

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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ALLEN WOLFSON,

Petitioner,

- against -

UNITED STATES OF AMERICA,

Respondent.

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11 Civ. 7922 (JGK)

MEMORANDUM OPINION AND  
ORDER

JOHN G. KOELTL, District Judge:

The Court has received the attached correspondence, which it forwards to the Government.

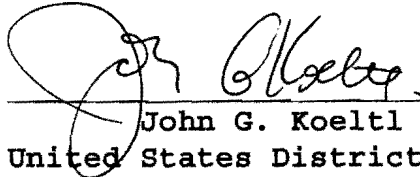
The petitioner filed a § 2255 petition in November, 2011. The Government has not yet responded. The petitioner describes several of the attached documents as addenda to his § 2255 petition, one as a "2255, Writ of Habeas," and one as a motion to dismiss his conviction. The Court will treat these addenda as amendments to the original § 2255 petition under Federal Rule of Civil Procedure 15(a). In responding to the petition, the Government should respond to these addenda as well. See Littlejohn v. Artuz, 271 F.3d 360, 362-64 (2d Cir. 2001). The Government's time to respond is extended to **February 24, 2012**. The petitioner may reply by **March 16, 2012**.

In one of the documents, the petitioner also asks the Court to appoint James Cohen as his counsel. However, there is no right to counsel on a motion pursuant to 28 U.S.C. § 2255, and

the petitioner has failed to show that his claims are likely to have merit or that the appointment of counsel is justified. Therefore, the petitioner's application to appoint Mr. Cohen as his counsel is denied without prejudice.

SO ORDERED.

Dated: New York, New York  
January 25, 2012

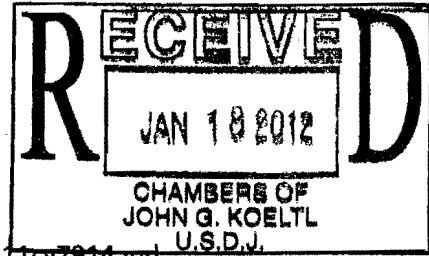
  
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John G. Koeltl  
United States District Judge

United States District Court  
Southern District of New York

Allen Wolfson

vs

United States of America



case no 11cv7914 and

Case no 11cv7922

Motion to dismiss conviction because of  
failure to disclose Brady Material that would  
Have proven defendant had not committed a  
Crime.

Come now the defendant who requests that the court dismiss the two indictments against defendant because of the intentional violation of the law for David Esseks to intentionally fail to give defendant the brady material that would have allowed defendant to have the court to dismiss this purported criminal case against defendant. It becomes apparent that David Esseks was working with Chris Bruno to intentionally convict defendant of a crime that he did not committed. Why would Chris Bruno fail to request brady material if he was concern about his clients innocence. If he failed to ask for Brady material it could be construed that Bruno was not only incompetent but guilty of working with Esseks to make sure that Defendant Wolfson even though not guilty of a crime would be found guilty of a purported crime.

It is also apparent that David Esseks intentionally lied to the grand jury knowing that there was proof that defendant had not entered into a conspiracy with Mike Grecco. David Esseks had in his possession at least fifty tape recorded conversations that all reveal that defendant was never a part of a conspiracy. David Esseks was aware that the government agent who supervised Jeff Pokross was aware of all conversations that would have exonerated defendant Wolfson

It was apparent that David Esseks was to be given total authority to use any thing that could convict defendant. It waqs apparent that Esseks was allowed to use a converstion that was taped in a 1996 that the government was to sting Wolfson. Bruno failed to ask the government agent who testified what happened to that case. Bruno never asked the question because the answer would have been that the case was dismissed because there was no crime.

Bruno was to allow Esseks during trial to make sure that his client was to be convicted of a crime that both Essks and Bruno new was not a crime. It is toatlly impossible for this court to allow this case to continue knowing that the Brady material was such a critical component to to proving Wolfson did not commit a crime. It also becomes apparent that David Essks blackmailed Avraham Moskowitz into resigning because he new that this indictment should have been dismissed.

The fact that David Esseks new that the indictment should have been dismissed should require the government to penalize David Esseks or the US attorneys office. The fact that the indictment is a fraud should require the United States government to reimburse defendant of the following expenses. The reimbursement of the 50,000 dollars that was spent on bond by Defendant. The legal fees for Avrahm Moskowitz which were 75000 dollars. The legal fees that were paid to Bruno which were 155,000 dollars. The loss of more than 150 million dollars of assets that were illegally seized by the government without any notice or jurisdiction. This court should also move to have the SEC to remove the sanctions that Bruno while working for David Esseks was to convince Wolfson that he committed a crime. This court should order that the government should pay defendant 15 million dollars for the illegal incarceration of defendant Wolfson.

