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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA**

CV-22-00212-TUC-RM

DEFENDANTS' RESPONSE TO MOTION FOR PRELIMINARY INJUNCTION

16 Defendants Garland, Carvajal and Colbert,¹ acting in their official capacity by and
17 through undersigned counsel, respond to Plaintiff's Motion for Preliminary Injunction (Doc.
18 7). For the reasons discussed below, Defendants request that the Court deny the Motion.

I. Background

A. Plaintiff Keith Raniere

21 A jury convicted Plaintiff Keith Raniere of Racketeering, Racketeering Conspiracy,
22 Forced Labor Conspiracy, Wire Fraud Conspiracy, Sex Trafficking, Attempted Sex
23 Trafficking and Sex Trafficking Conspiracy. (Ex. A, Flores Decl., ¶ 4, Att. 1, SENTRY
24 Public Information, pp. 2-4; Att. 2, Judgment, pp. 1-4.) Plaintiff was sentenced to 120 years
25 in prison. (*Id.*) Plaintiff's sentencing judge specifically ordered that Plaintiff "shall not
26 associate in person, through mail, electronic mail or telephone with any individual *with an*
27 *affiliation to Executive Success Programs, Nxivm, DOS or any other Nxivm-affiliated*

²⁸ ¹ Barbara von Blanckensee is no longer the warden at USP Tucson. The current acting warden, Danon Colbert, is substituted in her place pursuant to Rule 25, Fed. R. Civ. P.

1 organizations.” (Ex. A, ¶ 5, Att. 2, p. 9.) (Emphasis added.)

2 **B. Suneel Chakravorty**

3 **1. Sentencing Memorandum**

4 Between the jury’s verdict and the court’s sentence, Plaintiff continued to regularly
 5 contact people affiliated with NXIVM, including Suneel Chakravorty, and the government
 6 informed the judge of that fact in its sentencing memorandum. *United States v. Raniere*,
 7 Case No. 1:18-cr-00204-NGG-VMS, Dkt. 914 (E.D. N.Y. August 27, 2020).² The
 8 government noted that “in a March 12, 2020 call with Suneel Chakravorty, one of Raniere’s
 9 supporters, [Plaintiff] addressed his conduct with respect to [a victim], stating that she
 10 ‘would have to go back to Mexico or she had to explain to people how she was going to stop
 11 from all the stealing and the other things that she was doing. She also had to finish a book
 12 report. She had a number of different book reports she was supposed to do and she was seen
 13 as being very prideful about it and no matter what, she would do anything, you know, say
 14 anything, but never just sit down and simply finish the book report.’ [Dkt. 914-3 at 22.³] [Ex. C, p. 22.] [Plaintiff] described [the victim] as engaging him a ‘battle of wills’ and who
 15 ‘threw, like, uh, what would be a massive sort of tantrum.’ [Dkt. 914-3 at 23.] [Ex. C, p.
 16 23.]” Dkt. 914 at 52-53. (Ex. B, pp. 52-53.)

17 The government also informed the court that “[i]n addition, [Plaintiff] has
 18 demonstrated a disregard for the law and for the system of justice. In many phone calls with
 19 Mr. Chakravorty, [Plaintiff] expresses contempt for the prosecution and the Court. For
 20 instance, during an April 8, 2020 phone call with Mr. Chakravorty, [Plaintiff] stated that ‘the
 21 major witnesses all lied’ and expressed his view that ‘this judge’ – referring to the Court –
 22 was corrupt. [Dkt. 914-3 at 44.] [Ex. C, p. 44.] [Plaintiff] further stated that they had to ‘get
 23 scrutiny on this judge, get some pundit who is willing to speak out about what this judge is
 24 saying, which is crazy, and the judge needs to know he’s being watched’ [Dkt. 914-3 at
 25 53.] [Ex. C, p. 53.]” Dkt. 914 at 53-54. (Ex. B, pp. 53-54.)

26

27 ² A copy of the Sentencing Memorandum is attached hereto as Exhibit B.

28

³ A copy of Exhibit D to the Sentencing Memorandum is attached hereto as Exhibit C.

1 The Bureau of Prisons (Bureau) suspended calls between Plaintiff and Mr.
 2 Chakravorty in July 2020, and, thereafter, Plaintiff “entered an individual [to his contact list]
 3 under the name ‘Issac Edwards.’ The address provided by [Plaintiff] for ‘Issac Edwards’ is
 4 fabricated and the phone number provided by [Plaintiff] for ‘Issac Edwards’ belongs to a
 5 burner phone. Subsequent calls between [Plaintiff] and ‘Issac Edwards’ reflect that ‘Issac
 6 Edwards’ is Mr. Chakravorty.” Dkt. 914 at 56 n. 14. (Ex. B, p. 56.)

7 Plaintiff “also directed his supporters to develop a podcast and to set up a ‘contest’
 8 in which members of the public would be invited to find purported errors in [his] prosecution
 9 and trial in exchange for a cash prize. In many phone calls, Mr. Chakravorty describes his
 10 efforts to find ‘judges’ – i.e., members of the public – to evaluate submissions for the contest
 11 and ‘check[] the prosecutor’s homework.’” [Dkt. 914-3 at 50.] [Ex. C, p. 50.]; see, e.g., [Dkt.
 12 914-3 at 25, 43.] [Ex. C, p. 25, 43.]” Dkt. 914 at 54. (Ex. B, p. 54.) Also, “[i]n subsequent
 13 calls, [Plaintiff] offers lengthy diatribes on the criminal justice system for Mr. Chakravorty to
 14 record, similar to the ‘verbal downloads’ that were described at [his] trial.” Dkt. 914 at 54.
 15 (Ex. B, p. 54.)

16 Plaintiff recognized that Mr. Chakravorty’s communications with Plaintiff’s attorney
 17 were not protected by the attorney client privilege. On April 24, 2020, Plaintiff stated to Mr.
 18 Chakravorty: “Right. We have 10 seconds. You may want to somehow become his client, so
 19 you’ll have attorney client privilege. But I mentioned that in an email to him just a few
 20 minutes ago.” Dkt. 914-3 at 64. (Ex. C, p. 64.)

21 **2. Bureau Records on Mr. Chakravorty from New York**

22 As early as July 16, 2020, the Bureau recognized that Plaintiff and Mr. Chakravorty
 23 were engaging in behavior that compromised the security of the facility in which Plaintiff
 24 was held. (Ex. D, Gallion Decl., ¶ 5, Att. 2, CTU Memo.) Specifically, Plaintiff and Mr.
 25 Chakravorty were recording prison-initiated telephone calls to use in podcasts and
 26 “interviews [Plaintiff] is pursuing to use in HBO, Netflix and Showtime.” (*Id.*)
 27 Additionally, they were endangering the security of the facility and the public by organizing
 28 “a group of women to show up regularly and dance provocatively for inmates to view

1 through their cell windows.” (*Id.*) Plaintiff “directed Suneel [Chakravorty] to contact more
 2 women” to “danc[e] erotically” which led to a request for Plaintiff to be moved to another
 3 housing unit. (*Id.*) Plaintiff also informed Mr. Chakravorty about “the staff work schedules
 4 and indicated his protesters should wait outside for the staff and offer donuts and coffee as
 5 they exit the facility.” (*Id.*) (internal quotation marks omitted).

6 The Counter Terrorism Unit (CTU) concluded, “[Plaintiff’s] manipulative behavior
 7 continues to manifest from behind the prison through the help of Suneel Chakravorty.
 8 [Plaintiff’s] actions would place the safety and security of staff and the public at risk.” (*Id.*)
 9 The CTU recommended that Mr. Chakravorty be removed as one of Plaintiff’s approved
 10 contacts. (*Id.*) The Warden concurred, and Mr. Chakravoty was removed from Plaintiff’s
 11 approved contact list. (Ex. D, ¶ 8, Att. 3, Warden Approval E-Mail, p. 1.)

12 **3. Mr. Chakavorty’s Representations to the New York District Court**

13 On November 28, 2021, Mr. Chakravorty wrote to the district court judge presiding
 14 over *Edmonson v. Raniere*, Case 1:20-cv-00485-EK-CLP (E.D. N.Y.), a civil action brought
 15 by some of Plaintiff’s victims. Mr. Chakravorty clearly identified himself as holding
 16 Plaintiff’s power of attorney, not as a paralegal *working for* Plaintiff’s attorneys. *Id.* at Dkt.
 17 123.⁴ He indicated that he would “request a transcript of the hearing and have Mr. Raniere’s
 18 criminal attorney send it to him.” *Id.* The letter is not on an attorney’s letterhead. *Id.*

19 Similarly, on October 30, 2021, Mr. Chakravorty wrote to the court in the same case,
 20 identifying himself as “not a party to this case, nor am I an attorney. I am defendant Keith
 21 Raniere’s power of attorney.” *Id.* at Dkt. 121.⁵ He further indicated that “as Mr. Raniere’s
 22 power of attorney, [he had] referred cyber forensics experts to his criminal counsel.” *Id.*
 23 Again, the letter is not on an attorney’s letterhead. *Id.*

24 **C. Restrictions on Mr. Chakravorty at USP Tucson**

25 **1. Bureau Policies on Visitation and Telephone Privileges**

26 As to inmate friends and associates, “[t]he visiting privilege ordinarily will be

27 ⁴ A copy of the letter is attached hereto as Exhibit E.

28 ⁵ A copy of the letter is attached hereto as Exhibit F.

1 extended to friends and associates having an established relationship with the inmate prior to
 2 confinement, *unless such visits could reasonably create a threat to the security and good*
 3 *order of the institution.* Exceptions to the prior relationship rule may be made, particularly
 4 for inmates without other visitors, *when it is shown that the proposed visitor is reliable and*
 5 *poses no threat to the security or good order of the institution.”* 28 C.F.R. § 540.44(c).
 6 (Emphasis added.) “Regardless of the institution’s security level, the inmate must have
 7 known the proposed visitor(s) prior to incarceration.⁶ The Warden must approve any
 8 exception to this requirement.” P.S. 5267.09, *Visiting Regulations*, p. 6.⁷ (Ex. D, ¶ 9.)

9 “Use of TRULINCS is a privilege; therefore, the Warden may limit or deny the
 10 privilege of a particular inmate.” P.S. 4500.12, Trust Fund/Deposit Fund Manual, p. 126.⁸
 11 (Ex. D, ¶ 12.) “Inmates may be subject to telephone restrictions imposed by the Warden to
 12 protect the safety, security, and good order of the institution, as well as to protect the public.”
 13 P.S. 5264.08, Inmate Telephone Regulations, p. 14.⁹ (Ex. D, ¶ 13.)

14 “The Bureau of Prisons recognizes the use of assistants by attorneys to perform legal
 15 tasks and, with proper controls and exceptions enumerated . . . accords such assistants the
 16 same status as attorneys with respect to visiting and correspondence.” 28 C.F.R. § 543.16(a).
 17 “The special visiting/correspondence status accorded to paralegals, clerks, and legal
 18 assistants depends on an ongoing, supervisory relationship with an attorney on an approved
 19 visiting/correspondence list. Absent any current supervisory relationship, such persons may
 20 only receive social visiting or general correspondence privileges.” P.S. 1315.07, *Inmate*

21 ⁶ The Supreme Court approved a similar regulation in *Pell v. Procunier*, 417 U.S. 817,
 22 827 (1974), because “[i]n the judgment of the state corrections officials, this visitation policy
 23 will permit inmates to have personal contact with those persons who will aid in their
 24 rehabilitation, while keeping visitations at a manageable level that will not compromise
 25 institutional security. Such considerations are peculiarly within the province and
 26 professional expertise of corrections officials, and, in the absence of substantial evidence in
 27 the record to indicate that the officials have exaggerated their response to these
 28 considerations, courts should ordinarily defer to their expert judgment in such matters.”

7 Available at https://www.bop.gov/policy/progstat/5267_09.pdf (last visited on May 27, 2022).

8 Available at <https://www.bop.gov/policy/progstat/4500.12.pdf> (last visited on May 27, 2022).

9 Available at https://www.bop.gov/policy/progstat/5264_008.pdf (last visited on May 27, 2022).

1 *Legal Activities*, p. 19.¹⁰ (Ex. A, ¶ 6.)

2 “The attorney who employs an assistant and who wishes the assistant to visit or
 3 correspond with an inmate on legal matters shall provide the Warden with a signed statement
 4 including: (1) Certification of the assistant’s ability to perform in this role and awareness of
 5 the responsibility of this position; (2) A pledge to supervise the assistant’s activities; and (3)
 6 Acceptance of personal and professional responsibility for all acts of the assistant which may
 7 affect the institution, its inmates, and staff. The Warden may require each assistant to fill out
 8 and sign a personal history statement and a pledge to abide by Bureau regulations and
 9 institution guidelines. If necessary to maintain security and good order in the institution, the
 10 Warden may prohibit a legal assistant from visiting or corresponding with an inmate.”²⁸
 11 C.F.R. § 543.16(b)(1)-(3). “The Warden may require each paralegal, clerk, or legal assistant
 12 to complete a BP-S243.013” Application to Enter Institution as Representative form¹¹ as well
 13 as the BP-S242.013 Paralegal or Legal Assistant Agreement form.¹² P.S.1315.07, *Inmate*
 14 *Legal Activities*, pp. 18-19.¹³ (Ex. A, ¶ 7.)

15 **2. Mr. Chakravorty at USP Tucson**

16 On May 2, 2021, Mr. Chakravorty’s visiting privileges were denied as the
 17 “prospective visitor/applicant did not have an established relationship with [Plaintiff] prior to
 18 [his] incarceration.” (Ex. D, ¶ 10, Att. 4, Visitor Denial Notice.) In October 2020, Mr.
 19 Chakravorty had admitted to the New York District Court that his “first conversation with
 20 Keith Raniere was in prison, after his trial. At this time, he and I were complete strangers.”
 21 (Ex. D, ¶ 11, Att. 5, Sentencing Court Documents Excerpt, p. 1.) Mr. Chakravorty also
 22 detailed his involvement with NXIVM, as a coach for Executive Success Programs (ESP)
 23 and NXIVM, and his decision to “stay involved even during an international media storm.

24 ¹⁰ Available at https://www.bop.gov/policy/progstat/1315_007.pdf (last visited on May
 25 27, 2022).

26 ¹¹ Available at https://www.bop.gov/policy/forms/BP_A0243.pdf (last visited on May
 27 27, 2022)

27 ¹² Available at https://www.bop.gov/policy/forms/BP_A0242.pdf (last visited on May
 27 27, 2022).

28 ¹³ Available at https://www.bop.gov/policy/progstat/1315_007.pdf (last visited on May
 27, 2022).

1 To me, ESP did not seem like a sinister organization[,]” and “that is why I chose to continue
 2 as a coach up u[n]til the companies closed in May 2018.” (*Id.* pp. 2-4.)

3 In early May 2022, the SIS Department at USP Tucson was monitoring telephone
 4 calls between Plaintiff and Mr. Chakravorty. (Ex. D, ¶ 14.) They spoke to each other about
 5 being “at war” with the federal government that would be “no holds barred.” Even more
 6 concerning than this language of being “at war,” Plaintiff asked about the quality of the
 7 recordings and stated that he has many recordings. As indicated above, Mr. Chakravorty
 8 previously recorded telephone conversations with Plaintiff while he was incarcerated in New
 9 York. (*Id.*) The CTU recommended that the USP Tucson SIS Department remove all of
 10 Plaintiff’s current contacts and review all future contact requests. (*Id.*) The SIS Department
 11 may determine whether any requested individuals are affiliated with NXIVM, ESP, DOS or
 12 any other NXIVM -affiliated organizations, as prohibited by the special conditions of
 13 supervised release in the Judgment. (Ex. D, Att. 6, Judgment, p. 9.) If it is dangerous for
 14 Plaintiff to have access to particular individuals once released, it is also a security risk to
 15 allow Plaintiff to have access to these same individuals while incarcerated. (Ex. D, ¶ 16.)

16 On May 3, 2022, as a result of the findings of the SIS Department and in
 17 consultation with the CTU, the USP Tucson Warden imposed limitations on Plaintiff’s
 18 contact list. (Ex. D, ¶ 15, Att. 7, Service Limitation Notice.) Plaintiff was limited to a
 19 maximum of ten active contacts, not including counsel. (*Id.*) His then current contacts were
 20 removed, except Marianna Fernandez and nine verified attorneys. (*Id.*, Att. 8, TRULINCS
 21 Active Contact List (Redacted), pp. 1-3.) In the future, if Plaintiff wants to add more
 22 contacts to his approved TRULINCS list, the SIS Department will review the individuals as
 23 part of the approval process. (Ex. D, ¶ 18.) As of May 31, 2022, Plaintiff had not requested
 24 that additional individuals be added to his approved TRULINCS contact list. (*Id.*)

25 The limitations on Plaintiff’s contact list do not impede Plaintiff’s access to his
 26 attorneys via legal mail, legal calls and legal visits. (Ex. D, ¶ 17.) Plaintiff may still access
 27 his attorneys through these confidential lines of communication. (*Id.*) In addition to the
 28 numerous legal calls, Plaintiff has had “frequent legal visits.” (Ex. A, ¶ 15.) His second this

1 week is scheduled for today.

2 When the restrictions were imposed, Acting SIA Gallion was not aware of
 3 Plaintiff's litigation regarding his New York conviction and sentence. All recommendations
 4 and determinations made, as reflected above, were made for the safety, security and good
 5 order of the institution and not in any way to hinder Plaintiff's legal efforts. (Ex. D, ¶ 19.)

6 **D. First Amended Complaint**

7 On May 6, 2022, Plaintiff filed the First Amended Complaint (FAC) alleging that the
 8 Bureau was interfering with his First and Sixth Amendment rights.¹⁴ (Doc. 3.) Specifically,
 9 Plaintiff alleged that on that same day "Defendants interfered and frustrated that legal call
 10 by, among other things, causing the phone call to be cut off before Plaintiff and [attorney]
 11 Dougherty had concluded their conversation." (*Id.* at 6.) Plaintiff also alleged that "[o]n
 12 May 4, 2022, Plaintiff was on a privileged legal call with attorney Tully, when the call was
 13 apparently terminated prematurely, and without warning." (*Id.* at 5.) Plaintiff alleged that
 14 Mr. Tully anticipated that the judge in Plaintiff's New York criminal case would set a
 15 hearing on a Rule 33 motion he filed on May 3, 2022, and that Mr. Tully needed to consult
 16 with Plaintiff to prepare for the hearing. (*Id.*) Plaintiff also alleged that on April 28, 2022,
 17 Mr. Tully had requested the Second Circuit to stay Plaintiff's appeal from his criminal
 18 conviction pending a ruling on the Rule 33 motion. (*Id.* at 4.) The FAC did not include any
 19 allegations that Mr. Tully needed to confer with Plaintiff in order to file a different Rule 33
 20 motion before a June 19, 2022, deadline. (Doc. 3, generally.)

21 **E. Second Circuit and New York District Court Rulings**

22 On April 29, 2022, the Second Circuit denied Plaintiff's April 28, 2022, motion to

24 ¹⁴ In his FAC, Plaintiff recognized that he failed to exhaust administrative remedies
 25 prior to filing suit. (Doc. 3 at 9.) The record is clear that administrative remedies are
 26 available at USP Tucson, that Plaintiff is aware of how to use the administrative remedy
 27 process, that administrative remedy forms were available to him and that he failed to file any
 28 administrative remedies relating to issues underlying the FAC or the Motion for Preliminary
 Injunction. (Ex. A, ¶¶ 18-32, Att. 5, USP Tucson Inmate A&O Handbook Excerpt (Jan.
 2017); Att. 6, TCX 1330.18B, *Administrative Remedy Program*; Att. 7, SENTRY
 Administrative Remedy Index.) The FAC should be dismissed for Plaintiff's failure to
 exhaust administrative remedies. *See Porter v. Nussle*, 534 U.S. 516, 532 (2002); *Booth v.
 Churner*, 532 U.S. 731, 741 (2001).

1 stay his criminal appeal pending a Rule 33 motion. *Raniere v. United States*, Case 20-3789,
 2 Dkt 193 (2nd Cir. April 29, 2022).¹⁵ On May 9, 2022, the New York District Court deferred
 3 consideration of Plaintiff's Rule 33 motion due to the ongoing appeal, ordering:

4 “ORDER: The Court is in receipt of Defendant Keith
 5 Raniere’s [1168](#) motion for a new trial and [1170](#) motion for recusal. The
 6 judgment of conviction has been appealed to the United States Court of
 7 Appeals for the Second Circuit and is now *sub judice* after oral argument.
 8 Accordingly, pursuant to Federal Rules of Criminal Procedure 33(b)(1)
 9 and 37(a)(1), and in the interest of judicial economy, the court defers
 10 consideration of the motions until the Second Circuit resolves the pending
 11 appeal. The court will provide further instruction to the parties at that time.
 12 Ordered by Judge Nicholas G. Garaufis on 5/9/2022.”

13 *Raniere*, Case No. 1:18-cr-00204-NGG-VMS (E.D. N.Y. May 9, 2022). Accordingly, there
 14 is no hearing imminent. Plaintiff neglected to mention the Order in his Motion for
 15 Preliminary Injunction, filed on May 26, 2022, seventeen days later. (Doc. 7.)

16 **F. Plaintiff's Legal Calls**

17 One of a Correctional Counselor’s regular duties is to set up legal calls. (Ex. A, ¶ 9.)
 18 When an attorney requests a legal call, the inmate’s counselor ensures the attorney is
 19 licensed and in good standing. (*Id.*) Inmate legal calls are prioritized by institutional safety
 20 and security, staffing, facility availability, demand among the inmate population and current
 21 conditions within the institution (e.g., COVID-19 measures, security threats, lockdown, etc.).
 22 (*Id.*) When legal calls occur in the housing unit, the inmate reports to the counselor’s office
 23 at the appointed time, and the counselor facilitates the call. (*Id.*) Inmate legal calls are not
 24 audio-recorded or monitored. (*Id.*) Instead, when a legal call takes place in a staff office, the
 25 staff member places the call and remains in the office until the connection is made with the
 26 inmate’s attorney or appropriate staff. (*Id.*) Once the attorney or staff member is on the line,
 27 the counselor leaves the room and visually monitors the inmate from outside the room. (*Id.*)
 Once outside the room, the counselor cannot hear the content of the legal telephone call.
 (*Id.*) Plaintiff’s legal calls have been and will continue to be coordinated within the
 institution’s normal procedures. (*Id.* ¶ 10.) He has not been targeted for any restrictions on
 his ability to have legal telephone calls. (*Id.*)

28 ¹⁵ A copy of the Order denying stay is attached hereto as Exhibit G.

1 Additionally, Plaintiff's counselor keeps a log of his legal calls. (Ex. A, ¶ 11, Att. 3,
 2 Legal Call Log I.) As of May 31, 2022, the log shows 32 legal calls facilitated by Plaintiff's
 3 counselor since October 4, 2021, with an additional call scheduled for June 1, 2022. (*Id.*)
 4 Many others have occurred since. Most calls lasted one hour, with one call an hour and a
 5 half and another one thirty minutes. (*Id.*) The log includes a call on May 4, 2022, between
 6 Joseph Tully and Plaintiff, which lasted an hour. (*Id.*) The call was not disconnected. (*Id.* ¶
 7 12.) When a call is disconnected, Plaintiff's counselor attempts to reestablish the call. (*Id.*)

8 Others have facilitated legal calls for Plaintiff as well. Between January 5, 2022,
 9 and May 27, 2022, Counselor Ashworth placed sixteen legal calls to Plaintiff's attorneys.
 10 (*Id.* ¶ 13, Att. 4, Legal Call Log II.) Most lasted an hour, with one two hours and one thirty-
 11 five minutes. (*Id.*) On May 6, 2022, Case Manager Watson facilitated a call between
 12 Plaintiff and Mr. Daugherty. (Ex. H, Watson Decl., ¶ 5.) During the legal call, the
 13 connection was lost. (*Id.*) Case Manager Watson called Mr. Daugherty back, and the legal
 14 call resumed without further incident. (*Id.*) There is no evidence of anything nefarious.

15 **II. Legal Standards**

16 **A. Rule 33(b)(1), Fed. R. Crim. P.**

17 Rule 33(b)(1), Fed. R. Crim. P., provides:

18 *Newly Discovered Evidence.* Any motion for a new trial grounded on newly
 19 discovered evidence must be filed within 3 years after the verdict or finding of guilty.
 20 *If an appeal is pending, the court may not grant a motion for a new trial until the
 appellate court remands the case.*

21 (Emphasis added.) Rule 33 is not jurisdictional, as explained by the Second Circuit:

22 Although Rule 33 is an ‘inflexible claim-processing rule,’ it is not ‘jurisdictional’ and
 23 is therefore subject to the time-modification provisions of Rule 45(b) of the Federal
 24 Rules of Criminal Procedure. *Eberhart v. United States*, 546 U.S. 12, 13, 126 S. Ct.
 403, 163 L. Ed. 2d 14 (2005) (per curiam) (explaining that if Rule 33 were
 25 ‘jurisdictional,’ i.e., created by statute, it would not be subject to waiver or forfeiture
 and could be raised for the first time on appeal).

26 *United States v. Owen*, 559 F.3d 82, 83-84 (2d Cir. 2009).

27 **B. Standards for a Preliminary Injunction**

28 “A preliminary injunction is ‘an extraordinary and drastic remedy, one that should
 not be granted unless the movant, *by a clear showing*, carries the burden of persuasion.’”

1 *Lopez v. Brewer*, 680 F.3d 1068, 1072 (9th Cir. 2012) (quoting *Mazurek v. Armstrong*, 520
 2 U.S. 968, 972 (1997) (per curiam)) (emphasis added); *see also Winter v. NRDC, Inc.*, 555
 3 U.S. 7, 24 (2008) (citation omitted) (“[A] preliminary injunction is an extraordinary remedy
 4 never awarded as of right.”). Whether for a temporary restraining order or a preliminary
 5 injunction, the test is the same. *White v. Lindermen*, No. CV 11-8152-PCT-RCB (ECV),
 6 2012 WL 5040850, at *1 (D. Ariz. Oct. 18, 2012) (citations omitted).

7 A plaintiff seeking preliminary injunctive relief must show (1) he is likely to succeed
 8 on the merits, (2) he is likely to suffer irreparable harm without an injunction, (3) the balance
 9 of equities tips in his favor, and (4) the requested injunction is in the public interest. *Fuller*
 10 *v. Granville*, No. CV 14-0020-PHX-DGC, 2014WL4541122, at *6 (D. Ariz. Sept. 12, 2014)
 11 (citing *Winter*, 555 U.S. at 20). Alternatively, the plaintiff may establish “serious questions
 12 going to the merits” – something less than a likelihood of success on the merits – but only if
 13 the plaintiff also establishes that the “balance of hardships tips sharply in the plaintiff’s
 14 favor” and the other two elements of the *Winter* test are met. *All. For The Wild Rockies v.
 15 Cottrell*, 632 F.3d 1127, 1135 (9th Cir. 2011). Under the “serious questions” test, the
 16 plaintiff must make a stronger showing of one element to offset a weaker showing of
 17 another. *Id.* Whichever formulation of the standard is applied, the movant has the burden of
 18 proof on each element of the test. *Env'l Council of Sacramento v. Slater*, 184 F. Supp. 2d
 19 1016, 1027 (E.D. Cal. 2000).

20 Further, a preliminary injunction is “merely to preserve the relative positions of the
 21 parties until a trial on the merits can be held.” *Univ. of Tex. v. Camenisch*, 451 U.S. 390, 395
 22 (1981). Thus, “there is a heightened burden where a plaintiff seeks a mandatory preliminary
 23 injunction (one that would alter the status quo), which should not be granted ‘unless the facts
 24 and law clearly favor the plaintiff.’” *White*, 2012 WL 5040850, at *1 (quoting *Comm. of
 25 Cent. Am. Refugees v. Immigration and Naturalization Serv.*, 795 F.2d 1434, 1441 (9th Cir.
 26 1986)).

27 The Prison Litigation Reform Act (PLRA) imposes further requirements on a
 28 prisoner who seeks injunctive relief. The PLRA requires that any injunctive relief be

1 narrowly drawn and the *least intrusive means* necessary to correct the harm. 18 U.S.C.
 2 § 3626(a)(2); *Gilmore v. Cal.*, 220 F.3d 987, 999 (9th Cir. 2000). Under the PLRA, “[t]he
 3 court shall give substantial weight to any adverse impact on public safety or the operation of
 4 a criminal justice system caused by the relief.” 18 U.S.C. § 3626(a)(2). Courts recognize
 5 that, “because the problems of prisons in America are complex and intractable, and because
 6 courts are particularly ill equipped to deal with these problems, [courts] generally have
 7 deferred to the judgments of prison officials.” *Shaw v. Murphy*, 532 U.S. 223, 229 (2001)
 8 (internal quote marks and citation omitted).

9 **C. Standards Regarding Bureau Policies and Correctional Judgment**

10 The Supreme Court has made it clear that “a prison regulation [that] impinges on
 inmates’ constitutional rights … is valid if it is reasonably related to legitimate penological
 11 interests. In our view, such a standard is necessary if ‘prison administrators …, and not the
 12 courts, [are] to make the difficult judgments concerning institutional operations.’” *Turner v.*
Safley, 482 U.S. 78, 89 (1987). First, the regulation cannot be “arbitrary or irrational,” and
 15 the “governmental objective must be a legitimate and neutral one.” *Id.* at 90. Second, if
 16 “there are alternative means of exercising the right that remain open to prison inmates,” then
 17 “courts should be particularly conscious of the ‘measure of judicial deference owed to
 18 corrections officials … in gauging the validity of the regulation.’” *Id.* (quoting *Procunier*,
 19 417 U.S. at 827). Third, the court considers the impact accommodation would have on the
 20 allocation of prison resources, guards and other inmates. *Id.* “When accommodation of an
 21 asserted right will have a significant ‘ripple effect’ on fellow inmates or on prison staff,
 22 courts should be *particularly deferential to the informed discretion of corrections officials.*”
 23 *Id.* (Emphasis added.) Finally, the court considers whether there is a ready alternative or the
 24 regulation is an “‘exaggerated response’ to prison concerns.” *Id.* Thus, “if an inmate
 25 claimant can point to an alternative that fully accommodates the prisoner’s rights at *de*
minimis cost to valid penological interests, a court may consider that as evidence that the
 26 regulation does not satisfy the reasonable relationship standard.” *Id.*

28 As to the First Amendment, “a prison inmate retains those First Amendment rights

1 that are not inconsistent with his status as a prisoner or with the legitimate penological
2 objectives of the corrections system. Thus, challenges to prison restrictions that are asserted
3 to inhibit First Amendment interests must be analyzed in terms of the legitimate policies and
4 goals of the corrections system, to whose custody and care the prisoner has been committed
5 in accordance with due process of law.” *Procunier*, 417 U.S. at 822. Also, “central to all
6 other corrections goals is the institutional consideration of internal security within the
7 corrections facilities themselves.” *Id.*

8 In the Ninth Circuit, if the Sixth Amendment right to counsel is implicated, the
9 courts also consider whether “the government deliberately interferes with the confidential
10 relationship between a criminal defendant and defense counsel,” and, if so, whether the
11 interference “substantially prejudices the criminal defendant.” *Nordstrom v. Ryan*, 762 F.3d
12 903, 910 (9th Cir. 2014). In an action seeking to enjoin “the continuation of an
13 unconstitutional practice,” substantial prejudice would be “that his right to privately confer
14 with counsel has been chilled.” *Id.* at 911.

15 **III. Legal Discussion**

16 **A. Plaintiff Has Not Established the *Winter* Factors.**

17 Plaintiff seeks extraordinary affirmative injunctive relief. Far from the required
18 “clear showing” and heightened standard for such affirmative relief altering the status quo,
19 Plaintiff fails to establish the *Winter* factors.

20 **1. Plaintiff has not established a likelihood of success on the merits.**

21 Plaintiff has not established a likelihood of success or that serious questions go to the
22 merits. The evidence contradicts Plaintiff’s bald accusations. The great weight of the
23 evidence shows that, contrary to Plaintiff’s assertions, Mr. Chakavorty is Plaintiff’s agent
24 who was affiliated with ESP and NXIVM, not a “paralegal” *employed* by his attorney, has
25 engaged in conduct that threatened the safety and security of the institutions and the public in
26 both New York and Arizona, and is one of the people with whom Plaintiff was banned by his
27 sentencing judge from associating. Plaintiff has not cited a single case that shows that a
28 defendant has a Sixth Amendment right to meet with someone who has a “power of

1 attorney,” rather than a paralegal employed by and supervised by an attorney.

2 The Bureau has facilitated Plaintiff’s meeting with his attorneys, both via numerous
 3 confidential legal calls and frequent legal visits. No evidence supports the bald assertions in
 4 the FAC that the Bureau has interfered with any legal calls. The one legal call that was
 5 dropped was promptly reconnected, which Plaintiff neglected to mention in the FAC. (Doc.
 6 7.) Plaintiff produced no evidence that any Bureau employee hindered a single legal call or
 7 legal visit between Plaintiff and his attorneys. All evidence is to the contrary.

8 Plaintiff has introduced no competent evidence that Mr. Chakravorty is a paralegal
 9 *retained* or *employed* by Mr. Tully. Mr. Tully has never requested that the Bureau accord
 10 him the standing of his paralegal. (Ex. A, ¶ 8.) Mr. Tully has not issued a pledge to
 11 supervise Mr. Chakravorty’s activities, nor accepted personal and professional responsibility
 12 for all of his acts which may affect the institution, its inmates and staff. (*Id.* ¶¶ 7-8.) Instead,
 13 Mr. Chakravorty alone has indicated that he “act[s] as a paralegal to attorney Tully for the
 14 purposes of the Rule 33 petition.”¹⁶ (Doc. 7-1 at 4.) He avers that his “role evolved into
 15 paralegal and manager of the legal team.” (Doc. 7-1 at 5.) He also asserts that he “will assist
 16 in preparing the attorneys and experts for a hearing on the Rule 33 petition.” (*Id.*) He
 17 neglects to mention that no hearing is imminent, as the New York District Court stayed the
 18 Rule 33 motion pending Second Circuit decision on the direct appeal. More importantly, if
 19 Mr. Chakravorty were acting as the Mr. Tully’s paralegal, Plaintiff’s communications with
 20 him would void the attorney client privilege because they were knowingly made on a
 21 monitored line. *See Jenkins v. Bartlett*, 487 F.3d 482, 490 (7th Cir. 2007) (recognizing that
 22 the presence of third parties destroys the attorney client privilege.)

23 Plaintiff’s new claim that he needs to speak with Mr. Chakavorty as his attorney’s
 24 “paralegal”¹⁷ regarding a new Rule 33 motion that must be filed by June 19, 2022, is belied

25 ¹⁶ Based on this statement, the Motion baldly states: “Mr. Chakravorty’s assistance
 26 proved so essential that the Law Office of Tully & Weiss considered him to be a member of
 27 the legal defense team and gave him the position of paralegal to the team. Exh. 1, ¶ 28.”
 28 (Doc. 7 at 3.) The statement is not supported in any way by Mr. Chakravorty’s conclusory
 statement that he “acts” as a paralegal. No evidence was provided as to how the “Law Office
 of Tully & Weiss considered him.”

¹⁷ California law defines a “Paralegal” as “a person who holds himself or herself out

1 by the dearth of evidence showing that Mr. Chakavorty is a paralegal, rather than an ardent
 2 former ESP and NXIVM coach with whom Plaintiff is banned from associating. Mr.
 3 Chakavorty is on record in federal court asserting his status as holding a “power of attorney.”
 4 Not one of Plaintiff’s cited cases involves a “power of attorney.” Instead, they assert that the
 5 “attorney-client privilege” applies to communications with a paralegal *employed by* an
 6 attorney.¹⁸ See *United States v. Sanmina Corp. & Subsidiaries*, 968 F.3d 1107, 1116 (9th
 7 Cir. 2020) (“The attorney-client privilege may extend to communications with third parties
 8 *who have been engaged* to assist the attorney in providing legal advice.” (Emphasis added.));
 9 *United States v. Mikhel*, 552 F.3d 961, 963-65 (9th Cir. 2009) (holding “[t]he inmate’s
 10 attorney’s *pre-cleared* paralegal(s) and *pre-cleared* investigators *in the regular full-time*
 11 *employment of the attorney* may meet with the inmate without the necessity of the inmate’s
 12 attorney being present” and recognizing that the government’s security interests were
 13 satisfied by a translator submitting to a background check and being “cleared by the FBI and
 14 USA/CDCA.”)

15 Nor is Plaintiff’s belief that his Sixth Amendment rights trump all other
 16 considerations supported by his cited cases. In *Luis v. United States*,¹⁹ 578 U.S. 5, 11-12

17 to be a paralegal, who is qualified by education, training, or work experience, who either
 18 contracts with or is employed by an attorney, law firm, corporation, governmental agency, or
 19 other entity, *and who performs substantial legal work under the direction and supervision of*
an active member of the State Bar of California, as defined in Section 6060, or an attorney
 20 practicing law in the federal courts of this state, that has been specifically delegated by the
 attorney to him or her.” Cal. Civ. Code § 6450(a). Assuming Mr. Chakavorty’s statements
 are true, he employed Mr. Tully, who is working under his direction, not the converse.

21 ¹⁸ Plaintiff’s reliance on *United States v. Rowe*, 96 F.3d 1294 (9th Cir. 1996), is
 22 problematic at best. While the Ninth Circuit did recognize that “fact-finding which pertains
 23 to legal advice counts as ‘professional legal services,’ no paralegals were involved. *Id.* at
 24 1297. Instead, the senior attorney “asked lawyers – not secretaries, paralegals, librarians or
 25 other of the firm’s employees – to conduct the investigation. And, having chosen to hand the
 26 job over to lawyers, he is justified in expecting that communications with these lawyers will
 27 be privileged.” *Id.* Similarly, in *Jenkins*, 487 F.3d at 491, the court does not indicate
 “outside experts engaged ‘to assist the attorney in providing legal services to the client’”
 “often prove indispensable to the attorney because they ‘transmit[] or interpret[] client
 28 communications to the attorney’ as stated at Doc. 7 at 8. To the contrary, the court included
 in the list of people covered by the attorney client privilege “*members of the office staff*
 responsible for transmitting messages between the attorney and client.” (Emphasis added.)
Benjamin v. Fraser, 264 F.3d 175, 186 (2d Cir. 2001), cited at Doc. 7 at 10, did not involve
 paralegals and does not include the purported quotation.

29 ¹⁹ Plaintiff erroneously states that *Luis* is about “the government’s interest in
 ‘freezing’ potentially ill-gotten proceeds.” (Doc 7 at 10.) The Supreme Court said the

(2016), the Supreme Court explained that “[a] defendant has no right, for example, *to an attorney who is not a member of the bar.*” (Emphasis added.) In *Geders v. United States*, 425 U.S. 80, 87 (1976), the court noted that “[t]o the extent that conflict remains between the defendant’s right to consult with his attorney during a long overnight recess in the trial, and the prosecutor’s desire to cross-examine the defendant without the intervention of counsel, with the risk of improper ‘coaching,’ the conflict must, under the Sixth Amendment, be resolved in favor of the right to the assistance and guidance of counsel.” However, here, the conflict is not with a prosecutor’s desire to avoid counsel’s coaching the witness, it is with the Bureau’s “legitimate penological interests” and “the institutional consideration of internal security within the corrections facilities themselves.” *See Turner*, 482 U.S. at 89, *Procunier*, 417 U.S. at 822. Plaintiff has not shown that the Bureau has deliberately interfered with the confidential relationship between him and his counsel or chilled his right to privately confer with counsel. *See Nordstrom*, 762 F.3d at 910. He cannot do so because the evidence shows that the Bureau has facilitated his numerous confidential legal calls and frequent legal visits with his counsel, the latest of which is scheduled for today.

Plaintiff has introduced no credible evidence that his ardent supporter, with whom he had been engaging in monitored social calls, is a “paralegal.” The evidence is clear that he is Plaintiff’s agent. Plaintiff has not established a likelihood of success on the merits.

2. Plaintiff has not established irreparable harm.

Plaintiff has not shown irreparable harm. A plaintiff “must demonstrate that there exists a significant threat of irreparable injury.” *Oakland Tribune, Inc. v. Chron. Publ’g Co.*, 762 F.2d 1374, 1376 (9th Cir. 1985). The irreparable injury must be both likely and immediate. *Winter*, 555 U.S. at 24. Mere “[s]peculative injury does not constitute irreparable injury to warrant granting a preliminary injunction.” *Caribbean Marine Servs. Co. v. Baldrige*, 844 F.2d 668, 674 (9th Cir. 1988). Again, the evidence shows that Plaintiff

opposite in holding “the pretrial restraint of *legitimate, untainted assets* needed to retain counsel of choice violates the Sixth Amendment. The nature and importance of the constitutional right *taken together with the nature of the assets* lead us to this conclusion.” *Luis*, 578 U.S. at 10. (Emphasis added.)

1 has not suffered and will not suffer the harms he now alleges, which were not even
 2 mentioned in his FAC. The urgency claimed in the FAC – based on the upcoming hearing
 3 on the Rule 33 Motion on newly discovered evidence – was eviscerated when the New York
 4 District Court determined that it will not address the motion until the Second Circuit decides
 5 the appeal.²⁰ There is no upcoming hearing.

