

SENATE JUDICIARY STAFF BRIEFING MATERIAL

Federal Appellate Record – Sixth Circuit Case No. 25-3779

THE CODE OF SILENCE RECORD

Brian Higgins v. United States
United States Court of Appeals for the Sixth Circuit

Submitted March 12, 2026
Brian Higgins

**NATIONAL
INTEREST**

Executive Summary – Code of Silence Record

Brian Higgins v. United States

United States Court of Appeals for the Sixth Circuit – Case No. 25-3779

Recent Sixth Circuit Activity: March 9, 2026 Order (Procedural)

- On March 2, 2026, a motion filed under Federal Rule of Appellate Procedure 10(e)(2)(B) placed sworn affidavit evidence and supporting materials into the federal appellate record.
- The materials document events and institutional notice spanning approximately 2018–2026.
- The filings address investigative conduct, competency proceedings, and issues raised in post-conviction filings.
- On March 9, 2026, the Sixth Circuit declined further review on procedural timing grounds.
- This packet provides the referenced appellate filing and supporting documentation for Senate Judiciary staff review.

Packet Contents

- Attachment 1 – Motion to Supplement the Record – Fed. R. App. P. 10(e)(2)(B) (Filed March 2, 2026)
- Attachment 2 – Sworn Affidavit (February 5, 2021) – 67 pages
- Attachment 3 – 'Miscarriage of Justice' Statement (September 30, 2022) – 25 pages

March 12, 2026

CURRENT FEDERAL APPELLATE RECORD

The Code of Silence Record

Brian Higgins v. United States

Sixth Circuit Case No. 25-3779

Recent Sixth Circuit Activity: March 9, 2026 Order (Procedural)



Ms. Jennifer Davis

Chief of Staff

Office of Senator Charles E. Grassley

135 Hart Senate Office Building

Washington, DC 20510

Mr. John Etue

Chief of Staff

Office of Senator Ted Cruz

127A Russell Senate Office Building

Washington, DC 20510

HAND DELIVERED

Dear Ms. Davis and Mr. Etue,

This packet provides materials recently filed in the federal appellate record in Brian Higgins v. United States, Sixth Circuit Case No. 25-3779, together with supporting documentation relating to issues of federal investigative conduct and competency proceedings previously brought to the attention of Senate Judiciary Committee staff.

This submission represents my third request for Senate Judiciary staff review of matters involving documented federal investigative conduct, competency proceedings, and a resulting miscarriage of justice.

The enclosed materials reflect documentation placed into the federal appellate record immediately prior to the Sixth Circuit's March 9, 2026 procedural order.

The enclosed filing supplements the federal record under Federal Rule of Appellate Procedure 10(e)(2)(B), filed March 2, 2026, with contemporaneous transcripts and sworn affidavit evidence relevant to the May 2021 competency proceedings.

The appellate record now contains sworn affidavits and institutional-notice documentation spanning 2018 through 2026.

The enclosed materials may be relevant to the Committee's ongoing oversight responsibilities concerning federal investigative conduct, prosecutorial decision-making, and the handling of competency proceedings in federal criminal cases.

Given the maturity of the federal record and the documentation now placed before the courts, staff review of these materials may assist the Committee in evaluating oversight priorities relating to federal investigative conduct and associated proceedings.

Documents Included

- Attachment 1 – Motion to Supplement the Record (Fed. R. App. P. 10(e)(2)(B)) – Filed March 2, 2026
- Attachment 2 – Sworn Affidavit (February 5, 2021) – 67 pages
- Attachment 3 – Miscarriage of Justice Statement (September 30, 2022) – 25 pages

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Brian Higgins", written in a cursive style. The signature is positioned above the printed name "Brian Higgins".

Brian Higgins

justice@corruptgmen.com

Table of Contents

1. Attachment 1 – Motion to Supplement the Record – Fed. R. App. P. 10(e)(2)(B) (Filed March 2, 2026)
2. Attachment 2 – Sworn Affidavit (February 5, 2021)
3. Attachment 3 – Miscarriage of Justice Statement (September 30, 2022)

Procedural Note Regarding Sixth Circuit Order

On March 9, 2026, the United States Court of Appeals for the Sixth Circuit entered an order declining to issue a Certificate of Appealability in Case No. 25-3779. The court's decision was based on procedural timing considerations under 28 U.S.C. §2255.

The court did not address the evidentiary materials attached to the March 2, 2026 filing. The materials included in this packet reflect documentation placed before the appellate court prior to that order and are provided here for staff review of the documented record.

**UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT**

RECEIVED

Brian Higgins, Appellant

v.

United States of America, Appellee

MAR 02 2026
KELLY L. STEPHENS, Clerk

Case No. 25-3779

**APPELLANT'S MOTION TO SUPPLEMENT THE RECORD
WITH TRANSCRIPT AND DOCUMENTARY EVIDENCE
DEMONSTRATING STRUCTURAL DUE PROCESS
IRREGULARITIES ARISING FROM THE MAY 2021
COMPETENCY PROCEEDINGS**

Fed. R. App. P. 10(e)(2)(B)

INTRODUCTION

Appellant Brian Higgins respectfully moves under Federal Rule of Appellate Procedure 10(e)(2) (B) to supplement and clarify the appellate record with transcript and documentary evidence relevant to the May 2021 competency proceedings and resulting custodial commitment.

This motion seeks supplementation of the record with:

Exhibit A – Sealed Affidavit of Brian Higgins (February 5, 2021)

Exhibit B – Post-Sentencing Statement of Brian Higgins

“Miscarriage of Justice”

September 30, 2022 (Doc. 158-24)

Exhibit C – May 21, 2021 Defense Counsel Conference Transcript

(Previously submitted – incorporated by reference)

Exhibit D – Department of Justice Office of Inspector General Acknowledgment Letter

(Previously submitted – incorporated by reference)

Exhibits C and D have previously been submitted to this Court and are currently contained within the appellate record. Appellant incorporates those materials by reference and does not reattach them in order to avoid duplication of the record.

This motion seeks to include:

- A sealed affidavit filed prior to the competency proceedings
- A post-sentencing statement recounting procedural history including competency custody
- Previously submitted transcript evidence demonstrating pre-hearing coordination
- Previously submitted oversight documentation

These materials are necessary to ensure that the appellate record accurately reflects the circumstances surrounding Appellant’s competency commitment and resulting custody.

Rule 10(e) permits supplementation where necessary to ensure that the record truly discloses what occurred in the district court.

I. PURPOSE OF SUPPLEMENTATION

This motion does not seek to introduce new claims or arguments.

Instead, Appellant seeks to ensure that the appellate record accurately reflects record evidence and record-based materials relevant to the May 2021 competency proceedings, including:

- Predetermination of custodial commitment
- Off-record coordination
- Mischaracterization of the intended evaluation period
- Excessive custodial commitment

Without supplementation, the appellate record does not fully reflect the sequence of events surrounding the competency proceedings and resulting custody.

II. EXHIBIT A – SEALED FEBRUARY 5, 2021 AFFIDAVIT

PRE-COMPETENCY RECORD EVIDENCE

Exhibit A is a sealed affidavit filed in the district court on February 5, 2021, approximately three months prior to the May 2021 competency proceedings.

The affidavit documents matters that were actively being presented before the district court prior to the competency proceedings and therefore forms part of the procedural context in which those proceedings occurred.

The affidavit describes:

- Disclosures to federal authorities
- Requests for investigation

- Ongoing communications with federal authorities

This affidavit forms part of the district-court record that existed prior to the competency proceedings.

III. EXHIBIT B – POST-SENTENCING STATEMENT

“MISCARRIAGE OF JUSTICE” (DOC. 158-24)

Exhibit B is a written statement titled “Miscarriage of Justice,” dated September 30, 2022, and filed in the district court record as Doc. 158-24.

The statement was written after sentencing and while Appellant was in Bureau of Prisons custody.

Although Exhibit B is not contemporaneous to the May 2021 competency proceedings, it is relevant because it recounts and preserves the procedural history surrounding the competency proceedings and resulting custody.

The document describes:

- The May 2021 competency proceedings
- Pre-hearing communications regarding competency evaluation
- Anticipated custodial evaluation
- Appellant’s custodial experience

Exhibit B is referenced for continuity and accuracy of the record and corresponds with the transcript evidence incorporated as Exhibit C.

IV. EXHIBIT C – MAY 21, 2021 DEFENSE COUNSEL CONFERENCE TRANSCRIPT

PRE-HEARING COORDINATION

Exhibit C consists of a transcript of a May 21, 2021 defense counsel conference call occurring immediately prior to the competency hearing.

This transcript has previously been submitted to this Court and is incorporated by reference.

The transcript reflects:

- Discussion of competency evaluation logistics
- Discussion of anticipated custody
- Discussion of transportation arrangements
- Discussion of courthouse exit procedures

These discussions occurred immediately prior to the competency hearing and are directly relevant to the procedural history of the competency proceedings.

V. STATUTORY PERIOD VS. ACTUAL CUSTODY

The transcript evidence incorporated as Exhibit C reflects that the expected evaluation period was approximately forty-five days.

Appellant was committed to federal custody for approximately sixty-eight days.

The custodial commitment included confinement at a Bureau of Prisons facility rather than a dedicated medical evaluation center, contrary to the anticipated structure of the evaluation.

These facts are relevant to understanding the custodial consequences of the competency proceedings.

VI. EXHIBIT D – OFFICE OF INSPECTOR GENERAL ACKNOWLEDGMENT

Exhibit D consists of written acknowledgment from the Department of Justice Office of Inspector General confirming receipt of materials relating to the issues raised in this appeal.

This exhibit has previously been submitted and is incorporated by reference.

The acknowledgment confirms that the matters raised by Appellant have been formally presented to federal oversight authorities.

VII. RULE 10(e) STANDARD

Federal Rule of Appellate Procedure 10(e)(2)(B) permits supplementation where necessary to ensure that the appellate record accurately reflects what occurred in the district court.

Rule 10(e) exists to ensure that the Court of Appeals reviews a complete and accurate record rather than an incomplete or misleading one.

VIII. SUPPORTING AUTHORITY

The Sixth Circuit has recognized that Rule 10(e) permits supplementation where necessary to ensure that the appellate record accurately reflects the proceedings before the district court.

In *United States v. Barrow*, 118 F.3d 482 (6th Cir. 1997), the Court explained that Rule 10(e) exists to ensure that the appellate record accurately reflects what occurred in the district court.

Similarly, in *Adams v. Holland*, 330 F.3d 398 (6th Cir. 2003), the Sixth Circuit recognized that supplementation may be appropriate where materials clarify the record and assist the Court in understanding the district-court proceedings.

Other courts have likewise recognized that Rule 10(e) exists to ensure that the appellate record accurately reflects the events below. See *S&E Shipping Corp. v. Chesapeake & Ohio Ry. Co.*, 678 F.2d 636 (4th Cir. 1982).

The materials referenced in this motion clarify the events surrounding the May 2021 competency proceedings and resulting custody and therefore fall squarely within the purposes of Rule 10(e).

IX. NECESSITY OF SUPPLEMENTATION

Without supplementation, the appellate record presents an incomplete picture of the May 2021 competency proceedings.

The materials referenced here demonstrate:

- What existed in the record prior to the competency proceedings
- What occurred immediately prior to the competency hearing
- The custodial consequences of the competency proceedings
- The preserved record description of those events

Supplementation is necessary to ensure that the appellate record accurately reflects these events.

X. CONCLUSION

For the foregoing reasons, Appellant respectfully requests that this Court grant this Motion and order that the appellate record be supplemented with:

Exhibit A

Sealed Affidavit – February 5, 2021

Exhibit B

Post-Sentencing Statement – Miscarriage of Justice

September 30, 2022 (Doc. 158-24)

with:

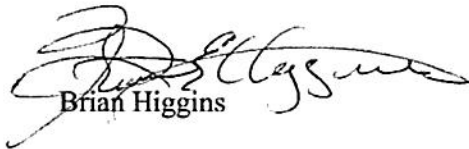
Exhibit C – May 21 2021 Conference Transcript

and

Exhibit D – DOJ OIG Acknowledgment Letter

**incorporated by reference.*

Respectfully submitted,


Brian Higgins

Appellant Pro Se

justice@corruptgmen.com

CERTIFICATE OF SERVICE

I certify that on this 2nd day of March 2026, a copy of the foregoing motion was served upon counsel for the United States via the Court's CM/ECF system and by U.S. Mail to:

Brent G. Tabacchi

Assistant United States Attorney

United States Attorney's Office

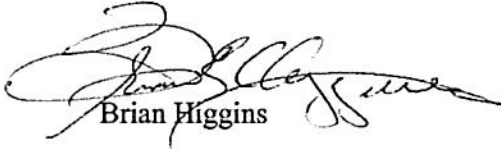
Southern District of Ohio

200 West Second Street

Suite 600

Dayton, Ohio 45402

I declare under penalty of perjury that the foregoing is true and correct.



Brian Higgins

Pro Se Appellant

justice@corruptgmen.com

RECEIVED
FEB - 5 2021
RICHARD W. NEWELL
CLERK OF COURT DAYTON, OH

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

UNITED STATES OF AMERICA,	:	CASE NO.: 3:18-CR-00186
Plaintiff,	:	JUDGE THOMAS M. ROSE
V.	:	AFFIDAVIT OF BRIAN HIGGINS
BRIAN HIGGINS,	:	
Defendant.	:	

**State of Ohio
County of Montgomery:**

- I, Brian E. Higgins, being fully cautioned and sworn, deposes and states as follows:
1. I am an adult over the age of 18 and competent to testify to the matters herein;
 2. My attempt in exposing corrupt public officials began in 2004. First, low level Chicago Police Department officials, only to end up with the Department of Justice and Federal Bureau of Investigation protecting a sexual predator who operates a sophisticated criminal enterprise.
 3. On or about August 3, 2010, Allied Services Group submitted a "double late" bid to the City of Chicago Chief Procurement Officer, Jamie Rhee for RFP Specification 78727, Transportation of Deceased bodies. (See attached hereto Exhibit A)
 4. On or about August 3, 2010, Allied Service Group listed several "key" employees, to include Dan Wondaal, Chief Operating Officer and Charles Zohfeld, Site Supervisor to the City of Chicago. (See attached hereto Exhibit B)
 5. On or about April 3, 2014, Paw Palace Enterprises, Inc dba Paw Palace, incorporated with the Illinois Secretary of State, listing Charles Zohfeld as President. Should be noted that



Paw Palace's address of 2739 Glenwood Dyer, Lynwood, Illinois 60411 is the same address listed for the sexual predator John Klaczak's Illinois Sexual Predator Registry. (See attached hereto Exhibit C)

6. On or about April 2, 2015, Pest Management Services, Inc. dba Pest Management, incorporated with the Illinois Secretary of State, listing Dan Wondaal as President. Should be noted that Pest Management, Inc. is owned by John Klaczak. (See attached hereto Exhibit D)
7. On or about April 2018, I began a sting operation of John Klaczak, a convicted sexual predator and the conspirators that assisted in concealing crimes to include identity theft of the deceased, procurement fraud and most disturbing, Mr. Klaczak's propensity for committing sex crimes against young boys. Should be noted that Mr. Klaczak also houses another convicted sexual predator at his residence by the name of Stacy Gorgas. Mr. Gorgas also seems to like young children per Florida Department of Law. (See attached hereto Exhibit E)
8. On or about June 2018, inside operatives were able to capture Mr. Klaczak's pleasure for young boys, namely the volunteer children that tended to the rescue dogs of Paw Palace housed in a different area of the main facility.
9. On or about August of 2018, Mr. Klaczak solicited hosting a birthday party for 20-25 teenage boys on his sprawling 15-acre property. This party was to take place in the fall of 2018 even though the Illinois Sex Offender law strictly prohibit a convicted sexual predator being in the company of minor children. (See attached hereto as Exhibit F)
10. On or about October 10, 2018, Mr. Klaczak confirmed the party and charges for use of items such as coolers, tents, boat, DJ equipment for the sum of \$750.00 (See attached hereto as Exhibit G)
11. On or about February 13, 2019, I was contacted by the City of Chicago, Office of Inspector General investigator Ken Unterberg to discuss what evidence I had on Allied Service Group and John Klaczak. Should be noted that this is the third request from the City of Chicago Inspector General to provide evidence of John Klaczak and his criminal enterprise, to include fraud committed by City officials. (See attached hereto as Exhibit H)
12. On or about February 19, 2019, I met with the City of Chicago Inspector General's Office and was asked to turn over documents that I had in my possession that showed the criminal acts of City officials, to include Mayor Rahm Emanuel.
13. On or about March 19, 2019, the Cook County Inspector General's Office investigator, Thomas Galindo contacted me via email to discuss a "complaint" that I allegedly filed with their Office. Should be noted that I did not file a complaint with the Cook County Inspector General. (See attached hereto as Exhibit I)

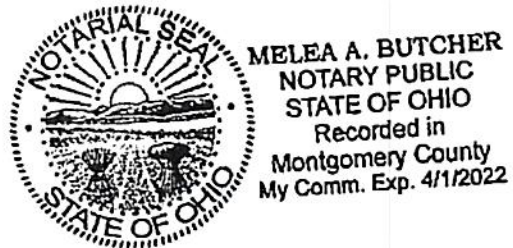
14. On or about March 21, 2019, Mr. Galindo asked if I had any documentation from the City of Chicago with John Klaczak's name on it and if so, to forward copies of the documents containing his name. I told him that I had an extensive record of Mr. Klaczak's relationship with the City and the Chicago Police Department, I ultimately gave Mr. Galindo a sampling of evidence. Mr. Galindo stated that he was going to follow up with me after he discussed this sensitive matter with management.
15. On or about April 10, 2019, after not hearing back from Mr. Galindo and realizing that there was a coverup, now with the Cook County Inspector General, I would be forced to elevate my muckraker findings. With no alternative left but to go to the FBI, I opted to go to the Dayton Resident Office as I was aware that Chicago FBI Special Agent in Charge Jeff Sallet and Chicago Police Superintendent Eddie Johnson had a friendship and the likelihood of yet another coverup was highly probable. (See attached hereto as Exhibit J)
16. On or about April 29, 2019, I got a hotel room in Dayton because FBI SA Andrew Gragan requested my presence at 0730 hrs. to be interviewed by agents from Chicago and I feared the possibility of getting stuck in rush hour traffic and running tardy. (See attached hereto as Exhibit K)
17. On or about April 30, 2019, I was arrested and shackled in a public corruption dragnet operation, dubbed Demolished Integrity. (See attached hereto as Exhibit L)
18. On or about December 15, 2020, AUSA Brent Tabacchi told me that "I have no right to meet with the FBI or any other law enforcement agency." This might be the most truthful statement to come out of the Governments mouth, I have a moral obligation to report crimes against Children.
19. On or about January 8, 2021, the AUSA filed a Motion In Limine (#1) and cites a 2d Cir. 2004 case, United States vs Michaud, in which "There is no constitutional mandate forbidding the use of deception in executing a valid arrest warrant." One would ask, why would there be a ruse in getting me to the Clys Rd offices of the FBI when I am reporting crimes against Children. Not only is the Government protecting sexual predators, the AUSA has engaged in prosecutorial misconduct by forging and altering documents containing my signature. (See attached hereto as Exhibit M)
20. On or about January 8, 2021, the AUSA filed a Motion In Limine (#1) in which the Government states, "Indeed, his efforts to disclose to law enforcement in Dayton, Ohio, dated information concerning crimes over which they have no jurisdiction or venue is doubly irrelevant." Did Mr. Tabacchi write this with a straight face? The last time I checked, the Federal Bureau of Investigation has multi-state (in some cases international) jurisdiction. In fact, one of the main missions of the Federal Bureau of Investigation is public corruption. I suppose that is only applicable for \$50,000 patios, \$2000.00 magnet on a truck, some cash in an envelope or in my case, a fish tank.

