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PROSECUTION MEMORANDUM

Date: September 13, 2020

RE: Travis County Referral -- Violations of Texas Penal Code by Federal Investigators and Officials and Texas State Securities Board Employees, under Tex. Penal Code §§ 37.10 and 39.02-03

I. Factual Summary

A more detailed chronology is attached to this memorandum.

On August 14, 2019 at approximately 9:00 a.m., 3 of 6 issued search warrants under cause number 1:19-MJ-431 were executed on complainants' residence, complainants' office, and complainants' server room. A SWAT team expecting to find evidence of narcotics trafficking and associated money laundering executed the search. The SWAT team included federal agents, CPS employees, TSSB agents, and more. They were armed and entered complainant's residence with guns drawn ready for battle demanding from the complainant to tell them "where are the drugs and money?" Officers turned the complainant's residence upside down, destroyed the home security system, destroyed his children's toys, and seized property that was far beyond the scope of financial records and investment documents. Social media indicates another raid team was on stand-by at Frost Tower (complainant's old office building). The complainant was detained for three hours and not allowed to use the restroom or call his lawyer. Additionally, the complainant asked the federal agents 11 times for the search warrant. Every request was denied.

At the complainant's office, agents indiscriminately seized boxes of attorney-client privileged materials concerning unrelated matters from the offices of in-house counsel handling general business litigation and corporate transactions. They told at least one employee that "surely" she would know where the drugs were located. They were searching for drugs, guns, and proceeds from narcotics trafficking and money laundering; they found none. The search warrants and affidavits lack any information that would suggest the officers were permitted to search for evidence of narcotics trafficking and money laundering, however, all accounts of the search indicate that this what the officers were looking for. Neither the complainant nor the complainants' employees were given a copy of the search warrant upon request. In fact, it wasn't until nine hours later that three of the six search warrants were sent by email to complainants'

counsel. Meta-data within these warrants suggests that someone involved in the investigation amended the warrants.

After the 1:19-MJ-431 search, there was a search conducted at an off-site storage facility used by the complainant since 2015. Complainant was not made aware of the search for some time after the search had occurred. Upon learning that this search occurred, Counsel for the complainant asked Special Agent [REDACTED] on August 30, 2019 for a copy of the warrant after [REDACTED] confirmed they had a warrant. It wasn't until September 3, 2019 that [REDACTED] responded to counsel's request indicating that AUSA Buie would respond to them. On September 4, complainant's counsel got an email from AUSA Buie to schedule a conference call concerning the warrants. On September 5, 2019, a conference call with complainant's counsel and AUSA Buie and AUSA Gupta took place. On this date AUSA Buie was caught lying to complainant's counsel about the number of searches that took place. Counsel demanded a copy of the search warrants and intended to file a motion with the court for access to the court's files. AUSA Buie urged them not to file a motion with the court because the document was sealed, although the three prior search warrants from -431 had been emailed to counsel with a seal. The Contego warrant was sent to counsel on the following day on September 6, 2019.

Meta-data from this document indicates that AUSA Buie authored the warrant from his computer on September 4, 2019. Several inconsistencies with the search warrant are apparent when viewing the meta-data from the document.

This search was conducted without a warrant. For multiple reasons, they had to concoct one. The subjects may have thought they should have had a warrant or that it would help them try to justify their actions if called upon to do so in the future if they had at least something that looked like a valid warrant. Special Agent [REDACTED] told counsel there had been a warrant. Then they had to generate one. At some point, the case number 1:19-CR-450 was chosen as the assigned case number for the separate search of the off-site storage location.¹

II. Subjects

A. [REDACTED]
Financial Examiner at the Texas State Securities Board ("TSSB")

¹ The return of the Contego Storage Unit warrant indicates that the search was conducted on three different days: August 22, 2019; August 27, 2019 (although there appears to be a typographical error indicated it was executed on August 27, 2018; and finally on August 30, 2019). There is a single composite return for all three searches, which is dated September 5, 2019. The descriptions of the items seized is opaque. They read as follows

- August 22, 2019: "82 Bank Boxes of Business Records & Documents."
- August 27, 2019 [or -19]: "18 Banker Boxes contained WCG documents."
- August 30, 2019: "1 Box of Documents with the Barcode # 28747 labeled as Box 70."

