

John M. Pierce (Bar No. 250443)
jpierce@johnpiercelaw.com
JOHN PIERCE LAW P.C.
21550 Oxnard Street, 3rd Floor
Woodland Hills, CA 91367
Tel. (321) 961-1848
Attorney for Defendant
Rowland Marcus Andrade

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

ROWLAND MARCUS ANDRADE,

Defendant.

Case No.: 3:20-cr-00249-RS

**MOTION FOR RECONSIDERATION OF
THE COURT’S ORDER DISMISSING
DEFENDANT’S REQUEST FOR
PERMISSION TO SELL ASSETS AS
UNRIPE (DKT. 828), OR IN THE
ALTERNATIVE, RENEWED MOTION
FOR LIMITED APPROVAL OF
SPECIFIED PROPOSED ASSET
TRANSACTION TO FUND APPEAL**

I. INTRODUCTION

Defendant Rowland Marcus Andrade respectfully moves this Court, pursuant to Civil Local Rule 7-9(b) (incorporated by Criminal Local Rule 2.1), for reconsideration of its March 11, 2026 Order (ECF 828) dismissing as unripe his request for permission to sell certain untainted stock assets to finance specialized appellate counsel. In the alternative, Mr. Andrade renews his request based on new material facts arising after that Order.

MOTION FOR RECONSIDERATION OF THE COURT’S ORDER DISMISSING DEFENDANT’S REQUEST FOR PERMISSION TO SELL ASSETS AS UNRIPE (DKT. 828), OR IN THE ALTERNATIVE, RENEWED MOTION FOR LIMITED APPROVAL OF SPECIFIED PROPOSED ASSET TRANSACTION TO FUND APPEAL - 1

Case No. 3:20-cr-00249-RS

1 The Court dismissed the prior request because, at that time, there was no present order
 2 preventing a sale and any dispute regarding the government's position was hypothetical. (ECF 828
 3 at 2, 6) That is no longer the case. Following entry of the Court's Order, the government took the
 4 concrete position that *any* proceeds distributed to Mr. Andrade from Black Gold Coin, Inc.
 5 ("BGC") must be applied first and in full—approximately \$2.2 million in restitution and \$8.37
 6 million in forfeiture—before any portion may be used to retain appellate counsel. *See* Ex. 1,
 7 Declaration of Michel Paradis ¶¶ 8–10. Paradis is a partner at Steptoe LLP, a Lecturer at Columbia
 8 Law School, a former Department of Defense counsel, and holds an active Top Secret/SCI
 9 clearance. He has agreed to undertake the representation but requires a \$500,000 retainer and
 10 reasonable assurance of funds before entering an appearance. *Id.* ¶¶ 1–2, 5–7. Notably, the
 11 government previously took no position on Mr. Andrade's ability to sell these same untainted
 12 assets for legitimate purposes when the identical request was pending before the Ninth Circuit.
 13 (App. ECF 34 at 2–3)

14 That post-Order demand creates the concrete controversy the Court found missing. Mr.
 15 Andrade therefore seeks reconsideration of the ripeness ruling and requests limited, transaction-
 16 specific approval of a defined allocation of proceeds so that he may retain counsel for his pending
 17 Ninth Circuit appeal while preserving a substantial portion of the proceeds for the Court.

18 II. STANDARD OF REVIEW

19 Because ECF 828 dismissed the request as unripe without resolving the merits of the
 20 requested relief, the Court retains authority to reconsider that interlocutory determination. Under
 21 Civil Local Rule 7-9(b), a party seeking reconsideration must show reasonable diligence and either
 22 MOTION FOR RECONSIDERATION OF THE COURT'S ORDER DISMISSING DEFENDANT'S REQUEST
 23 FOR PERMISSION TO SELL ASSETS AS UNRIPE (DKT. 828), OR IN THE ALTERNATIVE, RENEWED
 24 MOTION FOR LIMITED APPROVAL OF SPECIFIED PROPOSED ASSET TRANSACTION TO FUND
 25 APPEAL - 2

1 “[a] material difference in fact or law” from that presented to the Court, Civ. L.R. 7-9(b)(1), or
2 “[t]he emergence of new material facts or a change of law occurring after the time of such order,”
3 Civ. L.R. 7-9(b)(2). Mr. Andrade brings this motion promptly upon the government’s post-Order
4 demand and satisfies both subsections. The government’s demand that 100% of BGC proceeds to
5 Andrade be allocated to restitution and forfeiture before any portion may be used for appellate
6 counsel constitutes both a material difference in fact from what was presented to the Court and a
7 new material fact occurring after the Order. That demand directly undermines the factual basis for
8 the Court’s ripeness determination.
9

