

EXHIBIT COVER SHEET

Docket Number: 435

Date Filed: June 2, 2025

Title: Supplement to Rule 60(b) Motion – Agent Sean Scott Identity

Summary:

Raises concerns about the legitimacy of 'Agent Sean Scott' and FOIA-confirmed gaps in IRS-CI employment verification.

UNITED STATES DISTRICT COURT

RECEIVED

JUN 02 2025

WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY
DEPUTY CLERK

UNITED STATES OF AMERICA,
Plaintiff,

v.

BRADLEY LANE CROFT,
Defendant.

Case No. SA-18-CR-00603-DAE

SUPPLEMENT TO RULE 60(b) MOTION TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW, Defendant Bradley Lane Croft, and respectfully submits this supplement to his pending Motion under Rule 60(b) of the Federal Rules of Civil Procedure, based on newly understood facts and good cause that materially affect the integrity of the underlying proceedings. In support, Defendant states the following:

This supplement addresses the identity and legal verification of IRS-Criminal Investigations Special Agent 'Sean Scott,' who provided material grand jury testimony against the Defendant on October 17, 2018. Defendant acknowledges that he personally saw and interacted with the individual identified in court as Sean Scott. The concern raised here is not about the agent's physical existence, but whether the name 'Sean Scott' used in court was his true legal identity, and whether the government failed to disclose if a pseudonym was used.

While incarcerated in 2020, Defendant submitted a Freedom of Information Act (FOIA) request to the Internal Revenue Service (IRS), seeking to confirm the employment status and identity of Agent Sean Scott. That request was denied, and the agency declined to confirm or deny whether such an individual was or had ever been employed with IRS-CI.

In 2025, additional efforts were made using available legal tools and public search databases. These efforts—conducted with independent assistance—failed to identify any record, case, press release, or IRS publication referencing any Special Agent Sean Scott aside from the Defendant's case. No records in PACER, DOJ bulletins, IRS-CI public disclosures, or professional databases include any reference to this individual.

Notably, the grand jury transcript does not include any badge number, field office, or other formal identifying information for Agent Sean Scott. He did not provide a badge number, office location, or chain of command, and no credentials were introduced to authenticate his identity or agency affiliation.

Further, the other two agents who played a role in the investigation—VA OIG Special Agent Jeffrey Breen and FBI-DPS Task Force Officer Sharleigh Drake—have names that are verifiable in public records and appear in other federal cases. Although neither provided badge numbers in their testimony or reports, both are publicly traceable and independently confirmed in law enforcement roles.

Critically, although Special Agent Jeffrey Breen also testified before the grand jury, Sean Scott was the only IRS-CI agent to testify before the grand jury, and more significantly, he was the only case agent the government put on the witness stand at trial. This makes his credibility and identity central not only to the charging process, but to the conviction itself.

Agent Scott's testimony played a key role in establishing facts that led to the Superseding Indictment in this case. If his name was not his real legal identity, and this fact was concealed from the defense, this constitutes either (a) a violation of the Defendant's right to confront witnesses and test their credibility, or (b) a Brady/Giglio violation based on the government's failure to disclose impeachment material or the true identity of a government witness.

In contrast, in *United States v. Reed*, 75 F.4th 396 (4th Cir. 2023), the Fourth Circuit upheld a conviction in which an IRS agent testified under a pseudonym, 'T.L. Blake.' However, the court emphasized that the government disclosed to the defense and the court that 'T.L. Blake' was an agency-approved pseudonym. The court found no due process violation because the pseudonym was transparently handled. The transparency in *Reed* preserved the integrity of the proceedings. Here, no such disclosure has been made.

On August 1, 2018, a formal Memorandum of Interview (MOI) was prepared and signed by 'Sean Scott, Special Agent, IRS-CI,' following an in-person interview with Richard Cook. The memorandum included Treasury Investigation #1000291431 and listed co-agents Breen and Drake. Despite authoring this official Treasury document, 'Sean Scott' remains untraceable outside of this case.

A second case memorandum, dated August 3, 2018, and signed by Sean Scott, discussed DOJ-Tax coordination and indictment planning. It bears a federal digital signature but again lacks a confirming public record linking that name to a real IRS-CI agent. No supervisor, badge number, or credentialed disclosure was made.

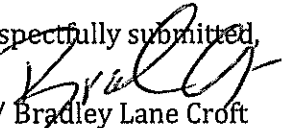
To date, despite having reviewed every government disclosure, record, and signed document by this witness, Defendant has been unable to verify that 'Sean Scott' is a real, legally identified IRS-CI agent. No disclosure of pseudonym use was ever provided, in stark contrast to *United States v. Reed*.

RELIEF REQUESTED:

Defendant respectfully asks that this Court:

1. Accept this supplement as part of the pending Rule 60(b) motion;
2. Take judicial notice that Agent Sean Scott's identity cannot be verified through independent public means;
3. Order the government to confirm or deny whether 'Sean Scott' is a real legal name or a pseudonym;
4. Grant any further relief the Court deems just and proper, including potential evidentiary inquiry or expansion of the record under Rule 7.

Respectfully submitted,


/s/ Bradley Lane Croft

Bradley Lane Croft

Pro Se Movant

Date: 6/2/2025

Exhibit Index – Supplement to Rule 60(b) Motion

Exhibit	Title	Description
Exhibit A	Grand Jury Transcript – Sean Scott	Transcript of October 17, 2018 grand jury testimony by IRS-CI agent 'Sean Scott' without verifying credentials or disclosing a badge number.
Exhibit B	Government Witness List	Pretrial filing identifying 'Sean Scott' as IRS SA without any identifiable verification details.
Exhibit C	IRS-CI Memorandum of Interview – Richard Cook	August 1, 2018 Treasury MOI signed by 'Sean Scott' under Treasury Case #1000291431.
Exhibit D	DOJ-Tax Case Strategy Memo	August 3, 2018 memo authored by 'Sean Scott' outlining charging plans and tax loss estimate.
Exhibit E	Affidavit of Bradley Lane Croft	Sworn declaration attesting to FOIA request submitted from prison and the IRS's refusal to confirm or deny Sean Scott's employment.
Exhibit F	United States v. Reed, 75 F.4th 396 (4th Cir. 2023)	Case where IRS agent testified under pseudonym with full government disclosure to defense and court.

* *Exhibit A* *

October 17, 2018,

Page 1

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

UNITED STATES OF AMERICA	:	BEFORE THE
	:	
Plaintiff,	:	
	:	
V.	:	
	:	
BRADLEY LANE CROFT,	:	
	:	
Defendant.	:	FEDERAL GRAND JURY

* * * * *

TRANSCRIPT OF TESTIMONY

* * * * *

BE IT REMEMBERED, that heretofore, to-wit: On the 17th day of October, 2018, the above entitled matter came on for hearing before the Federal Grand Jury sitting in San Antonio, Texas, being presented by John Gibson, Assistant United States Attorney, for consideration by the members thereof.

* * * * *

COPY

WHEREUPON, BARBARA DURAND-HOLLIS, the Court Reporter, was duly sworn, the following evidence was introduced, and proceedings were had, to-wit:

1 SEAN SCOTT,
2 the witness, being of lawful age, being first duly sworn
3 by the foreman of the grand jury, testified as follows:

4 EXAMINATION

5 QUESTIONS BY MR. GIBSON:

6 Q. Please tell us your name.

7 A. My name is Sean Scott.

8 Q. And where do you work?

9 A. I am a Special Agent with IRS Criminal
10 Investigations.

11 Q. And are you here to present a case on
12 Mr. Bradley Lane Croft?

13 A. Yes.

14 Q. Ladies and gentlemen, this is a Superseding
15 Indictment that was brought on actually last Grand Jury
16 term with a previous Grand Jury. This indictment is the
17 same except that there is an added false tax return
18 charge to the indictment. Is that correct?

19 A. False statements relating to those tax returns
20 filed, yes.

21 Q. Okay. This is a wire fraud, an aggravated
22 identity theft, money laundering, and now a tax fraud
23 case. There's a long introduction on this case as well
24 but let me go ahead and get to the actual substantive
25 charges.

Exhibit B

**Bradley Croft, Universal K9
Potential Witness List**

Description	Witness 1
Croft-Tax Returns Filed and SOL	Scott, Sean, IRS-CI
Croft-Computation of Tax Due	Scott, Sean, IRS-CI
Croft-False Stmt's 2016, 2017 VA, Animal Farm	Scott, Sean, IRS-CI
Croft-2016 Tax Return	Scott, Sean, IRS-CI
Croft-2017 Tax Return	Scott, Sean, IRS-CI
UK9-2015 Tax Return	Scott, Sean, IRS-CI
UK9-2016 Tax Return	Scott, Sean, IRS-CI
UK9-2017 Tax Return	Scott, Sean, IRS-CI
Croft-IRS Taxpayer History	Scott, Sean, IRS-CI
Croft-IRS Form 5278 Income Tax Changes	Scott, Sean, IRS-CI
UK9-Form 1023	Scott, Sean, IRS-CI
UK9-Form 1023 tax exemption filed	Scott, Sean, IRS-CI
UK9 timeline	Cook, Richard
UK9-BoA Signature Card	Cook, Richard
UK9-WFB Signature Card	Cook, Richard
UK9-VA Funding	VA Representative
06/26/2016 VA Approval Email	Nelson, Michelle-VA
06/24/2016 VA Approval Letter	Nelson, Michelle-VA
VA Form 22-1998	Nelson, Michelle-VA
08/03/2018 Email from Cameron Croft to Nelson	Nelson, Michelle-VA
08/03/2018 Email from Cameron Croft to Nelson	Nelson, Michelle-VA
10/04/2015 Email from Brad to Bebe Glasgow	Glasgow, Bebe-VA
10/07/2015 Email from Coburn to Palladino, Montemayor	Coburn, Rufus-VA
10/09/2018 Email from Brad to Glasgow, Coburn	Glasgow, Bebe-VA
Coleman, Stacy FD-302	Coleman, Stacey
Animal Farm Grants-2016	Coleman, Stacey
Animal Farm Grants-2017	Coleman, Stacey
Email chain re UK9 payment request	Coleman, Stacey
List of trained dogs	Coleman, Stacey
Kogut, Susanne; Cosby, Sue; Ruzumma, Dan; Fair, Aileen-PetCo	Kogut, Susanne
IRS-CI MOI, 08/20/2018	
01/31/2018, PetCo Grant Letter	Kogut, Susanne
01/31/2018, Docusign for Grant	Kogut, Susanne
Damazio, Fola, Tax Return Preparer, IRS MOI, 08/03/2018	Damazio, Fola
Discovery Tax-UK9 2016 Tax Return	Damazio, Fola
UK9 Signed 2016 Tax Return	Damazio, Fola
Chat between Cook and Damazio re 2016 Taxes	Damazio, Fola
Police Dog Grant Recipients	Damazio, Fola
UK9 2015 Tax Return-Unsigned	Cook, Richard
Johnson, Daniel IRS-CI MOI, 08/13/2013; Tax Preparer UK9 2016	Johnson, Daniel
Chat between Cook and Johnson re 2017 Taxes	Johnson, Daniel
UK9 2017 Tax Acceptance	Johnson, Daniel

Exhibit C

From: Scott Sean M
To: Goldberg Dawn L
Subject: Update
Date: Friday, August 03, 2018 8:20:00 PM

I hope you are doing well. These last few days have been wild. The interview went very well for us. I'll send you a copy of the finalized memo. Basically, Richard signed whatever Brad asked him to. Richard is a great guy/big heart/was taken advantage of. Richard was president in name only. He did not receive any compensation, but that is not even the worst part of it (I'll expound on it in the memo). He doesn't know what a 990 is, nor a 1023-EZ/Worksheet, etc. He didn't know that info was sent to the return preparers. We spoke to him for the better part of the day. Because the interview went so well, we are looking at doing a search and seizure warrant ASAP next week. I've spoken with CT and my boss spoke with the regional director for DOJ-Tax. They are both on board for expediting and doing a simultaneous review. We are going to try to have the pros report back so we can include our charges for indictment on 8/22. I don't want to try to put more on your plate given the short notice. You have been a huge help so far. In lieu of revenue agent reports, I can try to come up with a tax loss amount that hopefully you can review (and correct!) for me. We are more than likely going to go forward on a false statement charge. My boss and I were discussing recognizing the monies he received through the donations as his personal income since everything is permeated with fraud. He is not a legitimate certified dog trainer and he is not operating the 501(c)3 as it is intended. Several large dollar purchases have been made for his personal gain - \$450K RV, \$300K building, \$80K truck, \$30K penile implant. CT is suggesting we go with false statement, but use the expenditure method to show his income through purchases made. I'm not crazy about that. I just dumped a lot on you. I have some more coming. Let me know if you have any ideas/questions/concerns. Enjoy your weekend!

Thanks Dawn,

Sean Scott
Special Agent
IRS-Criminal Investigation
San Antonio Field Office
Work: (210)841-8590
Cell: (210)389-3972

Exhibit C



DEPARTMENT OF THE TREASURY
Internal Revenue Service
Criminal Investigation

Memorandum of Interview

Investigation #: 1000291431 Location: Cook Residence
Investigation Name: BRADLEY LANE CROFT
Date: August 1, 2018
Time: Approximately 10:30-4:30 p.m.
Participant(s): Richard Cook, Witness, President of UK9
Sean Scott, Special Agent IRS-CI
Jeffrey Breen, Special Agent VA-OIG
Sharleigh Drake, Special Agent FBI

On the abovementioned date and time, Special Agents Sean Scott, Jeffrey Breen, and Sharleigh Drake introduced themselves to Richard Cook (Cook) as special agents. SA Scott explained to Cook that they were assisting the United States Attorney's Office with a grand jury investigation and needed to ask Cook some questions. Prior to, and during the interview with Cook, CROFT was calling and text messaging Cook. CROFT had also instructed Cook to record the conversation with the IRS agent. Cook told the special agents he (Cook) was not recording. During the interview the following was noted:

1. Richard Jerome Cook's social security number is [REDACTED] and his date of birth is [REDACTED]. Cook resides at [REDACTED]. Cook lives with his nineteen (19) year old daughter, [REDACTED]. Cook's cellular telephone number was [REDACTED]. At the end of the day, Cook contacted SA Scott to inform him that he (Cook) changed his cellular telephone number to [REDACTED]. Cook also closed his Facebook account during the interview in an attempt to cut ties with CROFT.
2. Cook's electronic mail (e-mail) address is [REDACTED]. It is the only e-mail address Cook uses.
3. Cook was formerly with the U.S. Army. In 1999, while stationed at Fort Sam Houston, Texas, Cook was shot in the face during a random act of violence allegedly caused by a gang initiation. Cook lost his left eye and his overall ability to function as he did prior to the injury. Cook explained that he gets tired easily, suffers from headaches, and will occasionally experience lapses in memory because of the injury. Cook subsequently left the military due to the injury he sustained.
4. Cook first met CROFT around the time he (Cook) sustained his injury.
5. Cook described his duties as president of UK9 as follows: Cook presents on military installations during Commander's Calls or lunch and learns where he will discuss the opportunities that UK9 provides to veterans that allows them to use their GI Bill to attend the UK9 training/handler courses. CROFT will forward

the voicemails of complaints that UK9 receives for Cook to handle. Cook added that he will try to help those that call to complain, but added there is not much he can do as he does not train dogs and does not know much about the training in general. Cook will go to the bank to withdraw cash or get a money order to send to CROFT when he (CROFT) instructs Cook to do so. CROFT tells Cook to keep it at a certain amount to avoid filling out all the paperwork at the bank. Cook was also told that the bank will run out of money if you withdraw too much. Cook fields phone calls and text messages from veterans throughout the day that have questions about the UK9 program. During the interview with the special agents, Cook's phone received multiple phone calls and text messages that Cook would acknowledge as "another vet".

6. Cook was unable to recall when the last time he filed a personal tax return. SA Scott told Cook that IRS records showed Cook last filed in 2007 and Cook believed that was correct. Cook is currently only receiving his Veteran's disability and is otherwise unemployed. Cook has not had a job since his accident.
7. Cook was unfamiliar with the following documents SA Scott requested additional information on: Form 990-PF Return of Private Foundation (Form 990), Form W-2 Wage and Tax Statement (Form W-2), Form 1099-Miscellaneous Income (Form 1099), Form 1023-EZ Streamlined Application for Recognition of Exemption (Form 1023-EZ), and Form 1023-EZ Eligibility Worksheet. Cook had never seen or heard of the documents SA Scott had shown him. Cook was unaware of the requirements to file a Form 1023-EZ and was unsure what he had or had not signed. CROFT will send Cook things to sign and Cook will just sign and return.
8. Regarding the Forms 990, Cook knows that he is referred to as the president of UK9. Cook feels he is president in name only as it is CROFT that does everything for UK9 and is always telling Cook what to do. Cook did not know that Steve Peek (Peek) and Anthony Ward (Ward) were also listed as officers of UK9. Cook had met Peek and Ward before and knew of them. The three individuals never met as officers of UK9, nor did they ever discuss items regarding UK9 operations. Cook did not know Ward resides in California. CROFT told Cook that he (Cook) needed to be listed as the president because he was the veteran. Cook did not know about the submissions of records made to Taxfyle for the years 2016 and 2017. Cook was shown the instant message correspondence used for Taxfyle to prepare the Forms 990 that was between "Richard Cook" and Taxfyle that included personal identifying information for UK9 officers. Cook stated that was not him and that it was CROFT providing that information. Cook stated he did not know any of that information and only knew of the officers listed. Cook did not provide the social security numbers for members/officers of UK9.
9. SA Breen showed Cook the TVC application and Form 22-1999 that UK9 filed. Cook recalled signing both forms. Cook did not know that Peek and Ward were listed as officers of UK9 in the application. Cook was familiar with the Forms 22-1999 in that they were required to be sent to the VA so that UK9 could receive payment.
10. Cook cannot use the electronic mail address info@universalk9inc.com because he does not have the password. Cook is able to make transactions from the

UK9 account if he shows up to the branch in person. Cook added that he does not even have the bank card. CROFT maintains control of the bank card. Cook has signature authority over the UK9 bank accounts at Bank of America and Wells Fargo, but is unable to access the accounts online because he does not have the password. Cook was unaware of how much money was in the account. Cook stated that he is not even on the UK9 website and he is the president.

11. Cook receives disability compensation and that is the only income he has for him (Cook) and his daughter to live off of. Cook is currently in credit card debt and stated that he is barely making it. Cook asked the special agents to review his bank account statements to see all the overdraft fees he has and added that he currently has \$17 dollars in the bank.
12. CROFT provided Cook with the down payment he made on the Dodge truck Cook owns. Cook believes the amount CROFT paid was approximately \$10,000, but he (Cook) was not sure. Cook added that he (Cook) makes the payments on the truck. Cook has had to pay for his own flights to go to San Antonio for UK9 at CROFT's request. CROFT has another RV that is parked at the Tradesman location that Cook will stay in when he visits. The RV Cook uses is not connected to a water line so Cook has to visit the local gym to use the restroom and shower when he is in town. CROFT does not let Cook come into his (CROFT) RV where he (CROFT) resides. CROFT did not want Cook getting his RV dirty. On one occasion, Cook felt so uncomfortable being around CROFT that Cook spent the night at the airport where he was to fly out the next day so that he was away from CROFT.
13. CROFT receives dogs from Vincent LNU in Mexico with Viva Dog Training. Cook was not able to offer more information regarding how the dogs are brought up. Cooks knows that CROFT gets the dogs from Mexico because they are already bite trained dogs that UK9 will use as dual purpose dogs.
14. Cook believes that CROFT keeps records relating to the students that attend the UK9 courses in an office at the Tradesman location. Cook added that CROFT does keep some records in his RV that is parked behind the Tradesman location. CROFT also has a safe in the RV where he keeps cash, gold bars, gold chains, and Rolex watches. Cook believed CROFT had approximately \$40,000 in the safe at one point. Cook did not know if CROFT had any supporting documentation relating to the expenses UK9 claimed on the Forms 990, but the records would most likely be at the Tradesman location or in the RV. CROFT has two laptops where he may have additional records and may conduct UK9 business.
15. SA Drake showed documents relating to CROFT's recent attempt to purchase a new RV. The documents included Richard Cook's Personal Financial Statement and Forms W-2 for 2016 and 2017 that were issued by UNIVERSAL K9. Cook had no knowledge that these documents were submitted. The Personal Financial Statement list Cook's net worth at \$1,890,000. Cook said he has nothing and asked that the special agents review his bank account statements to see the multiple overdraft fees he receives from not having enough money in his bank account. The Forms W-2 for 2016 and 2017 lists Cook's wages as \$360,000 for each year. Cook reiterated that he did not submit those documents and never made the income that was listed. The

Forms W-2 for 2016 and 2017 listed Cook's federal income tax withheld as \$102,205.56 and \$101,586.75, respectively. Cook stated he never received money or had taxes withheld relating to that money the forms were suggesting he made.

