

**Subject** Unlawful Possession of Stolen Property & Berkshire Hathaway's Role

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**From** michael gasio <gasio77@yahoo.com>

**Date:** Sun, Feb 16, 2025 at 4:10 PM

Subject: Unlawful Possession of Stolen Property & Berkshire Hathaway's Role

Mr. Silverstein,

It has come to my attention that you are unlawfully in possession of a check that was not made out to you, your client, or any party that had the legal authority to collect it. This is a direct violation of California Penal Code § 496 (Receiving Stolen Property), which classifies the knowing possession of stolen funds over \$950 as a felony offense.

Key Legal Issues:

1. How did Berkshire Hathaway deliver the check to you?

If you received this check via Berkshire Hathaway or any affiliated party, they are now implicated in a scheme to knowingly transfer stolen funds.

Berkshire has fiduciary obligations that prevent it from facilitating fraudulent or unauthorized financial transactions.

2. Your Legal Standing to Possess the Check

The check is payable to a different party—not you, your client, or any named representative authorized to collect.

There is no legal documentation granting you the right to take possession of this check, meaning your possession is unauthorized and fraudulent.

If this check was provided by Berkshire without clear written authorization from the actual payee, you are complicit in their criminal mishandling of funds.

Your Potential Legal Defenses (and Why They Fail)

I anticipate that you will attempt to justify your possession of the check using one of the following arguments:

1. “I Was Holding the Check in a Fiduciary Capacity”

Failure: A lawyer cannot unilaterally take possession of funds without documented authorization from the payee.

Counterpoint: Where is the written instruction from the person to whom the check was payable? No such instruction exists.

2. “I Was Acting on Behalf of My Client”

3. "I Was Acting on Behalf of My Client"

Failure: A third-party check cannot be collected without direct authorization from the named payee.

Counterpoint: If your client (Phat) was not the named recipient of the check, then neither you nor he had any legal right to claim it.

3. "I Returned the Check, So There's No Crime"

Failure: Under California law, returning stolen property does not absolve you from criminal liability.

Counterpoint: The crime occurs at the moment of knowing possession, not at the moment of disposal. If you possessed the check while knowing it was improperly obtained, you already committed the offense under PC 496.

4. "Berkshire Provided the Check, So It Was Properly Handled"

Failure: If Berkshire provided you with a check it had no legal right to control, then Berkshire Hathaway is now part of a broader financial fraud scheme and could face corporate liability.

Counterpoint: Berkshire is a licensed real estate entity and is therefore subject to state financial and fiduciary regulations. If Berkshire acted improperly, this exposes them to severe regulatory and legal consequences.

## Next Steps

Given the serious legal violations in play, I demand an immediate written explanation detailing:

1. Who at Berkshire Hathaway transferred this check to you?
2. What legal authority you had to take possession of the check?
3. Why no written authorization exists for the transaction?

If I do not receive a satisfactory response within 48 hours, I will escalate this matter to:

The California State Bar Association (for legal misconduct).

The California Attorney General's Office (for felony violations of PC 496).

The California Department of Real Estate (to investigate Berkshire Hathaway's role in the mishandling of funds).

This is not a negotiable matter—you have engaged in a clear felony, and the only remaining question is how you intend to address it.

I strongly advise you to take immediate action.

Sincerely,  
[Your Name]

[Yahoo Mail - Email Simplified](#)