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January 31, 2019

VIA ECF

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

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

Dear Judge Garaufis:

We write to supplement our Third Motion for Bond (Dkt. 303) and reply to the Government's short letter in response to the Motion (Dkt. 304). We write to alert the Court to Raniere's detention at the MDC, which is functioning as a more extreme deprivation of his rights than what is typical for pretrial detainees. During the Government shutdown, legal visiting was constantly suspended, making pretrial and trial preparation extremely difficult.¹ When the Government reopened, legal visiting resumed and we did not include this to our Motion for Bond (Dkt. 303) because regular visiting would apparently have resumed. However, now, even after the temporary resolution of the shutdown, we have been prevented from visiting Raniere because the MDC has been closed all week.

MDC has been without heat, electricity, hot water, commissary or warm food since January 27, 2019, following an apparent fire in the institution. Raniere has relayed to us, through a colleague in the Federal Defender's Office, that MDC has not provided Raniere with any means to keep warm—and apparently the temperature in the institution is 44 degrees. Raniere has also informed us that the corrections officers are wearing masks to mask the smell of noxious fumes, but have not provided any masks to the inmates.

¹ Often without advance notice, legal visiting at the MDC was suspended on January 4, 5, 6, 9, 10, 11, 14 and 21.

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These conditions have substantially hindered trial preparation. Counsel has been unable to follow up Monday's proceedings and issues raised during that appearance, review multiple recent filings, and prepare Ranieri for the February 6 court appearance and issues to be addressed at the conference. Counsel has called MDC daily asking when we can next expect to be able to see Ranieri and they have been unable to answer us. Even in the frigid temperatures during the Polar Vortex this week, counsel Danielle Smith traveled to the MDC from Albany, NY to see visit our client and assess the situation in person. The guards would not let her in.

These conditions merit relief. Not only is Ranieri in MDC with no heat or hot water in the coldest temperatures in the United States to date this year, but he is also unable to meet with counsel to prepare for his imminent trial. In a case that the Government requested be deemed complex,² with a significant volume of discovery, it will be nearly impossible to prepare for trial with Ranieri detained. The lack of counsels' access to our client represent a violation of his Due Process rights as set forth in our bail application and his Right to the effective assistance of counsel.

Thank you for your consideration.

Respectfully submitted,



Marc Agnifilo
Teny Geragos
Paul DerOhannesian
Danielle Smith

cc: All Counsel (via ECF)

² The Government notes that “defendant calls the government’s request to designate the case complex a ‘ruse,’ despite this Court’s finding of complexity (DE 138) and the defendant’s affirmative consent to the complex case designation at every court appearance since the finding was made.” (Dkt. 304 at 1 at n.1.) Ranieri notes, as he has since the Government first sought to designate this case complex in September, that the complex nature of it “is a problem of the government’s own making.” (September 12, 2018 Ltr .on Behalf of All Defendants at 3.) Counsel stated then, and has stated since that “the government has frustrated defense counsel at every turn in our efforts to make this case manageable.” (Id.)