6 Plaintiff erroneously²¹ stated that an Arizona District Court found that “a prisoner
 7 who suffered a First Amendment violation enjoys a presumption of irreparable harm.” (Doc.
 8 7 at 11.) Again, the case says the opposite: “Therefore, based on the filings, the oral
 9 argument, the evidence presented, and the case law, the Court finds that the Plaintiff has
 10 demonstrated the possibility of irreparable harm, if not the probability of harm.” *Luckette v.
 11 Lewis*, 883 F. Supp. 471, 483 (D. Ariz. 1995). Here, Plaintiff has had and continues to have
 12 confidential communication with his counsel by frequent legal visits, legal mail and legal
 13 calls.

14 **3. The equities and public policy favor upholding Bureau policies
 15 and correctional decisions.**

16 The equities and public policy favor upholding BOP’s correctional decisions. The
 17 evidence establishes no grounds for the extraordinary measure of overriding the professional
 18 judgment of the Bureau in preventing the security risk inherent in allowing contact between
 19 an inmate and a person the sentencing court banned, particularly when the person has already
 20 violated Bureau policies and put the safety and security of the institutions and the public at
 21 risk in two states. Plaintiff’s effort to override those decisions should be rejected.

22 ²⁰ Notably, the Second Circuit denied Plaintiff’s motion for a stay of the appeal from
 23 the criminal conviction six days before Plaintiff filed the Complaint and seven days before
 24 Plaintiff filed the FAC. Nevertheless, Plaintiff included the allegation regarding the motion
 25 for stay in both complaints as though the Second Circuit had not already denied the motion.

26 ²¹ Many of Plaintiff’s cited cases simply do not support his claims. In *United States v.
 27 Gonzalez-Lopez*, 548 U.S. 140, 147-48 (2006), after the lower court refused to allow the
 28 defendant’s chosen counsel to appear pro hac vice, the Supreme Court noted that “[t]he right
 to select counsel of one’s choice, by contrast, has never been derived from the Sixth
 Amendment’s purpose of ensuring a fair trial. It has been regarded as the root meaning of
 the constitutional guarantee,” not as Plaintiff claims “Courts have held that access-to-counsel
 claims based on the government’s wrongful interference strike at the ‘root . . . of the
 constitutional guarantee.’” (See Doc. 7 at 11.)

1 **IV. Request for Hearing**

2 It is Plaintiff's burden to establish entitlement to injunctive relief, which he has
3 failed to do. However, in the event further evidence or information are needed for the denial
4 of Plaintiff's motion, Defendants request an evidentiary hearing.

5 **V. Conclusion**

6 For all of the foregoing reasons, Defendants Garland, Carvajal and Colbert request
7 that the Court deny the Motion for Preliminary Injunction.

8 RESPECTFULLY SUBMITTED: June 9, 2022.

9 GARY M. RESTAINO
10 United States Attorney
District of Arizona

11 *s/Denise Ann Faulk*
12 DENISE ANN FAULK
13 Assistant U.S. Attorney

14 Copy of the foregoing served via EM/ECF to

15 Stacy Scheff
16 LAW OFFICE OF STACY SCHEFF
P.O. Box 40611
17 Tucson, AZ 85717
Pro Se

18 *s/Pamela. Vavra*
19 /Response to MPI

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Keith Raniere v. Merrick Garland, et al.
CV-22-00212-TUC-RM

Exhibit List:

Exhibit A. Declaration of Daniel Flores

- Att. 1 SENTRY Public Information
- Att. 2 Judgment in a Criminal Case
- Att. 3 Legal Call Log I (Redacted)
- Att. 4 Legal Call Log II (Redacted)
- Att. 5 USP Tucson Inmate A&O Handbook Excerpt (Jan. 2017)
- Att. 6 TCX 1330.18B, *Administrative Remedy Program*
- Att. 7 SENTRY Administrative Remedy Index

Exhibit B Sentencing Memorandum, *USA v Keith Raniere*, EDNY 1:18-cr-00204-NGG-VMS, EDNY (Doc. 914)

Exhibit C Exhibit D to Sentencing Memorandum, *USA v Keith Raniere*, EDNY 1:18-cr-00204-NGG-VMS (Doc. 914-3)

Exhibit D Declaration of Anthony Gallion

- Att. 1 SENTRY inmate History
- Att. 2 CTU Memorandum
- Att. 3 Warden Approval E-Mail (Redacted)
- Att. 4 Visitor Denial Notice
- Att. 5 Sentencing Court Documents Excerpt
- Att. 6 Judgment in a Criminal Case
- Att. 7 Service Limitation Notice
- Att. 8 TRULINCS Active Contact List (Redacted)

Exhibit E Letter from Mr. Chakravorty to Court dated Nov. 28, 2021 (re *Edmonson v. Raniere*, E.D.N.Y. 1:20-cv-00485-EK-CLP)

Exhibit F Letter from Mr. Chakravorty to the Court dated Oct. 30, 2021 (re *Edmonson v. Raniere*, E.D.N.Y. 1:20-cv-00485-EK-CLP)

Exhibit G Order denying Stay

Exhibit H Declaration of Scotty Watson

Exhibit A

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA**

Keith Raniere,

Plaintiff,

VS.

Merrick Garland, US Attorney General, et al.,

Defendants.

No. 22-cv-00212-RCC-PSOT

DECLARATION OF DANIEL FLORES

I, Daniel Flores, pursuant to 28 U.S.C. § 1746, and based upon my personal knowledge and information made known to me from official records reasonably relied upon by me in the course of my employment, hereby make the following declaration relating to the above-titled matter.

1. I am a Correctional Counselor for the Federal Bureau of Prisons (Bureau), assigned to the United States Penitentiary in Tucson, Arizona (USP Tucson). I am currently assigned as the Correctional Counselor for C1 Unit at USP Tucson. In this role, my duties include assisting inmates with their personal property, social visiting list, social telephone list, cell sanitation, administrative remedies and tort claims, copouts, inmate indigent stamps, admission and orientation, Inmate Financial Responsibility Program payments, legal visits, legal telephone calls, and legal mail. I address inmate institutional needs on a daily basis.

2. As part of my official duties, I have access to records maintained by the Bureau in the ordinary course of business, including administrative remedy requests of federal inmates, information maintained in the SENTRY¹ database, and inmate central

¹ SENTRY is the Bureau's national database which tracks various data regarding an inmate's confinement, including, but not limited to, an inmate's institutional history, sentencing information, administrative remedies, and discipline history.

1 files. All records attached to this declaration are true and accurate copies of Bureau
2 records maintained in the ordinary course of business.

3 3. The following statements are based on my review of official Bureau files
4 and records, my own personal knowledge, or on information acquired by me through the
5 performance of my official duties.

6 4. I am familiar with inmate Keith Raniere, Federal Register No. 57005-177.
7 Mr. Raniere is assigned to C1 Unit at USP Tucson and he is one of the inmates on my
8 caseload. On October 27, 2020, Mr. Raniere was sentenced to an aggregate 120-year
9 sentence in the United States District Court for the Eastern District of New York for
10 racketeering conspiracy, racketeering, forced labor conspiracy, wire fraud conspiracy, sex
11 trafficking conspiracy, sex trafficking of Jane Doe 5, and attempted sex trafficking of
12 Jane Doe 8 in violation of multiple federal statutes. *See* Att. 1, SENTRY Public
13 Information at 2-4; Att. 2, Judgment in a Criminal Case at 1-4. Mr. Raniere's projected
14 release date from Bureau custody is June 27, 2120. *See* Att. 1 at t 1, 5.

15 5. As a Special Condition of Supervised Release, the sentencing judge
16 specifically ordered that Plaintiff "shall not associate in person, through mail, electronic
17 mail or telephone with any individual with an affiliation to Executive Success Programs,
18 Nxivm, DOS or any other Nxivm-affiliated organizations[.]" *See* Att. 2 at 9.

19 **I. PARALEGALS, CLERKS, AND LEGAL ASSISTANTS**

20 6. "The Bureau of Prisons recognizes the use of assistants by attorneys to
21 perform legal tasks and, with proper controls and exceptions enumerated . . . accords such
22 assistants the same status as attorneys with respect to visiting and correspondence." 28
23 C.F.R. § 543.16(a). "The special visiting/correspondence status accorded to paralegals,
24 clerks, and legal assistants depends on an ongoing, supervisory relationship with an
25 attorney on an approved visiting/correspondence list. Absent any current supervisory
26 relationship, such persons may only receive social visiting or general correspondence
27 privileges." *See* Program Statement 1315.07, *Inmate Legal Activities* at 19.²

28 ² Available at https://www.bop.gov/policy/progstat/1315_007.pdf (last visited on May 27,

1 7. “The attorney who employs an assistant and who wishes the assistant to
 2 visit or correspond with an inmate on legal matters shall provide the Warden with a
 3 signed statement including: (1) Certification of the assistant’s ability to perform in this
 4 role and awareness of the responsibility of this position; (2) A pledge to supervise the
 5 assistant’s activities; and (3) Acceptance of personal and professional responsibility for
 6 all acts of the assistant which may affect the institution, its inmates, and staff. The
 7 Warden may require each assistant to fill out and sign a personal history statement and a
 8 pledge to abide by Bureau regulations and institution guidelines. If necessary to maintain
 9 security and good order in the institution, the Warden may prohibit a legal assistant from
 10 visiting or corresponding with an inmate.” 28 C.F.R. § 543.16(b)(1)-(3). “The Warden
 11 may require each paralegal, clerk, or legal assistant to complete a BP-S243.013”
 12 Application to Enter Institution as Representative form³ as well as the BP-S242.013
 13 Paralegal or Legal Assistant Agreement form.⁴ See Program Statement 1315.07, *Inmate*
 14 *Legal Activities* at 18-19.⁵

15 8. To date, Mr. Raniere’s attorneys have not requested that Suneel
 16 Chakravorty be granted paralegal privileges, nor have they sponsored him as a paralegal.
 17 Therefore, Suneel Chakravorty is not afforded legal visitation, legal call, or legal
 18 correspondence privileges with Mr. Raniere.

19 **II. LEGAL CALLS**

20 9. As a Correctional Counselor, I schedule legal calls as part of my regular
 21 duties. When an attorney requests a legal call, I ensure he/she is licensed and in good
 22 standing. Inmate legal calls are prioritized by institutional safety and security, staffing,

23
 24 2022).

25 ³ Available at https://www.bop.gov/policy/forms/BP_A0243.pdf (last visited on May 27,
 26 2022)

27 ⁴ Available at https://www.bop.gov/policy/forms/BP_A0242.pdf (last visited on May 27,
 28 2022).

29 ⁵ Available at https://www.bop.gov/policy/progstat/1315_007.pdf (last visited on May 27,
 30 2022).

1 facility availability, demand among the inmate population, and current conditions within
 2 the institution (*e.g.*, COVID-19 measures, security threats, lockdown, etc.). I ensure the
 3 attorney is active and in good standing. When legal calls occur in the housing unit, the
 4 inmate will report to my office at the appointed time and I will facilitate the call. Inmate
 5 legal telephone calls are not audio-recorded or monitored. When a legal call takes place
 6 in a staff office, I place the call, remain in the office until the connection is made with the
 7 inmate's attorney or appropriate staff. Once the attorney or staff member is on the line, I
 8 leave the room and visually monitor the inmate from outside the room. Once outside the
 9 room, I cannot hear the content of the legal telephone call.

10 10. Mr. Raniere's legal calls have been and will continue to be coordinated
 11 within the institution's normal procedures. He has not been targeted for any restrictions
 12 on his ability to place legal telephone calls.

13 11. From October 2021, when I began logging in legal calls for Mr. Raniere,
 14 through May 31, 2022, I have scheduled and facilitated approximately 32 legal telephone
 15 calls between Mr. Raniere and his attorneys with one future call scheduled for June 1,
 16 2022. *See* Att. 3, Legal Call Log I (Redacted) at 1-2. The below table identifies each
 17 legal telephone call that I personally scheduled/accommodated:

Date	Attorney Name(s)	Approximate Duration
10/04/2021	Joseph P. Daugherty	1.5 hr.
10/07/2021	Joseph Tully	1 hr.
10/11/2021	Joseph Tully	1hr.
10/14/2021	Joseph Tully	1hr.
10/20/2021	Joseph Tully	1hr.
10/27/2021	Joseph Tully	1 hr.
11/01/2021	Joseph Tully	1hr.

1	11/09/2021	Joseph Tully	1hr.
2	11/15/2021	Paul DerOhannesian	1hr.
3	11/16/2021	Joseph Tully	1hr.
4	12/01/2021	Joseph Tully	1hr.
5	12/08/2021	Joseph Tully	1hr.
6	12/15/2021	Joseph Tully	1hr.
7	12/15/2021	Seema Iyer, Esq.	1hr.
8	12/20/2021	Joseph Tully	1hr.
9	12/21/2021	Seema Iyer, Esq.	1hr.
10	02/22/2022	Duncan Levin, Esq.	30 min.
11	02/23/2022	Joseph Tully	1 hr.
12	02/28/2022	Arangullo	1hr.
13	03/01/2022	Joseph Tully	1 hr.
14	03/08/2022	Joseph Tully	1 hr.
15	03/09/2022	John Meringolo	1 hr.
16	03/29/2022	Joseph Tully	1 hr.
17	4/25/2022	Gregory Stoltz	1hr.
18	4/26/2022	John Meringolo	1hr.
19		Gregory Stoltz	1hr.
20	4/27/2022	Duncan Levin	1hr.
21	5/04/2022	Joseph Tully	1hr.
22	5/09/2022	John Meringolo	1 hr.

1	5/10/2022	Joseph Tully	1 hr.
2	5/24/2022	Joseph P. Daugherty	1 hr.
3	5/25/2022	Joseph Tully	1 hr.
4	6/1/2022	Joseph P. Daugherty	TBD
5		Gregory Stoltz	

7 12. None of the above legal calls that I accommodated, including May 4, 2022,
 8 between Mr. Raniere and Mr. Tully, was disconnected. If a legal call becomes
 9 disconnected, I attempt to call the attorney again to re-establish the legal call.

10 13. On occasion when I am out of the office, other Correctional Counselors,
 11 including Counselor Ashworth, fill in for me by placing and logging legal calls for Mr.
 12 Raniere. *See* Att. 4, Legal Call Log II (Redacted) at 1-2. As reflected in the below table,
 13 From January 2022 and May 31, 2022, Counselor Ashworth has placed the following
 14 legal calls for Mr. Raniere:

Date	Attorney Name(s) ⁶	Approximate Duration
1/5/2022	Joseph Tully	35 min.
3/31/2022	Joseph P. Daugherty	1 hr.
4/1/2022	John Meringolo or Arangullo	1 hr.
4/5/2022	Joseph Tully	1 hr.
4/7/2022	Joseph P. Daugherty	1 hr.
4/13/2022	Joseph P. Daugherty	1 hr.
4/14/2022	Joseph Tully	1 hr.

26
 27
 28 ⁶ While the attorney names are not specifically identified on Counselor Ashworth's legal
 call log, I was able to cross-reference the telephone numbers to identify the attorney.

1	4/15/2022	Joseph P. Daugherty	1 hr.
2	4/15/2022	John Meringolo or Arangullo	1 hr.
3	4/22/2022	Joseph P. Daugherty	1 hr.
4	4/28/2022	Joseph P. Daugherty	1 hr.
5	4/29/2022	Joseph Tully	1 hr.
6	5/12/2022	Joseph P. Daugherty	1 hr.
7	5/18/2022	Joseph Tully	1 hr.
8	5/20/2022	Joseph P. Daugherty	1 hr.
9	5/27/2022	Joseph P. Daugherty	2 hrs.

III. LEGAL VISITS AND LEGAL CORRESPONDENCE

14. “The Warden shall . . . permit visits by the retained, appointed, or prospective attorney for an inmate or by an attorney who wishes to interview an inmate as a witness.” 28 C.F.R. § 543.13(a). “The attorney shall make an advance appointment for the visit through the Warden prior to each visit; however, the Warden shall make every effort to arrange for a visit when prior notification is not practical.” 28 C.F.R. § 543.13(c).

15. Mr. Raniere’s attorneys have scheduled, through me and other substitute Correctional Counselors, frequent legal visits in accordance with these provisions. These visits have been accommodated per the request of the attorney and in line with the schedule of the institution and any institutional security/safety measures (e.g., lockdown, COVID-19 protocols, etc.).

16. Correspondence from attorneys and their approved/authorized paralegals, legal assistants, and clerks, are afforded special handling privileges in accordance with Bureau regulations and policy. *See* 28 C.F.R. § 540.19(a)-(e) (“Mail to an inmate from an attorney’s assistant or legal aid student or assistant, in order to be identified and

treated by staff as special mail, must be properly identified on the envelope as required in paragraph (b) of this section, and must be marked on the front of the envelope as being mail[ed] from the attorney or from the legal aid supervisor.”).

17. Mr. Raniere is able to send and receive legal correspondence at USP Tucson that is afforded special handling/processed per the above-cited regulations.

IV. ADMINISTRATIVE REMEDIES

18. I am familiar with all four levels of the inmate administrative grievance procedure created by the Bureau Administrative Remedy Program. *See* 28 C.F.R. §§ 542.10 - 542.19.

19. The Bureau has a four-tiered Administrative Remedy Program for inmate grievances, which is codified at 28 C.F.R. § 542.10 *et seq.* The first step is informal resolution with prison staff. 28 C.F.R. § 542.13(a). Requests for Informal Resolution Forms (also known as a BP-8) are not assigned a Remedy ID number and are not tracked. B-8 forms require the inmate to identify: (1) the inmate’s complaint; (2) the relief the inmate is requesting; and (3) efforts made by the inmate to informally resolve the complaint, including the names of the staff he contacted. *See* 28 C.F.R. § 542.13(a) (“Each Warden shall establish procedures to allow for the informal resolution of inmate complaints.”). The second step is the filing of a formal Request for Administrative Remedy (also known as a BP-9) at the institution in which the inmate is incarcerated. *See* 28 C.F.R. § 542.14. The BP-9 must be filed within “20 calendar days following the date on which the basis for the Request occurred.” *See* 28 C.F.R. § 542.14(a). If the inmate feels the response to his BP-9 is not satisfactory, within 20 calendar days of the date the Warden signed the response, the inmate may then appeal the complaint to the Regional Director, by filing a Regional Office Administrative Remedy Appeal (also known as a BP-10). *See* 28 C.F.R. § 542.15(a). If dissatisfied with the Regional Director’s response, the inmate may appeal to the Director, National Inmate Appeals, in the Office of the General Counsel in Washington D.C., by filing a Central Office Administrative Remedy Appeal (also known as a BP-11). *Id.* An inmate may not raise in an appeal an issue he did not raise in a lower level filing. *See* 28 C.F.R. § 542.15(b)(2).

1 The Administrative Remedy Coordinator at any level may reject and return to the inmate
 2 without response a Request for Administrative Remedy or appeal that does not meet
 3 procedural requirements as outlined in the Code of Federal Regulations. *See* 28 C.F.R. §
 4 542.17(a).

5 20. An inmate has not exhausted his administrative remedies until he has
 6 properly sought review at all three formal levels. *Id.*

7 21. Since July 1990, the Bureau has maintained information related to
 8 administrative complaints filed by inmates under the Bureau Administrative Remedy
 9 Program in SENTRY. One of the many functions of the SENTRY database is to track
 10 administrative remedy complaints and appeals, and it allows one to complete a
 11 computerized search of complaints and appeals filed by a specific inmate.

12 22. Each formal complaint (i.e., BP-9, BP-10, and BP-11) is logged into
 13 SENTRY at the receiving location. If the complaint is an initial filing, it receives a
 14 unique Remedy ID Number upon initial entry, which follows the complaint throughout
 15 the appeal process. Each Remedy ID Number also contains an extender that identifies
 16 the level of review. The extension F-1 indicates the complaint was filed at the institution
 17 level (BP-9). The extension R-1 indicates the complaint or appeal was filed at the
 18 regional level (BP-10). The extension A-1 indicates the appeal was filed at the national
 19 level (BP-11). So, for example, a formal complaint may be identified as 123456-F1
 20 when filed as a BP-9 at the institution level, as 123456-R1 when filed as a BP-10 at the
 21 regional level, and as 123456-A1 when filed as a BP-11 at the national level. That is, the
 22 unique Remedy ID number follows the complaint through the process but the extension
 23 changes to reflect the level at which the complaint is filed. The number at the end of the
 24 extension may change if the remedy or appeal is initially rejected⁷ and is then re-filed due
 25 to a technical problem, such as improper form, failing to include documentation, or
 26 improper filing at that level (i.e., 123456-F1; 123456-F2, etc.).

27 ⁷ Per 28 C.F.R. 542.17(a), the administrative remedy coordinator at any level (BP-9, BP-
 28 10, and BP-11) may reject and return to the inmate without a response an administrative
 remedy and/or appeal that “does not meet any other requirements of this part.”

1 **A. Inmate Access to Remedy Forms at USP Tucson**

2 23. Inmates have access to the Code of Federal Regulations and Bureau
 3 Program Statements, including Program Statement 1330.18, *Administrative Remedy*
 4 *Program*,⁸ through the institution law library and the Electronic Law Library. *See*
 5 Program Statement 1315.07, *Inmate Legal Activities* at 4, Att. A at 1-2 (identifying
 6 required main law library materials such as “Title 28 of the Code of Federal Regulations”
 7 and “All current Bureau of Prisons Program Statements which contain rules codified in
 8 Chapters III or V of Title 28 of the Code of Federal Regulations” which includes the
 9 procedures outlined in the Administrative Remedy Program).⁹

10 24. When an inmate arrives at USP Tucson, he participates in an Admission
 11 and Orientation (A&O) Program, during which the inmate is introduced to important
 12 aspects of the institution and the housing unit to which the inmate is assigned. The A&O
 13 Program includes instructions on the Bureau’s Administrative Remedy Program, how to
 14 obtain and submit the appropriate forms, and how to exhaust claims through all levels of
 15 the Administrative Remedy Program. *See* Att. 5, USP Tucson Inmate A&O Handbook
 16 Excerpt (Jan. 2017) at 38-39. Additionally, staff members give new inmates a copy of
 17 the A&O Handbook, which provides valuable information about the institution’s
 18 operations, including the Administrative Remedy Program. *Id.* at 38-39.

19 25. At USP Tucson, in order to file an administrative remedy or appeal, an
 20 inmate may obtain the appropriate forms from, and submit completed forms to, any Unit
 21 Team member. The Unit Team is comprised of the Unit Manager, Case Manager,
 22 Correctional Counselor, and Unit Secretary. *Id.* at 3, 38 (“All Administrative Remedy
 23 forms may be obtained from your assigned Correctional Counselor or Unit Team
 24 member.”); *see also* 28 C.F.R. § 542.14(c)(1) (Inmates “shall obtain the appropriate form
 25 from . . . institution staff (ordinarily, the correctional counselor.”); *see also* Att. 6, TCX

26 ⁸ Also available at https://www.bop.gov/policy/progstat/1330_018.pdf (last visited on Jan.
 27 7, 2022).

28 ⁹ Available at https://www.bop.gov/policy/progstat/1315_007.pdf (last visited on Jan. 7,
 29 2022).

1330.18B, *Administrative Remedy Program* at 3 (“Only unit team members may issue
 form BP-229, Request for Administrative Remedy (BP-9) to inmates, including those
 housed in the [SHU]”). While the “Correctional Counselor will initial, date, and write
 the inmate’s last name on the top right hand section of the form for accountability
 purposes[,]” there is no requirement that an inmate provide a reason for needing an
 administrative remedy form in order to obtain that form. *See* Att. 5 at 3.

26. “An Inmate Request to Staff Member (form BP-S148), commonly called a
 Cop-Out, is used to make a written request to a staff member. Any type of request can be
 made with this form[,]” to include if an inmate believes that his Unit Team is not
 providing him with administrative remedy forms or is not properly processing
 administrative remedy forms. *See* Att. 4 at 38. These requests or “cop-outs” can be
 made to any staff member, including Associate Wardens and the Warden. An inmate
 may file an inmate request to staff (cop-out), informal grievance (BP-8), or formal
 grievance (BP-9, BP-10, or BP-11) while in general population or while housed in the
 SHU. *See* 28 C.F.R. § 541.31(o) (“You can submit a formal grievance challenging any
 aspect of your confinement in the SHU through the Administrative Remedy Program[.]”).

27. “If the inmate reasonably believes the issue is sensitive and the inmate’s
 safety or well-being would be placed in danger if the Request became known at the
 institution, the inmate may submit the Request directly to the appropriate Regional
 Director.” *See* 28 C.F.R. § 542.14(d)(1); Att. 4 at 39 (“If an inmate believes a complaint
 is of a sensitive nature and he would be adversely affected if the complaint became
 known to the institution, he may file the complaint directly to the Regional Director.”).

28. If an inmate has an issue that he wants to bring to the attention of staff, he
 can do so via a written request (cop-out) at any time, as detailed above, or during in-
 person meetings with multiple Unit Team, and other, staff.

25 **B. Plaintiff’s Administrative Remedy History**

26. I have reviewed the SENTRY information identifying the number and types
 27 of administrative remedies and appeals filed by Mr. Raniere.

28. During Mr. Raniere’s incarceration with the Bureau, he has filed one appeal

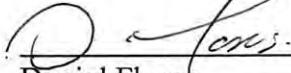
1 (BP-10). *See* Att. 7, SENTRY Administrative Remedy Index at 1-2. He has not filed a
2 Request for Administrative Remedy (BP-9) or appeal to the General Counsel (BP-11) on any
3 subject. *Id.*

4 31. In Remedy No. 1111640-R1, Mr. Raniere appealed disciplinary sanctions
5 imposed against him following an October 26, 2021, disciplinary hearing associated with
6 Incident Report No. 3547878. *Id.* at 2. His appealed was denied and he did not appeal
7 further.

8 32. He has not filed any administrative remedies or appeals regarding lack of
9 access to legal calls, his social telephone contact list, or his general access to his attorneys.

10 Pursuant to the provisions of 28 U.S.C. § 1746, I declare under penalty of perjury
11 that the foregoing is true and correct to the best of my information, knowledge, and belief.

12 Executed on this 31st day of May 2022, in Tucson, Arizona.



13
14 Daniel Flores
15 Correctional Counselor
16 USP Tucson, Arizona
Federal Bureau of Prisons

17 **Enclosures**

- 18 Att. 1, SENTRY Public Information
19 Att. 2, Judgment in a Criminal Case
20 Att. 3, Legal Call Log I (Redacted)
21 Att. 4, Legal Call Log II (Redacted)
22 Att. 5, USP Tucson Inmate A&O Handbook Excerpt (Jan. 2017)
23 Att. 6, TCX 1330.18B, *Administrative Remedy Program*
24 Att. 7, SENTRY Administrative Remedy Index

Exhibit A

Attachment 1

REGNO..: 57005-177 NAME: RANIERE, KEITH

RESP OF: TCP
PHONE..: 520-663-5000 FAX: 520-663-5024
RACE/SEX...: WHITE / MALE
AGE: 61
PROJ REL MT: GOOD CONDUCT TIME RELEASE PAR ELIG DT: N/A
PROJ REL DT: 06-27-2120 PAR HEAR DT:

PROJ REL MT: GOOD CONDUCT TIME RELEASE
PROJ REL DT: 06-27-2120

PROJ REL MT: GOOD CONDUCT TIME RELEASE PAR ELIG DT: N/A
PROJ REL DT: 06-27-2120 PAR HEAR DT:

PHXC4
PAGE 002* PUBLIC INFORMATION
* INMATE DATA
AS OF 05-05-2022* 05-05-2022
* 10:30:08

REGNO...: 57005-177 NAME: RANIERE, KEITH

RESP OF: TCP
PHONE...: 520-663-5000 FAX: 520-663-5024
FSA ELIGIBILITY STATUS IS: INELIGIBLE

THE FOLLOWING SENTENCE DATA IS FOR THE INMATE'S CURRENT COMMITMENT.

HOME DETENTION ELIGIBILITY DATE....: 12-27-2119

THE INMATE IS PROJECTED FOR RELEASE: 06-27-2120 VIA GCT REL

-----COURT JUDGMENT/WARRANT NO: 010 -----

COURT OF JURISDICTION.....: NEW YORK, EASTERN DISTRICT
DOCKET NUMBER.....: CR 18-0204(S-2)(NGG)
JUDGE.....: GARAUFIS
DATE SENTENCED/PROBATION IMPOSED: 10-27-2020
DATE COMMITTED.....: 01-21-2021
HOW COMMITTED.....: US DISTRICT COURT COMMITMENT
PROBATION IMPOSED.....: NO

	FELONY ASSESS	MISDMNR ASSESS	FINES	COSTS
NON-COMMITTED.:	\$700.00	\$00.00	\$1,750,000.00	\$00.00
JVTA.....:	\$15,000.00			

RESTITUTION....: PROPERTY: NO SERVICES: NO AMOUNT: \$00.00

-----COURT OBLIGATION NO: 010 -----

OFFENSE CODE....: 545 18:1962 RACKETEER (RICO)
OFF/CHG: 18:1962(D),18:1963(A) RACKETEERING CONSPIRACY CT.1
18:1962(C),18:1963(A) RACKETEERING CT.2SENTENCE PROCEDURE.....: 3559 PLRA SENTENCE
SENTENCE IMPOSED/TIME TO SERVE.: 480 MONTHS
TERM OF SUPERVISION.....: 5 YEARS
RELATIONSHIP OF THIS OBLIGATION
TO OTHERS FOR THE OFFENDER....: CS TO 020/030/040
DATE OF OFFENSE.....: 03-31-2018

G0002 MORE PAGES TO FOLLOW . . .

REGNO...: 57005-177 NAME: RANIERE, KEITH

RESP OF: TCP
PHONE...: 520-663-5000 FAX: 520-663-5024

-----CURENT OBLIGATION NO: 020 -----
OFFENSE CODE....: 576 18:1589-90 FORCED LABOR
OFF/CHG: 18:1594(B) FORCED LABOR CONSPIRACY CT.6

SENTENCE PROCEDURE.....: 3559 PLRA SENTENCE
SENTENCE IMPOSED/TIME TO SERVE.: 240 MONTHS
TERM OF SUPERVISION.....: 3 YEARS
RELATIONSHIP OF THIS OBLIGATION
TO OTHERS FOR THE OFFENDER....: CS TO 010/030/040
DATE OF OFFENSE.....: 03-31-2018

-----CURENT OBLIGATION NO: 030 -----
OFFENSE CODE....: 820 COMMUNICATIONS ACT
OFF/CHG: 18:1349,18:1343 WIRE FRAUD CONSPIRACY CT.7

SENTENCE PROCEDURE.....: 3559 PLRA SENTENCE
SENTENCE IMPOSED/TIME TO SERVE.: 240 MONTHS
TERM OF SUPERVISION.....: 3 YEARS
RELATIONSHIP OF THIS OBLIGATION
TO OTHERS FOR THE OFFENDER....: CS TO 010/020/040
DATE OF OFFENSE.....: 03-31-2018

-----CURENT OBLIGATION NO: 040 -----
OFFENSE CODE....: 571 18:1591 SEX TRAFFICK CHILD
OFF/CHG: 18:1594(C),18:1591(B)(1) SEX TRAFF CONSP CT.8; 18:1591(A)(1),
18:1591(B)(1) SEX TRAFF JANE DOE 5 CT.9; 18:1594(A),18:1591(B)
(1) ATTEMPTED SEX TRAFF JANE DOE 8 CT.10

SENTENCE PROCEDURE.....: 3559 PLRA SENTENCE
SENTENCE IMPOSED/TIME TO SERVE.: 480 MONTHS
TERM OF SUPERVISION.....: LIFE
RELATIONSHIP OF THIS OBLIGATION
TO OTHERS FOR THE OFFENDER....: CS TO 010/020/030
DATE OF OFFENSE.....: 03-31-2018

G0002 MORE PAGES TO FOLLOW . . .

PHXC4
PAGE 004* PUBLIC INFORMATION
* INMATE DATA
AS OF 05-05-2022* 05-05-2022
* 10:30:08

REGNO...: 57005-177 NAME: RANIERE, KEITH

RESP OF: TCP
PHONE...: 520-663-5000 FAX: 520-663-5024

-----CURREN COMPUTATION NO: 010 -----

COMPUTATION 010 WAS LAST UPDATED ON 12-21-2020 AT DSC AUTOMATICALLY
COMPUTATION CERTIFIED ON 12-31-2020 BY DESIG/SENTENCE COMPUTATION CTRTHE FOLLOWING JUDGMENTS, WARRANTS AND OBLIGATIONS ARE INCLUDED IN
CURRENT COMPUTATION 010: 010 010, 010 020, 010 030, 010 040DATE COMPUTATION BEGAN.....: 10-27-2020
AGGREGATED SENTENCE PROCEDURE...: AGGREGATE GROUP 800 PLRA
TOTAL TERM IN EFFECT.....: 120 YEARS
TOTAL TERM IN EFFECT CONVERTED..: 120 YEARS
AGGREGATED TERM OF SUPERVISION..: LIFE
EARLIEST DATE OF OFFENSE.....: 03-31-2018JAIL CREDIT.....: FROM DATE THRU DATE
03-26-2018 10-26-2020TOTAL PRIOR CREDIT TIME.....: 946
TOTAL INOPERATIVE TIME.....: 0
TOTAL GCT EARNED AND PROJECTED..: 6480
TOTAL GCT EARNED.....: 216
STATUTORY RELEASE DATE PROJECTED: 06-27-2120
ELDERLY OFFENDER TWO THIRDS DATE: 03-26-2098
EXPIRATION FULL TERM DATE.....: 03-25-2138
TIME SERVED.....: 4 YEARS 1 MONTHS 10 DAYS
PERCENTAGE OF FULL TERM SERVED..: 3.4
PERCENT OF STATUTORY TERM SERVED: 4.0

G0002 MORE PAGES TO FOLLOW . . .

PHXC4

* PUBLIC INFORMATION

* 05-05-2022

PAGE 005 OF 005 *

INMATE DATA

* 10:30:08

AS OF 05-05-2022

REGNO...: 57005-177 NAME: RANIERE, KEITH

RESP OF: TCP

PHONE...: 520-663-5000 FAX: 520-663-5024

PROJECTED SATISFACTION DATE.....: 06-27-2120

PROJECTED SATISFACTION METHOD...: GCT REL

G0000

TRANSACTION SUCCESSFULLY COMPLETED

Exhibit A

Attachment 2

UNITED STATES DISTRICT COURT

Eastern District of New York

UNITED STATES OF AMERICA

v.

KEITH RANIERE

JUDGMENT IN A CRIMINAL CASE

) Case Number: CR 18-0204 (S-2) (NGG)
) USM Number: 57005-177
) Marc A. Agnifilo, Esq.
) Defendant's Attorney

THE DEFENDANT:

was found guilty by jury verdict on Counts 1, 2, 6, 7, 8, 9 & 10 of the Superseding Indictment (S-2).

pleaded nolo contendere to count(s) _____ which was accepted by the court.

was found guilty on count(s) _____ after a plea of not guilty.

The defendant is adjudicated guilty of these offenses:

Title & Section	Nature of Offense	Offense Ended	Count
SEE PAGE 2 OF JUDGMENT			

The defendant is sentenced as provided in pages 2 through 11 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

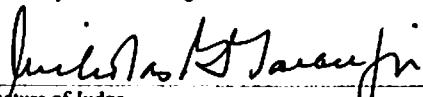
Any underlying Indictment is dismissed by motion of the United States.

Counts 3, 4, 5 & 11 of the Superseding Indictment (S-2) are dismissed by motion of the United States before trial.

Count(s) _____ is are dismissed on the motion of the United States.

It is ordered that the defendant must notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant must notify the court and United States attorney of material changes in economic circumstances.

October 27, 2020
Date of Imposition of Judgment


Signature of Judge

Nicholas G. Garaufis, U.S.D.J.
Name and Title of Judge

October 30, 2020
Date

DEFENDANT: KEITH RANIERE
CASE NUMBER: CR 18-0204 (S-2)(NGG)

ADDITIONAL COUNTS OF CONVICTION

Offense:

Count 1:

RACKETEERING CONSPIRACY
18 U.S.C. §1962(d), 18 U.S.C. §1963(a)
Not more than life imprisonment/\$250,000 fine
(Class A Felony)

Count 2:

RACKETEERING
18 U.S.C. §1962(c), 18 U.S.C. §1963(a)
Not more than life imprisonment/\$250,000 fine
(Class A Felony)

Count 6:

FORCED LABOR CONSPIRACY
18 U.S.C. §1594(b)
Not more than 20 years imprisonment/\$250,000 fine
(Class C Felony)

Count 7:

WIRE FRAUD CONSPIRACY
18 U.S.C. §1349, 18 U.S.C. §1343
Not more than 20 years imprisonment/\$250,000 fine
(Class C Felony)

Count 8:

SEX TRAFFICKING CONSPIRACY
18 U.S.C. §1594(c), 18 U.S.C. §1591(b)(1)
15 years to life imprisonment/\$250,000 fine
(Class A Felony)

Count 9:

SEX TRAFFICKING OF JANE DOE 5
18 U.S.C. §1591(a)(1), 18 U.S.C. §1591(b)(1)
15 years to life imprisonment/\$250,000 fine
(Class A Felony)

Count 10:

ATTEMPTED SEX TRAFFICKING OF JANE DOE 8
18 U.S.C. §1594(a), 18 U.S.C. §1591(b)(1)
15 years to life imprisonment/\$250,000 fine
(Class A Felony)

AO 245B (Rev. 09/19) Judgment in Criminal Case
Sheet 2 — ImprisonmentJudgment — Page 3 of 11DEFENDANT: KEITH RANIERE
CASE NUMBER: CR 18-0204 (S-2) (NGG)**IMPRISONMENT**

The defendant is hereby committed to the custody of the Federal Bureau of Prisons to be imprisoned for a total term of: SEE PAGE 4 OF JUDGMENT.

The court makes the following recommendations to the Bureau of Prisons:

The defendant is remanded to the custody of the United States Marshal.

The defendant shall surrender to the United States Marshal for this district:

at _____ a.m. p.m. on _____
 as notified by the United States Marshal.

The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:

before 2 p.m. on _____
 as notified by the United States Marshal.
 as notified by the Probation or Pretrial Services Office.

RETURN

I have executed this judgment as follows:

Defendant delivered on _____ to _____

at _____, with a certified copy of this judgment.

UNITED STATES MARSHAL

By _____
DEPUTY UNITED STATES MARSHAL

DEFENDANT: KEITH RANIERE
CASE NUMBER: CR 18-0204 (S-2) (NGG)

ADDITIONAL IMPRISONMENT TERMS

FORTY (40) YEARS (480 MONTHS) (CAG) ON COUNT ONE (1) OF THE SUPERSEDING INDICTMENT (S-2) TO BE SERVED CONCURRENTLY WITH THE SENTENCE ON COUNT 2 AND CONSECUTIVELY WITH ALL OTHER SENTENCES IMPOSED;

FORTY (40) YEARS (480 MONTHS) (CAG) ON COUNT TWO (2) OF THE SUPERSEDING INDICTMENT (S-2) TO BE SERVED CONCURRENTLY WITH THE SENTENCE IMPOSED ON COUNT 1 AND CONSECUTIVELY WITH ALL OTHER SENTENCES IMPOSED;

TWENTY (20) YEARS (240 MONTHS) (CAG) ON COUNT SIX (6) OF THE SUPERSEDING INDICTMENT (S-2) TO BE SERVED CONSECUTIVELY WITH ALL OTHER SENTENCES IMPOSED;

TWENTY (20) YEARS (240 MONTHS) (CAG) ON COUNT SEVEN (7) OF THE SUPERSEDING INDICTMENT (S-2) TO BE SERVED CONSECUTIVELY WITH ALL OTHER SENTENCES IMPOSED;

FORTY (40) YEARS (480 MONTHS) (CAG) ON COUNT EIGHT (8) OF THE SUPERSEDING INDICTMENT (S-2) TO BE SERVED CONCURRENTLY WITH THE SENTENCES IMPOSED ON COUNTS 9 AND 10, AND CONSECUTIVELY WITH ALL OTHER SENTENCES IMPOSED;

FORTY (40) YEARS (480) MONTHS (CAG) ON COUNT NINE (9) OF THE SUPERSEDING INDICTMENT (S-2) TO BE SERVED CONCURRENTLY WITH THE SENTENCES ON COUNTS 8 AND 10, AND CONSECUTIVELY WITH ALL OTHER SENTENCES IMPOSED;

FORTY (40) YEARS (480) MONTHS (CAG) ON COUNT TEN (10) OF THE SUPERSEDING INDICTMENT (S-2) TO BE SERVED CONCURRENTLY WITH THE SENTENCES ON COUNTS 8 AND 9, AND CONSECUTIVELY WITH ALL OTHER SENTENCES IMPOSED.

TO SUMMARIZE, THIS IS A CUMULATIVE SENTENCE OF 120 YEARS (CAG).