21. On or about February 1, 2021, NBC News has reported that former Mayor Rahm Emanuel is being considered for an ambassadorship (China or Japan) position by President Biden. The criminal acts and coverup of a sexual predator that Mr. Emanuel orchestrated while the Mayor of Chicago is certain to be of national interest. (See attached hereto as Exhibit N)


BRIAN E. HIGGINS

Sworn to before me, a Notary Public in and for the State of Ohio, and subscribed to in my presence by the said Brian Higgin, on this 5 day of February, 2021.


Notary Public





SPECIALTY CLEANING
Hazard • Crime Scene Cleaning
Bedbug Inspection/Treatment
Commercial Pressure Washing
Fire • Water • Mold
Construction

John Stamps
President
jstamps@alliedcleaning.net

Tel: 708-396-0200
Fax: 708-396-0202
Cell: 773-406-4613
14150 S. Western Avenue
Posen, IL 60469
www.alliedcleaning.net

Allied Services Group, Inc.

Water • Mold • Bio-Hazard Cleaning
tion • Power Washing • Property Preservation
Green Cleaning & Restoration Service™

Chief Procurement Officer
City of Chicago
Department of Procurement Services
121 N. LaSalle, Room 403
Chicago, Illinois 60642

RE: Bid Protest of RFP – Transportation of Deceased Persons - Specification No. 78727

Dear Jamie:

This request is to allow Allied Services Group's Bid package to be accepted and among the bidders for RFP Specification No. 78727 – Transportation of Deceased Persons, based on the rules and guidelines of the Bid Protest.

On July 27, 2010 the bid for the Transportation of Deceased Persons was due. As I was unclear to where the bid package was to be delivered, I called to get the right address and was told to go to 333 South State Street. I was sent to 3 different departments at that address before they realized I was at the wrong location. By then it was 4pm and I still had to get to the correct location to drop the bid package off.

Allied Services Group is a company with over 8 years experience in Transportation of Deceased Persons with contracts with Cook County and Metra with zero complaints and very low prices. We feel that with the knowledge and experience we already have in this department that we are more than qualified as bidders for this contract and should have the opportunity to be considered for this bid.

Once again, please accept our request to allow our Bid Package to be reviewed and processed. If you have any questions, or need any additional information, please feel free to contact me.

Respectfully Yours,

John Stamps
John Stamps

Donna A. Kruel
Notary Public

RECEIVED
AUG 02 2010
John Stamps

John Stamps CEO
Allied Services, Group, Inc.
14150 S Western Ave
Posen, IL 60469

office - 708-396-0200
fax - 708-396-0202
cell - 773-406-4613
email - jstamps@alliedcleaning.net

"OFFICIAL SEAL"
DONNA A. KRUEL
Notary Public, State of Illinois
My Commission Expires April 21, 2014
Commission No. 143261

EXHIBIT
A



Allied Services Group, Inc.

**Fire • Water • Mold • Bio-Hazard Cleaning
Reconstruction • Power Washing • Property Preservation**

"Your Green Cleaning & Restoration Solution"

Cover Letter

Company Background:

Allied Services Group, Inc (ASG) was originally formulated as Stamps Construction in 2008. The company performed General Construction, Project Management and Consulting. In 2009, the name was changed to Allied Services Group, Inc to better serve our customers. Also in 2009, Allied Services Group, Inc acquired Allied Cleaning Services which specialized in the removal/transport of deceased persons. This acquisition was done to once again offer more services to our customers. With the combination of these companies, it has allowed ASG to become one of the largest, full-service removal/transport companies in the Chicagoland/Cook County area.

ASG currently operates 24 hours a day, seven days per week with 40 personnel. The services we provide include: Removal/Transport of Deceased Persons, Biohazard/Crime Scene Cleaning, Mold Remediation, Water/Flood/Fire Damage Cleaning, Property Preservation Services, Bed Bug Inspection/Removal as well as Full Reconstruction Services. Our client base for removal/transport of deceased persons consists of Cook County Sheriff's Department, Metra Commuter Rail, Union Pacific Railroad, Belt Railway and several local Police Departments. ASG's geographic coverage area includes the City of Chicago, the entire south suburbs and entire Cook County area.

Company Principles:

Chief Executive Officer:	John Stamps	25 years
Chief Operations Officer:	Dan Wondaal	10 years
Chief Financial Officer:	Mohammed AbuGhoush	20 years
Site Supervisors:		
1.	Robert Slager	20 years
2.	Dan Newton	20 years
3.	Charles Zohfeld	10 years
4.	Joseph McGowan	10 years

Driver's Licenses: Will be provided upon award of contract via a print out from the Illinois Secretary of State website.

Legal Name of Company and Location:

✓ Allied Services Group, Inc.
14150 S. Western Avenue
Posen, IL 60469



Office: (708) 396-0200

Fax: (708) 396-0202

24 Hour Emergency: (877) 570-1315

Form of Company: Corporation

Fein Number: 33-1216958

Date Company Formed: March 2008

Names and Telephone Numbers of Principal Contact Personnel:

1. Mr. John Stamps – CEO
Office: (708)396-0200
Cell: (773)406-4613
Email: jstamps@alliedcleaning.net

2. Mr. Dan Wondant – COO
Office: (708)396-0200
Cell: (708)932-6034
Email: info@alliedcleaning.net

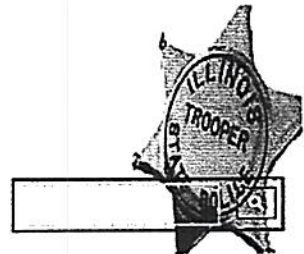
MBE/WBE Participation:

ASG will readily comply with all MBE/WBE requirements as directed in the scope of service for this RFP. ASG is dedicated to using MBE/WBE named companies as often as possible in all aspects of company business, not limited just to this RFP.

City of Chicago's Standard Contract Terms and Conditions:

ASG has read and understands all terms and conditions of the scope of service outlined in Exhibit 8 of this RFP.

Sex Offender Detail



- [OFFENDER REGISTRATION](#)
- [SEX OFFENDER REGISTRATION](#)
- [FAQs](#)
- [OTHER STATE SOR SITES](#)
- [TRANSITIONAL HOUSING](#)
- [IMPORTANT LINKS](#)
- [CONTACT US](#)

Child Sex Offender Information

Name: KLACZAK,JOHN W
Alias Name(s):
Date of Birth: 7/23/1963
Alias DoB(s):
Height: 6'00" **Weight:** 243 lbs. **Sex:** M **Race:** W
Address: 2739 GLENWOOD DYER
 LYNWOOD, IL 60411

Crime Information

Sexual Predator **VICTIM WAS 13 YEARS OF AGE
 OFFENDER WAS 35 AT THE TIME OF THE OFFENSE**

Crimes: AGGRAVATED CRIMINAL SEX ABUSE/VICTIM 13-18

County of Conviction: Cook



[Back To List](#) [Print This Record](#)

Print options may also be found under the 'File' menu from the browser or by pressing CTRL+P

[Photo History](#)



Sex Offender Detail



1/17/2007

Click on the picture to display it in the window above.

Criminal History Information

Criminal history information may be available for sex offenders on parole or mandatory supervised release through the [Illinois Department of Corrections](#). Click on The link, select 'inmate search' and type in the offender's name or other identifying information.

Additional information about a sex offender's conviction can be obtained by contacting the circuit clerk's office of the county in which the offender was convicted to get a copy of the offender's court case information. Additionally, criminal history information on an offender may be obtained through the [Uniform Conviction Information Act](#).

[Governor JB Pritzker](#)

[Web Accessibility](#) [Missing & Exploited Children](#) [Amber Alerts](#) [Illinois Privacy Info](#)

[©2020 State of Illinois](#)



4 Paw Sake Rescue

We are here for

- Welcome
- About Us
- Available
Dogs
- Adoption
Application
- Volunteer
- Donations
- Upcoming
Events
- Contact
- Successful
Adoptions
- Local
Support!

Send Us Your email

Email: *

Check here to receive email updates

Name: *

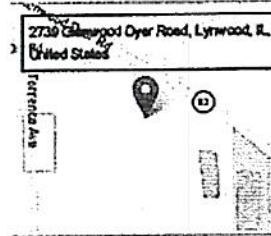
Subject: *

Message: *

Submit

Our Info

2739 Glenwood-Dyer Road,
Lynwood, IL 60411
United States of America
Phone (708) 758-3647
Fax (708) 757-6119
info@4pawsake.com



WebsiteBuilder



4 Paw Sake Rescue

How it all started!

- Welcome
- About Us
- Available Dogs
- Adoption Application
- Volunteer
- Donations
- Upcoming Events
- Contact
- Successful Adoptions
- Local Support!



On September 5th, 2014 Paw Palace officially opened their doors. Word quickly spread throughout the local and neighboring communities about the services we provided for dogs and their owners. The amenities that helped bring Paw Palace to life were: boarding, daycare, training, and grooming! One day a stray dog in need of a home was brought to us. We had not worked or handled stray dogs in our facility before but could not turn our back to a dog in need. We were able to retrieve information from the dog's microchip. The chip revealed that the dog "Cisco" was from Harvey, IL. We called the listed number and unfortunately the residence claimed to not own a dog named Cisco. After hearing this news we decided we were going to find a home for Cisco. We displayed Cisco's picture at our front desk in hopes of someone being interested in adopting him. Cisco was our first success story, which in turn lead to the founding of 4 Paw Sake Rescue!



Surrender Cases

Along with rescuing stray dogs that we have found or dogs that have been brought to us, 4 Paw Sake also takes in certain surrender cases. We understand that in some situations such as: insufficient funds to care for the dog, lack of proper nurturing environment, relocation, aggressiveness towards other dogs or humans, whatever it maybe. We want to make sure that the family exhausts all possible options to make the situation work for their dog. Please give 4 Paw Sake a call to discuss your situation, we would like to give you advice and information that may help in keeping or surrendering your dog.



Office of the Secretary of State Jesse White
CYBERDRIVEILLINOIS.COM

Corporation/LLC Search/Certificate of Good Standing

Corporation File Detail Report

File Number 69511848

Entity Name PAW PALACE ENTERPRISES, INC.

Status ACTIVE

Entity Information

Entity Type CORPORATION

Type of Corp DOMESTIC BCA

Incorporation Date (Domestic) Thursday, 3 April 2014

State ILLINOIS

Duration Date PERPETUAL

Agent Information

Name

BURBANK REGISTERED AGENT INC

Address

5501 W 79TH ST, #300
BURBANK, IL 60459

Change Date

Monday, 12 June 2017

Annual Report

Filing Date

Tuesday, 4 August 2020

For Year

2020

Officers

President

Name & Address

CHARLES ZOHFELD 2739 GLENWOODDYER LYNWOOD IL 60411

Secretary

Name & Address

CHARLES ZOHFELD 2739 GLENWOODDYER LYNWOOD IL 60411

Assumed Name

INACTIVE

ADVANCED DETECTION SERVICES

ACTIVE

ADVANCED DETECTION SERVICES

Corporation/LLC Search/Certificate of Good Standing

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[Articles of Amendment Effecting A Name Change](#)

[Change of Registered Agent and/or Registered Office](#)

(One Certificate per Transaction)

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Fri Feb 05 2021



(<http://www.pestmanagementservices.com>)

Contact Us Today: 855-855-BUGS

Serving Chicago, Blue Island & Surrounding Areas.

(<https://www.facebook.com/pestmanagementservice/>)

(<https://plus.google.com/101258021470467585601/about>)

(<https://twitter.com/pestmgmtchicago>)

About Us

(<http://www.pestmanagementservices.com/wp-content/uploads/2015/12/PestManagementLogo1.jpeg>)

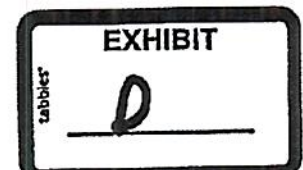
Pest Management Services is a full service pest control company. Our number one goal is to ensure that our valued customers are left 100% satisfied. We strive to always do our best to meet all the pest control needs of all our customers and we know how much quality counts. Our staff and technicians are trained and licensed in the field of pest control and have be trained in house on what we expect as a company.



About Pest Management Services: Family Owned Business

Pest Management Services is a family owned business and we do all that we can to serve with care and diligence. Each one of our qualified technician knows the best way to assess any infestation, large or small, and determine exactly what is needed. We also offer different programs to help suit what your specific needs might be. Our complete home pest service program is a great way to keep the pests away all year long.

<http://www.pestmanagementservices.com/about-pest-management-services/>



Contact Us Today

Call us today (<http://pestmanagementservices.com/contact-us/>) to find out more information.

Our Services

Commercial Pest Control (<http://www.pestmanagementservices.com/commercial-pest-control/>)

Multi-Family Pest Control (<http://www.pestmanagementservices.com/commercial-pest-control/multi-family-pest-control/>)

Termites (<http://www.pestmanagementservices.com/termites/>)

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Mosquito Control Services (<http://www.pestmanagementservices.com/residential-pest-control/mosquito-control-services/>)

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Contact (<http://www.pestmanagementservices.com/contact-us/>)

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R. Gilman, Thomilson Co.



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Call Pest Management Services, Inc. Today for a FREE estimate!

 **(708) 396-0200**
(855) 855-BUGS




Pest Management Services protects your business and home from unsightly and threatening pests.


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Locations

BLUE ISLAND	CHICAGO	ALSIP	MARIONETTE PARK
CRESTWOOD	OAK FOREST	TINLEY PARK	ORLAND PARK
ORLAND HILLS	OAK LAWN	FRANKFORT	PALOS HEIGHTS
PALOS HILLS			

Contact Information

 12761 Western Avenue
Blue Island, IL 60647

 (708) 396-0200
(855) 855-BUGS

CONTACT US (<http://pestmanagementservices.com/contact-us/>)



Office of the Secretary of State Jesse White
CYBERDRIVEILLINOIS.COM

Corporation/LLC Search/Certificate of Good Standing

Corporation File Detail Report

File Number 70121093

Entity Name PEST MANAGEMENT SERVICES, INC.

Status ACTIVE

Entity Information

Entity Type CORPORATION

Type of Corp DOMESTIC BCA

Incorporation Date (Domestic) Thursday, 2 April 2015

State ILLINOIS

Duration Date PERPETUAL

Agent Information

Name
DAN WONDAAL

Address
12761 WESTERN AVE
BLUE ISLAND , IL 60406

Change Date
Thursday, 2 April 2015

Annual Report

Filing Date
Thursday, 5 March 2020

For Year
2020

Officers

President
Name & Address
DAN WONDAAL 47 INDIANWOOD DRIVE THORNTON IL 60476

Secretary
Name & Address
SAME

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(One Certificate per Transaction)

Corporation/LLC Search/Certificate of Good Standing

Page 3 of 3

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Fri Feb 05 2021

HOME ABOUT US OFFENDERS

LOGIN REGISTER

SEARCH OFFENDERS BY LOCATION BY NAME SEARCH

JOHN W KLACZAK

John W Klaczak



SHOW

[View Criminal Record](#)

2739 GLENWOOD DYER, LYNWOOD, IL 60411

Report an Error

SHARE OFFENDER PROFILE



IMPORTANT OFFENDER DATA

Offender Designation: Sexual Predator
Perform a Criminal Background Check Instantly

PHYSICAL DESCRIPTION

Date of Birth: 7/23/1963
Sex: M
Height: 6'00"
Weight: 243
Race: W

OFFENSES

Crimes: 0010213 - AGGRAVATED CRIMINAL SEX ABUSE/VICTIM 13-18
Conviction Location: Cook
Victim Age: 13
Age of Offense: 35

REGISTRATION DETAILS

Collected From: Illinois State Registry

Offender's Nearby Zip Codes

- 60425
- 60475
- 60476
- 60438
- 46321
- 60430
- 46311
- 60422
- 60466
- 60417

Offender's Nearby Cities

- Ford Heights, IL
- Sauk Village, IL
- Lynwood, IL
- Chicago Heights, IL
- Glenwood, IL
- Steger, IL
- South Chicago Heights, IL
- Dyer, IN
- Lansing, IL
- Willowbrook, IL

Offender's Nearby Counties

- Lake County, IN
- Will County, IL
- Cook County, IL
- Porter County, IN
- Kankakee County, IL
- DuPage County, IL
- Newton County, IN
- Jasper County, IN
- Kendall County, IL
- LaPorte County, IN

NEARBY REGISTERED SEX OFFENDERS



Get records about offenders instantly get anyone's arrest record - Truthfinder.com



Stacy M Gargas
2739 GLENWOOD DYER, LYNWOOD, IL 60411



Ira Omar White
20166 WILLOW, LYNWOOD, IL 60411



Christopher Radcliffe
20060 MONTEREY, LYNWOOD, IL 60411



Larry Gentry
20060 LAKEWOOD, LYNWOOD, IL 60411



Ricky J Jauregui
10 PENNY LANE, LYNWOOD, IL 60411



Antonio Earl
19912 ORCHARD, LYNWOOD, IL 60411



Daniel C. Kranz
19901 S MONTEREY, LYNWOOD, IL 60411



Andre D Crump
19808 MONTEREY AVE, LYNWOOD, IL 60411



Jeffrey Jennings
19517 LAKE SHORE, LYNWOOD, IL 60411



02/05/2021

Page 1 of 1

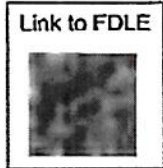
Florida Department of Law Enforcement - Sexual Offender / Predator Flyer



STACY MARK GORGAS
Date of Image : 10/16/2014

Primary Information	
Designation :	Sexual Offender
Name :	STACY MARK GORGAS
Status :	Released - Subject to Registration
Dept of Correction# :	Not Available
Date Of Birth :	09/26/1977
Race :	White
Sex :	Male
Hair :	Brown
Eyes :	Blue
Height :	5'09"
Weight :	208 lbs

STACY MARK GORGAS is registered as a Sexual Offender. Positive identification cannot be established unless a fingerprint comparison is made.



