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Lian Abernathy  
 Chief Deputy Clerk  
 U.S. District Court, District of Hawaii  
[lian\\_abernathy@hid.uscourts.gov](mailto:lian_abernathy@hid.uscourts.gov)  
 (808) 541-1304

From: "codefore" <[codefore@aol.com](mailto:codefore@aol.com)>  
 Date: June 21, 2016 at 4:22:09 AM HST  
 To: [ag@hid.uscourts.gov](mailto:ag@hid.uscourts.gov)  
 Subject: Grand Jury 01-18-2016 James Benish

06-21-16

Allison,

If you don't remember me, As a citizen I submitted a request for Grand Jury involvement in multiple allegations of violations of Federal law in January 2016. I am concerned and suspect that no additional action or investigation has been done since then. I realize that Grand Jury procedures are secret, but the actual investigation should be leaving a hint of action, such as an occasional contact with the victims. These victims keep in constant contact with me and in the 5 months since the affidavit was given to the Grand Jury I and the victims have not heard nor received anything.

I have informality from some of my colleagues in Hawaii that the case might be held up in some division within the Justice System however none of my contacts there are aware of this particular Grand Jury investigation.

Before I inquire with the Justice System further, can you tell me who was assigned this case on behalf of the Grand Jury? If rules prevent you from doing this please cite the rule and in that case I request the Grand Jury foreman's contact information so that I may contact the Jury directly. I have more victims and complaints relative to this Grand Jury action and need to know who to provide this information to.

Regards,

Jim Benish  
619-591-8801

**Re: Grand Jury**

codefore to Lian\_Abernathy [show details](#)



27 Jul 2016

Mr. Abernathy,

Thank you so much. I'm getting query's and information all the time, trying to decide whats bogus and what might be important for the jury to look into.

J. Benish.

-----Original Message-----

From: Lian\_Abernathy <[Lian\\_Abernathy@hid.uscourts.gov](mailto:Lian_Abernathy@hid.uscourts.gov)>  
 To: codefore <[codefore@aol.com](mailto:codefore@aol.com)>  
 Sent: Tue, Jul 26, 2016 7:05 pm  
 Subject: Grand Jury

Mr. Benish,

I apologize for the delay in responding to your message. As you acknowledged in your email message below, grand jury proceedings are secret, pursuant to Rule 6 of the Federal Rules of Criminal Procedure. Neither grand jurors, attorneys for the government, nor investigative agents are permitted to disclose matters occurring before the grand jury. Lastly, Rule 6(d) of the Federal Rules of Criminal Procedure provides that attorneys for the government are allowed to appear before the grand jury. If you have additional information that you would like to submit for the grand jury's consideration, please direct it to the U.S. Attorney's Office for the District of Hawaii (300 Ala Moana Blvd., Room 6-100, Honolulu, HI 96850).

Lian Abernathy  
 Chief Deputy Clerk  
 U.S. District Court, District of Hawaii  
[lian\\_abernathy@hid.uscourts.gov](mailto:lian_abernathy@hid.uscourts.gov)  
 (808) 541-1304

From: "codefore" <[codefore@aol.com](mailto:codefore@aol.com)>



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From: Lian Abernathy/HID/09/USCOURTS  
 To: codefore <codefore@aol.com>  
 Date: 04/17/2017 02:58 PM  
 Subject: Re: Fwd: Grand Jury

Hello Mr. Benish -

I am sorry, but there is no such order issued by Judge Seabright. The grand jury is free to investigate matters as it sees fit and does not require authorization from the court.

**Lian Abernathy**  
 Chief Deputy Clerk  
 U.S. District Court, District of Hawaii  
[lian\\_abernathy@hid.uscourts.gov](mailto:lian_abernathy@hid.uscourts.gov)  
 (808) 541-1304

From: codefore <codefore@aol.com>  
 To: [lian\\_abernathy@hid.uscourts.gov](mailto:lian_abernathy@hid.uscourts.gov)  
 Date: 04/17/2017 10:08 AM  
 Subject: Fwd: Grand Jury

Ms. Abernathy,

As you previously advised, I contacted the US Attorneys office for the District of Hawaii as well as the FBI. Please provide me with Judge Seabright's 'Order of the Grant' re: the Request for a Grand Jury in January of 2016.

Thank you.

Jim Benish.