16. Cook stated he is now in fear of his life. Cook discussed a recent incident from this summer (2018) where CROFT was being verbally abusive to Cook. CROFT was angry with Cook for being forgetful. CROFT called Cook a "dummy" and "fag". CROFT has also threatened to punch Cook.
17. Cook thought he was helping vets. Cook did not want to be viewed as disabled and he felt the work was giving him something to do that meant something. Cook stated he (Cook) thought he was bringing some humanity to UK9.
18. Cook was asked about three payments in the amount of \$9,000 each that were made to the University Hospital of Maryland. Cook stated that those payments were made for CROFT to receive a penile implant that cost \$30,000. Cook accompanied CROFT to his appointment and stayed with CROFT while he was recovering from the procedure.
19. FBI – CART imaged Cook's cellular telephone at Cook's residence during the interview and returned it to Cook before leaving. The agent took Cook's laptop computer back to his office because he was unable to image the computer on-site. Cook gave the FBI consent to image his phone and laptop and provided consent for the FBI to take his computer.

I prepared this memorandum on August 3, 2018, after refreshing my memory from notes made during and immediately after the interview with Richard Cook.

A handwritten signature in black ink, appearing to read "Sean Scott" with a stylized flourish at the end.

Sean Scott
Special Agent

Exhibit D

BRADLEY LANE CROFT
San Antonio, TX 78258
SSN: 461-77-3202
1000291431

Years: 2016, 2017

Violation(s): Title 26, United States Code, Section 7206(1)

Special Agent: Sean Scott
Revenue Agent: Dawn L. Goldberg

RELEVANT CONDUCT

No Relevant Conduct

In 2018 CROFT received \$140,000 from The Petco Foundation. In a grant approval letter sent from The Petco Foundation to info@universalk9.com. The letter was electronically signed through DocuSign by Richard Cook at the email address Richard Cook does not have access to. (W81; W82; W83, W161 page 2 ¶10)

After interviewing with special agents on August 1, 2018, Richard Cook cut off all contact with CROFT. Days later, CROFT's seventeen year old daughter sent emails to the TVC listing herself as UK9 Certifying Official. (W65; W66, W161 ¶1)

CURRENT LIFESTYLE

Search and seizure warrants were executed on August 8, 2018 on CROFT's residence and business. The recreational vehicle CROFT used as his primary residence was seized. Funding from the VA ceased shortly after. The UK9 bank accounts CROFT used were seized. CROFT had a majority of the dogs (26) he was using for training purposes taken by Animal Control Services.

CROFT was indicted and arrested on August 22, 2018 on multiple charges including wire fraud, money laundering, and aggravated identification theft. The government filed a motion to detain CROFT and a detention hearing is scheduled for August 28, 2018.

EXPLANATION AND DEFENSE OF SUBJECT

No defense has been offered at this point.

CONCLUSIONS AND RECOMMENDATIONS

See 5th ^E

Sean Scott
Special Agent
Cellular (210) 389-3972

Approved:

Derek W. Rugg ^E

Derek W. Perry
Acting Supervisory Special Agent, Criminal Investigation
100 NE Loop 410, #400
San Antonio, TX 78216
Cellular 210-389-3434

Exhibit E

AFFIDAVIT OF BRADLEY LANE CROFT

I, Bradley Lane Croft, being duly sworn, depose and state under penalty of perjury that the following is true and correct to the best of my knowledge:

1. I personally saw and interacted with the individual who testified in my case as IRS-CI Special Agent Sean Scott.
2. In 2020, while incarcerated, I submitted a FOIA request to the Internal Revenue Service seeking verification of the employment and identity of Special Agent Sean Scott.
3. The IRS denied that request and declined to confirm or deny his employment.
4. In 2025, with the help of independent research, I again attempted to verify the existence of any IRS-CI Special Agent named Sean Scott through public court records, agency bulletins, and professional databases.
5. No such individual appears in any known federal prosecution, IRS publication, or government press release aside from my case.
6. I am not claiming that the individual is fictitious, but that his name may not reflect his legal identity, and that the government never disclosed this possibility.
7. I submit this affidavit in good faith to preserve my constitutional rights and the integrity of the proceedings.

Executed on: 6/2/2025

Brad Croft
Bradley Lane Croft

STATE OF TEXAS

COUNTY OF DEXAR

SUBSCRIBED AND SWORN TO before me, the undersigned authority, on this ___ day of 6/2/, 2025, by Bradley Lane Croft, who is personally known to me or has produced valid identification.

Leticia Medina

Notary Public, State of Texas

My Commission Expires: 5/15/2028

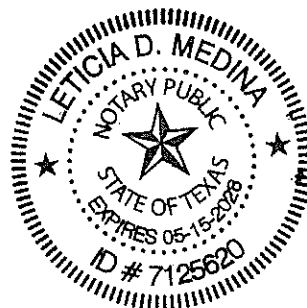


EXHIBIT COVER SHEET

Docket Number: 437

Date Filed: June 23, 2025

Title: Motion for Immediate Hearing and Release Pending Final Disposition of Rule 60(b)(6)

Summary:

Requests immediate release based on structural constitutional violation and fraud on the court due to undisclosed conflict involving Fred Olivares.

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

UNITED STATES OF AMERICA,
Plaintiff,

v. Case No. 5:18-CR-00603-DAE

BRADLEY LANE CROFT,
Defendant.

RECEIVED

JUN 23 2025

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY DEPUTY CLERK

MOTION FOR IMMEDIATE HEARING AND RELEASE PENDING FINAL DISPOSITION OF RULE 60(b)(6) MOTION

TO THE HONORABLE JUDGE OF SAID COURT:

Defendant Bradley Lane Croft, pro se, respectfully moves this Court to hold an immediate hearing and issue an order releasing him from all remaining custody, including halfway house restrictions and supervised release, pending final disposition of his independently filed Rule 60(b)(6) motion currently before the Court. The record now contains undisputed evidence of a structural constitutional violation and fraud on the Court, such that continued restraint constitutes ongoing and irreparable harm.

As detailed in the Rule 60(b)(6) motion and accompanying exhibits, the November 19, 2018 letter from AUSA Gregory Surovic confirms that FBI Special Agent Erin Isley opened 'this case'—the very matter for which Mr. Croft was ultimately convicted—in 2011, and that she worked closely with defense investigator Fred Olivarez during the same period. This fact eliminates any question regarding the presence of a direct, undisclosed conflict of interest.

Attorney Thomas McHugh, who received the letter directly, later submitted a sworn affidavit falsely denying he had ever been made aware of any potential conflict. This falsehood, when combined with the government's inaction, constitutes clear fraud upon the Court. No waiver was obtained, no hearing was held, and the trial proceeded despite an embedded conflict involving the very investigators who built the case against Defendant.

Under these circumstances, continued confinement under a constitutionally void conviction imposes an ongoing violation of due process. The Court possesses equitable authority to issue relief, including conditional release or interim release pending the outcome of post-judgment litigation.

PRAYER FOR RELIEF

WHEREFORE, Defendant respectfully requests that the Court:

1. Schedule an immediate hearing on this motion within 10 days;
2. Issue an order releasing Defendant from all remaining forms of federal custody, including halfway house supervision and any other restraint pending final resolution of the Rule 60(b)(6) motion;
3. And grant such other and further relief as the Court deems just and proper.

Respectfully submitted,


/ s/ Bradley Lane Croft

Bradley Lane Croft

301 Yucca

San Antonio, TX 78203

info@universalk9inc.com

(210) 884-2273

Pro se Plaintiff

Case No. SA-18-CR-00356-DAE

EXHIBIT COVER SHEET

Docket Number: 439

Date Filed: June 23, 2025

Title: Rule 60(b)(6) Motion – Conflict of Interest (Fred Olivares)

Summary:

Motion to vacate judgment due to newly discovered conflict of interest between defense team and original federal investigators.

RECEIVED

JUN 23 2025

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY DEPUTY CLERK

UNITED STATES OF AMERICA,
Plaintiff,

v. Case No. 5:18-CR-00603-DAE

BRADLEY LANE CROFT,
Defendant.

INDEPENDENT MOTION TO VACATE JUDGMENT UNDER RULE 60(b)(6) DUE TO FRAUD ON THE COURT AND CONCEALED CONFLICT OF INTEREST

TO THE HONORABLE JUDGE OF SAID COURT:

NOW COMES Defendant Bradley Lane Croft, pro se, and respectfully moves this Court to vacate the judgment entered in the above-referenced case pursuant to Rule 60(b)(6) of the Federal Rules of Civil Procedure.

This motion is filed independently and is not a supplement to, or continuation of, any prior Rule 60(b)(1)–(5) motion. The legal and factual grounds set forth herein are distinct and arise from newly discovered evidence involving fraud on the court and a structural constitutional violation stemming from an undisclosed conflict of interest within the defense team.

I. BACKGROUND

1. In 2018, Defendant Bradley Croft was represented at trial by attorney Thomas McHugh, a former Assistant United States Attorney (AUSA) in the San Antonio office (approx. 1986–2012), with assistance from attorney William Brooks and investigator Fred Olivarez, a former FBI white-collar crime investigator (approx. 1991–2017). Affidavits provided by McHugh and Olivarez confirm they worked closely together on federal investigations during

their federal service, specifically including the period referenced in AUSA Surovic's letter to McHugh. This prior close working relationship, particularly during the timeframe relevant to Defendant's prior investigation, significantly underscores the intentionality and seriousness of the concealed conflict.

2. On November 19, 2018, the U.S. Attorney's Office, through AUSA Gregory Surovic, sent a written letter to McHugh acknowledging that Fred Olivarez may have had a conflict of interest due to his prior FBI service.

3. The letter confirmed that AUSA Surovic had contacted the original FBI case agent, who stated that she and Olivarez had worked closely together during the 2011–2012 period, while she was actively investigating this case. She confirmed that Olivarez was her mentor and that she likely discussed case-related matters with him. The letter makes clear that this was not a separate or unrelated investigation—it was the very case that ultimately led to Defendant's conviction.

4. On November 26, 2018, Olivarez emailed Defendant a copy of that letter, thereby confirming his own awareness of the conflict.

5. Despite the government's internal acknowledgment of the conflict and the defense team's awareness, the issue was never disclosed to the Court. No hearing was held. No waiver was obtained. The trial proceeded without interruption. Under ABA Model Rules 1.10 and 5.3, investigator Fred Olivarez's actual knowledge of his prior involvement in a federal investigation involving Defendant is imputed directly to both defense attorneys Thomas McHugh and William Brooks. Consequently, Attorneys McHugh and Brooks cannot claim ignorance of the conflict, and their subsequent failure to disclose constitutes intentional fraud upon the Court.

In direct contradiction to this, Thomas McHugh later submitted a sworn affidavit in April 2022 denying that he was ever made aware of any potential conflict. However, the November 19, 2018 letter from AUSA Gregory Surovic was addressed directly to McHugh and explicitly discussed the potential conflict involving Fred Olivarez. This sworn denial by McHugh directly contradicts documented evidence, reinforcing the intentional concealment of the conflict and substantiating ongoing fraud upon the Court.

In addition to the foregoing, the November 19, 2018 letter from AUSA Gregory Surovic explicitly states that FBI Special Agent Erin Isley 'opened this case'—referring directly to the very prosecution that resulted in Defendant's conviction—in November 2011. The letter further confirms that SA Isley worked in the same FBI unit as Fred Olivarez during the time she was actively working the case, and referred to Olivarez as her mentor. This means Olivarez was not merely connected to a prior, unrelated matter, but was present and involved in the investigation of this exact case years before joining Defendant's defense team. This eliminates all ambiguity and converts the potential conflict into a direct, disqualifying structural violation. The government was fully aware of Olivarez's involvement, the defense received written notice, and yet the Court was never informed.

EXHIBIT CHART

UNITED STATES DISTRICT COURT

WESTERN DISTRICT OF TEXAS

UNITED STATES OF AMERICA,

v.

Case No. 5:18-CR-00603-DAE

BRADLEY LANE CROFT,

Defendant.

EXHIBIT A:

Letter from Assistant United States Attorney Gregory Surovic to Defense Attorney Thomas McHugh dated November 19, 2018, acknowledging potential conflict of interest involving defense investigator Fred Olivarez.

EXHIBIT B:

Email from Fred Olivarez to Defendant Bradley Lane Croft, dated November 26, 2018, forwarding the November 19, 2018 DOJ letter and confirming Olivarez's awareness of the conflict.

EXHIBIT C:

Declaration of Bradley Lane Croft authenticating receipt of the DOJ letter and Olivarez email, affirming he was never informed of his right to object or provided an opportunity for waiver regarding the conflict.

EXHIBIT D:

Affidavit of Thomas McHugh, confirming his tenure as an Assistant United States Attorney (approx. 1986–2012) and his close working relationship with Fred Olivarez during federal investigations.

EXHIBIT E:

Affidavit of Fred Olivarez, confirming his tenure as an FBI white-collar crime investigator (approx. 1991–2017) and his close working relationship with Thomas McHugh during federal investigations.

Exhibit A



U.S. Department of Justice

United States Attorney
Western District of Texas

Gregory J. Surovic
Assistant United States Attorney
Criminal Division

601 NW Loop 410, Suite 600
San Antonio, Texas 78216
Tel: (210) 384-7020
Fax: (210) 384-7028

November 19, 2018

Thomas J. McHugh
Attorney for Bradley Lane Croft
106 S St. Mary's Street, Suite 260
San Antonio, TX 78205
Hand delivered

RE: Information and Additional Discovery in US v. Bradley Lane Croft, SA-18-CR-603-DAE

Dear Tom:

I am writing to follow up with you on the issue of a possible conflict of interest involving Fred Olivares. You may recall that I raised this with you earlier and told you that I was reaching out to the original case agent to find out what she remembers regarding Fred's involvement in the case.

FBI SA Erin Isley originally initiated this case. She opened the case on November 9, 2011. It went through a variety of active and inactive phases and was closed on March 8, 2017, only to be reopened following the VA OIG becoming involved in the investigation. I spoke with Erin Isley who confirmed that she worked in the same group as Fred during the period that she was working this case. In fact, Fred had the desk next to Erin in the group area. Erin has no specific recollection of having discussed the case with Fred, but she believes that she must have discussed the case with him on a variety of occasions. Apparently, she considered Fred to be a mentor and says that she would take most of her problems to him to get his counsel and advice. She also indicated that she often worked surveillance with Fred during this period and they would discuss cases to kill the time. As I said however, she has no specific recollection of discussing the case with Fred.

I am enclosing a CD containing the historical FBI files. A review of the case files does not indicate that Fred participated in the investigation or authored any reports.

I provide all of this information to you so that you, Fred and your client can have an informed discussion of any possible conflict that may exist because of information that might have been obtained by Fred in his official capacity as an active FBI agent.

I also wanted to let you know that I met with Richard Cook on November 7, 2018. In addition to the information previously set out in the agent's earlier report of interview, Mr. Cook provided the following information. He first met Brad Croft when he was

stationed here in San Antonio at Ft. Sam Houston as a medic working in the post pharmacy. Some of the people that he worked with in the pharmacy were interested in bodybuilding and had met Croft in a local gym. Cook recalled socializing and becoming friendly with Croft. He also remembered that Croft would ask him and the others to give him things from the pharmacy. Cook indicated that he would give Croft "disposables" (things like alcohol swabs and such), but never gave him any drugs or controlled items. Cook and Croft became particularly close when Cook was in the hospital recovering from the gunshot wound to his face (he was the victim of a random street shooting as he was driving down a street here in San Antonio - I am attempting to locate the original incident report). Croft visited Cook regularly in the hospital and was very supportive.

After his release from the hospital, Cook was medically retired from the military. He received an honorable discharge. For a period, he was trying to figure out what to do with his life and was taking college classes here in San Antonio. During that time, Croft asked him to store an ice chest at his house. Cook discovered that the ice chest contained steroids. Cook kept the ice chest for Croft, but returned it when Cook decided to return to Virginia to further his education.

I reviewed Cook's criminal history with him. I am attaching a copy of the criminal history with this letter. All are misdemeanors. The stalking and two violating a protective order charges relate to his divorce and his ex-wife. He pled guilty to the crimes that he was convicted of, including the solicitation of prostitution. Cook confirmed that he hadn't filed income tax returns since shortly after his divorce.

I discussed his involvement with Universal K-9. He reiterated the facts set out in the earlier memorandum of interview. He indicated that Croft had originally hired him to recruit veterans to enroll in the Universal K-9 education program and to help the veterans with their VA paperwork. He was originally promised \$1,000.00 a veteran that he enrolled in the program, to be paid after they completed the educational course and Croft was paid by the VA. Cook indicated that Croft never paid him according to that plan. Croft would give him money periodically, but the money that he received was usually to cover expenses that Cook had incurred or to pay the Capital One credit card that Croft maintained on Cook's personal Union Bank account. Cook indicated that Croft did make a substantial payment on Cook's truck. He could not recall how much money Croft had given him, but he indicated that he believed that Croft got more money from him via the credit card and other expenses than Croft gave him.

Cook was questioned about his signatures on various documents. He acknowledged that he did sign papers sent to him by Croft. He indicated that Croft would often send only the signature page of what appeared to be much larger documents. Cook signed and returned the documents because he trusted Croft.


I believe that these are the only material additions that should be made to the earlier memorandum of interview. As stated, in the course of the interview he confirmed the information from the earlier meeting and was not inconsistent with his earlier statements on any point.

If I can be of assistance to you, or if you have any questions about the case, please

do not hesitate to contact me. I look forward to hearing from you soon.

Sincerely,

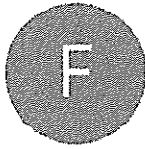
JOHN F. BASH
United States Attorney



GREGORY J. SUROVIC
Assistant United States Attorney



Exhibit B



Fred Olivares 11/26/2018



to me ▾

Fred Olivares

210-687-6791

<http://www.taloninvestigationssa.com>



Gregory J. Sarovic
Assistant United States Attorney
Criminal Division

U.S. Department of Justice

United States Attorney
Western District of Texas

601 NW Loop 410, Suite 600
San Antonio, Texas 78216
Tel: (210) 354-7020
Fax: (210) 354-7028

November 19, 2018

Thomas J. McHugh
Attorney for Bradley Lane Croft
106 S St. Mary's Street, Suite 260
San Antonio, TX 78205
Hand delivered

RE: Information and Additional Discovery in U.S. v. Bradley Lane Croft, SA-18-CR-603-DAB

Dear Tom:

I am writing to follow up with you on the issue of a possible conflict of interest



AUSA Disco...0181119.pdf



Brad Croft 11/26/2018

Wow! Cook was charged with solicitation of prostitution in 2013. Brad Croft



Fred Olivares 11/26/2018



Exhibit C

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS

UNITED STATES OF AMERICA,

v.

