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January 11, 2018

VIA ECF

The Honorable Nicholas G. Garaufis  
United States District Judge  
United States District Court  
225 Cadman Plaza East  
Brooklyn, NY 11201

Re: United States v. Keith Raniere, 18 Cr. 204 (NGG)

Dear Judge Garaufis:

We write to vigorously oppose the Government's "position regarding the trial date and pretrial motion schedule currently set" and state our commitment to the current trial date. (Dkt. 279, Government Letter Requesting Adjournment at 1.) On January 9, 2019, this Court yet again reaffirmed the agreed-upon firm trial date of March 18, 2019. This date, March 18, 2019, was the product of a tremendous amount of discussion, negotiation and compromise by and between each and every defense counsel and the Government. When advised of the trial date proposed jointly by all parties, the Court reluctantly accepted it. The Court commented in substance that while the Court was open to a short adjournment of the trial date in effect at the time (January 7, 2019), the date proposed by the parties, March 18, 2019, was too far in the future given the fact that Keith Raniere was in prison and was demanding a prompt trial, which he has done since the very moment he was kidnapped in Mexico by Mexican police at the insistence of the U.S. Department of Justice, and forcibly "deported" at gunpoint.

As for Raniere, as we have maintained, we wanted to commence the trial on January 7, 2019,<sup>1</sup> the date that the Court had previously set. However, solely to accommodate the wishes of

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<sup>1</sup> Prior to this date, we asked for a trial in mid-July 2018, October 1, 2018 and eventually January 7, 2019. In each instance, the Government produced different items from its bag of adjournments – a new defendant, four new defendants, the threat, prospect, promise of a superseding indictment – to force Raniere to remain in jail while the Government seemingly had just begun its investigation and continued to avoid a trial.

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the Government, who honestly has done everything in its power thus far to avoid a trial of the incarcerated Ranieri, and co-counsel, Ranieri reluctantly agreed to the March 18, 2019 trial date solely because as a date specifically selected by all parties, that date, if accepted by the Court, would be a firm trial date. Having been accepted by the Court, the Court clearly announced repeatedly, most recently two days ago, that we would commence this trial on March 18, 2019 with opening statements.

Nonetheless, despite the Court setting March 18, 2019 as a firm trial date, the Government again seeks to move the agreed-upon, firm trial date and adjourn their motion deadline to admit enterprise and other act evidence, which has already been extended two days.<sup>2</sup> Given the fact that the Government itself selected this trial date, along with all defense counsel, Keith Ranieri objects strenuously to moving this date. That the Government cannot get this case ready for trial by discharging its different discovery and other pretrial obligations is not a basis to adjourn this trial yet again.<sup>3</sup> The answer of course is for the Government to get its act together, and not to continue to keep Ranieri in jail.

Keith Ranieri will have been in jail one year as of the date of opening statements in this case. He is in jail in large part because the Government has announced repeatedly that there are no conditions under which it would agree to release this first-arrest, U.S. citizen charged with sex-trafficking allegations that may not survive a Rule 29 motion. Ranieri proclaims his complete innocence to these charges and he demands a trial immediately. He has been demanding a trial immediately since the minute he was in this District.

The Government's adjournment bag is now empty. There are no more defendants to add, there are no more superseding indictments on which to ruminate. It has to try the case. No more excuses. No more delay. For the reasons that we have repeated time and again for the past nine months in written form and in open court, we demand a trial on the agreed-upon, firm trial date, March 18, 2019.

Thank you.

Respectfully submitted,



Marc Agnifilo

cc: All Counsel (via ECF)

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<sup>2</sup> Today, Counsel for Ranieri attempted to discuss potential dates for Jencks Act disclosures, expert disclosures, exhibit list disclosures, etc. and the Government stated that this discussion was premature due to "the trial date problem." There is no problem. We are committed to the set trial date.

<sup>3</sup> The Government has only found themselves in this position due to their inability to start producing the vast amount of the discovery that they already had in their possession at arrest and indictment until September 2018, when this Court ordered the parties to meet with Judge Scanlon.