This court should immediately correct what has taken place and failure to do so would indicate that this court has been a part of this conspiracy from the beginning.

The court should also order that the indictment against his son David Wolfson who is an attorney who can not practice be allowed to withdraw his guilty plea because of the fact that his father was under indictment was unable to testify for his son. It is apparent that Esseks was well aware that defendant had not committed a crime and that he had to lie to the grand jury in order to get an indictment.

The defendant believes that he was incompetent at the time of trial and that the reason was that defendant having gone to prison twice before for crimes he had not committed was devastated to believe that he had committed a crime. So when Wolfson finally learned that he had not committed a crime it helped to break his chain of thought and allow him to become aware of his thought process. This court should change its ruling to determine that both cases should be dismissed against Wolfson because he was incompetent at the time of trial.

This court should have an immediate hearing and order the US attorney to pay Wolfson for all of his damages. It should also order that the Bar association invoke sanctions on Bruno and David Esseks. To allow the attorneys to intentionally violated the law is a disgrace of the legal system This court should appoint an investigator to thoroughly investigate all the false indictments that David Esseks was allowed to issue. and as a penalty all the indictments related to my case should be tossed and so that justice can be put on a straight and correct course . This court should also inquire of David Esseks who is responsible for putting him up to manufacturing a crime that did not exist. I am sure that the person who gave him his new job has something to do with getting Esseks to falsify every thing to create this travesty of justice.

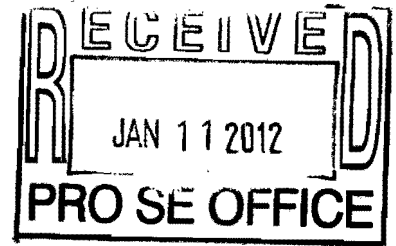
This court should have a hearing to immediately release Wolfson who is on probation . Also this court needs to restore Wolfson to his wealth. The failure to correct this only continues to cause pain and suffering for Wolfson.

Respectfully,

*Allen Wolfson*

Allen Wolfson

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK



ALLEN WOLFSON

VS.

THE UNITED STATES OF AMERICA

Case # 11CV-7914

Third addendum

Come now Allen Wolfson who request that U.S. attorney Russell Capone be ordered by the court to set up a meeting with defendant, Russell Capone and his boss Breet Bharara and Allen Wolfson. The purpose is to require that the U.S. attorney investigate the corruption has taken place in the U.S. attorneys office and in this court. The reason defendant is making this request is that Russell Capone asks to set up a meeting he refused. This court must issue this order so that this corruption can be exposed.

Respectfully,

*Allen Wolfson*  
Allen Wolfson

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

ALLEN WOLFSON

VS.

UNITED STATES OF AMERICA`  
# 11-CV-7914

Case

Second Addendum

2255

Come now Allen Wolfson who is prose request that the court order U.S. attorney Russell Capone to deliver to him all the "brady" material that the U.S. attorney David Esseks illegally withheld from defendant. This brady material includes all the tapes that recorded all conversations with Jeff Pokross, Michael Grecco , John Tanabom , and Allen Wolfson and others. Russel Capone should be ordered to deliver the brady material, which would prove that Allen Wolfson did not commit a crime. Capone should deliver a minimum of 50 tapes plus a written transcript for each tape. Also the U.S. attorney should provide any tapes showing Wolfson committed a crime. These tapes were never provided to defendant by the U.S. attorney David Esseks nor his ineffective attorney Bruno who was working with David Esseks to intentionally convict defendant knowing that these tapes would have completely destroy David Esseks from prosecuting Allen Wolfson.

It is illegal for David Esseks not to have turned these tapes over to defendant Allen Wolfson. Defendant requests that because of David Esseks illegal conduct that this court should dismiss indictment and pay defendant Allen Wolfson restitution for the 7 and a half years of false imprisoning. Since defendant last income was more than 2 million a year defendant is entitled to restitution of 15 million dollars plus the loss of his entire estate which is another 150 million dollars.

This illegal act is typical of David Esseks Criminal conduct throughout the trial. This court has failed to protect defendant from

allowing David Esseks to repeatedly violate the law of this country . Defendant believes that this court needs to protect Allen Wolfson and if unable this court should recuse itself because of its biased actions against Wolfson.

The U.S. attorney David Esseks was to conspire with the doctors at Devens, Massachusetts to have Wolfson declared incompetent.

This court should appoint a private investigator to evaluate all proceedings and since David Esseks is a criminal and continuously violated Wolfson's constitutional rights.