DEFENDANT: KEITH RANIERE
CASE NUMBER: CR 18-0204 (S-2) (NGG)

SUPERVISED RELEASE

Upon release from imprisonment, you will be on supervised release for a term of: FIVE (5) YEARS ON COUNT ONE (1) OF THE SUPERSEDING INDICTMENT (S-2). FIVE (5) YEARS ON COUNT TWO (2) OF THE SUPERSEDING INDICTMENT (S-2). THREE (3) YEARS ON COUNT SIX (6) OF THE SUPERSEDING INDICTMENT (S-2). THREE (3) YEARS ON COUNT SEVEN (7) OF THE SUPERSEDING INDICTMENT (S-2). A LIFETIME TERM ON COUNT EIGHT (8) OF THE SUPERSEDING INDICTMENT (S-2). A LIFETIME TERM ON COUNT NINE (9) OF THE SUPERSEDING INDICTMENT (S-2). A LIFETIME TERM ON COUNT TEN (10) OF THE SUPERSEDING INDICTMENT (S-2). ALL TERMS OF SUPERVISED RELEASE TO BE SERVED CONCURRENTLY WITH ONE ANOTHER.

MANDATORY CONDITIONS

1. You must not commit another federal, state or local crime.
2. You must not unlawfully possess a controlled substance.
3. You must refrain from any unlawful use of a controlled substance. You must submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as determined by the court.
 - The above drug testing condition is suspended, based on the court's determination that you pose a low risk of future substance abuse. *(check if applicable)*
4. You must make restitution in accordance with 18 U.S.C. §§ 3663 and 3663A or any other statute authorizing a sentence of restitution. *(check if applicable)*
5. You must cooperate in the collection of DNA as directed by the probation officer. *(check if applicable)*
6. You must comply with the requirements of the Sex Offender Registration and Notification Act (34 U.S.C. § 20901, *et seq.*) as directed by the probation officer, the Bureau of Prisons, or any state sex offender registration agency in the location where you reside, work, are a student, or were convicted of a qualifying offense. *(check if applicable)*
7. You must participate in an approved program for domestic violence. *(check if applicable)*

You must comply with the standard conditions that have been adopted by this court as well as with any other conditions on the attached page.

AO 245B (Rev. 09/19) Judgment in a Criminal Case
Sheet 3A — Supervised Release

Judgment—Page 6 of 11

DEFENDANT: KEITH RANIERE
CASE NUMBER: CR 18-0204 (S-2) (NGG)

STANDARD CONDITIONS OF SUPERVISION

As part of your supervised release, you must comply with the following standard conditions of supervision. These conditions are imposed because they establish the basic expectations for your behavior while on supervision and identify the minimum tools needed by probation officers to keep informed, report to the court about, and bring about improvements in your conduct and condition.

1. You must report to the probation office in the federal judicial district where you are authorized to reside within 72 hours of your release from imprisonment, unless the probation officer instructs you to report to a different probation office or within a different time frame.
2. After initially reporting to the probation office, you will receive instructions from the court or the probation officer about how and when you must report to the probation officer, and you must report to the probation officer as instructed.
3. You must not knowingly leave the federal judicial district where you are authorized to reside without first getting permission from the court or the probation officer.
4. You must answer truthfully the questions asked by your probation officer.
5. You must live at a place approved by the probation officer. If you plan to change where you live or anything about your living arrangements (such as the people you live with), you must notify the probation officer at least 10 days before the change. If notifying the probation officer in advance is not possible due to unanticipated circumstances, you must notify the probation officer within 72 hours of becoming aware of a change or expected change.
6. You must allow the probation officer to visit you at any time at your home or elsewhere, and you must permit the probation officer to take any items prohibited by the conditions of your supervision that he or she observes in plain view.
7. You must work full time (at least 30 hours per week) at a lawful type of employment, unless the probation officer excuses you from doing so. If you do not have full-time employment you must try to find full-time employment, unless the probation officer excuses you from doing so. If you plan to change where you work or anything about your work (such as your position or your job responsibilities), you must notify the probation officer at least 10 days before the change. If notifying the probation officer at least 10 days in advance is not possible due to unanticipated circumstances, you must notify the probation officer within 72 hours of becoming aware of a change or expected change.
8. You must not communicate or interact with someone you know is engaged in criminal activity. If you know someone has been convicted of a felony, you must not knowingly communicate or interact with that person without first getting the permission of the probation officer.
9. If you are arrested or questioned by a law enforcement officer, you must notify the probation officer within 72 hours.
10. You must not own, possess, or have access to a firearm, ammunition, destructive device, or dangerous weapon (i.e., anything that was designed, or was modified for, the specific purpose of causing bodily injury or death to another person such as nunchakus or tasers).
11. You must not act or make any agreement with a law enforcement agency to act as a confidential human source or informant without first getting the permission of the court.
12. If the probation officer determines that you pose a risk to another person (including an organization), the probation officer may require you to notify the person about the risk and you must comply with that instruction. The probation officer may contact the person and confirm that you have notified the person about the risk.
13. You must follow the instructions of the probation officer related to the conditions of supervision.

U.S. Probation Office Use Only

A U.S. probation officer has instructed me on the conditions specified by the court and has provided me with a written copy of this judgment containing these conditions. For further information regarding these conditions, see *Overview of Probation and Supervised Release Conditions*, available at: www.uscourts.gov.

Defendant's Signature _____

Date _____

DEFENDANT: KEITH RANIERE
CASE NUMBER: CR 18-0204 (S-2)(NGG)

Judgment—Page 7 of 11

SPECIAL CONDITIONS OF SUPERVISION

- #1. The defendant shall comply with any applicable state and/or federal sex offender registration requirements, as instructed by the probation officer, the Bureau of Prisons, or any state offender registration agency in the state where he resides, works, or is a student;
- #2. The defendant shall participate in a mental health treatment program, which may include participation in a treatment program for sexual disorders, as approved by the U.S. Probation Department. The defendant shall contribute to the cost of such services rendered and/or any psychotropic medications prescribed to the degree he is reasonably able, and shall cooperate in securing any applicable third-party payment. The defendant shall disclose all financial information and documents to the Probation Department to assess his ability to pay. As part of the treatment program for sexual disorders, the defendant shall participate in polygraph examinations to obtain information necessary for risk management and correctional treatment;
- #3. The defendant shall not associate with or have any contact with convicted sex offenders unless in a therapeutic setting and with the permission of the U.S. Probation Department;
- #4. The defendant shall not associate with children under the age of 18, unless a responsible adult is present and he has prior approval from the Probation Department. Prior approval does not apply to contacts which are not known in advance by the defendant where children are accompanied by a parent or guardian or for incidental contacts in a public setting. Any such non-pre-approved contacts with children must be reported to the Probation Department as soon as practicable, but no later than 12 hours. Upon commencing supervision, the defendant shall provide to the Probation Department the identity and contact information regarding any family members or friends with children under the age of 18, whom the defendant expects to have routine contact with, so that the parents or guardians of these children may be contacted and the Probation Department can approve routine family and social interactions such as holidays and other family gatherings where such children are present and supervised by parents or guardians without individual approval of each event;
- #5. If the defendant cohabitates with an individual who has residential custody of minor children, the defendant will inform that other party of his prior criminal history concerning his sex offense. Moreover, he will notify the party of his prohibition of associating with any child(ren) under the age of 18, unless a responsible adult is present;
- #6. The defendant shall submit his person, property, house, residence, vehicle, papers, computers (as defined in 18 U.S.C. § 1030(e)(1)), other electronic communications or data storage devices or media, or office, to a search conducted by a United States probation officer. Failure to submit to a search may be grounds for revocation of release. The defendant shall warn any other occupants that the premises may be subject to searches pursuant to this condition. An officer may conduct a search pursuant to this condition only when reasonable suspicion exists that the defendant has violated a condition of his supervision and that the areas to be searched contain evidence of this violation. Any search must be conducted at a reasonable time and in a reasonable manner;

DEFENDANT: KEITH RANIERE
CASE NUMBER: CR 18-0204 (S-2)(NGG)

Judgment—Page 8 of 11

SPECIAL CONDITIONS OF SUPERVISION

#7. The defendant is not to use a computer, Internet capable device, or similar electronic device to access pornography of any kind. The term "pornography" shall include images or video of adults or minors engaged in "sexually explicit conduct" as that term is defined in Title 18, U.S.C. § 2256(2). The defendant shall also not use a computer, Internet capable device or similar electronic device to view images of naked children. The defendant shall not use his computer to view pornography or images of naked children stored on related computer media, such as CDs or DVDs, and shall not communicate via his computer with any individual or group who promotes the sexual abuse of children. The defendant shall also cooperate with the U.S. Probation Department's Computer and Internet Monitoring program. Cooperation shall include, but not be limited to, identifying computer systems, Internet capable devices, and/or similar electronic devices the defendant has access to, and allowing the installation of monitoring software/hardware on said devices, at the defendant's expense. The defendant shall inform all parties that access a monitored computer, or similar electronic device, that the device is subject to search and monitoring. The defendant may be limited to possessing only one personal Internet capable device, to facilitate the Probation Department's ability to effectively monitor his/her Internet related activities. The defendant shall also permit random examinations of said computer systems, Internet capable devices, similar electronic devices, and related computer media, such as CDs, under his control.

#8. The defendant shall report to the Probation Department any and all electronic communications service accounts (as defined in 18 U.S.C. § 2510(15)) used for user communications, dissemination and/or storage of digital media files (i.e. audio, video, images). This includes, but is not limited to, email accounts, social media accounts, and cloud storage accounts. The defendant shall provide each account identifier and password, and shall report the creation of new accounts, changes in identifiers and/or passwords, transfer, suspension and/or deletion of any account within 5 days of such action. Failure to provide accurate account information may be grounds for revocation of release. The defendant shall permit the Probation Department to access and search any account(s) using the defendant's credentials pursuant to this condition only when reasonable suspicion exists that the defendant has violated a condition of his supervision and that the account(s) to be searched contains evidence of this violation. Failure to submit to such a search may be grounds for revocation of release.

#9. Upon request, the defendant shall provide the U.S. Probation Department with full disclosure of his financial records, including co-mingled income, expenses, assets and liabilities, to include yearly income tax returns. With the exception of the financial accounts reported and noted within the presentence report, the defendant is prohibited from maintaining and/or opening any additional individual and/or joint checking, savings, or other financial accounts, for either personal or business purposes, without the knowledge and approval of the U.S. Probation Department. The defendant shall cooperate with the probation officer in the investigation of his financial dealings and shall provide truthful monthly statements of his income and expenses. The defendant shall cooperate in the signing of any necessary authorization to release information forms permitting the U.S. Probation Department access to his financial information and records;

DEFENDANT: KEITH RANIERE
CASE NUMBER: CR 18-0204 (S-2)(NGG)

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SPECIAL CONDITIONS OF SUPERVISION

- #10. The defendant shall not have contact with any of the named victims of his offenses. This means that he shall not attempt to meet in person, communicate by letter, telephone, or through a third party, without the knowledge and permission of the Probation Department;
- #11. The defendant shall not associate in person, through mail, electronic mail or telephone with any individual with an affiliation to Executive Success Programs, Nxivm, DOS or any other Nxivm-affiliated organizations; nor shall the defendant frequent any establishment, or other locale where these groups may meet pursuant, but not limited to, a prohibition list provided by the U.S. Probation Department;
- #12. The defendant shall comply with the fine payment order;
- #13. The defendant shall comply with the attached Order of Forfeiture.

DEFENDANT: KEITH RANIERE
CASE NUMBER: CR 18-0204 (S-2) (NGG)

CRIMINAL MONETARY PENALTIES

The defendant must pay the total criminal monetary penalties under the schedule of payments on Sheet 6.

	<u>Assessment</u>	<u>Restitution</u>	<u>Fine</u>	<u>Forfeiture Money Judgment</u>	<u>JVTA Assessment**</u>
TOTALS	\$ 700.00	\$ TBD	\$ 1,750,000.00	\$ N/A	\$ 15,000.00

- The determination of restitution is deferred until _____. An *Amended Judgment in a Criminal Case (AO 245C)* will be entered after such determination.
- The defendant must make restitution (including community restitution) to the following payees in the amount listed below.

If the defendant makes a partial payment, each payee shall receive an approximately proportioned payment, unless specified otherwise in the priority order or percentage payment column below. However, pursuant to 18 U.S.C. § 3664(i), all nonfederal victims must be paid before the United States is paid.

<u>Name of Payee</u>	<u>Total Loss***</u>	<u>Restitution Ordered</u>	<u>Priority or Percentage</u>
----------------------	----------------------	----------------------------	-------------------------------

TOTALS \$ _____ \$ _____

- Restitution amount ordered pursuant to plea agreement \$ _____
- The defendant must pay interest on restitution and a fine of more than \$2,500, unless the restitution or fine is paid in full before the fifteenth day after the date of the judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on Sheet 6 may be subject to penalties for delinquency and default, pursuant to 18 U.S.C. § 3612(g).
- The court determined that the defendant does not have the ability to pay interest and it is ordered that:
- the interest requirement is waived for the fine restitution.
 - the interest requirement for the fine restitution is modified as follows:

* Amy, Vicky, and Andy Child Pornography Victim Assistance Act of 2018, Pub. L. No. 115-299.

** Justice for Victims of Trafficking Act of 2015, Pub. L. No. 114-22.

*** Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.

DEFENDANT: KEITH RANIERE
CASE NUMBER: CR 18-0204 (S-2) (NGG)

SCHEDULE OF PAYMENTS

Having assessed the defendant's ability to pay, payment of the total criminal monetary penalties is due as follows:

- A Special Assessment of \$ 700.00 due immediately, balance due
- not later than _____, or
 in accordance with C, D, E, or F below; or
- B . D, or F below); or
- C Fine Payment of \$1,750,000.00 due immediately.
 over a period of
(e.g., months or years), to commence _____ (e.g., 30 or 60 days) after the date of this judgment; or
- D Payment in equal _____ (e.g., weekly, monthly, quarterly) installments of \$ _____ over a period of
(e.g., months or years), to commence _____ (e.g., 30 or 60 days) after release from imprisonment to a term of supervision; or
- E JVTA assessment of \$15,000.00
- F Order of Restitution to be determined
An Order of Restitution must be submitted within 90 days from October 27, 2020.

Unless the court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during the period of imprisonment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons' Inmate Financial Responsibility Program, are made to the clerk of the court.

The defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

- Joint and Several

Case Number Defendant and Co-Defendant Names (including defendant number)	Total Amount	Joint and Several Amount	Corresponding Payee, if appropriate
---	--------------	-----------------------------	--

- The defendant shall pay the cost of prosecution.
 The defendant shall pay the following court cost(s):
 The defendant shall forfeit the defendant's interest in the following property to the United States:

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) AVAA assessment, (5) fine principal, (6) fine interest, (7) community restitution, (8) JVTA assessment, (9) penalties, and (10) costs, including cost of prosecution and court costs.

Ex. A, Att. 2, p. 11

BDM:KKO
F. #2017R01840

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

----- X

UNITED STATES OF AMERICA

ORDER OF FORFEITURE

- against -

18-CR-204 (S-2) (NGG)

KEITH RANIERE,

Defendant.

----- X

WHEREAS, on or about June 19, 2019, Keith Raniere, also known as “Vanguard,”“Grandmaster,”and “Master” (the “defendant”), was convicted after a jury trial of Counts One, Two, and Six through Ten, of the above-captioned Superseding Indictment, charging violations of 18 U.S.C. §§ 1349, 1591(a)(1), 1594(a), 1594(b), 1594(c), 1962(c), and 1962(d); and

WHEREAS, the Court has determined that pursuant to 18 U.S.C. § 1963(a), the defendant shall forfeit: (a) any interest the defendant acquired or maintained in violation of 18 U.S.C. § 1962; (b) any interest in, security of, claim against or property or contractual right of any kind affording a source of influence over any enterprise which the defendant has established, operated, controlled, conducted or participated in the conduct of, in violation of 18 U.S.C. § 1962; (c) any property constituting, or derived from, any proceeds which the defendant obtained, directly or indirectly, from racketeering activity in violation of 18 U.S.C. § 1962; and/or (d) substitute assets, pursuant to 18 U.S.C. § 1963(m), which shall be reduced to a forfeiture money judgment (the “Forfeiture Money Judgment”).

NOW, THEREFORE, IT IS HEREBY ORDERED, ADJUDGED AND
DECREED as follows:

1. The defendant shall forfeit to the United States the Forfeiture Money Judgment, pursuant to 18 U.S.C. §§ 1963(a) and 1963(m).
2. This Order of Forfeiture (“Order”) is entered pursuant to Fed. R. Crim. P. 32.2(b)(2)(c), and will be amended pursuant to Fed. R. Crim. P. 32.2(e)(1) when the amount of the Forfeiture Money Judgment has been calculated.
3. All payments made towards the Forfeiture Money Judgment shall be made by a money order, or certified and/or official bank check, payable to U.S. Marshals Service with the criminal docket number noted on the face of the check. The defendant shall cause said payment(s) to be sent by overnight mail delivery to Assistant United States Attorney Karin K. Orenstein, United States Attorney’s Office, Eastern District of New York, 271-A Cadman Plaza East, Brooklyn, New York 11201, with the criminal docket number noted on the face of the instrument. The Forfeiture Money Judgment shall become due and owing in full thirty (30) days after any amendment of this Order pursuant to Rule 32.2(e)(1) (the “Due Date”).
4. If the defendant fails to pay any portion of the Forfeiture Money Judgment on or before the Due Date, the defendant shall forfeit any other property of his up to the value of the outstanding balance, pursuant to 18 U.S.C. § 1963(m).
5. Upon entry of this Order, the United States Attorney General or his designee is authorized to conduct any proper discovery in accordance with Fed. R. Crim. P. 32.2(b)(3) and (c). The United States alone shall hold title to the monies paid by the

defendant to satisfy the Forfeiture Money Judgment following the Court's entry of the judgment of conviction.

6. The defendant shall fully assist the government in effectuating the payment of the Forfeiture Money Judgment.

7. The entry and payment of the Forfeiture Money Judgment is not to be considered a payment of a fine, penalty, restitution loss amount or a payment of any income taxes that may be due, and shall survive bankruptcy.

8. Pursuant to Fed. R. Crim. P. 32.2(b)(4)(A) and (B), this Order of Forfeiture shall become final as to the defendant at the time of sentencing and shall be made part of the sentence and included in the judgment of conviction. This Order shall become the Final Order of Forfeiture, pursuant to Fed. R. Crim. P. 32.2(c)(2) and (e)(1). At that time, the monies and/or properties paid toward the Forfeiture Money Judgment shall be forfeited to the United States for disposition in accordance with the law.

9. This Order shall be binding upon the defendant and the successors, administrators, heirs, assigns and transferees of the defendant, and shall survive the bankruptcy of any of them.

10. This Order shall be final and binding only upon the Court's "so ordering" of the Order.

11. The Court shall retain jurisdiction over this action to enforce compliance with the terms of this Order and to amend it as necessary, pursuant to Fed. R. Crim. P. 32.2(e).

Dated: Brooklyn, New York

Oct 26, 2020

SO ORDERED:

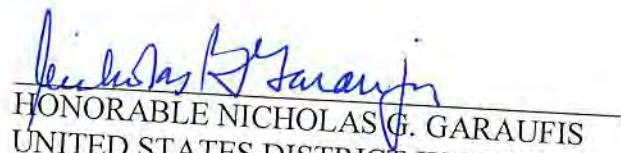

HONORABLE NICHOLAS G. GARAUFIS
UNITED STATES DISTRICT JUDGE
EASTERN DISTRICT OF NEW YORK

Exhibit A

Attachment 3

Legal Call Log

Date	IM Name/Reg. No. RANIERE, Reg. No. 57005-177 Attorney Name/Number	Call Duration	Staff
10/04/2021	Joseph P. Daugherty [REDACTED]	1.5 hr.	D. Flores CCC
10/07/2021	Joseph Tully [REDACTED]	1 hr.	D. Flores CCC
10/11/2021	Joseph Tully [REDACTED]	1hr.	D. Flores CCC
10/14/2021	Joseph Tully [REDACTED]	1hr.	D. Flores CCC
10/20/2021	Joseph Tully [REDACTED]	1hr.	D. Flores CCC
10/27/2021	Joseph Tully [REDACTED]	1 hr.	D. Flores CCC
11/01/2021	Joseph Tully [REDACTED]	1hr.	D. Flores CCC
11/09/2021	Joseph Tully [REDACTED]	1hr.	D. Flores CCC
11/15/2021	Paul DerOhannesian [REDACTED]	1hr.	D. Flores CCC
11/16/2021	Joseph Tully [REDACTED]	1hr.	D. Flores CCC
12/01/2021	Joseph Tully [REDACTED]	1hr.	D. Flores CCC
12/08/2021	Joseph Tully [REDACTED]	1hr.	D. Flores CCC
12/15/2021	Joseph Tully [REDACTED]	1hr.	D. Flores CCC
12/15/2021	Seema Iyer, Esq. [REDACTED]	1hr.	D. Flores CCC
12/20/2021	Joseph Tully [REDACTED]	1hr.	D. Flores CCC
12/21/2021	Seema Iyer, Esq. [REDACTED]	1hr.	D. Flores CCC
02/22/2022	Duncan Levin, Esq. [REDACTED]	30 min.	D. Flores CCC
02/23/2022	Joseph Tully [REDACTED]	1 hr.	D. Flores CCC

Legal Call Log

02/28/2022	Arangullo [REDACTED]	1hr.	D. Flores CCC
03/01/2022	Joseph Tully [REDACTED]	1 hr.	D. Flores CCC
03/08/2022	Joseph Tully [REDACTED]	1 hr.	D. Flores CCC
03/09/2022	John Meringolo [REDACTED]	1 hr.	D. Flores CCC
03/29/2022	Joseph Tully [REDACTED]	1 hr.	D. Flores CCC
4/25/2022	Gregory Stoltz [REDACTED]	1hr.	D. Flores
4/26/2022	John Meringolo [REDACTED]	1hr.	D. Flores
	Gregory Stoltz [REDACTED]	1hr.	
4/27/2022	Duncan Levin [REDACTED]	1hr.	D. Flores
5/04/2022	Joseph Tully [REDACTED]	1hr.	D. Flores
5/09/2022	John Meringolo [REDACTED]	1 hr.	D. Flores
5/10/2022	Joseph Tully [REDACTED]	1 hr.	D. Flores
5/24/2022	Joseph P. Daugherty [REDACTED]	1hr.	D. Flores
5/25/2022	Joseph Tully [REDACTED]	1hr.	D. Flores
6/1/2022	Joseph P. Daugherty [REDACTED] Gregory Stoltz [REDACTED]		D.Flores

Exhibit A

Attachment 4

Phone log:

Date	Inmate Name & #	Phone #	got thru	I/M sign	Length	Staff
11-17-21						Ashworth [REDACTED] Legal
12-9-21						Ashworth [REDACTED] Legal
1-5-22	Raniere 57005-177					Ashworth [REDACTED] Legal
1-5-22	Raniere 57005-177					Ashworth [REDACTED] Legal
3-23-22						Ashworth [REDACTED] Legal
3-29-22						Ashworth [REDACTED] Legal
3-29-22						Ashworth [REDACTED] Legal
3-30-22						Ashworth [REDACTED] Legal
3-30-22	Raniere 57005-177					Ashworth [REDACTED] Legal
3-30-22	Raniere 57005-177					Ashworth [REDACTED] Legal
4-1-22	Raniere 57005-177					Ashworth [REDACTED] Legal
4-5-22						Ashworth [REDACTED] Legal
4-5-22	Raniere 57005-177					Ashworth [REDACTED] Legal
4-7-22	Raniere 57005-177					Ashworth [REDACTED] Legal
4-13-22	Raniere 57005-177					Ashworth [REDACTED] Legal
4-14-22	Raniere 57005-177					Ashworth [REDACTED] Legal
4-15-22	Raniere 57005-177					Ashworth [REDACTED] Legal

Phone log:

Date	Inmate Name & #	Phone #	got thru	I/M sign	Length	Staff
4-15-22	Raniere 57005-177	[REDACTED]	Yes	[REDACTED]	1 hr.	Ashworth [REDACTED]
4-22-22	Raniere 57005-177	[REDACTED]	Yes	[REDACTED]	1 hr.	Ashworth [REDACTED]
4-28-22	Raniere 57005-177	[REDACTED]	Yes	[REDACTED]	1 hr.	Ashworth [REDACTED]
4-29-22	Raniere 57005-177	[REDACTED]	Yes	[REDACTED]	1 hr.	Ashworth [REDACTED]
5-10-22	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	Ashworth [REDACTED]
5-11-22	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	Ashworth [REDACTED]
5-11-22	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	Ashworth [REDACTED]
5-12-22	Raniere 57005-177	[REDACTED]	Yes	[REDACTED]	1 hr.	Ashworth [REDACTED]
5-18-22	Raniere 57005-177	[REDACTED]	Yes	[REDACTED]	1 hr.	Ashworth [REDACTED]
5-20-22	Raniere 57005-177	[REDACTED]	Yes	[REDACTED]	1 hr.	Ashworth [REDACTED]
5-25-22	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	Ashworth [REDACTED]
5-26-22	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	Ashworth [REDACTED]
5-27-22	Raniere 57005-177	[REDACTED]	Yes	[REDACTED]	2 hr.	Ashworth [REDACTED]

Exhibit A

Attachment 5

INMATE
ADMISSION & ORIENTATION
HANDBOOK



**UNITED STATES PENITENTIARY
TUCSON, ARIZONA**

UPDATED: January 2017

INTRODUCTION

USP Tucson is a Sex Offender Management Program (SOMP) institution. A primary goal of SOMP institution is to reduce the need to place sexual offenders in protective custody, and to create an institution climate conducive to voluntary participation in treatment. To achieve this goal, SOMP criterion are applied to all inmates at SOMP designated institutions to assist in the effective management of the Bureau's population of sexual offenders and to provide services that minimize this population's risk for sexual re-offense. Effective management of sexual offenders in prisons requires modifications and restrictions in property, mail, correspondence, and visitation for ALL inmates.

INTAKE, CLASSIFICATION AND THE UNIT TEAM

Orientation: Inmates are given a social screening by Unit Management staff and medical screening by Health Services and Mental Health staff at the time of arrival. Inmates are immediately provided with a copy of the institution rules and regulations, which include information on inmate rights and responsibilities. It also includes information on sexual assault and abuse.

Within 28 days of arrival, inmates will participate in the Admission and Orientation (A&O) Program. While in A&O, inmates are advised of the programs, services, policies and procedures regarding the facility.

Classification Teams (Unit Teams): Each inmate is assigned to a housing unit. A unit is a self-contained inmate living area that includes both housing sections and office space for unit staff. Each unit is staffed by a Unit Team directly responsible for the inmates living in the unit. The unit offices are located in the units so staff and inmates can have access to each other. The unit staff typically includes a Unit Manager, Case Manager, Correctional Counselor, and Unit Secretary. The Staff Psychologist, Education Advisor and Unit Officer are considered members of the Unit Team and provide input for classification purposes.

Inmates are assigned to a specific Unit Team. Generally, the resolution of issues or matters of interest while at the institution are most appropriately initiated with the Unit Team. Unit Team members are available to assist in many areas, including parole matters, release planning, personal and family problems, counseling and assistance in setting and attaining goals while in prison. A member of the unit staff will be at the institution from 7:30 a.m. to 9:00 p.m., and during the day on weekends and holidays.

GENERAL FUNCTIONS OF UNIT STAFF

Unit Manager: The Unit Manager is the administrative head of the general unit and oversees all unit programs and activities. The Unit Manager is the Chairperson of the team which comprises the Case Manager, Correctional Counselor, with input from Education and Psychology staff. The Unit Manager reviews team decisions and may chair the Unit Discipline Committee (UDC), which is a body that hears disciplinary infractions. The Unit Manager is ordinarily present during initial classification and subsequent program review(s) in which RRC placement is discussed.

Case Manager: The Case Manager is responsible for all casework services and prepares classification material, progress reports, release plans, correspondence, and other materials relating to the inmate's commitment. The Case Manager serves as a liaison between the inmate, the administration, and the community.

Correctional Counselor: The Counselor provides counseling and guidance for the inmates of the unit in areas of institutional adjustment, personal difficulties, and plans for the future. He/She plays a leading role in segments of unit programs relating to inmate activities. The Unit Counselor may conduct counseling groups for inmates in his/her unit and/or groups open to the general population.

Unit Secretary: The Unit Secretary performs clerical and administrative duties, to include the preparation of release paperwork.

she will then usually begin serving the previously imposed term of supervised release. If an inmate's RIS request is denied, the inmate will be provided a statement of reasons for the denial. The inmate may appeal a denial through the Administrative Remedy Procedure.

Denials by the General Counsel or the Director are final agency decisions and are not appealable. Inmates who feel their request is of an emergency nature (e.g., a terminal medical condition) may state as such in accordance with the regulation. (See 28 CFR part 542, subpart B).

PROBLEM RESOLUTION

Inmate Request to Staff Member: An Inmate Request to Staff Member (form BP-S148), commonly called a Cop-Out, is used to make a written request to a staff member. Any type of request can be made with this form. Cop-outs may be obtained in the living units from the Correctional Officer on duty. Staff members will answer the request within a reasonable period of time.

Administrative Remedy Process: The BOP emphasizes and encourages the resolution of complaints. The first step of the Administrative Remedy process is to attempt an **Informal Resolution**, utilizing the appropriate Informal Resolution form. (See the Administrative Remedy Institution Supplement, Attachment A.) When an informal resolution is not successful, an inmate can access the Administrative Remedy Program. All Administrative Remedy forms may be obtained from your assigned Correctional Counselor or Unit Team member.

If the issue cannot be informally resolved, a formal complaint may be filed with a Request for Administrative Remedy (formerly BP-229), commonly referred to as a BP-9. The inmate may place a single complaint or related issues on the form. If the form contains multiple unrelated issues, the submission will be rejected. The inmate will return the completed BP-9 to the Correctional Counselor, who will deliver it to the Administrative Remedy Coordinator (BP-9 will be rejected unless processed through staff). The BP-9 complaint must be filed within twenty (20) calendar days from the date on which the basis for the incident or complaint occurred, unless it was not feasible to file within that period of time which should be documented in the complaint. Institution staff has twenty (20) calendar days to act on the complaint and to provide a written response to the inmate. This time limit for the response may be extended for an additional twenty (20) calendar days. The inmate will be notified of the extension.

If the inmate is not satisfied with the Warden's response to the BP-9, he may file an appeal to the Regional Director. This appeal must be received in the Regional Office within twenty (20) calendar days from the date of the BP-9 response. The regional appeal is filed on a Regional Administrative Remedy Appeal (form BP-230), commonly referred to as a BP-10, and must include the appropriate number of copies of the BP-9 form, the Warden's response, and any exhibits.

The regional appeal must be answered within thirty (30) calendar days, but the time limit may be extended an additional thirty (30) days. The inmate will be notified of the extension.

If the inmate is not satisfied with the Regional Director's response, he may appeal to the General Counsel in the Central Office. The national appeal must be made on the Central Office Administrative Remedy Appeal (form BP-231), commonly referred to as a BP-11, and must have the appropriate number of copies of the BP-9, BP-10, both responses, and any exhibits. The national appeal must be answered within forty (40) calendar days, but the time limit may be extended an additional twenty (20) days. The inmate will be notified of the extension.

When filing a Request for Administrative Remedy or an Appeal (BP-9, BP-10, or BP-11), the form should contain the following information:

- Statement of Facts
- Grounds for Relief
- Relief Requested
-

Sensitive Complaints: If an inmate believes a complaint is of a sensitive nature and he would be adversely affected if the complaint became known to the institution, he may file the complaint directly to the Regional Director. The inmate must explain, in writing, the reason for not filing the complaint with the institution. If the Regional Director agrees the complaint is sensitive, it shall be accepted and a response to the complaint will be processed. If the Regional Director does not agree the complaint is sensitive, the inmate will be advised in writing of that determination and the complaint will be returned. The inmate may then pursue the matter by filing a BP-9 at the institution.

General Information: When a complaint is determined to be of an emergency and threatens the inmate's immediate health or welfare, the reply must be made as soon as possible, usually within seventy-two (72) hours from the receipt of the complaint.

For detailed instructions see Program Statement 1330.16, Administrative Remedy Program.

DISCIPLINARY PROCEDURES

Inappropriate sexual behavior towards staff and other inmates will not be tolerated. Inappropriate sexual behavior is defined as verbal or physical conduct perceived as a sexual proposal, act, or threat. Examples of inappropriate inmate sexual behavior include: displaying sexually explicit materials; making sexually suggestive jokes, comments, proposals, and gestures; and engaging in stalking, indecent exposure, masturbation, or physical contact. Inmates who engage in this type of behavior will be disciplined and sanctioned accordingly, through the inmate discipline process.

Discipline: The inmate discipline program helps ensure the safety, security, and orderly operation for all inmates. Violations of BOP rules and regulations are handled by the Unit Discipline Committee (UDC) and, for more serious violations, the Disciplinary Hearing Officer (DHO). Upon arrival at an institution, inmates are advised of the rules and regulations and are provided with copies of the Prohibited Acts and Available Sanctions, as well as local regulations.

Inmate Discipline Information: When a staff member witnesses or reasonably believes an inmate has committed a prohibited act, a staff member will issue an incident report, a written copy of the charges against an inmate. The incident report will ordinarily be delivered to the inmate within 24 hours of the time staff became aware of the inmate's involvement in the incident. If the incident is referred for prosecution, the incident report is delivered by the end of the next work day after it has been released for administrative processing. An informal resolution of the incident may be attempted at any stage of the discipline process. If an informal resolution is accomplished, the incident report will be removed from the inmate's central file. Informal resolution is encouraged for all violations in the Moderate and Low severity categories. Staff may suspend disciplinary proceedings up to two calendar weeks while informal resolution is undertaken. If an informal resolution is not accomplished, staff will reinstate the discipline process at the stage at which they were suspended. Violations in the Greatest and High severity categories cannot be informally resolved and must be forwarded to the DHO for final disposition.

Initial Hearing: Inmates will ordinarily be given an initial hearing within five (5) work days after the incident report is issued, excluding the day it was issued, weekends, and holidays. The Warden must approve, in writing, the any extension over five (5) days. The inmate is entitled to be present at the initial hearing and may make statements and present documentary evidence. The UDC must give its decision in writing to the inmate by the close of the next work day. The UDC may make findings on Moderate and Low severity offenses. The UDC will automatically refer Greatest and High severity offenses to the DHO for final disposition.

DISCIPLINE HEARING OFFICER (DHO)

The Disciplinary Hearing Officer (DHO) conducts disciplinary hearings on all Greatest and High severity prohibited acts and other violations referred by the UDC at the Moderate and Low severity levels. The DHO may not hear any case not referred by the UDC. An inmate will be provided with advance written notice of the

Exhibit A

Attachment 6

Certification

The Attached FCC Tucson Supplement: **1330.18B – Administrative Remedy Program** was certified as current on **5/15/2020**.



U.S. Department of Justice
Federal Bureau of Prisons
Federal Correctional Complex
Tucson, Arizona

Complex Supplement

OPI: EXEC
NUMBER: TCX 1330.18B
DATE: 9/9/2019
SUBJECT: Administrative
Remedy Program

1. **PURPOSE AND SCOPE.** To implement standard procedures by which inmates confined at the Federal Correctional Complex Tucson (FCC Tucson) may seek formal review of complaints or issues relating to any aspect of their confinement.

2. **DIRECTIVES AFFECTED**

a. **Directives Referenced**

PS 1320.06	Federal Tort Claims Act (08/01/03)
PS 4500.12	Trust Fund/Deposit Fund Manual (03/15/18)
PS 5212.07	Control Unit Programs (02/20/01)
PS 5214.04	HIV Positive Inmates Who Pose Danger to Other, Procedures for Handling of (02/04/98)
PS 5264.08	Inmate Telephone Regulations (01/24/08)
PS 5270.09	Inmate Discipline Program (07/08/11)
PS 5324.12	Sexually Abusive Behavior Prevention and Intervention Program (06/04/15)
PS 5890.13	SENTRY - National On-Line Automated Information System (12/14/99)
28 CFR 301	Inmate Accident Compensation
28 CFR 513	Fees (for records requested pursuant to the Freedom of Information Act (FOIA))

b. **Directives Rescinded**

TCX 1330.18A	Administrative Remedy Procedures for Inmates (5/03/14)
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TCX 1330.18B

9/9/2019

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3. STANDARDS REFERENCED. American Correctional Association Standards for Adult Correctional Institutions, 4th Edition: 4-4214M, 4-4226, 4-4227, 4-4228, 4-4361.

American Correctional Association Performance Based Standards for Adult Local Detention Facilities, 4th Edition: 4-ALDF-3A-01, 4-ALDF-4C-21.

4. RESPONSIBILITY

a. The Executive Assistant is designated as the Administrative Remedy Coordinator at FCC Tucson. Requests for Administrative Remedy that are of a sensitive nature or require emergency attention will be brought to the Warden's attention by the Executive Assistant.

b. The Associate Warden's Secretary is designated as the Administrative Remedy Clerk for the Complex.

5. ISSUES IMPROPERLY FILED. All improperly filed issues will be returned to the inmate with a SENTRY generated rejection notice. The Administrative Remedy Clerk will initiate the SENTRY transaction and refer the rejection notice to the unit team for distribution to the inmate, and file a copy in the appropriate BP-9 folder.

6. INITIAL FILINGS

a. Informal Resolution. The Correctional Counselor has the responsibility to make every effort to attempt to successfully informally resolve the issue or complaint with the inmate. The Unit Manager has the responsibility to review each attempt at informal resolution and to also attempt to successfully informally resolve any issue or complaint in the event the Correctional Counselor was unsuccessful.

Inmates with complaints should complete the first four sections of Attachment A, Informal Resolution and submit the form to their respective Correctional Counselor. Inmates will be allowed to attach one continuation page with their Informal Resolution, with text on one side.

Unit Team will have (5) working days to provide a response to the inmate's informal resolution. If the informal resolution is regarding a medical concern, Unit Team will have (7) working

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days to provide a response. If attempts at informal resolution are unsuccessful, the Correctional Counselor shall issue a BP-229 form, Request for Administrative Remedy (BP-9), upon inmate's request.

b. Filing. Once attempts at informal resolution have proven unsuccessful, the inmate shall obtain a Form BP-229, Request for Administrative Remedy (BP-9), from their Correctional Counselor.

The Correctional Counselor will initial, date, and write the inmate's last name on the top right hand section of the form for accountability purposes. Copies of Administrative Remedy forms will not be accepted.

Inmates may obtain BP-229, BP-230, Request for Administrative Appeal (BP-10) and BP-231, Central Office Administrative Remedy Appeal (BP-11) forms from their respective Correctional Counselor. Only unit team members may issue form BP-229, Request for Administrative Remedy (BP-9) to inmates, including those housed in the Special Housing Unit (SHU).

The inmate shall return the completed BP-229 form and the Informal Resolution documentation to the Correctional Counselor or Unit Manager. The Unit Manager shall review the inmate's complaint and ensure opportunities for informal resolution have been exhausted. In the Unit Manager's absence, the acting Unit Manager will review the BP-229 for compliance.

The Correctional Counselor or other authorized staff member shall then deliver the BP-229 form, along with the Informal Resolution documentation, to the Administrative Remedy Clerk the following workday.

Sentry generated receipts will serve as acknowledgment of a submission for a Request for Administrative Remedy. The Unit Manager, or designee, is responsible for ensuring that SENTRY is checked daily for inmate notices of "receipts", "extensions", and "receipt disregards". These notices to inmates are to be printed and forwarded to the inmates addressees.

Unit Discipline Committee (UDC) appeals do not require completion of the Informal Resolution documentation. However, the inmate must attach a copy of the Incident Report (including UDC findings) with the Administrative Remedy BP-229 form.

The Correctional Counselor or other authorized staff shall then deliver the BP-229 form, along with the Incident Report with UDC hearing documentation, to the Administrative Remedy Clerk by the following day.

An inmate can withdraw his BP-229 (BP-9), by either submitting an Inmate Request to Staff Member or by signing a Withdrawal of Administrative Remedy Appeal form (Attachment C). Both forms shall include the remedy ID number and the reason for withdrawal. Upon request, unit staff will assist and/or provide assistance for inmates in completing the Administrative Remedy form. Inmates may obtain assistance from another inmate or other source in preparing a request. Inmates, who are illiterate, disabled, or who are not functionally literate in English, will be provided assistance by unit staff.

7. REMEDY PROCESSING

a. Response Time Limits. A Request for Administrative Remedy is considered filed when the information is logged in the SENTRY database, and a Remedy ID Number is assigned. Once filed, the Warden's response is due within 20 calendar days from the date the complaint is received by the Administrative Remedy Clerk. If the complaint is determined to be of an emergency nature, the Warden shall respond within 72 hours from the filing of the complaint.

Extensions to response time limits, up to 20 days, may be granted for good cause and inmates will be informed in writing of such extensions. Unit staff will issue a SENTRY generated extension memo.

b. Response Preparation. The Administrative Remedy Clerk will refer the Administrative Remedy to a department head to conduct an investigation and prepare the response. Department heads who have been assigned to review a Request for Administrative Remedy, will have seven (7) business days from the date of receipt to review and prepare a draft response. The formal written response will be prepared, with a copy stored on the M:drive in the BP-9 folder, which will be provided with the investigation.