CAUTION! If you reached this flyer from any site other than FDLE's Florida Sexual Offender and Predator homepage, FDLE cannot guarantee the timeliness of the information you are viewing. To receive the most current information regarding registered sexual offenders or sexual predators registered with the State of Florida please conduct an "Offender Search" from FDLE's website located at

<http://offender.fdle.state.fl.us/offender>

If further information is needed, please contact the Florida Department of Law Enforcement EIS-MPOR Offender Registration and Data Management at (1-888-357-7332) between the hours of 8:00am and 5:00pm, Monday through Friday.

Positive identification cannot be established unless a fingerprint comparison is made.

Any person who misuses public records information relating to a sexual predator, as defined in this section, or a sexual offender, commits a misdemeanor of the first degree. Please see 775.21(10)(c) for more information.



HOME ABOUT US OFFENDERS

LOGIN REGISTER

SEARCH OFFENDERS BY LOCATION BY NAME SEARCH

STACY M GORGAS

Stacy M Gorgas



SHOW MAP

[View Criminal Record](#)

2739 GLENWOOD DYER, LYNWOOD, IL 60411

Report an Error

SHARE OFFENDER PROFILE



IMPORTANT OFFENDER DATA

Offender Designation: Sexual Predator
Perform a Criminal Background Check Instantly

PHYSICAL DESCRIPTION

Date of Birth: 9/26/1977
Sex: M
Height: 5'09"
Weight: 265
Race: W

OFFENSES

Crimes: 0995500 - CRIMINAL SEXUAL ASSAULT/FORCE

Conviction Location: Cook
Victim Age: 13
Age of Offense: 23

Crimes: 0995600 - CRIMINAL SEXUAL ASSAULT/CANT CONSENT

Conviction Location: Cook
Victim Age: 13
Age of Offense: 23

Crimes: 0995500 - CRIMINAL SEXUAL ASSAULT/FORCE

Conviction Location: Cook
Victim Age: 13
Age of Offense: 23

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Collected From: Illinois State Registry

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- Lynwood, IL
- Chicago Heights, IL
- Glenwood, IL
- Steger, IL
- South Chicago Heights, IL
- Dyer, IN
- Lansing, IL
- Willowbrook, IL

Offender's Nearby Counties

- Lake County, IN
- Will County, IL
- Cook County, IL
- Porter County, IN
- Kankakee County, IL
- DuPage County, IL
- Newton County, IN
- Jasper County, IN
- Kendall County, IL
- LaPorte County, IN

NEARBY REGISTERED SEX OFFENDERS



John W Klaczak

Ira Omar White

Christopher Radcliffe

Larry Gentry



- OFFENDER REGISTRATION
- SEX OFFENDER REGISTRATION
- FAQs
- OTHER STATE SOR SITES
- TRANSITIONAL HOUSING
- IMPORTANT LINKS
- CONTACT US

Sex Offender Registry FAQs

What offenses are subject to Sex Offender Registration?

Other Qualifying Criteria for registration:

What is a Sexual Predator?

'Sexual predator' means any person who is convicted of a violation or attempted violation of the following sections of the Criminal Code of 1961, and the conviction occurred after July 1, 1999:

- Keeping a Place of Juvenile Prostitution;
- Juvenile Pimping;
- Exploitation of a Child;
- Child Pornography;
- Aggravated Child Pornography;
- Criminal Sexual Assault, if the victim is under age 12;
- Criminal Sexual Assault, regardless of the victim's age (if convicted on or after January 1, 2006);
- Aggravated Criminal Sexual Assault;
- Predatory Criminal Sexual Assault;
- Aggravated Criminal Sexual Abuse;
- Ritualized Abuse of a Child;
- Sexual misconduct with a person with a disability (if convicted on or after January 1, 2011);
- Kidnapping (if convicted on or after January 1, 2011);
- Aggravated Kidnapping (if convicted on or after January 1, 2011);
- Unlawful Restraint (if convicted on or after January 1, 2011);
- Aggravated Unlawful Restraint (if convicted on or after January 1, 2011);
- Child Abduction (if convicted on or after January 1, 2011);
- Conviction of first degree murder, when the victim was a person under 18 years of age and the defendant was at least 17 years of age at the time of the commission of the offense and the offense was sexually motivated as defined in Section 10 of the Sex Offender Management Board Act;
- Certified as a Sexually Dangerous Person pursuant to the Sexually Dangerous Persons Act or any substantially similar federal, sister state, or foreign country law;
- Found to be Sexually Violent pursuant to the Sexually Violent Commitment Act or any substantially similar federal, sister state, or foreign country law;
- Convicted of a 2nd or subsequent offense, after July 1, 1999 which would require registration pursuant to the Sex Offender Registration Act; or
- A conviction for an offense of federal law, Uniform Code of Military Justice, law of another state or foreign country that is substantially equivalent to any of the these offenses listed above.



Fwd: Klaczak Party - Yahoo Mail

Page 1 of 2

Fwd: Klaczak Party

brianehigginsce.../Sent

B brian higgins <brianehigginsceo@yahoo.com>
To: brianehigginsceo@yahoo.com

Feb 4 at 6:20 PM

Sent from my iPhone

Begin forwarded message:

From: brian higgins <brianehigginsceo@yahoo.com>
Date: January 25, 2021 at 3:36:51 PM EST
To: brianehigginsceo@yahoo.com
Subject: Fwd: Klaczak Party

Sent from my iPhone

Begin forwarded message:

From: brian higgins <brianehigginsceo@yahoo.com>
Date: November 27, 2020 at 11:48:12 PM EST
[REDACTED]
Subject: Klaczak Party

Klaczak booking party for 13-14 y/o boys (20-30) at his house

Begin forwarded message:

From: brian higgins <brianehigginsceo@yahoo.com>
Date: June 21, 2019 at 8:25:13 AM EDT
To: BrianeHigginsceo@yahoo.com
Subject: Fwd: Oct 14th Birthday Party

Sent from my iPhone

Begin forwarded message:

From: [REDACTED]
Date: October 18, 2018 at 3:09:57 PM EDT
To: Brian Higgins <brianehigginsceo@yahoo.com>
Subject: Fwd: Oct 14th Birthday Party

----- Forwarded message -----

From: [REDACTED]
Date: Sat, Oct 13, 2018 at 1:00 PM
Subject: Re: Oct 14th Birthday Party
To: <info@pawpalace.com>

Good morning John,

I'm not sure how to approach this so I'm just going to be frank. One of the mothers of a friend that will be attending apparently found your name on a sex offender list? Is this true?

I'm not sure what the situation is but unfortunately we won't be able to have the party at Paw Palace. True or not true, even the idea has caused friction between the parents and I have to change party location.

I apologize, as you have been very accommodating.

Thank you for your time and again I apologize for the last minute changes but I have to do what is best for the unity of my family and their friends and family.

Regards,
Dawn

Sent from my iPhone



Fwd: Klaczak Party - Yahoo Mail

Page 2 of 2

> On Oct 12, 2018, at 6:05 PM, Info <info@pawprince.com> wrote:

>
> Dawn,
> Can u give me a call please?
> Thanks
> John
> 708-935-5341

> Sent from my iPhone

>> On Oct 11, 2018, at 6:01 PM, [REDACTED]

>>
>> Hi John,
>>
>> My apologies for the late delay. Everything sounds great!
>>
>> Party time: 2pm - 5pm
>>
>> Would you mind if we showed up around 1pm to set-up? There will be 20-25 guests.
>>
>> Let me know if you need a deposit and how much.
>>
>> Thanks a bunch.
>>
>> Regards,
>> Dawn

>> Sent from my iPhone

>>> On Oct 10, 2018, at 7:39 PM, Info <info@pawprince.com> wrote:

>>>
>>> Dawn,
>>> Honestly, I thought you made other arrangements when I haven't heard from you! I am still ok with having the Party here! Can you tell me what times you were thinking? Approximately how many are attending?
>>> We can provide:
>>> 1 - boat
>>> 1 lg tent 20x30, several pop up tents.
>>> Grills
>>> Coolers
>>> DJ equipment
>>> A minimal amount of fishing equipment, I would recommend bringing fishing equipment. Note: catch and release fishing only! Please no minnow night crawlers or wax worms work great!
>>> Lg. Ben Fire
>>> All terrain vehicle/golf cart.
>>> Rescue Dogs to walk and play with!
>>> Let me know how this sounds? I'm thinking cost wise, I would ask \$750.00. I have plenty of tables and chairs.
>>> Please let me know!
>>> Thanks
>>> John

>>> Sent from my iPhone

>>>> On Oct 10, 2018, at 10:10 AM, [REDACTED]

>>>>
>>>> Good morning John,
>>>>
>>>> My apologies for not getting back to you sooner. With regards to the twins birthday party on October 14th, 2018, would you be able to provide us with 3-4 tents & 4 long tables (picnic)? Also, do you provide fishing equipment or should we bring our own? Looking forward to locking this in as I have let time slip away from me a bit. Would you be able to get me a total amount for your services? If you could email me back with prices I will get the necessary deposit to you.
>>>>
>>>> Hope you are having a great day & I look forward to hearing from you.
>>>>
>>>>
>>>> Kind regards,
>>>> Dawn

Follow Up - Yahoo Mail

Page 1 of 1

Follow Up

brianehigginsce.../inbox



Kenneth Unterberg <kunterberg@igchicago.org>
To: brianehigginsceo@yahoo.com <brianehigginsceo@yahoo.com>

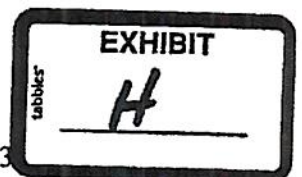
Feb 13, 2019 at 3:37 PM

Brian,

It was a pleasure talking to you. We are all set to meet next Tuesday, February 19, at 1:00pm. Please meet us at our office located at 69 W Washington St., Suite 1420, Chicago, IL. Should you need to reschedule, please feel free to email me or give me a call at (773) 478-8445.

Thank you,

Ken Unterberg
Investigator
Office of Inspector General
City of Chicago
740 N. Sedgwick
Chicago, Illinois 60654
(773) 478-8445



Fw: Complaint - GSSP Enterprises - Yahoo Mail

Page 1 of 1

Fw: Complaint - GSSP Enterprises

brianehigginsce.../Inbox



Thomas Galindo (Inspector General) <thomas.galindo@cookcountyil.gov>
To: bhiggy3@aol.com <bhiggy3@aol.com>,
brian.higgins@worldnet.att.net <brian.higgins@worldnet.att.net>
Cc: brianehigginsceo@yahoo.com <brianehigginsceo@yahoo.com>

Mar 19, 2019 at 3:19 PM

From: Thomas Galindo (Inspector General)
Sent: Tuesday, March 19, 2019 11:13 AM
To: brianehigginsceo@yahoo.com
Subject: Complaint - GSSP Enterprises

Mr. Higgins,

Please contact our office at your earliest convenience to discuss your complaint. Thank you for your assistance and cooperation in this matter.

Regards,

Tom Galindo
Investigator
Office of the Independent Inspector General
69 W. Washington Street, Suite 1160
Chicago, Illinois 60602
Phone: (312) 603-1312
Email: thomas.galindo@cookcountyil.gov





DEPARTMENT OF PROCUREMENT SERVICES
CITY OF CHICAGO

MAY 08 2014

John Klaczak
Allied Services Group, Inc.
14160 S. Western Ave.
Posen, IL 60469

Subject: Transportation of Deceased Persons
Specification Number: 78727
Contract Number: 26150
Modification Number: 90048
Re: 365 Day Time Extension

Dear Mr. Klaczak:

This is to advise you that the City of Chicago elects to extend the above-referenced Contract for 365 days under the same terms and conditions as the original Contract, all in accordance with the provisions in Article 4 Duration of Agreement, Section 4.3 entitled Agreement Extension Option. The extension will be effective September 1, 2014 through August 30, 2015. Your Agreement requires that you notify the City of any changes in ownership. Complete the online Economic Disclosure Statement (EDS) which includes a Disclosure of Retained Parties. Submit an electronically signed, one page EDS Certificate of Filing which validates that the EDS has been filed. Additionally, the Municipal Code of Chicago requires the disclosure of Familial Relationships with Elected City Officials and Department Heads. The web address to submit your EDS and Familial Relationships Disclosure is: <https://webapps.cityofchicago.org/EDSWeb>. Furthermore, transmit a current certificate of insurance naming the City of Chicago as an additional insured as required by your Agreement. Submit these documents within seven (7) calendar days of receipt of this letter.

If you have any questions concerning this matter, contact Larry L. Washington, Procurement Specialist at 312-744-8981, larry.washington@cityofchicago.org.

Sincerely,

Jamie L. Rhee
Chief Procurement Officer

JLR/llw

cc: File (Specification No. 78727)
Monica Jimenez, Department of Procurement Services
Zainab Adjo-Saka, Department of Procurement Services
Jero Medical Equipment Supplies
C & O Auto Rebuilders, Inc.
Taylor Made Industries
Joel Brown

115 NORTH ASHLER STREET ROOM 906 CHICAGO ILLINOIS 60602

BH - 0115

(48,281 unread) - brianhigginsceo@yahoo.com - Yahoo Mail

Page 1 of 1

Screenshot 2021-02-05 at 1.11.29 AM.png

Download





AN IHG HOTEL

3 02-04-21

Brian Higgins United States	Folio No. :	5114	Room No. :	426
	A/R Number :		Arrival :	04-29-19
	Group Code :		Departure :	04-30-19
	Company :	IHG Rewards	Conf. No. :	24113143
	Membership No. :		Rate Code :	IGCOR
	Invoice No. :		Page No. :	1 of 1

Date	Description	Charges	Credits
04-29-19	*Accommodation	109.99	
04-29-19	State Tax	8.25	
04-29-19	City Tax	3.30	
04-29-19	Accommodation Tax	3.30	
04-30-19	MasterCard		124.84
	XXXXXXXXXXXX8181		
	Total	124.84	124.84
	Balance	0.00	

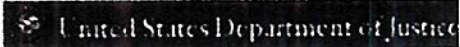
Guest Signature: _____

I have received the goods and / or services in the amount shown herein. I agree that my liability for this bill is not waived and agree to be held personally liable in the event that the indicated person, company, or associate fails to pay for any part or the full amount of these charges. If a credit card charge, I further agree to perform the obligations set forth in the cardholder's agreement with the issuer.

Holiday Inn Express & Suites Dayton Southwest
 2140 S. Edwin C. Moses Blvd
 Dayton, Oh 45417
 Telephone: (937)250-6400 Fax: (937)250-6401

Owned and operated by Ohio Hotels LLC





THE UNITED STATES ATTORNEY'S OFFICE
SOUTHERN DISTRICT *of* OHIO

U.S. Attorneys » Southern District of Ohio » News

Department of Justice

U.S. Attorney's Office

Southern District of Ohio

FOR IMMEDIATE RELEASE

Tuesday, April 30, 2019

**Current City Official, Former Dayton City Commissioner
Among Those Charged With Fraud**

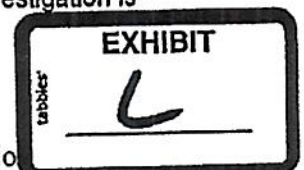
DAYTON – A federal grand jury here has returned indictments against a former Dayton city commissioner, a current city official and two Dayton businessmen, charging them with fraud and public corruption.

The indictments charge:

- **Joey Williams**, former Dayton City Commissioner, with bribery as a government official,
- **Roshawn Winburn**, current Director of Dayton's Minority Business Assistance Center, with wire fraud and public corruption,
- **Clayton Luckie**, businessman, with conspiracy to commit mail and wire fraud,
- **Brian Higgins**, businessman, with wire fraud.

Benjamin C. Glassman, United States Attorney for the Southern District of Ohio; Todd Wickerham, Special Agent in Charge, Federal Bureau of Investigation (FBI), Cincinnati Division, Ohio Attorney General Dave Yost and Ohio Auditor of State Keith Faber announced the indictments.

"The grand jury alleges that Winburn devised a scheme that deprived the people of Dayton of their right to the honest and faithful services of its public officials through bribery and the concealment of material facts and information regarding minority-owned, woman-owned and small disadvantaged businesses," U.S. Attorney Glassman said. He noted that the investigation is continuing.



Williams is charged with soliciting bribes worth more than \$5,000 as a government employee.

Williams served as an elected commissioner of the City of Dayton from 2001 until 2018. In 2015, Williams allegedly accepted a construction project at his personal home by an individual for a greatly reduced price in exchange for influencing the awarding of city contracts to that same individual.

The individual's business was subsequently awarded at least \$150,000 in contracts with both the City of Dayton and CityWide Development Corporation, a non-profit organization that functioned as a development and financing arm of the City of Dayton. CityWide routinely awarded thousands of dollars in contracts to private companies for the demolition of homes in Dayton.

It is alleged that Williams accepted more than \$50,000 in free benefits from the individual, including cash payments and the construction of a patio at his home.

In an attempt to conceal the fraud, Williams allegedly demanded the individual create a fake invoice, falsely reflecting that Williams had personally paid the individual more than \$50,000 for the home improvement project.

The grand jury charged Luckie with devising a fraudulent scheme to take advantage of programs offered by the federal and state governments to help disadvantaged businesses.

