

UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

Case No. 24-1983

MOTION TO REPLACE NON-RESPONSIVE AND INNEFFECTIVE COUNSEL WITH A COURT
APPOINTED APPELLATE ATTORNEY

COMES NOW is the Appellant, Joseph Cammarata, respectfully requesting that he be provided with Court appointed Appellate counsel to respond to the pending appeal brief in 24-1983 and follow through with the direct appeal. There is a long history of communication breakdowns, failure to notice Appellant of critical decisions, and has not represented the Appellant's legal strategies and demands, after being paid a significant sum. The Appellant can provide proof of emails, which include 4 in the past month that have gone unanswered, even before the alleged vacation stated on the docket. Appellant has not been provided the ability to participate or even review any of the briefs or motions that have been filed on his behalf, and often over his written objections.

The district court in 21-cv-4845-CFK and in 21-cr-427-CFK, had improperly frozen all of Appellant's assets on November 4th, 2021, that included over \$78 million. That asset freeze was achieved through an ex-parte TRO that lacked subject matter jurisdiction, the

description of any possible irreparable damage, denied Appellant due process (while holding simultaneous hearings without notice), and undeniably expired on November 24th, 2021. That unlawful and expired TRO and asset freeze has repeatedly denied Appellant sixth amendment criminal defense fees and prejudiced him in the instant criminal tax trial, along with the tainted criminal fraud trial. This denial of sixth amendment legal fees extended to the tax trial as well, where the same district court judge presided over the SEC civil case, responsible for the unlawful freeze, and the criminal fraud trial. That judge was required to release untainted funds to afford the Appellant criminal defense counsel of his choosing, yet he denied every request. When the tax trial judge agreed with the Appellant's sixth amendment right to criminal counsel of his choice, the tax trial judge stated that he needed to speak to the SEC (and fraud trial) judge. The tax district court judge then came back and said that the SEC/Fraud district court judge had denied the request. This was improper ex-parte communication between the district courts, presiding over the active criminal cases against Appellant. There is a pending Petition for a Writ of Mandamus in the Third Circuit Court, Case No. 24-1381, that has charged this misconduct along with certain peremptory violations of the Due Process Protections Act of 2020, Fed. R. Crim. P. 5(f), Brady violations, constructive amendments to an already defective indictment, and prejudice that occurred in the tax trial proceedings.

Due to the overwhelming prosecutorial and judicial misconduct in the relevant tax proceeding alone, the Appellant requires a competent appellate attorney, to replace the

current counsel who has refused to communicate or provide effective assistance of counsel.

Respectfully submitted,

/s/ Joseph Cammarata

Joseph Cammarata

Dated: July 18th, 2025