If a staff member assigned to review the request is alleged to be specifically involved in the complaint, or another reason

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exists why the staff member should not review the complaint, the staff should immediately (upon receipt) contact the clerk or coordinator to have the investigation reassigned. Also, members of a Unit Discipline Committee will not review UDC appeals from their assigned unit. The review and proposed response to an emergency complaint is to be completed within 24 hours of assignment. A response will be forwarded to the inmate within the time frame established in P.S. 1330.18.

c. Remedy Form Distribution. Upon completion of the response, the Warden's File Copy will be filed in the Administrative Remedy Coordinator's office. Three copies of the response and any other documentation generated by the inmate will be forwarded back to the inmate's unit team for distribution to the inmate. Unit team will have the inmate sign an Acknowledgment of Receipt of Administrative Remedy Appeal (attachment D). Once signed, Unit Team will then return it to the Administrative Remedy Coordinator's office for filing.

8. ISSUING DEPARTMENT. Executive Assistant.

B. von Blanckensee
Complex Warden

Jared Rardin
Warden

Attachment A

INFORMAL RESOLUTION FORM

NOTICE TO INMATE: You are advised that prior to receiving and filing a Request for Administrative Remedy Form (BP-9), you MUST attempt to informally resolve your complaint through your Correctional Counselor. Briefly state the complaint below and list what effort you have made to resolve your complaint informally. Also, please state names of staff contacted.

Inmate Name:	Reg. No.:	Unit:
Informal resolution form issued by Correctional Counselor on: (date)		
INMATE'S COMMENTS: (Inmate MUST FILL OUT items 1-4 and signature block)		
1. Complaint:		
2. Efforts made by inmate to informally resolve incident (Which staff members did you talk to and what did they say?)		
3. State what action you want staff to take to correct the situation:		
Date returned to Correctional Counselor:		
Inmate Signature	Reg. No.	Date
CORRECTIONAL COUNSELOR'S COMMENTS:		
Efforts made to informally resolve and staff contacted:		
<ul style="list-style-type: none"> a. <i>Discussed the complaint with (staff member) --- and he/she stated...</i> b. <i>I further explained to the inmate that ...</i> c. <i>But, the inmate insisted he wanted to file a BP-9 because...</i> 		
Date informally resolved:	Signature:	
Informal Resolution was not accomplished for the following reason: <i>After I personally explained that ..., he still insisted that he was wronged because...</i>		
Unit Manager's review and Signature:		
<ul style="list-style-type: none"> a. <i>Can this request be resolved at the Unit Level?</i> b. <i>Steps taken to resolve (who was contacted, results of that contact – do not forward for lack of contact):</i> 		
<hr/> Unit Manager / Date Signed		

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Attachment B



FEDERAL BUREAU OF PRISONS

FEDERAL CORRECTIONAL COMPLEX

TUCSON, ARIZONA

WITHDRAWAL OF ADMINISTRATIVE REMEDY APPEAL

I _____ Reg. No. _____ further acknowledge by my signature, withdrawal of my Administrative Remedy Appeal No. _____ dated _____. This is voluntary and not of influence on the part of any staff member of the Federal Bureau of Prisons (FCC Tucson).

Signature of Inmate

Register Number

Date

Signature/TITLE of Staff Witness

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Attachment C



FEDERAL BUREAU OF PRISONS

FEDERAL CORRECTIONAL COMPLEX

TUCSON, ARIZONA

Unit: _____

- Region
- Central Office
- BP-9 Response
- BP-9 Rejection

**ACKNOWLEDGMENT OF RECEIPT OF
ADMINISTRATIVE REMEDY APPEAL**

I, _____, Reg. No. _____, further acknowledge by my signature, receiving Administrative Remedy Appeal No. _____. The Administrative Remedy Appeal was hand-delivered to me.

Received on this _____ day of _____, 2020.

Signature of Inmate

Register Number

Date

Signature/TITLE of Staff Witness

Exhibit A

Attachment 7

PHXC4

*ADMINISTRATIVE REMEDY GENERALIZED RETRIEVAL *

05-31-2022

13:24:53

PAGE 001 OF

FUNCTION: L-P SCOPE: REG EQ 57005-177 OUTPUT FORMAT: FULL

-----LIMITED TO SUBMISSIONS WHICH MATCH ALL LIMITATIONS KEYED BELOW-----

DT RCV: FROM _____ THRU _____ DT STS: FROM _____ THRU _____

DT STS: FROM ____ TO ____ DAYS BEFORE "OR" FROM ____ TO ____ DAYS AFTER DT RDU

DT TDU: FROM ____ TO ____ DAYS BEFORE "OR" FROM ____ TO ____ DAYS AFTER DT TRT

STS/REAS: _____

SUBJECTS: _____

EXTENDED: _ REMEDY LEVEL: _ _ RECEIPT: _ _ _ "OR" EXTENSION: _ _ _

RCV OFC : EQ _____

TRACK: DEPT: _____

PERSON: _____

TYPE: _____

EVNT FACL: EQ _____

RCV FACL.: EQ _____

RCV UN/LC: EQ _____

RCV QTR..: EQ _____

ORIG FACL: EQ _____

ORG UN/LC: EQ _____

ORIG QTR.: EQ _____

G0002

MORE PAGES TO FOLLOW . . .

REGNO: 57005-177 NAME: RANIERE, KEITH
RSP OF...: TCP UNT/LOC/DST: UNIT C QTR.: C01-108U RCV OFC: WXR
REMEDIY ID: 1111640-R1 SUB1: 20DM SUB2: DATE RCV: 02-25-2022
UNT RCV.:UNIT C QTR RCV.: C01-108U FAACL RCV: TCP
UNT ORG.:UNIT C QTR ORG.: C01-108U FAACL ORG: TCP
EVT FAACL.: TCP ACC LEV: WXR 1 RESP DUE: TUE 04-26-2022
ABSTRACT.: DHO HEARING 10-26-21 CODE: 396 / 397
STATUS DT: 04-01-2022 STATUS CODE: CLD STATUS REASON: DNY
INCRPTNO.: 3547878 RCT: P EXT: P DATE ENTD: 02-26-2022
REMARKS...:

G0000 1 REMEDY SUBMISSION(S) SELECTED
TRANSACTION SUCCESSFULLY COMPLETED

Exhibit B

NS:TH
F. #2017R01840

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK
-----X

UNITED STATES OF AMERICA

- against -

Docket No. 18-CR-204 (S-2) (NGG)

KEITH RANIERE,

Defendant.

-----X

THE GOVERNMENT'S SENTENCING MEMORANDUM
AS TO DEFENDANT KEITH RANIERE

SETH D. DUCHARME
ACTING UNITED STATES ATTORNEY
Eastern District of New York
271 Cadman Plaza East
Brooklyn, New York 11201

Tanya Hajjar
Mark J. Lesko
Karin Orenstein
Assistant U.S. Attorneys
(Of Counsel)

PRELIMINARY STATEMENT

For fifteen years, the defendant Keith Raniere was the leader of a criminal enterprise based in New York. Raniere recruited individuals into organizations he founded, purportedly for their own benefit, and then exploited them—for power, for profit, or for sex. The sentence imposed on Raniere should reflect the immeasurable damage he has done to his victims. To protect the public from the defendant, and to justly punish his years of crime and exploitation, the Court should impose a Guidelines sentence of life imprisonment.

Raniere's post-conviction conduct reflects his total denial of culpability for the crimes of which he was convicted. While in prison, Raniere continues to regularly contact his supporters and has expressed contempt for his victims, the prosecution, and the Court. Raniere's complete lack of acceptance of responsibility also counsels in favor of a sentence of life imprisonment.

For the reasons set forth below, the defendant's challenges to the Presentence Investigation Report ("PSR") are meritless, and the Court should adopt the PSR's Guidelines calculation and recitation of the relevant facts. The government respectfully submits that the applicable Guidelines range and the relevant factors under 18 U.S.C. § 3553(a) warrant a sentence of life imprisonment. The Court should also order payment of restitution and a fine.

BACKGROUND

The Court is familiar with the offense conduct in this case, having presided over the defendant's six-week jury trial in May and June 2019. The following factual summary is intended to provide an overview sufficient to situate the government's arguments with respect to sentencing in the relevant factual context, but not to provide a comprehensive recitation of all aspects of the offense conduct proven at trial.

In 2018 and 2019, Keith Raniere and five co-defendants were indicted for racketeering, racketeering conspiracy and related crimes, including sex trafficking, forced labor, alien smuggling, identity theft and extortion. On June 19, 2019, Raniere was convicted of all seven counts (and all eleven racketeering acts) submitted to the jury.¹ Raniere's convictions fall into the following categories of illegal conduct:

- i. Sexual exploitation of Camila (Jane Doe 2);
- ii. Alien smuggling and visa fraud;
- iii. Trafficking of Daniela (Jane Doe 4) for labor and services;
- iv. Unlawful surveillance of individuals believed to be enemies of Nxivm and of Raniere;
- v. Obstruction of justice;
- vi. Sex trafficking, wire fraud, and extortion related to DOS; and
- vii. Identity theft related to tax evasion.

¹ The other five defendants pleaded guilty.

I. Offense Conduct

The evidence presented at trial demonstrated that for over a decade, Raniere led a criminal enterprise (“the Enterprise”) and relied on an “inner circle” of individuals to carry out his orders. PSR ¶¶ 36-41. Raniere and his co-conspirators recruited individuals into various purported self-help organizations that Raniere founded, including Nxivm and affiliated programs, and DOS. Id.; see, e.g., Trial Transcript (“Tr.”) at 619-24 (testimony of Mark Vicente regarding Nxivm recruitment strategies); id. at 1619-20 (testimony of Lauren Salzman that Raniere preferred DOS recruits to be individuals “in positions of power and influence”).

Raniere demanded absolute commitment from those he recruited and those within his inner circle, including as to his teachings and ideology. PSR ¶ 38; see, e.g., Tr. at 308 (testimony of Sylvie that “a lot of the time it doesn’t make any sense but we all just would agree . . . it was so rare that someone would disagree with [the Nxivm curriculum], so rare”); id. at 502 (testimony of Vicente that “one couldn’t question the higher ranks and questioning [Raniere] was seen as a very, very bad thing”); id. at 1875 (testimony of Lauren Salzman as to shunning). Raniere and his co-conspirators maintained control over the Enterprise by, among other means, obtaining sensitive information about members and associates of the Enterprise; inducing shame and guilt in order to influence and control members and associates of the Enterprise; isolating associates and others from friends and family and making them dependent on the Enterprise for their financial well-being and legal status within the United States; and encouraging associates and others to take expensive Nxivm courses, and incur debt to do so. PSR ¶ 38. Members of the Enterprise recruited and groomed sexual partners for Raniere, both within and outside of DOS, and many were

themselves in sexual relationships with Raniere that involved pledges of loyalty, penances for “ethical breaches,” and collateral. PSR ¶ 39.

i. Sexual Exploitation of Camila

In September 2005, the defendant began a sexual relationship with Camila, then a fifteen-year-old child. PSR ¶¶ 60-64; Tr. at 3457-65, 3524; Government Exhibit (“GX”) 1400-44; see also GX 301-R (appended to this memorandum in Exhibit A). Camila and her family had arrived in Clifton Park at the defendant’s invitation, and he arranged for her to work as a maid in Nancy Salzman’s house, which was a distance away from her siblings. See Tr. at 2465-2473 (Daniela’s testimony). Camila lived in a house with other members of the Nxivm community, including Monica Duran, a woman who—like Camila—would later become a first-line master in DOS. Id.

On November 2, 2005 and again on November 24, 2005, the defendant took photographs of Camila constituting child pornography. Several of the photographs depict Camila lying on a bed fully nude. At least five photographs depict close-ups of Camila’s genitals.² PSR ¶¶ 60-64.

ii. Trafficking of Daniela

As proven at trial, between March 2010 and April 2012, Raniere, Lauren Salzman, and others trafficked Daniela for labor and services by confining her to a room for nearly two years on the threat of being sent to Mexico and withholding her birth certificate. PSR ¶¶ 65-69.

² See GX503, 504, 528-534. Pursuant to the Adam Walsh Act, these exhibits are available to the Court for review in advance of sentencing.

Raniere initiated a sexual relationship with Daniela, Camila's sister, when Daniela was eighteen. PSR ¶ 66. After Daniela re-entered the United States in 2004, she began to work for Raniere, including by cleaning, organizing his books, digitizing his music collection, and compiling reports summarizing lengthy textbooks on various topics. Id.; Tr. at 2511. As he did in his relationships with other women, Raniere controlled Daniela's diet and weight and insisted that Daniela keep the relationship secret. PSR ¶ 66. When she was 20, Daniela became pregnant by Raniere. Raniere's partner, Pamela Cafritz, paid for Daniela's abortion and instructed Daniela to lie about the identity of the father to medical staff. Id.

After Daniela developed romantic feelings for another man, Raniere told Daniela's parents that Daniela had committed an "ethical breach." PSR ¶ 67. Raniere ordered that Daniela be confined to a room in her parents' home without human contact. At Raniere's instruction, Lauren Salzman threatened Daniela if she left the room, she would be sent to Mexico without any identification documents. Id.; see GX 1578, 1535, 1534, 1563, 1603, 1934.

Daniela was confined to the room for nearly two years, during which she went months without human contact. PSR ¶ 68; Tr. at 1927. Family members left meals for Daniela outside her door. Daniela was denied prompt medical care and slept on a foam pad on the floor. During this time, Daniela wrote hundreds of letters to Raniere with various proposals to "heal" her purported "ethical breach." Daniela believed that if she stopped writing, she would be sent to Mexico without money or her identification documents. Id.

Lauren Salzman reported to Raniere regarding Daniela's "progress," but Raniere frequently told Salzman that Daniela was "game-playing" and manipulating Salzman

and needed to stay in the room longer. Tr. at 1930-34 (Salzman's testimony). Raniere forbade Salzman from telling Daniela anything or giving her any information "about what was going on, on the outside with anybody." Tr. at 1936-37. At one point, when Daniela cut off her hair, Raniere instructed Lauren Salzman to tell Daniela that Daniela would have to stay in the room until her hair grew back. Id.; Tr. at 2899. Over time, Daniela's psychological health deteriorated:

[S]ometimes I would beg: Please let me know. I don't know why, just—just let me out. Nobody cared. My family didn't. Nobody cared. So, it was also—it was also knowing that nobody wanted me. I'm in a world where nobody cares that I'm losing my life. . . . it was clearly never gonna end."

Tr. at 2905 (Daniela's testimony). In approximately February 2012, after considering suicide, Daniela left the room. PSR ¶ 69. Daniela was then driven to Mexico at Raniere's direction and was told that unless she completed book reports for Raniere, she would not receive her birth certificate. Daniela ultimately obtained a copy of her birth certificate with the assistance of an attorney working for a human rights commission. Id.

iii. Alien Smuggling

Raniere and his co-conspirators participated in efforts to recruit and secure immigration status for non-citizens so that they could work in one or more Nxivm-affiliated organizations or as his sexual partners. PSR ¶ 42. Among the individuals that Raniere and his co-conspirators assisted in entering or remaining in the United States unlawfully were siblings Marianna, Daniela, Adrian and Camila. Id. By 2008, all four siblings were out of status and unlawfully in the United States. See Tr. at 2491-2505 (testimony of Daniela); see GX 1554.

a. Daniela

In 2004, Raniere arranged for Daniela to enter the United States unlawfully using a false identification document with the last name and date of birth of Ashana Chenoa, a deceased woman. PSR ¶ 44. Daniela's parents had paid for her to take a Nxivm course in Monterrey, Mexico, and encouraged Daniela to join the Nxivm community in Albany, New York. Id.; Tr. at 2301 (Daniela's testimony). On October 26, 2004, Daniela was denied entry into the United States and returned to her home town in Mexico. PSR ¶ 44; Tr. at 2408. Raniere instructed Daniela to fly to Toronto, Canada and enter the United States with a false sheriff's ID card containing the name and date of birth of a deceased woman who, according to Raniere, bore a resemblance to Daniela. PSR ¶ 44; Tr. at 2410. On December 24, 2004, Daniela met Kathy Russell at the border. Id. Russell handed Daniela the false sheriff's ID bearing the name "Lisa Chenoa," and drove Daniela across the border into the United States and back to the defendant's community in Clifton Park, New York. Tr. at 2411-2414.

b. Camila

Between approximately 2011 and September 2018, Raniere directed his co-defendant Kathy Russell to lease 120 Victory Way, a property in Clifton Park, New York. PSR ¶ 43. The residence was used to house Camila, who did not have legal status within the United States. Id. Russell leased the property for over seven years under an assumed name and, each year, paid the rent in cash and in full. Id.

c. Marianna

Raniere and his co-conspirators made significant efforts to assist Marianna in entering and remaining in the United States. PSR ¶¶ 49-53. Marianna arrived in the United

States in or about 2003, shortly after completing high school, in order to study the Nxivm curriculum with Raniere. In 2004, Marianna began a sexual relationship with Raniere and Pamela Cafritz. Some time thereafter, Marianna's status in the United States on a visitor's visa expired. Tr. at 2491 (testimony of Daniela). Notwithstanding that Marianna had been living with Raniere without legal status in the Nxivm community for nearly a decade, Clare Bronfman falsely claimed that Marianna had always been compliant with U.S. immigration laws and that Marianna had been employed by her father's rock-drilling company in Mexico. PSR ¶ 51.

iv. Identity Theft and Unlawful Surveillance (Keylogging)

Raniere and his co-conspirators engaged in unlawful surveillance and investigation of his perceived enemies. PSR ¶¶ 70-75. The targets of these efforts included federal judges overseeing litigation in which Nxivm was a party, high-ranking politicians, reporters who had published articles critical of Raniere or Nxivm, Nxivm's own lawyers, legal adversaries and their families, an accountant (James Loperfido) who worked for an attorney who had previously done work for Nxivm, and Edgar Bronfman Sr., the father of Clare Bronfman. Id.; Tr. at 3357 (testimony of Loperfido). On multiple occasions, Bronfman approached Stephen Herbits, a colleague of her father, whom she believed to have political influence, in an attempt to persuade him to help her intimidate individuals perceived to be hostile to Nxivm or Raniere. PSR ¶¶ 70-75; Tr. at 1322-24 (testimony of Herbits), 1330-33.

Between August 2005 and October 2008, Raniere directed Daniela to obtain the usernames and passwords for email accounts belonging to individuals they perceived to be Nxivm enemies, in order to gain access to those individual's email accounts and monitor

their communications. PSR ¶¶ 70-75; see GX 1518; Tr. at 2535-40 (Daniela's testimony).

After the publication of a October 2003 Forbes article in which Edgar Bronfman was quoted as calling Nxivm a "cult," Raniere considered Edgar Bronfman an enemy of his and of Nxivm. See GX 1456. As a result, Raniere tasked Daniela with creating keylogging software in order to access and monitor Edgar Bronfman's email account. Tr. at 2552-54 (Daniela's testimony). Bronfman installed the keylogging software on her father's computer, and Daniela was thereafter able to access Edgar Bronfman's email account. Tr. at 2554-55. For years, Daniela reported the results to Raniere. PSR ¶ 72; Tr. at 2556-57. At Raniere's direction, Daniela also created and installed keylogging software on the computer of James Loperfido, an accountant who had worked for Joseph O'Hara, an attorney who had previously done work for Nxivm. Tr. at 2553 (Daniela's testimony), 3370 (Loperfido's testimony).

Daniela thereafter regularly emailed the results of the keylogging software, which reflected Loperfido's computer activity, to Raniere. PSR ¶ 73; Tr. at 2560. In November 2008, Raniere also enlisted Daniela to install keylogging software on Daniela's sister Marianna's computer after Raniere suspected Marianna of rekindling a relationship with an ex-boyfriend. PSR ¶ 74; Tr. at 2621-2622. Through installation of the keylogging software, Daniela provided Raniere with her sister's Facebook password. Id.

On behalf of Nxivm, Bronfman hired several private firms, including Canaprobe and Interfor, in order to investigate perceived enemies of Nxivm and Raniere. PSR ¶ 75; Tr. at 5010. Between approximately 2007 and 2009, Canaprobe sent the results of purported "bank sweeps" for bank account and balance information belonging to Nxivm's adversaries. Id. On March 27, 2018, a search warrant was executed on the residence of

Nancy Salzman. Among the items recovered was a large box containing what appears to be private banking information of many individuals perceived to be Nxivm enemies, including Edgar Bronfman, Joseph O'Hara, Rick Ross, and others. Id.; Tr. at 4997-99 (describing purported banking information for, among other individuals, the author of the October 2003 Forbes article and prominent New York politicians and lobbyists).

v. Obstruction of Justice

Raniere obstructed justice by altering videotapes that were to be produced in discovery in a federal lawsuit in New Jersey. PSR ¶¶ 80-83. In 2003, Nxivm and affiliated entities filed suit against Stephanie Franco, a former Nxivm student, and Rick Ross. Tr. at 4683-84 (Ross's testimony). The lawsuit alleged copyright infringement and centered on a claim that Franco had violated a non-disclosure agreement by providing Nxivm course materials to Rick Ross, a cult deprogrammer, who published the course materials on his website. Tr. at 910, 1299 (Vicente's testimony); Tr. at 1988-89 (Salzman's testimony); Tr. at 4700-4703 (Ross's testimony). In around 2008, Franco's attorneys requested the production of certain videotapes in support of their claim that the Nxivm curriculum contained false statements and violated certain state consumer protection laws. Id. In June 2008, Raniere tasked Mark Vicente, among others, to alter videotapes and to remove certain segments from them without having the videotapes appear altered. Tr. at 745 (Vicente's testimony). Vicente was provided with videotapes to remove content, including segments in which Nancy Salzman made unsubstantiated health claims about Nxivm's curriculum. Tr. at 1256. These altered videotapes were then produced in discovery by Nxivm's attorneys with the false claim that they were provided in "unedited fashion."

vi. DOS

In late 2015, Raniere created DOS, a secret organization led by Raniere and comprised of “masters” who recruited and commanded groups of “slaves.” PSR ¶¶ 84-96; Tr. at 1506 (testimony of Lauren Salzman). Aside from Raniere, all members of DOS were female. Raniere gave himself the title “Grandmaster.” Id. Raniere’s direct slaves (the “First Line”) were Camila, Daniella Padilla, Nicki Clyne, Loreta Garza, Rosa Laura Junco, Monica Duran, Allison Mack, and Lauren Salzman. Tr. at 1509. Each of these “first-line slaves” recruited their own “slaves” by approaching young women and falsely describing DOS as a secret women’s empowerment group or sorority. Id. Raniere instructed the First Line never to disclose his participation in and leadership of DOS. Prospective “slaves” were required to provide “collateral”—including damaging confessions about themselves and loved ones (truthful or not), rights to financial assets, and sexually explicit photographs and videos—to prevent them from leaving the group or disclosing its existence to others. Tr. at 1508-09, 1602-05.

Through DOS, Raniere used the First Line to recruit other women to make a “collateralized vow of obedience” to their masters (and, by extension, to Raniere) and then required these “slaves” to perform labor, take nude photographs, and, in some cases, to engage in sex acts with Raniere. Tr. at 1707, 1750, 2183. Raniere at one point told Camila that it would be “good” for her to “own a fuck toy slave” for him that she could “groom and use as a tool to pleasure” him. GX 1779-285; Tr. at 3569. Raniere also instructed Daniella Padilla, Loreta Garza, Rosa Laura Junco and Camila to find a young virgin “successor” for Raniere. Tr. at 3590, 3597.

The First Line of DOS met three times a week for about ten hours a week. PSR ¶¶ 84-96; Tr. at 1510-11 (Lauren Salzman's testimony). At the start of each meeting, the First Line took a fully nude photograph of themselves and sent it to Raniere. In the meetings that Raniere attended, Raniere sat on a chair, dressed, while the First Line sat on the floor beneath him naked. Id. Raniere engaged in sexual relationships with the First Line, occasionally at the same time, and directed them to purchase a "sorority house" which would contain BDSM equipment, including a human-sized cage. Tr. at 1510; 1538. These sexualized components of DOS, along with Raniere's leadership of DOS, were deliberately concealed from recruits. PSR ¶¶ 84-96; Tr. at 1509. In April 2017, the First Line of DOS purchased a "sorority house," located at 9 Milltowne Drive, Waterford, New York 12188. PSR ¶¶ 84-96; Tr. at 1623.

Raniere and other DOS "masters" recruited women as "slaves" into DOS by deliberately concealing Raniere's role in DOS. PSR ¶¶ 84-96; Tr. at 1509. Women were recruited into DOS from California, Mexico, Canada and elsewhere, and DOS "masters" used encrypted messaging applications located overseas, including Telegram and Signal, to communicate with their "slaves" and to collect collateral. Tr. at 1604-05. After women were recruited into DOS and their collateral was collected, the DOS "slaves" were told that they needed to provide additional collateral each month. DOS "slaves," including Sylvie, Nicole, and Jay, among others, believed that if they did not obey their "masters," their collateral would be released. PSR ¶¶ 84-96; see, e.g., Tr. at 213-14.

Raniere and DOS "masters" used a variety of means to coerce their "slaves" into submission. In accordance with Raniere's instructions, DOS "slaves" were required to be branded with a symbol that, unknown to the "slaves," represented Raniere's own initials.

Tr. at 1621. DOS “slaves” were also controlled in a number of other ways, including physical isolation (by being required to stay in Clifton Park); forced participation in “readiness” drills; requirements to seek permission from Raniere or their “master”; sleep-deprivation and extremely restrictive diets. PSR ¶¶ 84-96.

At Raniere’s instruction, the DOS victim being branded was held down by other DOS “slaves” and was required to state, among other things, “Master, please brand me, it would be an honor.” PSR ¶¶ 84-96. Raniere gave these directives to Allison Mack to implement:

Raniere: Do you think the person who’s being branded should be completely nude and sort of held to the table like a, sort of almost like a sacrifice? I don’t know if that, that’s a feeling of submission, you know. So, [U/I]

Allison: Yea

Raniere: Ah, you could also of course videoing it, and videoing it ah from different angles or whatever gives collateral.

Allison: Mmhm

Raniere: So, it probably should be a more vulnerable position type of a thing.

Allison: OK

Raniere: Laying on the back, legs slightly, or legs spread straight like, like feet, feet being held to the side of the table, hands probably above the head being held, almost like being tied down, like sacrificial, whatever.

Allison: OK

Raniere: And the person should ask to be branded.

Allison: OK

Raniere: Should say, please brand me it would be an honor, or something like that. An honor I want to wear for the rest of my life, I don't know.

Alison: OK

Raniere: And they should probably say that before they're held down, so it doesn't seem like they are being coerced.

Allison: OK

GX 497-T. The branding itself was performed without anesthesia and using a cauterizing pen, which burned the skin and left a permanent mark. PSR ¶¶ 84-96. Most of the brandings were performed by Danielle, a DOS "slave" who was also a licensed medical professional. PSR ¶¶ 84-96.

DOS "masters" also benefitted financially from recruiting and maintaining DOS "slaves." DOS "slaves" were coerced into providing labor and services for their "masters" under the threat of the release of their collateral, including editing and transcription work, taking naked photographs, and other tasks. DOS "masters" were expected to receive approximately 40 hours of labor each week from their "slaves." PSR ¶¶ 84-96; Tr. at 1618-1619 (testimony of Lauren Salzman that Raniere decided that "if we each had six slaves who each had six slaves under them . . . you would have 40 hours, approximately 36, but approximately 40 hours of work per week for life from these individuals").

a. Sylvie

Sylvie had worked for Clare Bronfman for nearly ten years when Monica Duran, a "first-line" master in DOS, approached Sylvie about joining DOS. PSR ¶¶ 99-102; Tr. at 85 (Sylvie's testimony). At that time, Sylvie had recently been married to another

member of the Nxivm community. PSR ¶ 99; Tr. at 261. Both Raniere and Bronfman, at various points, instructed Sylvie not to have sex with her husband for the first two years of their marriage. Id.; Tr. at 447.

Duran approached Sylvie and invited Sylvie to a secret project that Duran said had nothing to do with Nxivm. PSR ¶ 100; Tr. at 207. Sylvie was told that, in order to learn more, she had to provide “collateral,” which was something capable of destroying her relationships with her family. Tr. at 211, 264. Sylvie provided a stamped letter addressed to her parents falsely confessing to being a prostitute. Tr. at 277. Sylvie also provided a naked photograph of herself as collateral. Id.

Soon thereafter, Duran gave Sylvie an assignment to “seduce” Raniere. PSR ¶ 101; Tr. at 219. Sylvie was assigned to send Raniere naked photographs every day. Sylvie was not attracted to Raniere and found him “creepy.” Tr. at 118. Duran later arranged for Sylvie to meet Raniere at a house, where Raniere took Sylvie upstairs, instructed her to undress and lie down on the bed. Tr. at 250-54. Raniere then performed unwanted oral sex on Sylvie and took close-up photographs of Sylvie’s vagina with Sylvie’s phone. Tr. at 257. Sylvie felt disgusted by this encounter and acquiesced to it only because she believed her collateral would be released if she did not obey Raniere. Tr. at 220. The photographs were then sent to Duran using Telegram, an encrypted messaging service. Tr. at 257-58.

After Sylvie completed the assignment she had been given, Sylvie deleted the photograph in disgust and shame. Tr. at 257-58. The next day, Duran called Sylvie, panicked, because the photographs had been deleted from Duran’s phone. Id. Duran told Sylvie that she would have to go back to Raniere and have him take new photographs, which Sylvie did. Id.

b. Nicole

Nicole, an actress in her early 30s, began taking Nxivm classes in 2015, including acting classes with Allison Mack. In February 2016, Mack invited Nicole to join a “women’s mentorship group,” but asked that Nicole first provide collateral. PSR ¶¶ 103-112; Tr. at 3845-47 (Nicole’s testimony). At the time, Nicole was living in Brooklyn, New York. Nicole was told, and believed, that the organization was women-only and had no connection to Nxivm. After Mack made some suggestions of sufficient collateral, Nicole wrote a series of letters falsely alleging sexual abuse by a family member and other damaging allegations. Tr. at 3850. After Mack assured Nicole that the letters would be “locked in a box” where nobody could see them, Nicole provided the letters and a sexually explicit video of herself to Mack. Tr. at 3853.

Once Nicole had provided this collateral, Mack told Nicole about DOS, referring to it as “the Vow.” Tr. at 3854-55. Nicole agreed to become Mack’s DOS “slave.” Tr. at 3863-64. When Nicole agreed to join DOS, she was not aware and was not told that she would later be required to provide additional collateral. Tr. at 4017. Nicole was later required to provide, and did provide, additional collateral on a monthly basis, including credit card authorizations and the right to her grandmother’s wedding ring. Tr. at 4021-22.

Mack directed Nicole to be celibate for six months and subsequently assigned Nicole to contact Raniere. Tr. at 3868. One night when Nicole was staying with Mack in Clifton Park, New York, Raniere called Mack. Tr. at 3921-22. Mack told Nicole to go outside and meet Raniere, which Nicole obeyed. Id. Raniere blindfolded Nicole, led her into a car and drove her to a house. Tr. at 3925. Raniere then led Nicole, still blindfolded, through some trees and inside a building, where he ordered her to undress and tied her to a

table. Tr. at 3926-29. Another person in the room, unknown to Nicole, began performing oral sex on Nicole. Raniere asked if Nicole was ok and told Nicole that she was “very brave” and not to tell anyone what had happened. Tr. at 3921. Nicole believed that if she left DOS, her collateral would be released. Id.

Unknown to Nicole, the individual who performed oral sex on Nicole was Camila, one of Raniere’s First-Line “slaves,” and the sexual abuse took place at 120 Victory Way. Tr. at 1870. A photograph recovered from Camila’s Google account reflects a photograph of the table on which Nicole had been tied, along with a video camera that was pointed in the direction of the table. GX 1190; Tr. at 3657.

Nicole met the other DOS “slaves” under Allison Mack, including India, Michelle, and Danielle. Tr. at 4011-12. Throughout Nicole’s time in DOS, Mack regularly required her “slaves” to pose for nude photographs, including close-up photographs of their vaginas, either as assignments or collateral. Tr. at 4016, 4024. These photographs were sent to Raniere.

Mack also assigned her other slaves—India, Michelle and Danielle—with the task of “seducing” Raniere, all of whom had sexual interactions with Raniere or attempted to do so. As a First Line master, Mack expected to receive and did receive financial opportunities and privileges as a result of her slaves’ compliance with orders, including her orders to engage in sex acts with Raniere. Id.

c. Jay

Jay is an actress and model who began taking Nxivm classes in or about 2016, during which time she became friendly with India, one of Mack’s slaves. PSR ¶¶ 113-17; Tr.

at 4318 (Jay's testimony). In approximately November 2016, India recruited Jay in DOS. Tr. at 4324. Jay was told that DOS was a women's-only organization. Id.

After several months, Mack and India gave Jay a "special assignment" to "seduce" Raniere and have Raniere take a photograph of Jay to prove that she had done it. Tr. at 4416-17. Mack told Jay, "I give you permission to enjoy it," and Jay understood the assignment as a direction to have sex with Raniere. Tr. at 4418-20. Jay asked Mack directly if Raniere was part of DOS, which Mack denied. Id. Jay refused to engage in a sex act with Raniere. Tr. at 4419. Before leaving DOS in approximately May 2017, Jay captured images of collateral belonging to other DOS "slaves," believing that she could protect the release of her own collateral by having other DOS members' collateral as leverage. Tr. at 4423-25.

vii. DOS Aftermath

The existence of DOS became known within the Nxivm community in early June 2017, when the husband of Sarah Edmondson, a DOS "slave," publicly confronted Nxivm members about DOS. Tr. at 1796 (testimony of Lauren Salzman that she told Raniere that Sarah's husband was "really upset"). Immediately after the existence of DOS was publicly disclosed, Raniere directed the First Line of DOS to lie about his involvement in DOS, as well as to compile materials related to DOS and secure them. PSR ¶¶ 123-31; Tr. at 1798-1800 (Salzman testimony). Raniere also instructed the First Line to collect "positive" testimonials about DOS and to create a DOS website. Tr. at 1815.

In July and September 2017, Raniere and Bronfman received letters from separate DOS victims requesting the return or destruction of their collateral, which included descriptions of the collateral, including nude photographs and videos. Id. ¶ 124; Tr. at 1805-14. Bronfman hired private investigators and public relations firms to rehabilitate DOS's

public image and to distance it from Nxivm. Bronfman also made attempts to have criminal charges instituted against Sarah Edmondson.

In September 2017, Raniere and Bronfman were alerted to the fact that The New York Times would shortly be publishing an article about DOS. Bronfman and Raniere drafted intimidating cease-and-desist letters to DOS victims that Bronfman and Raniere feared would publicly disclose the existence of DOS. These letters were later sent to several DOS victims by attorneys in Mexico. PSR ¶ 126; see Exhibit B. For instance, on September 13, 2017, Raniere sent Bronfman the following email with the subject line, “What are your thoughts?”:

Ms. [DOS victim],

I am the chief attorney of a criminal investigation in Mexico of more than 20 individuals tied together in a cooperative destructive network. These individuals, including yourself, have been acting against individuals who participate in the NXIVM corporation community.

You are currently connected to the criminal investigations involving fraud, coercion, extortion, harassment, stalking, theft of trade secrets (which includes use of trade secrets compromised of, amongst other things, client lists), criminal conspiracy, computer crimes and corporate espionage.

I strongly suggest that you cease and desist, undo, reverse, cancel, and retract, participation in all past, present, and future, conversations, conference calls, meetings, news media, social media, blogs, or websites, relating to this subject matter until the criminal matters are resolved. You should do everything in your power to affect this.

Your best course of action to minimize your exposure, in addition to the above, is to repair all damages to parties you have acted against, reconciling with them, and fully cooperating with the criminal investigations. In this regard, I can help you for I represent some of your victims and have access to others.

I know that people in the media (and also bloggers and the like) can be coercive, abusive in their power, and force unwitting, uninformed, participants to complicate situations and potentially even waive rights. You still have the ability to pull away from all participation with these people.

Please contact me as soon as possible,

Exhibit B-001. Less than thirty minutes later, Bronfman emailed the text of the email of the email to Alejandro Betancourt, a co-conspirator based in Mexico. The following day, September 14, 2017, the referenced DOS victim received an email from a Mexican attorney, Ricardo Olmedo of Olmedo Gaxiola & Abogados, with the subject line “CAUSA PENAL EN MEXICO.” Attached to the email was a Microsoft Word document containing, word-for-word, the text of the email sent by Raniere to Bronfman. See Exhibit B-002. The metadata of the Word document received by the DOS victim reflects that the creator of the document was Bronfman.

On September 18, 2017, Raniere sent Bronfman the following email with the subject line “Draft”:

Ms. [DOS victim],

You are the only person receiving this letter. This overture is against my better judgement as I feel there is little probability of success yet more expense, but I am writing you on my clients’ behalf. If you do not respond affirmatively to this letter by 1:00pm September 19th I will need to proceed as previously required. I will then not contact you informally again.

My clients want to give you this opportunity to cooperate and minimize the impact on your life. The criminal investigations will increase in number, and thoroughness, and will not stop until justice is served. This will not go away.

The group with which you are involved contains individuals who have already served prison time, others who are currently indicted, and some that face extradition proceedings. The others are under investigation for quite serious crimes. The form of justice to which they subscribe is trial and conviction by media, personal opinion, and abuse of power. They appear to have no issue with committing a crime when it suites [sic] them. They use the actions of others to justify this. Whether the person they target is right or wrong, this method of persecution is very wrongful. You must separate from them completely to mitigate the effects on yourself.

Please divest yourself from this wrongfulness and this group. Please write to me affirmatively by the above deadline indicating you will cooperate fully. I can also help you with any criminal investigations within the United States.

Sincerely,

Exhibit B-003. That same day, the DOS victim received an email from Mr. Olmedo Gaxiola attaching a second letter as a document in Microsoft Word, which contained nearly exactly the same text as that sent to Bronfman by Raniere, and, the metadata of the Word document reflects that the creator of the document was Bronfman. Exhibit B-004.

Other DOS victims, including Jay, received similar intimidating letters from another attorney, Diego Ruiz Durán of Bufete Ruiz Durán S.C. On October 11, 2017—six days before The New York Times published its reporting on DOS³—Jay received an email from Mr. Durán. In the email, Mr. Durán stated that he was taking “the liberty to writing to you to let you know that the State’s Attorney’s Office in Mexico, has issued some directives against you and other individuals.” Exhibit B-005. Mr. Durán enclosed a letter in Spanish and a document containing an English translation directing Jay to “[s]top, abstain and refrain from incurring in any type of intimidation, acts of nuisance or disturbances[.]” Id.

Months later, in December 2017, Bronfman released a public statement characterizing DOS as a “sorority,” stating that it had “truly benefited the lives of its members, and does so freely. I find no fault in a group of women (or men for that matter) freely taking a vow of loyalty and friendship with one another to feel safe while pushing back against the fears that have stifled their personal and professional growth.” GX 1393R.

³ See Barry Meier, Inside a Secretive Group Where Women Are Branded, N.Y. Times (Oct. 17, 2017).

Raniere also issued a public statement denying his association with DOS and claiming that “experts” had concluded that “members of the sorority . . . haven’t been coerced.” GX 1009.

After multiple DOS victims spoke publicly about their experiences, Raniere and Nicki Clyne, a member of the First Line, considered releasing an edited video of Sarah’s branding ceremony. Tr. at 1836. The branding video depicted Sarah naked and being branded and stating, as she had been instructed, “Master, please brand me, it would be an honor.” In May 2019, during the trial against Raniere, the video of Sarah’s branding video was publicly disseminated and broadcast in Mexican media. Tr. at 5149.

Shortly after the media reports were published regarding DOS, Raniere and Bronfman traveled to Mexico. As media outlets began reporting that the United States Attorney’s Office had launched a criminal investigation, Raniere stopped using the phone number he had previously used for over fifteen years and he and Bronfman began using encrypted email accounts. Tr. at 1855-56.

viii. Financial Crimes

Between approximately November 2016 and March 2018, Raniere and Bronfman conspired to commit identity theft in connection with Raniere’s continued use of a credit card account number and bank account number belonging to Pamela Cafritz, knowing Cafritz was deceased. PSR ¶ 78. This scheme was part of a long-standing practice of deliberately keeping money and assets out of Raniere’s name. Id.; see e.g., Tr. at 607-08 (testimony of Mark Vicente that Raniere expressed desire to be “bankruptcy remote”).

Bronfman facilitated the scheme by arranging for regular payment of Pamela Cafritz’s credit card after she died on November 7, 2016. Id.; Tr. at 4540 (testimony of Investigator Richard Guerci). Among the charges on Pamela Cafritz’s credit card were

charges to Prosvent LLC, Amazon Marketplace, Restoration Hardware, a pet shop, Domino's Pizza, a sock store in Brooklyn, Neiman Marcus, Bergdorf Goodman, Saks Direct, Netflix, and various baby companies. Tr. at 4556-4629. In total, approximately \$135,000 was charged to Pamela Cafritz's credit card from November 7, 2016, the date of her death, to February 8, 2018. Tr. at 4620. In addition, disbursements were made from Pamela Cafritz's Key Bank account after she died. Tr. at 4556-64. Approximately \$320,305 in checks and \$736,856 total disbursements were drawn from Cafritz's account, which included payments to Russell. Tr. at 4582.