Chris Bruno was an employee of the SEC and the U.S. attorneys Office at the time he was hired by defendant. Bruno represented to defendant that he was self employed from 1995. On the witness stand after Bruno was fired it was revealed that Bruno left the SEC in August 2002 and went to work for defendant in September 2002. This court should order an investigation of Bruno. Bruno was working for the U.S. attorney and the SEC for more than 1 year after defendant was indicted. Bruno and David Esseks both knew that Bruno should have requested a curccio hearing since there was definite conflict of interest because Bruno was an employee of the SEC and the United Sates.

David Esseks was to intentionally allow John Tannenbaum to contact defendant and try to sting Wolfson once again. David Esseks knowing that his actions were illegal just like everything else in this trial they thought that defendant had no legal rights and that David Esseks was invincible and could do what he wanted at anytime. Defendant asks this court to order Russell Capone to deliver a copy of all tapes that the U.S. attorney created in doing this illegal sting.

Jeff Pokross should have been dismissed as a witness against defendant cause he was a code defendant in the previous case in 1996. Pokross was asked the question by defendant what happened to the outcome of this case. He told Wolfson that it was dismissed knowing that he was lying to Wolfson and that he was still a



defendant in this case. These tapes that the government has will prove that defendant Wolfson never crossed the line and the reason the tapes were withheld they would have exonerated defendant.

This court should appoint an investigator to determine who in Washington D.C. is responsible for ordering David Esseks to do what it takes to violate the law.

It is apparent that Esseks and maybe this court is being ordered to violate Wolfson's rights and convict at all cost. Bruno failed to cross examine all witnesses during the trial. At the time of trial a government agent stated he set up a sting to get Wolfson to commit a crime. Bruno intentionally failed to ask the government agent what happened to the purported crime because it was dismissed and Bruno left the jury believing that Wolfson was convicted. Bruno never objected to anything that took place during the trial, this was done so that David Esseks would be able to convict defendant. This court cannot be so ignorant to believe that Bruno was not conspiring with Esseks to fix the trial or for sure that he was ineffective as an attorney for Wolfson.

This court should order the U.S attorney to investigate why Avraham Moskowitz was forced to quit representing Wolfson at the end of 1 year. David Esseks illegally applied pressure to Moskowitz to either cooperate or to fix the trial for Wolfson to lose. Moskowitz being basically a straight shooter was forced to withdraw from the case but never revealing the true reason that Esseks was applying pressure.

The Case in 1996 was the same identical case as this and it was dismissed because it is not a crime. Both cases are the same and this court is saying that I have a fiduciary to not violate the bribery statute of New York does not apply to Wolfson because he has no fiduciary duty to anyone. This court is either incompetent or a part of the criminal conspiracy that I have accused Bruno and David Esseks of being a party of two.

Defendant demands that this court hold a hearing and dismiss the indictment against him.

