

# **New York Federal Judge Orders Rare 'Franks Hearing' To Investigate If Government and FBI Agents Acted "In Good Faith"**

## **Background**

On November 28, 2016, a highly regarded New York SDNY federal judge ordered a rare "[Franks Hearing](#)" to be held in open court on Jan 23, 2017 to investigate whether the Government and rogue FBI agents had "acted reasonably and in good faith." Rookie New York FBI agents Matt Komar (badge #22666), Thomas McGuire and others were implicated. These are poorly educated (*Matt Komar was just a 17-year-old high school kid during the alleged Asian events which he certified*), malicious, zealous bigots looking for the "kill" of an "Asian scalp" - which they have used to advance personal careers (*Matt Komar was promoted to a job in Washington DC*) - until they were caught lying and cheating in federal court filings.

[NASDAQ](#) and [FINRA](#) defrauded DOJ and the FBI, [were exposed](#), rigged a Chinese company delisting ([evidence](#)) and [retaliated](#) against [SEC witness - lawyer William Uchimoto](#) after the [NASDAQ fraud](#) was [condemned by the SEC commissioners](#), exposed in the [Forbes Magazine](#). The [corrupt regulatory regime](#) is rotten to the core: The career ruining bureaucrats knew they got the case wrong, but are shamelessly content with [being fooled](#) and [misled by FINRA and NASDAQ](#), abetting a [rigged process, lynching the Chinese](#), exposed in a [made-up "market manipulation"](#) case against the patriotic Chinese American journalist [Benjamin Wey](#), motivated by their pure [ignorance](#) and [racism](#).

## **FBI Agent Matt Komar - Lying, Cheating, Stealing**

**MATTHEW KOMAR**, a rookie FBI agent is currently facing another highly publicized lawsuit in New York federal court before Judge William Pauley III, being accused of fabricating evidence that ruined a \$4 billion investment fund. Matthew Komar is the same fraudster sued by renowned attorney [Barry Scheck](#) for [ruining fund manager David Ganek](#) and [Level Global](#) using fabricated evidence, exposed by [The New York Times](#), [Wall Street Journal](#) and a [CNBC video](#). Komar must take the stand.

## **FBI agent Thomas McGuire**

### **A Repeat Offender, Fraud, Lies, Sanction in NY Eastern District Federal Court**

**THOMAS MCGUIRE**, another fraudulent FBI agent has a history of law violations. This is the same fraudster found by the New York Eastern District federal court in a case titled *United States v. Metter* (2012) to have fabricated evidence by expanding searches beyond a court order. Agent Thomas McGuire's egregious law violation led to strong rebukes against him and complete case dismissal by a federal judge. Thomas McGuire must take the witness stand and his lies must be exposed.

**RACISM, FRAUD: Matt Komar, Thomas McGuire Fabricated Evidence in Journalist Benjamin Wey Case**  
**(Case 1:15-cr-00611-AJN; August 12, 2016 - Court Filing)**

*The following is copied directly from the court filing:*

Page 1: "The Government effectively concedes that the search warrants for the NYGG Office and the Apartment were defective on their faces. The warrants identify no crime under investigation, provide no guidance by subject matter or name limitations, and contain no timeframe limit."

Page 2: "Where the warrants fail to identify the crime(s) under investigation, the Government insists those crimes may be "inferred." But the Government relies on no authority for that position, nor do the lists attached to the warrants - hundreds of names long and with all-encompassing record type descriptions - justify any such inference in any event."

Page 5: "Government conceding (as it must) that the listing rule the Government claims was broken - the supposedly "key prerequisite" to NASDAQ listing - does not exist, the Government now disingenuously asserts it never claimed that rule existed in the first place. But that assertion was patent from the FBI Agent Komar Affidavit itself."

Page 5: "No more persuasive is the Government's assertion that Agent Komar never alleged certain transactions were structured by Mr. Wey's relatives so as to avoid currency transaction reporting requirements, when quite plainly, that is precisely what he (wrongly) asserted. And the Government can muster no legitimate explanation for Agent Komar's intentionally misleading descriptions of allegedly manipulative trading patterns. There was a plethora of public information to explain the rise in stock prices of Deer and SmartHeat in late 2009, but Agent Komar either chose not to inform Magistrate Judge Dolinger of the truth (because their application would have been undermined), or recklessly failed to investigate the truth (which the Government is loathe to now admit). And in fact, no "pump" truly overlapped in time with the alleged "dump," but again, the Government chose to manipulate their date ranges to create the illusion of a contemporaneous "pump and dump." Combined with the other Government misstatements and errors that have now come to light, this Court simply cannot accept the Government's conclusory assertions that it acted in good faith."