Luckie allegedly purported himself as affiliated with and authorized to speak on behalf of a disadvantaged business that provided administrative support services. He allegedly approached the owner of a demolition company in 2016 or early 2017 and offered Luckie's company's certification to help secure a demolition project from the City of Dayton.

He allegedly ordered magnetic signs with his company's name on it to put on the side of trucks belonging to the actual demolition company. He is accused of sending false invoices for thousands of dollars to the City of Dayton.

Higgins is charged with filing a fraudulent insurance claim in connection with water damage to the Meeker Residence, an 8,000 square-foot house in Dayton. It is alleged that Higgins received

Current City Official, Former Dayton City Commissioner Among Those Charged With Fr... Page 3 of 3

more than \$100,000 in insurance claims that he used for his personal benefit rather than to repair water damage that occurred from a 600-gallon fish tank.

Higgins allegedly submitted invoices and repair cost estimates from a construction vendor to the insurance company in order to obtain money. According to the indictment, the vendor documents were false and misrepresented the status of repair work at the Meeker Residence.

U.S. Attorney Glassman commended the investigation of this case by the FBI, Ohio Attorney General's Bureau of Criminal Investigation (BCI) and the Ohio Auditor of State's Office, as well as assistant United States Attorneys Brent Tabacchi, SaMee Harden and Dominick Gerace, who are representing the United States in this case.

Indictments merely contains allegations, and the defendants are presumed innocent unless proven guilty in a court of law.

If you have any information related to the schemes alleged above, please contact the FBI's Dayton Public Corruption Tip Line at 937-291-5222.

###

Topic(s):
Public Corruption

Component(s):
USAO - Ohio, Southern

Contact:
jennifer.thomton@usdoj.gov

Updated April 30, 2019



U. S. Department of Justice
United States Attorney
Southern District of Ohio

Brent G. Tabacchi
Assistant United States Attorney
Phone: (937) 225-2910
Facsimile: (937) 225-2564

602 Federal Building
200 West Second Street
Dayton, OH 45402

January 21, 2021

~~BY: HAND DELIVERY~~

Anthony Cicero, Esq.

Re: Brian Higgins

Dear Mr. Cicero:

You have advised me that your client, Brian Higgins, wishes to meet with the United States Attorney's Office for the Southern District of Ohio ("this Office") for the purpose of making a proffer in connection with the above-referenced matter. This Office is willing to meet with you and your client under the following terms and conditions:

(1) You and your client understand that:

(a) this agreement binds only you, your client, and this Office; it does not bind any other law enforcement or prosecuting authority;

(b) law enforcement personnel will be present at the meeting as invited by this Office;

(c) this agreement is limited to the statements made by your client at meetings to be held on ~~January 21, 2021~~, and does not apply to any statements made by your client at any other time, whether oral, written or recorded;

(d) any information provided by you on behalf of your client is covered by this agreement as if it had been provided by your client;

(e) this agreement does not provide any protections to your client not expressly set forth herein.



(2) Your client will respond truthfully and completely to any and all questions put to your client at the meeting;

(3) Except as otherwise provided in paragraphs four, five, and six herein, in the above-captioned case and in any other prosecution that may be brought against your client by this Office, this Office will not offer in evidence in its case-in-chief during any civil proceeding or criminal prosecution, or offer in evidence in connection with any sentencing proceeding for the purpose of determining an appropriate sentence, any statements made by your client at the meeting;

(4) Notwithstanding paragraph three above, this Office may use:

(a) information derived directly or indirectly from the meeting for the purpose of obtaining and pursuing leads to other evidence, which evidence may be used for any purpose, including any prosecution of your client; and

(b) statements made by you or your client at the meeting and all evidence obtained directly or indirectly from those statements for the purpose of cross-examination should your client testify, or to refute or counter at any stage of any criminal or civil proceedings (including this Office's case-in-chief at trial) any evidence, argument, statement or representation offered by or on behalf of your client in connection with any criminal or civil proceeding.

(5) This Office reserves the right to use any statements or information provided by your client in any prosecution for false statements, obstruction of justice or perjury;

(6) Your client's complete truthfulness and candor are express material conditions to the undertakings of this Office set forth in this letter. Therefore, if this Office should ever conclude that your client has knowingly withheld material information from this Office or otherwise not been completely truthful and candid, this Office may use against your client for any purpose (including sentencing) any statements made or other information provided by your client during the meeting. If this Office so concludes, it will notify you before making any use of such statements or other information.

(7) No plea discussions or negotiations will occur during the meeting, and any statements made by your client during the meeting will not be "plea discussions" or any "related

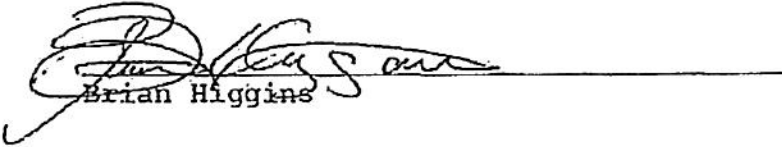
statement" within the meaning of Rule 11(f) of the Federal Rules of Criminal Procedure or statements "made in the course of plea discussions"
within the meaning of Rule 410(4) of the Federal Rules of Evidence.

(8) No understandings, promises, agreements and/or conditions have been entered into with respect to the meeting or with respect to any future disposition of the charges or any civil action pending against your client other than those expressly set forth in this agreement and none will be entered into unless in writing and signed by all parties.

DAVID M. DEVILLERS
United States Attorney

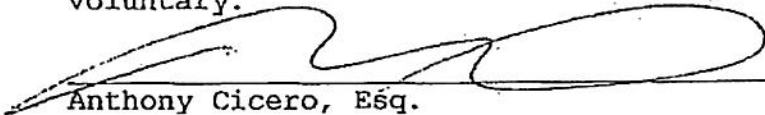

BRENT G. TABACCHI
Assistant United States Attorney

I, Brian Higgins, have read this agreement contained in this letter and carefully reviewed it with my attorney. I understand it, and I voluntarily, knowingly and willfully agree to it without force, threat or coercion. No other promises or inducements have been made to me other than those contained in this letter. I am satisfied with the representation of my attorney in this matter.


Brian Higgins

1-21-20
Date

I am Brian Higgins's attorney. I have carefully reviewed every part of this agreement with my client. To my knowledge, my client's decision to enter into this agreement is informed and voluntary.


Anthony Cicero, Esq.

1-21-20
Date

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UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON

UNITED STATES OF AMERICA,	: Case No.: 3:18CR186TMR
	:
Plaintiff,	: MOTION IN LIMINE NO. 1:
	: EXCLUSION OF IRRELEVANT
vs.	: ARGUMENTS AND EVIDENCE
	:
BRIAN HIGGINS,	:
	:
Defendant.	:

Plaintiff United States of America, by and through its counsel of record, the United States Attorney's Office for the Southern District of Ohio, hereby files this motion in limine to preclude the defense from presenting irrelevant and immaterial arguments and evidence at trial. This motion is based upon the attached memorandum of points and authorities, the files and records in this case, and any further evidence or argument as may be presented at any hearing on this motion.

DATED: January 8, 2020

Respectfully submitted,

DAVID M. DEVILLERS
UNITED STATES ATTORNEY

s/Brent G. Tabacchi
BRENT G. TABACCHI (6276029 IL)
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MEMORANDUM OF POINTS AND AUTHORITIES

I.

INTRODUCTION

The United States seeks a pretrial order, precluding defendant Brian Higgins from presenting certain irrelevant and immaterial evidence or arguments to the jury at trial. Throughout this matter, Mr. Higgins has submitted documents to the Court and raised in correspondence a series of claims unconnected to the merits of the mail fraud and witness tampering charges pending against him.

The issues irrelevant to his case have included: (1) information that he claims to possess concerning politicians in Chicago awarding a contract to a convicted sex offender, which he variously has styled as "Code of Silence", "What About the Children", or "Save the Children"; (2) his efforts to compel law enforcement in Dayton to secure a proffer for him with FBI agents in Chicago concerning "Code of Silence"; (3) the penalties affixed to his charge; (4) the number of days that have passed from his arrest to his trial date; (5) circumstances surrounding his arrest at the FBI in spring 2019; and (6) disparaging, personal attacks on members of the prosecution team. None of these matters prove relevant to any issue in this case within the meaning of Federal Rule of Evidence 401 ("Rule

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401"). Moreover, even if arguably material, these issues are excludable under Federal Rule of Evidence 403; whatever de minimis probative value they may have is substantially outweighed by the risk of unfair prejudice, confusing the issues, misleading the jury, and wasting time. Higgins therefore should be barred from raising each of these matters at trial through argument or evidence.

II.

BACKGROUND

A. The Mail Fraud Allegations

Through a series of indictments, a federal grand jury has charged Mr. Higgins with mail fraud and witness tampering. See R. 57, Second Superseding Indictment. In general terms, the most recent charging instrument alleges that, during 2014 and 2015, Mr. Higgins lived at, and held a property interest in a home at 7240 Meeker Creek, Dayton, Ohio ("Meeker Residence"). See *id.* ¶ 5a. The property was in financial distress with its mortgage holder. See *id.* Mr. Higgins had not made a mortgage payment on the home in years; the house additionally had thousands of dollars in liens on it. See *id.* The home effectively was "upside down". To protect its interest in the property, the mortgage company placed forced insurance on the Meeker Residence. See *id.* ¶ 5b.

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During mid-2014, Mr. Higgins filed a claim on the insurance policy, alleging that a large fish tank had leaked at the residence and caused thousands of dollars in damages to the property. *See id.* ¶ 5c. The indictment alleges that, rather than using the insurance money to repair the Meeker Residence as both the mortgage and insurance companies expected, Mr. Higgins improperly diverted substantial portions of these insurance funds for improper purposes, including to fund the opening of a new restaurant, to gamble at a casino, and to travel during 2014 and 2015. *See id.* ¶¶ 5e - 5k. The charging instrument further explained that Mr. Higgins took affirmative steps, as well as omitted material facts, to conceal these fraudulent activities from the mortgage and insurance companies.¹ *See id.*

B. Mr. Higgin's Arrest

In or around December 2018, a federal grand jury returned an under-seal indictment against Mr. Higgins concerning the above-described activities. (R. 5, Indictment). The Court issued an arrest warrant for Mr. Higgins at that time. (R. 9, Arrest Warrant dated 12/13/18 at 23).

During April 2019, while the arrest warrant was outstanding, Mr. Higgins cold-called the Federal Bureau of

¹ The indictment also alleges that Mr. Higgins attempted to tamper with and retaliate against, witnesses in this case. *See* R. 57, Second Superseding Indictment).

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Investigation in Dayton, Ohio, and indicated that he wished to provide information to it concerning alleged public corruption in Chicago, Illinois. See Ex. A, Higgins 1/5/2021 Letter to Tamara Sack. Knowing the existence of the outstanding warrant, FBI requested that Mr. Higgins come to its offices ostensibly to discuss his allegations; in reality, the agency intended to arrest him at its facility, eliminating the need to locate him. See *id.*

On April 30, 2019, Mr. Higgins arrived at the FBI in Centerville, Ohio, with an attorney. Agents proceeded to arrest Mr. Higgins on the outstanding warrant. They did not either question him or obtain any statements from him at that time. Nor did they collect any physical evidence from Mr. Higgins. In sum, the arrest on the outstanding warrant occurred years after the conduct alleged in the indictment and yielded no evidence that the United States intends to introduce at trial. Despite that, Mr. Higgins has fixated on his arrest - apparently linking it to what he terms "Code of Silence" (discussed below) and expressing displeasure that he was not arrested at his personal residence.² See *id.*

² Mr. Higgins oddly has complained that other "related" defendants were arrested at their homes. Assuming that Mr. Higgins was referencing, among others, RoShawn Wiburn, Joey Williams, Steve Rauch, or Joyce Cameron, none were arrested at their personal residence.

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C. Mr. Higgin's Repeated References to "Code of Silence", "What About the Children" and the "CHILDREN"

Since his arrest, through documents filed with the Court and correspondence to the United States and various government agencies and officials, Mr. Higgins repeatedly has fixated on what he variously has termed "Code of Silence", "What About the Children" and the "CHILDREN" (collectively "Code of Silence"). See, e.g., Ex. A, Higgins 1/5/2021 Letter to Tamara Sack; Ex. B, Higgins 1/6/2021 Letter to Brent Tabacchi; Ex. C., Higgins 12/30/2020 Email to Tamara Sack (entitled "The Children" and indicating that he "will be forced to talk about the CHILDREN") (emphasis in original); R. 59-1, Higgins 12/28/20 Letter to Tamara Sack. Although his description of "Code of Silence" morphs, the gravamen of his allegations center on a contract that he claims the City of Chicago (and specifically now-indicted Alderman Edward Burke) awarded to businesses in the late 2000s or early 2010's apparently as a result of bribery; Mr. Higgins alleges that a former Thornton, Illinois, firefighter and convicted sex offender named John Klaczak was affiliated with one of the companies that received this contract.³ Mr. Klaczak's criminal activity was well-documented

³ Notably, based on publicly available information as well as a video on a website that he has repeatedly referenced, it appears that Mr. Higgins (or a company that he owned) at one time held the contract that he claims the City of Chicago improperly awarded to this individual over a decade ago in a different

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and received extensive attention in the mid-2000s to early 2010s. See, e.g., *Wragg v. Village of Thornton et al.*, 604 F.3d 464 (7th Cir. 2010) (detailing the section 1983 action filed by one of Klaczak's victims and the events giving rise to it). Based on his own statements, over the last decade, Mr. Higgins already has made these allegations public by, among other things: filing a civil action in Chicago concerning this matter, see Ex. A, Higgins 1/5/2021 Letter to Tamara Sack (explaining and attaching qui tam lawsuit that he filed against Klaczak and others, of which the Illinois Attorney General was aware and moved to dismiss); sending correspondence to various law enforcement and public figures concerning his claims; and maintaining a website detailing his allegations. See generally Exs. A - C.

Through his communications, Mr. Higgins now amorphously attempts to link these allegations of corruption in Chicago to a claim that he wishes to help the "CHILDREN". Hinting that he has information concerning, at a minimum, a victim of Klaczak's past sexual abuse, he has demanded that law enforcement in Dayton arrange a meeting with authorities in Chicago to discuss the matter. For instance, in correspondence, Mr. Higgins referenced by name one of the now-adult victims from Klaczak's

jurisdiction.

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mid-2000 conviction and tacitly questioned why the United States would not tell this person's story. See Ex. C, Higgins 12/30/2020 Email to Tamara Sack (entitled "The Children" and referencing one of Klaczak's victims). Notably, as detailed in published federal cases from the 2010s, law enforcement in the Chicago area has known the identity of this victim for over a decade, and his harrowing story previously has been made public; Klaczak, in fact, was convicted for his actions against this individual. See, e.g., *Wragg v. Village of Thornton et al.*, 604 F.3d 464 (7th Cir. 2010). Mr. Higgins has threatened to hire a "publicist" to generate negative coverage of what he falsely characterizes as government inaction concerning the already well known story of this victim; Mr. Higgins offered to refrain from doing so if the United States agreed to dismiss his case. Ex. C., Higgins 12/30/2020 Email to Tamara Sack (entitled "The Children" and indicating that his "final offer stands").

Whenever Mr. Higgins has been pressed concerning how these claims relate to the charges against him, he largely repeats a mantra that he wants to help the children. He has provided no explanation how these claims -- which relate to temporally and geographically distant events -- connect to his case.⁴

⁴ Mr. Higgins has now started referencing random meetings that he had with a priest in Chicago concerning Code of Silence and allegations directed now at that priest concerning child abuse. See Ex. B, Brian Higgins 1/6/2021 Letter to Brent Tabacchi.

D. Mr. Higgins' Raises Additional Irrelevant Matters

At various proceedings and through his correspondence, Mr. Higgins has raised a series of matters that prove irrelevant before a jury. He variously has emphasized: (1) the statutory penalties affixed to the charges against him; (2) the number of days that he has been pending trial - all based on continuances that he requested and to which he agreed; and (3) the unidentified members of the government and media were watching this case. He has further engaged in ad hominem attacks on the prosecution team, contending, for instance, that they have engaged in a coverup of the "Code of Silence".

III.

ARGUMENT

A. General Principles

"The accused does not have an unfettered right to offer testimony [or argument] that is incompetent, privileged, or otherwise inadmissible under standard rules of evidence." *Taylor v. Illinois*, 484 U.S. 400, 410 (1988). A "defendant's right to present a defense [therefore] is not absolute[;]"

This new "disclosure" shares a common theme with all of Mr. Higgins alleged information. It concerns reports from another state about which he generally has no personal knowledge; rather, he collects and attempts to repackage as "secret" intel what, in reality, is long-known or otherwise publicly available reporting and media accounts concerning instances of alleged child abuse in Illinois - not Ohio.

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criminal defendants do not have a right to present evidence [or argument] that . . . [is] irrelevant or immaterial." *United States v. Humprey*, 608 F.3d 955, 962 n.3 (6th Cir. 2010); see also *United States v. Buendia*, 907 F.3d 399, 402 (6th Cir. 2018) (district court properly excluded evidence that defendant used ill-gotten funds to benefit others).

Any evidence or argument that he wishes to tender to the jury must comport with Federal Rules of Evidence 401 and 402; it must make a fact of consequence in determining the action more or less probable than without its admission. See Fed. R. Evid. 401; see also Fed. R. Evid. 402 ("Irrelevant evidence is not admissible"); *Buendia*, 907 F.3d at 402 (evidence is irrelevant and therefore excludable where it "made no fact of consequence more or less probable"). Typically, relevant evidence has some logical connection - whether temporal or spatial - to the charges against a defendant. See *United States v. Ozuna*, 561 F.3d 728, 738 (7th Cir. 2009) (excluding as irrelevant allegations of agent misconduct as they had no connection to charges against defendant that arose from a temporally distinct incident involving a different agent); *United States v. Hamid*, 143 Fed. Appx. 683, 686-87 (6th Cir. 2005) (irrelevant whether co-defendant was an informant and received favorable treatment from government as it had no bearing on defendant's guilt or innocence); cf. *Tompkins v. Philip Morris USA, Inc.*, 362 F.3d

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882, 900-01 (6th Cir. 2004) (discussing necessity of temporal link between evidence and point to be proven for it to be relevant).

