln 18 – 23, it should note that the instances defense counsel has cited in its first letter do not even scratch the surface of the behavior it has witnessed. To better illustrate these instances, please find the attached tracker of the comments made by the Court. Some include actual quotations as well as notes about the tone and demeanor of the Court. The Court will find transcript citations for all comments made in open court. Defense counsel will continue to monitor this behavior.

Again, the defense team requests to be heard orally and in open court regarding these matters at the earliest opportunity. Further, on behalf of Mr. Watson and OZY Media, Inc., we request to be allowed to fully question remaining witnesses, to be treated with a modicum of respect, and to truly be allowed to defend our clients. Let us take the ruling in United States v. Coke, 339 F.2d 183 (2d Cir. 1964) to heart. There, the judge's "excessive interference in the examination of the witnesses, by repeated rebukes and disparaging remarks directed at appellant's counsel and by marked impatience, all in the presence of the jury, displayed an attitude of partisanship which resulted in the denial of a fair trial and a deprivation of due process of law." We hope to regain due process and the right to a fair trial in this case before it is given to the jury.

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July 8, 2024

By ECF

The Honorable Eric R. Komitee
United States District Judge
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: United States v. Carlos Watson and OZY Media, Inc.
Criminal Docket No. 23-82 (EK)

Dear Judge Komitee:

Attached please find a properly formatted "Judge Tracker" exhibit (attachment to the July 7, 2024 letter). The original exhibit was malformed when converted to PDF and submitted on ECF. The attached amended exhibit both fixed the formatting and added concerns from July 8, 2024 on the same topics.

DocuSigned by:
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7/8/2024

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Trial Date	Phase of Trial	Transcript Pg, Ln	Description of Inappropriate Conduct
05/29/24	Morning proceedings	Tr. at 8, ln 12 - 16	Court improperly characterizes conduct of the defense as unfair surprise even though the government is allowed to surprise the defense each night with the witnesses they plan on calling the next day.
05/29/24	Morning proceedings	Tr. at 156, ln 21 - 25; 1 - 24	Judge claims the BOR is not recent enough and that the 6th Amendment/5th Amendment argument advanced by Sullivan is a "waste of time"; says he will entertain arguments about 2nd circuit authority

05/29/24	Cross examination of Janeen Poutre	Tr. at 133, ln 23; 138, ln 21 – 22; 146, ln 14; 153, ln 22.	Sustained his own objection 4x
05/29/24	Cross examination of Janeen Poutre	Tr. at 82, ln 15; 110, ln 8; 112, ln 22; 119, ln 14; 123, ln 1 – 24; 129, ln 14; 146, ln 2, ln 6; 147, ln 16.	Interrupted counsel to question the witness
05/29/24	Trial break	Not yet located	"I don't know where you've tried cases before but this is federal district court"
05/30/24	Morning proceedings	Tr. at 270, ln 20; 273, ln 21; 274, ln 17; 285, ln 18, ln 22, ln 25.	Regarding contracts that the government were already in possession of; "not getting a **coherent** account of what the contract/terms were"; "document heavy case, defense should know it's documents"; May 16th task order excluded; "i need you to stay on subject"; interrupting defense; entertaining objections to keep docs out when the purpose of the hearing was to determine whether or not the information had been provided as a part of discovery; **did not** read the letters from defense; "take another look at the subpoenas"; "getting tired of sorting out the details"; "**I want you to lower your voice. Understood? Is that understood?**"; "I'm going to wait until I have your full attention"
05/30/24	Samir Rao direct examination	Tr. at 392, ln 3 - 25; 427, ln 2 - 21	Carlos' mugshot flashed on **all screens** (including juror screens) and Sullivan moved for a mistrial; the judge ruled against the defense and the government said it would resolve the issue but the mugshot flashed two more times (and took up half the screen) after the ruling; The court noted that the photo wasn't particularly prejudicial (no orange jumpsuit) and it was a small image that came up quickly even though the first time it came up it was blown up across the screen

05/30/24	End of day	Tr. at 501, ln 3; 512, ln 4 - 6	Not going to make prosecution conclude by Friday (meaning if the end at EOD Monday, the jury sits without a CX for 3 days; "I've tried to guide the defense as best as I could to comply, even in piecemeal, even in half-baked fashion with their obligations"