Case No. 5:18-CR-00603-DAE

BRADLEY LANE CROFT,

Defendant.

DECLARATION OF BRADLEY LANE CROFT IN SUPPORT OF RULE 60(b)(6) MOTION

I, Bradley Lane Croft, hereby declare under penalty of perjury pursuant to 28 U.S.C. § 1746 as follows:

1. I am the Defendant in the above-captioned criminal matter.
2. On or about November 26, 2018, I received an email from Fred Olivarez, a private investigator who was assisting my defense team during trial preparation.
3. Attached to that email was a letter dated November 19, 2018, authored by Assistant United States Attorney Gregory Surovic. The letter was addressed to my trial attorney, Thomas McHugh.
4. The letter states that Mr. Surovic had contacted the FBI case agent from a separate 2011–2012 federal investigation into me, and that she confirmed she worked closely with Fred Olivarez during that time, that Olivarez was her mentor, and that they likely discussed my case.

5. I had no prior knowledge of Mr. Olivarez's potential involvement in the earlier investigation before receiving this letter. I was never advised of my right to object to his involvement or given an opportunity to raise the issue in court.

6. At no point during my trial did my attorneys or the government disclose this conflict of interest to the presiding judge, nor did the court hold a hearing or obtain a waiver from me.

7. I am attaching the following documents as evidence:

- Exhibit A: Letter from AUSA Gregory Surovic to Thomas McHugh dated November 19, 2018

- Exhibit B: Email from Fred Olivarez to me, Bradley Croft, dated November 26, 2018

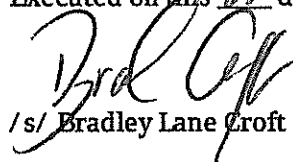
- Exhibit C: Affidavit of Thomas McHugh confirming tenure and close working relationship with Olivarez

- Exhibit D: Affidavit of Fred Olivarez confirming tenure and close working relationship with McHugh

8. I submit this declaration in support of my Rule 60(b)(6) motion to vacate the judgment due to fraud on the court and denial of conflict-free counsel.

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

Executed on this 13th day of June, 2025.


/s/ Bradley Lane Croft

Bradley Lane Croft

301 Yucca

San Antonio, TX 78203

Exhibit D

AFFIDAVIT

My name is Thomas Joseph McHugh. I am above the age of eighteen (18) years, and I am competent to make this Affidavit. I am an attorney, licensed by The State of Texas (1978) and have been licensed for more than forty (40) years. I am also licensed to practice law in federal court the Western District of Texas (1981), and before The United States Court of Appeals for The Fifth Circuit (2004). As well, I am duly admitted and qualified as an Attorney and Counselor of the Supreme Court of the United States (1984). I am licensed to practice law in Florida by The State Bar of Florida (1984 / inactive). I am a Fellow of the Texas Bar Foundation and a Life Member of the National Criminal Defense Lawyers Association (NACDL). Much of my practice is Pro Bono.

I have been deemed qualified to accept CJA criminal appointments in federal criminal cases & proceedings in the Western District of Texas.

I am a retired Assistant United States Attorney ("AUSA") - San Antonio and El Paso Divisions of the Western District of Texas and having served in that Appointment for over thirty (30) years. I have had no disciplinary actions. I have been engaged in criminal defense since 2015. My practice is almost exclusively - with very few exceptions, federal criminal defense. As an AUSA and an attorney in private practice, I have appeared in United States courtrooms in numerous states and federal Districts and Circuits throughout the United States.

RESPONSE

Respectfully, in Response to the CROFT Complaint ("Complaint"), filed and alleged by my former client and Defendant, BRADLEY LANE CROFT ("CROFT" / "Defendant") - SA 18 CR 00603 - DAE, I, herein, offer the following response and information.

I.

BACKGROUND AND PROCEDURAL HISTORY

The Return of Indictment, Charges, Bench Trial and Verdict of the District Court

On August 22, 2018, Defendant BRADLEY LANE CROFT was charged in a one defendant, fourteen count indictment, returned in the San Antonio Division of the Western District of Texas. Defendant was charged with: (1) a Wire Fraud Scheme to Defraud, Counts One through

Eight, in violation of Title 18, United States Code, Section 1343; (2) Aggravated Identity Theft, Counts Nine through Twelve, in violation of Title 18, United States Code, Section 1028A(a)(1); (3) Money Laundering, Counts Thirteen and Fourteen, in violation of Title 18, United States Code, Section 1956(A)(1)(A) and (B) and 2; and (4) a Notice of United States of America's Demand For Forfeiture. See Dkt 3.

Thereafter, on October 17, 2018, a Superseding Indictment was returned in the San Antonio Division of the Western District of Texas charging the Defendant with additional charges of violations of Title 26, United States Code, Section 7206(1) - Making a false Tax Return, Counts Fifteen and Sixteen. See Dkt 39.

On October 8, 2019, upon Order of Referral to the United States Magistrate Judge, Defendant was advised of his rights to a jury trial and knowingly waived the same - a Jury Trial. See Dkt Nos. 109 & 112. Therein, the Defendant having waived his rights to a jury trial, proceeded to a bench trial before the District Court. See Dkt Nos. 114, 115, 117, 119, 120 & 124.

On November 6, 2019, after the conclusion of the bench trial, and both sides having closed, the Defendant was found guilty on all counts charged in the Superseding Indictment. See Dkt Nos. 130 & 135.

The Matter of the Defendant's Sentencing

Defendant CROFT'S sentencing was scheduled, and accordingly docketed, for February 24, 2020. See Dkt 136. Thereafter, on January 10, 2020, the Defendant's sentencing was continued to March 30, 2020. See Dkt 147.

The PRESENTENCE INVESTIGATION REPORT

The initial Sealed PRESENTENCE INVESTIGATION REPORT and the subsequent amended PRESENTENCE INVESTIGATION REPORT, were filed on February 24, 2020, and March 23, 2020. See Dkt Nos. 153, 171, 172 & 173. Defendant CROFT was sentenced on April 30, 2021. See Dkt Nos. 223 & 227. Defendant CROFT'S sentencing, from the date of the Court verdict through the time of his sentencing, or November 6, 2019 through April 30, 2021, - one and one-half years, was continued on nine occasions. See Dkt Nos. 147, 174, 176, 181, 195, 206, 214, 216 and 219.

The Matter of Detention

The government, on the date of Defendant CROFT'S arrest, August 23, 2018, pursuant to Title 18, United States Code, Sections 3141 and 3142 - Release and Detention Pending Judicial
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Proceedings, urged that CROFT be detained pending the trial of his case. See Dkt Nos. 9 & 10. Pursuant to a Detention and Bond Hearing conducted on August 31, 2018, CROFT was conditionally granted bond. See Dkt Nos. 17 & 18. See also Motion for Reconsideration, and the government's response therein to the Defendant CROFT'S motion, See Dkt Nos. 27, 32 & 33. Thereafter, on November 20, 2018, a Motion for reconsideration of the conditions of bond was filed by the Defendant (undersigned Counsel). Thereafter, on November 22, 2018, the Defendant's Motion for Reconsideration was denied - without a Hearing. See Dkt Nos. 138, 139 & 140.

In sum-total, and relevant to the matter of Detention, Bond and Release, after August 31, 2018 - the magistrate Order Denying Detention and Bond Conditionally set, Defendant unsuccessfully urged / argued on eight occasions, that the matter of his bond conditions be reconsidered and amended, both before and after the pronouncement of the Court's verdict. See Dkt Nos. 17, 18, 20, 23, 27, 32, 33, 35, 37, 47, 48, 55, 56, 58, 138, 139, 140, 198, 209, 210, 211 & 212.

On November 6, 2019, upon the Court's pronouncement that CROFT was guilty, as to all counts. He was taken into custody.

The School- Universal K-9

Universal K-9 ("U-K9" / "School") was a San Antonio handler and dog training academy started by CROFT. The school over time, developed an expanding footprint. The school was CROFT'S Dream - it was real and otherwise legitimate. It had genuine traction and its future appeared promising. The UK-9 infrastructure included a physical plant - complete with kennels, classrooms and dorms, instructors, and DOGS - many rescued from animal defense shelters. Though he employed and consulted with other persons in the formation and operations of UK-9, CROFT, in essence, was UK-9. He physically lived on the property. His pillow was literally feet from the actual kennels. Running and managing UK-9 was a 24-7 operation, there were no days-off. CROFT was dedicated and hard-working.

The Veteran's Administration (the "VA") was a valued and key source of income to the school. Through a series of applications and reapplications, over many years, CROFT targeted veterans, using the VA Bill and their benefits, to be trained as dog Handlers. The VA paid the
1 Excluding those many references and allegations contained in the Indictment: a school footprint, trainers, classrooms, dorms and dogs ALL EXISTED.

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tuition of qualified veterans to attend UK.9. Further, the school offered and instruction in the field of interdiction - dogs trained to find and locate drugs, explosives or missing persons. Clearly, CROFT, overtime, pre-indictment, was frustrated and discouraged - though never giving-up on the VA application process.

II.

RESPONSE

I have read and approve of the Response prepared by my attorney, Dante Dominguez, who, as my representative in Texas Bar Grievance Matter No. 202106726, worked with me in preparing said Response.

1. THE VIGORESSNESS OF THE CROFT DEFENSE

I, at all times, vigorously, always competently, and with professionalism, represented the interests' of CROFT in his San Antonio Division, Western District of Texas, criminal proceedings and trial.

2. BRADY AND GIGLIO

Brady, that is evidence favorable to the Defendant ("CROFT"), and Giglio, that information which may serve to impeach a witness, was always of primary concern and my focus throughout the trial and regarding every government witness. That said, my approach to every trial, and when, on those occasions when I mentor younger trial-lawyers, I share with them that an Inherent Tension - and even Balancing Acts, often exists, in working for the Client while. At all times, Keeping your Eye on The Prize (for the Client). The proverbial Prize, that is, is that strategy which serves the long-term best and most realistic interest, outcome or result for the Client. An outright "acquittal", although sometimes within reach, is not always practical. Successes can be achieved in smaller steps. The essence of a successful trial strategy - and working with the Client, is to always Keep your Eye on the Prize, yet while avoiding that proverbial trial-chasm of "one step forward and two or more back." Short-term satisfactions are not always consistent with "long-term goals" -- that strategy which is the best and most realistically achievable for the Client.

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3. OLIVARES WAS NOT PAID, NOR WAS IT EVER REPRESENTED BY ANY PERSON OR PARTY TO CROFT, THAT OLIVARES WOULD BE CALLED AS A DEFENSE WITNESS AT THE CROFT TRIAL.

Yes, it is true, that if Olivares had been able to offer favorable evidence and testimony for CROFT, -- and that said testimony would be able to avoid that proverbial trial-chasm of "one step forward and two or more back", he would have been called as a defense witness at the CROFT trial. Yet every door was closed; it was not practical - nor would it have been prudent. Fred Olivares, an investigator hired in the CROFT defense, was tasked with digging deep into the woods and weeds of the government's case - theory and evidence. As it evolved, the deeper the Defense dug - and the more that was understood regarding the CROFT expenditures, balances and VA money, that decision - whether or not to call Olivares as a defense I CROFT witness became too risky and with diminishing returns. indeed, as the CROFT defense rested, there was no urging or discussion to call Olivares.

4. THE DECISION NOT TO PUT CROFT ON THE STAND

For those same reasons stated in 3, above, and in the McHugh Response - a combative and disrespectful demeanor and current and past history of fraud and false statements, of which this Affidavit is incorporated therein, CROFT'S testimony would have been too problematic. His better arguments were presented in his written Closing Summation to the Court - and which were not subject to a live cross-examination.

5. FEES, COSTS AND EXPENSES

All fees, related costs and expenses were explained to CROFT at the time of his initial engagement. The fee and expenses were reasonable and inline with a federal white-collar prosecution defense.

SI Page

6. CONFLICT

To the best of my knowledge and understanding, I did not know CROFT or about him, until that day when he initially walked into my office to retain me - and subsequent to that initial meeting, I have not been made unaware or informed of a potential conflict - nor has one been ever represented to me. In fact, it was my understanding, that it was my history of successes as both an A USA and as a criminal defense attorney, which attracted CROFT to engage me.

SUBSCRIBED AND SWORN BEFORE ME BY THOMAS JOSEPH MCHUGH, ON
THIS, THE 11th DAY OF APRIL 2022. qp N
Gi

Exhibit E

STATE OF TEXAS §

COUNTY OF BEXAR §

AFFIDAVIT

On March 28, 2022, appeared before me, Fred Olivares, and after being placed under oath made the following statements and affirmed their truth:

My name is Fred Olivares. I am over the age of 18, am mentally sound, and am fully capable of making this affidavit. I have personal knowledge of the facts stated herein and they are true and correct.

1. I am a private investigator licensed in the State of Texas, (Texas Department of Safety, Private Security Board, license number A20784) who performed investigative services for Mr. Bradley Croft in *United States v. Bradley Croft*, Criminal Case No. 18-CR-00603, in the United States District Court for the Western District of Texas, San Antonio Division.
2. Prior to being a private investigator, I was a Special Agent for the Federal Bureau of Investigation for over 26 years. In my capacity as an FBI Special Agent, I investigated white collar crimes such as fraud, Ponzi schemes, and other complex financial crimes. I was stationed in the San Diego and San Antonio Divisions of the FBI. During the course of my service, I testified in Federal Court to include trials, suppression hearings and before Federal Grand Juries.
3. Following my career in the FBI, I established Talon Investigations (Texas DPS, PSB number A20784) and have worked Federal and State criminal and civil matters for Thomas McHugh and other attorneys.


Fees and Testimony

4. I have come to learn that Cameron Croft has filed a grievance on behalf of her father, Bradley Croft. I understand that the Crofts have alleged that I was paid


Initial

\$15,000 to testify. That is not correct. I was not paid to testify. I was paid for the investigative services that I performed.

5. My timesheet, which is attached, indicates that I billed a total of \$42,993.75, between September 20, 2018 and October 16, 2019. The timesheet also shows that I consistently reduced my hourly rate for Mr. Croft until I was billing at a rate of \$50/hour. The rate of \$50/hour is less than half of my normal rate of \$125/hour. With my training and qualifications, the rate of \$125/hour is on the low end of the fair market rate for an investigator of my caliber. The timesheet also shows that I was originally engaged by a retainer of \$15,000.00 and that retainer was depleted by December, 2018. Following the depletion of the retainer, I continued to work on the case and track my time and activities. By the end of trial, my balance on the timesheet shows that I had received payments totaling \$30,068.75 and that Croft still owes a remaining balance of \$12,025.00.
6. The Defense was interested in having my testimony regarding the potential loss amounts attributed to the alleged fraud. However, as time came for trial, that defense goal was met by cross examination of Government witness Joe Vigil.
7. Ultimately, the decision was made that I would not testify. Mr. Croft's backlog of financial issues and problems were extensive. I had performed an examination of the financial documents and Mr. Croft's finances. Due to my knowledge of Mr. Croft's financial activities, it was the Defense's strategic decision that I would not testify and, accordingly, not subject myself to cross examination during which I would have to honestly answer questions about aspects of the investigation that would not be beneficial to Mr. Croft.



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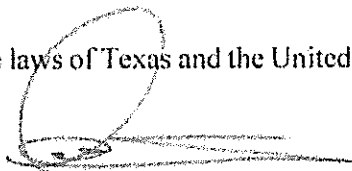
Subpoenas

8. During the course of trial preparation and case review, I helped draft subpoena requests, serve subpoenas, and review subpoenaed materials.
9. On November 6, 2018, I received an email from Bradley Croft in which he requested subpoenas be issued for Midlothian Police Department and Red Oak Police Department for email communications between Brad Croft (through his personal and Universal K-9 email addresses), Wes Keeling, Garland Wolf, Dustin Bragg, and other combinations of those persons.
10. On November 13, 2018, one week following the request, the subpoena was issued and ready for service. The subpoena was addressed to Robin West, the Custodian of Records for Midlothian Police Department. The subpoena was more specific than the one requested by Croft. Croft's request was for email communications, the vast majority of which we already had through Croft. The subpoena we had issued also requested "The personnel file of Wesley Lynn Keeling." My normal practice when serving a subpoena on a law enforcement agency is to call the agency and inquire as to their preferred method of service. My recollection is that I learned that Midlothian PD would require in-person service and I informed the rest of the defense team of the same.
11. On December 12, 2018, Bradley Croft forwarded me an email from he received from Paul A. Torres, a civil attorney in San Antonio. Croft had previously engaged Torres to sue Keeling. My recollection is that Torres was locating a local process server in the Midlothian area to personally serve Keeling with the Petition in the JP

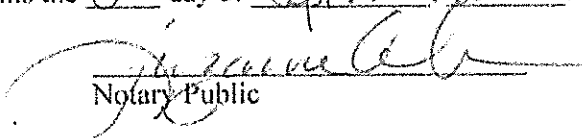

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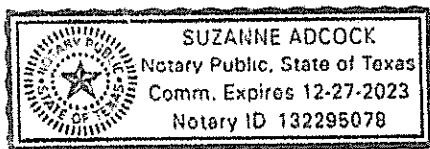
suit. Due to Croft already having a relationship with that attorney and their plans of finding a local process server, my recollection is that the subpoena on Midlothian PD was to be served by that same person. Since Croft had stated he would take care of arranging the subpoena service, I went on to address other aspects of trial preparation.

I declare under penalty of perjury under the laws of Texas and the United States of America that the foregoing is true and correct.
AFFIANT FURTHER SAITH NOT.


Fred Olivares

Sworn and subscribed before me on this the 6th day of April, 2022.


Notary Public




Initial

PROPOSED ORDER

On this day, the Court considered Defendant Bradley Lane Croft's Motion to Vacate Judgment pursuant to Rule 60(b)(6) of the Federal Rules of Civil Procedure.

Having reviewed the motion, the exhibits submitted in support, and the relevant legal authorities, the Court finds that the motion presents clear, un rebutted evidence of a structural constitutional violation and fraud upon the Court. The motion establishes that a former FBI agent who worked on the investigation of this very case was later embedded in Defendant's defense team, and that this conflict of interest was never disclosed to the Court. Further, the Court finds that a sworn affidavit submitted by defense counsel denying knowledge of this conflict directly contradicts written correspondence addressed to him by the U.S. Attorney's Office.

Accordingly, the Court finds that the conviction and judgment entered in this case are constitutionally void and must be vacated.

IT IS HEREBY ORDERED that Defendant's Motion to Vacate Judgment pursuant to Rule 60(b)(6) is GRANTED.

IT IS FURTHER ORDERED that the judgment of conviction against Defendant Bradley Lane Croft is VACATED.

SIGNED this ____ day of _____, 2024.

Hon. David A. Ezra
Senior United States District Judge

EXHIBIT COVER SHEET

Docket Number: 440

Date Filed: June 27, 2025

Title: Rule 60(b)(6) Motion – Wire Fraud / TVC Email Submission Theory

Summary:

Challenges wire fraud conviction based on TVC policy requiring mailed submissions; argues material misstatement of fact invalidated fraud theory.

UNITED STATES DISTRICT COURT

WESTERN DISTRICT OF TEXAS

SAN ANTONIO DIVISION

UNITED STATES OF AMERICA,
Plaintiff,


v.

BRADLEY LANE CROFT,
Defendant.

Case No. 5:18-CR-00555-E-BQ

RECEIVED

JUN 27 2025

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY 
DEPUTY CLERK

MOTION FOR RELIEF FROM JUDGMENT UNDER RULE 60(b)(6)

COMES NOW the Defendant, Bradley Lane Croft, and respectfully moves this Court for relief from judgment pursuant to Rule 60(b)(6) of the Federal Rules of Civil Procedure, based on extraordinary circumstances and a fundamental defect in the statutory basis for conviction. In support thereof, Defendant states the following:

I. INTRODUCTION

Defendant was convicted under a theory of wire fraud (18 U.S.C. § 1343) that, as now shown by the trial record and undisputed agency documentation, was based on a material misstatement of fact: namely, that the execution of the fraud involved emailing an application to the Texas Veterans Commission ("TVC").