11 III. NEW FACTS ESTABLISH THAT THE DISPUTE IS NOW RIPE

12 The Court held that Mr. Andrade’s prior request was “not ripe” because “[a]t present, there
13 is no court order preventing Andrade from selling assets to fund his appeal,” and any government
14 objection remained hypothetical: “If he attempts to do so, the Government may well step in. . . . If
15 it does so, there will then be a dispute.” (ECF 828 at 6) The government’s opposition likewise
16 argued there was “no current controversy” because the government had not yet seized any assets.
17 (ECF 824 at 5)
18

19 That hypothetical dispute has now materialized. Following entry of the Court’s Order, the
20 government communicated to Mr. Andrade’s counsel its position that no portion of the proceeds
21 otherwise distributable to Mr. Andrade from BGC could be directed to appellate counsel before
22 satisfaction of the criminal monetary obligations. *See* Ex. 1, Declaration of Michel Paradis ¶¶ 8–
23 10. This is not a hypothetical objection; it is a present assertion of competing rights to specifically
24 identified proceeds from the proposed BGC transaction.
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26 MOTION FOR RECONSIDERATION OF THE COURT’S ORDER DISMISSING DEFENDANT’S REQUEST
27 FOR PERMISSION TO SELL ASSETS AS UNRIPE (DKT. 828), OR IN THE ALTERNATIVE, RENEWED
28 MOTION FOR LIMITED APPROVAL OF SPECIFIED PROPOSED ASSET TRANSACTION TO FUND
APPEAL - 3

1 This post-Order assertion of rights is precisely the event ECF 828 identified as necessary
2 before a justiciable dispute would exist.

3 A dispute is ripe when the parties have “an honest and actual antagonistic assertion of rights
4 by one [party] against another.” *Ctr. for Biological Diversity v. U.S. Forest Serv.*, 925 F.3d 1041,
5 1047 (9th Cir. 2019) (quoting *U.S. Nat’l Bank v. Indep. Ins. Agents of Am., Inc.*, 508 U.S. 439, 446
6 (1993)). Moreover, a party “need not violate a criminal law and risk prosecution” to obtain pre-
7 enforcement review when government action forces the party to choose between forgoing a legal
8 right and facing adverse consequences. *Peace Ranch LLC v. Bonta*, 93 F.4th 482, 488 (9th Cir.
9 2024).

10 The government’s demand creates precisely that dilemma. Without Court authorization,
11 any attempt by Mr. Andrade to direct his stock related BGC proceeds to appellate counsel risks
12 running afoul of the restitution lien (18 U.S.C. § 3613(c)) or the Mandatory Victims Restitution
13 Act’s application-of-resources provision (§ 3664(n)). Yet the government’s position would
14 prevent Mr. Andrade from using any portion of these specific proceeds to retain appellate counsel
15 during the pendency of the appeal. The controversy is concrete, immediate, and fit for adjudication.
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19 **IV. THE COURT SHOULD ADJUDICATE THE DISPUTE BY APPROVING A**
20 **LIMITED, TRANSACTION-SPECIFIC ALLOCATION**
21

22 Mr. Andrade does not seek blanket authorization to engage in unlimited or undefined future
23 asset sales. He seeks a narrow ruling as to a specific proposed transaction. He seeks to sell up to
24 50 percent of his shares of Black Gold Coin, Inc. common stock held in the name of Rowland
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27 MOTION FOR RECONSIDERATION OF THE COURT’S ORDER DISMISSING DEFENDANT’S REQUEST
28 FOR PERMISSION TO SELL ASSETS AS UNRIPE (DKT. 828), OR IN THE ALTERNATIVE, RENEWED
MOTION FOR LIMITED APPROVAL OF SPECIFIED PROPOSED ASSET TRANSACTION TO FUND
APPEAL - 4

Case No. 3:20-cr-00249-RS

1 Marcus Andrade for up to \$5 million. Mr. Andrade proposes the following allocation of net
2 proceeds:

3 (1) Thirty percent (30%) of net proceeds shall be deposited into the Court registry, a Court-
4 approved escrow account, or such other mechanism as the Court directs, to be held pending
5 resolution of the appeal and any subsequent collection proceedings;
6

7 (2) The remaining seventy percent (70%) shall be available for payment of specialized
8 appellate counsel, family support and necessary appellate litigation expenses, subject to further
9 order of the Court;
10

11 (3) Mr. Andrade shall provide the government and the Court with notice of the transaction
12 within fourteen (14) days of closing and a full accounting of proceeds and disbursements within
13 thirty (30) days thereafter.

