

BRAFMAN & ASSOCIATES, P.C.

ATTORNEYS AT LAW

767 THIRD AVENUE, 26TH FLOOR

NEW YORK, NEW YORK 10017

TELEPHONE: (212) 750-7800

FACSIMILE: (212) 750-3906

E-MAIL: ATTORNEYS@BRAFLAW.COM

BENJAMIN BRAFMAN

MARK M. BAKER
OF COUNSEL

MARC A. AGNIFILO
OF COUNSEL

ANDREA L. ZELLAN
JOSHUA D. KIRSHNER
JACOB KAPLAN
TENY R. GERAGOS
ADMITTED IN NY & CA
STUART GOLD

June 9, 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 Ranieri, 18 Cr. 204 (NGG)

Dear Judge Garaufis:

Defendant Keith Ranieri respectfully submits this letter to supplement his June 7, 2019 letter requesting a good faith charge, among others. (Dkt. 692.) In the June 9th letter, we requested the good faith defense charge from Sand, *Modern Federal Jury Instructions*. We supplement this to request the following Good Faith charge:

Good faith is a complete defense to the charges in this case. If the defendant believed in good faith that he was acting properly, even if he was wrong or was mistaken in that belief, and even if others were injured by his conduct, there would be no crime.

Therefore, if Mr. Ranieri genuinely believed that he was acting properly or that he believed in the truth of representations he made, it does not matter that his conduct was improper or that his representations were untrue.

The burden to establish lack of good faith and criminal intent rests on the Government. The defendant is under no burden to prove his good faith. Rather, the Government is under an obligation to prove bad faith beyond a reasonable doubt. (Adapted from *United States v. Shkreli*, No. 15-cr-637 (KAM), Dkt. 295 at 83 (E.D.N.Y. July 28, 2017); *United States v. Mangano, et al.*, No. 16-cr-540 (JMA) (E.D.N.Y.).)

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Thank you for your consideration.

Respectfully submitted,

/s/
Marc A. Agnifilo, Esq., *Of Counsel*
Teny R. Geragos, Esq.

cc: Counsel for the government (via ECF)