Respectfully  
*Allen Wolfson*  
Allen Wolfson

**SCANNED**

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

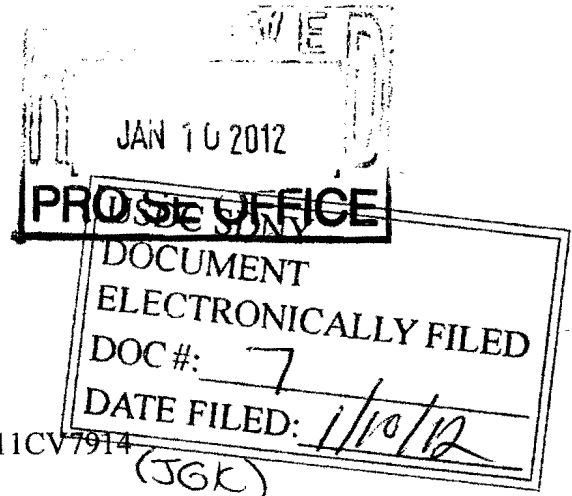
ALLEN WOLFSON

VS

UNITED STATES OF AMERICA

CASE NO. 11CV7914

ADDENDUM TO 2255



Come now the defendant who is representing himself pro se who represent to this court that his case 00cr 6288 should be dismissed because his ruling that the court found him competent at the time of trial is totally without merit since the court found Wolfson incompetent after trial. The court did no testing prior to trial to to evaluate whether Wolfson was incompetent or competent prior to trial. Since Bruno failed to inform the Court and the fact that Bruno nor the US attorney never put the court on notice it is impossible for this court to determine whether Wolfson was competent after the fact. This court does not have a crystal ball to lookback into the past. Based on the fact that this court determined that Wolfson was incompetent after trial then this court and the trial requires that this court should dismiss the verdict and deem Wolfson incompetent at the time of trial and require that this case be dismissed. Four this court to do anything other than dismiss this case would be condoning witch craft.. This court can not predict after the fact that Wolfson is competent .This court has no proof that Wolfson was competent at the time of trial because he never made any statements or testified at trial. In fact Wolfson Attorney Bruno never objected to anything during the entire trial. The mere silence does not speak to the fact that if the court predicted that Wolfson was incompetent after the time of the trial that this court out of common sense has to deem Wolfson incompetent/ until such time he is deemed competent. This court never took the time to put Wolfson on the witness stand and determined that whether Wolfson was in fact competent. The doctors were unable to analyze whether Wolfson was in fact competent at the time of trial since there was nothing asked to determine whether he was incompetent or competent before trial. This court must correct its ruling to stated that this coase should have been dismissed because there is no proof what so ever that Wolfson was competent at the time of trial and not after the trial.

This court has to dismiss the indictment against Wolfson and should also Critize Bruno for his failure to identify the problem with Wolfson.

Respectively.

*Allen Wolfson*  
Allen Wolfson  
Jan 6

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

ALLEN WOLFSON

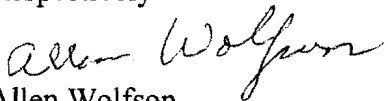
VS

UNITED STATES OF AMERICA

CASE NO 11CV7914  
ADDENDUM TO 2255  
02CR1588

Come now the defendant who is represented himself pro se who represent to this court that in case 02cr 1588 that defendant plead guilty to the indictment . The court ruling that defendant was competent at the time of trial and in competent after the trial requires that this court should allow defendant to with draw his quilty plea because of the fact that this court ruled that anything after the trial defendant was in fact incompetent . /The fact that the court determined that defendant was in fact incompetent requires that this court allow defendant with draw his guilty pleas because this court has already determine that at the time that defendant was incompetent. For the court to rule that defendant be allowed to with draw his guilty <sup>plea</sup> is the right thing to do to correct the record

Respectively

  
Allen Wolfson

Jan 4

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

ALLEN WOLFSON

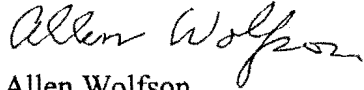
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UNITED STATES OF AMERICA

CASE NO 11CV7914  
ADDENDUM TO 2255  
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Respectively



Allen Wolfson

Jan 4

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

ALLEN WOLFSON  
VS

11CV7922 OR 11CV7914

UNITED STATES OF AMERICA

2255, WRIT OF HABEAS

COME NOW Allen Wolfson who asks the court to order James Cohen who represented Allen Wolfson in his appeal to order James Cohen to continue to represent /allen Wolfson. This court should order James Cohen to continue to represent Allen Wolfson who is representing himself in two 2255 motions. This court consider the fact that Allen Wolfson receiving therapy currently four times a month. This court should order James Cohen to continue to represent Allen Wolfson. The court should either continue to order Cohen to represent Wolfson or if the court is un willing to do so then I want this court to fire his therapist. since it is appearant that Allen Wolfson does not need any therapy.

Respectfully

*Allen Wolfson*  
Allen Wolfson Jan 5

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

ALLEN WOLFSON

VS

UNITED STATES OF AMERICA

CASE NO. 11CV7914

ADDENDUM TO 2255

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*Allen Wolfson*  
Allen Wolfson  
*Jan 6*

UNITED STATES DISTRICT  
SOUTHERN DISTRICT OF NEW YORK

ALLEN WOLFSON

VS

UNITED STATES OF AMERICA

CASE NO 11CV7914

AND CASE NO 11CV7922

Come now the defendant who asks this court to order a hearing and order this court to reappoint defendant James Cohen as counsel. This court should also order the US attorney to deliver the more than fifty pieces of brady material that was illegally withheld by David Eseks. This court does not have the ability to produce a smoking gun that would convict defendant. The court only has documents that would have found defendant not guilty of committing a crime. This court should review these documents and would have to concur with defendant that defendant had not committed a crime and that the court should dismiss and pay defendant for all financial damages that he has incurred because of the illegal activities of David Esseks. For this court to continue to cover up Esseks illegal behavior only implicates that this court to might be involved

Respectively

*Allen Wolfson*

Allen Wolfson

*Jan 6*



UNITED STATES DISTRICT  
SOUTHERN DISTRICT OF NEW YORK

ALLEN WOLFSON

VS

UNITED STATES OF AMERICA

CASE NO 11CV7914

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