APPLICABLE LAW

"[A] district court should begin all sentencing proceedings by correctly calculating the applicable Guidelines range. As a matter of administration and to secure nationwide consistency, the Guidelines should be the starting point and the initial benchmark." Gall v. United States, 552 U.S. 38, 49 (2007) (citation omitted); see also United States v. Booker, 125 S. Ct. 738, 743 (2005) (although the Guidelines are advisory, district courts are still "require[d] . . . to consider Guidelines ranges" in determining a sentence).

Next, courts should "consider all of the § 3553(a) factors to determine whether they support the sentence requested by a party. In so doing, [the Court] may not presume that the Guidelines range is reasonable. [It] must make an individualized assessment based on the facts presented." Gall, 552 U.S. at 50 (citation and footnote omitted). Section 3553(a) requires courts to "impose a sentence sufficient, but not greater than necessary, to comply with the purposes of [18 U.S.C. § 3553(a)(2)]." The factors courts shall consider in imposing sentence include "the nature and circumstances of the offense and the history and

characteristics of the defendant,” 18 U.S.C. § 3553(a)(1), as well as the need for the sentence imposed:

- (A) to reflect the seriousness of the offense, to promote respect for the law, and to provide just punishment for the offense;
- (B) to afford adequate deterrence to criminal conduct;
- (C) to protect the public from further crimes of the defendant; and
- (D) to provide the defendant with needed educational or vocational training, medical care, or other correctional treatment in the most effective manner[.]

18 U.S.C. § 3553(a)(2).

In addition, 18 U.S.C. § 3661 provides that, “No limitation shall be placed on the information concerning the background, character, and conduct of a person convicted of an offense which a court of the United States may receive and consider for the purpose of imposing an appropriate sentence.”

THE GUIDELINES

The United States Sentencing Guidelines (“Guidelines” or “U.S.S.G.”) calculation detailed in the PSR is accurate, and, based on a total offense level of 52 and a criminal history category of I, results in an advisory Guidelines range of life in prison.

Group	Count	Adjusted Offense Level	Units
1	Counts 1(A) and 7: Visa Fraud and Wire Fraud	23	0.0
2	Counts 1, 2, RA1(a), RA1(b): Identity Theft	23	0.0

3	Counts 1, 2, RA2 and 4: Sexual Exploitation of Camila on November 2, 2005	42	1.0
4	Counts 1, 2, RA3 and 4: Sexual Exploitation of Camila on November 24, 2005	42	1.0
5	Counts 1, 2, RA5(a) and 5(b): Identity Theft of Loperfido	23	0.0
6	Counts 1, 2, RA5(a) and 5(b): Identity Theft of Edgar Bronfman	23	0.0
7	Counts 1, 2, RA6: Alter Records in an Official Proceeding	23	0.0
8	Counts 1, 2, RA7: Identity Theft of Marianna	23	0.0
9	Counts 1, 2, RA9(a) and 9(b): Trafficking and Document Servitude of Daniela	31	0.0
10	Counts 1, 2, RA10: Extortion	23	0.0
11	Counts 1, 2, RA12(a), 12(b), 8 and 9: Sex Trafficking and Forced Labor of Nicole	36	0.5
12	Counts 1, 2, RA14: Identity Theft of Pamela Cafritz	23	0.0
13	Counts 1 and 8(a): Sex Trafficking of Additional DOS Victim 1	38	1.0
14	Counts 1 and 8(b): Sex Trafficking of Additional DOS Victim 2	38	1.0
16	Counts 1, 8, 10: Attempted Sex Trafficking of Jay	38	1.0

			5.5
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The offense level applicable to the Group with the highest offense level is 42, which is the Group relating to the sexual exploitation of Camila. Because 5.5 units results in an increase of five levels pursuant to Guidelines Section 3D1.4, the combined adjusted offense level is 47. A five-level enhancement pursuant to Section 4B1.5(b)(1) for engaging in a “pattern of activity involving prohibited sexual conduct” is also applicable, which results in a total offense level of 52. PSR ¶ 292; Addendum to the PSR dated May 18, 2020.

In his objections to the PSR, Raniere raises seven challenges to the calculation of the Guidelines. Specifically, Raniere objects to (1) the application of the four-level leader or organizer role enhancement pursuant to Guidelines Section 3B1.1(a); (2) offense-level enhancements related to the sexual exploitation of Camila (Racketeering Acts Two, Three and Four); (3) an offense-level enhancement for “serious bodily injury” to Daniela as to Racketeering Act Nine; (4) the application of the cross-reference to the sex trafficking Guidelines as to the forced labor of Nicole (Racketeering Act 12(b) and 6); (5) the inclusion in the Guidelines of sex trafficking as to two additional DOS victims; (6) the calculation of the attempted sex trafficking of Jay (Counts 8 and 10); and (7) the five-level enhancement for engaging in a “pattern of activity involving prohibited sexual conduct” under Guidelines Section 4B1.5(b)(1). Def. Letter Dated March 11, 2020. As set forth below, these objections are meritless.

I. A Leadership Role Enhancement is Warranted

Under section 3B1.1(a) of the United States Sentencing Guidelines, a defendant’s base offense level should be increased by four levels “[i]f the defendant was an

organizer or leader of a criminal activity that involved five or more participants or was otherwise extensive.” To qualify for the enhancement, the defendant must have been the organizer or leader “of one or more other participants” in the criminal activity. U.S.S.G. § 3B1.1, app. note 2. The court determines whether a role enhancement is applicable based on all relevant conduct as defined by Guidelines Section 1B1.3, see U.S.S.G. § 3B1.1, introductory commentary, and considers factors such as the defendant’s “exercise of decision making authority, the nature of participation in the commission of the offense, the recruitment of accomplices, the claimed right to a larger share of the fruits of the crime, the degree of participation in planning or organizing the offense, the nature and scope of the illegal activity, and the degree of control and authority exercised over others,” id., app. note 4; see also United States v. Katsman, 551 F. App’x 601, 603 (2d Cir. 2014) (summary order).

The applicability of the role enhancement is evaluated based on the defendant’s role in the overall racketeering enterprise, not his role as to each underlying predicate act. See United States v. Ivezaj, 568 F.3d 88, 99 (2d Cir. 2009) (“[I]t makes little sense to allow a defendant who acts in a leadership capacity in a wide-ranging criminal enterprise to have his offense level adjusted on the basis of his participation in discrete racketeering acts.”); see also United States v. Damico, 99 F.3d 1431, 1438 (7th Cir. 1996). As proven at trial, the defendant was the leader of a criminal enterprise comprising over a dozen individuals over whom he exerted control and authority and who he trusted to carry out his criminal directives. See, e.g., Tr. at 1563-1580; GX 362. The four-level leadership role enhancement is warranted.

II. Raniere Had Sexual Contact with Camila and She Was in His Custody, Care and Supervisory Control

The trial record overwhelmingly established that in September 2005, the defendant began sexually abusing Camila, who was then a fifteen-year-old child, and that Camila was in the custody, care and supervisory control of the defendant during this time. Therefore, as to Racketeering Acts Two, Three and Four, a two-level enhancement pursuant to Guidelines Section 2G2.1(b)(2)(A) and a two-level enhancement pursuant to Section 2G2.1(b)(5) are warranted.

Guidelines Section 2G2.1(b)(2)(A) provides for a two-level enhancement if the offense involved the commission “of a sexual act or sexual contact.” As detailed at trial, Raniere and Camila exchanged numerous sexually explicit emails referencing the beginning of their sexual relationship as September 2005 and their “anniversary”—that is, the first date they had sex—as September 18, 2005. See, e.g., Exhibit A, GX 301-R-17; Tr. at 3462-65. As just one example, on March 18, 2009, Camila sent an email to Raniere expressing her concern that their relationship was “limited” to “sex” and that Raniere did not “want anything more.” In that email, Camila also stated the following: “I just realized that it is the 18th of march today.... We’ve been together for 3 1/2 yrs. whoa that’s a long time!” See GX 1400-44. The email is signed, “your vc,” which is a reference to “virgin Camila,” Raniere’s nickname for Camila. Additional communications make clear that Raniere first began having sex with Camila when she was 15 years old, when he took child pornography photographs of her. See, e.g., Exhibit A, GX 301-R-679 (Camila referring to herself as an “inexperienced 15 year old”); GX 302-R-44 (Raniere: You know I guard the other pictures

right? You know I have the others yes? Camila: From way back when..? Raniere: I wanted the original forever. I thought it was truly mine. Yes, from way back...").

The child pornography photographs that Raniere took of Camila in November 2005 themselves indicate a contemporaneous sexual relationship between Raniere and Camila.⁴ The photographs depict Camila lying on a bed fully nude, and several photographs depict close-ups of Camila's genitals. Not only do the content of photographs themselves suggest that Camila was engaging in sexual activity with the taker of the photographs, Raniere, but the photographs were located in a folder containing nude photographs of eleven other women with whom Raniere had a sexual relationship at that time. See also Tr. at 1535-36 (testimony of Lauren Salzman describing Raniere taking "up-close crotch shot" photographs of her in "around 2005"); Tr. at 2571-72 (testimony of Daniela having discovered photographs of "naked women" on Raniere's computer). The collection of images are similar in content; each folder contains images of a nude woman on a bed and close-up photographs of the woman's pubic hair and vaginal area.

Daniela's testimony at trial confirmed the existence of a sexual relationship between Camila and Raniere before Camila turned 18. Specifically, Daniela testified that she had a conversation with Raniere about his sexual relationship with her sister Camila and that the conversation took place at some point prior to fall 2006. Tr. at 2472-74 ("I asked him if he was having sex with my sister [Camila]. He asked me if I minded.").

Further, Camila's gynecological records reflect that in 2011, Camila reported to medical professionals that she had been with the same sexual partner for "five years." GX

⁴

See GX 503, 504, 528-534.

539-18; see Tr. at 3312-13. In addition, a diary kept by Camila as a minor also reflects that she was in a sexual relationship with Raniere.⁵ The diary, authored by Camila and dated July 2007 (when Camila was 17 years old), indicates that Camila was in a sexual relationship with an individual who was also “with [her] sister in front of [her]” and who encouraged her to lose weight.⁶ See Exhibit C at 2. The diary also contains references to Nxivm members, including her sister Marianna and brother Adrian; Camila’s work as a caretaker of Raniere’s son; and grocery lists and weight loss.

The defendant’s sexual abuse of Camila in the months prior to the commission of the crimes of conviction clearly supports an enhancement pursuant to § 2G2.1(b)(2)(A). See, e.g., United States v. Weisinger, 586 F. App’x 733, 739 (2d Cir. 2014) (summary order) (affirming application of § 2G2.1(b)(2)(A) on the grounds that the defendant had sexual contact with the victim in “grooming her for the crimes of conviction” even where the child pornography at issue did not depict sexual contact with another person); United States v. Holt, 408 F. App’x 229, 238 (11th Cir. 2010) (affirming application of enhancement where

⁵ Camila’s diary, which was produced to the defendant prior to trial as VDM_NXIVM00028665-VMD_NXIVM00028761, will be provided to the Court under separate cover as Exhibit C. Due to the sensitive nature of these materials, the government respectfully requests that they remain under seal.

⁶ The voluminous WhatsApp messages between Camila and Raniere admitted at trial reflect Camila’s distress at Raniere’s sexual relationship with her sister Marianna. See, e.g., GX 301-R-265 (“Were you serious about having children with my sister or were you using that to scare me?); id. (“You know how much we went through because of your relationship with her. I always felt that you chose her over me.”); GX 1779 (“Make sure your sister doesn’t see you texting...”); GX 1779-419 (“I really thought I was not going to be part of your life [because] I was so afraid that it looked like you were going to choose my sister”).

defendant's "inappropriate sexual relationship with [the victim] groomed her to participate in [his] production of pornographic images.").

The evidence at trial also established that after Camila arrived in Clifton Park at the defendant's invitation, the defendant arranged for her to take Nxivm classes and to work as a maid in Nancy Salzman's house, which was a distance away from her siblings. See, e.g., Tr. at 2469 (Daniela's testimony that the "plan that Keith had for [Camila] was that she was going to be essentially Nancy's maid. She was going to be cleaning Nancy's house for money and attending Ethos classes and the house that they found for her was also far away from where I lived."). The defendant also arranged for Camila to live in Nxivm-affiliated housing with other women, including Monica Duran. See, e.g., Tr. at 2465-73. Camila was in the custody, care and supervisory control of the defendant during this time and a two-level enhancement pursuant to § 2G2.1(b)(5) is therefore applicable. See U.S.S.G § 2G2.1(b)(5) app. note 5 (noting that § 2G2.1(b)(5) "is intended to have broad application and includes offenses involving a minor entrusted to the defendant, whether temporarily or permanently").

III. An Enhancement for Daniela's Serious Bodily Injury is Warranted

The trial record amply demonstrated that Racketeering Act Nine involved serious bodily injury to Daniela and that a two-level enhancement pursuant to U.S.S.G. § 2H4.1(b)(B) is applicable. "Serious bodily injury" is defined as "injury involving extreme physical pain or the protracted impairment of a function of a bodily member, organ, or mental faculty; or requiring medical intervention such as surgery, hospitalization, or physical rehabilitation." U.S.S.G. § 1B1.1, app. note 1. While she was confined to a room at the defendant's direction, Daniela repeatedly requested medical care for a toothache that

caused her constant pain. Tr. at 1958-59; 2939-2942. The defendant did not permit Daniela to visit a dentist for six weeks. The defendant finally allowed Lauren Salzman to accompany Daniela to a dentist only after a part of Daniela's tooth broke off, leaving a hole. Id.; Tr. at 2955. Daniela also suffered extreme emotional and psychological pain as a result of her confinement, see, e.g., Tr. at 2891-901, and only escaped after she seriously contemplated suicide and started accumulating cleaning supplies in order to accomplish it, Tr. at 2905-06. These events constitute serious bodily injury in connection with Daniela's condition of forced labor. See, e.g., United States v. Callahan, 801 F.3d 606, 627 (6th Cir. 2015) (a victim sustained "serious bodily injury" in connection with her condition of forced labor when the defendant kicked her in the face, "knocking a tooth loose").

IV. The Cross-Reference to Guideline Section 2H4.1(b)(4)(B) Is Accurate

The defendant's objection to the cross-reference, pursuant to U.S.S.G. § 2H4.1(b)(4)(B), to the guideline governing sex trafficking is meritless. Section 2H4.1(b)(4) provides that if "any other felony offense was committed during the commission of, or in connection with, the [forced labor] offense, increase to . . . 2 plus the offense level from the offense guideline applicable to that other offense, but in no event greater than level 43." "Any other felony offense is defined as "any conduct that constitutes a felony offense" under federal, state or local law. Raniere argues that the cross-reference to the sex trafficking guideline results in double counting because he will be punished twice for the same conduct (sex trafficking of Jane Doe 5). The Second Circuit has "repeatedly held, however, that a district court calculating a Guidelines sentence may apply multiple Guidelines provisions based on the same underlying conduct where that is the result clearly intended by Congress and the Sentencing Commission [because while] such calculations

may involve ‘double counting’ in a literal sense, they do not involve impermissible double counting.” United States v. Maloney, 406 F.3d 149, 152 (2d Cir. 2005) (emphasis in original). Because the sex trafficking guideline calculation results in a higher offense level than that of the forced labor guideline, pursuant to § 2H4.1(b)(4)(B), the sex trafficking guideline calculation “essentially replaced the forced labor calculation,” which does not have the effect of impermissibly double counting the same underlying conduct. United States v. Callahan, 801 F.3d 606, 628-29 (6th Cir. 2015) (rejecting defendant’s claim that the cross-reference, pursuant to § 2H4.1(b)(4)(B), to the guidelines governing a different offense constituted impermissible double counting).

V. The Trial Evidence Established that Raniere Participated in Sex Trafficking as to Other DOS Victims

The trial record also established, either by evidence admitted at trial that proved such facts explicitly or from which the facts reasonably could be inferred, that Raniere participated in sex trafficking as to two additional DOS victims, or, at a minimum, attempted to do so. Specifically, Raniere and other DOS “masters” recruited women, including Sylvie and India, as “slaves” into DOS by deliberately concealing Raniere’s role in DOS and the sexualized components of DOS. PSR ¶¶ 84-96; Tr. at 1509-11. Sylvie was recruited into DOS by Monica Duran, who gave Sylvie an assignment to “seduce Raniere.” PSR ¶ 101; Tr. at 219. Sylvie testified that she was not attracted to Raniere and found him “creepy.” Tr. at 118. Duran later arranged for Sylvie to meet Raniere at a house, where Raniere took Sylvie upstairs, instructed her to undress and lie down on the bed. Tr. at 250-54. Raniere then performed unwanted oral sex on Sylvie and took close-up photographs of Sylvie’s vagina with Sylvie’s phone. Tr. at 257. Sylvie felt disgusted by this encounter and

acquiesced to it only because she believed her collateral would be released if she did not obey Raniere. Tr. at 220. After Sylvie completed the assignment she had been given, Sylvie deleted the photograph in disgust and shame. Tr. at 257-58. The next day, Duran called Sylvie, panicked, because the photographs had been deleted from Duran's phone. Id. Duran told Sylvie that she would have to go back to Raniere and have him take new photographs, which Sylvie did. Id.

The evidence at trial also established that the First Line received benefits, financial and otherwise, by facilitating Raniere's access to their slaves. For example, on March 3, 2016, Raniere sent an email to Allison Mack asking if India knew that "to complete her [assignment] she needs to take all her clothes off" so that Raniere could take a photograph of her. GX 1805. The following day, Mack sent an email to Raniere apologizing for "bug[ging] him" but explaining that she "had not been paid as head trainer for the source" and that she was "struggling a little with income." GX 1803. Mack wrote that Bronfman could not approve the payments until Raniere reviewed them. Raniere responded the same day with the following email: "Yes. Any news on India?" Lauren Salzman testified at trial that when she asked Mack whether Raniere was "fucking her slaves," Mack responded that she and Raniere were going to "start working with India and Jay" and clarified to Salzman that "working" meant sex. Tr. at 1794. Taken as a whole, this evidence establishes that Raniere participated in sex trafficking as to Sylvie and as to India.

VI. Raniere is Not Entitled to a Three-Point Reduction Under Section 2X1.1(b)(1)

The defendant is not entitled to a three-point reduction under U.S.S.G. § 2X1.1(b)(1) because the evidence at trial established that the defendant "completed all of the acts [he] believed necessary for successful completion of the substantive offense[,]” that

is, the sex trafficking of Jay (Jane Doe 8). See Tr. at 4416-26, 4433. Under 18 U.S.C. § 1591, it is not required that the victim actually perform a commercial sex act as long as the defendant recruited, enticed, harbored, transported, provided, obtained, maintained, patronized or solicited Jay for purposes of engaging in commercial sex acts. See Jury Charge, ECF Docket Entry No. 728, at 100. The defendant completed all the acts he believed necessary for successful completion of the substantive offense, and is not entitled to the three-point reduction. See United States v. Medina, 74 F.3d 413, 418 (2d Cir. 1996) (explaining that § 2X1.1(b)(2) “determines punishment based on the conduct of the defendant, not on the probability that a conspiracy would have achieved success”); United States v. Deas, 768 F. App’x 81, 82 (2d Cir. 2019) (summary order) (same as to attempt); United States v. Jenkins, 69 F. App’x 499, 501 (2d Cir. 2003) (summary order) (same).

VII. Raniere Engaged in a Pattern of Activity Involving Prohibited Sexual Conduct

The government submits that the five-level enhancement under § 4B1.5(b)(1) for engaging in a “pattern of activity involving prohibited sexual conduct” is warranted. As set forth above, Raniere began a sexual relationship with Camila in or about September 2005, and thereafter, on two occasions in November 2005, produced child pornography depicting Camila. The Second Circuit has held that “[p]roof of any two separate occasions of prohibited sexual conduct” is sufficient to find “that a defendant poses the sort of continuing danger supporting a § 4B1.5(b) enhancement.” See United States v. Broxmeyer, 699 F.3d 265, 284-86 (2d Cir. 2012) (finding that the defendant’s conviction of attempted production of child pornography, coupled with a single other occasion of prohibited sexual conduct, was indicative of a pattern of prohibited sexual conduct); see also United States v. Batson, 749 F.

App'x 804, 807 (11th Cir. 2018) (multiple sexual offenses involving the same minor victim qualified as a pattern of sexual activity under § 4B1.5(b)(1)).

FINANCIAL PENALTIES AND RESTITUTION

I. Assessments and Fines

In addition to assessments imposed by 18 U.S.C. § 3013, the Court should impose a payment of a \$5,000 special assessment pursuant to the Justice for Victims of Trafficking Act of 2015, as well as a fine within the Guidelines range of \$50,000 to \$250,000.⁷ PSR ¶¶ 356-60.

The Guidelines provide that a district court “shall impose a fine in all cases, except where the defendant establishes that he is unable to pay and is not likely to become able to pay any fine,” and employs an eight-factor test to determine the amount of any such fine. U.S.S.G. §§ 5E1.2(a), 5E1.2(d). The Guidelines further provide that “[t]he amount of the fine should always be sufficient to ensure that the fine, taken together with other sanctions imposed, is punitive.” Id. The defendant bears the burden of demonstrating an inability to pay a fine. See United States v. Camargo, 393 F. App'x 796, 798 (2d Cir. 2010) (summary order); United States v. Salameh, 261 F.3d 271, 276 (2d Cir. 2001).

The Guidelines fine range for the offenses of conviction is \$50,000 to \$250,000. PSR ¶ 359 (citing U.S.S.G. § 5E1.2(c)(3)). It appears that Raniere has the ability to pay a fine; Raniere reported an interest in the \$8 million estate of his deceased former

⁷ Although the PSR states that the \$5,000 special assessment is to be imposed “per count,” the government notes that the Second Circuit has recently “conclude[d] that the text of § 3014, taken as a whole and in its context, is . . . meant to be applied on a per-offender, not a per-count, basis.” United States v. Haverkamp, 958 F.3d 145, 149 (2d Cir. 2020).

partner, Pamela Cafritz, and also reported to the Probation Officer that he also had earnings from Executive Success Programs (“ESP”) and Nxivm. PSR ¶¶ 343, 347. Although the defendant’s true financial situation is opaque, see PSR ¶ 347, the defendant has not met his burden of establishing his inability to pay a fine. For the reasons set forth herein, there is a need for a financial penalty in light of the seriousness of Raniere’s crimes, his disregard for the law, and the need for deterrence.

II. Restitution

In Title 18, United States Code, Section 1593, Congress provided for mandatory restitution for victims of sex trafficking, forced labor, and document servitude, among other crimes. 18 U.S.C. § 1593(a); see United States v. Sabhnani, 599 F.3d 215, 254 (2d Cir. 2010). Defendants convicted under Section 1593 are required to pay the “full amount of the victim’s losses,” as defined in 18 U.S.C. § 2259(b)(3). Section 1593 defines the term “victim” as an “individual harmed as a result of a crime under this chapter[.]”

Unless otherwise provided by statute (e.g., 18 U.S.C. § 2259, providing mandatory restitution for Chapter 110 offenses, including the production of child pornography), restitution for all other Title 18 offenses are calculated under 18 U.S.C. § 3663A (mandatory restitution for certain offenses) or § 3663 (discretionary restitution). Under Section 3663A, a victim is a person “directly and proximately harmed as a result of the commission of an offense for which restitution may be ordered, including, in the case of an offense that involves as an element a scheme, conspiracy, or pattern of criminal activity, any person directly harmed by the defendant’s criminal conduct in the course of the scheme, conspiracy, or pattern.” 18 U.S.C. § 3663A(a)(2).

Under either statute, a defendant’s “economic circumstances should have no bearing on a court’s decision to enter such an order. 18 U.S.C. § 3664(f)(1)(A); In re Morning Star Packing Co., 711 F.3d 1142, 1144 (9th Cir. 2013) (holding district court committed legal error in denying restitution because of defendant’s claimed financial status and potential availability of civil remedies).

At present, the government has received over 25 declarations of loss from individuals who identify themselves as victims of the defendant’s criminal conduct and expects it may receive more. In light of the number of victims and the scope, complexity and duration of the defendant’s criminal activity, the government respectfully requests that the Court set a date no later than 90 days after sentencing for a final determination of victim losses for purposes of restitution. See 18 U.S.C. § 3664(d)(5).

In addition, the government anticipates that it will make a request that Raniere’s restitution order identify victims of sex trafficking, forced labor and document servitude (the “1593 Victims”) and prioritize restitution to such victims. The government recognizes that the restitution order entered by the Court may exceed Raniere’s ability to pay such order and the total value of assets to be criminally forfeited. Therefore, the government intends to request that, pursuant to 18 U.S.C. § 3664(i), the Court prioritize restitution to the 1593 Victims in Raniere’s restitution order. 18 U.S.C. § 3664(i) (“If the court finds that more than 1 victim has sustained a loss requiring restitution by a defendant, the court may provide for a different payment schedule for each victim based on the type and amount of each victim’s loss and accounting for the economic circumstances of each victim.”); see, e.g., United States v. Newcomb, No. 6:14-CR-00001-1, 2015 WL 4878940, at *3 (W.D. Va. Aug. 14, 2015) (relying on § 3664(i) in prioritizing one corporate victim over another).

The Attorney General, acting through the Department of Justice’s Money Laundering and Asset Recovery Section (“MLARS”), may exercise discretion to remit forfeited funds to persons who have incurred a pecuniary loss directly caused by the offense underlying the forfeiture, or a related offense. 28 C.F.R. §§ 9.2, 9.8(b)(1). A “related offense” includes an offense committed “as part of the same scheme or design, or pursuant to the same conspiracy, as was involved in the offense for which forfeiture was ordered.” 28 C.F.R. § 9.2. Upon the final forfeiture of the assets subject to preliminary forfeiture orders in this case, the United States Office for the Eastern District of New York presently intends to request that the Department of Justice approve the restoration of the forfeited funds to the Clerk of Court to distribute pursuant to any restitution order entered by the Court as to Raniere.⁸ However, pursuant to 28 C.F.R. § 9.1(b)(2), the sole discretion to approve the Office’s request lies with the chief of the Department’s Money Laundering and Asset Recovery Section (“MLARS”), and the losses in the restitution order must otherwise comport with 28 C.F.R. Part 9.

Offenses involving human trafficking have special provisions concerning dispositions of forfeited funds. Congress has directed that all property forfeited under Section 1594 “shall” be used to pay any restitution ordered in the criminal case. See 18 U.S.C. § 1594(f)(1); see also 18 U.S.C. § 1594(f)(2) (providing that such transfers of

⁸ When MLARS approves restoration of forfeited funds, MLARS typically directs the funds to the most comprehensive restitution order issued in the case. This ensures that no victims will be omitted from compensation and that all are treated fairly, and also ensures that restoration accomplishes the same objectives as 28 C.F.R. § 9.8. The government anticipates that any restitution ordered entered against Keith Raniere will be the most comprehensive of those entered in this Court, in light of Raniere’s leadership role and his conviction on all charges in the indictment.

forfeited funds shall have priority over any other claims to the assets or their proceeds).

Because, however, at least some of the assets to be forfeited in this case were not forfeited pursuant to an offense covered by Section 1594, should MLARS approve restoration of any judicially-forfeited funds to the Clerk of Court, the Clerk would distribute such funds to victims on a pro rata basis absent an order from the Court that specifically prioritizes the 1593 Victims.⁹

Given the primary of the sex trafficking and forced labor offenses in this case, the degree of harm caused by these violations, and Congress's interest in prioritizing forfeited funds for remission to victims of these crimes, the government respectfully submits that any restitution order entered by the Court should specifically identify the 1593 Victims and prioritize restitution to them, to ensure that they receive the funds they need to fully recover and rebuild their lives.

⁹ In addition to judicial forfeiture proceedings, the government has commenced administrative forfeiture proceedings against approximately \$330,847.86 turned over to the government by counsel for Nicki Clyne (the "Clyne Funds"). The Clyne Funds represent the proceeds of the sale of the DOS "sorority house." See Tr. at 1510; 1538. Under 18 U.S.C. § 1594, the forfeiture statute applicable to the Clyne Funds, the Department of Justice is required to remit such funds for payment of restitution to the 1593 Victims. For such a transfer to comply with Section 1594, Raniere's restitution order must identify such victims and their losses.

ARGUMENT

It is difficult to overstate the seriousness of the defendant's crimes. As reflected in the impact statements submitted by the victims in this case, Raniere wreaked a path of destruction through his victims' lives.¹⁰ The defendant was able to engage in criminal activity for so long because he successfully cultivated followers loyal to him who carried out his orders and shielded him from scrutiny. Raniere sought out those who could provide financial support or the connections to enhance his reputation and increase his power to intimidate critics and detractors. Raniere concealed his abuse behind the smokescreen of his supposed "personal growth" programs—a charade he continues to this day. Since his conviction, Raniere has continued to demonstrate a complete lack of remorse for his crimes.

The government respectfully submits that a Guidelines sentence of life imprisonment is necessary to provide appropriate punishment, to protect the public from further crimes by Raniere, to promote respect for the law, and to discourage others from committing similar crimes.

I. The Nature and Circumstances of the Offenses and the Need to Provide Just Punishment Warrant a Sentence of Life Imprisonment

There is no question about the seriousness of the offenses for which Raniere was convicted. As demonstrated at trial, among the many acts of manipulation, coercion, and exploitation that Raniere committed were the following:

- Raniere ordered the confinement of Daniela to a room, without human contact, for nearly two years;

¹⁰ The government is currently in receipt of a significant number of victim impact statements, which have been provided to counsel for the defendant. These statements, along with any others the government receives, will be provided to the Court as directed in advance of the October sentencing.

- Raniere sexually exploited Camila, a 15-year-old child, and took photographs of his abuse;
- Raniere created and led DOS, in which women were recruited under the false pretense of joining a women-only mentorship group, later discovering that they had taken collateralized “vows of obedience” to women who were “slaves” to Raniere;
- Raniere directed that several DOS “slaves” be assigned to have sex with him;
- Raniere directed the unlawful surveillance of individuals perceived to be enemies or critics of Nxivm;
- Raniere obstructed justice by ordering the tampering of evidence to be used in a civil lawsuit; and
- After some DOS victims began to share their experiences of abuse publicly, Raniere and Clare Bronfman drafted threatening cease-and-desist letters, which were then sent to several DOS “slaves” by attorneys in Mexico retained by Bronfman.

The defendant’s crimes are among the most serious under the law, both in their character and in the amount of time and manipulation dedicated to their commission. The government will not here belabor the fact that the criminal conduct proved at trial shocks the conscience. The brother of Camila and Daniela, Adrian, has described the devastating impact of Raniere’s actions on his family:

The emotional and physical torture that my sisters had to endure should never be allowed to happen to anybody. My whole family is still suffering because of him. . . . Keith made my whole family think Dani was a dangerous psychopath, and to this day my father will not speak to her, or me, or our mother, because we are somehow going against Keith. He still has that kind of hold over half of my family. Keith Raniere is a menace to society; he cares about nobody and nobody can ever be safe with him around.

Their mother also submitted an impact statement describing the effect of Raniere’s criminal conduct on her children: “Keith played with each of us at will. He set us as enemies,

separated us. He did inhuman things to my daughters behind my back. . . . Keith took away the freshness of my children, their spontaneity, their curiosity, their love for themselves.”

Raniere began preying on Camila, whom he called “virgin Camila,” in 2005. The power imbalance between them could not have been more stark: Camila was fifteen years old, with no legal status in the United States, and Raniere was forty-five and the leader of the community to which Camila’s parents belonged. Raniere did not just abuse Camila sexually. For over a decade, he psychologically tortured a young woman, withdrawing affection or approval if she did not accede to his demands. As demonstrated in the thousands of messages exchanged between Raniere and Camila, a small subset of which are appended to this memorandum as Exhibit A, Raniere’s conduct towards Camila was controlling and emotionally abusive. See, e.g., Exhibit A, GX 301-R-96 (“If you want me to come tonight, I will under these conditions: there will be no talking. You will meet me at the door in the outfit you think I would find sexiest. You will arouse me, we will make love for my satisfaction and pleasure. You will do everything you can to provide that. I will finish and leave. Do you agree yes or no?”); 301-R-239 (“I expect you to text me this vow [of obedience] now. I will text you later. I expect you to answer this right away. Otherwise no go. You need to be happy wherever you are with me because my time means that much.”).

Raniere required Camila to ask permission of him for everything she did, even in order to contact her own family and to cut her hair. See, e.g., GX 301-128 (“I really hate that I feel like I have to ask you for permission to do anything outside of my schedule”); GX 1779-25 (“Can I text my family?”), GX 1779-87 (Camila’s request for Raniere’s permission to remove pubic hair), GX 1779-166 (Camila’s request for Raniere’s permission to take “4 days away for a flamenco workshop,” to which Raniere responded, “Give me a

day...likely a yes"). When Camila resisted him, Raniere threatened to evict her from the residence she was living in and, because she had no legal status, deport her to Mexico. See, e.g., GX 301-R-222 (Raniere: "That's the last chance move your stuff out tonight."); GX 1779-2 (Camila: "Can you please not send me back to mx?"); GX301-R-280 (Raniere: "The apartment will need to be done first thing tomorrow 8am. Put all my things, money, etc... together").

Raniere's messages to Camila reflect Raniere's preoccupation with Camila's weight and her sexual submission to him. See, e.g., GX 301-R-249 (demanding that Camila "eat less"), see also GX 302-R ("You need to not be prideful and lovingly satisfy me. Let's see if you can."); GX 308-R ("You need to make me far superior to everyone ([Robbie Chiappone] and Jim [Del Negro]) in every way conceivable no question."). Raniere was obsessed with Camila's previous romantic interest in Chiappone. Tr. at 3466-69; GX301-R-20; GX1779. Raniere required Camila to provide him with details of her interactions with Chiappone, including what clothes Camila wore and Chiappone's sexual performance. Id.; Tr. at 3557. Raniere told Camila that her relationship with Chiappone affected her "purity" and her suitability as his "successor" and that Camila would have to "fix" it, by, among other things, finding him a "virgin" to be his "successor" and "pure vessel." See, e.g., Tr. at 3469, 3588-89 ("There are potential successors but they are so young. This creates several problems. Will I live long enough? Will they stay pure? Will they connect so deeply with me being so much older?").

During the course of the "relationship" between the defendant and Camila, Camila slowly became withdrawn. She no longer socialized with family and friends. She lost weight at Raniere's insistence. As recounted in her brother's impact statement, Camila

“became extremely private. She wouldn’t tell anyone where she lived. She struggled losing weight and was malnourished. She always appeared to be busy, but I never knew with what, and she never had any money. I had [no] idea how much Keith was manipulating her. He was very good at keeping his actions hidden from me and from other people.” See also Tr. at 1597 (Lauren Salzman’s testimony that there was “a lot of curiosity and speculation about what was going on with Camila. How come nobody could go to the house? . . . And eventually Lucy told me that she figured out where Cami lived because she saw Keith coming and going from Cami’s house. And I wasn’t permitted to know or nobody told me.”) Camila’s own messages to the defendant reflect her despair and distress at this time:

October 10, 2014: I feel like I have a gun pointed at me and I’m and I’m just trying to say what you want to hear so you won’t shoot but I don’t know what it is you want to hear.

November 24, 2014: I feel like your puppet.

December 8, 2014: You have taken everything that is important and meaningful to me. But it is more than that. You have branded me for life. Your words have destroyed me. I feel helpless and worthless. I feel dead inside.

February 8, 2015: I’m angry at you because you couldn’t see how being with me at such a young age was probably taking away from my life and opportunities.

Exhibit A, GX 301-R-89, 233, 284; GX 302-R-77.

For decades, Camila told no one about her sexual relationship with Raniere, the man who was without question the most powerful person in her family and community. Camila had suicidal thoughts. She harmed herself—a common response to sexual abuse and

a coping mechanism to feel in control.¹¹ See, e.g., Tr. at 2474 (testimony of Daniela describing Camila's cutting). These effects are not uncommon in similarly-victimized individuals, and for this reason, Raniere's post hoc justification for DOS as having been created "as part of ensuring that [Camila] would never" again attempt suicide, see Tr. at 1895 (Lauren Salzman's testimony), is perverse.

Raniere's treatment of Daniela, Camila's sister, was also shocking. As he did with Camila, the defendant instructed Daniela to keep their coercive sexual relationship a secret and pressured her to lose weight. Tr. at 2379 (testimony of Daniela); id. at 2633 (Pamela Cafritz instructed Daniela to conceal that Raniere was the father of her child to medical professionals); id. at 2636 (after her abortion, Raniere told Daniela that it was a "great opportunity" for her to lose weight, a conversation that left Daniela "in shock"). After Daniela told Raniere about her relationship with another man, Daniela's "life changed overnight." Tr. at 2675 ("I was highly dependent on him and his community which he controlled and he was also my only friend. Like, there was nobody else for me to talk to at that point. I had a coach. I didn't talk to my mother anymore. My relationships [were] secret and, therefore, a large part of my life was.").

¹¹ See Judith L. Herman, Trauma and Recovery: The Aftermath of Violence--From Domestic Abuse to Political Terror 109 (2015) ("The connection between childhood abuse and self-mutilating behavior is by now well documented. Repetitive self-injury and other paroxysmal forms of attack on the body seem to develop most commonly in those victims whose abuse began early in childhood. . . . Self-injury is intended not to kill but rather to relieve unbearable emotional pain, and many survivors regard it, paradoxically, as a form of self-preservation."); Lori G. Plante, Bleeding to Ease the Pain: Cutting, Self-Injury and the Adolescent Search for Self 17-18 (2007) ("Many experts have concluded that the most common causal factor related to cutting and other forms of self-injury is a history of sexual abuse and trauma."); Self-Harm, Rape, Abuse & Incest National Network (RAINN), <https://rainn.org/articles/self-harm> ("Some survivors of sexual assault may use self-harm to cope with difficult or painful feelings.").

Raniere enlisted the assistance of Daniela's family members and Lauren Salzman in confining Daniela to a room in her parents' home without human contact for nearly two years. Tr. at 2686-87 (testimony of Daniela); see also Tr. at 1926 (testimony of Lauren Salzman that Daniela's family members "seemed sad and ashamed about their participation"). Raniere ensured that Daniela's confinement was kept secret and told Lauren Salzman not to speak to him over the phone about it. Tr. at 1927. Daniela was miserable and wrote letters to Raniere every day, often multiple times a day, letters which went unopened. Tr. at 1934. At trial, Lauren Salzman testified:

I think it's horrendous. I—of all the things that I did in this case and the crimes that I committed, too, I think that this is the worst thing that I did. I—I don't know what to say. I kept her in her room for two years . . . And the family, they were close as a family when they came to us. And those relationships were incredibly severed through this and other things that happened. And I don't know how you can ever recover from that.

Tr. at 1936. As was made clear by Daniela's testimony at trial, Raniere's actions had a lasting effect on her psychological health. Daniela testified, "I broke pretty quickly . . . I think I went crazy . . . I would be completely numb for days." Tr. at 2891; see Tr. 2892 ("I had no books. I had nothing to read. Nothing to listen to or nothing to grab onto or somebody else's words to grab on to."); id. at 2904 ("[i]t was harder and harder to keep the darkness at bay.").

Through DOS, Raniere escalated the scope of his abuse and exploitation of women. Raniere urged his First Line DOS "slaves" to recruit hundreds of women into DOS. Tr. at 1619-20 (testimony of Lauren Salzman that Raniere expressed a preference for DOS "slaves" in "positions of power and influence"). After these women provided "collateral," such as sexually explicit photographs and videos and damaging confessions, they were

coerced into submitting to providing additional collateral, doing tasks for their “masters,” and, in some instances, engaging in sexual activity with Raniere. Raniere’s role as “Grandmaster” and the sexual nature of DOS was deliberately concealed from recruits, including paddling, sexual activity with “slaves,” and “up-close vagina pictures.” Tr. at 1790-94 (testimony of Lauren Salzman). These sexually explicit photographs, which were required of nearly every woman recruited into DOS, were of the same type that Raniere took and kept of his own sexual partners. See, e.g., Tr. at 1537 (testimony of Lauren Salzman describing Raniere’s preference with respect to pubic hair); id. at 1626 (testimony of Lauren Salzman that Raniere preferred DOS pictures “with our legs spread or up close vaginal pictures”); id. at 2378 (testimony of Daniela that, as to pubic hair, “one did not touch it”).