14 The proposed 30/70 allocation reflects a balance between preserving a substantial
15 protective reserve for alleged victims and generating sufficient funds to retain specialized counsel.
16

17 To the extent the government contends that 18 U.S.C. § 3664(n) requires that any proceeds
18 be applied in full to restitution, that provision applies to “substantial resources” in the nature of
19 windfalls received during incarceration. *See United States v. Hughes*, 914 F.3d 947, 951 (5th Cir.
20 2019) (interpreting “substantial resources” as “windfalls or sudden financial injections”). Proceeds
21 from the managed sale of pre-existing, untainted patent stock assets are not the type of windfall §
22 3664(n) targets. Critically, the proceeds at issue here do not yet exist. Mr. Andrade is asking the
23 Court to approve a prospective allocation at the outset of a defined transaction, not to release funds
24 already received during incarceration. Moreover, even where § 3664(n) applies, the district court
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27 MOTION FOR RECONSIDERATION OF THE COURT’S ORDER DISMISSING DEFENDANT’S REQUEST
28 FOR PERMISSION TO SELL ASSETS AS UNRIPE (DKT. 828), OR IN THE ALTERNATIVE, RENEWED
MOTION FOR LIMITED APPROVAL OF SPECIFIED PROPOSED ASSET TRANSACTION TO FUND
APPEAL - 5

Case No. 3:20-cr-00249-RS

retains discretion over the timing and manner of enforcement. *See United States v. Saemisch*, 70 F.4th 1, 7–8 (1st Cir. 2023) (holding that § 3664(n) “contains nothing to suggest” that the district court’s general discretion over restitution timing “should not apply” and approving enforcement order as reasonable exercise of that discretion); *cf. United States v. Armstrong*, No. 09-cr-135, 2020 WL 136289, at *6 (D.D.C. Jan. 13, 2020) (holding that § 3664(n) does not mandate the lump-sum payment the government requests and that “it is the district court—not the government—that determines how a defendant is to pay restitution”). The proposed allocation here is a reasonable exercise of that discretion, particularly given the 30% escrow safeguard and the assets’ value relative to the outstanding obligations.

V. THE NEED FOR SPECIALIZED COUNSEL

The Court previously stated that this case is not about “classified data” (ECF 828 at 4:24). The record supports the fact that there are significant CIPA issues.

As set forth in prior counsel’s declaration, a FBI counterintelligence agent stated that Abramoff (whom the garden variety of fraud centralizes around) used Andrade’s digital currency to facilitate international money laundering (*see* Ex. 2 at ¶¶ 4, 5). Attorney Kerrie Dent’s declaration states:

One of my confidential sources, who speaks directly with Agent Buma on a regular basis, informed me yesterday that Agent Buma could testify that notes taken by Jack Abramoff around May 31, 2018, while in a meeting with Ukrainian businessman Alexander Levin and Ukrainian billionaire Igor Kolomoisky, relate to two right-wing political campaigns Abramoff was running. Abramoff’s two campaigns were the “Anti-Corruption” campaign (aimed at tying Joe Biden, Trump’s chief political rival at the time, to corruption in Ukraine); and the “V/V” campaign (a pro-Russia, pro-Putin campaign). A key element to both campaigns was the

MOTION FOR RECONSIDERATION OF THE COURT’S ORDER DISMISSING DEFENDANT’S REQUEST FOR PERMISSION TO SELL ASSETS AS UNRIPE (DKT. 828), OR IN THE ALTERNATIVE, RENEWED MOTION FOR LIMITED APPROVAL OF SPECIFIED PROPOSED ASSET TRANSACTION TO FUND APPEAL - 6

Case No. 3:20-cr-00249-RS

1 use of media to spread the desired narrative. I was told that Agent
2 Buma also could testify that his interpretation of Abramoff's notes
3 is that the funding for these campaigns came, in part, from the
promotion and sale of AML Bitcoin.

