

FROM: Brandon Fellows

TO: DC Courts / Judge McFadden

Date: 9/14/2021

SUBJECT: (1) MOTION FOR OBJECTION TO BOND REVOCATION ON THE grounds of Federal Rules for Criminal Procedures Rule 51, Federal Rules of Evidence Rule 103, and other relevant case law.

AND OR

(2) Motion FOR BOND HEARING ON THE grounds of Federal Rules for Criminal Procedures Rule 51, Federal Rules of Evidence Rule 103, and other relevant case law.

AND OR

(3) MOTION FOR BOND RESTATEMENT HEARING ON THE grounds of Federal Rules for Criminal Procedures Rule 51, Federal Rules of Evidence Rule 103, and other relevant case law.

AND (in addition to objection to bond revocation, or prior to a motion for a bond hearing or reinstatement hearing)

(4) Motion FOR EVIDENTIARY HEARING ON THE grounds of Federal Rules for Criminal Procedures Rule 51, Federal Rules of Evidence Rule 103, and other relevant case law.

PURPOSE (1): Bring full context, present the truth, point out the prosecutions' lies, and offer explanations.

Goals after purpose (1) is fulfilled: Entering motions for preliminary injunctive relief, immediate relief, and bond reinstated with as little restrictions as possible.

Purpose (2): Fix finances, fix business, help family, see family, prepare for case in ways I can't in jail, and to stop being a burden on the tax payer.

Memorandum of points and Authorities:

Page 1: Rule 51 & rule 63 with comments and relevance to motions sought

Page 2: Case Law Reference (1) with comments

Page 3: Case law reference (1), (2), (3), & (4) with comments

Page 4: Case law reference (4) with comments and final appeals

Page 5: Notarized affidavit

Page 6: supporting evidence (1)

Page 7: supporting evidence (2)

Page 8: Explanation of affidavit and supporting Evidence

* Additionally, in support of rule 51 & rule 63 I add in "The advice-of-counsel defence: MS. Halverson bait and switched me, I metaphorically "bought" more time because MS. Halverson advertised" I, for my purchase would get an objection and or a motion for a bond hearing, and or an evidentiary hearing but I got neither I would metaphorically like my refund and this time purchase what I originally asked for; an opportunity to present the truth.

Federal Rules for Criminal Procedures; Rule 51: Preserved Claimed error: (B); A party may preserve a claim of error by informing the court when the court ruling or order is made or sought of the action the party wishes the court to take, or the parties objection to the courts actions and the grounds for that objection. (I have stated my objection to the revocation of my bond and am offering grounds for that objection).

Rule continued: If a party does not have an opportunity to object to a ruling or order, the absence of an objection does not later prejudice that party. (I did not have a chance to object do to a lack of evidence and because my attorney did not want to offer additional evidence in support of my wishes to object at the time). (This is part of the reason I decided to continue the case pro-se, so I may present the facts).

Rule continued: A Ruling or order that admits or excludes evidence is governed by Federal Rule of Evidence 103. If rule 51 is not enough of a reason I will cite Rule 103.

Federal Rule of Evidence 103: (B): If a ruling excludes evidence, a party informs the court of its substance by an offer of proof, unless the substance was apparent from the context. (I offer one affidavit with 2 photographs, more is available, but with the conditions in jail & my finances I can not gather additional, but available affidavits, photos, recordings, etc)

Rule continued: (C): The court may direct that an offer of proof be made in question and answer form. → Comments: All revocation hearings have excluded massive amounts of evidence, context, and knowledge. My additional offer of proof is through on the record, under oath testimony through both statements and question and answer form testimony. I happily welcome the prosecution to question my offered testimony. The substance of proof is testimony to things provable sometimes by electronic or physical evidence, sometimes by verbal communications whether audio recorded or not (in compliance with NY, state wire tapping laws), and sometimes provable by all of the above. Almost all of which has yet to be shared with the court.

Next page begins relevant case law to rules & motions sought.

Case Law Reference (1): United States v. Johnson (E.D. La. 2017): A detention hearing may be reopened, before or after a determination by the judicial officer, at any time before trial if the judicial officer finds that information exists that was not known to the movant at the time of the hearing and that has a material bearing on the issue whether there are conditions of release that will reasonably assure the appearance of such person as required and the safety of any person and the community. In this case, no such information was included in defendant's written motion papers.