05/31/24	Morning break	Tr. at 587, ln 8 - 25; 588, ln 1 - 3	Refused to give a limiting instruction before Tripti Thakur email; he did one after the witness was able to read it fully and after the jury was able to digest it
05/31/24	Samir Rao direct examination	Tr. at 724, ln 18 - 23	judge helped clarify for attorney that without ads, the Carlos Watson show was bringing in $0
06/07/24	Trial break	Tr. at 960, ln 4 - 15	judge skeptical/raised his eyebrows when Sullivan said that Netsuite cut off access to data; evidence will not be admitted until predicate has been established for admission
06/07/24	Samir Rao cross examination	Tr. at 985, ln 1 - 8; 986, ln 5 - 9	"did you hear his answer?" indicating to the jury that Sullivan wasn't listening // "asked and answer sustained because the previous question had 99% overlap." // sustained objection to himself 3x //
06/07/24	Trial break	Tr. at 1010	extensive sidebar on how impeachment works; judge says Sullivan CANNOT read from documents (how else would the jury know that the witness lied); "as a professor of trial practice..."
06/07/24	Samir Rao cross examination	Tr. at 1013, ln 6 - 16	Judge continues to signal to the jury that defense counsel is unprepared with multiple physical copies
06/07/24	Samir Rao cross examination	Tr. at 1053, ln 8 - 16	judge in front of the jury "How much longer of this? I guess Im just struggling to understand the relevance of this" then sits in silence
06/07/24	Samir Rao cross examination	Tr. at 1136, ln 4 - 12	judge is saying there is no "literal" inconsistency between samir's inconsistent statements (even though there is 2nd circuit authority saying the two statements don't have to be completely unidentical)
06/10/24	Samir Rao cross day 2	Tr. at 1214, ln 24	judge sustained his own objection 1x
06/10/24	Thomas Franco direct examination	Tr. at 1343, ln 4 - 5	judge asks foundational questions during direct ("why do you know what a pitch deck is")
06/13/24	Trial break	Tr. at 1414, 16 - 20	precluded defense exhibits preliminarily without argument
06/13/24	Allison Berardo cross examination	Tr. at 1522, ln 20; 1523, ln 16; 1525, ln 16; 1528, ln 17; 1529, ln 6, ln 8.	sustained his own objection 6x

06/13/24	Trial break	Tr. at 1535	automatically assumes government's presentation of the facts about carlos shouting in the presence of jurors about race is true; immediately threatened Carlos to revoke bail without asking Sullivan for his version of the facts
06/13/24	Tripti Thakur direct examination	Tr. at 1605, ln 1 - 6	said something about being asked to get a contract and judge clarified "by whom" and witness responded that Carlos asked her to get a contract that didn't exist then made us take a break, allowing the jury to ruminate on that assist
06/13/24	Tripti Thakur cross examination	Tr. at 1611, ln 13	"was the deal done" to clarify that the contract wasn't complete
06/14/24	Alex Piper cross examination	Tr. at 1707 - 1708	asked witness "are those advertisers buying those spaces/times from Youtube or the creator"?
06/14/24	Alex Piper cross examination	Tr. at 1709, ln 19 - 21	"well beyond the scope of direct" and "struggling to understand the relevance" on **cross (which warrants more leeway)**
06/14/24	Alex Piper cross examination	Tr. at 1718, ln 8, ln 18; 1727, ln 22.	sustained his own objection (asked and answered); totals 5x (only 3 reflected in transcript; something is missing)
06/14/24	Alex Piper cross examination	Tr. at 1725, ln 20 - 25	cut Gilbert off in her response to the judge saying "i think the witness has testified ..." "let's have another question"
06/14/24	Hillel Moerman cross examination	Tr. at 1775, ln 24; 1776, ln 3; 1859, ln 3.	sustained his own objection 3x
06/14/24	Evidentiary discussion during break of Hillel Moerman's cross examination	Tr. at 1777 - 1778	says that whether the investors perform due diligence (to prove they didn't solely rely on Carlos Watson's words) is irrelevant; "we're gonna hear the questions one by one and you're gonna be aware of the pitfalls we're describing"; "you're saying you decline to reveal where you're going with your questions and I'm going to start sustaining relevance objections"
06/14/24	Evidentiary hearing/voir dire during break of Hillel Moerman's cross examination	Tr. at 1799, ln 17 - 25; 1800, ln 1; 1803, ln 16; 1828, ln 17 - 24	accused of purposely stapling the approval date on the top (DX629) "your outrage is noted" ; non-compliance of production rules have been so spotty from defense (assuming it's our fault the government's document is inconsistent with ours) ; "sizeable coincidence" ; he admitted the doc; Goldman's ideas about how much the business was worth is "utterly irrelevant"
06/17/24	Morning break	Tr. at 2024 - 2025	"statements of the law should be made with a good faith basis" regarding Gilbert stating that stipulations can be withdrawn before it is admitted