However, both the agency's official procedures and direct correspondence from TVC officials confirm that TVC did not accept emailed applications, and that official submission required three hard copies by mail. Thus, the only alleged "wire" transmission identified in the Superseding Indictment (Paragraph 11) was factually and legally immaterial to the alleged fraud.

This is not a mere evidentiary dispute. It is a statutory failure under *Cleveland v. United States*, 531 U.S. 12 (2000), *Loughrin v. United States*, 573 U.S. 351 (2014), and *Dubin v. United States*, 599 U.S. __ (2023), each of which reaffirm that:

- Regulatory approvals are not "property" under the mail/wire fraud statutes.
- The use of a wire must be material and central to the execution of the scheme.
- Incidental or immaterial uses of communication do not satisfy the elements of § 1343.

II. FACTUAL BACKGROUND

The Superseding Indictment (ECF No. [INSERT]) alleges that on October 4, 2015, Defendant emailed documents to the TVC, and that this constituted a wire transmission in furtherance of the scheme. (See ¶11).

However:

- The TVC's own application, dated June 13, 2015, explicitly requires applicants to submit 3 hard copies via mail.
- An October 18, 2013 email from TVC official Bebe Glasgow confirms that emailed submissions are insufficient and that physical copies are required for approval.

Thus, even if the government could show an email was sent, the record proves that it was not how the application was submitted, reviewed, or approved. The alleged wire was neither central to the scheme nor material to its execution.

III. LEGAL BASIS FOR RELIEF

Relief under Rule 60(b)(6) is available where "extraordinary circumstances" justify reopening a judgment. *Gonzalez v. Crosby*, 545 U.S. 524 (2005). A material legal defect in the conviction—especially one based on a statutory misapplication—is precisely the kind of injustice Rule 60(b)(6) was designed to remedy.

In *Cleveland*, the Supreme Court held that state regulatory approvals do not constitute property. In *Loughrin*, the Court held that wire fraud requires not just use of wires, but use that is integral to the scheme. And in *Dubin*, the Court warned against federal overreach through strained statutory theories.

Here, the government advanced a wire fraud theory that was:

- Factually false (TVC did not accept emailed applications),
- Statutorily insufficient (email was not material or central), and
- Never corrected, rebutted, or acknowledged at any stage of prosecution.

This results in a conviction for conduct that is not criminal under § 1343.

Moreover, to the extent the government or the Court may now point to subsequent wire transfers of VA benefits as satisfying the wire element, that argument must be rejected. First, it was not the theory charged in the Superseding Indictment; the only wire alleged was the October 4, 2015 email. To substitute a different wire to preserve the conviction constitutes a constructive amendment of the indictment in violation of *Stirone v. United States*, 361 U.S. 212 (1960).

Second, while VA payments were ultimately made to the school, those payments occurred only after veteran students met all eligibility requirements and completed the program. These post-service disbursements were not induced by any misrepresentation or wire transmission and were not part of any alleged fraudulent act.

Third, the government never alleged that Defendant misrepresented veteran eligibility, falsified program completion, or used any wire to improperly trigger those payments. Accordingly, the VA disbursements were post-approval, administrative outcomes, and not part of a scheme executed by wire.

Tellingly, the government did not charge Defendant with mail fraud under 18 U.S.C. § 1341—despite the fact that TVC required all applications to be submitted via U.S. mail. This omission underscores that the government's wire fraud theory was not only legally defective, but strategically manipulated to invoke federal jurisdiction and sentencing enhancements where the facts did not support such a charge.

IV. THIS IS A COSBY-TIER FAILURE OF GOVERNMENT DUTY

As with *Commonwealth v. Cosby*, 252 A.3d 1092 (Pa. 2021), this case presents an egregious abuse of prosecutorial authority, where the government pursued a conviction while concealing or distorting the operative legal framework. In *Cosby*, it was the denial of due process through a broken promise of non-prosecution; here, it is the construction of a fraud theory on a wire that did not execute the scheme and a property interest that does not exist.


Both cases involve deception by those sworn to uphold the law, and both demand correction to preserve the integrity of the judicial process.

V. RELIEF REQUESTED

Defendant respectfully requests that the Court:

1. Grant relief under Rule 60(b)(6), vacating the judgment of conviction;
2. Alternatively, grant an evidentiary hearing limited to the execution and materiality of the alleged wire transmission;
3. Issue any further relief the Court deems just and proper.

Respectfully submitted,


Bradley Lane Croft
Pro Se Defendant

Date: June 27, 2025

Exhibit List – Rule 60(b)(6) Motion

Defendant: Bradley Lane Croft

Case No.: 5:18-CR-00555-E-BQ

Date: June 27, 2025

Exhibit	Description
Exhibit A	October 18, 2013 email from Bebe Glasgow to Defendant referencing the requirement to mail two additional hard copies of the TVC application.
Exhibit B	Superseding Indictment (highlighting Paragraph 11) which falsely claims the scheme involved an emailed application to TVC.
Exhibit C	Screenshot and publicly available quote from the Texas Veterans Commission official website stating that all documents must be mailed for processing unless explicit permission is granted.
Exhibit D	Declaration of Bradley Lane Croft summarizing the factual chronology of TVC application procedures and VA disbursement timing.

Exhibit A

Bebe Glasgow

From: Bebe Glasgow
Sent: Friday, October 18, 2013 8:59 AM
To: 'Brad Croft'
Cc: Rufus Coburn
Subject: Application Submission

I received your e-mails yesterday with your additional application submissions. I went ahead & printed 1 set of everything just so they could be logged into our system in a timely manner. I will need you to mail me 2 more hard-copy sets, however, as per the application procedure. Upon approval, we are required to keep a complete set in our office, one set goes to the VA and one set is returned to you.

Thank you.

Bebe Glasgow
Program Specialist
Veterans Education
Texas Veterans Commission
(512)463-3702
Fax: (512)463-3932
bebe.glasgow@tvc.texas.gov

Exhibit B

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

FILED
OCT 17 2018
CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
DEPUTY

UNITED STATES OF AMERICA,

Plaintiff,

v.

BRADLEY LANE CROFT (1),

Defendant.

) CRIMINAL NO. SA-18-CR-0603-DAE

) **SUPERSEDING**

) **INDICTMENT**

) [Vio.: 18 U.S.C. § 1343 Wire Fraud;
) 8 U.S.C. §§ 1028A(a)(1) Aggravated
) Identity Theft; 18 U.S.C. § 1956
) Money Laundering; 26 U.S.C. § 7206(1)
) Making a False Tax Return

THE GRAND JURY CHARGES

SUPERSEDING INDICTMENT

INTRODUCTION

At all times relevant to this Indictment:

1. The United States Department of Veterans Affairs (VA) is a federal Cabinet-level agency that provides near-comprehensive healthcare services to eligible military veterans at VA medical centers and outpatient clinics located throughout the country; several non-healthcare benefits including disability compensation, vocational rehabilitation, education assistance, home loans, and life insurance; and provides burial and memorial benefits to eligible veterans and family members at 135 national cemeteries.
2. The VA administers a variety of educational benefit programs for veterans that provide tuition assistance for qualified veterans. These programs are referred to generally as the GI Bill and are found in Title 38, United States Code, Chapters 30 through 35, 1606 and 1607.

3. Under Title 38, United States Code, Chapter 33 (the "Post-9/11 GI Bill"), the VA provided educational assistance to individuals who entered into military service or actively served in the military after September 11, 2001, and who otherwise qualified for assistance based upon their length of service, the nature of their discharge, and other service-related factors. Effective October 1, 2011, the VA paid Post-9/11 GI Bill benefits to individuals pursuing non-institute of higher learning (Non-IHL), non-degree programs, including non-accredited, non-college degree (NCD) schools or programs.
4. Pursuant to the Post-9/11 GI Bill, for approved NCD programs, the VA paid tuition and fees directly to the NCD school at which the veteran was enrolled.
5. Federal law required each state to create or designate a State approving agency (SAA) to review and approve academic institutions and programs of education that were eligible for VA benefits, including NCD programs that were eligible for Post-9/11 GI Bill benefits.
6. The Texas Veterans Commission (TVC) is a state agency created by the Texas Legislature to assist veterans and administer veteran programs. The TVC administers the Veterans Education program in the State of Texas as the SAA for VA purposes. The Veterans Education Program approves all programs for Chapter 30, 33, 35, 1606, and 1607 federal educational benefits. Through an approval process, the TVC ensures that institutions and employers comply with federal guidelines and are qualified to provide the type of training offered.
7. A school that received Post-9/11 GI Bill benefits was required to designate a School Certifying Official (certifying official), who informed the VA regarding the enrollment status of student veterans. The certifying official was also

responsible for maintaining current knowledge of VA rules and benefits, maintaining records of veteran students, and making such records available for inspection by the VA and TVC. The certifying official was also required to complete the VA Form 22-1999, VA Enrollment Certification (Enrollment Certification) for each veteran student who received a VA education benefit.

Using the Enrollment Certification, the certifying official would certify the course in which the veteran was enrolled, the enrollment period, the number of hours per week that the veteran would attend classes, and the cost of tuition.

8. Automated Clearing House (ACH) is an electronic network for financial transactions in the United States. ACH processes large volumes of credit and debit transactions in batches. ACH credit transfers include direct deposit, payroll and vendor payments. ACH direct debit transfers include consumer payments on insurance premiums, mortgage loans, and other kinds of bills. Both the government and the commercial sectors use ACH payments. ACH is a computer-based clearing and settlement facility established to process the exchange of electronic transactions between participating depository institutions. The largest ACH operator in the United States are the Federal Reserve Banks. The clearinghouse for Federal Reserve Bank ACH transactions is located in New Jersey. All ACH transactions conducted through the Federal Reserve Bank system pass through that clearinghouse. For purposes of this indictment, all ACH transactions were conducted through the Federal Reserve Bank system and passed through the clearinghouse in New Jersey.
9. **BRADLEY LANE CROFT (CROFT)** operated a dog training and dog handler school in San Antonio, Texas. He advertised this business as Universal K-9.

CROFT initially operated under Universal K-9, Inc., then under Redonte Company, L.L.C, which operated under the assumed name Universal K-9, and finally under Universal K-NINE.

SCHEME TO DEFRAUD

10. In September of 2013, CROFT began the application process with the TVC to obtain certification to allow Universal K-9 to receive GI Bill educational benefit payments for providing dog handler training.
11. In the course of the application process, CROFT emailed several documents to TVC on October 4, 2015, that contained the names of four individuals who were purported to be instructors for the Universal K-9 classes for which CROFT was seeking approval to obtain GI Bill benefits. Those individuals were listed as Victim 1, Victim 2, Victim 3, and Victim 4. The application also included training documents purporting to show the training and certification of each of the instructors. In fact, none of those individuals had granted CROFT permission to use their names and were not working as instructors at Universal K-9 in the classes described in the application. In the case of Victim 1, he had died two years prior to the submission of the Application for Approval and therefore could not have been a trainer for Universal K-9. These documents were sent by CROFT from the e-mail address bradcroft@satx.rr.com.
12. Subsequent to the submission of the fraudulent documents and the receipt of approval to provide dog handler training as a TVC approved training course, CROFT and others then solicited veterans as students for the Universal K-9 dog handler course indicating that veterans could use their GI Bill benefits to pay for

the course. CROFT and others would enroll veterans in the Universal K-9 dog-handling course and submit enrollment records of those individuals to the VA for payment as part of the individual's GI Bill benefits knowing that the approval of the training had been fraudulently obtained. Universal K-9 offered two courses that were authorized for payment through the GI Bill program. The dog handler's course costs range from \$6,500.00 for the K-9 Handler dual-purpose detection program to \$12,000.00 for the K-9 trainer/instructor program. Once a student registered for the course, CROFT, or INDIVIDUAL 1 acting at CROFT's direction, acting as the certifying official, would file a claim with the VA for payment of the course fees. Claims would then be transmitted by wire from CROFT in Texas to VA regional review offices located in Oklahoma, Missouri and New York. Those regional review offices would then review the claims and send completed claims by wire to the Benefits Delivery Network located in Chicago, Illinois. Once final approval was confirmed, payment instructions would be transmitted by wire to the United States Treasury payment system located in Kansas City, Missouri and subsequently wire transfers of funds would be sent to the claimant's designated bank. The account for Universal K-NINE was initially located at Bank of America in Gayton Crossing, Virginia. In November of 2017, deposits were redirected to the Universal K-NINE accounts at Wells Fargo Bank in Virginia. Between 2016 and the present, Universal K-9 filed approximately 185 claims relating to the education of approximately 132 veterans and totaling over \$1,260,000.00. The most recent known payment from the VA was received by Well Fargo in July of 2018.

MANNER AND MEANS

13. On September 29, 2015, INDIVIDUAL 1, at the direction of CROFT, opened account no. XXXXXXXXX8171 at Bank of America in the name of Universal K NINE. Payments from the VA were initially directed into this account.

14. On October 4, 2015, CROFT submitted documents to the TVC for the purpose of obtaining approval to receive payment through the use of GI Bill educational benefits that contained the names of Victim 1, Victim 2, Victim 3, and Victim 4 who were purported to be instructors for the Universal K-9 classes for which CROFT was seeking approval to receive payment. In fact, none of those individuals were instructors for the stated courses and none of those individuals had authorized CROFT to use their names in that regard.

15. On June 29, 2016, Universal K-9's Application for Approval was accepted by TVC and Universal K-9 was authorized to receive GI Bill benefits for veterans attending courses provided by Universal K-9.

16. Between June 29, 2016 and August 8, 2018, CROFT submits claims for payment to the VA for educational services provided to veteran students attending dog handler courses provided by Universal K-9. Each claim would be assigned a claim number for processing purposes. The claims identified by claim numbers set out below in Counts One through Eight of this indictment were claims submitted by CROFT in this manner.

17. The VA would process and review the claims submitted by CROFT and completed claims were processed for payment through the VA system.

18. Approved claims were then authorized for payment through the United States Treasury Payment Center in Kansas City, Missouri. ACH transactions in the amount of the approved payment would then be generated and sent electronically

*Notice the
USA is trying
to use a
DENIED Application
in 2015 to collect
a Approval Application
in 2016*

through the national ACH system and result in a deposit into the bank account designated by CROFT.

19. On November 20, 2017, Individual 1, at the direction of CROFT, opened account no. XXXXXXXXX1730 at Wells Fargo Bank in the name of Universal K NINE. Shortly thereafter, payments from the VA were directed into this account.
20. At various times throughout the period of the scheme, CROFT would direct Individual 1 to make withdrawals from the accounts of Universal K NINE and either provide CROFT with the money or purchase items for CROFT.

COUNTS ONE THROUGH EIGHT
[18 U.S.C. § 1343]

The information set out above is incorporated fully herein.

On or about the dates listed as to each count below, in the Western District of Texas and elsewhere and within the jurisdiction of the Court,

BRADLEY LANE CROFT (1),

defendant herein, having devised the above described scheme or artifice to defraud and to obtain money by means of materially false and fraudulent pretenses, representations, and promises, did for the purpose of executing such scheme or artifice, cause to be transmitted by wire and radio communications, in interstate and foreign commerce, writings, signs, pictures, signals and sounds, specifically the Automated Clearing House (ACH) electronic financial transaction in the amounts listed below as to each count from the United States Treasury Payment Center in Kansas City, Missouri to the Universal K-NINE bank account no. xxxxxx1730 at Wells Fargo Bank in Virginia:

<u>Count</u>	<u>Claim File No.</u>	<u>Amount</u>	<u>Date</u>
ONE	642161775 <i>Casimiro Perez</i>	\$12,500.00	January 17, 2018

TWO	<i>Dianne Marie Andrade</i> 608502940	\$12,500.00	January 25, 2018
THREE	<i>Jonathan Perez Marin</i> 635050120	\$12,500.00	January 25, 2018
FOUR	<i>Spencer M Rankin</i> 375961984	\$12,500.00	January 29, 2018
FIVE	<i>William John Herbert</i> 635347422	\$12,500.00	February 6, 2018
SIX	<i>Daniel A Lee</i> 171684140	\$12,500.00	February 15, 2018
SEVEN	<i>Tarik Elkhatib</i> 631054077	\$12,500.00	February 16, 2018
EIGHT	<i>Nicholas Harvey</i> 429816546	\$6,500.00	March 6, 2018

all in violation of Title 18, United States Code, Section 1343.

COUNT NINE THROUGH TWELVE

[18 U.S.C. §§ 1028A(a)(1)]

The information set out above is incorporated fully herein.

On or about October 4, 2015, in the Western District of Texas and elsewhere and within the jurisdiction of the Court, defendant

BRADLEY LANE CROFT (1),

did knowingly use, without lawful authority, a means of identification of another person, to wit, the name and training documentation of the individual whose initials are set out in the chart below relative to each count, during and in relation to the crime of Wire Fraud as outlined in Counts One through Eight of this indictment, felonies enumerated in Title 18, United States Code, Section 1028A(c), to wit, Title 18, United States Code, Sections 1343, part of Title 18, United States Code, Chapter 63, all in violation of Title 18, United States Code, Sections 1028A(a)(1).

Count No. Individual

NINE Victim 1

TEN Victim 2
ELEVEN Victim 3
TWELVE Victim 4

COUNT THIRTEEN

[18 U.S.C. §§ 1956(A)(1)(A) and (B) and 2]

On or about May 25, 2017, in the Western District of Texas, Defendant,

BRADLEY LANE CROFT (1),

aided and abetted by others, did knowingly and intentionally conduct and attempt to conduct a financial transaction affecting interstate and foreign commerce, to wit: the purchase of a 2017 American Eagle 45T motorhome, VIN 4UZFCGBG9HCJB4052, which involved property, that is \$452,788.95 in United States currency, which was the proceeds of a specified unlawful activity, that is wire fraud, a violation of Title 18, United States Code, Section 1343, with the intent to promote the carrying on of specified unlawful activity and knowing that the transaction was designed in whole or in part to conceal and disguise the nature, location, source, ownership and control of the proceeds of said specified unlawful activity, and that while conducting and attempting to conduct said financial transaction, he knew that the property involved represented the proceeds of some form of unlawful activity, all in violation of Title 18, United States Code, Section 1956(a)(1)(A) and (B).

COUNT FOURTEEN

[18 U.S.C. §§ 1956(A)(1)(A) and (B) and 2]

On or about April 16, 2018, in the Western District of Texas, Defendant,

BRADLEY LANE CROFT (1),

aided and abetted by others, did knowingly and intentionally conduct and attempt to conduct a financial transaction affecting interstate and foreign commerce, to wit: the purchase of real property known as 15329 Tradesman, San Antonio, Texas, which involved property, that is

\$319,496.17 in United States currency, which was the proceeds of a specified unlawful activity, that is wire fraud, a violation of Title 18, United States Code, Section 1343, with the intent to promote the carrying on of specified unlawful activity and knowing that the transaction was designed in whole or in part to conceal and disguise the nature, location, source, ownership and control of the proceeds of said specified unlawful activity, and that while conducting and attempting to conduct said financial transaction, he knew that the property involved represented the proceeds of some form of unlawful activity, all in violation of Title 18, United States Code, Section 1956(a)(1)(A) and (B).