4 The district record confirms the confidential source was agent Buma's attorney. This is
5 highly relevant because the intelligence agent would have stated that the funding for these illegal
6 campaigns came from the "promotion and sale of AML Bitcoin." The defendant and Abramoff
7 were charged with violations regarding the promotion and sale of AML Bitcoins. Abramoff's pro
8 Russian US election interference activities goes towards his intent and this information would
9 have supported a multiple conspiracy theory instruction and could have also allowed Andrade to
10 explore potential Rule 5.3 affirmative defenses.
11

12 The public record also confirms that the defendant's case was also cross referenced with
13 many 105 prefix counterintelligence classified cases and that members of the Central Intelligence
14 Agency (CIA) were working with Jack Abramoff whom were also associated with the marketing
15 and sale of AML bitcoin
16

17 **VI. THE EQUITIES AND APPLICABLE AUTHORITY SUPPORT LIMITED**
18 **RELIEF**
19

20 The assets at issue are untainted by the conduct of conviction. Trial testimony valued the
21 patent portfolio in which Andrade has stock valued at approximately \$80–100 million. (ECF 823
22 at 3 (citing Trial Tr. 2312:13–19; 2395:23–2396:9; 1816:3–9)). The government has never sought
23 forfeiture of these assets, and it acknowledged before the Ninth Circuit that it “does not seek to
24 restrict fundraising efforts by Andrade provided such efforts are legitimate, legal, and do not
25 impermissibly dissipate assets to which Andrade’s victims are entitled.” (App. ECF 34 at 2–3)
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27 MOTION FOR RECONSIDERATION OF THE COURT’S ORDER DISMISSING DEFENDANT’S REQUEST
28 FOR PERMISSION TO SELL ASSETS AS UNRIPE (DKT. 828), OR IN THE ALTERNATIVE, RENEWED
MOTION FOR LIMITED APPROVAL OF SPECIFIED PROPOSED ASSET TRANSACTION TO FUND
APPEAL - 7

1 Although the government asserts a restitution lien reaching all of Mr. Andrade's property, the fact
2 that these assets are untainted and valued far in excess of the combined monetary judgments
3 supports limited relief because the proposed transaction poses no realistic risk of impairing the
4 government's ultimate ability to collect.

5
6 The 30% escrow proposal provides a concrete safeguard that exceeds the 15% Mr. Andrade
7 originally offered. (ECF 823 at 4) The Ninth Circuit stayed briefing to permit Mr. Andrade time
8 to locate replacement appellate counsel with the specialized qualifications he sought for the appeal.
9 (App. ECF 28–30) Mr. Andrade has identified such counsel—Michel Paradis, a partner at Steptoe
10 LLP and Lecturer at Columbia Law School, where he has taught national security law for twelve
11 years. Paradis is a former Department of Defense counsel who holds an active Top Secret/SCI
12 clearance and has litigated significant appellate matters involving classified evidence, including
13 *Al Bahlul v. United States*, 767 F.3d 1 (D.C. Cir. 2014) (*en banc*) and *In re Al-Nashiri*, 921 F.3d
14 224 (D.C. Cir. 2019). Declaration of Michel Paradis ¶¶ 1–2. Without access to some portion of
15 these untainted funds, Mr. Andrade contends he cannot locate a buyer for his stock assets nor can
16 he retain such counsel, which prolongs the existing stay of briefing.

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19 The Ninth Circuit has recognized that where untainted assets “belonged to the defendant,
20 pure and simple,” a defendant retains a right to use them for counsel of choice. *United States v.*
21 *Lillard*, 57 F.4th 729, 734 (9th Cir. 2023) (discussing *Luis v. United States*, 578 U.S. 5 (2016)).
22 *Lillard* held that a restitution lien under 18 U.S.C. § 3613(c) may give the government a substantial
23 property interest sufficient to override that right. *Id.* at 734–35. Mr. Andrade does not dispute that
24 restitution holding. But *Lillard* addresses whether the Sixth Amendment *compels* release of lien-

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27 MOTION FOR RECONSIDERATION OF THE COURT'S ORDER DISMISSING DEFENDANT'S REQUEST
28 FOR PERMISSION TO SELL ASSETS AS UNRIPE (DKT. 828), OR IN THE ALTERNATIVE, RENEWED
MOTION FOR LIMITED APPROVAL OF SPECIFIED PROPOSED ASSET TRANSACTION TO FUND
APPEAL - 8

Case No. 3:20-cr-00249-RS

1 encumbered assets—it does not hold that a district court lacks discretion to approve a court-
2 supervised allocation with adequate safeguards for the government’s interest. Mr. Andrade is
3 aware of no Ninth Circuit authority foreclosing the limited, court-supervised allocation requested
4 here.
5