Even if a piece of evidence proves relevant, it nevertheless must be admissible under Federal Rule of Evidence 403. Under that provision, a court should exclude otherwise relevant material if "its probative value is substantially outweighed by a danger of one or more of the following: unfair prejudice, confusing the issues, misleading the jury, undue delay, [or] wasting time." Fed. R. Evid. 403. Unfair prejudice arises when evidence "tends to suggest decision on an improper basis." *United States v. Schrock*, 855 F.3d 327, 335 (6th Cir. 1988). While this rule favors admissibility, it compels the exclusion of evidence when its de minimus value is eclipsed by the risk that it will cause a jury to act on a basis other than a defendant's guilt or innocence. *See United States v. Perez*, 86 F.3d 735, 736 (7th Cir. 1996) ("The defendant has no right to invite the jury to act lawlessly").

B. Mr. Higgins' Should Be Barred from Presenting Evidence or Argument Concerning his "Code of Silence" Allegations as They Are Inadmissible at Trial

Although Mr. Higgins has spent considerable time sending correspondence and submitting documents concerning what he has termed "Code of Silence", these matters are inadmissible under Rules 401 and 403. His allegations of corruption in Chicago

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over a decade ago or his purported knowledge concerning Klaczac's offenses against minors have no connection to his guilt or innocence in this case. These claims are irrelevant to whether he engaged in mail fraud or witness tampering and, in any event, create a substantial risk of confusing the issues and misleading the jury even if they had some as-yet-explained nexus to this case.

The charges contained in the indictment bear no temporal, geographic, or substantive connection to his allegations regarding what he has named "Code of Silence." The grand jury has returned an indictment, alleging that Mr. Higgins engaged in mail fraud in Dayton, Ohio during 2014 and 2015. It further concluded that, after the return of the original charges and production of discovery to him, he engaged in efforts during 2020 to retaliate against witnesses through filings in Ohio state court.

Mr. Higgins' contention that officials in Illinois improperly awarded a Chicago-city contract over a decade ago to a registered sex offender in that state has no relevance to the charges in this case. His claims that he has information that will help the "CHILDREN" -- including a long-identified victim of this sex offender -- has no impact on his guilt or innocence of fraud and witness tampering. These matters have no bearing -- temporally, geographically, or substantively -- on his conduct

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in Dayton, Ohio concerning an insurance claim in 2014-2015 and subsequent alleged efforts to tamper with witnesses in 2020. That plain fact renders irrelevant his decade-old information concerning alleged corruption and purported activities of sex offenders in another state. It makes no fact germane to the charges against him more or less likely. He should therefore be barred from presenting any evidence or argument concerning "Code of Silence" to the jury.

Even if these matters have some-as-yet-to-identified relevance to the charges against him, their de minimus probative value would be substantially outweighed by unfair prejudice, confusing the issues, misleading the jury, and wasting time. Mr. Higgins allegations are squarely designed to distract from his charged criminal conduct - the subject of this case - and to generate a visceral response from the jury unmoored from his guilt or innocence of fraud and witnesses tampering. Indeed, his own writings seem to acknowledge that his statements are designed to create a subterfuge diverting attention from the charges against him. Rule 403 prohibits such efforts, and his attempts to invoke "Code of Silence" before a jury should be prohibited.

C. Mr. Higgins Should Be Barred from Presenting Evidence or Argument at Trial Concerning Not Only His Efforts to Provide Information/Cooperate with Law Enforcement Concerning "Code of Silence" but also the United States' Response to Those Overtures

Mr. Higgins should be barred from presenting evidence or arguments to the jury concerning his efforts to compel law enforcement in Dayton to arrange a proffer with the FBI in Chicago concerning his allegations related to "Code of Silence". Nor should he be permitted to characterize as a "coverup" law enforcement's declination to do so. These allegations are irrelevant to whether he engaged in mail fraud or witness tampering and, in any event, create a substantial risk of confusing the issues and misleading the jury.

First, for the reasons largely described above, Mr. Higgins' attempts to cooperate or provide information to law enforcement concerning "Code of Silence" is irrelevant to this case. Indeed, his efforts to disclose to law enforcement in Dayton, Ohio, dated information concerning crimes over which they have no jurisdiction or venue is doubly irrelevant. They simply shed no light on whether he committed the crimes alleged in the indictment against him. Law enforcement's decision to meet or not meet with an individual equally lacks import concerning whether he has committed the crimes with which he is charged. Accordingly, Mr. Higgins' efforts to disclose alleged

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information concerning other criminal activity and law enforcement's reactions thereto are irrelevant under Rule 401.

Second, any such claims are inherently misleading, create a risk of confusing the issues, and will waste time. Mr. Higgins' assertions improperly suggest that a defendant has the right to meet with law enforcement for the purpose of disclosing purported crimes. However, it is well-settled that a defendant has "no constitutional right to cooperate with" law enforcement. See *Nyhuis v. Kildow*, 19 F.3d 19 (Table), 1994 WL 84922, at *1 (6th Cir. 1994); *United States v. Vargas*, 935 F.2d 1260, 1263 (10th Cir. 1991) (defendant has no absolute right to cooperate); *United States v. Jacobs*, 914 F. Supp. 41, 43 (E.D.N.Y. 1995) ("The defendant has no absolute right to cooperate or offer to cooperate"); cf. *Boss v. United States*, 2007 WL 1875064, at *2 (W.D. Mich. June 28, 2007) (no constitutional right to cooperate). His efforts to suggest that law enforcement has an obligation to meet with him creates a false impression that authorities in Chicago and Dayton have acted improperly in declining his overtures; this is the exact type of evidence that Rule 403 seeks to bar.

For similar reasons, he should be precluded from characterizing his inability to obtain a meeting with law enforcement in Chicago as a "cover up." It once more improperly suggests that law enforcement has an obligation to meet with any

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individual who makes random allegations of criminal activity - regardless of the age and reliability of the claims or an agency's jurisdiction over them. (As noted above, his allegations concern matters over which neither courts nor law enforcement in Dayton have jurisdiction; neither can compel agencies that might have authority over such matters to meet with him). In short, these allegations represent nothing more than an improper effort by Mr. Higgins to distract from the substance of the criminal allegations against him. Accordingly, he should be barred from raising at trial claims that he attempted to apprise law enforcement concerning "Code of Silence" as well as the United States' response to those overtures.⁵

⁵ Moreover, if Mr. Higgins were permitted to raise these issues, it would create a trial within a trial - one wholly disconnected from the charges against him. The United States would have to explain that Mr. Higgins is not making new claims; through his own correspondence, he tacitly concedes that he previously has raised these allegations in public filings and letters to other government officials over the past decade; that he keeps representing these matters suggests that no one has deemed them credible. He hints at having information only known to him, but then reveals in correspondence information that he appears to have gleaned from public information, not personal knowledge. He has in this case been found in contempt, been alleged to have committed new crimes while on bond and made spurious allegations in court.

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D. The Circumstances of Mr. Higgins' Arrest are Irrelevant and Immaterial to His Case

Mr. Higgins repeatedly invokes the circumstances surrounding his arrest, again suggesting that they were somehow linked to "Code of Silence." However, his arrest and the circumstances surrounding it - all of which occurred several years after the conduct giving rise to the indictment - are irrelevant under Rule 401. See *United States v. Kellar*, 394 Fed. Appx. 158 (5th Cir. 2010) (circumstances of arrest irrelevant to income evasion charges).

In certain situations, the circumstances of an arrest may prove relevant at trial. For instance, if police obtain incriminating statements from a defendant at the time of his arrest or obtain items of evidentiary value from him when executing an arrest warrant, this event might be germane to the criminal charges against him. See, e.g., *United States v. Ruiz-Chavez*, 612 F.3d 983, 987 (8th Cir. 2010) (cash and firearm recovered at time of arrest relevant to drug conspiracy charges). Mr. Higgins' arrest raises no such issues.

Here, the FBI arrested Mr. Higgins at its offices several years after the events giving rise to the fraud charges. It gathered no items of evidentiary value from him at his arrest. It obtained no statements that the United States intends to

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introduce at trial. The circumstances of his arrest therefore provide no insight concerning his intent to defraud (or lack thereof) when he submitted his insurance claim several years earlier.

The Fifth Circuit's decision in *United States v. Kellar*, 394 Fed. Appx. 158 (5th Cir. 2010), is instructive. Charged with income tax violations between 2001 and 2008, the defendant sought to admit evidence at trial concerning the circumstances of her arrest by federal agents in 2008. See *id.* at 162. Specifically, according to the defendant, in executing her arrest warrant, agents "kicked in the door" to her home, "dragged her", refused to let her use the restroom unaccompanied, and allegedly touched her in an "inappropriate manner." *Id.* at 161. When she attempted to testify concerning the circumstances of her arrest at trial, the United States objected that the matter was irrelevant under Rule 401, and the district court agreed. In affirming the exclusion of the arrest evidence, the Fifth Circuit observed that the event had "no bearing on whether she willfully failed to pay her income taxes." *Id.* at 162. The court further noted that her arrest occurred after her indictment, and it therefore had no nexus to her state of mind at the time of the alleged offense. See *id.*

Like *Kellar*, the circumstances of Mr. Higgins' arrest have no bearing on the allegations against him in the indictment.

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That event makes no more or less likely that he had an intent to defraud his mortgage company and insurer. Predating his alleged efforts to tamper with witnesses, his arrest provides no insight on his intent in filing a civil action against individuals who provided information against him. The circumstances of his arrest are wholly irrelevant to this case and should be excluded. See *Kellar*, 394 Fed. Appx. at 164 (circumstances of arrest irrelevant under Rule 401).

To be sure, Mr. Higgins has emphasized that agents lured him to FBI offices on a ruse. However, "[t]here is no constitutional mandate forbidding the use of deception in executing a valid arrest warrant." *United States v. Michaud*, 268 F.3d 728, 733 (9th Cir. 2001) (proper for agents to engage in trickery to arrest someone); see also *United States v. Alejandro*, 368 F.3d 130, 137-38 (2d Cir. 2004) ("There is no constitutional mandate forbidding the use of deception in executing a valid arrest warrant"). To permit him to raise his arrest merely to present evidence of this entirely proper ruse would confuse the issues, mislead the jury and waste time. It therefore inadmissible under Rule 403.

E. Mr. Higgins Should Be Prohibited from Disclosing the Statutory Penalties to the Jury

Mr. Higgins has repeatedly taken issue with the statutory penalties attached to the charges against him. However, those

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penalties are irrelevant to a determination of his guilt, and therefore he should be prohibited from discussing them at trial.

"It is axiomatic that it is the exclusive function of juries to determine whether defendants are guilty or not guilty, [It] has no concern with the consequences of a verdict, either in the sentence, if any, or the nature or extent of it." *United States v. Davidson*, 367 F.2d 60, 63 (6th Cir. 1966). The Sixth Circuit Pattern Jury Instructions confirm this rule, advising: "Deciding what the punishment should be is [the] job [of the Court,] not [the jury.] It would violate [the jurors'] oaths . . . to even consider the possible punishment in deciding [their] verdict." Sixth Circuit Pattern Jury Instruction 8.05.

Given that jurors should base their verdict upon the evidence against an individual -- not the potential punishment that he confronts -- courts should foreclose a defendant from disclosing to a jury the potential penalties that he faces if convicted. *United States v. Bilderbeck*, 163 F.3d 971, 978 (6th Cir. 1999) (district court properly granted motion in limine limiting cross examination concerning potential penalties). Because this matter is irrelevant and creates a substantial risk of unfair prejudice as well as confusion of the issues, the Court should bar Mr. Higgins from disclosing to the jury. See *Bilderbeck*, 163 F.3d at 978.

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F. Mr. Higgins Should Be Barred From Raising the Delay Between His Arrest and Trial

Mr. Higgins has repeatedly emphasized the number of days that have transpired between his arrest and trial date. That fact has no bearing on his guilt or innocence; it provides no information that impacts any material matter in the case. It is there irrelevant. Alternatively, such claims therefore appear intended to mislead; Mr. Higgins and his counsel have sought and received multiple continuances in this matter. He cannot now complain to the jury concerning time for which he asked.

G. Mr. Higgins Should Be Barred from Making Personal, Ad Hominem Statements Concerning Members of the Prosecution

A defendant - whether through testimony or serving as his own counsel - cannot make "personal attacks on the prosecutor" before a jury. *United States v. Young*, 470 U.S. 1, 8 (1983). Because a "criminal trial does not unfold like a play with actors following a script", "unfounded and inflammatory attacks on opposing advocate" have no place in such proceedings. *Id.* Expressing his "negative feelings about [the legal team] and the criminal justice system ha[s] nothing to do with any the facts needed to convict him." *United States v. Evans*, 908 F.3d 346, 354-55 (10th Cir. 2018) (court properly precluded defendant from making statements to jury complaining about the criminal justice system, counsel at trial, or the court). Accordingly, Mr. Higgins should similarly be barred from making such statements.

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was served on defendant's counsel this 8th day of January 2021 via the Court's ECF System.

s/Brent G. Tabacchi
BRENT G. TABACCHI
Assistant United States Attorney

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January 5, 2021

Ms Tamara Sack, Esq.
130 West Second Street # 310
Dayton, Ohio 45402

Tamara -

In the words of Saint Thomas Aquinas, there are two types of laws, just and unjust. "An unjust law is a human law that is not rooted in eternal law and natural law."

The Government has gone on the record as stating that the FBI (Chicago) have no interest in listening to crimes against the CHILDREN. In fact the Government is quoted as saying that, "I have no right to meet with the FBI or any other law enforcement agency." When is a moral obligation, a right? Am I not an American? Are we not to do right when we see wrong? What we have is the Government in on the Code of Silence. SEE 12/15/20 RECORDING

What I find interesting, is that this is similar to what the former Illinois Attorney General Lisa Madigan wrote in her request for dismissal to my 2017 Qui Tan complaint against public corruption in Chicago. The Illinois Attorney General in that case, based her decision for the dismissal in my complaint as to the "uphill battle" I would have. After seeing no alternative to protect the CHILDREN and to report public corruption, I went to the FBI on April 10, 2019 and again on April 30, 2019 for a "second interview." The misstep the FBI made was when they forgot to "interview" me. In order to recover from such an elementary misjudgment, they created a sham "meeting" on January 21, 2020 where the Government/AUSA forged my signature on an alleged "proffer." SEE 2017 QUI TAN DISMISSAL RESPONSE SEE SA GRAGAN 302's SEE JANUARY 21, 2021 PROFFER

It was in this "meeting" that I was asked to wear a wire on a sexual predator as well as, testify against the former powerful Chicago Alderman Edward Burke (not noted in SA Freeman/Keemple 302). I was assured of a meeting within two weeks. Now it is the Government's position that "I have no right to meet with the FBI or any law enforcement." This is probably the most factual statement that has come from the Government. In fact the Government attempted intimidation (superseding indictment) to get me to plea to any crime that is acceptable, I refused. Also in the recorded meeting, Mr. Tabacchi was adamant that I had alleged in my civil complaint that the Confidential Human Source stole "forty one thousand dollars." This is not factual. It truly appears as though the Government/AUSA are not only protecting the Code of Silence, they do not possess the facts of this case. SEE 12/15/20 RECORDING (10:20/12:07 min) SEE FLOW CHART SEE INITIAL CIVIL COMPLAINT SEE CIVIL AMENDED COMPLAINT

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When I refused to take the "midnight offer" of pleading to an offense that is "acceptable to me," the Government levied yet additional charges of witness tampering and wire fraud. In fact, the Government wishes to theorize that I for some reason wish to intimidate the Confidential Human Source(s) in my case from testifying against me. Nothing could be farther from the truth. In fact, I wish to confront my accusers in a court of law (including the rogue AUSA) and have a jury of my peers decide my guilt. SEE SACK 12/16/20 EMAIL

Theodore Roosevelt was quoted, "There should be relentless exposure of and attack upon every evil man, whether politician or businessman, every evil practice, whether in politics, business or social life. I have a moral obligation to report and defy any unjust law; therefore, I will continue my mission of exposing the Government and all parties that are in on the Code of Silence.

It is for these reasons that I must continue to muckrake for the CHILDREN. SEE ESRATI AFFIDAVIT SEE HIGGINS AFFIDAVIT

Respectfully,

Brian

www.whataboutthechildrenrahm.com

P.S. The satire of this whitewash, is that one of the "priorities" of the FBI are to "combat public corruption at all levels."

cc: U.S. Senator Sharrrod Brown
VIA FedEx
U.S. Congressman Michael Turner
VIA FedEx

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Brent -

As an American, watching what is unfolding before my eyes, I feel compelled to write you a note. As tragic as today's events are, I see the foreshadowing of what is to come, and the world is watching. When the Code of Silence is revealed, it will expose the Government and the protection of sexual predators.

As you are aware, Father Pfleger is on the "memory board." Two years ago, I went to Father Pfleger's office to report crimes against the children. Yesterday, Father Pfleger was removed from St. Sabina parish on allegations of sex crimes against children. SEE FATHER PFLEGER VISIT SEE 1/5/21 FATHER PFLEGER

When the world realizes that the United States Government has no interest for the children (human trafficking), I predict you will be assigned to the USAO-AK office, if you don't lose your license first. I will extend the offer of sitting down with you one final time (by Friday January 8, 2021) as this country is in peril and there will be no recovery.

Brian

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Tabacchi, Brent (USAOHS)

From: brian higgins [REDACTED]
Sent: Wednesday, December 30, 2020 7:13 PM
To: Tamara Sack; Code of Silence
Cc: Tabacchi, Brent (USAOHS); DeVillers, David (CRM); Ellis, Corey (USAEO); Division, Criminal (CRM); marie [REDACTED]
Subject: The Children

Tamara -

In the words of Sir Walter Scott... "Oh, what a tangled web we weave, when first we practice to deceive." It appears that the Government's (Mr. Tabacchi's) motion(s) are attracting more eyes on this case. Things are moving faster than predicted. The end is imminent, we will be forced to talk about the CHILDREN. My final offer stands, very soon this case will take on a life of its own.

I will continue to pray for all involved, this doesn't seem to have a good ending. Stephen Wragg Jr is ready to tell his truth as we are securing a publicist for the world to see what the Government (Mr. Tabacchi) thinks of the CHILDREN.

Respectfully,

Brian

www.whataboutthechildrenrahm.com

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WHITE HOUSE

Biden administration eyes Rahm Emanuel for ambassadorship

China and Japan are among the diplomatic posts the well-known Democrat could be chosen for.