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**Re: Grand Jury** Thu, Apr 20, 2017 4:22 pm

From **Lian\_Abernathy** [Lian\\_Abernathy@hid.uscourts.gov](mailto:Lian_Abernathy@hid.uscourts.gov) [hide details](#) ▾  
 To **codefore** [codefore@aol.com](mailto:codefore@aol.com)

Mr. Benish -

I am unable to provide you with copies of the documents you have requested. There was no court document generated to transmit your affidavit. As for notification of the matter to the U.S. Attorney's Office, I personally contacted the U.S. Attorney's Office for the District of Hawaii. I did not memorialize my contact with them.

**Lian Abernathy**  
 Chief Deputy Clerk  
 U.S. District Court, District of Hawaii  
[lian\\_abernathy@hid.uscourts.gov](mailto:lian_abernathy@hid.uscourts.gov)  
 (808) 541-1304

From: codefore <codefore@aol.com>  
 To: [Lian\\_Abernathy@hid.uscourts.gov](mailto:Lian_Abernathy@hid.uscourts.gov)  
 Date: 04/19/2017 11:11 AM  
 Subject: Re: Grand Jury

Ms. Abernathy,

Thank you, but maybe I was not articulate. I request the court document transmitting the affidavit I submitted to the Grand Jury that includes the date and time. I did not request any kind of court authorization. Possibly the term "Order of the Grant" was misleading. Since everything that is received by the court becomes a court document the court should have logged in the document and assigned an identifier. In addition, since Judge Seabright is the supervising authority for the Grand Jury I request the Courts notification of this particular case to the Department of Justice / US Attorney District of Hawaii who represents the the government and is advisor to the Grand Jury where the Grand Jury is convened.. As the Affidavit Affiant and a US Citizen I'm entitled under the 1st Amendment to the Constitution to access the aforementioned documents, unless the Judge has cause not to provide them to me.

The reason for this request is not arbitrary. It has been 14 months since the court received the affidavit. You have referred me to the Department of Justice as the agency to report additional victims to. This implies that the Department of Justice has knowledge of the Grand Jury and in particular this case does it not?

There is a problem. It seems the Department of Justice has indicated to me that they have no knowledge of this investigation and the FBI has implied the same. That being the case, and since I have no proof that neither of these Departments of Justice have been presented notification of any actions on behalf of me or the Court, it seems the ball is back in Judge Seabright's lap.

The notion that there is no documentation as to what happened to the Affidavit and other documents after the Court received them is incredulous don't you agree? I am disheartened by your reply. Is a more formal request for these documents required? If so, Ill present the necessary formal FOI and First Amendment requests to the Court, the FBI and the Hawaii US Attorney for all documents relating to this investigation and if the documents don't exist no doubt there will be an explanation as to why and by what authority or Rule action on my request has been denied. Or you can provide copies of these two few documents via email and Ill be on

Fwd: Grand Jury

codefore to lian\_bernathy show details

1 day ago

Ms. Bernathy,

As you previously advised, I contacted the US Attorneys office for the District of Hawaii as well as the FBI. Please provide me with Judge Seabright's 'Order of the Grant' re: the Request for a Grand Jury in January of 2016.

Thank you.

Jim Benish.

-----Original Message-----

From: codefore <codefore@aol.com>  
To: Lian\_Abernathy <Lian\_Abernathy@hid.uscourts.gov>  
Sent: Wed, Jul 27, 2016 5:28 am  
Subject: Re: Grand Jury

SECFCF Query Reports Utilities Logout

### Criminal Cases Report

U.S. District Court - District of Hawaii  
Filed Report Period: 1/18/2016 - 4/20/2017

Total Number of Cases Reported: 0

**Selection Criteria for Report**

Office	All
Case type(s)	cr
Citation	All
Pending counts	Yes
Disposed counts	No
CVB Cases	Yes
Filed Date	1/18/2016 - 4/20/2017
Case flags	Pro Se
Terminal digits	All
Pending defendants	Yes
Terminated defendants	No
Fugitive defendants	No
Non-fugitive defendants	Yes
Sort by	case number

**PACER Service Center**  
Transaction Receipt

PACER Page	1	of	1
Description	Criminal Cases Report	Printed	1/18/2016
Printed	1/18/2016	Printed	4/20/2017
Pages	1	of	1

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-----Original Message-----  
From: Schwalb, Jessica L. (HN) (FBI) (HN) (FBI) <Jessica.Schwalb@ic.fbi.gov>  
To: codefore <codefore@aol.com>  
Sent: Fri, Apr 7, 2017 3:47 pm  
Subject: RE: complaint call placed on 04/07/2017

Mr. Benish,

Do you have a case number or the name of a case Agent? Is there an AUSA assigned to the case already? The FBI is interested in all additional victims, and would like to hear back from you.