Before joining the TSSB, [REDACTED] was a loss prevention officer at Wal-Mart in Pasadena, Texas for approximately five years. This is the sum of his law enforcement experience and training. He was tasked with being the sole law enforcement applicant on the search warrant applications, and he alone executed all of the search warrant inventories, though he could not have been at all locations at the same time. From all appearance, he was in charge of the search at the Paul residence. Furthermore, [REDACTED] was promoted and given a raise two weeks prior to the search at Paul's residence. The Payroll Authorization was prepared September 4, 2019 and backdated to August 1, 2019 to reflect the effective date.

B. [REDACTED]
FBI Special Agent, Austin, Texas. Previously stationed in Del Rio, Texas

[REDACTED] played a critical role in the searches of the Contego offsite storage facility to which World Class entrusted its private information. The return indicates that he witnessed the preparation of all three inventories at all three locations of the search on August 14, 2019.

C. Alan Buie

Assistant United State Attorney with Office of the U.S. Attorney for the Western District of Texas, Austin Division

[REDACTED]
Previously stationed in Fort Worth, Texas with the USAO for the NDTX

Buie was the point of contact through the Paul investigation and searches, although, he claims that AUSA Gupta was the lead on the case. Buie communicated with Paul's legal counsel after the searches by email and made representations about the searches warrants that were executed. Buie filed motions on both the 431 and 450 cases. Metadata found within the Contego search warrant indicates that Buie was the author of the search warrant that was filed with the court. Buie testified in a hearing in February before US Magistrate Judge Lane.

D. Mark Patrick Lane

U.S. Magistrate Judge, WDTX, Austin Division

[REDACTED]
Judge Lane's signature appears on all orders in this case other than those associated with the initial filing in 1:19-MJ-283, which was assigned to U.S. Magistrate Austin

E. Veronica Sobrevilla-Dent

Courtroom Deputy to U.S. Magistrate Judge Lane

[REDACTED]
Originally from Del Rio, Texas

Ms. Sobrevilla-Dent appears to have made the entries in the District Clerk's electronic filing system or facilitated them or otherwise knowingly allowed those entries to be made.

III. Texas Penal Code

1. TPC §37.10 Tampering with a Governmental Record

(a) A person commits an offense if he:

(1) knowingly makes a false entry in, or false alteration of, a governmental record;

(2) makes, presents, or uses any record, document, or thing with knowledge of its falsity and with intent that it be taken as a genuine governmental record;

(3) intentionally destroys, conceals, removes, or otherwise impairs the verity, legibility, or availability of a governmental record;

(4) possesses, sells, or offers to sell a governmental record or a blank governmental record form with intent that it be used unlawfully;

(5) makes, presents, or uses a governmental record with knowledge of its falsity; or

(6) possesses, sells, or offers to sell a governmental record or a blank governmental record form with knowledge that it was obtained unlawfully.

[...]

(c) (1) Except as provided by Subdivisions (2), (3), and (4) and by Subsection (d), an offense under this section is a Class A misdemeanor unless the actor's intent is to defraud or harm another, in which event the offense is a state jail felony.

(2) An offense under this section is a felony of the third degree if it is shown on the trial of the offense that the governmental record was:

[...]

(D) a search warrant issued by a magistrate.

Supporting case law:

- *Lewis V. State*, 773 S.W.2d 689, (Tex. App.—Corpus Christ [13th. Dist.]);
- *Graham v. State*, 57 S.W.2d 850, 854 (1932);
- *Smith v. State*, 220 S.W. 552, 553

2. TPC §39.03 Official Oppression

(a) A public servant acting under color of his office or employment commits an offense if he:

(1) *intentionally subjects another to mistreatment or to arrest, detention, search, seizure, dispossession, assessment, or lien that he knows is unlawful;*

(2) *intentionally denies or impedes another in the exercise or enjoyment of any right*, privilege, power, or immunity, knowing his conduct is unlawful; or [...]

