

Edward Daspin Pro See

██████████, Boonton NJ 07005

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Case # 3-16509 SEC VS Daspin

**Superceeding**

**Supplemental declaration/motion to dismiss**

**And Elimination of & violation of defendants'**

**In-house constitutional rights.**

Equal benefits afforded others' under the law is what I received; I was not afforded equal rights' in violation of defendants' right to receive a fair trial my hearing consisted of a kangaroo court encumbered by judge 'Murrays personal monetary interests' and which was made impossible for me to receive a fair trial as by the trust she accepted as the Commission delegate ;to carry out the complaints' mandate to find my alleged guilt judge Murray made a bargain to find guilt that was preordained by the former commission with the fraudulent Wells notice ,that hid the exculpatory evidence and omitted the material facts' ,that if disclosed, proved the falsity contained therein of the allegations!

Judge Murray had no alternative available to her other than to find guilt to alleviate her monetary interests' exposure and at the same time she could live up to the trust she accepted as the delegate of the commissions to complete the complaints' finding of guilt by putting her stamp of approval on it by finding the guilt that the complaint alleged as fact.

Judge Murrays' disregard for the stay implicit in the Supreme Courts' order in Lucia VS SEC ;that this defendant had the right to ensure that no adjl that had participated in ,and /or was its' architect and or could not render a just finding of fact could participate and that the defendant had the right to object which I motioned her to recuse herself to no avail.Had I known what judge murray ;knew that by her becoming a delegate of and for the Commissions' delegation of my case, she had no right to judge any case as by her agreement to be a delegate she violated the independence that a judge is required to have.

She lied to this defendant to get the very case she had agreed to be the commissions delegate!!The hearing under her was a fraud she perpetrated on me by her letter TO ME alleging she would be fair and honor all reasonable requests all the while knowing that she had committed to the commissioners' to be their AGENT, REPRESENTATIVE AND FIND THE GUILT THEY ALLEGED IN THE COMPLAINT PREDICATED ON OMISSIONS' OF MATERIAL FACTS AND OMISSIONS OF EXCULPATORY EVIDENCE I RECITED IN MY SUBMISSIONS AD NAUSIUM .

Just as her prior fraud of assigning a non article 2 adjl was a fraud,, that lady doesn't know how to play it straight! She perpetrated the fraud by her as she had a position as the delegators trustee, agent and representative to find the fraud alleged in the complaint initiated by the prior commissioners .

When Judge Feolak found ,in the pre Lucia vs SEC order, in my favor that I'd be irreparably harmed if I were forced to testify under the 7 factor test that federal district court judges use to quantify a motion for an adjournment for medical reasons' judge Murray immediately interceded ;found it convenient to

abuse and use her Judicial administrative powers to eliminate Judge Feolaks' postponement Sine Die and replaced her with her presiding judge, Judge Grimes, whose purpose was to dissolve the Postponement sine die in the face of the finding of fact that if forced to testify id be irreparably harmed.

Judge Murrays purpose was made clear when she refused to reverse Judge Grimes dissolution order exposing me to imminent harm and injury as Judge Feolaks' finding of fact was in his and Judge Murrays' face! .It then became apparent that judge Murray was a fixer of defendants' guilt before any hearing and that both Judge Murray and Judge Grimes were delegate[s] and took the OIP allegations' in the complaint about me as if fact, which was the overarching reason that Judge Grimes and subsequently Judge Murray found true before any hearing ethat they believed justified my potential irreperable harm!

What are they doing here? Is this inhouse just a facade for a Paris Island wherein torture is approved for the greater good /were a Bin ladden!?? I served my country as an officer and tank commander not yet found guilty of a civil offense and no demonstration that I had Scienter of any wrong doing and i relied on the Law firm[PLAPIER],accounting firm[McGlavery],insurer [WILLIS and Chartis insurance]who under wrote an exempt security]who found that the securities were exempt as the SEC stamped the PPS on oct10,2011!!