Thank you,  
FBI Special Agent Jessica Schwalb

From: codefore [mailto:codefore@aol.com]  
Sent: Friday, April 07, 2017 10:23 AM  
To: Schwalb, Jessica L. (HN) (FBI) <Jessica.Schwalb@ic.fbi.gov>  
Subject: Re: complaint call placed on 04/07/2017

Ms. Schwalb,

Sorry I missed the call. As I explained to the anonymous person I spoke to today on the telephone. I do not want to file a complaint. My formal complaint and allegations were made direct to Judge Michael Seabright as allowed for in our US Constitution. in January 2016. Judge Seabright passed on my affidavit and files to the sitting Grand Jury on January 18th, 2016.. Now I have additional information to pass to the Grand Jury. I Inquired as to how to get this information to the Grand Jury via Judge Seabright's clerks and was instructed to contact the FBI as they are handling the current investigation on behalf of the Grand Jury. So is the FBI investigating for the GJ or not? And if so, is the FBI interested in an additional victim to be added to the list of victims? Please advise. Or maybe I should inquire with the US Attorney's office?

-----Original Message-----  
From: Schwalb, Jessica L. (HN) (FBI) (HN) (FBI) <Jessica.Schwalb@ic.fbi.gov>  
To: codefore <codefore@aol.com>  
Sent: Fri, Apr 7, 2017 12:25 pm  
Subject: Re: complaint call placed on 04/07/2017

Dear Mr. James Benish,

An Agent tried to reach you today at 610-591-8801, but was unable to leave a voice message. The best way to file your complaint with the FBI is thru the following website: <https://www.ic3.gov>

Thank you for reaching out,



—Original Message—  
 From: Schwalb, Jessica L. (HN) (FBI) (HN) (FBI) <Jessica.Schwalb@ic.fbi.gov>  
 To: codefore <codefore@aol.com>  
 Sent: Thu, Apr 20, 2017 3:47 pm  
 Subject: RE: complaint call placed on 04/07/2017

Dear Mr. Benish,

I wanted to confirm that I received your affidavit and I am awaiting a response from the US Attorney's office.

Once I hear back from them I will be able to tell you the current status of your case.

Thank you for your patience,  
 FBI Special Agent Jessica Schwalb

From: codefore [mailto:codefore@aol.com]  
 Sent: Saturday, April 08, 2017 4:54 AM  
 To: Schwalb, Jessica L. (HN) (FBI) <jessica.schwalb@ic.fbi.gov>  
 Subject: Re: complaint call placed on 04/07/2017

Ms. Schwalb,

Good morning. I assume you are not working today, so Monday is good enough. I apologize for the phone tag, it was a problem on my end and I have repaired it. All calls should now be routed to my cell. Or you can call direct at 52-868-223-4867.

Here's the skinny. I presented an affidavit for a request for a Grand Jury investigation and presented it to Judge Seabright in Dec. 2015. His clerks initially rejected it (I assume because it was not submitted by an attorney via normal court petition) and threatened to destroy the doc. I questioned them as to what authority they could give me that granted them authority to take this action and got no definitive answer. I then sent an email to Judge Seabright about this and a few days later I received a telephone call from Seabright's office that the documents had been passed to the new sitting jury. This is a fairly high profile case and the local Hawaiian television news did a two part documentary on a portion of it a month or so ago. I spent 20 years as a cop and many of those years working homicide. This whole situation doesn't smell right to me. Since when are allegations of rampant corruption and murder discarded?

It's been over a year now and there has been no indication, interviews etc: that would lend one to believe that there actually is anyone other than me that has worked on this. It's a very interesting case and is also politically charged and my sense is that this has either been squashed in the investigative stage or has never reached the investigative stage. In the mean time its business as usual in Hawaii and I have another victim. Ms. Schwalb, I'm 70 years old this month. I retired from my police duties in 1993 and now am doing a little international consulting and writing and this thing has been haunting me ever since. I live in Mexico now and that's why I had some phone issues yesterday, but I sincerely appreciate this opportunity to communicate with you.