6 Indeed, federal courts have, in analogous contexts, approved limited and court-supervised
7 releases of non-traceable or untainted property for legal fees while preserving the government’s
8 broader collection interests. In *United States v. Tardon*, 493 F. Supp. 3d 1188 (S.D. Fla. 2020), the
9 court ordered the government to release a defined sum derived from non-traceable property to
10 satisfy the defendant’s outstanding legal fees while preserving the broader forfeiture money
11 judgment and substitute-asset structure intact. *See also United States v. Patel*, 949 F. Supp. 2d 642,
12 650–51 (W.D. Va. 2013) (discussing *United States v. Najjar*, in which the court permitted access
13 to the untainted portion of substitute assets for legal fees, reasoning that “the Sixth Amendment
14 right to counsel is simply more important than the Government’s interest in the untainted portion
15 of Defendant’s substitute property”). Congress has also recognized, in at least some contexts,
16 court-directed allocations involving criminal proceeds and defense representation: 18 U.S.C. §
17 3681 expressly authorizes courts to direct that up to 20% of certain escrowed criminal proceeds be
18 used for a defendant’s legal representation, even where those proceeds are otherwise available to
19 satisfy criminal monetary obligations. While § 3681 applies to a specific category of proceeds, its
20 existence reflects that a court-ordered allocation between victim-related obligations and defense
21 representation is not a novel or impermissible remedy. The relief Mr. Andrade requests here is
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27 MOTION FOR RECONSIDERATION OF THE COURT’S ORDER DISMISSING DEFENDANT’S REQUEST
28 FOR PERMISSION TO SELL ASSETS AS UNRIPE (DKT. 828), OR IN THE ALTERNATIVE, RENEWED
MOTION FOR LIMITED APPROVAL OF SPECIFIED PROPOSED ASSET TRANSACTION TO FUND
APPEAL - 9

1 even more narrowly drawn: a defined transaction with 30% reserved in escrow, notice and
2 accounting requirements, and assets valued at eight to ten times the monetary judgment.

3 4 **VII. CONCLUSION**

5 For the foregoing reasons, Mr. Andrade respectfully requests that the Court:

6 (1) Grant reconsideration of the portion of ECF 828 dismissing his asset-sale request as
7 unripe;

8 (2) Permit him to complete the specified transaction involving untainted BGC stock assets
9 as described herein;

10 (3) Order that 30% of net proceeds be deposited into the Court registry, a Court-approved
11 escrow account, or such other mechanism as the Court directs, pending resolution of the appeal
12 and any further collection proceedings;

13 (4) Permit the remaining 70% to be used for appellate counsel fees, litigation expenses,
14 and family support subject to the notice and accounting requirements described above and further
15 order of the Court; and

16 (5) Rule that the government may not require 100% of the proceeds to be applied first to
17 restitution and forfeiture before any portion may be used for appellate counsel, at least as to the
18 specific transaction proposed herein.

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27 MOTION FOR RECONSIDERATION OF THE COURT'S ORDER DISMISSING DEFENDANT'S REQUEST
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MOTION FOR LIMITED APPROVAL OF SPECIFIED PROPOSED ASSET TRANSACTION TO FUND
APPEAL - 10

Case No. 3:20-cr-00249-RS

1 Dated: April 7, 2026

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4 Respectfully submitted,

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10 John M. Pierce
11 **JOHN PIERCE LAW P.C.**
12 21550 Oxnard Street, 3rd Floor
13 Woodland Hills, CA 91367
14 Tel. (321) 961-1848
15 Email: jpierce@johnpiercelaw.com
16 *Attorney for Defendant*

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28 FOR PERMISSION TO SELL ASSETS AS UNRIPE (DKT. 828), OR IN THE ALTERNATIVE, RENEWED
MOTION FOR LIMITED APPROVAL OF SPECIFIED PROPOSED ASSET TRANSACTION TO FUND
APPEAL - 11

Case No. 3:20-cr-00249-RS

1 Executed on March 17, 2026, at Viera, Florida.

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MOTION FOR LIMITED APPROVAL OF SPECIFIED PROPOSED ASSET TRANSACTION TO FUND
APPEAL - 12

Case No. 3:20-cr-00249-RS

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on April 7, 2026 a true and accurate copy of the above and foregoing was filed on the above date with the Clerk of Court, using the Court's CM/ECF system, which will automatically provide notice and a copy of said filing to all parties or attorneys of record registered therein.



John M. Pierce
JOHN PIERCE LAW P.C.
21550 Oxnard Street, 3rd Floor
Woodland Hills, CA 91367
Tel. (321) 961-1848
Email: jpierce@johnpiercelaw.com
Attorney for Defendant

MOTION FOR RECONSIDERATION OF THE COURT'S ORDER DISMISSING DEFENDANT'S REQUEST FOR PERMISSION TO SELL ASSETS AS UNRIPE (DKT. 828), OR IN THE ALTERNATIVE, RENEWED MOTION FOR LIMITED APPROVAL OF SPECIFIED PROPOSED ASSET TRANSACTION TO FUND APPEAL - 13

Case No. 3:20-cr-00249-RS