Judge Murray and Grimes behavior should have made me shudder that i had already been found guilty and that the delegate[s]were trustees for the Commission! Judge Murray made it clear that she should have recused herself because of her own monetary interest in the outcome, as by my being found guilty by her, she made the lawsuit I had informed her and the others' I would file against them moot! In addition her participation in a coverup, that an alleged hearing was not needed as by the issuance of the complaint and the acceptance of the case by the adjl as the delegate my fate was sealed as the rest was foreplay and of no effect ,The Adjls agreement to be a delegate eliminated the proofs that the complaint was made based on false and incomplete facts as before the adjl took the case as the commissions agent the adjl was no longer independent since it became a delegate and commissioners' agent PRIOR TO REVIEWING THE COMP,AINT,,Thereafter the adjl was held hostage to the complaints'allegations as the adjl could not add and/or subtract the additional evidence that that additional evidence was not included in the agency, In fact the adjl was no longer needed as she/he had defaulted on the side of the commission whom they represented and by so doing abandoned their independence and abrogated their right to judge independently!,

At the stage of being a judge they became a commissioners' agent with fiduciary to ensure that the **commissioners/ complaints allegations were upheld by themself,,**That's 'what judge murray did in this case as she disregarded the facts the defendant put up at the hearing that contrvened the complaints allegations just as clear as a bell and as if she had ben paid off by the Commission[Iknow that's not the case in the commissioners mind; but thats the end result of making an adjl and agent of the complainer prior to the judge ruling on the facts of the case,, This aforementioned process inculcated into DoddFranks' presumption of guilt made for a Molotove cocktail for the defendant and **eliminated any possibility of a just decision.** Attributable to the sequence of when the adjl was bought as an agent of the commission which wa unforunatly **before any discovery in front of the representative** of the Commission that was **now the descriptive adjective for the former adjl!!** So the witness' the division put up and if their testimony supported the defendants' position the adjl ignored them time and time again, **No justice just an agent** if the division witness contravened the commissioners compaints

'allegations then the "Judge"[In fact at that time the commissioners delegate],. Disregarded the witness exculpatory evidence and or put a Scenter spin when no proof of wrongdoing and/or my knowledge was ever shown except by the hearsay allegations which were contravened by those witness that McGrath was successful in having them contravene their prior testimony like MrLux who in2013stated in his deposition that Nwugugu wrote the bulk of the PPM and that he never saw me type when asked what role I played in creating the ppms' construction and then 6 years after that testimony he visited Lourds and saw me dictate the ppm to MrYoung when his office was separated from Youngs by 6walls,2 cubicles and2inch sound proof oak doors with no line of sight unless superman,,Or MrHeisterkamphs Brady described me in his first interveiw as Daspin the consultant and main and Daspin and Puccio and daspin and Burnham; but then 6year after the Brady atthe 2019 hearing then alleged in2019 that he only knew me as ed[My real first name],Fortunately for me he wrote a chartis insurance claim that he and locket were defrauded by Puccio and Mcfaralne and not me and i signed for MKMA his employment contract as Edward Michael/Daspin so his story about "ed" which the prosecution hoped would convince a tryer of the fact that i hid my identity !judge Murray at thattime wasnot a judge but an agentof the commission that played judge after she sold herself to th commission as their agent! The falsity of the allegation that I hid my felony the illth hour before an investor invested was disproven by the following admissions' which was blown outof the water as the complaint alleges i informed every investor about my felony before they invested and the fact that my disclosure was alleged at the 11<sup>th</sup> hour prior to their subscription was contravined by MrYoung testimony that all investors were nformed prior to any investment and he was the divisions' witness as was mrlange who admitted that I informed him of my felony on the first interveiw, He was a vp abc sports under HowardCoslell and a harvard MBa with a spotless record and he told the truth as the divisons witness as did Ms Beir the sec fraud analyst who did not find that i committed any fraud at wmma or she would have stated that contrary to the divisons ranting and raving in the complaint that I milked millions fromWMMa and made its mission for it to let me milk it,,That's the amaturish goobbldegook in the complaint when the reality is uncontested i/mkma/cbi invested over \$3million in capital and only accepted 7.5%of our billings for services rendered pursuant to a contract signed by a majority of wmmas disinterested directors, rather that the combined compensation of \$240,000.00; i/CBI andMKMA received for 30months effort and that I forgave a one million fee for CBIS' IMC effort,.In fact the brady of msPuccio admits that .whom MsPuccio ascribed informed her and berjedekian at the 2<sup>nd</sup> interview[45days prior to check signing ,and at the first interview ie; as mrlange testified and 3months before Mr main invested so MrSullivans lie that in brady it was at the 11<sup>th</sup> hour idislocoed myfelony beforeheinvested was disproven by Mr youngs contravened testimony that right after my first interveiw with Sullivan mr main was next and after mr main came out MrYoung testified mr main stated he didn't think mr Sullivan would sign up because of eds felony,That was Sullivans first interview not the 11thhour,