Raniere expressed callous disregard for the women recruited to be DOS “slaves.” When, for example, the First Line expressed concerns about branding their recruits with Raniere’s initials without their knowledge or consent, Raniere responded that “it shouldn’t matter” and “insisted” that it “would not be a problem.” Tr. at 1621-22 (testimony of Lauren Salzman). But for the bravery in the DOS victims speaking about their abuse, there is little doubt that Raniere would have continued to commit crimes. Raniere even attempted to use the First Line of DOS to locate a virgin “successor,” who, as Lauren Salzman testified, would serve as a “replacement” for Camila. Tr. at 1899-1901. Lauren Salzman testified that the first-line DOS masters, including Rosa Laura Junco, made attempts to recruit virgins for this role for the defendant’s benefit. Id. Raniere’s communications with Camila also refer frequently to finding a young “successor candidate.” See Exhibit A, GX 301-R-29; see GX 301-R-332 (“Does Ana know suitable virgins?”); GX 1779-485 (“[I]f my lineage does not withstand competition, my unique genetic combo will not be able to

either. It will not be a basis of other generations, it will be absorbed and combined with others until a superior combination comes about.”); GX 1779-485 (Raniere telling Camila that “Rosa Laura” could assist her in becoming “friends with young future candidates” and “shepherding them over time”). These efforts were confirmed in a October 4, 2015 email from Rosa Laura Junco to Raniere, in which Rosa Laura Junco apologized for her “shortcomings” in keeping her teenage daughter, Lauris, away from the defendant and the effect on the defendant’s “possibility for succession.” GX 1325. In the email, Rosa Laura Junco states that she is “100 clear that you are what I want for my daughter (and obviously for myself).”

Sex trafficking is a crime that strips victims of their dignity and self-worth, causing them unimaginable damage. For many of his victims, Raniere’s actions had a destructive impact on their psychological health, emotional stability, and understandings of relationships and trust. At trial, Sylvie testified about her disgust and shame after Raniere performed unwanted oral sex on her and took photographs of her vagina:

I felt so disgusting and ashamed, so I just thought—I felt like it was all lies.

I felt—I think I just felt shame, all around that time I felt so much shame and still do honestly about this whole thing . . . I just felt like everything was just lies and secrets and darkness. Like I say, it was such a horrible time.

Tr. at 255-259. As Nicole explains in her victim impact statement, “[t]he massive effect this had on my psychological state is hard to fully explain. On one hand, the fear I felt in being both blackmailed and bullied, of slowly realizing I no longer had control of my own life. And on the other hand, the deep confusion and struggle to believe Allison when she told me how much she cared for me and reminded me that what I was being put through was for my own

good. The cruelty of that abuse of power and trust will be with me forever.” Nicole states that she “regularly felt like [she] was losing her mind.” Similarly, Jay states that her “confidence in [her]self, [her] talents, and who [she] is has been completely shattered” by her experience in DOS. She explains, “My sunny disposition has been shifted. I find myself darker, more negative on my outlook of humanity. . . . Not wanting to make new friends or connect with others. Feeling constantly alienated.”

Other victim impact statements from DOS victims, which will be provided in full to the Court, reflect that the defendant is responsible for causing profound levels of stress and emotional injury:

“I NEVER would have joined if I had known that Keith was the top master. . . . I have no words to explain how this affected me. I have never felt so vulnerable and exposed.”

“Just thinking about the possibility of Keith being set free gives me tremendous anxiety and stress. He hurt me and some of my friends in ways that can never be undone.”

“With the branding, I was physically injured and it’s a scar that is very difficult to erase. There was a lot of physical pain also. . . . But the most harm that I experience was emotional. To be deceived by people that I really trusted. They knew everything about me, they knew I wanted to help others and like me, a lot of people were in the same situation. And that’s the worst part, to take advantage of people who wanted to build better people, better communities, better families, and be better human being. And everything was a lie.”

The unprecedented magnitude, duration and scope of Raniere’s crimes demand the most serious penalty available.

II. Raniere's Denial of Responsibility, the Need to Protect the Public and Specific Deterrence

Raniere has demonstrated a complete lack of acceptance of responsibility for his crimes of conviction. Raniere's post-conviction prison calls and emails reflect that he is unrepentant, has no empathy for his victims, and would continue to commit crimes if released. See Exhibit D. Raniere still communicates with Nicki Clyne, a member of the First Line, and even though DOS caused incalculable harm to the women who were recruited into it, on November 7, 2019, Raniere wrote an email to Nicki Clyne stating:

I believe the sorority is good—not just good and even noble, but great—and vitally important for women and humanity. It is tragic the current organization has been stymied by a few envious men abusing position of power in government, media, and film; some women who didn't live up to their sacred honor and vows; and people in general who just feel threatened by this idea. The missing part of our society, found in a secret group of women like this, aches to be embraced; we should deeply mourn it[s] possible loss. It is a living thing, a precious thing, and an essential thing to complete the human story: groups that are different are not necessarily bad, and ways of journeying through our lives, only for the few, and too intense for the many, are foundationally important for all of us. This sorority is such a thing: living, precious, intense, and some would say even sacred. If the current group of committed women, for whatever reason, do not carry [t]his considerable body of knowledge, practices, and skills forward, some other group of brave courageous, women should—even must—somehow, somewhere. It's here, waiting for the right women, right now. Who will carry forth this burning torch of light?

Exhibit D-004. Similarly, in a March 12, 2020 call with Suneel Chakravorty, one of Raniere's supporters, Raniere addressed his conduct with respect to Daniela, stating that she "would have to go back to Mexico or she had to explain to people how she was going to stop from all the stealing and the other things that she was doing. She also had to finish a book report. She had a number of different book reports she was supposed to do and she was seen

as being very prideful about it and no matter what, she would do anything, you know, say anything, but never just sit down and simply finish the book report.” Exhibit D-021.

Raniere described Daniela as engaging him a “battle of wills” and who “threw, like, uh, what would be a massive sort of tantrum.” Exhibit D-022.

The defendant’s unwillingness or inability to express understanding of, and remorse for, his actions is deeply troubling. It suggests that a Guidelines sentence is particularly important for specific deterrence and protection of the public. See United States v. Broxmeyer, 699 F.3d 265, 295 (2d Cir. 2012) (stating that defendant’s “lack of remorse for, or even appreciation of, the seriousness of the totality of his conduct . . . further expand[s] the range of substantively reasonable sentences to allow the district court to afford adequate specific deterrence and protection of the public”); United States v. Kaziu, 559 F. App’x 32, 39 (2d Cir. 2014) (summary order); accord United States v. Martinucci, 561 F.3d 533, 535 (2d Cir. 2009) (lack of remorse is a pertinent sentencing factor under Section 3553(a)). A sentence of life imprisonment is particularly warranted where, as here, the defendant has committed offenses for which Congress has made specific findings about the likelihood of recidivism. See H.R. Rep. No. 107-527, at 2 (2002) (noting that “studies have shown that sex offenders are four times more likely than other violent criminals to recommit their crimes” and that “recidivism rates do not appreciably decline as offenders age”).

In addition, Raniere has demonstrated a disregard for the law and for the system of justice. In many phone calls with Mr. Chakravorty, Raniere expresses contempt for the prosecution and the Court. For instance, during an April 8, 2020 phone call with Mr. Chakravorty, Raniere stated that “the major witnesses all lied” and expressed his view that “this judge”—referring to the Court—was corrupt. Exhibit D-043. Raniere further stated

that they had to “get scrutiny on this judge, get some pundit who is willing to speak out about what this judge is saying, which is crazy, and the judge needs to know he’s being watched . . .” Exhibit D-052.

Raniere also directed his supporters to develop a podcast and to set up a “contest” in which members of the public would be invited to find purported errors in Raniere’s prosecution and trial in exchange for a cash prize. In many phone calls, Mr. Chakravorty describes his efforts to find “judges”—i.e., members of the public—to evaluate submissions for the contest and “check[] the prosecutor’s homework.” Exhibit D-049; see, e.g., Exhibit D-024; D-042. In an email on January 8, 2020 to Eduardo Asunsolo, Raniere explains that prizes should be in the amount of \$25,000.¹² Exhibit D-009; see also id. (Asunsolo: “Some people have feedback that it might be good to have a PR firm linked to the contest. It can filter people who’d just want attention and not to seriously analyze the case. And help in general with the contest.”) In subsequent calls, Raniere offers lengthy diatribes on the criminal justice system for Mr. Chakravorty to record, similar to the “verbal downloads” that were described at Raniere’s trial, see, e.g., Tr. at 339 (Sylvie’s testimony); Tr. at 524 (Vicente’s testimony), presumably for publication on a podcast. In these calls, Raniere claims that his conviction resulted from corruption. Exhibit D-061 (“There’s a person, Preet Bharara, who was head of the Southern District at one point. He even said that there are corrupt judges. Some judges are corrupt.”).

Further, even though counsel for Raniere stated, at trial, that he did not have access to Raniere’s phone, Raniere has given his supporters “permission” to “get to [his]

¹²

The source of funds for these cash prizes is not apparent.

phone.”¹³ In an April 6, 2020 call with Mr. Chakravorty, Raniere told Mr. Chakravorty that “they have a mirror of the phone, I believe, from, uh, you know, a security agency that did the custody, so, you should be able to go on the phone and take off my WhatsApp chats, my Telegram chats, things like that . . . so, I, I give you guys, you, you know, Nicki [Clyne], permission to do that.” Exhibit D-027. In a call on April 8, 2020, Raniere and Mr. Chakravorty had the following exchange:

CHAKRAVORTY: Oh, okay, uh, as far as getting your cell phone, uh, apparently that’s, that’s considered contraband, um . . .

RANIERE: Yeah, I just read an email from Marc. I wasn’t able to respond to any of them because since I have to do this so quickly...

CHAKRAVORTY: Okay.

RANIERE: . . . Um, I think the phone is still my property. That was... I don’t think it was ever even subpoenaed.

¹³ At trial, Mr. Agnifilo stated that he did not have access to Raniere’s phone:

THE COURT: Yes, where is the phone anyway?

Mr. Agnifilo: I don’t have the phone.

THE COURT: Surprising.

Mr. Agnifilo: It’s surprising or not.

THE COURT: You have no idea where it is?

Mr. Agnifilo: I don’t know where the phone is.

Tr. at 4225-26.

CHAKRAVORTY: Oh, okay.

RANIERE: Um, so, you know and I . . . as, as far as pictures. . . there is nothing there, I believe is considered. . . I don't know, I mean, I guess they can try to say certain pictures were considered illegal or something like that, but, um, you know, uh, uh, see what, see what he can do because that phone has not been subpoenaed.

Exhibit D-040.

In his communications with his supporters, Raniere repeatedly attempts to cast himself as a victim of persecution and harassment from the government and from unknown enemies.¹⁴ See, e.g., Exhibit D-002 (“[T]his situation has been a purely political, envy-driven, money-powered lie to destroy a community, and keep me either incarcerated for life or otherwise “disposed of.” This lie is perpetrated by certain politicians, prosecutors, lobbyist [sic], agents, judges, and people of influence, who likely received great benefits of recognition, social capital, favors, and maybe even money: it should all be closely examined.”); Exhibit D-072 (“[T]hese people who are the political pushers of judges and media, they don’t need to be able to influence a particular judge. . . So if they have a certain number of judges that are under their control in the Second Circuit, all they have to do is make sure that your case gets in front of one of those judges.”)

¹⁴ Raniere has continued to regularly contact his supporters, even entering aliases for them in the Bureau of Prisons contact list in order to prevent detection. For instance, it appears that in July 2020, the Bureau of Prisons suspended calls between Raniere and Mr. Chakravorty for a period of time. On August 11, 2020, Raniere entered an individual under the name “Issac Edwards.” The address provided by Raniere for “Issac Edwards” is fabricated and the phone number provided by Raniere for “Issac Edwards” belongs to a burner phone. Subsequent calls between Raniere and “Issac Edwards” reflect that “Issac Edwards” is Mr. Chakravorty.

Raniere's post-conviction conduct reflects his total lack of empathy for his victims. The government submits that his continued lack of acceptance of responsibility is a factor the Court should consider seriously and that only a sentence of life imprisonment is significant enough to prevent and deter future wrongdoing.

III. The Need to Promote Respect for the Law and General Deterrence

The need to promote respect for the law and to deter others also warrants a significant sentence. Raniere was able to commit these crimes because, for years, he and his co-conspirators retained scores of attorneys, public relations firms, and consultants to shield his activities and to pursue individuals he perceived to be detractors or critics. The targets of these efforts included reporters; vocal critics of Nxivm or Raniere, including Rick Ross and Raniere's ex-girlfriends; former Nxivm members; former Nxivm attorneys; and even federal judges overseeing litigation involving Raniere and Nxivm. See, e.g., Tr. at 4728-29 (testimony of Rick Ross); id. at 4999 (testimony of Special Agent Weniger);

General deterrence is particularly significant in sex trafficking cases, where victims are often reluctant to speak to law enforcement and where, as Congress has recognized in enacting the sex trafficking statute, "traffickers often escape deserved punishment." United States v. Estrada-Tepal, 57 F. Supp. 3d 164, 169 (E.D.N.Y. 2014) (quoting legislative history and discussing legislative goals in enactment of 18 U.S.C. § 1591). In addition, Raniere's crimes were difficult to investigate and were uncovered as a result of more than a year-long investigation requiring significant government resources, including interviews of more than a hundred individuals. A sentence that serves as general deterrence of crimes that are complex and difficult to investigate is also warranted here. See, e.g., United States v. Heffernan, 43 F.3d 1144, 1149 (7th Cir. 1994) ("Considerations of

(general) deterrence argue for punishing more heavily those offenses that either are lucrative or are difficult to detect and punish, since both attributes go to increase the expected benefits of a crime and hence the punishment required to deter it.”).

IV. The Need to Avoid Unwarranted Sentencing Disparities

Under 18 U.S.C. § 3553(a)(7), the Court must also consider “the need to avoid unwarranted sentence disparities among defendants with similar records who have been found guilty of similar conduct.” 18 U.S.C. § 3553(a)(6). This factor is difficult to apply in this case as Raniere is not similarly situated to other defendants, but even so, the government submits that it also weighs in favor of a sentence of life imprisonment. See, e.g., United States v. Brown, 12-CR-145 (N.D.N.Y.) (GLS) (sentence of 60 years for production and possession of child pornography); United States v. Rivera, 09-CR-619 (SJF) (E.D.N.Y.) (sentence of 40 years for sex trafficking, forced labor, and alien harboring counts); United States v. McGowan, 09-CR-653 (SJF) (E.D.N.Y.) (sentence of 90 years for three counts of production of child pornography); United States v. Brockett, 08-CR-289 (E.D.N.Y.) (SJ) (sentence of 23 years for sex trafficking); United States v. Broxmeyer, 08-CR-21 (TJM) (N.D.N.Y.) (sentence of 30 years for attempted production and possession of child pornography in connection with 17-year-old girl). Notably, Raniere did not just commit one or two of the crimes. He led members of a racketeering enterprise in the commission of all of them, and over an extended period of time.

CONCLUSION

For the reasons set forth above, the government respectfully submits that the Court should impose a Guidelines sentence of life imprisonment on the defendant.

Dated: Brooklyn, New York
August 27, 2020

Respectfully submitted,

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(718) 254-7000

Exhibit C

Exhibit D

Date: 02/24/2020
Time: 11:01 AM

Facility: DC

Federal Bureau of Prisons
TRULINCS
Message
Sensitive But Unclassified

Message

FROM: 57005177 RANIERE, KEITH ALAN
TO: "Marianna [REDACTED]"
SUBJECT: 903-2
DATE: 09/03/2019 01:41 PM

Sent 1:39pm, Tuesday 9/3/19. I thought I might share the endings of the three articles I have written: a potential Op. Ed., about the Sorority, and about the absurdity of some of the charges of my case.

I hope you enjoy! I suspect they are more powerful in context but here goes (I need to type these for, as you know, there is no copy-paste functionality). Tell me if you like them once you read them...

Here are the ending paragraphs:

1. Op. Ed. (note: much is explained before this ending. It is nationalistic (mainly for USA) and quotes the end of our pledge of allegiance all children recite each day.

As a metaphor, I find myself a non-violent soldier on a battlefield: my sole weapon is my character. I am not the lowest ranking foot soldier, but certainly not a high-ranking officer. Our ranks represent our contribution to team humanity, and our earned right to lead that team. The battle we are fighting is for virtuous justice, and our opponent: hate. In particular, this battle is waged over the conduct of the Sovereign: Is it dedicated to truth (virtuous) or to winning (hateful)? Are the accused upheld (virtuous) or is punishment and damage inflicted upon the accused, his or her loved ones, friends, associates businesses (hateful)? In short, is our Sovereign virtuous or hateful? There is no gray area, in-between, or part-time!

Here I stand in the middle of this massive conflict which affects so many people and the very notion of freedom. Suddenly, I find myself alone, in a fortuitous clearing, where I can potentially make a global difference. I don't know why I've been granted this visibility or potential power, but here I am. Yes, I can, and should, potentially reverse my trial verdict, but just as importantly--even more so--something good can be done!

As I am caught amidst a swirling miasma of prejudicial hate, much of which is flat-out untrue, but none of which related, or even should relate, to the law of my case, will this hate win? Will the prejudice infect justice so the law is ignored and innocence not upheld?

I need at least one experienced, vociferous, unrelenting justice advocate to join this effort, bring meaning and social value to this dark time, and turn the monologue of hate about my case into a dialogue--a conversation--about truth. Although my personal situation is wrongful and inhumane, it has even greater consequences for anyone who is affected by our justice system--hopefully all people under the sun who have recited the pledge, "for liberty and justice for all"!

For me, as a chance, nationally visible figure, immersed in an amplified, hateful, injustice: I am innocent, but can I be free?

2. The sorority:

I believe the sorority is good--not just good and even noble, but great--and vitally important for women and humanity. It is tragic the current organization has been stymied by a few envious men abusing position of power in government, media, and film; some women who didn't live up to their sacred honor and vows; and people in general who just feel threatened by this idea. The missing part of our society, found in a secret group of women like this, aches to be embraced; we should deeply mourn its possible loss. It is a living thing, a precious thing, and an essential thing to complete the human story: groups that are different are not necessarily bad, and ways of journeying through our lives, only for the few, and too intense for the many, are foundationally important for all of us. This sorority is such a thing: living, precious, intense, and some would say even sacred. If the current group of committed women, for whatever reason, do not carry his considerable body of knowledge, practices, and skills forward, some other group of brave courageous, women should--even must--somehow, somewhere. It's here, waiting for the right women, right now. Who will carry forth this burning torch of light?

3. Some of my absurd charges:

The prosecution claims the "victims" cry they are "scared for their lives". As a non-violent, peace movement leader, with no violence--not even yelling--reported in the sorority, the assertion, "I am scared for my life" is disingenuous at best: I, Keith Raniere, would rather risk my life than threaten another's.

Ex. C, p. 2

Date: 02/24/2020
Time: 11:01 AM

Facility: DC

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TRULINCS
Message

Sensitive But Unclassified

Even starting before my kidnapping, this situation has been a purely political, envy-driven, money-powered lie to destroy a community, and keep me either incarcerated for life or otherwise "disposed of". This lie is perpetrated by certain politicians, prosecutors, lobbyist, agents, judges, and people of influence, who likely received great benefits of recognition, social capital, favors, and maybe even money: it should all be closely examined.

An immediate family member of a powerful multi-billionaire, overtly against me, stated that this billionaire flew to New York, and stayed for over a week to work with, and carefully influence, authorities. This billionaire has stated he will do anything in his power to put me in jail for life--and money is not object. He also owns, and controls, one of the largest media conglomerates in South America. He is considered ruthless, very powerful, and dangerous. It is no surprise my case is so publicized, exaggerated, and untrue. It is also no surprise the men, dressed as Mexican Federal Officers, who kidnapped me were complete strangers to the few bona fide Mexican officials I did see. One of them, who had worked at his post for more than 12 years, was scared and said repeatedly, "I've never seen these men before."

There are many arguments which could attempt to show I was given due process, and a fair trial. No matter how detailed, definitive, incisive--or even persuasive--the argument, I know it is false, and absolutely wrongful. One might ask how I can be so sure? The answer is simple: I was found guilty through this process, and a trial by jury, but...

I am innocent.

Date: 02/24/2020

Facility: DC

Time: 10:55 AM

Federal Bureau of Prisons
TRULINCS
Message
Sensitive But Unclassified

Message

Message

Message

FROM: 57005177 RANIERE, KEITH ALAN
TO: "Nicki Clyne" [REDACTED] >
SUBJECT: Sorority (part 2)
DATE: 11/07/2019 07:25 PM

The meaningfulness of surety is difficult to assess because the collateral underlying it is relative: \$10,000 is different for a waitress than for a millionaire, nude pictures are different for a nun than for a porn star. The objective was as strong and complete a pledge of surety as possible.

Surety is always pledged and received with the intention it will never be forfeited, therefore it needs to be personally meaningful, and needs to at all times, match or exceed the value of that which it collateralizes. Problems soon arose with keeping pledged surety safe and current (If a woman pledges access to an account she later closes, that surety is no longer current.) Additionally I, as the structural creator, wanted to be certain, as the sorority grew, there were not corruptions of the power bestowed upon each master through these earnest, life-serious, vows. A series of eight endeavors and structures were undertaken to provide healthy, safe, growth:

1. The 8 founding sisters started to develop areas specialization: one specialization was ethics to ensure morality, consistency, and safety;
2. Circles were codified: groups of sisters, normally with the same master, working together and with each other. This inspired camaraderie and also fostered a mutually helping environment;
3. The beginnings of a grand master system wherein each sister had an additional higher, or non-lineage, grand master as a resource and sounding board;
4. Some of the lawyers within the sorority (and some not in the sorority) were consulted to formalize the relationships, consequences, rights, and safeties;
5. The group responsible for the safety, sufficiency, and integrity of pledged surety began creating methods for securing, updating, maintaining, and standardizing it;
6. One of the founding sisters was the first to formally try a "switch" of master and slave wherein the slave became the master and the master became the slave for a time. This gave a wonderful perceptual shift and an experiential sense of the responsibilities, and difficulties, of each role. I suggested this should be a mainstay process throughout the organization;
7. Two help lines were being developed: one through which a sister could personally raise issues to the ethics committee, and the second an anonymous system for emergency abuses which could be used without fear of identification; and
8. I had created a secret society of men which now would interface with the sorority. Initially, having male members within the sorority was considered--everything from husbands to friends--it was ultimately thought best to keep men separate in general. An ethics/resources committee was created consisting of three founding members of the partner men's group (the group had already grown to 60 in number), and three founding members from the sorority, through which both organizations could benefit from the insights of the other.

Although I was, through life vows, "master" to the 8 founding sisters of the sorority, I did not want to lead, nor was I in, the sorority. I did however lead the fraternity. As with SOP (The Society of Protectors--the non-secret men's group), in the fraternity I had ultimate power, balanced by the other founding member's ability to, as a group, veto my orders. I also had the ultimate veto power of any initiative the board created. Initially, in SOP, the high counsel (which I led) gave me ultimate, unchecked

Ex. C, p. 4

Date: 02/24/2020

Facility: DC

Time: 10:55 AM

Federal Bureau of Prisons
TRULINCS
Message

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power. I considered this for literally 24 hours, once it was given, and decided to set up the check and balance system because I was concerned of my personal flaws, blindness, errors, and even the potential I might someday lose my faculties.

Thus, I led the fraternity (the secret men's organization) with balanced power, and had final veto power over both it and the sorority. Within the sorority, my influence was even further limited by my own beliefs: For example, one lineage head refused to adopt some of the more edgy (but optional for each participant) BDSM-type practices desired by several of the other lineages. I felt it was not my place to attempt to interfere, although I believed it was a vital option for all lineages.

I did design a number of therapeutic procedures for the sorority-- things we called, "sourcings" in the companies I created-- that were feminine by construction and, I feel, some of the most extraordinary work I have done. There were also a number of specialized, optional, sub-groups planned wherein women learned skills of interest within the sorority community and these women would become resources for the rest of the sisterhood. Note: The primary witness in my sex trafficking charge initially helped design her own personal vulnerability challenge. After this challenge, she aspired to be one of the heads of the specialized group that provided sisters with both emotional and physical challenges. This included outward bound activities, any of the alternative sexual activities, vulnerability challenges, and self-defense/fighting competence. Her personal challenge was used against me as the centerpiece of the sex trafficking charge.

The sorority was to be a "no holds barred" organization, going boldly where no other organization had yet gone--so women could have access to many unique things without the structures or permissions of men. I certainly did not want to limit these freedoms with any involvement I might have!

While I was in Mexico, the hate and untruth towards myself and the sorority raged; I was further distanced and completely apart from the functioning of this group. The day of my arrest had been scheduled to be a restarting; a more mature, wise, reforming of the group. What happened with it after my arrest is uncertain as of this writing. I believe there are still a strong number of women committed.

I believe the sorority is good--not just good and even noble, but great--and vitally important for women and humanity. It is tragic the current organization has been stymied by a few envious men abusing positions of power in government, media, and film; some women who didn't live up to their sacred honor and vows; and people in general who just feel threatened by this idea. The missing part of our society, found in a secret group of women like this, aches to be embraced; we should deeply mourn its possible loss. It is a living thing, a precious thing, and an essential thing to complete the human story: groups that are different are not necessarily bad, and ways of journeying through our lives, only for the few, and too intense for the many, are foundationally important for all of us. This sorority is such a thing: living, precious, intense, and some would say even sacred. If the current group of committed women, for whatever reason, do not carry this considerable body of knowledge, practices, and skills forward, some other group of brave, courageous, women should--even must--somehow, somewhere. It's here, waiting for the right women, right now. Who will carry forth this burning torch of light?

Message

FROM: 57005177 RANIERE, KEITH ALAN
TO: "Nicki Clyne" [REDACTED] >
SUBJECT: Sorority
DATE: 11/07/2019 07:25 PM

The sorority, also known as DOS or "The Vow", was still undergoing formation pains when it became the subject of world discussion. The initial group of members were all life-committed (the highest level of commitment) although many lesser commitment levels were planned. At the time it reached international prominence, and infamy, the average age of the sorority sisters was just under 40 (I think the youngest was 24) and consisted of single women, married women, mothers, and even grandmothers. Many were professional, even world influential: a daughter of a past head of a country, a leader of a key national think tank, a daughter of a multi-billionaire and media mogul (this particular father is one of the key motivators behind the actions against the sorority), the wife of the CEO of a major corporation, third generation royalty, call girls, lawyers, doctors, research scientists, Emmy nominated performers, peace movement leaders, many nationalities and races (African, Mexican, U.S. American, Chinese, Arabic, Canadian, European), many religions and beliefs (Christian, Jewish, Agnostic, Islamic, Catholic, Spiritualist), and from 7 countries.

Ex. C, p. 5

Date: 02/24/2020

Facility: DC

Time: 10:55 AM

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Was it bad? No. It was great. Was it well defined? No. It was forming and changing daily. Were there problems? Yes, many. But earnest people were creating solutions every day. Was it sinister? No. The intent was to help women and humanity through a woman's organization unlike any that existed. Could there be an "old girl's" network as powerful as the "old boy's" network? Could there be a woman's worldwide secret society, based on personal growth, with a no-glass-ceilings, no nets, no excuses, environment wherein women are "women of their word"?

The sorority was a group of women with a four-fold desire to: 1. Be part of a close, intimate, sisterhood, where it is safe and supportive to have total disclosure (they were invited by a woman they respected, normally their best friend); 2. Be brave and courageous, taking full risk to overcome limitations, with specific disciplines, practices, and skills, taking away excuses and the cultural female "net" of social safety, in ways not available in the outside world; 3. Build power and influence for themselves; and 4. Be part of completely trusted, secret network of women dedicated to obtaining power and influence to be used to forward the compassionate feminine principle in society.

Some of the sisters questioned if many women could really keep the faith, taking secrets to the grave no matter what, and live up to these conditions and aspirations.

The initial sisters of the sorority were set to be the most trusted of friends to the women already in the sisterhood. This was a temporary recruitment allowance: select women were permitted to join directly as a life-committed member (a dramatic shortcut compared to the future, multi-year process of trust-building, tests, and commitment needed to assure qualified "lifers"). In the future, most of the women within the sorority would likely not want to be "lifers", but would find a lesser commitment level more suitable for their lives. Analogous to the Church, not all members want to be clergy.

The seminal notions of the sorority had been in my thoughts for decades. It is part of my life-work to create new social structures and organs of society. Several persistent, independent, thought-clusters and questions informed the creation of the sorority:

1. What are the advantages and disadvantages of good intentioned, compared to bad intentioned, people? How can the advantages of being good be amplified so, combined with the inextricable disadvantages, a group can be stronger than the damage of bad intentioned people? (Since a bad intentioned person is willing to do anything, he or she has more options.)
2. What is the nature, and possible need for, secret societies in the pursuit of a better civilization? Many bad actions utilize the tool of secrecy. How can this tool best be used for the good by having a secret group? Is it necessary, or does it give an advantage, in our current world?
3. Why were secret societies male oriented and the secret societies of the world almost completely of male membership? This leaves a void in civilization. What good would it do to fill this void? What in the behavior of women caused this void? Could women form a secret society without this behavioral weakness getting in the way? Would it be good to do so?
4. Could one build a society based on self-determined penance and collateral, instead of based on outwardly imposed, punishment and rules, backed by violence? Penance and collateral move a society away from violence used to enforce rules, and towards conscience upholding ethics. Hopefully, by using practices of penance and collateral, one moves from fear-based, external authority, to conscience-based, internal authority.

Collateral is anything of value. In this case, it is pledged as surety by placement with the sorority for safe keeping, or bonded through agreement allowing it to be possessed if necessary.

Conscience-driven people see pledged surety as merely an effect upholding, valuing, and representing, their word. Such people keep their word because it has an independent, internal value to them, from their own internal authority. The pledged surety is a proud demonstration of that value (as the signers of the U.S. Declaration of Independence who proudly pledged surety of their words with their lives, fortunes, and sacred honors). Conscience-driven women within the sorority world not fear losing their pledged surety because they know they will keep their vow, and their pledged surety is a proud representation of their vow's strength.

Fear-driven people, not using their conscience, reluctantly keep their word because of the pledged surety. They make the pledged surety the source, and their word an effect of it, believing they keep their word to avoid losing their pledged surety.

Ex. C, p. 6

Date: 02/24/2020

Facility: DC

Time: 10:55 AM

Federal Bureau of Prisons
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Message

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They value their word, in the moment, by what it can get them, and only keep it if they fear negative consequences enforced by an external authority. Such people often break their word if they are assured, or perceive, there will not be negative consequences. This gives them positive reinforcement for not seeing, or caring about, consequences, thereby inspiring a lack of conscience and conscience building. People who indulge this pattern, break their word when convenient, do not develop a deep conscience, and regard only obvious effects in their decisions.

There were three, non-defendant, sorority sisters who testified for the prosecution at my trial. Each of them had broken vows in multiple ways--one admitted to seemingly outright criminal behavior outside of the sorority--each admitted to fear-driven behavior. Their motivation to cause a conviction was intensified by the promise of money. They are all represented by the same civil(!) attorney who has stated he is putting together a class-action lawsuit: the heiress in this case is worth an estimated \$200 million, and other defendants have considerable assets.

What is the likely outcome when one of these apostate sorority sisters testifies directly protected by the prosecution (including her identity), for the prosecution? Would she tell the truth if it went against the prosecution's narrative and eliminated the chance of financial reward? Would she be charged with perjury if she lied to support the prosecution's story? (Answer: no.) In such a situation, can the defense charge her with perjury? (Answer: no.) It seems like this prosecutorial witnesses is pretty motivated and safe lying!

Additionally, one of my partners, a founding sister, testified for the prosecution in order to reduce her sentence. This is sad and a betrayal, but complicated: At her age, 40, not only is a prison sentence very scary, it might preclude her from having children which she strongly desires. She also has a mother who is gravely ill, and she did not want to be incarcerated during her mother's, potentially, final days. Her cooperation is compassionately understandable, but very bad morally: Even if she felt I was guilty--and even bad--supporting a hate-type campaign in any way is wrong. It is also a profound betrayal and breaking of both her vows to the sorority and me.

Note: I am unmarried and have a number of long-term, life-committed, relationships simultaneously. Their durations: 42 years, 30 years (deceased), 23 years (deceased), 22 years, and a number more of 15+ years. This generates a tremendous number of questions, and a lot of hate, in this country.

This is how the sorority "started": At one point, for deeply personal yet independent reasons, three of my long-term partners decided to have a deeper, more total, commitment by making life-vows to me; one of them because of a personal crisis. They wanted me to hold them to the highest of standards, "pull no punches", and tell them all of my preferences, so they could be as intimate and close with me as possible. It is not my way to voice my preferences, or push for my wants, so I thought doing so was an important practice for me. Additionally, they pledged collateral as surety to prove their earnestness, although I did not hold it.

The benefits of this commitment were palpable to them almost immediately, and two of these women felt a few of my other partners should be added (and at least 2 women who were not my partners). Within a short time, there were a total of seven women who took life-commitment vows to me; one of them had no sexual involvement with me and never did. She was the person I chose to hold, and keep track of, everyone's pledged surety.

After the first seven women had taken life-vows, although the one in crisis remained apart from the group, the remaining six felt the vow and program would benefit some of their closest friends. At this point, the decision was made to create a sorority--apart from my life-vows with them--yet built with the same principles and benefits. I was to "train" these founding women as they, the leadership circle, were to "train" the rest of the organization. My longest-term partners did not fit the spirit of the group; it did not apply to their personality types or their goals in life. So they were never invited into the sorority and never knew about it. An additional one of my partners was added much later as a founder. She was good for the group (and the group for her) but was not added initially because some of the other founding sisters simply did not trust her and felt unsafe with her.

Ultimately, each of the eight founding women created a lineage. Over the coming months, as the group grew to over 150 women, many challenges were addressed and contemplated which helped form the organization. The first hurdle out of the gate was how to determine an invited friend was truly worthy and committed to such a life-trust? This was a secret organization that, for purposes of privacy and freedom, needed to remain secret. How would the group know they could trust a woman that much?

Ex. C, p. 7

Date: 02/24/2020

Facility: DC

Time: 10:55 AM

Federal Bureau of Prisons
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Message

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To start, there was a two-step initiation process: First, the candidate was told of a secret group. In order to find out about it she needed to pledge surely to back-up her word, convince the group of her trustworthiness, and guarantee she would keep the secret to the grave. This would give every member confidence intimate secrets would remain safe.

A good percentage of "best friends" provided this to find out about the group. What each woman learned were the four basic tenets of initiation verified in court: 1. The relationship was one of total, unqualified, obedience for life (this renders the forced labor charge a virtual impossibility, especially if it's for such minor tasks as reading articles or getting coffee); 2. The Master/Slave terminology would be used within the relationship to affirm this; 3. She would be required to be branded with an undisclosed symbol; and 4. She would be required to wear a permanent piece of jewelry to visibly show this bond. At this point, some women were interested, some not.

The second stage, if the qualified applicant desired to go forward, involved pledging as much meaningful surety as possible to affirm life-time loyalty and commitment. This surety was evaluated by the group, and the group decided if the applicant was committed enough to uphold the obedience and fidelity for life. There is a joy in affirming one's word through pledging surety—also a genuine desire to show one is serious and one's word is good (Remember the signers of the US Declaration of Independence). With some applicants, this was evident. If this second collection of pledged surety was deemed sufficient, the applicant was accepted, as a sister, into the group's life-time vow of obedience and loyalty.

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Message

FROM: 57005177 RANIERE, KEITH ALAN

Message

TO: "Eduardo Asunsolo" <[REDACTED]>

Date: 02/24/2020

Facility: DC

Time: 10:09 AM

Federal Bureau of Prisons
TRULINCS

SUBJECT: RE: Contest feedback

DATE: 01/07/2020 01:54 PM

Read 1:46pm, Tuesday 1/7/20. I would need to understand the parameters: costs, timing etc. We do not want so much filtering that nobody signs up (and we need to get started right away). I would rather have 100,000 lookers than filter out all people who will not guarantee to look at it 100 hours and end up with 2. So there is a balance. One way I was thinking of doing it is to have them sign up by a certain date for segment 1 (\$25,000 plus other prizes of Sex trafficking etc) then need to "give up" by a certain date to get to segment 2 (\$25,000 for the next charge plus even more prizes -- maybe being eligible to receive \$100\$250 per provable malicious error within Eastern District press releases. Mine has at least one!). This way you can say we had 100,000 try and admit failure. Not sure if we should do this approach or just let them sign up. What do you think? ----
Asunsolo, Eduardo on 1/7/2020 1:03 PM wrote:

>

Hey there.

Some people have have feedback that it might be good to have a PR firm linked to the contest. It can filter people who'd just want attention and not to seriously analyze the case. And help in general with the contest. What do you think?

RECORDING: 57005177_Mar_12_2020_12_36_38_PM

DATE: March 12, 2020

TIME: 12:36:38 PM

PARTICIPANTS: Keith Raniere [RANIERE]
Suneel Chakravorty [CHAKRAVORTY]

CHAKRAVORTY: Hey, Keith.

RANIERE: Hey, what's going on?

CHAKRAVORTY: Uh, good, you sound clear.

RANIERE: That's good! Hey!

CHAKRAVORTY: [Laughs]

RANIERE: So, I tried calling a little earlier, two times, you didn't get it or...

CHAKRAVORTY: Yeah, uh, it, it rang once and then just dropped.

RANIERE: Huh, interesting. So, anything new since I last spoke to you?

CHAKRAVORTY: Uh, yeah. Uh, two things that are new. One is that Eduardo's been in touch with David Fritz...

RANIERE: Yeah.

CHAKRAVORTY: ...and he is pretty direct, uh, pretty, uh, not mean, but I think pretty strong with him, he was like, "Look, you know, you're going to help us or not?"

RANIERE: Right.

CHAKRAVORTY: And then he gave us the truth of Jason Flom and, and he's been texting with David on, on... I think he's on a plane right now...

RANIERE: Yeah.

CHAKRAVORTY: ...uh, to get him to the point where he'll set up the call with Jason. He knows him enough that it will be kind of a strong stance with him and, and I think we can get on a call with Jason with, uh...

RANIERE: With Nicki [Clyne]?

CHAKRAVORTY: With Nicki to talk to.

RANIERE: Suneel...

CHAKRAVORTY: I think Nicki will be the main person that would be...

RANIERE: ...you know who else might be interesting?

CHAKRAVORTY: Who?

RANIERE: Have Nicki and Michelle on.

CHAKRAVORTY: Aahhh!

RANIERE: Both of them...

CHAKRAVORTY: Yeah.

RANIERE: ...both of them [U/I] are branded, they're different lines, one's right next to... Michelle, you know, side by side with [Nicole] or whatever. Michelle is also very articulate.

CHAKRAVORTY: Yeah.

RANIERE: Ask Nicki. Let Nicki be the lead on how she feels about that.

CHAKRAVORTY: Yeah.

RANIÈRE: But having... two, two of the women, and I think... I don't know how many women actually did the branding ceremony. Something like 15 to 20.

CHAKRAVORTY: Hmm.

RANIÈRE: You know, out of 150.

[Voices overlap]

CHAKRAVORTY: That's not many at all.

RANIÈRE: No. [Laughs]. And, you know, most of them were First, First Line people, but, so, yeah I have to count them up, but it's from... I, I imagine, I'm... I think it's like 20 total, maybe less.

CHAKRAVORTY: Hmm.

RANIÈRE: And I don't know.

CHAKRAVORTY: [U/I].

RANIÈRE: Do I know? At this point I know all of them, I think.

CHAKRAVORTY: Hmm.

RANIÈRE: So. So do you know of the top three things I should talk about are?

CHAKRAVORTY: I do. I have the top three, uh, so the top three I have, uh, from a bunch of people, are why, why multiple partners?

RANIERE: Why what?

CHAKRAVORTY: Why multiple partners with polyamory.

RANIERE: Uh-huh.

CHAKRAVORTY: Um, the collateral and the brand and the specific themes with that are, um, the, you know, your partners were helpless victims, were manipulated, people were forced or coerced to have sex with you.

[Voices overlap]

RANIERE: Uh-huh.

CHAKRAVORTY: And DOS, ESP, etc, was used to get women to have sex with you? And, uh, I guess...

RANIERE: Wow.

CHAKRAVORTY: ...uh, in general. Sorry, I don't...

RANIERE: Yeah, I know...

CHAKRAVORTY: ...I'm just trying to tell you that. [Laughs]

RANIERE: Yeah, no, I'm just trying to figure out, so "the room" doesn't show up there.

CHAKRAVORTY: And only one person mentioned the room, but I think it is important, I think just most people that, that I'm in touch with, um, and I think the sex stuff if more out for people, but I think our community knows like, this is crazy and they know the family, so I think that is also...

RANIERE: Is it what family?

CHAKRAVORTY: Uh, that people know the family, so the... uh, uh, these people are, you know, community and then...

[Voices overlap]

RANIERE: Yeah, but I can, I can talk...

CHAKRAVORTY: Yeah.

RANIERE:about the... I can talk about like branding the room, and my sex polyamory type thing.

CHAKRAVORTY: Yeah.

RANIERE: Something like that.

CHAKRAVORTY: Yeah, I think a lot of people intend, uh, think it's bad intended or whatever and they just don't understand, so, I think this would be good.

RANIERE: Oh, okay, uh... yeah, let's see, anything, uh, yeah...

CHAKRAVORTY: [U/I] business, so...

RANIERE: ...I, I won't, I won't talk about the, the Vow or things like that... I think I'll just talk about those three. Uh...

CHAKRAVORTY: Okay.

RANIERE: Yeah. Like Farouk has a really intense emotional

reaction to the Vow and all that type of thing.