COUNT FIFTEEN

[26 U.S.C. § 7206(1)]

On or about February 25, 2017, in the Western District of Texas, the defendant,

BRADLEY LANE CROFT (1),

a resident of San Antonio, Texas, did willfully make and subscribe a United States Individual Income Tax return IRS Form 1040, for the calendar year 2016, which was verified by a written declaration that it was made under the penalties of perjury and which he did not believe to be true and correct as to every material matter. That IRS Form 1040 income tax return, which was prepared and submitted in the Western District of Texas and was filed with the Internal Revenue Service, reported income of \$2,000.00 on lines 12 and 22 of IRS Form 1040, whereas, as he then and there knew, he had received income in tax year 2016 well in excess of \$2,000.00, which he failed to report, all in violation of Title 26, United States Code, Section 7206(1).

COUNT SIXTEEN

[26 U.S.C. § 7206(1)]

On or about April 5, 2018, in the Western District of Texas, the defendant,

BRADLEY LANE CROFT (1),

Document 30 Filed 10/17/18 Page 11 of 15

a resident of San Antonio, Texas, did willfully make and subscribe a United States Individual Income Tax return IRS Form 1040, for the calendar year 2017, which was verified by a written declaration that it was made under the penalties of perjury and which he did not believe to be true and correct as to every material matter. That IRS Form 1040 income tax return, which was prepared and submitted in the Western District of Texas and was filed with the Internal Revenue Service, reported income of \$2,000.00 on lines 12 and 22 of IRS Form 1040, whereas, as he then and there knew, he had received income in tax year 2017 well in excess of \$2,000.00, which he failed to report, all in violation of Title 26, United States Code, Section 7206(1).

NOTICE OF UNITED STATES OF AMERICA'S DEMAND FOR FORFEITURE
[See Fed.R.Crim.P. 32.2]

This Notice of Demand for Forfeiture includes but is not limited to the property described below in Paragraphs III through VI.

I.

Wire Fraud Violations and Forfeiture Statutes

**[Title 18 U.S.C. § 1343, subject to forfeiture pursuant to Title 18 U.S.C. § 981(a)(1)(C),
made applicable to criminal forfeiture by Title 28 U.S.C. § 2461(c)]**

As a result of the foregoing criminal violations set forth above, the United States of America gives notice to the Defendant of its intent to seek the forfeiture of the property described below upon conviction pursuant to Fed. R. Crim. P. 32.2 and Title 18 U.S.C. § 981(a)(1)(C), made applicable to criminal forfeiture by Title 28 U.S.C. § 2461(c), which states the following:

Title 18 U.S.C. § 981.

(a)(1) The following property is subject to forfeiture to the United States:

* * *

(C) Any property, real or personal, which constitutes or is derived from proceeds traceable to . . . any offense constituting "specified unlawful activity" (as defined in section 1956(c)(7) of this title), or a conspiracy to commit such offense.

Wire Fraud is an offense constituting "specified unlawful activity" as defined in section 1956(c)(7) of this title.

II.

Money Laundering Violations and Forfeiture Statutes

[Title 18 U.S.C. § 1956, subject to forfeiture pursuant to Title 18 U.S.C. § 982(a)(1)]

As a result of the foregoing criminal violations set forth above, the United States of America gives notice to the Defendant of its intent to seek the forfeiture of the property described below upon conviction pursuant to Fed. R. Crim. P. 32.2 and Title 18 U.S.C. § 982(a)(1), which states:

Title 18 U.S.C. § 982. Criminal forfeiture

(a)(1) The court, in imposing sentence on a person convicted of an offense in violation of section 1956, 1957, or 1960 of this title, shall order that the person forfeit to the United States any property, real or personal, involved in such offense, or any property traceable to such property.

III.

Personal Properties

1. 2017 American Eagle 45T Motorhome, VIN: 4UZFCGBG9HCJB4052;
2. 2018 Ford F-150 King Ranch Lariat, VIN: 1FTEW1EG7JFB84609;
3. 2017 Dodge Ram 1500 Laramie, VIN: 1C6RR7NTXHS832445;
4. 2016 Yamaha Superjet Ski, Hull No.: YAMH0007D616;
5. 2008 Yamaha Waverunner Jetski, Hull No.: YAMA3976I809;
6. 2012 Rocket International Trailer, VIN: 4YBAB2026CF005447;
7. \$134,415.64, More or Less, in United States Currency seized from Wells Fargo Account #XXXXXXX1730 in the name UNIVERSAL K NINE; and
8. \$4,300.00, More or Less, in United States Currency.

IV.

Real Property

Real Property located and situated at **15329 Tradesman, San Antonio, Bexar County, Texas**, with all buildings, appurtenances, and improvements thereon and any and all surface and sub-surface rights, title, and interests, if any, and being more fully described as follows:

LOT 15, BLOCK 2, NEW CITY BLOCK 14846, TRADESMAN NORTH INDUSTRIAL SUBDIVISION UNIT 1, IN THE CITY OF SAN ANTONIO, BEXAR COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN VOLUME 6200, PAGE 129, DEED AND PLAT RECORDS, BEXAR COUNTY, TEXAS.

V.

Money Judgment

Money Judgment: A sum of money which represents the value of any proceeds obtained directly or indirectly and any facilitating property used or intended to be used in, and any property involved in, the Counts set forth above for which the Defendant is liable.

VI.
Substitute Assets

If any of the property described above as being subject to forfeiture for the violations set forth above, as a result of any act or omission of the Defendant:

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third party;
- c. has been placed beyond the jurisdiction of the court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be divided without difficulty;

it is the intent of the United States of America to seek forfeiture of any other property owned by the Defendant, up to the value of said money judgment, as substitute assets pursuant to Title 21 U.S.C. 853(p) and Fed. R. Crim. P. 32.2(e)(1).

A TRUE BILL

Foreperson

JOHN F. BASH
UNITED STATES ATTORNEY

By: _____

GREGORY J. SUROVIC
Assistant United States Attorney

Exhibit C

Resources

TVC Careers

asve

News &

as

Contact Us

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Emp

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Contact Us

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VETERANS EDUCATION



**TEXAS VETERANS
COMMISSION**
(<https://tvc.texas.gov>)

Learn about Veterans Education

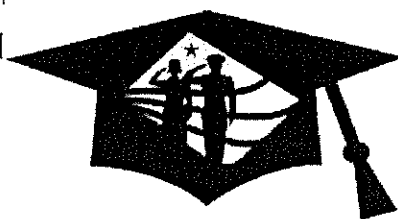
1. Apply for Approval
2. Update Existing Approval
3. **Frequently Asked Questions**

School Approval

Home (<https://tvc.texas.gov/>) › Education (<https://tvc.texas.gov/education/>) › School Approval



If I only need to update fees and my application was approved within the past 12 months, do I need to submit a new packet?



VETERANS EDUCATION

What items may be sent directly to VA Waco vs. sending to the SAA? +

Learn about Veterans Education

Are continuing education and/or professional development programs approvable? +

1. Apply for Approval
2. Update Existing Approval

Will the VA will only pay for courses measured in Clock Hours or Credit Hours? +

3. **Frequently Asked Questions**

What are Vocational Objectives for certificate programs? +

* Can the application be emailed or faxed? -

* **No.** Unless you have received explicit permission from an SAA to submit individual documents via email or fax, all documents must be mailed for processing. *

Does my application need to have original signatures? +

Does my Apprenticeship or OJT program need to be approved by the DOL? +

I am a new Institute of Higher Education (IHL) seeking approval, are all my programs approvable? +

^

Exhibit D

DECLARATION OF BRADLEY LANE CROFT

I, Bradley Lane Croft, hereby declare under penalty of perjury pursuant to 28 U.S.C. § 1746, that the following is true and correct to the best of my knowledge, information, and belief:

1. I was the founder and operator of Universal K9, a school that provided training to veterans in canine handling and law enforcement support services.
2. In 2015, I submitted an application for school approval to the Texas Veterans Commission (TVC). The application was submitted in compliance with TVC's requirement to mail three complete hard copies to their office.
3. On October 18, 2013, prior to that submission, TVC Program Specialist Bebe Glasgow explicitly informed me via email that email submission of the application was not sufficient and that I needed to mail two additional hard-copy sets in accordance with TVC procedures.
4. The TVC application form itself, dated June 13, 2015, reiterated that official submission must include three hard copies mailed to the Commission.
5. The Superseding Indictment in my case alleges that I submitted the application by email on October 4, 2015, and that this email transmission constituted a wire in furtherance of a fraudulent scheme. This allegation is factually incorrect.
6. All application materials were submitted by mail, as required by TVC policy. The alleged email transmission was immaterial to the review and approval process.
7. VA benefits were disbursed to Universal K9 only after veteran students successfully enrolled, met all course requirements, and completed their training. These payments were not triggered or influenced by the alleged email and were administrative outcomes of completed services.
8. I make this declaration in support of my Rule 60(b)(6) motion to vacate the judgment based on a fundamental legal and factual defect in the government's theory of wire fraud.

Executed on June 27, 2025.

A handwritten signature in black ink, appearing to read "Bradley Lane Croft", written over a horizontal line.

Bradley Lane Croft
Pro Se Defendant

UNITED STATES DISTRICT COURT

WESTERN DISTRICT OF TEXAS

SAN ANTONIO DIVISION

UNITED STATES OF AMERICA,
Plaintiff,

v.

BRADLEY LANE CROFT,
Defendant.

Case No. 5:18-CR-00555-E-BQ

ORDER

On this day, the Court considered Defendant Bradley Lane Croft's Motion for Relief from Judgment Under Rule 60(b)(6).

Having reviewed the motion, the exhibits, and the applicable law, the Court finds that the motion is well-taken and should be GRANTED.

IT IS THEREFORE ORDERED that Defendant's conviction on all counts relating to the Superseding Indictment based on a theory of wire fraud under 18 U.S.C. § 1343 is hereby VACATED.

IT IS FURTHER ORDERED that the United States shall, within 21 days of this Order, notify the Court whether it intends to re-try the Defendant or move to dismiss the charges.

IT IS SO ORDERED.

SIGNED this ____ day of _____, 2025.

UNITED STATES DISTRICT JUDGE

EXHIBIT COVER SHEET

Docket Number: 444

Date Filed: July 7, 2025

Title: Reply to Government's Opposition re: Forfeiture

Summary:

Rebuts government's response; argues Brady violations and structural misconduct invalidated the final forfeiture order.

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

RECEIVED

JUL 07 2025

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY [Signature] DEPUTY CLERK

UNITED STATES OF AMERICA,
Plaintiff,

v.

BRADLEY LANE CROFT,
Defendant.

Case No. 5:17-CR-00380-DAE

***REVISED REPLY TO GOVERNMENT'S OPPOSITION TO RULE 60(b) MOTION
TO SET ASIDE FINAL ORDER OF FORFEITURE***

Defendant Bradley Lane Croft respectfully submits this reply to the Government's Opposition (Doc. 441) regarding the motion to set aside the final order of forfeiture. The Government's response relies entirely on procedural bars and jurisdictional technicalities, but it fails to address the central constitutional issues raised—namely, that the forfeiture judgment was tainted by Brady violations, false testimony, conflict of interest, and misconduct rising to the level of fraud on the court.

I. Rule 60(b)(6) Relief Is Available to Redress Fraud and Misconduct

The Government argues that Rule 60(b) does not apply to criminal forfeiture orders. But Rule 60(b)(6) has long been recognized as a catchall provision designed to remedy any injustice not addressed by other subsections.

Where, as here, a forfeiture judgment is built upon a conviction procured through concealed Brady material, false testimony by a Brady-listed witness, and an undisclosed conflict of interest involving trial counsel, the judgment cannot stand.

This is not a routine collateral attack — it is a direct response to systemic fraud and structural violations that undermine the legitimacy of the forfeiture proceeding itself.

II. The Forfeiture Order Is Directly Tied to a Conviction Tainted by Constitutional Violations

The Government does not dispute that the assets were forfeited based on convictions for wire fraud and money laundering — convictions which were obtained in part through false testimony by Wes Keeling, a Brady-listed witness whose role in Universal K9 was concealed by both the witness and the government.

Further, DOJ records confirm that Thomas McHugh, trial counsel for the defense, was informed of a material conflict of interest involving Fred Olivares and failed to disclose it. Sworn affidavits, internal DOJ communications, FOIA productions, and a letter from the Chief of Police all confirm that the forfeiture judgment was derived from a proceeding infected with prosecutorial misconduct and defense conflict.

III. The Court Retains Inherent Authority to Redress Fraud on the Court

Even if Rule 60(b)(6) were deemed inapplicable to this forfeiture proceeding, federal courts retain inherent authority to vacate judgments that were procured through fraud or egregious constitutional error. See *United States v. Throckmorton*, 98 U.S. 61 (1878).

Allowing a forfeiture order to stand where the government suppressed impeachment evidence, and where the witness later founded a nonprofit using the same training model the government claimed was fraudulent at trial, would irreparably harm the integrity of the judiciary.

IV. Rule 60(b)(6) Relief Is Supported by Supreme Court and Circuit Precedent

Relief under Rule 60(b)(6) is available in cases of extraordinary circumstances, including when the integrity of a judgment has been compromised by structural constitutional violations, fraud, or postconviction breakdowns in the adversarial process. This is precisely the case here.

In *Gonzalez v. Crosby*, 545 U.S. 524 (2005), the Supreme Court confirmed that Rule 60(b)(6) may be used in postconviction proceedings to correct procedural defects and to preserve the integrity of judicial review where no adequate alternative remedy exists.

In *Liljeberg v. Health Services Acquisition Corp.*, 486 U.S. 847 (1988), the Court vacated a final judgment under Rule 60(b)(6) because of a conflict-of-interest and violation of judicial impartiality — reinforcing that structural unfairness alone is sufficient to trigger relief.

In *United States v. Beggerly*, 524 U.S. 38 (1998), the Court reaffirmed that fraud or misconduct that undermines confidence in the integrity of the proceeding justifies reopening judgment under Rule 60(b)(6), especially where the misconduct comes from a government actor.

Moreover, the doctrine established in *United States v. Cronin*, 466 U.S. 648 (1984), makes clear that where a structural breakdown in representation or due process occurs — such as an undisclosed conflict of interest involving defense counsel and key investigators — prejudice is presumed, and relief is required.

Conclusion

For the foregoing reasons, Defendant respectfully requests that the Court reject the Government's procedural objections and grant the requested relief under Rule 60(b)(6), or alternatively under its inherent equitable power, by vacating the final forfeiture order or scheduling an evidentiary hearing to determine the full scope of the misconduct and its effect on the judgment.

Respectfully submitted,


Bradley Lane Croft

Pro Se Movant

301 Yucca St

San Antonio, TX 78203

info@universalk9inc.com

(210) 884-2273

EXHIBIT COVER SHEET

Docket Number: 443

Date Filed: July 7, 2025

Title: Notice of Urgent Status and Request for Prompt Ruling

Summary:

Filing alerts court of delay on motion for release and reiterates urgency due to irreparable harm and prosecutorial misconduct.

RECEIVED

JUL 07 2025

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY DEPUTY CLERK

***Notice of Urgent Status and Request for Ruling on Pending Motion for
Immediate Hearing and Release (ECF No: 426)***

IN THE UNITED STATES DISTRICT COURT

FOR THE WESTERN DISTRICT OF TEXAS

SAN ANTONIO DIVISION

United States of America

v.

Bradley Lane Croft

Case No. 5:18-cr-00523-DAE

***NOTICE OF URGENT STATUS AND REQUEST FOR PROMPT RULING ON
DEFENDANT'S MOTION FOR IMMEDIATE HEARING AND RELEASE (ECF No. 426)
TO THE HONORABLE JUDGE OF SAID COURT:***

Defendant Bradley Lane Croft, pro se, respectfully files this Notice to inform the Court that fourteen (14) days have now passed since the filing of his Motion for Immediate Hearing and Release Pending Final Disposition of Rule 60(b)(6) Motion (ECF No. 426), which was submitted on June 23, 2025.

The motion requested that the Court hold a hearing within ten (10) days and grant release from all remaining custody due to undisputed evidence of structural constitutional violations, fraud on the court, and a conflict of interest that voids the underlying conviction. To date, the motion remains pending and no scheduling order or ruling has been entered.

Given the severity of the constitutional harm outlined in the record and the ongoing deprivation of liberty, Defendant respectfully urges the Court to take prompt action on the pending motion without further delay.

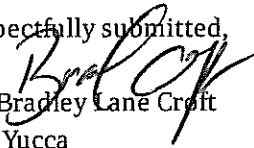
In addition, Defendant has made repeated, good-faith efforts to engage with government counsel regarding the pending Rule 60(b) motions and newly discovered evidence. On June 24, 2025, Defendant sent an email to DOJ warning of prosecutorial misconduct under former AUSA Gregory Surovic, referencing suppressed evidence involving Fred Olivares, and placing DOJ on notice of upcoming Rule 60 filings. On June 26, 2025 at 8:14 AM,

Defendant emailed AUSA Fidel Esparza with notice of newly uncovered Brady material and offered to delay filing if DOJ was willing to resolve the matter. That same day, at 4:34 PM, Defendant sent a follow-up email confirming DOJ's continued silence and reiterating his intent to file. On July 2, 2025, Defendant issued a final outreach summarizing all pending Rule 60(b) filings and again offered DOJ an opportunity to resolve the matter prior to discovery. None of these communications received any response. The government's refusal to engage, combined with its silence on the docket, leaves the allegations uncontested and further justifies immediate judicial intervention.

PRAYER FOR RELIEF

Defendant respectfully requests that the Court:

1. Take notice of this filing and the time-sensitive nature of the relief sought in ECF No. 426;
2. Promptly schedule a hearing or issue a ruling on the pending motion; and
3. Grant any other and further relief that the Court deems just and proper.

Respectfully submitted,

/s/ Bradley Lane Croft
301 Yucca
San Antonio, TX 78203
info@universalk9inc.com
(210) 884-2273

Condensed Exhibit Chart – Govt Email Communications (A–D)

Exhibit No.	Date	Description	Relevance
Exhibit A	June 24, 2025	Email to DOJ warning of Surovic misconduct, Olivares conflict, and upcoming Rule 60 filings.	Establishes DOJ had early notice of suppressed evidence and exposure.
Exhibit B	June 26, 2025 (8:14 AM)	Pre-filing notice to AUSA Fidel Esparza offering to delay based on new TVC letter and affidavit.	Shows Brady disclosure and attempt to resolve without litigation.
Exhibit C	June 26, 2025 (4:34 PM)	Follow-up email confirming DOJ silence and reiterating Rule 60(b) filing.	Documents refusal to engage and preserves record of outreach.
Exhibit D	July 2, 2025	Final outreach summarizing all Rule 60 filings and inviting DOJ to resolve pre-discovery.	Confirms exhaustive good-faith effort before filing Notice of Urgent Status.

 **Immediate_Release_With_Caption.docx**

8 KB

 **Exhibit_Chart_Forfeiture_Motion.docx**

37 KB

 **Rule_60b6_With_Caption.docx**

9 KB

 **Motion_To_Set_Aside_Forfeiture_Fraud_On_The_Court.docx**

38 KB

 **mcchugh affdavit.pdf**

97 KB

 **Recreated_Bivens_Complaint_with_Corrected_Paragraph_9.docx**

9 KB

 **Ex. 30_Investigator Olivares Affidavit.pdf**

601 KB

 **AUSA Discovery letter 20181119_250621_082417.pdf**

1.7 MB

 **Declaration_Bradley_Croft.docx**

7 KB

Exhibit A

Liedecke, Patricia (USATXW) <Patricia.Liedecke@usdoj.gov>

Tue, Jun 24, 2025 at 3:47 PM

To: universalk9sa@gmail.com <universalk9sa@gmail.com>

Cc: Esparza, Fidel (USATXW) <Fidel.Esparza@usdoj.gov>, Valadez, Mary Nelda (USATXW) <Mary.Nelda.Valadez@usdoj.gov>

Sir, as I am not an attorney at law, please direct future correspondence to AUSA Fidel Esparza and Mary Nelda Valadez (cc'd above).