What we have hear is a prosecutor who tried to suborn Mr Agostinis perjeiy and suborned luxs testimony as different from LuXS'his2o13 testimony ,,Mr McGrath doesn't care how many innocent people he destroys' as long as he gets credit for the destruction,,The man should not work for our country, His very presence is insulting to our president and his side kick MrOConnell is not far off the mark.Mr Heisterkamph,who back dated his subscription contract so it would match the date of his investment as after his first visit when he flew home to michigan he found a matrimonial judges stay over his pension,,He asked Mr Beurnham to permit him to wire his investment that dayand back date the subscription contract the day before the stay order to do his wife and kids out of their right to 50% of the equity. and false and self serving and he admitted he lied that he was accredited in his

subscription contract[ie no credibility See my Wells a reply Section7 about the disengenuous investor operators witness.on the complaints' allegations' which didn't include the exculpatory evidence and excluded the omissions of the material facts that the defendant found after the complaints initiation. Judge Murray knew I knew that she had no need to was to go thru the motions; as if a judge as she was the commissions agent and had a fiduciary to find the complaint allegations true before any witness. as my guilt was assured by the prior commissioners' initiation of the complaint and based on the allegations' that the division concocted to conceal the facts demonstrating my innocence.

As a citizen I must object to the fraudulent inducement and the game that congress invented to give the commissioners a clear path to find guilt while avoiding due process the expensive trial with the presumption of innocence. Congress' Dodd Frank amendments usurps defendants' of their constitutional rights to a fair trial constructed by an adjs use of the inhouse violation of my constitutional rights by accepting as delegate the commissioners complaints' allegations against me as if I had had a trial when they knew I did not!.

My only chance at this stage is this commission as its leader is our President who I believe will not tolerate any watering down of our constitutional rights under his watch he will not permit the adjs under him to fix cases by their participation as the commissioners delegate; its agent; its representative; its fiduciary and because of the position of trust this judge would call red green and black white as she agreed to be a delegate to the commission and she made her findings before any witness were locked in offering me no justice and just a crooked hand as her delegation position was a predicate act to hearing the case as if she were an independent judge I was not tried by an independent judge; I was tried by a judge fixed to make findings based on her agreement to be the agent for the commission as its delegate:

BEFORE SHE ASSIGNED THE CASE TO HERSELF,, THE AUDACITY TO DEFRAUD US WITH A NON ARTICLE 2 ADJL AND THEN AFTER SHE WAS ARTICLE 2 COMPLIANT TO DO IT AGAIN BY ALLGING SHE WAS INDEPENDENT !!IT WAS NOT UNTIL I READ THE PROCESS AND HER CAPTIONS' AS A DELEGATE AND THEN SOUGHT THE DEFINITIONS OF AGENT AND FIDUCIARY AND TRUSTEE UNTIL HER ACT TO HIDE AS AN ADJL BECAME TRANSLUCENT!!ITSSHAMEFULL

„I was fraudulently induced a 2nd time to appear before her,, This Commission was setup by the democratic congress with Dodd Frank,, That's how the democrats play! Not straight so compared to them Putin looks honest. ,I have been made to look like a crook, my character demeaned when all I did was create a strategic business plan for an emerging sport and took the same risk as the other investors,. ,It is clear that the current make up of our Supreme court will find against it as its existence is a mar on the purity of our founders' other constitutional amendment. There is no place for a commission to circumvent the constitutions guarantees that its citizens' constitutional rights can be abrogated by a prosecutions divisions' selection of inhouse jurisdiction which we now know is so structured as to defraud the very citizens that are to be protected. There is no protection not under the delegate and the fact that was already found by the commission before any hearing and with complete disregard for the human rights' that we are supposed to receive; a defendant is guaranteed in our Constitution had been made a face inhouse... There is no room for this violation nor is there room for a judge to fix itself by accepting being the commissioners delegate.

I was not tried by an impartial judge and the fraudulent inducement judge Murray participated in condoning by her assignment of non article 2 complaint adjs just made the process of wrongdoing compounded by a factor of 10 Now she has participated in avoiding justice, by collusion with the

commission by becoming the commissions delegate and ' a trustee of the complaints' allagations that im guilty before she even hears me as she was a trustee of the complaints' allegations' prior to my utterance of one word!

I ask my case be dismissed that judge Murrays violations of my rights be sanctioned that i receive a whistlblower fee for bringing out the violation and the cure possibly being that inhouse no longer eliminates due process,that the Commissioners mandate an Advocate!