This whole process has taught me that we really don't have much transparency in our country. The Grand Jury Process is secret, and according to the illustrious James Comey, its not FBI procedure to either acknowledge or deny investigations and even a phone call to the FBI doesn't begin with an exchange of names. So based on this there is no forward accountability. How could I or anyone ever know if there has been action taken on a perfectly legal request for a Grand Jury? An action that is guaranteed by our Constitution. Some of the victims have taken it upon themselves to contact the FBI with no acknowledgment of the Grand Jury investigation. This is the first time I have inquired and probably should have sooner but the investigation is comprehensive. I have explained to the victims that this could be active for years.

In short, I am the Courts affiant and have never been contacted by anyone involved in investigating this. In fact I didn't know that this case had been assigned to the FBI until last week when I attempted to get a name from Seabright's court to add another victim and was told to "contact the FBI". This particular victim who alleges violations of RICO is my age, (God Bless her) and is in a wheel chair. You should also take note that I didn't make a complaint directly to the FBI in the first place because of the profound appearance of rampant police impropriety that reached into the Circuit courts, the Governor's office and now heaven forbid the Federal court?

All of the victims, (save the deceased) have basically given up on the system, but even as late as yesterday have kept in contact with me. And now there is a new alleged victim. I'm hoping and so are the victims that the change in national politics and the promise of a purge will open doors of action in Hawaii. I know that on the National level the FBI itself has taken a huge portion of blame and accusations, but as a "flat foot" I also know that the integrity of the portion of the FBI people that actually do the investigations has not lost its sheen, at least not with me.

I am aware of the recent FBI investigations into alleged corruption within certain Hawaiian police agencies, and we all hoped that this was a sign that our Grand Jury was working. Alas, it was not. I have attached my original affidavit and some other docs that support what I have stated in this email for FBI review.

Jim Benish

[http://codeforeblog.com/wp-content/uploads/2016/06/United\\_States\\_District\\_Court-1-to-judge.jpg](http://codeforeblog.com/wp-content/uploads/2016/06/United_States_District_Court-1-to-judge.jpg)

**RE: complaint call placed on 04/07/2017** Apr 21  
 Schwalb, Jessica L. (HN) (FBI) (HN) (FBI) to you [show details](#) ▾

Dear Mr. Benish,

I was able to track down your affidavit with the AUSA's office and they did in fact refer it to the FBI. I have contacted the squad supervisor of WC-1, whose squad received your information. I was told that they will review it again.

When I hear something back from WC-1, myself or an Agent from WC-1 will be in touch with you.

Thank you again for your patience,  
 FBI Special Agent Jessica Schwalb

**From:** codefore (<mailto:codefore@aol.com>)  
**Sent:** Thursday, April 20, 2017 1:14 PM  
**To:** Schwalb, Jessica L. (HN) (FBI) <[Jessica.Schwalb@ic.fbi.gov](mailto:Jessica.Schwalb@ic.fbi.gov)>  
**Subject:** Re: complaint call placed on 04/07/2017

Thank you Jessica. You are the first who has taken an interest. Be advised that today my company Codefore Publishing via a FOI organization with expertise in FOI law and more resources than I have initiated two requests for documents, one from the HI US Attorneys office and one from Judge Seabright's court requesting communication and documents re this case. The FBI was not included because I cannot get past the Court clerks office to verify that anyone else was even sent the information. For your interest here are copies of the last emails with the court. I have not heard from the court since.

Jim

-----Original Message-----

**From:** Schwalb, Jessica L. (HN) (FBI) (HN) (FBI) <[Jessica.Schwalb@ic.fbi.gov](mailto:Jessica.Schwalb@ic.fbi.gov)>  
**To:** codefore <[codefore@aol.com](mailto:codefore@aol.com)>  
**Sent:** Thu, Apr 20, 2017 3:47 pm  
**Subject:** RE: complaint call placed on 04/07/2017

Dear Mr. Benish,

I wanted to confirm that I received your affidavit and I am awaiting a response from the US Attorney's office.

Waiting for ssum-sec.casalemedia.com...