(b) For purposes of this section, a public servant acts under color of his office or employment if he *acts or purports to act in an official capacity or takes advantage of such actual or purported capacity.*

IV. Search Warrants

A. Case Number: 1:19-MJ-431

- (1) “World Class Corporate Offices” – issued August 12, 2019
 - 303 and 307/305 West Ninth Street, Austin, TX 78701
 - 814 West Lavaca Street, Austin, TX 78701
 - Executed Return
- (2) “The Server Room” – issued August 1, 2019
 - 322 Congress Avenue, 2d Floor, Austin, TX 78701
 - Executed Return
- (3) The “Paul Family Home” – issued August 12, 2019
 - [REDACTED]
 - Executed Return
- (4) “Paul’s Automobile” – issued August 12, 2019
 - White Bentley Mulsanne with Texas License Plate # FFP-2286
 - Unexecuted Return
- (5) “Nate Paul”: Person, Vehicle, and Property of Natin “Nate” Paul – issued August 12, 2019
 - Unexecuted Return

(6) “Sheena Paul”: Person, Vehicle and Property of Attorney Sheen Paul – issued August 12, 2019

- Unexecuted Return

B. Case Number: 1:19-MJ-450

(7) “Contego Storage Unit”: Contego Information Management offsite storage - issued August 16, 2019

- 2112 Rutland Drive, Austin, Texas 78758
- Executed Return

U.S. Magistrate Judge Mark Lane signed these seven aforementioned warrants.

C. Additional Search Warrants to Internet Service Providers

At least three additional search warrants issued between May and June 2019 to Internet service providers pursuant to 18 U.S.C. §2703(a) under case numbers:

- 1:19-MJ-283 – issued by U.S. Magistrate Judge Andrew Austin
- 1:19-MJ-323 – issued by U.S. Magistrate Judge Mark Lane
- 1:19-MJ-331 – issued by U.S. Magistrate Judge Mark Lane

The dates these search warrants issued, in addition to the returns and inventory, is unknown due to counsel being denied access to any documents, including the docket sheets.

V. Prosecution Analysis

1. Contego Search Warrant

A. Texas Penal Code §37.10. Tampering with Governmental Records.

(a) A person commits an offense if he:

(1) knowingly makes a false entry in, or false alteration of, a governmental record;

The Contego search warrant did not exist at the time the facility was searched.

Between the testimony of Contego’s CEO, Kevin Knebel, and the available documentation it is unclear when exactly Contego search took place. Specifically, the Returns and Inventories filed in this case indicate that property exchanged hands on three separate days: First on August 22, 2019; then August 27, 2019 [or 2018 assuming no typographical error]; and finally on August 30, 2019. Problematically, sworn testimony from the CEO of Contego, Kevin Knebel, indicates that property actually exchanged hands for the first time on August 16, 2019. **It cannot be both August 16, 2019 and August 22, 2019.** The face of the Contego Search Warrant indicates that it was issued on August 16, 2019 and signed by Judge Lane, however, there is no Return or Inventory dated August 16, 2019 to corroborate his testimony. The video surveillance for this time period that Contego prides its maximum security on has apparently been destroyed due to issues with the hard drive. This makes it increasingly difficult to uncover the truth.

However, direct evidence and inference shows that that on at least the first date property changed hands – either August 16, 2019, or August 22, 2019 (or earlier), no search warrant for the extensive World Class private business records stored at the Contego facility existed. Yet there is in the District Clerk’s electronic system under case number 1:19-MJ-450 a search warrant with a date stamp of “August 16, 2019.” This makes it clear that the search warrant now referenced multiple times in official documents and on the record, as well as any application, as well as any and all attachments to either the warrant or application, including any affidavit in support of the application, must have been post-dated.