— Rahm Emanuel, then the mayor of Chicago, speaks at the Navy Pier Ballroom in Chicago on Sept. 20, 2018. Matthew Stockman / Getty Images for The Laver Cup file

Feb. 1, 2021, 9:41 PM EST

<https://www.nbcnews.com/politics/white-house/biden-administration-eyes-rahm-emanuel>



By Josh Lederman and Carol E. Lee

WASHINGTON – President Joe Biden is considering former Chicago Mayor Rahm Emanuel for a high-profile ambassadorship, potentially to China, three people with knowledge of the discussions said.

Becoming the U.S. ambassador to Japan is another option that Biden administration officials have discussed with Emanuel, one of the people with knowledge of the discussions said.

Emanuel, who became White House chief of staff when Barack Obama took office as president, has a reputation as a sharp-tongued political street fighter. He has clashed at times with progressive Democrats.

He is also a well-known figure in Democratic politics who would bring notoriety to an ambassadorship. Biden is considering him for a key diplomatic position as administration officials look to fill dozens of vacancies in capitals across the world, with decisions expected in coming weeks.

There is precedent for selecting boldface-name political figures to represent the U.S. in both Beijing and Tokyo. Obama selected Utah Gov. Jon Huntsman, a Republican, as ambassador to China – a move Emanuel played a role in as White House chief of staff. Long-serving former Sen. Max Baucus, D-Mont., also filled the role in Beijing during Obama's second term, and he was succeeded by former Iowa Gov. Terry Branstad during the Trump administration.

Japan – a U.S. ally – has come to appreciate, and even expect, a flashy name as its ambassador, seeing it as a sign of the importance an American president places on the relationship. Caroline Kennedy served in the role during Obama's first term, for instance. Former Vice President Walter Mondale was U.S. ambassador to Japan during the Clinton administration, and former Senate Republican leader Howard Baker of Tennessee was in Tokyo during President George W. Bush's administration.

Another person familiar with the discussions said Emanuel's name had also been floated internally for U.S. ambassador to Israel. But, this person said, the idea was deemed unworkable because of Emanuel's notoriously rocky relationship with Israeli Prime Minister Benjamin Netanyahu, dating to his time as Obama's chief of staff.

Recommended



WHITE HOUSE

Defense Department sending 1,000 troops to assist with vaccinations



DATA GRAPHICS

Biden promised 150M shots in his first 100 days. Track the progress.

Emanuel and the White House didn't comment. A State Department spokesman didn't respond to a request for comment.

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Emanuel was a Democratic member of Congress when Obama named him chief of staff in 2009. He left the White House to run for mayor of Chicago in 2011 and served in the role until 2019 after having decided not to seek a third term. He was reported to have been considered by the Biden team to be transportation secretary but ultimately wasn't nominated for a Cabinet post.

It's unclear how some Democrats might react to Emanuel's getting a critical ambassadorship. Often, such roles go to key political allies and fundraisers or to experts in a particular country or region.



Josh Lederman



Josh Lederman is a national political reporter for NBC News.



Carol E. Lee



Carol E. Lee is an NBC News correspondent.

Miscarriage of Justice

While incarcerated in the Bureau of Prison (BOP) federal facility in Florence, Colorado, one can not help but to think of Dr. Martin Luther King and his Letter from Birmingham Jail. To fully understand how one takes a journey through the magical gates of the BOP, we must go back to the summer of 2004.

On June 1, 2004, my company (forensic livery service) was tasked with the sensitive duty of Transportation of Deceased Persons for the City of Chicago (City) Department of Police (CPD). This work had previously been performed by CPD's famed 'Wagon Unit,' a controversial unit that transported the deceased to the Cook County Medical Examiner's Office as well as individuals in CPD custody. After the heatwave of 1995, the Fraternal Order of Police (FOP) took the City to federal court, arguing that it was not in their contract to transport deceased individuals. Ultimately, the FOP won and a federal court ruled that the City had to pay out of grade pay (millions of dollars annually) to the rank and file for every deceased transport made within their respected shifts.

We along with the City and CPD agreed to phase in our services (pilot program) to ensure a smooth transition to all 25 of CPD's districts that we would be responsible for. In the beginning, things were a little challenging as an outside firm (Dayton, Ohio) coming into a city known for political graft and abuse. To add to the growing pains, the City had grossly miscalculated the number of deceased transports (contract was based on a per body fee agreement) which made it fiscally difficult to perform our duties as we had over a million dollar shortfall in funding. Negotiations with the City to address this gap were very slow moving as the City had other "priorities" (Millenium Park) and Bossman Daley's never ending battles with a divided city counsel. In 2006, after several hard negotiations and rebids, a sucessful agreement had been hammered out. The City along with CPD would adequately fund this vital social service- (5 year 15 million dollar contract) to ensure the success of the program.

Enter Alderman EDWARD BURKE. Arguably the most powerful elected official in the City, BURKE wielded extreme power as the Chairman of the City's Finance Committee. BURKE is also the longest serving elected official in the history of Chicago, who just happens to be the husband of Illinois Supreme Court Chief Justice Anne Burke.



In 2007, BURKE began to "take interest" in the Transportation of Deceased Persons contract. BURKE's meddling began as accusations of inflated pricing as it related to the amount the City was paying for our services. He argued that there were other cities throughout the country that paid less than Chicago and demanded that council hearings be held to "study" the cost that the City was paying. It was at the same time, I was informed by a high ranking CPD official that if I wanted to keep my contract, I was going to have to see BURKE as he held the keys to my future with the City of Chicago.

I went to the City Hall offices of Ald. BURKE to pay him a visit. After waiting over an hour, I was given a post it note by an aid that stated "100K" and had the name and number of someone named "Peter-" I ultimately turned the note over to the City's Inspector General (JOSEPH FERGUSON) Office as requested by DAVID HOFFMAN. It was apparent that this was the amount demanded if I had a desire to maintain my relationship with the City.

Ultimately, I declined BURKE's offer (you pay once, you pay forever). Soon, I would learn that the ring of BURKE (kissing of his pinky ring that he often wears on his left hand) was more powerful than the occupant of the 5th Floor (Mayor's Office) and that my days in the Windy City would be numbered. Soon, the City began to pressure me to renegotiate my pricing with CPD. After some concessions in the scope of service, a new fee was negotiated through the Department of Procurement Services (DPS). It was also at that time that CPD released over 500K in monies for services previously performed but not paid by the City.

For the first several months of the renegotiated contract, things appeared to be quiet. All monthly meetings at CPD Headquarters with representatives from all 25 district commands had 'excellent' reviews for performance.

In 2008, BURKE's hammer reappeared. BURKE began to hold closed door meetings petitioning the City's Consumer Affairs Commissioner Norma Reyes, to allow for the use of "decommissioned" ambulances. Seems that BURKE's law firm represented one of the largest private ambulance companies in the midwest. Shortly after, BURKE was able to get the passage of a city ordinance allowing for the use of decommissioned ambulances. In addition, BURKE began to assemble an Evaluation Committee (EC) as it had been decided that CPD along with DPS would prepare a Request for Proposals (RFP) to be issued,

allowing for the early termination of our contract. However, at some point the decision was made to allow our contract to remain in place until its expiration of September 30, 2011.

On July 27, 2010, DPS had a bid closing for the Transportation of Deceased Persons. CPD and DPS wanted to be prepared for any "issues" by bidding the contract out a year prior to its expiration. Approximately a week after the close of bids, Chief Procurement Officer (CPO) JAMIE RHEE made the unprecedented decision to allow for a "Double Late" bid from Allied Services Group (ASG)- once a bid date has been established, no bids will be accepted after the closing date. ASG stated that it was "unaware where to submit its bid," thus they needed additional time to get their bid in. CPO RHEE instructed ASG to submit its bid no later than the close of business on August 2, 2010. On August 3, 2010, ASG submitted its proposal to the Bid and Bond Room. This decision by RHEE is a violation of all Illinois procurement standards, to include DPS practices.

With the bids submitted, the EC (comprised of representatives from CPD, DPS, Chicago Fire, Law Department and Budget Department) began the process of reviewing the proposals. Numerous bids were received from several companies, all which seem to be lacking one crucial thing- the mandatory experience called for in the RFP. The EC was now faced with a challenge. How would they find a way to disqualify the incumbent (myself) provider and carry out the orders of BURKE to terminate the contract with the City, as this was a sham committee. This dilemma would fall in the hands of CPO RHEE and JON JOHNSON from the Office of Budget. The two of them would act as BURKE's point persons and report directly to the Alderman.

The EC reached a unanimous decision to score ASG's (Double Late) bid, "the most responsive bidder," elevating ASG to the top of all bids submitted. In fact, ASG was deemed "most qualified" with ZERO experience while committing fraud in their application as ASG listed its sole experience by purportedly "acquiring" another company, Allied Cleaning Service (ACS), who "specialized" in the transportation of deceased persons. The EC ultimately submitted its recommendation to interim Chicago Police Superintendent Terry Hillard for approval.

After conducting an extensive pre and post-award investigation of ASG's proposal, we uncovered many fatal flaws in ASG's application to the City. First, ASG listed its owner/president as Mr. JOHN STAMPS, formally of Stamps Construction (a handyman service). ...

Mr. STAMPS claims to have "acquired" ACS; a materially false claim as ACS was never acquired or owned by ASG. In fact, ASG and ACS were owned and operated by JOHN W. KLACZAK. Mr. KLACZAK had a good reason for not disclosing his identity in ASG's application to the City; Mr. KLACZAK is a convicted sexual predator.

Additionally, with the assistance of a private investigator (retired FBI agent) we learned that KLACZAK was a former police officer for the Village of Thornton, Illinois. It was there that Mr. KLACZAK was terminated as a village police officer, due to a cocaine addiction. Amazingly, three years later in 2003, KLACZAK was appointed fire chief of the same village. It is, after this appointment that things took a dark turn. The Thornton Fire Department had a cadet program (training for young adolescents interested in the fire service) which was under the direct supervision of Chief KLACZAK. Mr. KLACZAK was known for hosting cocaine and alcohol parties for 13-14 year old boys within the fire cadet program. Mr. KLACZAK's propensity for performing oral and anal sex on young boys was known throughout the department. In 2005, KLACZAK was sentenced to 5 years in state prison and ordered to register as a sexual predator for the remainder of his life.

It is with this information in hand that my corporate counsel Anthony Cicero filed a formal dispute with the Department of Procurement Services. Additionally, I retained local (Chicago) counsel to assist. Enter Montel Gayles. Mr. Gayles was JAMIE RHEE's predecessor as Chief Procurement Officer for the City. In the capacity of CPO, Mr. Gayles had oversight of the City's multi-billion dollars worth of procurement contracts for goods and services. With Mr. Gayles representing our interest in the procurement process, he was able to identify the fatal flaws Ms. RHEE made in awarding ASG's contract.

After a through review of the procurement process, Mr. Gayles communicated the errors that the City made, directly to RHEE in the form of a Bid Protest. It quickly became the decision of DPS that Ms. RHEE acted within her discretion and DPS ultimately dismissed our grievance. I then retained the services of another local (Illinois) attorney James P. Rome. Mr. Rome filed suit against the City in Cook County Court of Chancery. It was there that things took yet another twist.

The City argued before the Honorable DIANE LARSON, that the CPO has unfettered discretion in awarding any contract that she pleases, absent of fraud. KAREN DORFF, the City's attorney gave a bizarre example of RCA and Comcast being wholly owned by NBC, somehow suggesting that we had erred in filing our suit due to the ownership of ACS. The court eventually ruled in the City's favor.

In 2017, believing that the previous court had erred, I retained the services of Michael Rosenblat, an attorney whose area of specialty is false claims and whistleblower suits. Upon review of the expansive record, Rosenblat not only determined that there were egregious errors in the way the City had administered the contract to ASG, there were numerous False Claims Violations in ASG's application. Mr. Rosenblat then filed a Qui Tam suit (Whistleblower), arguing gross abuse of discretion as well as fraud on the part of ASG and various City officials, including RHEE. The Illinois Attorney General argued in their response that I had an "Uphill Battle" in my pursuit for justice and the case was dismissed. (Side note- Mr. Rosenblat stated that in his 35+ years of practicing law, he had never seen a Qui Tam dismissed due to the complaintant having an "Uphill Battle").

Just when I had nearly given up any hope or faith in sounding the whistle- over 10 years of fighting the Machine to the tune of well over a million spent, being the voice for the children, there was a break.

July 27, 2018, the Chicago Tribune did an expose titled, "BETRAYED." Seems the Chicago Public Schools (CPS) had hundreds of un-investigated sex abuse claims involving CPS students, dating back over a decade. In fact, 520 students had been raped or sexually assaulted while the City and CPS leaders glossed over the abuse. Many students were re-victimized by Chicago Police investigators who questioned and dismissed the victims claims. In one case, a young girl was raped over 40 times by her track coach. In another, a special needs child was sexually assaulted by a school janitor; all with the City and CPS leaders turning a blind eye.

Immediately, Mayor RAHM EMANUEL and Janice Jackson, Chicago Public Schools CEO, attempted to get in front of the crisis. Even Ald. BURKE got involved by establishing a hotline for parents to call if they believed that their children had fallen prey. Meanwhile,

Mayor EMANUEL, issued a statement calling for "immediate accountability" and for ANYONE with suggestions on how the City could 'tighten things up,' to come forward. This was the call to action that I desperately needed!

Now having a sense of renewal, I was even more driven to fight for justice. I began a direct action campaign. I conducted covert site visits to several of KLACZAK's shell corporations. Ultimately, I landed in Lynwood, Illinois at a business owned by KLACZAK called Paw Palace. Paw Palace is situated on a sprawling 20 acre compound with a large pond- this also serves as KLACZAK's primary residence, approximately 1/8 of a mile from an elementary school. Paw Palace's primary business is pet grooming, dog boarding and in home canine training. They are also a Chicagoland leader in police K-9 training.

As I found myself on the grounds of Paw Palace, posing as having an interest in the adoption of one of the many rescue dogs, I was able to walk the grounds with 'Cash,' a 3 y/o mixed mastiff. I took notice of almost every detail on the property, it was upon our return to the adoption center that I witnessed a disturbing sight. Two young boys (guessing 12-14 years of age) exiting Mr. KLACZAK's residence which sits adjacent to the boarding/training center but across from the rescue center where I was now positioned. I asked one of the volunteers who was working the center if those were the owner's children, to which she replied, "No, they probably just went to use the bathroom." Astonished at what I had just witnessed, I knew that I had to intensify my investigation.

On the next day, I returned. This time I wanted to get photos of the house which is situated in front of the pond as well as information on several of the vehicles that were parked near the residence. After about 30 minutes on the property, I departed. The following week, I retained the services of a private investigator in Dayton, Ohio who ran the plates of the vehicles on KLACZAK's property. Within 24 hours of giving him the information, he called and asked, "Who did you piss off?" Seems the FEDS had called him and questioned why he was "snooping around" running those plates. He stated that he was working for a client, to which he was instructed to, "Leave those plates alone." In his 40 plus years of doing investigative work, he stated that, it was the first time he ever got a call from the FEDS concerning a license plate check.

Not having to be Perry Mason, I knew that I was on to something. I returned to Paw Palace two weeks later, this time with another individual. If I was going to catch this predator (Chris Hansen), it was going to take more than just me. Upon our arrival, we went to the office and inquired with the manager if he knew of the property ever being rented out as it would be the perfect place to host a birthday party. We were told that we needed to speak to the owner, who was not present. As we began to depart, the manager said, "Here he comes," as if on cue.

Not believing my eyes, I was about to be face to face with the "Man Behind the Curtain." My nearly 10 year pursuit had come down to this moment. The predator who had eluded many of his victims that had attempted to collect civil judgments by filing bankruptcy multiple times and created shell companies to conceal his identity, was walking our way. Extending his hand, he introduced himself as 'JOHN.' I began by complimenting his impressive property and the great work his volunteers did at the rescue and adoption center. My cohort then chimed in, asking if he would ever consider renting out the property for a birthday party for her "twin nephews" that were turning 14 years old. 'JOHN' paused for a second before asking, how many children did we anticipate, to which she stated 30-40 with a handful of adults chaperoning.

Knowing that this was a risky move as KLACZAK was certain to be on heightened alert considering his status as a predator, I held my breath. Without hesitation, KLACZAK responded, "I'd love to host your nephews party." He provided a Paw Palace business card and instructed us to contact him via company email with the details. In total shock at what had just occurred, I knew that we needed more. Clearly, no one would ever believe that "Mr. OZ" had agreed to host a birthday party on his property for dozens of children.

After a couple of months of "repositioning our strategy," I figured it was time to reconnect with "JOHNNY." Surely he would have forgotten our previous visit and even if he remembered, he would certainly have a change of heart and decline hosting the party. To my surprise, JOHN immediately replied to our email and was eager to provide details as he thought that we had made alternate plans.

JOHN W. KLACZAK confirmed the details in his response email, along with the amount of \$750.00 (no deposit required). In a follow-up conversation, he offered to make it an overnight camping party with a fire pit if the parents wanted to "Enhance the Experience-" should be noted that KLAZACK shares his residence with another convicted sexual predator- STACY M. GORGAS who runs Cleaning Specialist Inc. (CSI) a crime scene cleanup company owned by KLACZAK.

Now we had our "Golden Cookie!" Mr. KLACZAK committing himself over the wire certainly will get the City leaders to take notice now that I had tangible evidence of a predator on the prey.

November 2018, two months before the January mayorial election I decided that it was the right time to visit some former allies from the City's Black Caucus. I had gained their support years prior when the late Alderwoman JoAnn Thompson and Alderman WALTER BURNETT objected to BURKE's unwarranted meddling in our contract. I certainly did not want to catch the Caucus off guard with my sensitive information so close to what was certain to be a historic election (first openly gay African American female front-runner). After all, it was the Caucus along with the late Desiree Tate (a political powerhouse in her own right) who were instrumental in assisting me when I first arrived in the City, having no clue how to navigate the waters of the Windy City.