[Laughter]

CHAKRAVORTY: Maybe he should take the Vow. [Laughs]

RANIERE: No, but I do understand why.

CHAKRAVORTY: Oh, okay.

[Voices overlap]

RANIERE: Uh, I mean, there is, you know, there is a vested reason why... a few, actually [U/I].

CHAKRAVORTY: Um, maybe, maybe because of Li... maybe because of Lyvia.

RANIERE: Yeah... of course.

CHAKRAVORTY: Hmm, interesting.

RANIERE: So.

CHAKRAVORTY: [Laughs]

RANIERE: Why, why? Who, who? What... does that make sense?

[Voices overlap]

CHAKRAVORTY: You know what I mean, it, it makes, it makes sense, but it also doesn't make sense because...

RANIERE: What doesn't make sense?

CHAKRAVORTY: Uh, I mean, I, I don't know if that would be... I mean, I, I get why that would be upsetting, given like [clears throat] like the macho Mexican culture and stuff.

RANIERE: Uh-huh.

CHAKRAVORTY: Uh, like, you know, I guess, uh, and Indian, Indian culture is similar, but less like overt, uh...

RANIERE: Uh-huh.

CHAKRAVORTY: ...uh, but I mean, that's someone who knows you for probably 15, 20 years and also, uh, ideally knows the people involved in knows this is a conscientious thing...

RANIERE: Yeah.

CHAKRAVORTY: ... but I guess, intellect [U/I] is different.

RANIERE: Yeah, that's true. And also, you know, different people have different struggles. Ultimately some people like to be able to do what... whatever they like, or comfort or whatever, you know, so the thought of that, an absolute vow is like...

CHAKRAVORTY: Very uncomfortable.

RANIERE: Yeah, so, all right, um, yeah, I think I'd talk to about what... uh, branding, uh, my polyamory and the room, so the branding, the room, polyamory, something like that.

CHAKRAVORTY: Okay.

RANIERE: Okay.

CHAKRAVORTY: I will give you the count then.

RANIERE: Okay.

CHAKRAVORTY: Three, two, one, go.

RANIERE: So I'm going to mention three subjects, three quick things which I'll obviously going into more depth at a, a later point, but these are three things that I think upset people a lot. There is the branding, there is the room and there is polyamory.

The first thing I'm going to talk about is the branding, you know, it's, it's interesting, if you follow the media, if you listen to a lot of the media, from what I understand, and then I understand this from lawyers and people like that, that I am seen as having branded women against their will and often they think of it as like something with a coat hanger or a cattle branding sort of a thing. Now, a little bit before I get into what the truth of it is, you know, when I went to college, there were a few different fraternities that did branding and they actually did them with like, you know, metal things made out of hangers and stuff like that and there is a, a major, uh, fraternity, uh, the Omegas, and you'll often see like an Olympic athlete, you'll see an Omega on the skin or whatever, but, uh, very much, they do very large brands of that symbol. Multiple places sometimes you can look up that fraternity, uh, it's an African-American fraternity. It is extremely influential, there are a lot of people who are, you know, chancellors of colleges and, uh, political people and things like that.

As a matter of fact, uh, we have one person that is in the Nxivm/ESP community and he, uh, he was actually the first African-American Supreme

Court, State Supreme Court Justice of Arkansas and he's extremely influential and he, uh, you know, works with Bill Clinton on the Clinton campaign, all these different things and when it was first brought to his attention that this news and this stuff came out about this branding, he said, "I'm branded," you know, because he's in the Omega Fraternity.

So what is, what is the truth here? Yeah, women were branded, there... when a woman gets into the sorority and this was testified to in court, one of the conditions they have to agree to, to get into the sorority is they will have a brand on their hip, it's a small thing, um, and they agree to that ahead of time and then ultimately the brand, uh, they were going to put a tattoo over it and things like that, etc. Out of 150 women or so in the sorority, I think there might be more, I think there might have been more, I estimate 20 of them, maybe, got the brand. Um, the brand is something that the initial 8 women, uh, decided they wanted and, uh, I think a guy from, I won't say what state to keep his anonymity, came and did the branding with them and taught them, uh, about it and how to do it and things like that, and then there was a woman in the sorority who is a doctor, who... it's a, a type of a light cauterizing pen, they use it in surgeries, um, and she was experienced with that and that's what was used. So, and what was going on? Women were branded, I did not have anything to do with it. I didn't brand them, I wasn't there. I wasn't even there when my partners were branded. There have been, uh, at least two men involved in the branding. The, uh, man who branded the first eight women gave them that symbol, uh, and then another man, I think who did a few other women to demonstrate how to do it, uh, and then, uh, the rest were done by a doctor with [chuckles] a surgical instrument. It's always been a surgical instrument, so there are no hot irons, no coat hangers, no putting them in a fireplace, getting, uh, you know, white hot or anything like that. It's done with a doctor, with a surgical type of instrument. Uh, a type of, uh, almost like a light pen type of a thing, and it was agreed to ahead of time.

They are not held down, it is not involuntary and there is a small number of women in upstate New York that did it.

Now, branding, if you were to go look on the Internet relating to things like scarification and stuff like that, is becoming the new tattoo and there are a lot of people who do them. They do them all over. They do them on their heads, they do them on their bodies. There is a famous guy who is a ballet dancer who did like tiger brands across his body, uh, so this is becoming a type of self-ornamentation. And I don't know, whether it's a tattoo, or a brand or who knows what different people do. Some people do it with like cutting, doing stuff like that, uh, you know, it's up to a person what sort of ornamentation they want to do in their body. There are people who do piercing. You know, there is some people who actually, they pierce their ear. They go through, they pierce their ear... they put a hole right through the thing, you know, well, we know that commonly. So, this sort of body, you know, ornamenting the body, uh, designing the, the body, you know, using the body as a manifold for different things in a voluntary way, done with a doctor, with a safe instrument, you know, that's... it's not, it's a, a far cry from, you know, my chasing after a woman, pinning her down and branding her with like some sort of, uh, I don't know what. So, I wanted to clear some of the factual information and stuff that was brought out in court about this branding thing. So, yeah, some people did, uh, brand themselves, uh, and they have, uh, it's a small thing on their hip. Maybe, I don't know, uh, uh, two inches by two inches or an inch by inch, I, I don't even know exactly how big it is.

Then there is the second issue, which is the infamous room. Here is a woman that if, if you listen to the news, a woman that was confined to a room against her, her will, although she pled and pled to get out and was in the room for 22 months. Well, a little bit of background with respect to this woman, this woman was someone

who within her family and within her community in the past, from the time she was young, had many, many problems that I won't go into them here, it's maybe not even my place to talk about them. There was a point in her life that she turned 12 or 13, she had so many problems, she, uh, uh, from what I understand, didn't want to go to school, didn't want to relate with people, and would lock herself in her room, apparently sometimes for weeks at a time, I don't know, but what happened with this woman? The truth is she was in a room in her parents' house with her family taking care of her, the room was unlocked, she was able to leave anytime she wanted.

If she wanted to leave and rejoin the community, I think her visa had run out at that point. She would have to either do go back to Mexico or she had to explain to people how she was going to stop from all the stealing and the other things that she was doing. She also had to finish a book report. She had a number of different book reports she was supposed to do and she was seen as being very prideful about it and no matter what, she would do anything, you know, say anything, but never just sit down and simply finish the book report.

Uh, so, the initial hope was, she would go into her room, the room would be unlocked, she gets whatever sort of food she wanted, her family is taking care of her, all this sort of a thing and that she would really think about, "Okay, I've done enough of this pattern, I've done enough of the stealing, I've stolen from people, I've stolen from NXIVM, I've stolen from the stores, I've stolen sometimes, you know, \$5,000 of cash, things like that. Um, how am I going to stop, how am I going to conduct myself and will I get this one book report done that they've been trying to have me do for a year, and I keep on making excuses and doing all sorts of things?"

The hope was that she would be in there, a day, a day, maybe a weekend and then produce the

report, produce this plan. But it became a battle of wills and she stayed in the room for 22 months. She was sneaking out at night doing all sorts of things like that, you know, uh, she ended up stealing computers and all sorts of stuff, but this was this was someone who, [laughs] threw like, what would be a massive sort of a tantrum and it became a battle of wills and finally she just decided, "Okay, I want to leave," and when she wanted to leave, her father drove her to the border and arranged for one of his employees to pick her up on the other side of the border when she crossed and that was it, so this is her family, this is her dad, her dad was there doing this.

[Pause]

CHAKRAVORTY: Hello. [Clears throat]

RANIERE: It's about to cut off. So, good bye.

[END OF CALL]

RECORDING: 57005177_Apr_06_2020_13_32_30_PM

DATE: April 6, 2020

TIME: 13:32:30 PM

PARTICIPANTS: Keith Raniere [RANIERE]
Suneel Chakravorty [CHAKRAVORTY]

CHAKRAVORTY: Hey, Keith.

RANIERE: Hey, how is it going?

CHAKRAVORTY: It's good, how are you?

RANIERE: Okay. Did I wake you? [Laughs]

CHAKRAVORTY: [Laughs] No, no.

RANIERE: So, uh, anything new on your side?

CHAKRAVORTY: Uh, yeah. So the judges, uh, we have, uh, more calls this week. Uh, David Williams is helping me figure out, um, you know, what kind of... uh, what compensation options, like what's the value of ads on iHeart, maybe that would be attractive to some of the judges.

RANIERE: Uh-huh.

CHAKRAVORTY: The, the one thing with judges that we're kind of a little bit hitting up against the wall is that a lot of them seem to get the impression that it's like a lot of time and effort, and you know...

RANIERE: Uh-huh.

CHAKRAVORTY: ...it's [U/I] how do we get them to see this is so bogus and, so, uh, one thing we are going to try is to have them take the challenge or look at the challenge like not from the brief, but...

RANIERE: Okay.

CHAKRAVORTY: ...as a participant, um...

RANIERE: Or you can also have triage people. In other words, you guys can look if you have a bunch of applications, uh, if they can't... if they don't meet certain basic standards, the judges don't have to read them.

CHAKRAVORTY: Got it.

RANIERE: And judges can set those standards, so that they can say, "Well, that we set these standards," if you know, if, if you know, if there is no intrastate commerce, period, gone, you know.

CHAKRAVORTY: Yeah.

RANIERE: So they'll have people working for them to do this.

CHAKRAVORTY: Understood. Um, cool. Uh, I also had on the podcast that, uh, on monetization we've been trying to get a hold of Fritz [ph] but he responded once, but he thinks he can help, but then he disappeared again, so we'll have to hunt him down and, and get... but, um, David says that iHeart, um, that there is another show that it's like similarly a hated person, maybe, maybe not as, as big as you...

RANIERE: Yeah.

CHAKRAVORTY: ...but, uh, they, their ad networks weren't interested, so he ended up doing like, uh, selling vitamins and monetizing that way, so just the thought of that, maybe if we can merchandise or something else as, as an option.

RANIERE: Uh-huh. Sell, sell T-shirts.

CHAKRAVORTY: [Laughs] Oh, yeah, or like, you know, make your

own like brand, like a tattoo, you know.

RANIERE: Yeah, yeah.

CHAKRAVORTY: Something. [Laughs] Uh, and then, uh, I, I remember that [U/I] a while ago, uh, you told me some stuff about the hard drive location and I took some notes.

RANIERE: Right.

[Voices overlap]

CHAKRAVORTY: So I talked to the, uh, there were like very specific notes that you get... you know, told me a while back, so...

RANIERE: Right, right, [U/I].

CHAKRAVORTY: Anything else that you want me to send there?

RANIERE: The pages and all that, yeah.

CHAKRAVORTY: Yeah.

RANIERE: Good, excellent. Uh, also I have, uh, you know, I haven't been able to speak to the attorneys at all.

CHAKRAVORTY: Uh-huh.

RANIERE: And then, you know, I mean, some of this stuff, like, I, I would like... and I don't know if you can take permissions over the phone, but I would like you guys to be able to get to my phone and get data off of it. They have a mirror of the phone, I believe, from uh, you know, a security agency that did the custody, so, you should be able to go on the phone and take off my WhatsApp chats, my Telegram chats, things like that. Um, so, I, I give you guys, you, you know, Nicki, uh, permission to do that. And I want them to enable you to do that because some of the things on those chats show, you know, that I, I wasn't not using the phone, you know, and things along those lines.

CHAKRAVORTY: Got it.

RANIERE: Um, also, I, I was trying to figure out for the, uh, uh, the affidavit...

CHAKRAVORTY: Mhmm.

RANIERE: ...if there is any problem, I want you and Nicki also to be able to get like my visa records and passport stuff.

CHAKRAVORTY: Got it.

RANIERE: Because that will go in one of the, the things, and also the, uh, if Marc has a thing of the prosecutorial abuse, a draft of it, I also give my permission for you guys to see that.

CHAKRAVORTY: Got it.

RANIERE: Um, and also, you know, if they... if you could get all the curriculum videos like the Jness downloads and things like that where I do the downloads, uh, you know, I know they, they're trying to work a thing with my medical

condition.

I have this asthmatic cough, that I've never talk to anyone per se about, because I, you know, I didn't want to treat it that way, but it is a dangerous thing for me and I'm coughing all over the place in these things. So you may, you may want to [chuckles] make a cough compendium, uh, and also if you could get the computer guy to get a summary to me, and also, please, tell Marc and Paul, it is vitally important as far as I'm concerned to get a mirror, the, the mirrored data from that drive. We have to get more granular. This report isn't granular enough. There are so many things that can't be seen, and there are pictures on that, that backup that were never... backed up. There's pictures of like a tree and things like that. I think that even came off the phone, not necessarily the SD card. Uh, it's, this seems so outlandish, so tampered with this disk, this, uh, drive, you know?

CHAKRAVORTY: Yeah, absolutely.

RANIERE: I would also like to know from Marc how, how long until that new motion is ready to go, even if he doesn't file it, I want to know when it's ready. I would love to see it if I could and then, of course, there's the jurisdictional motion and, uh, a, a motion for new evidence, which I think this motion that he's doing now might open the door for that and I wanted to know, because I don't speak to him, so I'm gonna, I guess I have to speak to him through you.

CHAKRAVORTY: Okay. Is it okay if I, I just share this recording with, with Paul, Marc and Teny?

RANIERE: Yeah, yeah.

CHAKRAVORTY: Okay.

RANIERE: At least it's part of it.

CHAKRAVORTY: Yeah.

RANIERE: With my, my permissions, my hearty permissions.

CHAKRAVORTY: Yeah, of course.

RANIERE: So, um, anything else needed, let's say, for podcast and stuff like that?

CHAKRAVORTY: Um, I, I don't... uh, I don't think so, for this, uh, um, yes, actually there is, uh... I don't think we need it, but right now we're, we're putting together the, the better, ideally better first episode and, uh, there, we have it as you with the social repugnance intro, where you say "be prepared."

RANIERE: Yeah.

CHAKRAVORTY: And then going and, and some scripts and then going into your talking about the challenge and then we're trying to figure out a way to end it. We have a couple of options, uh, the appeal to reason, uh, also Lady Justice being blind. Uh, we have a few things like that.

RANIERE: Yeah.

CHAKRAVORTY: I don't know if there is another option, or way that you want to end the first episode that, um, could be interesting, but, uh, nothing else comes to mind right now.

RANIERE: Uh, I'll have to think about that. Maybe for next time if I can call you.

CHAKRAVORTY: Okay.

RANIERE: Um, yeah, you know, uh, uh, you... you... how many of these 10 points do you have now documented and done, you know, here's the evidence?

CHAKRAVORTY: Uh, six out of ten that, the things are collected. Today I'm going to put those together so it's documented and done.

RANIERE: Done, done... yeah.

CHAKRAVORTY: Yeah. Uh, and then you...

RANIERE: And where you have some, but not enou... not...

CHAKRAVORTY: So, for two of them is, uh, Marc's motion.

RANIERE: His new motion or his old one?

CHAKRAVORTY: The new motion, like the wit... how witnesses were handled and stuff like that.

RANIERE: Oh, I see, yeah.

CHAKRAVORTY: So that would us to eight and then, uh, the fear for your life and uh, the flight risk... I'm tracking down those documents and, and using some videos from [U/I], uh, Diego and, uh, some people coming up with videos of like the peace movement, the peace statement, V-week and stuff like that.

RANIERE: As far as... I've done, I've done that in Forums too, you know. There are Forums, if they have them by key words that can find stuff with non-violence and...

CHAKRAVORTY: Yeah.

RANIERE: So, yeah, it's interesting, the whole fear for my life is such a lie.

CHAKRAVORTY: It's [U/I], it's like the most absurd lie if they actually knew you.

RANIERE: Uh, Sahajo actually has some experience with that, Sahajo's ex-boyfriend...

CHAKRAVORTY: Uh-huh.

RANIERE: ...um, he said at one point, he said, uh, you know, "I'm scared for my life," and then he did an arbitration with Nancy and that basically turned out to be just nothing, he was just saying that. [Laughs] You know, [U/I], you get her testimonial that he did that. So, you know, this whole drumming of "I'm scared for my life, I'm scared for my life, I'm scared for my life" is crazy.

CHAKRAVORTY: Okay, I'll, I'll follow up with her.

RANIERE: Yeah, at some point, I was thinking of addressing also the Cami, uh, charges without going too far, without splitting up her family, without hurting appeal, without, because, you know, no matter how I address it, it, uh... you know, [chuckles]. It, it doesn't... they... no one will believe me, but that's not the issue, the issue is, it actually doesn't matter as... uh, you know, it's just like if I were a murderer and I'm being charged with arson, you can say "he's a murderer, he's a murderer, he's a murderer" all you want and even prove that, but if I'm not charged with it, it's not relevant, you know.

CHAKRAVORTY: Yeah.

RANIERE: And the prosecution loves this, and then in the press release they try to say, you know, they say somehow showed I had sex with her and I didn't, it's just not, you know.

CHAKRAVORTY: Yeah.

RANIERE: So, but then, uh, you know, when it comes down to the technical things, the absurdity of a computer that isn't yours, being backed-up on a drive you could never access and that you wouldn't even known about, that wasn't yours, and that somehow gets possession. It's crazy, because to possess something, you have to be able to control it, [U/I] access it, you have to at least know where it is, you know.

CHAKRAVORTY: Uh, yeah, it's insane. So, uh, do you, do you have any sense of how much longer your modified lockdown is going to be or...

RANIERE: Um, at least another, uh, eight days.

CHAKRAVORTY: Okay.

RANIERE: It's a 14-day thing.

CHAKRAVORTY: Okay.

[Voices overlap]

RANIERE: So, yeah, did, did you get, did you get to speak to the computer guy about those, uh, notes that I've given you, anytime...

CHAKRAVORTY: Uh.

RANIERE: ...did he have them when he wrote this report or...?

CHAKRAVORTY: Uh, he didn't have them, I, I forgot that I, I had those notes, those specific ones...

RANIERE: Oh.

CHAKRAVORTY: ...but I'm gonna, uh, but I'm gonna speak with him today and, uh, and, uh, give, give those to him.

RANIERE: Yeah, okay, because hopefully he can look through, because there is... uh, if I remember, they are based on the report that I had written on while I was in the middle of trial and I had to, you know, I only had it for a few minutes and the, uh, the judge didn't want me, and uh, nor did my team want me looking through the voluminous report, so I, you know, sort of thumbed through it quickly to try to grab some things.

CHAKRAVORTY: Uh-hum. He said he had an..

RANIERE: What?

CHAKRAVORTY: ...[U/I], no, he said he had an, an email that Paul wrote, I think, maybe it's like a written version of those notes and not the originals, so I'll ask, uh, I'll ask him.

RANIERE: Oh, okay.

CHAKRAVORTY: Yeah.

RANIERE: All right, yeah, the important things are, of course, the rotated picture or pictures and the things...

CHAKRAVORTY: Uh-huh.

RANIERE: ...that are in the wrong directories.

CHAKRAVORTY: Yeah... Got it.

RANIERE: So, and wrong directories. And also pictures that shouldn't even be anywhere, like pictures of me in someone's directory, pictures of a tree or, you know... stuff like that.

CHAKRAVORTY: Uh-huh. Got it.

RANIERE: All right, uh, I can't think of anything else at the, the moment. Anything else on your... because we only have a few minutes left.

CHAKRAVORTY: Um, it's just the update on, on your health stuff, uh, we're looking into um, apparently a, a doctor that you've seen, [U/I] 2003, uh, I guess the, the term is called cardiomegaly, I don't know if that's the term, but so Brandon told me, so we're trying to find those records. Uh, no luck on, on, uh, anything to do with the asthmatic stuff yet, but the pharma... you know, but the pharmacy...

[Voices overlap]

RANIERE: [U/I] is all over pharmacies...

CHAKRAVORTY: Yeah.

RANIERE: [U/I] or Clifton Park, but it's also possible there is a place in Watervliet we got it, I don't know, but I think it was just Clifton Park or Latham, probably Latham at that time period.

CHAKRAVORTY: So we called all the ones in Latham and Clifton Park and, uh, CVS and Rite Aid don't keep records past two years, but CDPHP didn't have

it, so, um, maybe they don't.

RANIERE: Is there another HMO besides CDPHP in the Albany area?

CHAKRAVORTY: I'm not sure, but I'll, I'll ask them and find out, I'll speak with Brandon and Danielle.

RANIERE: Okay.

CHAKRAVORTY: [U/I].

RANIERE: All right, well, hopefully we figure it out at some point. Ay.

CHAKRAVORTY: Uh.

RANIERE: ...uh, you know, because I don't carry my ailments with me, as a suffering thing, now I get hurt for it. [Laughs]

CHAKRAVORTY: [Laughs]

RANIERE: If I [U/I] I suffered all my life, it would have been...

CHAKRAVORTY: It would have been different.

RANIERE: Yeah.

CHAKRAVORTY: I mean, I, I, I, I guess, well, [U/I].

RANIERE: Yeah.

CHAKRAVORTY: Uh, um...

RANIERE: I wonder if my childhood physicians, probably not alive or whatever, if they would have any... I don't think he diagnosed it as an asthmatic cough back then, though.

CHAKRAVORTY: Huh.

RANIERE: But I definitely had a hard cough.

CHAKRAVORTY: Uh-hum.

RANIERE: He was, he was a guy in Rockland County named Dr. Demarco.
D-e-m-a-r-c-o.

CHAKRAVORTY: Do you remember his first name... or not?

RANIERE: No.

CHAKRAVORTY: Okay.

RANIERE: But he was in Suffern, Suffern, New York.

CHAKRAVORTY: Okay.

RANIERE: So... all right, yeah, I don't know, if they would just have that I have this, these coughs and these high fevers and sinus infections probably.

CHAKRAVORTY: Uh-huh. Okay, we'll try to run down that lead as well.

RANIERE: Yeah, and I think it was a Dr. Shore [ph] in Brooklyn when I was a little, little kid, but that was like, you know, 55 years ago or something, so.

CHAKRAVORTY: Uh-huh.

RANIERE: All right, well, we only have about 15 seconds left, so say hello to everyone for me [chuckles] I guess I'll speak to you guys Wednesday or something.

CHAKRAVORTY: Okay, be well, I will.

RANIERE: Yeah, yeah, and then try to move on these things, if possible, I know it's hard.

CHAKRAVORTY: Yeah, we will, we will, we'll do our best.

RANIERE: Okay, all right.

[END OF CALL]

RECORDING: 57005177_Apr_08_2020_09_19_51_AM

DATE: April 8, 2020

TIME: 09:19:51 AM

PARTICIPANTS: Keith Raniere [RANIERE]
Suneel Chakravorty [CHAKRAVORTY]

RANIERE: Hello.

CHAKRAVORTY: Hello.

RANIERE: Hey, what's going on?

CHAKRAVORTY: Uh, uh, not, not much. Uh, how are you?

RANIERE: Uh, okay, there is a rumor this is going to go on for another 14 days. From here.

CHAKRAVORTY: What? Okay. Damn!

RANIERE: So.

CHAKRAVORTY: Okay.

RANIERE: I'm not sure, but it sounds like it.

CHAKRAVORTY: Okay, that's not, that's not good.

RANIERE: No, it's not. What's, what's new on your end?

CHAKRAVORTY: So new on our end here, uh, for the affidavit, uh, I have a bunch of, uh, stuff from the lawyers on different, uh, motions, so they can compile that today.

[Voices overlap]

RANIERE: Hold on, hold on.

CHAKRAVORTY: Uh, getting...

RANIERE: Okay, I'm sorry about that... Go on.

CHAKRAVORTY: Oh, okay, uh, as far as getting your cell phone, uh, apparently that's, that's considered contraband, um . . .

RANIERE: Yeah, I just read an email from Marc. I wasn't able to respond to any of them because since I have to do this so quickly...

CHAKRAVORTY: Okay.

RANIERE: ...uh, tell him I just... You can tell him I just got his email this morning. I was not able to respond, uh, but did read through them quickly.

Uh, I think the phone is still my property. That was... I don't think it was ever even subpoenaed.

CHAKRAVORTY: Oh, okay.

RANIERE: Um, so, you know and I... as, as far as pictures... there is nothing there, I believe is considered... I don't know, I mean, I guess they can try to say certain pictures were considered illegal or something like that, but, um, you know, uh, uh, see what, see what he can do because that phone has not been subpoenaed.

CHAKRAVORTY: Okay, and I, I just need like screenshots of the different messages during that specific date range...

RANIERE: Right.

CHAKRAVORTY: ...so.

RANIERE: Right.

RANIERE: So, and it's on WhatsApp and Telegram. There are things...

CHAKRAVORTY: Yeah.

RANIERE: ...with respect to Sylvie that could be like... um, in something else, but, uh, the Telegram and the WhatsApp are the big... WhatsApp in particular, uh, but also Telegram. I think I...

CHAKRAVORTY: Okay.

RANIERE: ...dealt with like Sean Bergeron in WhatsApp and a few other people like that. Not a lot, but you know.

CHAKRAVORTY: Got it.

RANIERE: It's definitely I used it... so.

CHAKRAVORTY: Got it.

RANIERE: And the government knows it.

CHAKRAVORTY: Yeah, hmm, yeah, I guess, uh, the other difficulty is just them getting to the hard drive. Because [U/I] Marc is saying he may not be able to because I, I guess the office is closed or some... something like, so that, uh...

RANIERE: Push as hard as they can.

CHAKRAVORTY: [U/I]. Yeah.

RANIERE: You know what I mean?

CHAKRAVORTY: Okay.

RANIERE: Keep on pushing.

CHAKRAVORTY: Yeah.

RANIERE: Don't stop.

CHAKRAVORTY: I won't, yeah, I, I'll... okay.

RANIERE: Yeah. Sorry about that, but...

CHAKRAVORTY: Yeah. No, no, it's necessary, and I, I appreciate it. Uh...

RANIERE: Anything else from judges?

CHAKRAVORTY: Judges, we're speaking to to, uh, Ashley McMahan, she is a part of The Law Ladies today.

RANIERE: Uh-huh.

CHAKRAVORTY: I, I think it's the first call with her beyond, uh, Marc's like introductory [U/I] call.

RANIERE: Uh-huh.

CHAKRAVORTY: So we'll see how... where we're at with that, um, in a couple of hours.

RANIERE: Uh-huh. I, I also read from Marc that the, uh, judge responded to the Motion 33, as, as we expected, saying that "Well, I guess the witnesses lied, the government, the government didn't know about it, and the evidence was so overwhelming."

CHAKRAVORTY: Wow. Wow.

RANIERE: Yeah, what do you expect? This judge wants me away forever. Either he's been... he just wants it from his opinion or has been told that, you know, I, I lean towards he's being corrupt, but I don't know.

CHAKRAVORTY: It looks that way.

RANIERE: Yeah.

CHAKRAVORTY: [U/I].

RANIERE: Yeah, I mean, it's, it's absurd, the major witnesses all lied. [Laughs] And they, they don't prove any of the points of the basic charges. Most, uh, uh, you know, not most of them. [Laughs] And yet, you know.

CHAKRAVORTY: Yeah.

RANIERE: It's, uh... How is Marc's attitude? Do you think, do you think he's riled up to...?

[Voices overlap]

CHAKRAVORTY: I don't think so. That's not my impression. My impression is, uh, more, more of the same, like intellectually upset, but, you know, more committed to working within the system and accepting this is how it is and...

RANIERE: How?

CHAKRAVORTY: [U/I]. That's my feeling, I don't... it's not based on a lot of data. It's just our interactions, and how, how he speaks, how we speak, um, he doesn't seem amped up to really

push. But I mean, I could be wrong.

RANIERE: Well, maybe he needs to hear that every once in a while, so you know, you sound just so mild-mannered and uh, you know, that seems, you seem intellectually upset, but really not emotionally behind this. Like a beaten puppy.

CHAKRAVORTY: You know, it, it, it seems like that, and uh, I think Nicki spoke with him last weekend and conveyed that, and I think he got upset, so I've, I've been trying to like not...

RANIERE: No.

CHAKRAVORTY: ...push too many buttons, but...

RANIERE: No.

CHAKRAVORTY: ...uh, maybe [U/I].

RANIERE: Maybe she is the one that has to deliver that. You you are the good cop. She's the bad cop, I don't know.

CHAKRAVORTY: [Laughs] I, I don't, I don't even think I'm seen as the good cop, I'm just the okay cop, but...

RANIERE: Yeah.

CHAKRAVORTY: ...but uh, I hope we'll balance it between us and keep on pushing as much as we can.

RANIERE: Okay.

CHAKRAVORTY: Um, as, as far as the other stuff, um, the podcast, we're moving forward with. It's taking a little longer than I thought, but I think we'll end up with something good within a few

days with the teaser, and then hopefully over the weekend, for the first, first episode...

RANIERE: Uh-huh.

CHAKRAVORTY: ...and I guess iHeart to get, get like, uh, first [U/I] to help us with monetization. He has ideas, he's working over some of the correspondence, which you've done so far.

RANIERE: Yeah.

CHAKRAVORTY: I think, I think there is more, um, stuff missing there.

RANIERE: Uh, Fritz has actually been spoken with?

CHAKRAVORTY: He's been spoken with, texted with, [U/I] emails yesterday. [U/I], now it's like, uh, the danger zone of the follow-up, so I will, will keep on him for that.

RANIERE: The danger zone of what?

CHAKRAVORTY: Of the follow-up. [U/I].

RANIERE: Oh, yeah, yeah, yeah. [Laughs] Yeah, by the way, be sure to send everyone my regards because I, I have such limited communication.

CHAKRAVORTY: Yeah, I, I do and I, I will. I will.

RANIERE: Yeah, I was, I was contemplating doing for a podcast, something on the Cami thing, but I have to tread because of appeal, because of love, because of prejudice and because of her family. So...

CHAKRAVORTY: Yeah.

RANIERE: I don't know, at, at, at some point I think I will. I might, you know.

CHAKRAVORTY: Okay.

RANIERE: But, you know, the, the thing is, and one of the things I mentioned is anything I say about my innocence won't be believed.

CHAKRAVORTY: Right.

RANIERE: So I may as well not try to protest, because then it sounds like, "Oh, he's protesting too much," or you know, then they'll try to criticize it, they are going to criticize what I say anyway, but at least try to separate the prejudice away from the, the law, you know.

CHAKRAVORTY: Yeah, I know, that, that's the key point that people don't get. Even like lawyers don't get.

[Voices overlap]

RANIERE: Yeah, it's, it's, it's amazing and like for example, this judge saying the evidence is overwhelming. I mean, first of all I know the truth, so I know the evidence isn't overwhelming because it's untrue. But second of all I, I know what I've seen of the law and we... even with my... if you will, esteemed team has said and the evidence isn't overwhelming at all. It, it's just not. It's massively prejudicial.

CHAKRAVORTY: It's non, it's non-existent.

RANIERE: What?

CHAKRAVORTY: Yeah. It's non-existent.

RANIERE: So, yeah, it's, it's crazy. Yeah, I feel like...

CHAKRAVORTY: Yeah.

RANIERE: ...I'm definitely in an upside-down world.

CHAKRAVORTY: You are in a, a, a Kafka "The Trial" or something. [Laughs]

RANIERE: Yeah, could you find out from Marc when he's anticipating filing this next motion too, this broader one?

CHAKRAVORTY: Yes, I will. I, I'll talk to him today on that.

RANIERE: And also the jurisdic... the two other motions I would... you know, the narrow jurisdictional motion. Um, and the wisdom of filing that, which I believe there's not much downside. And then the broader issue of, um, does this new motion he's going to file, open the door for the new evidence motion?

CHAKRAVORTY: Okay, I'll, I'll ask him those questions today.

RANIERE: Yeah, all three of those things.

CHAKRAVORTY: Oh, uh, okay, yes, yes there were three. [Chuckles]

RANIERE: Yeah, so, I, um, yeah, I don't know what to say, you know, it just feels like no matter what we say, ha, he, he will defend... I mean that the prosecution didn't know about it is an absurdity.

CHAKRAVORTY: Yeah, I think that's why the affidavit is really important for this. I wanted to ask you like on a timing stuff, like what should we be thinking timing-wise because some of these things are uncertain.

RANIERE: Well, first of all, we get this all done, we get this ready to go. Okay, so it's ready to go out the door, including the podcast, including the affidavit, including the challenge, you know...

CHAKRAVORTY: Okay.

RANIERE: ...and then we decide to strategically release them depending on how the media and all is. We do also want to get some media signatures on the petition.

CHAKRAVORTY: Yeah.

RANIERE: Because first, first we get the affidavit, [U/I] the petition and then we go...

[Voices overlap]

CHAKRAVORTY: Yeah.

RANIERE: ...with the follow up.

CHAKRAVORTY: Understood.

RANIERE: So, Okay, uh, I'm... trying to think if there is anything else right now. What else do you know?

CHAKRAVORTY: Uh, I think that, that was it from, that was it from, from my end. Uh, I guess there was one, one thought just, uh, on how we can communicate better, like that the challenge is just [U/I]

the prosecution case [U/I].

RANIERE: The challenge is what? I can't hear you, I think you're walking.

CHAKRAVORTY: Oh, no, I, I, I, uh...

RANIERE: You're what?

CHAKRAVORTY: ...I [U/I] a little bit. Oh, no, I was just saying that with, with judges, one, one thing that they, uh, uh, seem not to get is that this is just checking the prosecutor's homework, like they can't wrap their mind around it yet, so I don't know if you have [U/I] metaphor or any way that we can [U/I] better, [U/I] think about it. Uh, we [U/I] definitely, that's, that's the [U/I] for them to grasp.

RANIERE: Okay. I'm having a lot of trouble hearing you because there seems to be a, a lot of interference and it almost sounds like you're either walking or there is wind or something, I don't know.

CHAKRAVORTY: There was a little wind because I just got out of the car, but now, is it better?

RANIERE: Oh, yeah, much.

CHAKRAVORTY: Okay, sorry.

RANIERE: It's like everything is clear. So what's the thing they, they can't get? That they're checking the prosecutor's homework, so to speak?

CHAKRAVORTY: Yeah, they think, is that like, like that concept is, is a very narrow challenge, but they think they have this big really hard thing that's going to take a lot of time, and that

thing is just checking the argument itself,
[U/I]

RANIERE: Or maybe...

CHAKRAVORTY: ...it's been done and...

RANIERE: ...well maybe asking them that. So, you know, here is the, here is the problem that you, you may be able to help with. Some people are potential judges, even lawyers of esteem, you know, see, this is a massive problem when it's actually checking the prosecution's homework. I like that phrase very much... you know?

CHAKRAVORTY: Okay.

RANIERE: And really, it's much more narrow than that because this is so absurd. You know this is, this is like checking a, you know, a murder case that doesn't have a body, doesn't have a weapon, you know, and they established the motive that's shown to be false.

CHAKRAVORTY: Got it, okay... Okay, we, we will, uh, try that today.

RANIERE: And there, there is certain things... What?

CHAKRAVORTY: I said, we'll, we'll try that today with, with Ashley, potentially.

RANIERE: Yeah, yeah, good, because, uh, yeah, I'd like to get some of these people ready and, and they should know that they'll have help too. So in other words, if there is the... the more mundane eliminations that can be done, which... of people that actually, uh, feel they've solved it, which it's hard to imagine they would. Um, if, you know, they're going to have very few that, uh,

actually come up to them.

CHAKRAVORTY: Yep.

RANIERE: You know, some... you'll even have some people say, "Well, it's interesting because she's, uh, she travelled from Brooklyn to Albany." Well, that's not true. I mean, it's, it's... that's true, but that doesn't make it interstate.

CHAKRAVORTY: Right, yeah. [Chuckles] We're on the same page.

RANIERE: You know, or, uh, it's interstate because when she was young, she lived in Arizona. That doesn't make it interstate either, you know.

CHAKRAVORTY: Yeah.

RANIERE: So, yeah, it is, it is disturbing about the Motion 33, even though it's exactly what we expected... to see, to see such a big splat-out is crazy.

CHAKRAVORTY: Exactly. I didn't know that, that things were like this in actuality, you know, because it's like a movie, but it's, way worse, because it was real.

RANIERE: Yeah.

CHAKRAVORTY: Uh...

RANIERE: Yeah, and I'm, and I'm looking, you know, I'll be in here for the rest of my life if we don't do something. Or... and the rest of my life might not be that long considering the way things are in here, you know. Once I get to a, a destination point, because I'll go to a pen.

CHAKRAVORTY: Huh.

RANIERE: So.

CHAKRAVORTY: Yeah.

RANIERE: So we gotta get... we, what we have to do also is get scrutiny on this judge, get some pundit who is willing to speak out about what this judge is saying, which is crazy, and the judge needs to know he's being watched...

CHAKRAVORTY: Yeah.

RANIERE: ...by someone who is wise.

CHAKRAVORTY: Yeah.

RANIERE: So. Now we gotta figure out the next step with Dershowitz.

CHAKRAVORTY: Yes, okay.

RANIERE: All right, but we have left, we have five seconds, so, I guess I will, uh, speak to you Friday.

CHAKRAVORTY: Okay.

RANIERE: Okay, bye.

RECORDING: 57005177_Apr_24_2020_13_28_02_PM

DATE: April 24, 2020

TIME: 1:28 P.M.

PARTICIPANTS: Keith Raniere [RANIERE]
Suneel Chakravorty [CHAKRAVORTY]

CHAKRAVORTY: Hey Keith

RANIERE: Hey, that's the third call.

CHAKRAVORTY: Oh, this is the third one? The first one I got but I was on another call and I tried to switch to you, and by the time I switched you were gone.

RANIERE: Ah. Yeah, no it rolls over to answering and then there's a pattern like that. I sort of think it blocks you from picking up.

CHAKRAVORTY: Oh. Sorry about that.

RANIERE: So, how are things?

CHAKRAVORTY: Things are... uh, things are good, I think. Um, on the podcast, there we have a teaser out to one, one person that David was going to get feedback on today. The producer?

RANIERE: Yeah.

CHAKRAVORTY: And then if that's good, [U/I] send to iHeart and start that process.

RANIERE: I, I have a terrible thing about the teaser.

CHAKRAVORTY: O.K.

RANIERE: I might have a better way even to do it.

CHAKRAVORTY: [Laughs] O.K.

RANIERE: Here's what I imagined. And a lot of my ideas are either ridiculous, over the top, not usable.

So, you'd run the idea by before, but it would be pretty easy to produce. Pretty much the same way. You know how you start with... you know, uh, the stuff you had said at one point. You guys were going to start with like newscasts and stuff? Are you still doing that sort of a collage of like newscast stuff?

CHAKRAVORTY: Yeah, we have some clips of that. Yeah.

RANIERE: O.K. So if you have that sort of a thing and either right after that or maybe having the woman's voice in there, then have another collage of news-seeming type things. But now it's all the things, like, um, you might have me saying "This is untrue and a fabrication." And then it says, "The media has gone crazy" and then someone else says "Over 10 million dollars has been placed to, against him. The judge says all of the witnesses have lied. Because of all these different, uh, things about what happened. You know in the middle of key witness testimony, she was just dismissed. You know, all different newscasters saying like the crazy stuff, including some of the crazy conditions that I lived in here.

CHAKRAVORTY: Hmm.

RANIERE: So, it sounds like something awful from a third world country which is exactly what it's like, and then, you know, maybe it even stops with the like sound of a gavel, or something like that. And then I say, I've been convicted of crimes I didn't commit and I'm innocent. You know, something like that.

CHAKRAVORTY: That's awesome. The second collage, do those exist or those are ones you create?

RANIERE: No, I think you'd have to create them, but use factual things. Including, for example, the judge in his, uh, response to Marc's last motion

said the witness has lied.

CHAKRAVORTY: Wow.

RANIERE: So, what does that mean. The judge did say that all the major witnesses in Mr. Raniere's case lied.

CHAKRAVORTY: Wow. I love it. I think it's also...we just need to see some voiceover people do [U/I] that kind of stuff. I think it's perfect.

RANIERE: Yeah. Well, ask David. You know, you guys have a better feel, so you bring about all this controversy about me, then you bring up what happened. Including, you know, here it is, there's no power and no heat. Right? And it's actually. I'm in the cell that the wind hits directly. There's the heavy winds. Wind chill factor of 40 below zero. The two coldest times, the polar vortex or whatever. The two coldest days. We had no power and no heat. Uh, you know water was freezing in my room and in the toilets. You know.