Comments: It was not known to me certain evidence existed that has a bearing on the above mentioned issues. It was not known to the court or shown to the court I had planned my schedule around my counseling session. It was also not known or shared that I had scheduled work not only for that day, but every other day that week, which was also court ordered. I only canceled my work after Kendra (PO) threatened she would write me up if I went into work despite that I was already on my way. This happened many times with her. The prosecution not only failed to mention this, they continued their false assertions that I, on my own was refusing to work. Besides my physical offer of proof, I have additional offers of proof and context through testimony. My affidavits and testimony offerings ~~will~~ (unlike the above case) have direct bearings on the issue of whether or not there are clear conditions of release that will reasonably assure my appearance and following of bond requirements. In addition to support this, I was made aware nearly 24 hours before my arrest that I was most likely going to be arrested, messages from my attorney exist to show this. Despite this, I yet again was forced to cancel my work by the blonde supervisor (name unknown) to drive down to Albany. I did this again despite low funds, an uninspected vehicle and sat for hours in the office just to be arrested. Under those same warnings and threats, I on low funds drove states away to stay in hotels & show up for a potential revocation right here in D.C. As in these cases of mine, my evidence will show I am no danger and no flight risk. It will show I have not only gotten better at following the courts rules, but that

Most allegations were false or missing much needed context

Case continued: Court was also listening for some sincere expression of remorse,

shame, and acceptance of responsibility - Some concrete indication that the defendants

extreme threats of violence and retaliation that resulted in his revocation of his

bond were an aberration. → Motion was denied because judge felt like he was a threat.

Comments: I ask after the court hear and see the truth that it puts that with my

progress while free and in jail. The court even with the lies knows I am not a danger.

Case Law Reference (2): United States v. Harris (M.D. Ind. 2012): Harris's bond

was revoked for breaking bond conditions, later Harris requested a hearing to submit

"evidence" showing that he didn't violate the terms of his release and or to offer

an excuse for why some areas of his bond were broken (give context). It

was granted that he have an evidentiary hearing. At the hearing on January 4th,

2012, Harris presented (through oral testimony) 2 arguments: 1) His conduct with

Watkins did not violate the terms of his release; and (2) He never initiated contact

with co defendants via Facebook or Twitter." Both his arguments were shown to be

lies and he offered no new facts. Comments: This will not be the case in my

evidentiary hearing.

Case Law Reference (3): Gurka v. State, 82 S.W. 3d 416 (Tex. App. 2002)

"Even if Gurka had preserved error as to either Reanell or Brittany's testimony,

their testimony did not convey any new facts to the jury." Comment: My affidavits

contain new facts as do my testimony. Continued: State argued they had to put witnesses on

the stand to prove the fact that certain conversations had occurred. Comment: I

argue I need to have my offer of proof be testimony to prove facts related to

events, circumstances, and context. Continued: Evidence substantiating C.B.'s testimony

that she had earlier told her cousin and friend about the molestation helped to

explain the fear that delayed the official outcry. Comment: The testimony I

provide in my case will provide many facts and give context just as it did in this case

Case Law Reference (4): United States v. Quin LI (M.D. Miss. 2016): Indicted on

numerous charges related to use of fraudulent credit cards and then released on bond on

June 8th 2016. Less than 3 months later government pushed for revocation of bond, as a result Quin Li was put on full home confinement. Less than 1 week after his first month on full house arrest it was reported he failed to stay in his house 5 times in the course of 4 days. He did not have an excuse for why he did not show up to a required visit to his probation officer. He failed a drug test which showed methamphetamines were used/in his system. His excuse for his departures from his home was that he wanted fresh air, one time he got "fresh air" for just under 3 hours. Comments: on full and partial home confinement for 6 months (6 times longer than Quin Li) I did not leave the residence I was forced to live in (not my house but my abusive mother's) without permission once, even for 1 minute. I never missed or failed a drug test despite how weird that situation is. Finally, I've never missed a required P.O. meeting without excuse.

As a final push: I've met actual criminals before I was moved to CZB where all the "Jan bers" are, some have been arrested over 30 times for actual violent crimes. Yet despite their track record and the fear that they will do their crimes again, they are given chance after chance. They eventually were given a chance to leave jail and prove themselves. I want to prove I not only should have never been jailed but put on house arrest, and to be given a chance to prove myself. I have been silent as I was lied about and abused by the prosecution and her corrupt agencies. Please allow me to defend myself with the truth. My life has been ruined by these lies, I want the same opportunity they were given, and with that, I won't abuse the courts time or waste the tax payers dollars like they have. Please let me prove the facts still yet to be spoken of.

Thank you for reading, sorry about my hand writing (I'm legally blind without my contacts, which the jail won't let me mail in), and sorry for this not being typed.