06/17/24	Suzee cross examination	Tr. at 2140, ln 4 - 16	judge sustained his own objection when the witness was saying she was told there was an oral agreement (Stern then objected when Sullivan correctly pointed out that there was no objection

06/18/24	Maurice Werdeger direct examination	Tr. at 2229, ln 5 - 11	"can you just stay on that point for a moment" and asking follow-up conversations ("does the timing matte (if the booking is for the following year and why?"); clarifying questions
06/18/24	Trial Break	Tr. at 2278 - 2279	"am I the only one who recognizes the [irony]" in the defense making a motion against the prosecutor's calling CW a con-man and us launching a "campaign to influence the public" about the ongoing case against CW.
06/18/24	Trial Break	Tr. at 2285 - 2291	CW got in trouble for allegedly lying to security officers that he was an attorney / had two non-operative phones and judge said carlos and interns could not have phones with them in court (even though a court order was received for interns)
06/18/24	Direct examination of Joe O'Hara (after jury left)	Tr. at 2370	judge doing Gillian's job of laying the foundation for GX1007 for her; admitted it absent case law saying why habit or routine practice couldn't be present sense impression
06/26/24	Direct examination of Renata Erlichman	Tr. at 2513, ln 4 - 13	sustained an asked and answered and when Sullivan said he didn't ask that question, judge asked the question himself
06/26/24	End of day	Tr. at 2628 - 2629	insinuated that lawyers weren't being good mentors to interns because they keep making misrepresentations
06/26/24	End of day	Tr. at 2642 - 2643	"tactical choice and purposeful violation" to not give 26.2 on April deadline; "brazen disregard for the rules and practices of this court"
06/26/24	End of day	Tr. at 2643, ln 10 - 16	withdrew Sullivan's ability to bring his phone in court; "i dont want a phone in anyone's possession at the table with Mr. Sullivan and Mr. Watson"
06/27/24	David Robinson's direct examination	Tr. at 2700, ln 23	judge interrupted sullivan's direct to ask his own questions about the difference between venture capital and private equity
06/27/24	David Robinson's direct examination	Tr. at 2732, ln 4	sustained his own objection 1x

06/27/24	David Robinson's cross examination	Tr. at 2763, ln 16 - 25; 2764, ln 1 - 3	interrupted kassner's cx to ask if he thought the amount of money a company brought in was completely irrelevant and made a face at his answer--hinting that he didn't agree
07/01/24	Carlos DX	Observation	judge doubling over and face palming in exasperation during Carlos's testimony
07/01/24	Carlos DX	Tr. at 3034, ln 15 - 17	going to sustain my own objection to that it's "clearly hearsay"
07/01/24	Carlos DX	Tr. at 3065, ln 21	sullivan sat in protest and judge said he would contemplate other actions if he didn't continue; sustained his own objection 1x

07/02/24	Carlos DX	Not put on the record	Sullivan: " can i add one thing" ; judge: "no" ; interrupting Sullivan while he's trying to make a record ; preventing us from showing DX627
07/02/24	Carlos DX	Tr. at 3149, ln 6 - 12; 3151, ln 13 - 16	"mistaken assumptions" "can't have the witness testify falsley to everything"; after Sullivan said he'd like to make an application that everything the government read onto the record is inadmissible--"put it in writing"
07/02/24	Carlos DX	Tr. at 3158, ln 19 - 23	does not allow Sullivan to read provisions of admitted documents that he doesn't believe are relevant ; "provisions that say things like accredited investors" are not relevant; Carlos is on trial for the representations that he made to investors and he is not beling allowed to talk about the representations he actually made to investors (yet Samir and Suzee were able to talk about representations Carlos made even though he actually wasn't on many of those communications)
07/03/24	Carlos DX	Tr. at 3294, ln 13 - 20; 3299, ln 3 - 6	called discussion of slides of "questionable relevance" in front of the jury; motion for mistrial denied (keeps cutting off Sullivan while he's making his application); judge above decibel that he will not allow Sullivan to speak on; "instead of winging it and doing what you want to do, ask me for clarification"
07/03/24	Carlos DX	Tr. at 3316, ln 18 - 19	threatened Sullivan with contempt for saying the objection was overruled in front of the jury