Armed with clear and convincing evidence of KLACZAK actively violating the terms of his lifetime predator registration of not being in the presence of children (let alone hosting 30-40 children running around his property) is what I needed. With evidence in hand, my first stop was Ald. BURNETT. Ironically, he was meeting with his Ward attorney when I arrived. He carefully began reviewing the handful of sensitive documents that I had provided, including the email from KLACZAK. As he studied the documents, he paused and said, "We have a problem." Seems that JOHN STAMPS had solicited the assistance of Ald. BURNETT in getting the CPO to accept his "Double LATE" bid years prior. BURNETT then asked the question that I had not anticipated... He said, "Have you gone to the FBI with this information?" Caught off guard, I told him no; the FBI was the last place that I would have thought to go to.

Clearly, in deep thought, the Alderman went on to discuss the timing of this information (historic election) as well as the Chicago Police Department PR nightmare in the wake of the killing of Laquan

McDonald and the subsequent cover-up by Mayor RAHM EMANUEL and the Chicago Public School sex abuse crisis. BURNETT stated that he would reach out to ED SISSEL (Corporation Counsel) as well as the 5th Floor and set up a follow-up meeting.

A week after meeting with BURNETT, I was able to connect with Alderwoman CARRIE AUSTIN's office. AUSTIN was the powerful Chairwoman of the City's Budget Committee and had a history of standing up to BURKE. It was apparent that BURNETT had spoken to AUSTIN as I was instructed to forward the sensitive documents over to her via a private email account that was provided to me, prior to securing a meeting. After a couple of weeks had passed, I received confirmation from her chief of staff that she had agreed to meet.

Arriving at the Ward office was like a scene out of the movie, The Godfather. Constituents, business owners, laborers and then me; all cramped in a small lobby. It was clear that it was going to be a long day! Five minutes after my arrival and to my surprise, I hear my name called. As I am ushered into the Alderwoman's office, she greets me with a hug as if we were long lost friends. She appeared very relaxed and well briefed on the subject matter for which I was there for, uttering a familiar phrase, "I hear we have a problem."

As we begin to discuss the sensitive information, I was cut off in mid sentence. The Alderwoman asked; "Have you spoken to anyone outside of the City about this matter?" Not fully understanding the question, I stated that I had met on numerous occasions with the Inspector General's Office, including turning over the dossier that was requested of me. She said; "No. Have you gone to the FBI?" What are the chances of two people asking the same question!? I replied, no but BURNETT asked the same question. She then explained that I had them (City) by the "Short Hairs" and that I needed to be careful who I shared my information with.

Over the next 2.5 hours (there had to be some upset people in the lobby), the Alderwoman gave me some insight into the inner workings of the Machine. First, describing the City's payout to the family of Laquan McDonald (Budget Committee authorized the settlement). She stated that the City was prepared to pay in excess of 20 million had it not been for an eager family who settled for "pennies on the dollar" (5 million dollar settlement). She added that if it were her children or grandchildren; "They'd be paying me 5 million a day!" I found the Alderwoman's candor to be surprising as this was a conver-

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sation that I am certain, few have been privy to.

Then came the bombshell. Alderwoman AUSTIN began to explain that the City was well aware that they were doing business with KLACZAK. The reason that they had not terminated their relationship with the sexual predator was because of the exposure it would give a "certain individual." Assuming she was talking about RAHM EMANUEL and the fact that his office was well aware of my years sounding the whistle, she chuckled and said, RHEE was the 'linchpin.' The Alderwoman went on to explain that the former CPO who oversaw and awarded KLACZAK's contract was now the Commissioner of Aviation. As such, AUSTIN explained that RHEE was the "Gatekeeper" of the 8 BILLION-DOLLAR federally funded Airport Modernization Program. Still not fully tracking where she was going, I asked her how that had anything to do with the Chicago Police Department partnering with a convicted predator. She began to explain in great detail that RHEE, in her capacity of being the Commissioner, was the "Keeper of the BBC." I was totally lost at this point, until she let out a laugh and said, the "Billionaire Boys Club." RHEE was overseeing a slush fund that awarded multi-million dollar contracts to friends and family of the BBC Stakeholders.

Finally, it all came together! The City had been ignoring my pleas to address its relationship with KLACZAK because if his contract was disturbed, it would open up RHEE's malfeasance as the City's Chief Procurement Officer, which would likely call into question hundreds of contracts that she had signed off on; potentially jeopardizing the BBC. The Alderwoman gave a look of approval as I for the first time was able to fully grasp the magnitude of the Machine. With that, AUSTIN closed by saying that she would reach out to Corporation Counsel (former White House Counsel under the Obama Administration) and get back with me.

Now, things had taken on a whole new dynamic, and I was fully aware why I had been blown to the wind. The City was stuck with KLACZAK. After a few weeks had passed, Alderwoman AUSTIN reached out and informed me that her "election was more important" (reason for the delayed response) and that she had spoken to Counsel and it was the City's position that I had pursued civil litigation in the courts and the City had no more to say. Shortly after, I received a similar call from JOE DEAL the Mayor's Chief of Staff informing me that the Mayor's Office did not feel that my concerns warranted a response or any involvement.

Several months later, one final stop on my "Informational Tour." With just weeks post the April 2, 2019 historic runoff mayoral election (I deliberately waited until after the runoff because of the crowded field of nine), it was time to pay mayor-elect LORI LIGHTFOOT a visit. The former Chicago Police Accountability Task Force President, LIGHTFOOT headed CPD's professional accountability board. LIGHTFOOT is a former federal prosecutor turned high-powered litigator with the firm Mayer Brown LLP. It is this firm that I pay my visit to. (The mayor-elect had a transition office but it was certain to be a "show" with people vying to get on the 5th Floor team).

As a partner with Mayer Brown, mayor-elect LIGHTFOOT had made a name for herself. The Ohio native (Massillon, Ohio), graduated from the University of Chicago School of Law and won the election in an unprecedented landslide (74%) against Cook County Board President Toni Preckwinkle. This visit would not be to see the Lady of the Hour, this visit is to see TYRONE FAHNER, senior partner and LIGHTFOOT mentor (also former Illinois Attorney General). It is my hope to get my sensitive information to the inner circle of the new Administration as it is certain to be a crisis landing on her desk.

Upon my arrival at the office of Mayer Brown, I scanned the directory for Mr. FAHNER. The security officer at the front desk called up to his office, eventually dispatching his assistant (Gail) to come down (people in Chicago get nervous when they get unsolicited visits- billionaire MICHAEL SACKS is a story for later). After quickly scanning the documents, Gail asks if she can make a copy for the "Big Guy" as the documents seem to have gotten her attention. I later follow up with an email to Mr. FAHNER to which I got no response. My work is now complete on the Chicago Tour. I now set my attention to the final piece of this twisted puzzle.

Back in Dayton, Ohio, I find myself searching for what my next move will be. All of my options to sound the whistle on public corruption, seem to be fading. There is nowhere to go next, or was there?! After weeks of feeling hopeless and not knowing where to turn, a light went off. The common denominator between Ald. AUSTIN and Ald. BURNETT was the FBI! I needed to report my muckrake to the federal authorities, they certainly would take notice of my 10 plus years of documented evidence. Plot twist...

On April 10, 2019, I went to the resident office of the FBI in Dayton, Ohio as it was certain that the relationship between the Chicago Police Department and the Chicago FBI would be too close, at least for my initial visit. Upon my arrival, I was greeted by Special Agent ANDREW GRAGAN. SA GRAGAN seemed caught off guard by my unsolicited visit (I am sure most people do not cold call the FBI). I begin explaining that for the past 10 years, I had been sounding the whistle on public corruption taking place in Chicago, Illinois that involved elected officials at the highest level of city government. Having brought over 3000 pages of documented evidence, SA GRAGAN asked if I would be willing to return to the office at a later date, as he "needed to make some calls." Approximately 2 weeks later GRAGAN informed me that he was able to secure a meeting, in which Chicago FBI would travel to Dayton (for an interview) and asked that I return on April 30, 2019 at 0730 hrs with my dossier. Finally, someone to hear my pleas- not just someone, the Federal Bureau of Investigation!

April 30, 2019, would be the day that my life would be forever changed. I arrived at the office of the FBI on Clyo Road at the requested hour. I was greeted by the person that I had come to know as SA GRAGAN. Struggling to carry the banker boxes of evidence, GRAGAN began asking me; "Are you Brian Higgins?" I found this to be odd as we had previously met and had several conversations regarding my upcoming visit. After confirming my identity, GRAGAN asked me; "Do you have any weapons on you?" Now, I may not be the sharpest tool in the tool box but I was thinking for this to be the FBI, they ask some of the most elementary questions at 7:30 in the morning. I play along and reply; "No weapons ANDREW-" in my Dave Chappelle voice. The next thing out of his mouth was shocking. "You are under arrest Mr. Higgins." If not for the fact that my sense of humor was intact, I probably would have been shaken. I calmly asked him; "On what charges ANDREW?" He proceeded to state; "You are being arrested in connection with a 2014 leaking fish tank."

Seems that in a 2014 insurance claim for water damage to my residence (over 250K worth of damage), I spent 25K outside of the repairs to the home. The fact that I could do the repairs for less than what the insurance claim was, is somehow a federal crime.

The damage caused by the 900 gallon saltwater system required several contractors, most of whom I had relationships with as I supported many in business with various projects over the years. One contractor however; MICHAEL MARSHALL (would remind you of a bad used car salesman after Hurricane Ian), I retained on the suggestion of a friend to be the site manager (United Demolition). MARSHALL also had another company (Drywall Wizard) and asked that I give him the drywall work. Unbeknownst to me, MARSHALL was a Confidential Human Source a.k.a. CI working for the FBI. MARSHALL stated that he had some previous issues getting work with the City of Dayton as a contractor. I was asked if I would introduce him to City officials who I thought could help him and his company with public works contracts, which I did. In the end, I had to terminate MARSHALL and his ragtag companies for performing shoddy work on my residence but not before he ran off with over 30K of the insurance proceeds.

I was driven to the Courthouse and arraigned on the charges of mail fraud and wire fraud for spending 25K of the insurance monies outside of the residence. The Governments "theory" is that I did not intend to complete the repairs to the residence and that I was going to "run for the hills." The fact is, I was in litigation with the insurance carrier (Assurant Insurance Co.) for Bad-Faith as they deliberately withheld over 100K in monies needed to complete the repairs. In addition to my arrest, I was rounded up with three other individuals (first round of indictments), all of whom I knew. Two of the individuals were City of Dayton employees (one a City Commissioner and regional bank president) who I introduced to MARSHALL, unaware that he was a Government Informant.

In MARSHALL's capacity of an Informant, he forged relationships with the officials that I thought could assist him with city contracts. MARSHALL and these individuals began exchanging money for favors a.k.a. bribes. Now they too found themselves in front of Magistrate Michael Newman facing charges ranging from bribery to theft in office and lying to federal authorities.

The Government coined their dragnet operation, "Demolished Integrity;" a "Widespread Culture of Corruption" dealing with a 40K patio that MARSHALL had built for one of the individuals and 30K in cash recieved by another, both in exchange for public works contracts. United States Attorney BENJAMIN GLASSMAN stated that I was rounded up with the others because my case (manufactured by MICHAEL MARSHALL) stemmed from the same investigation- not public corruption. Side note-

most all contracts that MARSHALL was able to procure for public works were terminated due to his poor performance. Seems that the CI's work was as shoddy as the "Keystone Cops" investigation.

During my arraignment, Magistrate Newman asked how I plead to the charges. After entering my "NOT GUILTY" plea, my counsel (arguably one of the best criminal defense attorneys in Ohio) excitedly said; "I've got great news, 'they' don't even want you (as if I had just won the Showcase Showdown on the Price is Right), you are here because you know where the 'bodies' are!" To this I laugh. I have traveled to the FBI exposing a multi-billion dollar federally funded slush fund, a ghosting scheme (using the identity of the deceased on the black market) and a sexual predator actively preying on children- yet, I am sitting in federal court shackled and arrested for a leaking fish tank. This is laughable if for no other reason, we now know that the Federal Bureau of Investigation could care less about the sexually abused children. They would rather use federal resources (millions spent) pursuing a civil matter, if that, as neither my insurance carrier or mortgage company had filed suit in connection to my 2014 insurance claim.

On August 8, 2019, the Government called a meeting purportedly in an attempt to "resolve" my case. Present were the AUSA BRENT TABACCHI, Ohio BCI BRENT KILPATRICK and FBI SA LANCE KEPPLER. The meeting began by the Government laying out their "theory" of the case. They described it as a "slam dunk," and my bank records show me taking 25K from the insurance proceeds and spending on items outside of my residence. However, TABACCHI had a "path" that would prevent me from going to prison. Mr. TABACCHI extended an olive branch. He proposed that I provide damning information against U.S. Congressman Michael Turner (R) and other elected officials to include Montgomery County Commissioner Debbie Lieberman, Montgomery County Coroner Dr. Kent Harshbarger as well as former Coroner/Crime Laboratory Director Kenneth Betz. In exchange TABACCHI would guarantee probation and ZERO restitution in my criminal case. I declined and the meeting was adjourned. Should be noted that TABACCHI stated that if any information that I would provide had been "outside of the statute of limitations, he had a way of getting around it."

January 21, 2020, another meeting was called by the Government, this meeting was attended by the previous individuals with the addition of FBI SA TYLER FREEMAN from the Chicago FBI. It was apparent

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that in their haste to round up African American businessmen and elected officials on April 30, 2019, they neglected to interview me. In fact, the day that I was taken into custody, they had loaded the 3000 pages of evidence that I was requested to turn over, back into my vehicle.

This meeting however, was different than the first as it had the appearance of "housekeeping," to discuss my claims of crimes being committed in Chicago. I was asked if I would testify against the now disgraced Ald. ED BURKE (his meddling in my contract with the City and CPD)- he was indicted for extortion caught on tape in late 2018 related to a 10K shakedown of a Burger King restaurant remodeling permit in his ward. I agreed to testify against BURKE. Additionally, I was asked if I would go undercover and wear a wire on the sexual predator KLACZAK, to which I declined. At the conclusion of the meeting, counsel and I were asked if we preferred to travel to Chicago for a formal interview or if we wanted Chicago FBI to travel to Ohio. We agreed on going to Chicago (my last Dayton visit was not fruitful) and were told that a meeting would be confirmed within 2 weeks.

December 15, 2020, nearly 11 months after being assured of a meeting (another broken promise), we meet again. This time it was a meeting that I had requested as the Government had operated in bad-faith (I recorded it). This meeting turned out to be as fruitless as all others. It was quickly apparent that TABACCHI was under political pressure to "resolve my case." It began by him scolding me and telling me that I had "NO RIGHT TO MEET WITH ANY LAW ENFORCEMENT AGENCY," to include the FBI. After pressed as to why we were denied our meeting as promised, Mr. TABACCHI stated that, "WE CAN HAVE OUR REASONS." He added that he had contacted FBI Chicago and that they had no interest in hearing what I had to say. When asked why the FBI would have me on a ruse to travel to their offices on the morning of April 30, 2019, TABACCHI replied, "THE FBI DIDN'T KNOW WHERE YOU LIVED;" at which time I excused myself from the meeting.

December 16, 2020, the next day after wasting my time, I received a call from counsel, informing me that after I departed, they stayed around to "discuss my case" in further detail. They conveyed that the Government wanted to know, what it was that I wanted. Counsel replied, "WE WANT A MEETING WITH CHICAGO FBI TO TALK ABOUT THE CHILDREN." After conversing amongst themselves, TABACCHI now agreed to set up yet another meeting with FBI Chicago. One catch, he wanted me to take a plea deal in my criminal case- a plea

deal of my choice as I was previously provided a copy of the Federal Misdemeanor Code and told to "pick the misdemeanor that was acceptable to me," with expungement within 12 months (great deal if you are guilty). Counsel once again emphasized that until we get our meeting with Chicago FBI, "WE ARE NOT DISCUSSING A FISH TANK."

Now within less than 24 hours, the Government had done yet another pivot. First, Chicago FBI had NO INTEREST in discussing sexually abused children, now they agree to meet with me. TABACCHI offering a quid pro quo to report high crimes in exchange for a plea, reeked of duplicity- as if my name was DAN.

December 17, 2020. the next day, the offer had been resended. Mr. TABACCHI filed a superseding indictment, charging me with witness tampering and witness retaliation for filing a timely civil suit against the Informant MARSHALL et al. that stole over 30K of the insurance proceeds. The superseding indictment is just another example of prosecutorial misconduct/vindictiveness on the part of BRENT TABACCHI.

May 2021, an exasperated legal team had come up with a "new strategy." They wanted me to participate in a game of "trickery" on the the Honorable Thomas M. Rose. Seems that they had coordinated efforts with the Government to request a Competency Evaluation of my mental state. This would require a formal hearing in open court. The AUSA and counsel however, would need my assistance to convince the Judge to send me away for a psychological evaluation to take place within the Bureau of Prison- up to 45 days with a goal of obtaining a "non-competent" diagnosis. This all in an attempt for a mistrial.

On May 21, 2021, counsel contacted me to "pregame" the upcoming Hearing. Not believing that my own defense team was going to intentionally "Hoodwink and Bamboozle" the Court, I recorded our conversation (one of many). It was in this conversation that counsel thanked me for following their advice and "ALWAYS DOING THE THINGS THAT THEY ASKED OF ME." They just needed me to do one last thing. They needed me to assist them in convincing the judge to send me away, arguing that I suffered from a "mental defect" that would require an in treatment mental evaluation. I was advised to be prepared to be taken into immediate custody of the U.S. Marshals and likely be shipped to Butner, North Carolina (BOP medical facility).

On May 24, 2021, standing before the Honorable Judge Rose, I was asked if I understood the proceedings, to which I affirmed. At this point, counsel and the Government began to argue that they had

"grave concerns" for my mental state and questioned if I had the ability to assist them in my defense. They specifically cited my desire to discuss things that were not apart of my criminal case i.e. the children. Counsel went on the record to say that I was "fixated" on crimes being committed in Chicago, Illinois dealing with former Mayor RAHM EMANUEL et al., related to a "contract dispute and child molestation." TABACCHI concurred with defense counsel that I continue to raise issues that are "irrelevant" to my case (fish tank).

The Honorable Thomas M. Rose asked that I "Cooperate with the Court" as he was going to place me in immediate custody for up to 45 days. He further stated that the Court also shared the same concerns as counsel and the Government. Additionally, he stated that if I came back deemed to be competent, the Court would get my case back on schedule as this evaluation was going to delay our insurance experts Daubert Hearing (expert testimony, no crime was committed).