Thank You

Brown Fellars 9/14/2021

111 Highland Ave.
Rensselaer, NY 12144
August 28, 2021

To Whom It May Concern:

This letter is to attest that on June 14, 2021, I had arranged with Brandon Fellows to assist in the repair of the front door of my residence. As the enclosed text message indicates he expected to come to my home somewhere after 10 AM, but he needed to make a stop on the way. He later texted me that he would be there no later than 1 PM, however, as the attached phone record indicates, Mr. Fellows called me at 12:41 PM to let me know that he would be unable to come.

Sincerely,

Howard Berkun 8-30-21
Howard Berkun Date

Signed before me and Howard Berkun was identified by NYS Driver's License in Albany, NY on August 30, 2021.

Matthew A. Bauer
Matthew A. Bauer, Notary Public

MATTHEW A. BAUER
Notary Public, State of New York
Qualified in Albany County
Reg. No. 01BA6400659
My Commission Expires 11/18/2023

AT&T Wi-Fi

9:22 PM

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Brandon

Hello Howie, I'll be arriving at 10 am to help with the door. Have to go to Albany either before or after I help you out.

Ill see you soon!

That's fine. See you then.

Day of Therapy

Hello Howie, could I please have the address for when I finish up here?

Thank you!

111 Highland Ave., Rensselaer

Heading to you now. Will see you by 1pm

Thanks

Delivered



06/13/2021	12:38PM	☎ 518.465.6051	Incoming, CL	WIFI
		☎ 518.428.3974	Incoming, CL	WIFI
06/13/2021	01:39PM	☎ Brandon	Albany, NY	WIFI
06/13/2021	02:26PM	☎ 518.210.6566	Albany, NY	WIFI
06/13/2021	08:32PM	☎ 000.000.0911	911 Emergency, CL	SDDV
06/14/2021	09:16AM	☎ 716.855.3255	Buffalo, NY	WIFI
06/14/2021	09:18AM	☎ 347.735.4607	Bronx Nyc, NY	WIFI
06/14/2021	09:22AM	☎ 212.969.9999	New York, NY	WIFI
06/14/2021	10:06AM	☎ 516.589.0772	Floralpark, NY	WIFI
06/14/2021	10:07AM	☎ 516.589.0772	Floralpark, NY	SDDV
06/14/2021	10:07AM	☎ 516.589.0772	Floralpark, NY	WIFI
06/14/2021	10:19AM	☎ 518.764.8698	Incoming, CL	WIFI
06/14/2021	12:41PM	☎ Brandon	Incoming, CL	WIFI
06/14/2021	02:04PM	☎ 716.855.3255	Buffalo, NY	WIFI
06/14/2021	02:04PM	☎ 716.855.3255	Incoming, CL	WIFI
06/14/2021	05:31PM	☎ 518.210.6566	Albany, NY	WIFI
06/14/2021	07:46PM	☎ 516.589.0772	Floralpark, NY	WIFI
06/14/2021	09:28PM	☎ 518.210.6566	Incoming, CL	WIFI
06/15/2021	11:55AM	☎ 518.210.6566	Incoming, CL	SDDV
06/15/2021	11:56AM	☎ 518.210.6566	Albany, NY	SDDV
06/15/2021	11:57AM	☎ 518.210.6566	Incoming, CL	SDDV

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PAGE 8: Explanation of affidavit and supporting evidence

Supporting evidence (1) shows prior to knowing the exact times I was supposed to go to my counseling in Albany I ^{had} planned to go to Troy either before or after my session. On the 13th of June I became aware that my counseling was at 11am and told Howie ~~I would arrive at his~~ (via phone call) I would arrive to his house anywhere between 12:30 and 1:30 pm on the 14th (next day). As I was heading to Howie, Kendra (PO) called me and screamed ~~at~~ while threatening me not to go to work (which was approved of and scheduled). As a result, though I had just entered my vehicle and texted Howie ~~asking~~ asking for his address again because my phone was having problems and would not show me the older messages at that time) I listened to the tyrannical order and called Howie to cancel the job and disappoint him. For business reasons I told Howie I had a job in Albany & texted "Almost finished here" (paraphrase) to hide the fact that I was attending court ordered counseling and to hide I ended up not going due to feeling dangerously sleepy earlier. It would hurt my business to share this information but I had to in order to show I had intent to show up to counseling and to show the prosecutors (and her agencies) lies.

Brian Kellors

9/14/2021

* Therapy is located in Albany, which is why I told Howie I had to go to Albany before or after I saw him.