07/03/24	Proceedings	Tr. at 3361, ln 9 - 15	"those rights are not a license to engage in not only sustained gamesmanship, but also the willful choice to ignore Court orders."
07/03/24	Entire trial day	Throughout transcript	will not allow lawyers on both sides to make complete arguments and keeps interrupting, presumably to keep things moving forward. but the more this is done, the more the lawyers have to go in circles to explain--which keeps prolonging the process
07/03/24	Carlos Frison CX	3392, ln 14 - 20	says someone will have to explain after the trial why the ford foundation is donating money to a for-profit organization as a 501c3 in open court, in front of reporters
07/03/24	Carlos Frison CX	Tr. at 3494, ln 8 - 20	said Judge Frison couldn't be heard at sidebar (ultimately let her be heard because he said if defense counsel needs clarification it should to say something)
07/03/24	Carlos Frison CX	Tr. at 3475 - 3477	trying to elicit when SR first took out a loan in his name
07/03/24	Carlos Frison CX	Tr. at 3459, ln 3 - 23	4:10 pm Judge told Ozy they have to be done with ALL questions by 4:30 pm (out of frustration that Frison asked for a sidebar regarding why a series of objections were sustained (for which no basis was given)

07/03/24	Carlos Frison CX	Tr. at 3500, ln 2; 3503, ln 21 - 25	excused the jury for a 1 minute instruction to CW that could have been handled at sidebar; sends a signal that defense counsel has done something extra egregious; actually cut Frison off around 4:20 pm even though the objection raised only ended up being foundation...Frison could have asked one more question and finished until 4:30 without the jury having to leave

Dr. Norissa [redacted]
[redacted]

August 27, 2024

Judge Margo Brodie
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, NY 11201

Dear Judge Brodie,

I hope that this letter finds you and your loved ones very well.

My name is Dr. Norissa [redacted] and I have my doctorate in psychology. I am writing to express my concerns regarding the judicial conduct I observed in the courtroom of Judge Eric R. Komitee during the trial of Carlos Watson. I was present in the courtroom on Friday, June 14, 2024, from approximately 9:00 AM to 12:30 PM. Despite the brevity of my visit, I witnessed several instances that suggested a clear bias in the proceedings.

What stood out most during my time in court was the frequency with which the prosecution raised objections, when Defense Attorney, Janine Gilbert, spoke. It seemed that nearly every sentence she attempted to articulate was met with an objection, and Judge Komitee sustained what felt like 90% of them. There was only one objection that he did not sustain in the time that I was present. As someone without legal expertise, I nonetheless found it troubling that the defense was scarcely able to present their case without being interrupted. Moreover, I did not observe any substantial justification for the objections that were upheld. In most cases, it appeared that Judge Komitee was simply following the prosecution's lead without critical assessment.

One of the most unsettling aspects of what I observed was that the jury was asked to leave the room on two occasions, aside from scheduled breaks. During these periods, critical discussions took place—discussions that were favorable to Carlos Watson's defense. However, because the jury was not present, they were not privy to these significant exchanges. This lack of transparency severely undermined the fairness of the trial, as the jury was left without crucial context.

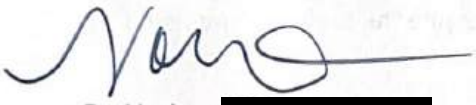
Additionally, Judge Komitee made a remark that implied he was exercising patience, though his tone suggested frustration directed at the aforementioned lawyer. It was clear to me that he was annoyed, and his behavior struck me as gaslighting. When the lawyer justifiably became upset, she was made to appear irrational, and Judge Komitee's remarks seemed to question her integrity. I found this particularly troubling, as it not only undermined her credibility but also suggested a bias against the defense.

Furthermore, these meaningful discussions often took place in the absence of the jury, and the substance of these conversations was not adequately communicated to them upon their return. As a result, the jury was left with an incomplete understanding of the case, which greatly impacted the fairness of the proceedings. It seemed to me that both Judge Komitee and the prosecution had already made up their minds regarding Carlos Watson's guilt, and that little could be done to alter this predetermined outcome. These biases informed juror conclusions by way of influencing the information made available to them.

While I was only present in the courtroom for a few hours, the bias I witnessed was deeply unsettling. It was clear to me that Carlos Watson did not receive a fair trial, and I urge you to take these concerns into consideration to ensure that justice is properly served.

Thank you for your attention to this matter.

Sincerely,



Dr. Norissa [redacted]

[redacted]