[Quoted text hidden]

Universalk9sa <universalk9sa@gmail.com>

Tue, Jun 24, 2025 at 3:59 PM

To: Liedecke, Patricia (USATXW) <Patricia.Liedecke@usdoj.gov>

Cc: Esparza, Fidel (USATXW) <Fidel.Esparza@usdoj.gov>, Valadez, Mary Nelda (USATXW) <Mary.Nelda.Valadez@usdoj.gov>

Dear AUSA Esparza,

I am now directing all future communications regarding the pending Rule 60(b)(6) motion, Bivens complaint, and related forfeiture proceedings to your attention, as instructed.

Let me be direct.

You've inherited a legal disaster created by your predecessor, Gregory Surovic—one now permanently preserved in court filings, media documentation, and formal bar and licensing complaints. The record speaks for itself:

A DOJ-authored letter signed under U.S. Attorney John Bash warned of a conflict involving Fred Olivares, who was embedded in my defense team despite direct involvement in a prior federal investigation of me.

My own defense attorney submitted a sworn affidavit falsely denying receipt of that letter—committing perjury.

DOJ knew this and did nothing.

That single letter and its concealment have already triggered multiple filings that, once ruled on, will begin to unravel the entire prosecution.

I am not interested in negotiating, pleading, or posturing.

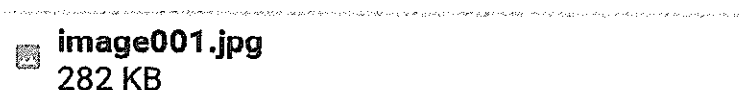
I am interested in ending this now, before more damage is done—to the credibility of your office and the integrity of the court.

You have a choice:

1. Oppose the motion and prolong exposure in the courts, the press, and the public eye.
2. Step in, do what your predecessor didn't, and acknowledge what's already been proven.

I am preserving every response and non-response for the record, the courts, and if necessary, congressional oversight. This is no longer about whether fraud occurred. It's about who tries to ignore it.

Respectfully,
Bradley Lane Croft
Pro Se Litigant
301 Yucca, San Antonio, TX 78203
(210) 884-2273
info@universalk9inc.com
[Quoted text hidden]

 image001.jpg
282 KB

Universalk9sa <universalk9sa@gmail.com> Tue, Jun 24, 2025 at 4:04 PM
To: Liedecke, Patricia (USATXW) <Patricia.Liedecke@usdoj.gov>
Cc: Esparza, Fidel (USATXW) <Fidel.Esparza@usdoj.gov>, Valadez, Mary Nelda (USATXW)
:Mary.Nelda.Valadez@usdoj.gov>

And for the record Ms. Liedecke I recieved the attched auto reply when I tried to send Surovics the filings.



Exhibit B

Urgent: Final Opportunity to Resolve Before Filing Additional Rule 60(b) Motion

1 message

Universalk9sa <universalk9sa@gmail.com>

Thu, Jun 26, 2025 at 8:14 AM

To: Esparza, Fidel (USATXW) <Fidel.Esparza@usdoj.gov>, Valadez, Mary Nelda (USATXW) <Mary.Nelda.Valadez@usdoj.gov>

Dear Mr. Esparza,

I am writing to provide notice that I intend to file an additional Rule 60(b)(6) motion later today, supported by newly presented documentary evidence establishing that the Texas Veterans Commission (TVC) had formally acknowledged and was actively processing Universal K9's Midlothian campus as part of the San Antonio-based program—contrary to the false narrative presented by the government and key witnesses at trial.

The May 15, 2017 letter from the TVC, signed by Director Tammy L. Micallef, confirms not only that the Midlothian campus was under official review, but that exhibits submitted for that campus were directly connected to the San Antonio approval. This document unequivocally refutes Officer Wes Keeling's sworn testimony and the prosecution's theory at trial. Your office was in possession of this letter through discovery and failed to disclose or correct its implications—further compounding the existing Brady and Napue violations already before the Court.

Additionally, I intend to supplement the Rule 60(b) motion with a sworn affidavit from the Midlothian Chief of Police confirming Keeling's role as a Universal K9 instructor and the San Antonio connection of the Midlothian classes, as well as verified metadata showing Keeling's direct involvement in the program.

I am offering the government one final opportunity to resolve this matter without further litigation. If you are prepared to engage in meaningful discussion about vacating the affected counts, dismissing the underlying conviction, or reaching another structured resolution, I am willing to momentarily hold the filing.

However, let me be clear: this matter does not end here. I am actively investigating every individual involved, and once my civil rights action moves to discovery, I fully intend to depose every member of your office who participated in, or had oversight of, this prosecution. All evidence—communications, internal memos, and withheld material—will be pursued under subpoena and exposed accordingly.

Absent immediate engagement, I will proceed with filing the motion today.

Sincerely,
Bradley Lane Croft
info@universalk9inc.com
(210) 884-2273
Pro Se Plaintiff/Movant

6 attachments



Exhibit C

Tomorrows Filing

1 message

Universalk9sa <universalk9sa@gmail.com>

Thu, Jun 26, 2025 at 4:34 PM

To: Esparza, Fidel (USATXW) <Fidel.Esparza@usdoj.gov>, Valadez, Mary Nelda (USATXW) <Mary.Nelda.Valadez@usdoj.gov>

Mr. Esparza,


As you are aware, I previously contacted your office with evidence confirming that government witness Wes Keeling provided materially false testimony at trial, and that your office possessed Brady material contradicting that testimony. I offered an opportunity to resolve or narrow the issue through good faith discussion.


As of this writing, I have received no response.

Please be advised that the following paragraph has now been added to tomorrow's Rule 60(b)(6) filing along with a new exhibit:


Efforts to Resolve Prior to Filing: Prior to filing this motion, Movant contacted the Assistant U.S. Attorney currently assigned to this matter and presented the newly confirmed evidence of false testimony and government suppression. Movant offered the government an opportunity to engage in good faith discussions to resolve or narrow the dispute. As of the time of this filing, no response has been received. This filing proceeds only after a good-faith attempt to resolve the issue without further burdening the Court. Have a good evening.

Respectfully,
Bradley Lane Croft
Pro Se Movant
info@universalk9inc.com
210-884-2273

 **Screenshot_20250626-080305_Samsung Notes.jpg**
559 KB

 **Screenshot_20250626-080302_Samsung Notes.jpg**
922 KB

 **Exhibit_Chart_Rule60b6_Keeling_False_Testimony.docx**
37 KB

 **Rule_60b6_Supplement_Keeling_False_Testimony_FINAL.docx**
38 KB

 **#10 Exhibit Chief Carl Smith affidavit & attachments 05-23-22 (1).pdf**
3.7 MB



Exhibit D

Todays Filing

1 message

Universalk9sa <universalk9sa@gmail.com>

Wed, Jul 2, 2025 at 5:09 PM

To: Esparza, Fidel (USATXW) <Fidel.Esparza@usdoj.gov>, Valadez, Mary Nelda (USATXW) <Mary.Nelda.Valadez@usdoj.gov>

Mr. Esparza,

As of today, four Rule 60(b) motions are pending before the Court — each based on distinct constitutional violations, government misconduct, and structural defects that infected my conviction.

From undisclosed conflicts involving Fred Olivares and Thomas McHugh, to perjury from government witness Wes Keeling, to unresolved identity issues surrounding Sean Scott — the pattern is clear. These aren't isolated problems. They're coordinated failures, and they're now formally documented in the record.

In addition I have sent out multiple FOIA request to different agencies who participated in the prosecution of me to expose more of the misconduct and sloppy investigation into me with no basis for a crime. This isnt close to being over!


This isn't going away. The filings are backed by sworn affidavits, verified exhibits, internal agency letters, and timeline contradictions your office cannot ignore.

That said, I'm still willing to have a direct conversation. I'd rather speak now — before discovery opens, before subpoenas go out, and before more misconduct is forced into the public record.

If you're willing to talk, you know how to reach me.

Bradley Lane Croft
info@universalk9inc.com
301 Yucca, San Antonio, TX 78203
(210) 884-2273

2 attachments

 **Notice_Distinct_Rule_60b_Filings_Updated.docx**
37 KB

 **Amended_1983_Complaint_Show_Cause_Response.docx**
9 KB

EXHIBIT COVER SHEET

Docket Number: 445

Date Filed: July 11, 2025

Title: Supplemental Notice – Government Silence on Release Motion

Summary:

Alerts the court that DOJ failed to respond to motion for release; cites prejudice from ongoing inaction.

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

RECEIVED

JUL 11 2025

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY DEPUTY CLERK

UNITED STATES OF AMERICA

v.

BRADLEY LANE CROFT

Case No. 5:18-cr-00603-DAE

**SUPPLEMENTAL NOTICE REGARDING UNOPPOSED MOTION FOR
IMMEDIATE RELEASE**

COMES NOW, Movant Bradley Lane Croft, and respectfully files this Supplemental Notice to advise the Court of a critical development affecting the pending Rule 60(b)(6) motion for immediate release from custody, and in support of the already-filed Notice Regarding Pending Motions and Irreparable Harm (Doc. 437). In support, Movant states the following:

1. On June 21, 2025, Movant filed a verified Motion for Immediate Release based on irreparable constitutional harm (Doc. 437).
2. The government has been served and has had more than two weeks to respond.
3. To date, the government has not filed any response or opposition to that motion.
4. The government's silence—despite the extraordinary nature of the relief requested—speaks volumes. It has not disputed the factual basis, the underlying constitutional violations, or the record of verified misconduct and Brady/Giglio violations already before the Court.
5. Movant brings this to the Court's attention to ensure the record is complete and that any future review—by this Court or on appeal—fully reflects the government's deliberate decision not to oppose release despite being on notice of constitutional harm and evidentiary irregularities.

WHEREFORE, Movant respectfully supplements the record to document that the government has made no attempt to oppose or rebut the pending motion for immediate release.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Bradley Lane Croft", is written over the typed name.

Bradley Lane Croft

Pro Se Movant

301 Yucca, San Antonio, TX 78203

info@universalk9inc.com

(210) 884-2273

EXHIBIT COVER SHEET

Docket Number: 446

Date Filed: July 14, 2025

Title: Supplement to Rule 60(b) – Bodycam & Retaliation Evidence

Summary:

Introduces FBI bodycam footage and emails showing retaliatory coordination among DOJ, VA OIG, and TVC against Universal K9.

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

**UNITED STATES OF AMERICA,
Plaintiff,**

v.

**BRADLEY LANE CROFT,
Defendant.**

Case No. 5:18-CR-00603-DAE

**SUPPLEMENT TO RULE 60(b)(6) MOTION BASED ON VIDEO EVIDENCE AND
TIMELINE COORDINATION CONFIRMING GOVERNMENT RETALIATION**

TO THE HONORABLE UNITED STATES DISTRICT COURT:

Defendant Bradley Lane Croft respectfully supplements his pending Rule 60(b)(6) motion to introduce newly submitted post-conviction evidence confirming the government's retaliatory and improper intent in prosecuting this case.


I. INTRODUCTION AND NEW EVIDENCE

1. Defendant has submitted Exhibit F — a body-worn camera video clip captured during the federal raid on Universal K9.
2. In the video, an FBI SWAT-designated agent is heard joking with a San Antonio Police Department officer: "Well, they were starting a class. Sounds like the bureau just started a dog program... just inherited one, right?"
3. The footage was recorded during the coordinated law enforcement raid that ultimately dismantled Universal K9, destroyed Defendant's livelihood, and triggered the VA-related prosecution now under challenge.
4. Defendant has also submitted two additional documents further supporting the retaliatory coordination:

- Exhibit H: An April 25, 2018 email from VA OIG Agent Jeffrey Breen to Texas Veterans Commission (TVC) official Sue Jevning, stating, "Sharleigh and I would like to work in conjunction with you to have Universal K9's approval revoked at around the same time that we execute search warrants on the business."

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JUL 14 2025

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY 
DEPUTY CLERK

- Exhibit I: A formal August 8, 2018 TVC revocation email from Sue Jevning to VA personnel, sent at 4:07 p.m. on the day of the federal raid.

5. These two documents tie directly to the timing and execution of the government's case, confirming pre-coordinated state-federal retaliation intended to destroy the Defendant's K9 program regardless of outcome.

5A. To the extent any of the arguments or newly submitted evidence might overlap with theories potentially raised under 42 U.S.C. § 1983, Defendant notes that this motion does not seek damages or civil relief. Instead, it directly challenges the integrity and validity of the underlying criminal conviction itself. Therefore, this filing is not barred by *Heck v. Humphrey*, 512 U.S. 477 (1994), which precludes civil actions that would imply the invalidity of a conviction unless that conviction has already been set aside. Here, the relief sought is confined to post-conviction relief under Rule 60(b)(6) based on extraordinary constitutional violations and newly discovered government misconduct.

II. LEGAL SIGNIFICANCE OF SUPPLEMENTAL EVIDENCE

6. The bodycam footage confirms the prosecution was not merely defective but tainted by retaliatory intent and government bias.

7. The joking tone and context suggest satisfaction and awareness of a broader plan to dismantle Universal K9 and hand it off to Sector K9, which was later founded by government witness Wes Keeling using the same infrastructure and program design.

8. Exhibits H and I now confirm that the Department of Justice and the Texas Veterans Commission coordinated the timing of the raid and revocation weeks before any indictment, undermining all claims of neutral prosecution.

9. These post-conviction exhibits show the prosecution was neither impartial nor ethical, and they implicate intentional due process violations, economic targeting, and use of law enforcement resources for an improper commercial outcome.

10. This supplement strengthens the Rule 60(b)(6) motion by establishing extraordinary circumstances including Brady/ Giglio suppression, Napue violations, conflict of interest, and now confirmed retaliatory motive.

11. As reaffirmed in *Berger v. United States*, 295 U.S. 78 (1935), the government's role is not to win at any cost but to see that justice is done. These exhibits show that goal was deliberately abandoned.

III. EXHIBIT SUBMISSION PROCEDURE

12. A digital video file labeled Exhibit F is submitted via secure media.

13. A sworn declaration by Defendant is attached as Exhibit G.

14. Exhibit H (Breen coordination email) and Exhibit I (TVC revocation email) are submitted with this filing.

15. If the Court requires the full unedited video from which Exhibit F was excerpted, Defendant is prepared to provide it upon request.

IV. NOTICE OF CONFLICTED GOVERNMENT STANDING

16. Defendant reiterates that DOJ officials named in the motion and supplement are ethically compromised due to their roles in the misconduct, ongoing civil litigation, and/or conflict of interest.

17. These include: AUSA Gregory Surovics, former AUSA Thomas McHugh, AUSA Fidel Esparza III, AUSA Mary Nelda Valadez, and Chief U.S. Attorney Jamie Esparza.

18. Any further response from these actors or their office should be treated as procedurally improper. Their silence confirms liability; their appearance confirms ethical compromise.

19. Defendant reserves the right to strike or disqualify any response filed by DOJ without reassignment under *Young v. United States ex rel. Vuitton*, 481 U.S. 787 (1987).

V. PRAYER FOR RELIEF

WHEREFORE, Defendant respectfully requests that the Court:

1. Accept this supplement and Exhibits F, G, H, and I into the Rule 60(b)(6) record;
2. Consider this evidence as confirmation of improper government motive, retaliatory prosecution, and pre-coordinated destruction of Defendant's business;
3. Grant an evidentiary hearing or vacate the judgment;
4. Grant such other and further relief as justice requires.

This case was never about justice. It was about elimination. The DOJ didn't convict a criminal — they cleared the way for a competitor. And now the record proves it.

Respectfully submitted,

/s/ Bradley Lane Croft

Bradley Lane Croft
Pro Se Defendant
301 Yucca
San Antonio, TX 78203
info@universalk9inc.com
(210) 884-2273
Dated: July 15, 2025

custody, the government's production of the video, and its significance to the motion.

Exhibit H

April 25, 2018 email from VA OIG Agent Jeffrey Breen to TVC official Sue Jevning requesting that Universal K9's VA approval be revoked at the same time the federal government executed search warrants. Confirms coordination between state and federal agencies.

Exhibit I

August 8, 2018 email from Sue Jevning (TVC) to VA personnel formally revoking Universal K9's program approval the same day the raid occurred. Confirms the execution of the coordination proposed in Exhibit H.

Exhibit F

Exhibit F – Body-Worn Camera Transcript (Confirmed)

Date: August 8, 2018

Source: DOJ Discovery – FBI SWAT Body-Worn Camera

Transcript:

FBI: “24 fucking dogs in there.”

SAPD: “Oh my God.”

SAPD: “I was thinking 9 or 10 — damn, 24.”

SAPD: “No shit.”

SAPD: “Well if they were starting a class—”

FBI: “It sounds like the bureau just started a dog program.”

(*laughter – FBI and SAPD*)

SAPD: “Just inherited one, right?”

FBI: “Yep. Absolutely.”

(*laughter – everyone*)

Exhibit G

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

**UNITED STATES OF AMERICA,
Plaintiff,**

v.

**BRADLEY LANE CROFT,
Defendant.**

Case No. 5:18-CR-00603-DAE

DECLARATION OF BRADLEY LANE CROFT AUTHENTICATING EXHIBIT F

I, Bradley Lane Croft, declare and state under penalty of perjury as follows:

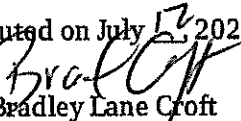
- 1. I am the Defendant in the above-captioned criminal matter. I am competent to make this declaration and do so based on personal knowledge.**
- 2. Exhibit F is a true and correct copy of a police body-worn camera video clip produced to me by the government during discovery in this case.**
- 3. The video was captured during the law enforcement raid executed at the Universal K9 facility in San Antonio, Texas.**
- 4. The video includes a conversation between an FBI SWAT-designated agent and a San Antonio Police Department officer. During the conversation, the FBI agent is heard stating:
“Well, they were starting to class. Sounds like the bureau just started a dog program... just inherited one, right?”**
- 5. This statement was made while the agents were inside or near the Universal K9 facility, surrounded by working dogs and training infrastructure that had been seized or was in the process of being dismantled.**
- 6. The video was labeled and produced as part of government discovery and has not been altered or manipulated in any way. The clip submitted as Exhibit F is a trimmed excerpt from the full bodycam file provided by the government, isolated solely to capture the relevant exchange for clarity and precision.**

7. I have retained the full unedited version of the bodycam video and will provide it to the Court or opposing counsel upon request.

8. I submit this declaration to authenticate Exhibit F as a genuine and accurate representation of the events and statements recorded during the raid.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on July 12, 2025.


/s/ Bradley Lane Croft

Bradley Lane Croft

301 Yucca

San Antonio, TX 78203

info@universalk9inc.com

(210) 884-2273

Exhibit H

info@universalk9inc.com

From: Sue Jevning
Sent: Sunday, April 29, 2018 2:45 PM
To: Breen, Jeffrey (OIG)
Cc: Sharleigh.Drake@dps.texas.gov
Subject: RE: Brad Croft/Universal K-9 Memorandum

Hello Jeff,

Thank you for the attached. I have requested a meeting with our senior leadership for next week to discuss the next steps. Normally, we move to suspension, which does not allow K-9 to enroll additional veteran students, but will allow those already enrolled to complete the course so long as the business remains open. To suspend, we will have to cite the reason for the suspension, which in this case is investigation for fraud. While we have the right to conduct a compliance survey at will, I will need senior approval to do so given we have not received any veteran complaints, VA complaints, nor have a scheduled survey at this time. I will let you know what we have discussed once the meeting is complete; I don't anticipate being able to get on the schedule until mid-week the week of April 30th.

Thank you for the information and I look forward to working with you.

Sue E. Jevning, SPHR, SHRM-SCP
Director, Veterans Education
Texas Veterans Commission
512-463-6160
254-727-2009 (mobile)
sue.jevning@tvc.texas.gov



Confidentiality Notice: This e-mail, including any attachments, may contain confidential information intended only for the addressee(s). If you are not an intended recipient of this message, be advised that any reading, dissemination, forwarding, printing, copying or other use of this message or its attachments is strictly prohibited. If you have received this message in error, please notify the sender immediately by reply message and delete this e-mail message and any attachments from your system.