PRESIDENT DONALD J TRUMP ADVOCATE BE INSTITUTED THAT IT BE PROVIDED OPEN ACCESS TO ALL THE DIVISIONS' INFORMATION,TO ALL EXCULPATORY EVIDENCE NOT CONTAINED IN THEIR WELLS NOTICE AND THAT THE DIVISION PROVIDE ALL OMISSIONS OF MATERIAL FACTS;THAT THEY LEFT OUT OF THEIR WELLS NOTICE AND THAT THE DIVISION LEADER ON EACH PROPOSED WELLS NOTICE BE SUBJECT TO AN IN CAMERA TESTIMONY WITH THE POTENTIAL DEFENDANTS LAW FIRM SUBJECT TO ' THE SAME DISCLOSURE AND THAT THE COMMISSION THEN WEIGH THE EVIDENCE PRODUCED BY THE PARTIES TO MAKE A FINDING FOR EITHER A NO BILL,A SETTLEMENT FOR NO A NO SCEINTER APPEARING TO BE PRESENT OR SET FOR A TRIAL WITH THE PRESUMPTION OF INNOCENCE USING AND UNDER THE RULE OF LAW.WE CAN NOT BASTERDISE THE CONSTITUTIONS' INTENT AND WE MUST PRESUME THE INNOCENCE OF EACH AND EVERY DEFENDANT UNTIL PROVEN GUILTY BY A JURY AND/OR JUDGE!

As the Commissioners delegate,the adjl has a fiduciary to bethe commissions representativeand agentand to find consistnt with the complaintsallegations asthatis th trust the adjl accepted to be considered an alleged judge,,TheAdjl cannot beindependantonceit accepts being the commissioners delegate asam agencyand trustee for the commissionersand theircomplaintsallegations,,Th eAdjlbyaccepting the fiduciaryand trustimpicit in the acceptanceas delegate sold out theindependancethat a defendnatis supposed to be assured of receiving,JudgeMurrayaccepted her role as delegateand thereafter everything she did andor did not do was consistant with herduty to accept the complaintand itsallegations as truewheninfactthe allegations wrefalseandobtained by the divisions concealment of theexculpatoryevidenceand of theommissionsof material facts the divisionhid the truthand thati wasinnocentof the allegations,,lasked JudgeMurray tolook at theWellsNoticeandthenascertainallthe exculpatory evidence they omitted as i have since submitted, She refused ,and by [accepting being the commissoners; representative and trustee she admitted that as the delegate she didn't care that the facts were omitted by the division in their Wells notice which led the Commissioners to the wrong conclusion, She was an agent of the commission prior to accepting her adlgs responsibility to be independent as she made a deal to represent the commission with respect to my complaint!She sold herself and then pretended independence made impossible by the bargain she made with the commission as their delegate!Great justice!and as its representative she had a fiduciary to find the complaint and its allegations were facts' with no equivocation and that the commissioners were defrauded into believing the Wells notice when in fact the exculpatory disproves the allegations' allege as facts' when in fact the facts were omitted that contravened the Wells notice allegations, ,Since judge Murray had made adeal to be the commissions agent and trustee and to support the complaints allegtions' regardless of the falsity contained therein !There is no way any defendant defrauded by a Wells notice that excludes facts that the division had in their possession and which the defendant wasn't informed of until the Complaint containing the fraudulent allegations was made by the commissioners Then it was to late as the judge had sold her fiduciary to be independent out to the commission by accepting being its delegate and such arrangement eliminated the defendants ability to use

those additional exculpatory evidence ceases by then the die was cast, the judge went through the motions and could care less that the newly produced evidence contravened the commissioner's complaints allegations as the judge had a fiduciary to back the commissioner's complaints allegations losing the exculpatory as the commissioner's representative had to accept the facts that the commissioner had prior to the exculpatory information being disclosed. In essence the judge was not a judge just an agent with a fiduciary to ensure the complaints allegations were the fact of the case. can prevail as the adjl becomes the commissioner's agent, representative and truth no longer matters as the agency is final and biased and based on the commissioner's first impression as in the Wells notice which the division purposely left the,

Respectfully

E M Daspin Pro See-----

Certificate of service on 2/26/20 I swear that I served the below person by UPS on the 26, february, 2020

Signed by Em Daspin-----[all parties emailed] and then

THE HONORABLE PRESIDENT OF THE UNITED STATES DONALD J TRUMP [marked personal and confidential re SEC

MR. FIELDS 3 COPIES FOR THE COMMISSIONERS

Ms. Shields 1 copy for Judge Feolak

Mr. McGrath, Mr. Shapanka esq, Mr. Agostini