After spending a total of 68 days in the magical BOP (Summer Cross Country Tour) that took me from two county jails, a federal holding facility in Oklahoma, City OK and finally to downtown Chicago. Yes, the Windy City, where it all began- Metropolitan Correctional Center (MCC) Chicago. There I spent several weeks in solitary confinement ("Covid 19 protocol"), finally meeting with Dr. Jason Dana, Chief of Psychology who was tasked with determining my "sanity." Dr. Dana spent approximately 3 hours in multiple interview sessions, discussing my childhood and adolescent upbringing- (did I kill small animals as a child). In addition, I was asked to pair various shapes and sizes i.e. squares vs triangles vs circles, to which I was declared to be competent and was immediately released from custody after 23 days of additional incarceration (Court ordered maximum of 45 days in BOP custody).

For the next several months, my legal team did very little in the way of representation/trial prep. In fact, the tension was so intense that one of my attorney's refused to give me eye contact and the other slipped up and disclosed that they had contacted their malpractice carrier, putting them on notice of a potential claim. It seems that our attorney/client relationship had erroded now that I was "fully woke," and on to the games and deception that they had displayed in open court. Having nothing to lose, I thought that

I would try a little experiment. Let's call it, "Operation Pass the Potato." How many Government officials, A.K.A. "GMEN" (coined by J. Edgar Hoover) can I pass over knowledge of high crimes and abuse against children before someone acknowledges my pleas. For the record, my bet was none.

I begin with my representatives from Ohio, U.S. Sen(s) ROB PORTMAN and SHERROD BROWN, followed by AUSA BRENT TABACCHI's target- U.S. Rep MICHAEL TURNER. All were provided courtesy copies of the dossier, to which none elected to acknowledge receipt. I was currently batting 1000. Next up, let's hit I-95 to Washington, certainly there will be someone that wants to save the children. I start with COREY ELLIS, at the time Chief of Staff to FBI Director CHRISTOPHER WRAY, (now United States Attorney for South Carolina). He certainly would take interest as the gatekeeper for the Director. After all, it was WRAY who was quoted, "It is jarring to me. It is totally inconsistent with what we train our people on and totally inconsistent from what I see from the hundreds of agents that work these cases everyday." (Reference to the handling of the USA Gymnastics sex abuse allegations by the Indianapolis FBI office). Mr. ELLIS appears to be a smart guy, graduate of Brown University followed by the University of Memphis School of Law. As expected, crickets; ZERO interest in the children from 950 Pennsylvania Avenue (DOJ Headquarters).

On to the next- I need to "Land the Big Tuna," in the words of Alderman EDWARD BURKE. How could I get to 1600 Pennsylvania Avenue?" I figured the new Administration that ran on transparency and accountability would be the answer to addressing my concerns. I began by studying the cabinet. We had the DOJ and the FBI who gave ZERO F's, not much higher than that. Wait a minute, my attention immediately went to the "Man of the Hour," RAHM EMANUEL. After all, he was the one that coined, "Never allow a good crisis to go to waste, it's the opportunity to do the big things you never thought possible and make them possible." I needed to reach the Chief of Staff, as I heard rumblings of "46" appointing RAHM EMANUEL a.k.a. "RAMBO" the Ambassador to Japan. If this is accurate, I predict his appointment to be the shortest ambassadorship an administration has had as he is certain to be recalled to Washington to answer some questions- "What did you know, when did you know it and what did you do?" I turned my attention to RONALD KLAIN, a former high-powered attorney and Chief

of Staff to Vice President Biden, now returning to the White House for an encore as Chief of Staff to "46."

Mr. KLAIN, husband to Monica Medina, co-founder of Our Daily Planet, an environmental news platform; certainly the family man (father of 3) would take notice of crimes against children as this was the next stop on our "Hot Potato Tour." For several weeks, I hit roadblocks. The White House can be a tricky place to navigate, especially when you are dishing out Hot Potatoes. I attempted once again to penetrate the WH Switchboard (humorous story for later), to no avail. Knowing that KLAIN was once a prominent D.C. attorney, I turned my attention to the D.C. Bar Association. Bingo, the needle in the haystack. Seems that Mr. KLAIN was registered online with the Bar who listed his personal email address in its directory. KLAIN had a AOL.COM email (a tyrannosaurus rex by today's standards) but made sense as he previously worked for Case Holdings (Steve Case, founder of AOL).

Potato in hand, I sent Mr. KLAIN a personal note informing him of a potential crisis that was certain to be of national interest if not handled appropriately. I emphasized that it was not my intent to harm or embarrass the incoming Administration; however, a number of DOJ AND FBI officials had put them in peril, namely BRENT TABACCHI. After a couple of weeks of no response, I reached out to Mr. KLAIN for a second time. Certainly he was busy solving some world crisis, he probably had just overlooked my note. To my surprise, it seemed that I may have spooked the Chief of Staff. KLAIN had changed his email account. Unfortunately for him, he attached a forwarding message, directing anyone attempting to contact him via email to use his "new" GMAIL.COM account. Seems the Potato was a bit too hot for the West Wing power broker.

Now the table was set. There is no one in Government that can claim to be "uninformed" (most political puppets like to hide behind the cover of their underlings). Every level of Government had a seat at this uncomfortable table. Just one final stop on this roller coaster, my TRIAL.

Out of the "Gang of 7" (6 African American and 1 wealthy white guy), I was the lone one standing in the way of the Government closing the door on their failed 'dud' operation. The "Big Whale" out of the group was STEVE RAUCH, a self-proclaimed "Hillbilly with money". (his words, not mine) paid millions of dollars in "compensat-

ory gifts" in brown paper bags to elected officials over the decades to gain favor for his demolition business. In fact, a year prior to his federal indictment, RAUCH beat a highly publicized state case for illegal dumping that involved the U.S. EPA. Seems that RAUCH should change his name to TEFLON. RAUCH was charged by TABACCHI for mail fraud, conspiracy to commit mail fraud and aiding and abetting. Facing decades in prison, RAUCH had one trick up his sleeve. Mr. 'TEFLON' retained the services of Taft-Stettinius & Hollister LLP., to represent him- ALL CHARGES DROPPED! Not only did RAUCH give the Government the middle finger, his enterprise was ordered to pay a measly \$15,000.00 fine, rubbing TABACCHI's nose in his doo-doo of a case.

On January 5, 2022, in the Walter H. Rice Courthouse, I sat for my final pretrial. We were set to conclude the Witch Hunt in 5 days but not before doing a little housekeeping. The Honorable Thomas M. Rose wanted to confirm that all parties were ready to proceed with the January 10, 2022 trial. I was given the opportunity to address the Court and communicate my concerns with proceeding with counsel as there had been little to no trial prep- case was never anticipated to go to trial by counsel (former or current) nor the Government. There was lack of material witnesses being called (NONE) and probably most troubling, I had never been asked by counsel for my side of the Governments flawed theory (scheme to defraud Assurant Insurance Co). This is laughable on its face as I was the one pursuing a Bad-Faith Claim against Assurant for dishonesty in administrating the claim.

Counsel then had an opportunity to address the Court. Appropriately, they conceded that the attorney/client relationship had eroded and they in fact did not feel comfortable moving forward with the trial as scheduled. Next up; the Court asked the Government if they were prepared to proceed with the trial, to which Mr. TABACCHI proudly boasted, "The Government is ready to proceed, you Honor." Now this is a 180 pivot from previous hearings where I was asked on multiple occasions to take continuances to delay the proceedings as former counsel and TABACCHI attempted to let my case "cool down." (Previous counsel and TABACCHI had made a pact that my case would never see trial)- my case was 100% politically motivated and had garnered enormous media coverage due to the "Culture of Corruption." TABACCHI accused counsel and myself of attempting an "11th hour delay" and argued that the trial should proceed. With that, Judge Rose orders that the trial would commence on January 10, 2022 at 9:00 am.

January 10, 2022, "All Rise" were the words from Liz Pense, Clerk for the Honorable Judge Thomas M. Rose (reminiscent of an umpire calling the start of Opening Day at Great American Ballpark- "Play Ball"). Thinking to myself, this should be interesting (I knew that I had less than a 2% chance of prevailing as "The House Always Wins"). This case however, did not require Clarence Darrow. The only way that TABACCHI would be victorious was if he "scuffs the ball and uses a corked bat." His case and theory had more holes than a slice of handcut swiss cheese on a ruben from Katzinger's Deli in German Village.

January 13, 2022, three days into my trial, I was informed by a dear friend that he and his 'lady' had tested positive for Covid. This was only relevant because leading up to the trial, I had spent time with them socially, including dinner just two days prior. Out of an abundance of caution, I informed counsel that there was a chance that I may have been exposed (I sat between my counsel at the same table during trial). Unaware of the consequences of this disclosure, Judge Rose ordered the closure of the Court until I could be tested, resulting in a day of delay. I tested negative. As the trial resumed the following day, Mr. TABACCHI requested that I be sequestered (house arrest with GPS tracking) for the remainder of the trial, to "ensure that there would not be another delay." The Court granted the Governments request.

As the trial resumed, it was abundantly apparent that I was down 5-0 in the bottom of the ninth with 2 outs. This was all but a done deal. The best I could hope for was a box of Cracker Jacks and a Dave Parker bobble-head as a parting gift. The Government had pulled out all of its tricks- false testimony, manufactured evidence, witness perjury and the kitchen sink.

The Government however, made a unique move. TABACCHI elected not to call FBI SA LANCE KEPPLER to the stand. Remember, it was KEPPLER that was the case agent of the biggest FBI operation in Dayton's famed history. In fact, it was KEPPLER who presented the case to the Grand Jury (they say that you can indict a ham sandwich) to get the indictment of the Gang of 7. Instead, TABACCHI called BCI Task Force agent BRENT KILPATRICK to the stand. Seemed the Government was careful not to have the FBI on the stand committing perjury; instead, they threw KILPATRICK under the bus (smart move) as the Government was under water with a house full of scandal.

KILPATRICK did not fail. He went down the perjurious rabbit hole, giving false testimony, while getting caught up in perjury, but not before handing over the "Golden Cookie." KILPATRICK gave what I predict will be the nail in TABACCHI's case on appeal- this really is the "Gang That Couldn't Shoot Straight" (a 1971 comedy).

January 20, 2022, the magical words- GUILTY! I have been found guilty on 5 out of 7 counts. As one juror departed the court, she muttered the words, "I'm sorry." Now for most people, this would be a moment of anguish and sorrow. For me, this is a cumulation of an experiment. Let's call it an Experiment of the [INJUSTICE] system.

My case began as something out of Laurel and Hardy. An FBI led investigation by a sketchy Confidential Informant that the Government put into business (United Demolition) to bait City of Dayton officials into getting public service contracts, in exchange for the, "brown paper sack." In the end, the Government allowed the Confidential Human Source(s) to pocket tens of thousands of tax payer dollars. The ringleader, MICHAEL MARSHALL had duped many unassuming individuals in both United Demolition and his ragtag Drywall Wizard. MARSHALL et al., not only stole from the public and private sector, he entrapped many to go down rabbit holes that they may not have even considered, let alone masterminded. Unfortunately, all took plea deals with the Government- some even became Informants themselves.

At any rate, my experiment is going as planned. Justice is not "blind" as we have been taught to believe in 5th grade civics class. I predict an autopsy of this case, will be studied by many, for years to come- this is truly a Miscarriage of Justice at the highest level.

May 25, 2022, in a packed courtroom (mostly Government workers within the building that rarely see a high profile 'Heater Case' go trial), are present to witness my fate, as this is sentencing day. I have been advised that I need to be prepared to be taken into immediate custody (like the board game Monopoly- Go to jail, go directly to jail, do not pass go, do not collect \$200), not being afforded the customary ability to settle my affairs and self surrender to a BOP facility- it appears that my latest writing (exposing the Code of Silence) has chafed some tails, including the Honorable Thomas M. Rose. In addition, Mr. TABACCHI has once again moved the goal post. A day before my sentencing, the Government has asked the Court to impose restitution (previously no restitution was ordered) in the amount of \$84,613.04 to Mr. Cooper LLC (formally NationStar

Mortgage). Seems that Mr. TABACCHI has pulled this amount out of his Department of Justice issued toolbox- it was originally 25K that the Government claimed I had "diverted."

Prior to Judge Rose imposing my sentence, he afforded me the opportunity to address the Court. I began by giving my thanks to the Court and the many people that made this moment possible (like an Oscar acceptance speech) i.e. FBI, Ohio BCI, Liz Pense, the Court reporter and most of all, Assistant United States Attorney BRENT G. TABACCHI. Without Mr. TABACCHI, I would have never had the opportunity to experience the Justice System at its finest.

As I stood before Judge Rose, he began to reprimand me for not "showing remorse" for my actions and that he feared that I may become a repeat offender, as I was a "danger to the community." Rose then imposed the maximum (Pretrial Services recommendation of 36 months) and ordered that I be taken into immediate custody of the United States Marshal Service. Ough, remember the GPS monitor that was placed on me three days into my trial. It was finally removed 132 days later and replaced with shackles and leg irons- I am now officially a convicted felon- game 2 shutout loss 1-0 (down 2 games of a 5 game series). The best screenwriter could not make this up!

So, an update since my conviction 129 days ago... I have had some monumental victories (in the words of the late Vin Scully- "We have a lot of baseball left"). First, I am in a place that can only be described as breathtaking. There are 360 degree mountain views, where the air is pure and clean. I am currently training to become a certified service dog trainer through CARES, Inc., an organization that places therapy dogs for schools, hospitals, children with medical issues along with veterans with severe PTSD and brain injuries. Additionally, the University of Michigan School of Law (Appellate Litigation Clinic) has picked up my appeal before the Sixth Circuit Court of Appeals. The Clinic has identified significant issues in the trial court proceedings and has assembled a team of 3rd year law students along with faculty attorneys to work my appeal.

On a somber note, I filed a complaint against my dear friend and former attorney Anthony Cicero. It was Cicero and TABACCHI who conspired (chain conspiracy) to get me to "sit idle" while they figured a way to either get my case dismissed or to convince me to take a plea deal (more of the latter) as my case was politically polarized and motivated. In fact, it was Cicero who represented me in

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the Bad-Faith against Assurant Insurance Co. and failed to disclose the conflict of interest- Cicero was a material witness to the Governments flawed theory (scheme to defraud). It was Cicero and TABACCHI who were trying to find a way to "quietly resolve" my case. In the end, Cicero represented me for 11 months before I made the difficult decision to terminate his representation. The Ohio Disciplinary Counsel of the Supreme Court is investigating my claims against Cicero, aware that he will be given (should be) an opportunity to respond to my claim. I am confident that the extensive record of Mr. Cicero's involvement in the 2014 Bad-Faith Claim will be evident that Cicero had a duty to recuse himself from my criminal case.

Finally, citizen journalist and community activist David Esrati (the only journalist that covered the trial from cover to cover) has been entrenched in his own legal battle. Seems that Mr. Esrati has pinched a nerve with the Government when he unearthed the FBI and TABACCHI covering up grand jury testimony of crimes being committed by former Mayor of Dayton NAN WHALEY while she was in office. (Must be noted that WHALEY is the 2022 Democratic Nomoniee for Govenor of Ohio).

Mr. Esrati filed a Freedom of Information Act (FOIA) request to the Department of Justice requesting the grand jury transcript. Under rare circumstances are grand jury testimonies released; however, it appears as though Esrati has found case law stating that elected officials who commit crimes while in office are not protected from grand jury secrecy. To date, Esrati has filed suit in federal court against the DOJ and FBI to obtain the transcript; showing WHALEY accepting bribes from STEVE RAUCH- this is the same grand jury that was seated for the Gang of 7.

Since Esrati's federal suit, his case has been transferred to 4 separate federal judges. It appears that Esrati is dishing out his own Hot Potatoes as the DOJ is desperate to conceal the truth behind WHALEY's crimes before the November 8, 2022 Ohio Gunernatorial election, duping the Ohio voters in a key midterm election. Full disclosure, David Esrati and I have been friends for nearly 20 years and are both former United States Army Paratroopers. Esrati is also running against TABACCHI's main target- MICHAEL TURNER in the 2022 race for U.S. House of Representatives.

Recently U.S. Attorney General MERRICK GARLAND has defended the DOJ by saying that his office, "Follows the facts wherever they lead." GARLAND also stated in response to the USA Gymnastics debacle (FBI investigation) that, "The FBI has revised its proceedures and

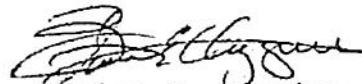
the Deputy Attorney General has issued a memoranda to the field so whenever U.S. Attorney's Office or federal law enforcement decides not to follow-up (investigate sex abuse claims), that they immediately advise the state and local law enforcement, so they can continue to investigate suspected crimes." To date, after sounding the whistle for well over a decade, I have been denied even a meeting with the "janitor." The Federal Bureau of Investigation Director CHRISTOPHER WRAY summed it up when he said, "No one is above the law." Does this hold true for Senior Assistant United States Attorney BRENT G. TABACCHI et al.? That is correct, Mr. TABACCHI was given a promotion after securing my conviction. Perhaps TABACCHI gets the same pass that former Dayton City Mayor NAN WHALEY received after accepting hundreds of thousands of dollars from demolition contractors- the blessing of the AUSA to run for Governor of the State of Ohio in the 2022 election after committing documented crimes.

Post my conviction, I have reached out to officials in Illinois, requesting that Illinois Attorney General Kwame Raoul revisit my 2017 Qui Tam suit, that his predecessor LISA MADIGAN wrongfully dismissed. In addition, I have requested that Cook County States Attorney Kim Foxx, open up an investigation into ALTHEA TAYLOR, of Taylor Made Industries. Ms. TAYLOR wrote the proposal that JOHN W. KLACZAK used to induce the City of Chicago in obtaining the fraudulent contract with the Chicago Police Department.

Fully aware of the gravity of the alligations that I am levying against high ranking Government officials, I created a website which contains the dossier of the cover-up by DOJ and FBI officials. This site also hosts numerous audio recordings of Government officials dismissing my concerns of a convicted sexual predator, actively preying on children. In the words of the late John Lewis, "Never, ever be afraid to make some noise and get in good trouble, necessary trouble." As a Politically Punished Prisoner, I will continue to endeavor to get into, "Good Trouble," being the voice for the children who find themselves, the victims of sexual abuse.

It is for the above reasons, I am requesting a full Congressional Hearing(s) into the Code of Silence.

Respectfully,



Brian E. Higgins

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