From: Breen, Jeffrey (OIG) [mailto:Jeffrey.Breen@va.gov]
Sent: Wednesday, April 25, 2018 1:44 PM
To: Sue Jevning
Cc: Sharleigh.Drake@dps.texas.gov
Subject: Brad Croft/Universal K-9 Memorandum

Sue:

Attached please find an official VA-OIG memorandum detailing the fraud committed by Brad Croft/Universal K-9. As we discussed in our meeting the other week, Sharleigh and I would like to work in conjunction with you to have Universal K-9's approval revoked at around the same time that we execute search warrants on the business.

Please feel free to reach out to me with any questions or comments that you may have regarding our case or the attached memorandum.

Thank you.

Jeff

Jeffrey Breen
Special Agent
U.S. Department of Veterans Affairs
Office of Inspector General
San Antonio Resident Agency
7411 John Smith Dr., Suite 724
San Antonio, TX 78229
Office: 210-616-8340
Cell: 210-315-4046
Fax: 210-616-8216



Exhibit I

Withdrawal Notice - State Approving Agency Effective 8/8/18

1 message

Sue Jevning <sue.jevning@tvc.texas.gov>

Wed, Aug 8, 2018 at 4:07 PM

To: info@universalk9inc.com <info@universalk9inc.com>

Messrs. Cook and Croft,

As the State Approving Agency (SAA), the Texas Veterans Commission Veterans Education Department was notified of an ongoing VA Office of Investigator General (OIG) investigation regarding your school/training establishment.

The SAA has determined that while the VA OIG investigation is ongoing, the SAA has sufficient facts to conclude that the facility no longer meets approval criteria, and **your approval to train veterans and VA-eligible persons under Title 38 of the United States Code is hereby withdrawn effective August 8, 2018.**

Further certification of VA eligible students is prohibited.

The facility ***must immediately:***

1. Discontinue all advertisement that indicates the facility is approved for veterans training.
2. Provide to the SAA a list of all VA beneficiaries. This list must include the contact information for the listed VA beneficiaries to include the address and phone number of each beneficiary.

The attached is a digital copy of the letter sent to your offices today via USPS certified mail, which provides further information as to the withdrawal. Should you have any questions regarding this withdrawal you may contact me directly via any of the below contact information.

Sue E. Jevning, SPHR, SHRM-SCP, CPLP

Director, Veterans Education

512-463-6160

254-727-2009 (mobile)

sue.jevning@tvc.texas.gov



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GI Bill® is a registered trademark of the U.S. Department of Veterans Affairs (VA). More information about education benefits offered by VA is available at the official U.S. government Web site at <https://www.benefits.va.gov/gibill>.



Withdrawal_Letter-Universal_K9.pdf
96 KB

EXHIBIT COVER SHEET

Docket Number: 447 (anticipated)

Date Filed: July 16, 2025

Title: Rule 60(b)(6) Motion – Judicial Bias and Chambers Interference

Summary:

Argues structural collapse of postconviction process due to judicial bias, concealed conflicts, and off-record clerk involvement.

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS

RECEIVED

JUL 16 2025

UNITED STATES OF AMERICA,
Plaintiff,

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY DEPUTY CLERK

v.

BRADLEY LANE CROFT,
Defendant.

Case No. 5:18-CR-00603-DAE

MOTION FOR RELIEF FROM JUDGMENT UNDER RULE 60(b)(6)

TO THE HONORABLE COURT:

Defendant Bradley Lane Croft, pro se, moves this Court pursuant to Rule 60(b)(6) of the Federal Rules of Civil Procedure for relief from judgment on the basis of judicial bias, unconstitutional proceedings, chambers interference, and systemic concealment of misconduct. This motion is supported by evidence previously preserved in the record, including sworn declarations, prior recusal filings, and un rebutted constitutional violations affecting the integrity of the judgment.

CLARIFICATION OF SCOPE UNDER RULE 60(b)(6)

This motion is not a successive habeas petition, nor does it seek to re-litigate previously adjudicated claims on the merits. Rather, it challenges the integrity of the postconviction process itself—specifically, the structural failure of the judicial system to provide a neutral forum, conflict-free counsel, and a constitutionally valid waiver of rights. The Supreme Court in *Heck v. Humphrey*, 512 U.S. 477 (1994), made clear that the integrity of the process is a necessary condition for finality.

The relief sought under Rule 60(b)(6) is not based on factual innocence or ineffective assistance per se, but on the systemic breakdown of judicial impartiality, the concealment of critical conflicts by the court and defense, and chambers interference that corrupted the postconviction review process. These claims go to the fairness and legitimacy of the proceedings—not to the underlying question of guilt or innocence.

II. FACTUAL AND PROCEDURAL BACKGROUND

On October 8, 2019, defense counsel Thomas McHugh stated during opening remarks:

“Also at defense table with us is Mr. Fred Olivares, a retired, but not retired FBI agent.”

This statement placed Judge Ezra on notice that a structural Sixth Amendment conflict of interest existed. Mr. Olivares was a former FBI agent who supervised the original case agent in this case. The Department of Justice issued a formal warning to Mr. McHugh in a 2018 letter, identifying this precise conflict and advising that Mr. Olivares’s involvement in the defense created a serious risk to the integrity of the proceeding. No inquiry was made. No waiver was obtained. Judge Ezra did nothing.

At sentencing, Judge Ezra openly stated he had “a soft spot for veterans” and referenced his own and his father’s military service in a case centered on VA education fraud. During the proceeding, Judge Ezra was handed a sticky note by his law clerk while presiding over sentencing. Immediately after receiving the note, his tone and posture shifted dramatically, and his rulings began to reflect an adversarial posture that had not been present prior to the interruption.

This was not the only moment in which Defendant observed coordinated, off-record signaling by defense counsel Thomas McHugh. During trial, outside the courthouse and in the presence of Defendant’s daughter, McHugh made unsolicited comments regarding a past federal investigation involving Defendant—one that had not been disclosed during trial proceedings. The conversation carried a clear subtext: McHugh knew of prior federal exposure and used that history as psychological pressure.

That moment, paired with McHugh’s in-court statement referring to Olivares as a “retired, but not retired FBI agent,” was not coincidental. It was a pattern. McHugh signaled—twice—that Olivares was still aligned with federal law enforcement interests. These moments were not innocent, nor were they clarified. They reinforced Defendant’s belief that Fred Olivares, though embedded at the defense table, was still working in lockstep with the government’s interest. And McHugh knew it.

Defendant filed a motion to recuse Judge Ezra on January 26, 2023, supported by:

- A sworn declaration describing the sticky note event and judicial bias;
- A corroborating affidavit from Defendant’s daughter;
- A community-signed public perception statement under the § 455 “reasonable observer” standard.

That motion was deflected to Judge Moses, who issued a perfunctory denial without engaging the factual claims. The government never responded.

Since then, Judge Ezra has remained on the case despite being:

- A fact witness to the structural conflict (Olivares);
- On notice of chambers interference (sticky note);
- Publicly aligned with VA-related themes (veteran bias).

Moreover, Defendant's waiver of jury trial was constitutionally invalid. Defendant signed the waiver under circumstances involving:

- An undisclosed structural conflict involving his defense team;
- A presiding judge with unacknowledged personal bias toward veteran-related matters;
- No disclosure of the DOJ's 2018 conflict warning to defense counsel;
- No informed waiver colloquy on the record;
- No knowledge that Fred Olivares had previously supervised the lead case agent who started this case.

Under *Boykin v. Alabama*, 395 U.S. 238 (1969) and *Brady v. United States*, 397 U.S. 742 (1970), a jury waiver must be made knowingly, voluntarily, and with full awareness of the circumstances. That standard was not met.

Additionally, under *Tumey v. Ohio*, 273 U.S. 510 (1927) and *Caperton*, *supra*, a defendant cannot knowingly waive trial before a judge whose neutrality is reasonably in doubt. Here, the waiver placed Defendant before a judge who was both compromised and silent.

III. GROUNDS FOR RELIEF

A. Judicial Bias and Structural Due Process Failure

Due process requires not just actual impartiality, but the appearance of it. See *Liteky v. United States*, 510 U.S. 540 (1994); *Caperton*, *supra*.

Judge Ezra's conduct created a constitutionally intolerable risk of bias. See *Tumey v. Ohio*, 273 U.S. 510 (1927).

B. Refusal to Disqualify Despite § 455 Triggers

Disqualification is mandatory under 28 U.S.C. § 455(a) where a judge's impartiality might reasonably be questioned, and under § 455(b)(1) when the judge has personal knowledge of disputed facts.

Ezra was on record acknowledging the defense's embedded FBI agent and remained silent. That alone mandates disqualification. See *Liljeberg*, 486 U.S. at 864–65 (violation of § 455(a) may require vacatur of judgment).

C. Fraud on the Court and Chambers Interference

The unexplained sticky note incident, witnessed by Defendant and others, followed by a shift in tone and sentence, raises questions of off-record judicial influence. This qualifies as fraud upon the court. See *Hazel-Atlas Glass Co. v. Hartford-Empire Co.*, 322 U.S. 238 (1944); *United States v. Estate of Stonehill*, 660 F.3d 415 (9th Cir. 2011).

Judge Ezra publicly declared during trial: "The government doesn't get any breaks in my court." Doc 185 at 9. But the record tells another story. The government was allowed to remain silent on

to remain silent on multiple motions, never compelled to respond to un rebutted Brady and Giglio violations, and benefited from procedural inaction that prejudiced the Defendant at every stage. The Court's conduct contradicts its own stated principles — confirming the breakdown of neutrality required for due process.

D. Prejudice is Presumed

Where structural error occurs—such as conflict of interest or judicial bias—prejudice is presumed. See *Cuyler v. Sullivan*, 446 U.S. 335 (1980); *Burdine v. Johnson*, 262 F.3d 336, 349 (5th Cir. 2001) (en banc).

IV. PRAYER FOR RELIEF

For the reasons stated, Defendant respectfully requests:

1. That the Court vacate the judgment and/or grant a hearing on the constitutional violations set forth herein;
2. That, pursuant to 28 U.S.C. § 455, this matter be reassigned to a new judge who has not previously ruled on disputed facts central to this motion, and that the reassignment explicitly exclude Judge Elizabeth S. Moses due to her prior involvement and failure to address the factual basis of the earlier recusal motion;
3. That any further rulings made by the current judge be deemed void for lack of impartiality;
4. That Defendant be granted immediate relief from ongoing custody based on structural error and unconstitutional process.

Respectfully submitted,


(s/ Bradley Lane Croft

Pro Se Defendant

301 Yucca, San Antonio, TX 78203

Dated: July 16, 2025

Exhibit Index – Rule 60(b)(6) Judicial Bias Motion

Exhibit	Description	Pages/Details
Exhibit A	October 8, 2019 Trial Transcript	Pages 1, 3, 5–6, 8 (McHugh's Olivares quote, Ezra's silence, 'let the lawyers try their lawsuit', 'no appeal' statement)
Exhibit B	January 26, 2023 Motion to Recuse	Pages 1, 6 (Defendant affidavit), 7 (Daughter affidavit), 10–11 (Public opinion signatures)
Exhibit C	DOJ Letter to Thomas McHugh (2018)	Full document confirming conflict warning
Exhibit D	Sentencing Transcript	Page 37 (Ezra: 'soft spot for veterans', personal veteran history)
Exhibit E	Trial Transcript (Doc. 185)	Page 9 (Ezra: 'The government doesn't get any breaks in my court.')

Exhibit A

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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

UNITED STATES OF AMERICA :
 :
vs. : No. SA:18-CR-00603
 : San Antonio, Texas
BRADLEY LANE CROFT (1), : October 8, 2019
Defendant. :

TRANSCRIPT OF BENCH TRIAL PROCEEDINGS (Volume 1)
BEFORE THE HONORABLE DAVID A. EZRA
SENIOR UNITED STATES DISTRICT JUDGE

APPEARANCES:

FOR THE GOVERNMENT:

Gregory J. Surovic, Esquire
Fidel Esparza, III, Esquire
United States Attorney's Office
601 N.W. Loop 410, Suite 600
San Antonio, Texas 78216
(210)384-7020; greg.surovic@usdoj.gov

FOR THE DEFENDANT:

Thomas Joseph McHugh, Esquire
William A. Brooks, Esquire
Law Offices of Thomas J. McHugh
130 E. Travis Street, Suite 425
San Antonio, Texas 78205
(210)227-4662; thomasjmchughlaw@gmail.com

COURT REPORTER:

Angela M. Hailey, CSR, CRR, RPR, RMR
Official Court Reporter, U.S.D.C.
655 East Cesar E. Chavez Blvd., Third Floor
San Antonio, Texas 78206
Phone (210) 244-5048
angela_hailey@txwd.uscourts.gov

Proceedings reported by stenotype, transcript produced by
computer-aided transcription.

BENCH TRIAL PROCEEDINGS

3

1 (October 8, 2019, 10:53 a.m., open court.)

2 * * *

3 COURT SECURITY OFFICER: All rise.

4 COURTROOM DEPUTY CLERK: SA:18-CR-00603, United States
5 of America versus Bradley Lane Croft.

6 THE COURT: Appearances please.

7 MR. SUROVIC: Greg Surovic for the United States with
8 Mr. Fidel Esparza. We're present and ready. The third
9 individual -- actually there are four individuals at our table.
10 The third individual is Mr. Jeff Breen, he's our case agent
11 from Veterans Administration OIG and we also have Mr. Joe Cantu
12 who is our litigation support individual.

13 THE COURT: All right. Counsel.

14 MR. MCHUGH: Good morning, Your Honor, Tom McHugh and
15 William Brooks, we represent the defendant. The defendant is
16 in the courtroom today, he is ready to proceed. Also at
17 defense table with us is Mr. Fred Olivares, a retired, but not
18 retired FBI agent.

19 THE COURT: It's good to have all of you here. I need
20 to do a very brief colloquy with the defendant and counsel.

21 Counsel, my understanding is that your client has
22 determined that he wishes to proceed to trial before this Court
23 without benefit of a jury and that he has appeared before
24 Magistrate Judge Henry Bemporad and has gone through a full
25 colloquy where Judge Bemporad recited to him his constitutional

BENCH TRIAL PROCEEDINGS

5

1 THE DEFENDANT: No, sir.

2 THE COURT: All right. Okay. And that is your
3 signature on the document?

4 THE DEFENDANT: Yes, sir, it is.

5 THE COURT: And that's yours, counsel?

6 MR. MCHUGH: It is, Your Honor.

7 THE COURT: And that is yours, counsel?

8 MR. SUROVIC: Yes, sir, it is.

9 THE COURT: If you'll present that to Ms. Springs, I
10 will approve it. I am satisfied that given his full
11 explanation of his rights and that he has made a knowing and
12 voluntary waiver of a right to a jury trial and the Court
13 hereby approves that waiver and I'm signifying it by my
14 signature on the waiver document just mentioned and I'm going
15 to direct that that be filed.

16 Now, I do need to disclose, I think both counsel are
17 well aware of this. I am a United States Marine Corps and
18 United States Army veteran and it's no different than my
19 getting a paycheck from the United States government I don't
20 think. I haven't been either on active or reserve duty for
21 many decades and I don't receive any VA benefits. I am
22 medically retired from the military due to an injury I received
23 in the military, but I chose not to pursue benefits, so I'm not
24 getting any VA benefits at all. So is that something that
25 bothers you?

BENCH TRIAL PROCEEDINGS

6

1 MR. MCHUGH: I don't believe so, Your Honor, at all,
2 but let me just confer with my client.

3 THE COURT: All right.

4 (Pause.)

5 MR. MCHUGH: The defendant has no objection to this
6 Court proceeding in this case.

7 MR. SUROVIC: And Your Honor, certainly the government
8 has no objection.

9 THE COURT: All right. Okay. Well, counsel, I think
10 given the fact that we're going without a jury, this should
11 shorten the case somewhat because there's one way of presenting
12 a case if you have to present it to a jury of individuals who
13 don't understand the process and don't understand what the
14 charges are all about and quite another thing if you present it
15 to a judge who, particularly one who has many years at the
16 bench as I have, who certainly understands what the charges are
17 all about. In many cases such as this, and I'm not suggesting
18 the government do this, but in many cases such as this where
19 the defendant has waived a jury, the government has chosen to
20 go forward on just a specific number of their counts reserving
21 the other counts. And then if there is a conviction, they
22 frequently will not pursue those additional counts. I don't
23 know whether this is something the government has considered or
24 not.

25 MR. SUROVIC: Your Honor, I don't believe that this

1 verdict or if the parties want to go through the trouble to do
2 so and prepare proposed findings of fact and conclusions of
3 law, the Court can decide the case issuing findings. The
4 findings are of not a lot of value actually because if there's
5 an appeal, the Appellate Court will go to the briefs and to the
6 record. And the judge's findings, I don't know what value they
7 are because when you appeal from a jury verdict, you don't have
8 findings, you have the record and you have the argument. But I
9 wanted to get that out of the way because you obviously -- had
10 we known this beforehand, you would have already submitted
11 those if you wanted to, so you're going to have to do it now.
12 So how would you prefer the Court to proceed, just to issue a
13 verdict?

14 MR. SUROVIC: That would be the government's
15 preference, Your Honor. We'll present the full case as far as
16 the facts in the case and we'll let the judge decide and the
17 defense can have the record on appeal.

18 THE COURT: What would you like, counsel?

19 MR. MCHUGH: First of all, Your Honor, the defense
20 believes there will be no appeal, but we will -- what was the
21 question?

22 THE COURT: Whether you wish me to when rendering a
23 verdict, instead of rendering an oral verdict from the bench,
24 whether you want the Court to prepare findings of fact along
25 with its verdict which will take some time and then you would

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

RECEIVED

JAN 26 2023

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY DEPUTY CLERK

UNITED STATES OF AMERICA

v.

BRADLEY LANE CROFT

§
§
§
§
§

CAUSE NO: 18-cr-00603-DAE-1

**DEFENDANT'S MOTION TO RECUSE AND
REMAND FOR NEW TRIAL**

TO THE HONORABLE JUDGE DAVID A. EZRA:

Now comes Bradley Lane Croft, Pro Se, who brings the this motion in support here of will show the following:

28 USC 144 and 28 USC 455 govern recusals of federal district judges. 455 (a) requires a judge "shall recuse himself in any proceeding in which his impartiality might reasonably be questioned. 28 USC 144 and 455 basically overlap each other with 144 requiring the sworn affidavit and 455 does not. The defendant, not being an attorney, has had to take a considerable amount of time reviewing and studying law and the circumstances surround his case to get to this point. Any timeliness technicalities should be waived because the defendant is a Pro Se applicant and has not been to law school but has diligently tried to make all deadlines associated with his motions. Defendant has also provided the court with documents showing the constant state of continued lockdowns that has impeded the defendant's ability at times to make timely filings.

The legal question presented is determined by applying the "REASONABLE MAN" standard to the facts and reasons stated in the affidavit. The standard requires that the facts be such their truth assumed as

would convince a reasonable man that a bias exists. It is quite obvious by Judge Ezras initial pretrial disclosure Judge Ezra knew he could not be partial because his comments after sentencing and his rulings after being shown clear and convincing evidence of the defendants innocents, clearly shows to any reasonable man bias.

CONCLUSION: Through this motion and attached affidavits the defendant is asking Judge Ezra to voluntarily recuse himself from any further proceeding due to his comments and actions that have shown impartiality. It is also asked that due to the concealment of Judge Ezras deep-seated favoritism towards veterans this court orders a New Trial once a new Judge has been assigned to the defendants case.