Page 32: "The Search Warrant Affidavits Are Materially Misleading: Agent Komar's repeated assertions that certain issuers' NASDAQ listing applications were "deceptive" and "misleading" ring hollow, in light of the fact - now admitted by the Government - that the "rule" the Government accused those issuers of evading does not exist, and considering that the "facts" about which the NASDAQ was supposedly "deceived" were openly discussed between issuers' counsel and the relevant NASDAQ officials in real time."

Page 32: (Footnote): "The Government concedes now that Agent Komar falsely made the highly prejudicial and inflammatory assertion that Mr. Wey's sister and "Bei Lu," the CEO of CleanTech, were co-signers on a China-based bank account and somehow worked in concert to send money to Mrs. Wey. (Komar Aff., ¶ 29(h)). In point of fact, no such joint bank account existed, and no such conspiratorial activity took place. Bei Lu is a Beijing street address, not a person, in this context."

Page 33: "The Komar Affidavit devotes 20 pages to allegations that Mr. Wey illegally gifted SmartHeat and Deer shares to individuals known to him so that those issuers could satisfy NASDAQ's 300 round-lot shareholder requirement. Nowhere, however, did Agent Komar apprise Magistrate Judge Dolinger of the Agent's own actual awareness (apparently) that in fact, no rule against satisfying this requirement through the gifting of shares existed. Given that Agent Komar's assertion of the impermissibility of the gifting of shares forms the lynchpin of his fraud theory (and, indeed, of the Government's whole fraud theory in this case), the Government's concession is simply fatal to its probable cause argument."

Page 34: "First the Government defends Agent Komar by insisting he never actually lied. (See Opp., p. 42 (proffering that Komar's Affidavit "nowhere contains [] a representation" that a "rule prohibiting counting of shareholders who received their shares in the form of a gift" existed)). Then it insists, despite its concession that no rule existed, that the violation of that "rule" was nevertheless deceptive because it was designed to circumvent the non-existent rule! (Id.) This is all doublespeak.

Page 37: "Komar in his affidavit painted a portrait of an alleged "pump and dump" scheme, but to do so, he strategically selected expanded timeframes to make his misleading case to Magistrate Judge Dolinger. By selecting a one-year period (in and of itself, an absurdly large window for maintenance of a supposed market manipulation), Agent Komar avoided the hazards of having to actually match buying activity with selling activity. Discovering that his selected window still did not support his claim, Agent Komar cheated yet again, selecting two different 1-year windows in order to claim that buying and selling were occurring "at the same time." But when examined, the actual data belies that assertion, because most of the selling activity from the so-called nominees took place before the alleged corrupt-broker-induced buying. So much for the agent's pump and dump theory."

Page 38: "It is clear that Agent Komar intentionally manipulated the data to paint a phony picture of a manipulation in order to support probable cause for the warrants. That surely demonstrates bad faith. "

Page 40: "The Government also highlights several unremarkable business practices as "unconventional and highly suspicious." (Opp., p. 5) For example, the Government states that Mr. Wey communicated with employees over Skype (a service that offered free unlimited international videoconferencing capabilities) and instituted a 30-day email purge policy. Given the vulnerability of corporate email

servers and the current state of document retention policies, these practices are not nearly as “highly suspicious” as the Government suggests. For example, in a 2014 Wall Street Journal article regarding corporate email policies, Steve Blank, a Stanford professor, stated that a corporate “retention policy should be 30 days.”

Page 40-41: "Agent Komar also misleadingly asserted that certain wire transfers “were deliberately broken into increments less than \$10,000 to avoid raising suspicion, given United States currency transaction reporting requirements with respect to cash transactions over \$10,000.” (Komar Aff., ¶ 29(i)). This allegation is misleading because there is no currency transaction reporting requirement for wire transfers. (Moving Brief, p. 48) In other words, there is no “suspicion” to avoid and no law to skirt.

### The Conclusion

The American public wants transparency and accountability of our government. Our government agents and prosecutors have a duty to be knowledgeable, wise and honest. When they lie, the very fabric of our American justice is broken. The honorable Court and the law are the last safeguards against abusers and abuses. Is it time to expose their fraud and #DrainTheSwamp?

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*"Government of the people, by the people, for the people, shall not perish from the earth." - [ABRAHAM LINCOLN](#)*

UNTIL

*"Government becomes complacent, its agents become vindictive and ignorant. They lie, cheat and deceive to win. Then the people and democracy lose." - Journalist [BENJAMIN WEY](#)*