These items are “Governmental Records,” as “Governmental Record” is defined in the state statute to include a search warrant issued by a magistrate. That “Governmental Record” was filed as an official record in the District Court’s electronic records, which constituted an entry, the “*false entry*,” under TPC §37.10(a)(1). Therefore, anyone involved in the post-dating and related cover-up is responsible for knowingly *making a false entry* in a Governmental Record.

Those persons include the subjects listed above. The clerk, Veronica Sobrevilla-Dent, **entered** into the electronic record system some date after August 16, 2019, a document post-dated in handwriting or in type to appear to have been dated “August 16, 2019,” thereby creating a false entry in an electronic Governmental Record to make it appear that a legitimate search warrant authorizing the Contego search has been obtained and filed before the search took place. It would also include all the person responsible for *creating the document and/or placing the false date on the document in the first place*. Unless it was altered after he signed it, that would include [REDACTED] whose signature appears on the search warrant and who swore everything on it was accurate, including the date. It would also include anyone involved in the preparation of the document.

On August 29, 2019, another *false entry* was made in the District Clerk’s electronic system, that is a motion appears of record requesting authority to extend the seal on the document purporting to be the August 16, 2019 search warrant. IN the electronic records, the motion appears to have been granted by Judge Lane very shortly after it was filed. By definition, filing the motion to extend the seal was a *false entry* in a Government record because the motion reference a document bearing demonstrably false information that is, the wrong date, along with the necessarily implicit representation that a search of the premises identified in Exhibit A for the items listed in Exhibit B had not already occurred when the warrant was first filed.

Likewise, causing the order extending the seal to be granted and similarly entered constituted creation of a false entry in a Governmental record for the same reason.

The purported search warrant bearing the false date of “August 16, 2019” was forwarded to World Class’s counsel after a telephone conference call between and among the AUSA’s and counsel that began at approximately noon on September 5, 2019 and lasted just over an hour. Before forwarding the “search warrant” for the Contego unit to counsel for World Class and Paul, AUSUA Buie sought permission (unnecessarily) from Judge Lane. Judge Lane signed an order authorizing disclosure. These actions eliminate any doubt that both AUSA Buie and Judge Lane had the requisite knowledge that the document purporting to be a search warrant dated

“August 16, 2019” was back-dated and that the search was conducted without a warrant. The motion for leave to disclose and the order granting it ironically are therefore themselves “false entries” under TPC §37.10

The return amounts to another false document. Its entry in the District Clerk’s system as a Government Record was therefore a crime. The return was filed September 5, 2019, at 2:38 p.m., shortly after the conference call between and among counsel. [REDACTED] signature appears on the return, under penalty of perjury. The return states that the inventories attached to the return were made in the presence of Special Agent [REDACTED] of the FBI. The attached inventories bear the dates August 22, 2019; August 27, 2019 [or 2018]; and August 30, 2019. That they were filed shortly after the conference call suggests one of the AUSA’s, Buie or Gupta, directed [REDACTED] to make the false entry shortly after the call ended.

All communications with Knebel have gone through attorney Doug Brothers who had no previous known connection to Knebel or Contego. Brothers was referred to Knebel by attorney Ray Chester. Chester has been actively engaging in hostile self-interested litigation against the complainant and complainant’s business in an effort to capitalize on the adverse publicity generated by the August 2019 searches and militant behavior of the officers conducting the searches.

(2) makes, presents, or uses any record, document, or thing with knowledge of its falsity and with intent that it be taken as a genuine governmental record;

AUSA Buie, Special Agent [REDACTED] and [REDACTED] made, then presented, and then used the record and document purporting to be a rightfully issued search warrant in their selected case number 1:19-CR-450. They *made* the document as described above at a time to be determined in the course of this investigation. Presumably it was made with word processing software on a government computer. They *presented* it to counsel for the complainant. In presenting it, they by definition used it. They *used* it for only one plausible purpose, that is, to try and convince counsel for the complainant that there had been in place a search warrant authorizing the search of the Contego unit. They similarly made, presented, and used the September 5, 2019 return and attached inventories to perpetuate the deception.