WHEREFORE, PREMISES CONSIDERED, Defendant respectfully prays that this Honorable Court will grant this Motion to Recuse and Remand for new trial.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Brad Croft", with a stylized, cursive script.

Bradley L. Croft

01/26/23

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

UNITED STATES OF AMERICA

v.

BRADLEY LANE CROFT

§
§
§
§
§

CAUSE NO: 18-cr-00603-DAE-1

ORDER

IT IS HEREBY ORDERED that the Motion to Recuse and Remand for New Trial is GRANTED.

SIGNED AND ENTERED, on this the ____ day of _____, 2023.

DAVID A. EZRA

UNITED STATES DISTRICT JUDGE

ET-2

FROM: Croft, Cameron
TO: 91543080
SUBJECT: Revised
DATE: 01/11/2023 11:36:03 AM

AFFIDAVIT OF BRADLEY L. CROFT

STATE OF TEXAS
COUNTY OF BASTROP

On this day, personally appeared before me, the undersigned authority, Bradley Lane Croft, who after having been duly sworn, stated upon oath as follows:

1. My Name is Bradley Lane Croft and I am over 21 years of age, of sound mind and competent to make an oath. I have personal knowledge of all the facts and matters stated and set forth herein and are true and correct.
2. In the year 2019 to present, I have been present for criminal proceeding against me in case #5:18-CR-0063DAE concerning "PERMISSION" to use individuals names on an application to Texas Veterans Commission (TVC) to become an approved non-degree bearing school. Judge Ezra was the presiding judge.
3. On October 8, 2019 in a pretrial hearing it was disclosed to the defendant that a possible appearance of impartiality may exists between Judge Ezra and the adverse party TVC. Judge Ezra by his own admission disclosed he was in fact a veteran, however Judge Ezra downplayed any bias by trying to correlate the analogy as the same thing as a federal judge being paid by the federal government.. Although Judge Ezra downplayed his "VETERAN" status he at the end of his statement asks the defendant "So is that something that bothers you?" (Transcript Page 5, Document 183, Lines 24-25) If Judge Ezras status as a veteran was not a conflict then why would judge Ezra need to disclose he was a veteran and then after disclosing he was a veteran ask if that "BOTHERED" the defendant? Needless to say Judge Ezra downplayed version of his pretrial disclosure of his veteran status was not objected to by defendants attorney even though the defendant voiced his concerns to his attorney. Defendant was concerned with Judge Ezras veteran status because the government was going to paint the defendant as a person who intentionally harmed veterans.
4. On December 18, 2019 in the defendants forfeiture hearing defendants attorney questioned money and property acquired through alleged corrupt gains that remained in the possession of government witness Richard Cook who is also a disabled veteran. The following transcribed information was revealed when defendants attorney revealed to Judge Ezra that Richard Cook, the disabled veteran, still possessed the truck:

(Transcript Page 19-20, Document 242, line 15-15)

MR. McHUGH: Your Honor, respectfully, if I may complete the record, in regard to the Court's characterization of the evidence in this case, we would choose to remind the government that a cornerstone of its case was based upon the testimony of a Richard Cook. And I'm somewhat uncomfortable because of the fact that this testimony was so important to the government to tie their allegations together and yet this Richard Cook today is driving around in a 2016 Dodge Ram pickup truck which, according to the evidence and according to my understanding, is also a purchase that was made with these alleged corrupt monies. And it appears what is good for the goose is also good for the gander and yet in this case it appears that the government chooses to continue and not forfeit that automobile and this witness is still driving around in that today.

THE COURT: I don't know anything about -- as you know, counsel, I don't have access to nor do I have the authority to direct the Attorney General of the United States Attorney on how they should operate their office or whom they should charge. There may be other things going on, I don't

EX-1

know. As you know, I'm not saying this is the case, but as you know sometimes people are cooperating and they're using assets to continue to cooperate, I don't know. I have no idea what's happening with respect to that, but I do know -- by the way, I need to correct myself. I said I was granting the defendant's motion, I meant the government's motion obviously.

The defendant would argue there are two very important things revealed by Judge Ezra in his response to the defendant's attorney. (1) According to Judge Ezra the government may or may not have kept Brady Material concealed from the defendant concerning the lack of forfeiting the government witness's truck purchased with alleged corrupt gains (2) What we do know for sure the government, Judge Ezra included, allowed Richard Cook, the disabled veteran, to keep money and the vehicle tracked back to him in exchange for his testimony against the defendant. We also know that Richard Cook being a disabled veteran has a soft place in Judge Ezras heart according to Judge Ezras statements during sentencing.

5. On April 30, 2021 the defendant was sentenced. In the closing of defendants sentencing Judge Ezra divulged additional personal deep-seated favoritism concerning his status as a veteran and his fathers distinguished military career. These comments were made after the defendant had been sentenced "AND I GUESS I HAVE A SOFT PLACE IN MY HEART FOR VETERANS, BEING A VETERAN AND MY FATHER BEING A COMBAT WOUNDED VETERAN OF WORLD WAR II HIGHLY DECORATED ACTUALLY". (Transcript page 37, Document 246, Lines 21-23) There was a pause at this point because Judge Ezra was handed a sticky note from his court clerk in which Judge Ezra abruptly changed what he was saying to "AND I NEVER LET THAT INFLUENCE ME IN ANY WAY DURING THE CASES THAT I TRY AND IT DIDNT IN THIS CASE, THATS FOR SURE, BUT NONETHELESS, APPRECIATE THE WORK BEING DONE BY THE MEN AND WOMEN IN THE VETERANS ADMINISTRATION AND BY ALL THESE AGENTS WHO PROSECUTED THIS CASE AND PREPARED IT AND OF COURSE THE PROSECUTOR WHO HANDLED IT". (Transcript Page 37-38, Document 246, Lines 24-4) Three things should disturb any reasonable person reading these comments who also have a clear understanding of the case at hand. (1) Judge Ezras comments concerning his soft place in his heart for veterans and his fathers distinguished military career was not disclosed to the defendant before trial. The defendant only was told Judge Ezras downplayed version of him being a veteran before trial. It was never disclosed to the defendant that Judge Ezras father was also a distinguished combat veteran and that Judge Ezra had a soft place in his heart for veterans until it was too late for the defendant to consider that information. (2) The change in judge Ezra statement when handed a sticky note from his court clerk was rather obvious Judge Ezra was told his comments were biased because there was no other good reason for Judge Ezra to abruptly change mid sentence to say he never let any of his deep-seated favoritism towards veterans effect his impartiality. This is kin to the famed "ROSWELL" incident NOTHING TO SEE HERE. (3) After trial the defendant filed multiple New Trial motions for Newly Discovered Evidence and a Brady violation all to be denied by Judge Ezra stating in one of his denials "Even if Keelings testimony was untruthful it doesn't cut against the deceit by the defendant in this case". What Judge Ezra leaves out of that statement is that Keeling was a "MATERIAL" witness/victim to one of the main alleged crimes charged by the government. Keeling testimony was the linchpin in the governments case against the defendant. Removing Keeling from the governments case dissolves the remaining counts as the remaining counts depend on AGGRAVATED IDENTITY THEFT. Judge Ezras soft place in his heart for veterans would not allow an impartial ruling that overturned his initial guilty verdicts. In defendants multiple New Trial motions clear and convincing documents were presented showing the governments witness/victims untruthfulness to material facts but all of that was of no consequence because Judge Ezra had already made his ruling of guilt against the defendant..

6. The defendants daughter polled reasonable persons by providing them a copy of 28 USC 144 and 28 USC 455 and their definitions to include defendants trial transcript of judge Ezras comments. These reasonable persons then were asked whether or not Judge Ezra comments were biased. The individuals were asked to notarize their names and decisions for the court record.

Executed within the United States, its territories, possessions, or communities: "I declare (or certify, verify or state) under penalty of perjury that the forgoing is true and correct executed on 1/11/23

SWORN AND SUBSCRIBED to before me [Signature], 2023

Notary Public State of Texas

Commission Expires: 9-27-25

[Signature]
ANGEL J. BROWN

EX. 2

AFFIDAVIT OF CAMERON N. CROFT

STATE OF TEXAS

§
§
§

COUNTY OF BEXAR

On this day, personally appeared before me, the undersigned authority, CAMERON N. CROFT, who after having been duly sworn, stated upon oath as follows:

1. My name is Cameron N. Croft and I am over 21 years of age, of sound mind and competent to make an oath. I have personal and first-hand knowledge of all the facts and matters stated and set forth herein and are true and accurate.
2. On January 25, 2023 I had reasonable people (according to 28 USC 455) read excerpts from the transcript of Judge Ezra speaking about himself being a Veteran and his family members throughout the trial. After reading, these individuals were given two options to choose from, whether they thought Judge Ezra was biased by his statements or not and if so, he should recuse himself. These individuals signed, printed, and dated their names with a DISCLAIMER above making them aware and or allowing my father and I to use their decision in my father's court proceedings.
3. I, Cameron Croft, sat in the courtroom everyday during my father's trial and whenever he was ordered to be present in person, I was there. I remember very vividly after my father was sentenced, Judge Ezra went on to talk about himself and his family members being veterans. The biggest moment that stuck out to me that day is when Judge Ezra said " And I guess I have a soft place in my heart for veterans". I remember sitting there in shock not understanding why the Judge would make such a comment that sounded completely biased. The comments did not stop there. Judge Ezra then went on to say "being a veteran and my father being a combat wounded veteran of World War II highly decorated actually, and I never let that influence me in any way during the cases that I try and it didnt in this case, that's for sure." Still in complete shock of what I was hearing as soon as he said "highly decorated actually" the clerk in front of him handed him a sticky note interrupting him in the midst of him talking from what it seemed to be an effort to stop him from rambling on about his "soft place in his hearts for veterans" knowing that those comments were completely biased.
4. I believe, respectfully, Judge Ezra is biased and should have not made such comments if he was not, as well as, should not have been the Judge to try my father's case that is solely about "defrauding Veterans".

EX-2

5. After continuously fighting for my father and trying to show Judge Ezra CLEAR and convincing evidence to prove my father's innocence. I truly believe no matter what evidence Judge Ezra looks at, including a government witness lying under oath, that he will not change his mind for the sole fact that he is biased. I pray and respectfully ask of Judge Ezra to recuse himself as Judge so my father can have the fair trial he deserves.

Cameron N Croft

Cameron N Croft

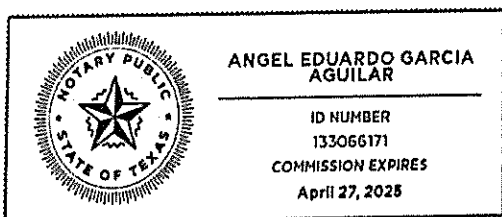
STATE OF TEXAS

§
§
§

COUNTY OF BEXAR

BEFORE ME, the undersigned authority on this the 26th day of January, 2023, appeared, CAMERON N. CROFT, who after being duly sworn by me stated that she is the Affiant and that all matters of material fact set out herein are within her personal knowledge and are true and correct.

SWORN AND SUBSCRIBED to before me January, 2023



Angel Eduardo Garcia Aguilar

Notary Public State of Texas

My Commission Expires: 04/27/2025

Notarized online using audio-video communication

DISQUALIFICATION OF JUSTICE, JUDGE OR MAGISTRATE

Ex-3

28 USC 455 - Governs recusal of a federal district judge. Section 455 (a) requires a judge "Shall recuse himself in any proceeding in which his impartiality might reasonably be questioned. 455 (b) further provides that the judge "Shall also disqualify himself where he has a personal bias or prejudice concerning a party.

Any reasonable person can see by reading the judges comments in a transcript.

TRANSCRIPT

PRETRIAL HEARING JUDGE EZRA - OCTOBER 8, 2019

JUDGE EZRA: Now, I do need to disclose, I think both counsels are well aware of this. I am a United States Marine Corps and United States Army veteran and it's no different than getting a paycheck from the United States Government I don't think. I haven't been either on active or reserve duty for many decades and I don't receive any VA benefits. I am medically retired from the military due to an injury I received in the military, but I chose not to pursue benefits, so I'm not getting any VA benefits at all. So is that something that bothers you?

CROFT'S COUNSEL MCHUGH: I don't believe so Your Honor, at all, but let me confer with my client.

COURT: (Pause)

CROFT'S COUNSEL MCHUGH: The defendant has no objection to this court proceeding in this case.

SENTENCING HEARING JUDGE EZRA - APRIL, 30 2021

JUDGE EZRA: I do want to commend these agents who were involved in this all the way around. I'm not going to name them by name, but I do commend them and their agencies for pursuing this very complicated case. I heard all the evidence, it wasn't an easy case to prosecute or to hang on to and it dragged out over a very lengthy period of time. And I guess I have a soft place in my heart for veterans, being a veteran and my father being a combat wounded veteran of World War II highly decorated actually, and I never let that influence me in any way during the cases that I try and it didn't in this case, that's for sure, but I do nonetheless, appreciate the work being done by the men and women in the Veterans Administration and by all these agents who prosecuted this case and prepared it and of course the prosecutor who handled it. I don't have defense counsel here, but I do commend you, Mr. McCrum, for the zealous way in which you have defended your client here at the sentencing. You've done an, as usual, a very good job.

Ex 3

DISCLAIMER: By signing, notarizing and making a reasonable decision as to if Judge Ezra should or should not recuse himself I give Brad and Cameron Croft my "PERMISSION" to transfer and or use my signature and my decision in Crofts court proceedings.

Simon Uchida
Jesus Ledezma

1-25-23
Judge Fern should excuse himself

In this case

Judge Ezra should recuse himself

() Judge Ezra should continue as Judge

of this case

1-25-23

() Judge Ezra should refuse himself

☐ Judge Ezra should continue as Judge

of this case

ALYSSA ALVAREZ

0.14

1125129

Change Extra should recuse himself

() Judge Extra should continue as Judge

of this case

Raven Muñoz

of this case

1/25/23

(1) Judge Etra should recuse himself

() Judge Ezra should continue as judge

of this case

of this case

() Judge Ezra should recuse himself

() Judge Ezra should continue as judge

of this case

☐ Judge Extra should recuse himself

() Judge Ezra should continue as judge

of this case

() Judge Ezra should recuse himself

() Judge Ezra should continue as judge

of this case

() Judge Ezra should recuse himself

() Judge Ezra should continue as judge

of this case

☐ Judge Ezra should recuse himself

() Judge Ezra should continue as judge

of this case

() Judge Ezra should recuse himself

() Judge Ezra should continue as judge



EX. 3

DISCLAIMER: By signing, notarizing and making a reasonable decision as to if Judge Ezra should or should not recuse himself I give Brad and Cameron Croft my "PERMISSION" to transfer and or use my signature and my decision in Crofts court proceedings

of this case

☒ Judge Ezra should recuse himself

☐ Judge Ezra should continue as judge

of this case

☒ Judge Ezra should recuse himself

☐ Judge Ezra should continue as judge

of this case

☒ Judge Ezra should recuse himself

☐ Judge Ezra should continue as judge

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☐ Judge Ezra should recuse himself

☐ Judge Ezra should continue as judge

of this case

☐ Judge Ezra should recuse himself

☐ Judge Ezra should continue as judge

1-25-23
 Craig Butcher
 Connie Butcher
 Jimmy Butcher
 Tommy Butcher 1-25-23
 MSG (M) Joseph Butcher
 1-25-23
 Chenee Byrd
 Chenee Byrd 1-25-23

Exhibit C



U.S. Department of Justice

United States Attorney
Western District of Texas

Gregory J. Surovic
Assistant United States Attorney
Criminal Division

601 NW Loop 410, Suite 600
San Antonio, Texas 78216
Tel: (210)384-7020
Fax: (210) 384-7028

November 19, 2018

Thomas J. McHugh
Attorney for Bradley Lane Croft
106 S St. Mary's Street, Suite 260
San Antonio, TX 78205
Hand delivered

RE: Information and Additional Discovery in US v. Bradley Lane Croft, SA-18-CR-603-DAE

Dear Tom:

I am writing to follow up with you on the issue of a possible conflict of interest involving Fred Olivares. You may recall that I raised this with you earlier and told you that I was reaching out to the original case agent to find out what she remembers regarding Fred's involvement in the case.

FBI SA Erin Isley originally initiated this case. She opened the case on November 9, 2011. It went through a variety of active and inactive phases and was closed on March 8, 2017, only to be reopened following the VA OIG becoming involved in the investigation. I spoke with Erin Isley who confirmed that she worked in the same group as Fred during the period that she was working this case. In fact, Fred had the desk next to Erin in the group area. Erin has no specific recollection of having discussed the case with Fred, but she believes that she must have discussed the case with him on a variety of occasions. Apparently, she considered Fred to be a mentor and says that she would take most of her problems to him to get his counsel and advice. She also indicated that she often worked surveillance with Fred during this period and they would discuss cases to kill the time. As I said however, she has no specific recollection of discussing the case with Fred.

I am enclosing a CD containing the historical FBI files. A review of the case files does not indicate that Fred participated in the investigation or authored any reports.

I provide all of this information to you so that you, Fred and your client can have an informed discussion of any possible conflict that may exist because of information that might have been obtained by Fred in his official capacity as an active FBI agent.

I also wanted to let you know that I met with Richard Cook on November 7, 2018. In addition to the information previously set out in the agent's earlier report of interview, Mr. Cook provided the following information. He first met Brad Croft when he was

Exhibit D

S E N T E N C I N G

37

1 release so we don't have a problem with the probation officer
2 making a legal decision.

3 PROBATION OFFICER: Your Honor, and that's basically
4 what we do, we send him for an evaluation and based on the
5 evaluation from the counselor, then we order the treatment.

6 THE COURT: Listen, it's not in the government's
7 interest to be sending somebody for treatment who doesn't need
8 it, Mr. Croft. It's expensive and why send you if you don't
9 need it, but you do have a history in your background. We want
10 to be sure.

11 THE DEFENDANT: I just spent ten years of my life
12 helping rid the community of stuff like that, so I don't have
13 any part in that.

14 THE COURT: All right, Mr. Croft. I understand your
15 position and I thank you for letting me know.

16 I do want to commend those agents who were involved in
17 this all the way around. I'm not going to name them by name,
18 but I do want to commend them and their agencies for pursuing
19 this very complicated case. I heard all the evidence, it
20 wasn't an easy case to prosecute or to hang on to and it
21 dragged out over a very lengthy period of time. And I guess I
22 have a soft spot in my heart for veterans, being a veteran and
23 my father being a combat wounded veteran of World War II,
24 highly decorated one actually, and I never let that influence
25 me in any way during the cases that I try and it didn't in this

Exhibit E

1 get a jury. There's no jury. So with that much at stake, you
2 think people -- and if there had been a jury, they would have
3 been objecting to everything under the sun, but we had very few
4 objections in that case because they recognize that an
5 experienced District Judge is going to focus in on the facts
6 that have been proven or not proven and I'm going to hold the
7 government to a standard beyond a reasonable doubt. I have
8 absolutely no inclinations in this case one way or the other.
9 I don't know the defendant and the government doesn't get any
10 breaks in my court. As a District Judge, anybody who
11 researches my history will see that I have granted motions to
12 suppress in cases where granting the motion to suppress clearly
13 extinguished the government's case. I've also granted
14 judgments of acquittal. I'm not saying I'm going to do that in
15 this case, I don't know, I haven't heard all the evidence, but
16 I'm keeping an absolutely open mind here and I am not going to
17 be swayed by prejudice or sympathy. I am not going to be
18 swayed by questions. See, oftentimes lawyers will take
19 shortcuts, and this is even in front of the jury, where they
20 will lead a witness on non-controversial matters, matters that
21 don't have anything to do with anything, like an expert's
22 background or something of that kind or somebody else's
23 background or where they were the day before or, you know,
24 those kinds of things. And oftentimes lawyers feel compelled
25 to object and I treat those objections and rule on them. But