(3) intentionally destroys, conceals, removes, or otherwise impairs the verity, legibility, or availability of a governmental record

For the reasons examined above, the search warrant and return, with the attached inventories were false. By filing them and allowing them to be filed of record, the subjects impaired the verity of the District Clerk’s records, including a search warrant, which were by definition Governmental Records.

B. TPC §39.03 Official Oppression

(a) A public servant acting under color of his office or employment commits an offense if he:

(1) intentionally subjects another to mistreatment or to arrest, detention, search, seizure, dispossession, assessment, or lien that he knows is unlawful;

(2) intentionally denies or impedes another in the exercise or enjoyment of any right, privilege, power, or immunity, knowing his conduct is unlawful; or [...]

(b) For purposes of this section, a public servant acts under color of his office or employment if he *acts or purports to act in an official capacity or takes advantage of such actual or purported capacity.*

The search denied and certainly impeded the complainants' exercise of their rights to their own property and their interests in preserving the privacy of their business records. The intent element of the crime is satisfied by the proof of the subjects' knowledge the search warrant was false, which is discussed and analyzed above. As the subsection (c), [REDACTED] and Buie took advantage of their actual or purported authority. Were it not for the expression of that actual or purported authority, by his own words, Knebel never would have assisted them in obtaining the complainant's private property. Knebel presumably would not have been intimidated and would be stripped of any explanation however meritless for his actions.

2. Alteration of Search Warrant in 1:19-MJ-431

A. Texas Penal Code §37.10. Tampering with Governmental Records.

As discussed above, approximately two hours into the searches on August 14, 2019, the demeanor of the agents executing the warrant at the Paul home changed dramatically from determined militarism to doubt and frustration. According to the meta-data studied by a forensic expert, AUSA Buie altered the search warrant document at that time. The alteration was made to a "Governmental Record" because the document forwarded to counsel for the complainant included the meta-data showing the document was altered. The attachments to Buie's emails match the copies provided to counsel on February 28, 2020, which were presented as having been copied from the District Clerk's records. So, the document as altered by Buie became part of the court's electronic records and thereby became a "Governmental Record." Whatever "Governmental Record" had existed was therefore "tampered with." In addition to Buie, [REDACTED] must have known it had been tampered with, if not before, when he filed the return with the inventories along with a search warrant that did not match the one he had obtained August 12, 2019.

B. Texas Penal Code §39.03. Official Oppression.

Approximately two hours into the search of the Paul home on August 14, 2019, AUSA Buie and the executing officers, including [REDACTED] knew there was no evidence of narcotics trafficking or associated money laundering. If they had found any such evidence

VI. Establishing a Predicate to Issue Legal Process

- (1) Determine internet service provider used by the following persons to receive and to send mail:
 - a. [REDACTED]
 - b. [REDACTED]
 - c. Alan Buie
 - d. Veronica Sobrevilla-Dent (deceased)
 - e. Kevin Knebel
 - f. Doug Brothers
 - g. Ray Chester
- (2) Determine banks used by the following persons for personal and official business transactions:
 - a. [REDACTED]
 - b. [REDACTED]
 - c. Alan Buie
 - d. Veronica Sobrevilla-Dent (recently deceased)
 - e. Kevin Knebel
 - f. Doug Brothers
 - g. Ray Chester
- (3) Confirm telephone numbers used during the relevant time period by the following persons for personal and official business purposes:
 - a. [REDACTED]
 - b. [REDACTED]
 - c. Alan Buie
 - d. Veronice Sobrevilla-Dent (recently deceased)
 - e. Kevin Knebel
 - f. Doug Brothers
 - g. Ray Chester
- (4) Legal Process and More Affirmative Actions
 - (1) Legal process for the original, physical court records - TBD
 - (2) Grand Jury Subpoenas for telephone and text toll records
 - (3) Legal process for personal and business computers - TBD
 - (4) Search warrants to internet service providers
 - (5) Grand Jury Subpoenas for selected bank
 - (6) Interviews of non-subject witnesses
 - (7) Grand Jury Subpoenas to potential non-subject witnesses

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EX. 650.012