CHAKRAVORTY: Hmm.

RANIERE: There's the, but even comments like that. And one comment would be, and I think it should be some of the controversial stuff you know. Richard Donoghue, head of the Eastern District of New York, lied to the press today saying there were forced abortions.

CHAKRAVORTY: Wow.

RANIERE: Right?

CHAKRAVORTY: Yeah.

RANIERE: And another voice says, uh, the prosecution tampered with evidence. Take some of the stuff off the affidavit.

CHAKRAVORTY: Wow. O.K. I will convey, I will convey that... I was thinking about....

RANIERE: So that's, uh, that's just one of my crazy thoughts.

CHAKRAVORTY: It's definitely, it's definitely crazy, in a good way. So, I'll ask for the... see I know, I know David doesn't like the, the things that are like more "woe is me," like you're badly treated, but people should care but apparently people, you know... but I think everything else.

RANIERE: Well, it's not, it's not "woe is me", it's just the craziness of even what happened. Unfortunately, well fortunately David wasn't here. But, uh, no, I mean, uh, people could know that within the prison of the United States, you know, this sort of thing could happen. It doesn't mean you have to put those in. But the purpose of those things is not "woe is me". The purpose of those things is to illustrate conditions that people wouldn't believe. That are...

CHAKRAVORTY: Right.

RANIERE: And you can tell him that. That are... and you can tell him this. That are as fantastical as the story against me. And I use that word fantastical. You know what I mean? It's much harder to deflate a story with the banal, boring truth. But if you take the crazy aspects of the truth. People wanna... "Oh, my God that's even crazier, you mean all that stuff is not true?." "This is what's true! Oh, my God". You know what I mean?

CHAKRAVORTY: Yeah. Yeah.

RANIERE: So, creating that effect might help. Maybe not.

CHAKRAVORTY: O.K. Cool.

RANIERE: So, uh, I had another potential podcast thing I tried to [U/I]. Do you have anything on your side?

CHAKRAVORTY: Um, on the podcast? Uh, not, uh, no.

RANIERE: Judges? Anything?

CHAKRAVORTY: Oh, uh, judges, we're speaking with Ashley today at 5:00, Marty [U/I], who was a formerly wrongfully-convicted lawyer tomorrow, ah, [U/I] just responded to me by email that she has some personal and professional tragedies right now and she'll write soon more....so I'll....

RANIERE: She what? What did she say? Some personal tragic...

CHAKRAVORTY: She's been dealing with that and sorry for not responding and she'll write soon, she'll write more soon. And then, we'll see. After that.

RANIERE: Alright, alright, so it sounds like she's still open.

CHAKRAVORTY: Sounds like she's still open and she said that she would need income, though, so we can maybe figure that out with her.

RANIERE: Ah, O.K. Alright.

CHAKRAVORTY: And we're going to try to meet with Nicole sooner than, what we initially scheduled for a follow up.

RANIERE: Good.

CHAKRAVORTY: So that's all... that's all I'm...

RANIERE: Well, we got, we have to have an urgency

CHAKRAVORTY: Yes, absolutely.

RANIERE: So. Alright, um, should I do a little podcast?

CHAKRAVORTY: Absolutely. I'll give you the countdown. 3-2-1. Go.

RANIERE: This next part talks about fear and the "like me" disease. There's a system that's currently in and actually compromises...comprises most of our justice system. And that is the system of judges, prosecutors and defense attorneys. Often we've seen on T.V., you know, two attorneys are going at it in court, you know, one against the other, and then, afterwards, they go out and, you know, play tennis or have, you know, 18 rounds of golf or whatever it is together, 18 holes, and, uh, you know, they're friends. And that is actually a wonderful demonstration that in a game, in a contest, you can be really opponents, going after each other the best you can within that contest and yet still be friends. And this is very, very important.

But that can be perverted, that can be abused. When you're playing a game with someone, or in some sort of professional contest, and the person does something that is immoral. The person does something that demonstrates not their character within the game as being aggressive or strategic or whatever but

literally their morality about the game. For example, if you're playing some sort of a game, say you're having a chess match with someone and you see that they cheat and there's actually a lot on the line. Maybe even, you either put up money, or there's, I don't know, it's a big tournament and this person has illustrated to you that they're willing to sacrifice the honor of the game, just to win. That, by moral necessity, should change the way you treat them in the outside world. So, if there are two attorneys in a court of law and one attorney does something that is immoral that doesn't mean that outside of the court of law they're automatically friends and it's as if nothing had happened.

Because if you're in a contest with someone and you're both acting morally and you're both uphold..., and you're both upholding principles, that upholds the humanity and the connection between you. I mean, for example if I have, you know, an opponent that's doing incredible things and really decimating me, you know, and strategically maybe duping me and doing all these things, but it's all within the way the game works, all within the rules, then I admire them more. And afterwards, it's fantastic, I'll just be in awe of them. But by the same token, the same token, if that opponent is doing things that are immoral, that are just really base, then after the game I...I don't really want to associate with them anymore.

But in the system of defense attorneys, prosecutors and judges, you know they go to conferences together. They often have parties together, Christmas parties together and things like that. And there is a "like me" disease. And it's interesting with, between prosecutors and defense attorneys, often defense attorneys were prosecutors and they have a type of horse-trading that goes on. In other words, if the defense attorney, if they have a client that's guilty and going to plea, they help that client, they make the whole thing go easier that makes the prosecution like them more, so that when

they need another favor down the road, they can get that favor. This is because they start trading favors, and when you listen to them speak, when you listen... even defense attorneys speak, sometimes your mouth just drops open. When you start looking at, they're talking about favors, they're talking about horse trading, they're talking about having the prosecution like them, or upsetting the prosecution or things like that and the truth of the matter is the prosecution should not have emotions about the case. And there should be no fear of upsetting the prosecution.

Likewise, with the judge. Unfortunately, in our society now, judges, judges are seldom criticized, you seldom see them criticized in the media, people seldom talk about their errors and things like that. They are held in a position that is above even the President's type of power. It has very little check and balance, except for the appeals process. But it's interesting. There's a person, Preet Bharara, who was head of the Southern District at one point. He even said that there are corrupt judges. Some judges are corrupt. And some of the consultants we have had, had, said things along the lines that, it doesn't matter, we don't have to be able get to any judge.

The thing that people do that is dishonest is they get the case in front of a judge that they have positioned within each of the circuits. So, there are some judges that are corrupt, within the circuits, including in the appeals courts, and they just make sure that cases go in front of those judges. Those judges that are moveable or those judges that are even in some cases buyable and things like that and judges are never questioned.

Now if a judge is, I mean, if you look the way a judge is elected you know they're elected, they look at their backgrounds and things like that but there's not rigorous psychological testing done, moral testing, things along those lines.

And especially... let's suppose you have a judge who's a very nice person, but very immature. When that judge gets on the bench 20 years later, they could become a little tyrant. And some judges are. My judge in particular shows a lot of emotion on the stand. And some people might say, "well, I don't know. That's maybe good." But think about it. A judge should be completely stoic. If there's a piece of evidence that comes up, and the judge, like in my case, with my judge shows the disgust, it almost looks like the judge is about to retch, what does that say to the jury? And that's not in the transcript, that's not anything that anyone measures at this point.

It should be that every single court case is videoed, it doesn't cost a lot right now and judges need to be evaluated. Because a judge is put in their seat, and it's a lifetime appointment, and they can really go astray. And some judges really have. So, we need to question judges and we need to stop the social nature between prosecutors, defense attorneys and judges and turn that into more of a moral interaction.

CHAKRAVORTY: Hello?

RANIERE: Hello? So, I was a little bit on a soapbox there, but then I realized we were running out of time.

So, we have less than a minute. So I hope...I could go on about that subject; that's the social club of defense attorneys, prosecutors and judges.

I might have called them prostitutes by accident [Laughs]. Prostitutes! Well, yes, they are. So. Thirty seconds. Anything else?

Did you get... did you get through to Marc?

CHAKRAVORTY: Uh, nothing... yes. So I got through to Marc. He's going to send me a motion he said today. He asked about the sentencing memo. I told him your [U/I] situation...

RANIERE: Right. We have 10 seconds. You may want to somehow become his client, so you'll have attorney client privilege. But I mentioned that in an email to him just a few minutes ago.

CHAKRAVORTY: Roger that.

RANIERE: Alright. Goodbye.

[END OF CALL]

RECORDING: 57005177_Apr_27_2020_10_07_26_AM

DATE: April 27, 2020

TIME: 10:07:26 A.M.

PARTICIPANTS: Keith Raniere [RANIERE]
Suneel Chakravorty [CHAKRAVORTY]

CHAKRAVORTY: Hey, Keith.

RANIERE: Hey, what's going on?

CHAKRAVORTY: Uh, uh not much. Just, uh, getting started with a few things. How are you?

RANIERE: Well, O.K. Not much? What do you mean "not much"?

CHAKRAVORTY: Oh, I mean, I don't know, I just, uh, maybe it's like a bad phrase. I was, I was writing a little bit of code actually.

RANIERE: Oh, O.K. That's for your business. Yes?

CHAKRAVORTY: That's just for my business. Pay, pay some of the rent. I guess that's what I meant by not much. Yes on the [U/I]

[Voices overlap]

RANIERE: What does your business do exactly?

CHAKRAVORTY: Um, right now I'm just doing some consulting. So I'm consulting on some data science projects, and getting a better, uh, R & B or like prototyping for, uh, for some software products. Like, uh....

RANIERE: Do you do mainly software consultant type stuff, or is it more generally mathematical type consulting? [U/I]

CHAKRAVORTY: 70/30. It's 70 software, 30 math and stuff.

RANIERE: Uh, huh. O.K. Do you do operations research type

stuff and things?

CHAKRAVORTY: Um, no, it's, it's mainly like product development, so, uh, I'll... like in this case I'm looking at some data sets, doing, uh, building some predictive models and seeing if it hits the you know enough accuracy and then, if it does, productionize it and put it up in the cloud.

RANIERE: I see. I had an idea. You know, there's the trailer. Does the trailer... 'cause, I haven't heard this. Does it have the challenge in it?

CHAKRAVORTY: [Clears throat] Currently it does not. I, um...

RANIERE: I, I think there should have a separate trailer for the challenge. And you know, instead of, uhm, you know, maybe have a collage of, what you might call testimonials. But they're more reactions to the data. Finding out about what people will find out about when they do the challenge. You know, "when I did the challenge and then when I saw the additional data", blah, blah, blah, blah. "I read...", "I couldn't believe...", "I was totally sure", you know, "if this is true, this is unbelievable." You know, you know, just, a whole bunch of things like that.

CHAKRAVORTY: Yeah, O.K. that's cool. Yeah, definitely.

RANIERE: Can you really resist knowing? You know, that sort of a thing?

CHAKRAVORTY: Yeah, cool.

RANIERE: Forbidden knowledge. You know?

CHAKRAVORTY: Yeah, I... that's awesome. Um, cool and it sort of parallels the current [U/I] too in some ways. Like what you think but like what it really is.

Cause it's like, you know...

RANIERE: Oh, it's. O.K. Yeah, yeah, because those are the things that draw people, the difference like that. Oh my God, they show some sort of late night commercial or something. You know, just a bunch of people going, "Oh. Oh, my goodness I can't believe.... "No, you're kidding". You know, come and see what they're all talking about. So they [U/I] and if it's, you know, it's an infomercial for a tricycle, or something.

CHAKRAVORTY: Yes. Are you're thinking of this as an audio trailer or potentially a video trailer?

RANIERE: Oh, I don't know. I mean you guys decide I think it has to be done quickly, so I have no idea.

CHAKRAVORTY: O.K. O.K. Got it.

RANIERE: So what else? Other news on judges, things like that.

CHAKRAVORTY: Yes, I can give you...I got a rundown ready for you. So, judges, um, no word from Sima yet. I emailed her on Friday. I'll call up again today. Um, Ashley, uh, Marc E. is calling over today. She hadn't responded. She had like a family sickness so she might just be out for that. This weekend she was. Um, we have a call with Lisa who's an attorney this afternoon at 3:00. And Mary hasn't responded to any of the last couple of attempts so I'm going to speak with Marc and see what we can try or what, what an option is, but, uhm, and then Nicole she was going to read through that stuff yesterday so today Marc going to touch base and schedule, uhm, a follow up, sooner than Thursday ideally.

RANIERE: I wonder if Mary's somehow not getting the communication or something. 'Cause I mean, you would think she'd at least say, stop calling me.

CHAKRAVORTY: Yeah, hmm. You know, we could call or try from a different email or something. Yeah.

RANIERE: Or say, you know what, please, just tell us to stop. I, I have a joke about attorney classes that they have to take and excel at. And the number one. One is the response class. They have to learn to not respond. So like you have a class of students and the teacher asks a simple question. Someone raises their hand and they immediately are punished and disciplined. No, you can't respond. The very final exam is, you know, the whole side of the classroom is blown out with a bomb and they just have to be just like something happened. So what it is... Yes, unresponsiveness.

CHAKRAVORTY: It is impressive, I haven't encountered that in the software world at all. People are you the opposite, they response like within minutes. That's the way it is.

RANIERE: What's it? What? Who responds within minutes?

CHAKRAVORTY: Like in the tech startup world people respond very quickly. You know, I found it to be the opposite of, like, the lawyer situation.

RANIERE: In which world? I'm not hearing.

CHAKRAVORTY: Oh, sorry in the tech startup world.

RANIERE: Oh, yeah, yeah, yeah. And then there's another one about derrière osculation.

CHAKRAVORTY: Derrière osculation?

RANIERE: Derrière osculation. Butt-kissing.

CHAKRAVORTY: [Laughs]. Yeah, I was. I got the derrière.

RANIERE: So, yeah, uh, osculation is the general term for kissing.

CHAKRAVORTY: Oh, O.K.

RANIERE: You walk into that class and it has one of these CPR type dummies except it's just that part. And it's like someone with a clipboard there and they're doing like, you know, uh, some sort of skills evaluation test. You know things like that. And then there's another one, they are... there's a whole bunch of little chicks in a box and they all have to watch the chicks and then eventually each of them get a chick of their own that they have to study and you know, do a complete chick study. And be like the chick and understand the chick. You know?

CHAKRAVORTY: [Laughs]

RANIERE: Study of being a chicken. And then there's another one where there's a limbo pole and they're doing what looks like limbo, and it's groveling.

CHAKRAVORTY: I was thinking finalist or something. But yeah,

RANIERE: Yeah, so. So, the legal studies.

CHAKRAVORTY: Uh, huh. Got it.

RANIERE: So, um, yeah, I was also going to do a continuation of the last one, with the prosecutors, judge, uh, defense attorney system. I'm going to talk more about the judge. Cause I think...you know, I think part of the, the thing when someone gets into... takes the challenge and then gets into our world where they get the

additional data that was never allowed in court, goes through the judge's decisions and they can vote on them. You know what I mean? So in other words they can read the data, the decision. Maybe even some of the basis, like when it's a hearsay thing or something, what the hearsay rules are so they can actually, um, learn about that and then, you know, take... look at the decision and say, was this a good decision or a bad decision. Do they think the judge, you know, a good judge, a bad judge, a corrupt judge. You know what I mean? So.

CHAKRAVORTY: You want to do the countdown? Sorry.

RANIERE: What? Do the countdown whenever.

CHAKRAVORTY: 3-2-1 go.

RANIERE: In our society judges are held out in a very special way. As they should be. I believe it was around the turn of the century judges were actually exempt from taxation, because it was believed if they were part of the taxation system it would impart a type of bias to them. In a sense judges have to be impervious to politics, to all sorts of different things so that they can stay in a very stoic and pristine state to be able to execute justice and be the voice of the law.

But sadly it is impossible to have that sort of a pristine state, especially in the age of global media, social media, the politics that go on and the intense nature of what some of the decisions mean. Some of these decisions literally weigh on world businesses and do all sorts of things. If you look at the Arthur Anderson business that is 85,000 people that were, essentially, displaced because of legal things, because of criminal things that just weren't true.

So there needs to be an evaluation of judges. Judges tend not to be evaluated in media, and it's interesting even apparently in social situations, you know, when people are speaking to a judge, there's all these different concerns. As there should be. You know, you don't want to influence a judge, you don't to be seen as trying to influence a judge, even accidentally.

Uh, in some ways maybe judges shouldn't be in social circumstances like that. Should a judge be able to socialize? Should a judge have these things? Well, if you want a human judge, there needs to be a way to allow, not only judges to do these things, but to evaluate the judge. There needs to be a judgement of the judges, beyond the appeal court.

One of the things that can happen, what I learned from my trial. If I were a judge now I could go and sway a verdict. If I were corrupt or if I were biased from the beginning, I could sway in the jury selection, because I would knock out certain jury members. I would also sway, throughout the whole thing, my reaction to the evidence, my reaction to the different, the prosecutors, my reaction to the defense attorney my reaction to even the defendant. By making that evidence I impart a bias upon the jury and in my particular case, my judge is a very... people call him a mercurial judge, he switches, he has these emotional reactions, rolling his eyes which affect the jury. And, yes, a judge can affect the jury. Somedays there may be an AI that either aids with the judge or replaces the judge that really helps with these things. But the scariest thing that was every told to me and has been told to me and has been told to me several times over the past 20 years is, not only the fate of what will happen to me and the fate was always they will create public outrage in the media and it will be untrue but it

doesn't matter, that public outrage will cause political pressure which will cause pressure on the justice system. They will indict you, they will convict you, they will put you in prison for life and in prison it's possible you will reach, have a very bad demise. And it's pretty awful some of the things that were told to me.

And some of the things that happened that showed that to be true and showed that we don't have what we think of as a justice system. There's a whole... a lot of people do have a certain degree of justice in the justice system. But there is a channel where the whole justice system can be circumvented, perverted and used. And it appears that is true. You know, what I was told is that these people who are the political pushers of judges and media, they don't need to be able to influence a particular judge. All they have to do is influence the judge assigned to the case. So if they have a certain number of judges that are under their control in the Second Circuit, all they have to do is make sure that your case gets in front of one of those judges. And when those judges make bad decisions all they have to do is make sure that your case gets in front of the appropriate appeal board. And they don't have to affect all of the judges. At all. And that's one of the difficult things. So, if I were the sort of a judge who made all of these faces and I had all sorts of reactions, and I influenced the decision, if you looked at my transcript it would look completely legitimate from an appeals perspective. It would look very legitimate because you wouldn't see the intonations. You wouldn't see the faces and things like that, that I..I did.

CHAKRAVORTY: Hello?

RANIERE: Hey, so we only have a few seconds or a half of minute so I stopped. Alright, anything else that's important? I'll probably call on Wednesday from what it seems like. Monday, Wednesday, Friday.

CHAKRAVORTY: Sounds good, I'll follow up with the trailer and then he's trying to sort through legal logistics and what we can post in the challenge, what transcripts.

[END OF CALL]

Exhibit D

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA**

Keith Raniere,

Plaintiff,

VS.

Merrick Garland, US Attorney General, et al.,

Defendants.

No. 22-cv-00212-RCC-PSOT

DECLARATION OF ANTHONY GALLION

I, Anthony Gallion, pursuant to 28 U.S.C. § 1746, and based upon my personal knowledge and information made known to me from official records reasonably relied upon by me in the course of my employment, hereby make the following declaration relating to the above-titled matter.

1. I am the Acting Special Investigative Agent for the Federal Bureau of Prisons (Bureau), assigned to the United States Penitentiary in Tucson, Arizona (USP Tucson). In this role, my duties include overseeing the Special Investigative Services (SIS) Department at USP Tucson and investigating inmate misconduct. I address inmate institutional needs on a daily basis.

2. As part of my official duties, I have access to records maintained by the Bureau in the ordinary course of business, including administrative remedy requests of federal inmates, information maintained in the SENTRY¹ database, and inmate central files. All records attached to this declaration are true and accurate copies of Bureau records maintained in the ordinary course of business.

3. The following statements are based on my review of official Bureau files and records, my own personal knowledge, or on information acquired by me through the

¹ SENTRY is the Bureau's national database which tracks various data regarding an inmate's confinement, including, but not limited to, an inmate's institutional history, sentencing information, administrative remedies, and discipline history.

1 performance of my official duties.

2 4. I am familiar with inmate Keith Raniere, Federal Register No. 57005-177.
3 He has been incarcerated at USP Tucson since January 21, 2021, and I have known him
4 during his time at USP Tucson. *See* Att. 1, SENTRY Inmate History at 1 (“TCP” is the
5 facility code for USP Tucson).

6 **I. PREVIOUS INSTITUTION**

7 5. On July 16, 2020, an Intelligence Analysis in the Bureau’s Counter
8 Terrorism Unit (CTU) drafted a memorandum seeking to block all contact between
9 Raniere and Suneel Chakravorty due to behavior that compromised the security of the
10 facility in which Plaintiff was then held, the Metropolitan Detention Center in Brooklyn,
11 New York (MDC Brooklyn). *See* Att. 2, CTU Memorandum.

12 6. Specifically, Raniere and Suneel Chakravorty were recording prison-initiated
13 telephone calls to use for podcasts and “interviews [Raniere] is pursuing to use in HBO,
14 Netflix and Showtime.” *Id.* at 1-2. Additionally, they were endangering the security of the
15 facility and the public by organizing “a group of women to show up regularly and dance
16 provocatively by inmates to view through their cell windows.” *Id.* at 2. Raniere “directed
17 Suneel [Chakravorty] to contact more women” to “danc[e] erotically” which led to a
18 request for Plaintiff to be moved to another housing unit. *Id.* at 2-3. Plaintiff also
19 informed Suneel Chakravorty about “the staff work schedules and indicated his protesters
20 should wait outside for the staff and offer donuts and coffee as they exit the facility”
21 because “we are all in this together.” *Id.* at 3 (internal quotation marks omitted).

22 7. The CTU concluded that “Raniere’s manipulative behavior continues to
23 manifest from behind the prison through the help of Suneel Chakravorty. Inmate Raniere’s
24 actions would place the safety and security of staff and the public at risk.” *Id.* The CTU
25 recommended that Suneel Chakravorty be removed as one of Plaintiff’s approved contacts.
Id.

26 8. On July 16, 2020, the MDC Brooklyn Warden concurred with the
27 recommendation and approved Suneel Chakravorty’s removal from Raniere’s approved

1 contact list. *See* Att. 3, Warden Approval E-Mail (Redacted) at 1.

2 **II. USP TUCSON**

3 **A. Visitation Privileges**

4 9. As to inmate friends and associates, “[t]he visiting privilege ordinarily will
 5 be extended to friends and associates having an established relationship with the inmate
 6 prior to confinement, unless such visits could reasonably create a threat to the security
 7 and good order of the institution. Exceptions to the prior relationship rule may be made,
 8 particularly for inmates without other visitors, when it is shown that the proposed visitor
 9 is reliable and poses no threat to the security or good order of the institution.” 28 C.F.R.
 10 § 540.44(c). “Regardless of the institution’s security level, the inmate must have known
 11 the proposed visitor(s) prior to incarceration. The Warden must approve any exception to
 12 this requirement.” *See* Program Statement 5267.09, *Visiting Regulations* at 6.²

13 10. On May 2, 2021, a few months after arriving at USP Tucson, Suneel
 14 Chakravorty’s visiting privileges were denied as the “prospective visitor/applicant did not
 15 have an established relationship with [Raniere] prior to [his] incarceration.” *See* Att. 4,
 16 Visitor Denial Notice.

17 11. This conclusion is supported by federal court records submitted by Suneel
 18 Chakravorty in October 2020 where he admitted that his “first conversation with Keith
 19 Raniere was in prison, after his trial. At this time, he and I were complete strangers.”
 20 *See* Att. 5, Sentencing Court Documents Excerpt at 1. Suneel Chakravorty also detailed
 21 his involvement with NXIVM. *Id.* at 2-4 (becoming a coach for Executive Success
 22 Programs (ESP) and NXIVM, including his decision to “stay involved even during an
 23 international media storm. To me, ESP did not seem like a sinister organization[.]” and
 24 “that is why I chose to continue as a coach up u[n]til the companies closed in May
 25 2018.”).

26
 27
 28 ² Available at https://www.bop.gov/policy/progstat/5267_09.pdf (last visited on May 27,
 2022).

1 **B. TRULINCS³ and Telephone Privileges**

2 12. “Use of TRULINCS is a privilege; therefore, the Warden may limit or deny
 3 the privilege of a particular inmate[.] *See Program Statement 4500.12, Trust*
 4 *Fund/Deposit Fund Manual* at 126.⁴

5 13. “Inmates may be subject to telephone restrictions imposed by the Warden
 6 to protect the safety, security, and good order of the institution, as well as to protect the
 7 public.” *See Program Statement 5264.08, Inmate Telephone Regulations* at 14.⁵

8 14. In early May 2022, my staff in the SIS Department were monitoring
 9 telephone calls between Raniere and Suneel Chakravorty. They spoke to each other
 10 about being “at war” with the federal government that would be “no holds barred.” Even
 11 more concerning than this language or “war” is the fact that Raniere asked about the
 12 quality of the recordings and stated that he has many recordings. As indicated above,
 13 Suneel Chakravorty has previously recorded telephone conversations with Raniere. The
 14 CTU recommended that Raniere’s current contacts be removed and that all future contact
 15 requests go through the SIS Department for approval so as to determine whether any
 16 individuals have affiliation with NXIVM, as prohibited by special conditions of
 17 supervised release in the Judgment and Commitment Order. *See Att. 6, Judgment and*
 18 *Commitment Order* at 9 (special condition number eleven).

19 15. On May 3, 2022, as a result of the findings of the SIS Department and in
 20 consultation with the CTU, the USP Tucson Warden imposed limitations on Raniere’s
 21 contact list. *See Att. 7, Service Limitation Notice.* Specifically, Raniere was limited to a

22
 23 ³ The Trust Fund Limited Inmate Computer System (TRULINCS) provides inmates with
 24 a computer system that does not jeopardize the safety, security, orderly operation of the
 25 correctional facility, or the protection of the public or staff. Inmates do not have access
 26 to the Internet through TRULINCS, but may exchange electronic messages with
 27 approved contacts.

28 ⁴ Available at <https://www.bop.gov/policy/progstat/4500.12.pdf> (last visited on May 27,
 29 2022).

30 ⁵ Available at https://www.bop.gov/policy/progstat/5264_008.pdf (last visited on May 27,
 31 2022).

1 maximum of ten active contacts. *Id.* All of his current contacts were removed,⁶ with the
2 exception of nine verified attorneys and Marianna Fernandez. *See* Att. 8, TRULINCS
3 Active Contact List (Redacted) at 1-3.

4 16. Part of this removal was also associated with Raniere's restriction from
5 communicating (e-mail, telephone, mail, etc.) with any members or associates of NXIVM
6 or its affiliated organizations per the Judgment and Commitment Order issued by his
7 sentencing court. If it is dangerous for Raniere to have access to these individuals once
8 released, it is also a security risk to allow access to these individuals while incarcerated.

9 17. None of the above actions imposed have any relationship to Raniere's
10 access to his attorneys via legal mail, legal calls, and legal visits. Raniere may still
11 access his attorneys through these confidential lines of communication.

12 18. In the future, if Raniere wants to add more contacts to his approved
13 TRULINCS list, the SIS Department will review the individual names as part of the
14 approval process. To date, Raniere has not requested additional individuals be added to
15 his approved TRULINCS contact list.

16 19. I am not and was not aware of Raniere's litigation regarding his conviction
17 and sentence imposed in New York. All recommendations and determinations made, as
18 reflected above, were made for the safety, security, and good order of the institution and
19 not in any way to hinder Raniere's legal efforts.

20 //

21 //

22 //

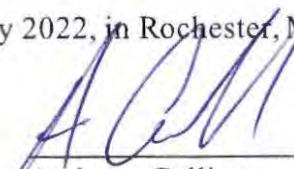
23 //

24 //

25
26 ⁶ Part of this removal was also associated with Raniere's restriction from communicating
27 (e-mail, telephone, mail, etc.) with any members or associates of NXIVM or its affiliated
28 organizations per the Judgment and Commitment Order issued by his sentencing court. If
it is dangerous for Raniere to have access to these individuals once released, it is also a
security risk to allow access to these individuals while incarcerated.

1 Pursuant to the provisions of 28 U.S.C. § 1746, I declare under penalty of perjury
2 that the foregoing is true and correct to the best of my information, knowledge, and belief.

3 Executed on this 31st day of May 2022, in Rochester, Minnesota.

4
5 
6 Anthony Gallion
7 Acting Special Investigative Agent
USP Tucson, Arizona
Federal Bureau of Prisons

8 **Enclosures**

9 Att. 1, SENTRY Inmate History

10 Att. 2, CTU Memorandum

11 Att. 3, Warden Approval E-Mail (Redacted)

12 Att. 4, Visitor Denial Notice

13 Att. 5, Sentencing Court Documents Excerpt

14 Att. 6, Judgment and Commitment Order

15 Att. 7, Service Limitation Notice

16 Att. 8, TRULINCS Active Contact List (Redacted)

17

18

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28

Exhibit D

Attachment 1

PHXC4 531.01 *
PAGE 001 OF 001 *INMATE HISTORY
ADM-REL* 05-27-2022
* 10:00:23

REG NO...: 57005-177 NAME....: RANIERE, KEITH
 CATEGORY: ARS FUNCTION: PRT FORMAT:

FCL	ASSIGNMENT	DESCRIPTION	START DATE/TIME	STOP DATE/TIME
TCP	A-DES	DESIGNATED, AT ASSIGNED FACIL	01-21-2021 1904	CURRENT
A03	RELEASE	RELEASED FROM IN-TRANSIT FACL	01-21-2021 2104	01-21-2021 2104
A03	A-ADMIT	ADMITTED TO AN IN-TRANSIT FACL	01-21-2021 1020	01-21-2021 2104
OKL	HLD REMOVE	HOLDOVER REMOVED	01-21-2021 0920	01-21-2021 0920
OKL	A-HLD	HOLDOVER, TEMPORARILY HOUSED	01-19-2021 1444	01-21-2021 0920
OKL	ADM CHANGE	RELEASE FOR ADMISSION CHANGE	01-19-2021 1445	01-19-2021 1445
OKL	A-BOP HLD	HOLDOVER FOR INST TO INST TRF	01-19-2021 1330	01-19-2021 1445
A01	RELEASE	RELEASED FROM IN-TRANSIT FACL	01-19-2021 1430	01-19-2021 1430
A01	A-ADMIT	ADMITTED TO AN IN-TRANSIT FACL	01-19-2021 0730	01-19-2021 1430
LEW	HLD REMOVE	HOLDOVER REMOVED	01-19-2021 0730	01-19-2021 0730
LEW	A-HLD	HOLDOVER, TEMPORARILY HOUSED	01-06-2021 0800	01-19-2021 0730
B01	RELEASE	RELEASED FROM IN-TRANSIT FACL	01-06-2021 0800	01-06-2021 0800
B01	A-ADMIT	ADMITTED TO AN IN-TRANSIT FACL	01-06-2021 0248	01-06-2021 0800
BRO	HLD REMOVE	HOLDOVER REMOVED	01-06-2021 0248	01-06-2021 0248
BRO	A-HLD	HOLDOVER, TEMPORARILY HOUSED	10-27-2020 1827	01-06-2021 0248
BRO	COURT	COURT APPEARANCE W/SCHED RETRN	10-27-2020 0839	10-27-2020 1827
BRO	A-HLD	HOLDOVER, TEMPORARILY HOUSED	10-31-2019 1720	10-27-2020 0839
BRO	COURT	COURT APPEARANCE W/SCHED RETRN	10-31-2019 0838	10-31-2019 1720
BRO	A-HLD	HOLDOVER, TEMPORARILY HOUSED	07-15-2018 1806	10-31-2019 0838
BRO	LOCAL HOSP	ESC TRIP TO LOCAL HOSP W/RETN	07-15-2018 1704	07-15-2018 1806
BRO	A-HLD	HOLDOVER, TEMPORARILY HOUSED	04-10-2018 1858	07-15-2018 1704
A01	RELEASE	RELEASED FROM IN-TRANSIT FACL	04-10-2018 1858	04-10-2018 1858
A01	A-ADMIT	ADMITTED TO AN IN-TRANSIT FACL	04-10-2018 0830	04-10-2018 1858
OKL	HLD REMOVE	HOLDOVER REMOVED	04-10-2018 0730	04-10-2018 0730
OKL	A-HLD	HOLDOVER, TEMPORARILY HOUSED	03-29-2018 0905	04-10-2018 0730

G0000

TRANSACTION SUCCESSFULLY COMPLETED

Exhibit D

Attachment 2



U.S. Department of Justice
Federal Bureau of Prisons
Correctional Programs Division

Counter Terrorism Unit

796 N. Foxcroft Ave., Suite 201
Martinsburg, WV 25401

July 16, 2020

**MEMORANDUM FOR H. TELLEZ, WARDEN
MDC BROOKLYN**

THROUGH: //s//
Guy Pagli, Chief
Counter Terrorism Unit
//s//

THROUGH: J.Simmons, Senior Intelligence Analyst

FROM: //s//
H. Boussag, Intelligence Analyst

SUBJECT: Recommendation for Contact Block and Rejection of incoming or outgoing correspondence

Re: I/M Raniere, Keith. Reg. No. 57005-177

This memorandum is submitted to request approval for removing one of inmate Raniere, Keith, Reg. No. 57005-177, contacts from his TRULINCS account. Raniere is currently designated at MDC Brooklyn and is currently awaiting sentencing for Sex Trafficking, Sex Trafficking Conspiracy and Forced Labor Conspiracy.

Beginning on or about July 15, 2020, CTU staff began conducting a review of communications between inmate Raniere and one of his contacts. Namely, Suneel Chakravorty. During this review of phone and emails, CTU Staff found numerous occasions where this individual, under the direction of inmate Raniere, has violated BOP policies and procedures.

- FOIA Exempt -

Sensitive But Unclassified

Ex. D, Att. 2, p. 1

A review of multiple telephonic conversations concluded the above mentioned individual has helped inmate Raniere recorded podcasts for interviews he is pursuing to use in HBO, Netflix and Showtime.

For instance, on a call placed by Raniere to Suneel at telephone number [646-939-9625] on Friday, May 8, 2020. Raniere asked the recipient if he is ready for him to record a podcast and then counts him off. At that time, inmate Raniere knowingly began to record a podcast, the narrative of which was "How much legal experience a judge has?"

On another call, placed by Raniere to Suneel on Monday, July 13, 2020. At the same telephone number, inmate Raniere inquired as to how many podcasts they have recorded up to this point. At that moment, Suneel indicated they have recorded over 110 official segments and about 50 podcasts. It shall be noted, during the monitoring of this inmate, nearly most of his phone calls included a segment he dedicated to a podcasts with the help of Suneel, Chakravorty.

Additionally, while reviewing inmate Raniere's communication, neither Raniere nor Suneel Chakravorty, have been reviewed or approved by the Office of Research and Evaluation (ORE) for research privileges within the Bureau of Prisons.

Further review of the communication between Raniere and Suneel have concluded inmate Raniere is also utilizing this individual to set up protests outside of the prison. Specifically, Raniere orchestrated through this individual for a group of women to show up regularly and dance provocatively for inmates to view through their cell windows.

Case in point, on a telephone call placed by Raniere to Suneel to the same number on July 12, 2020, Raniere and Suneel discussed the success of the women dancing in front of the prison. Suneel added the inmates were "banging on their windows and making a beat," Expectedly, Raniere gloated and hoped this movement keeps growing and more women get involved. Additionally, Raniere directed Suneel to contact more women.

CTU staff became aware of these events occurring on Friday, July 03, 2020. During a monitoring of a phone call to the same individual, Raniere thanked Suneel for coming by and for bringing Eduardo and Nicky to see him and inquired about whether they read the messages the inmate was writing on the light fixture for them and vice versa.

Relatedly, On Tuesday, July 06, 2020, Raniere authored an electronic correspondence to email address [marvy@pm.me] belonging to a contact named Marianna Fernandez. In the email, Raniere talked about the realization of his ideas. Specifically, his

acquaintances gathering outside of the prison and the women dancing erotically to the delight of other inmates.

Below is an excerpt from the abovementioned email

"My dearest love! I have another idea that seems to be evolving into something good: for the past few nights people like Suneel, Eduardo, Nicki, and Danielle, have been coming to stand outside of my window to "visit". It evolved to the women dancing, and the whole side of the building appreciating it."

Additionally, in the body of the email, Raniere discussed his future plans for protesters gathered outside in a form of a not-for-profit organization titled "The forgotten ones," Essentially, more women dancing scantily dressed dancing in front of the prison.

Below is an excerpt from the email,

"The forgotten ones" to bring in other dancers etc., interface with the local radio stations to bring in other dancers etc., with the local radio stations to bring together, community, inmates and talent. It can quite nicely grow to encompass licensing, finding new artists etc..."

CTU staff immediately contacted the SIS office at MDC Brooklyn and requested inmate Raniere be moved to another unit.

Moreover, on a telephone call placed by inmate Raniere to the above-mentioned individual on July 11, 2020, Inmate Raniere espoused his disdain for being moved to another unit after he had organized for the women to come out and dance in front of the facility. Additionally, he begins to tell Suneel about the staff work schedules and indicated his protesters should wait outside for the staff and offer donuts and coffee as they exit the facility. Moreover Raniere advised Suneel the protesters should befriend the staff and justified this behavior by stating "we are all in this together." The staff and the inmates. Suneel indicated the protesters had made offerings to the staff and all of their efforts were declined. Inmate Raniere's manipulative behavior continues to manifest from behind the prison through the help of Suneel Chakravorty. Inmate Raniere's actions would place the safety and security of staff and the public at risk.

BOP may prohibit inmates from communicating with a particular individual/organization in the community, when it is found the communication would jeopardize the safety, security or orderly operation of a facility or would jeopardize the protection of the public or staff.

- FOIA Exempt -

Sensitive But Unclassified

Ex. D, Att. 2, p. 3

We hereby request to reject the contact and any pending correspondence or e-mails, currently used by inmates housed at MDC Brooklyn and any future inmates who are housed at MDC Brooklyn, who may request this contact.

- FOIA Exempt -

Sensitive But Unclassified

Ex. D, Att. 2, p. 4

Exhibit D

Attachment 3

Hamza Boussag - Re: Contact Block Recommendation I/M Raniere 57005-177

From: Heriberto Tellez
To: Boussag, Hamza
Date: 7/16/2020 5:36 PM
Subject: Re: Contact Block Recommendation I/M Raniere 57005-177
CC: [REDACTED]

Good evening Mr. Boussag,

I concur with your recommendation and approve for the individual in question (Suneel Chakravorty) be removed from inmate Raniere, Keith, Reg. No. 57005-177, contacts from his TRULINCS account.

Thank you

Heriberto H. Tellez
Warden
MDC Los Angeles
535 N Alameda St.
Los Angeles, CA 90012
[\(213\) 485-0439 ext. \[REDACTED\]](tel:(213)485-0439)
[REDACTED]@bop.gov

>>> Hamza Boussag 7/16/2020 1:23 PM >>>

Good afternoon Warden,

I am requesting one of inmate Raniere, Keith, Reg. No. 57005-177 contacts be removed and blocked from his Trulincs account, please see the attached memo where I have detailed the reasonings behind this recommendation. Let me know if you concur, or if you need more information please let me know.

H.Boussag / Intelligence Analyst
U.S. Department of Justice
Federal Bureau of Prisons
Counter Terrorism Unit (CTU)
Office : [304-262-\[REDACTED\]](tel:304-262-[REDACTED])
Fax: [304-262-8359](tel:304-262-8359)
Correctional Programs Division
Central Office



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Exhibit D

Attachment 4



U.S. Department of Justice
Federal Bureau of Prisons
Federal Correctional Complex - Tucson

USP Unit Team

Tucson, AZ 85756

F.O.I. EXEMPT

May 2, 2021

MEMORANDUM FOR: HOWARD, C., COMPLEX WARDEN

THROUGH: *A. Tubb*
Tubb, A., Associate Warden

FROM: *R. Stangl*
Stangl, A., Unit Manager

SUBJECT: Visitor Denial for RANIERE, KEITH #57005-177

Visiting privileges have been denied for **Mr. Sunil Kumar Chakraborty** due to the following reason(s):

- The prospective visitor/applicant did not have an established relationship with you prior to your incarceration.**
- A criminal background check investigation revealed that the applicant has prior conviction(s).
- The applicant provided false, inaccurate, and/or incomplete information on his/her Visitor Form.
- A discrepancy in the background investigation must be resolved before being allowed in the institution.
- On active probation.
- OTHER: _____

F.O.I. EXEMPT

Exhibit D

Attachment 5

Honorable Nicholas G. Garaufis
United States District Judge
Eastern District of New York
225 Cadman Plaza East Brooklyn, NY 11201

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

Judge Garaufis:

My name is Suneel Chakravorty. My family is from India and I am a first-generation American. I grew up in South Florida. In my family, education was one of the highest values. I studied hard, became county valedictorian and was admitted to Harvard College, where I majored in mathematics. After college, I worked as a software engineer before starting my own company. I co-founded a software consulting firm in NYC, which grew in just a few years to be the technology innovation partner for a Fortune 100 company, a national healthcare network, a top hedge fund, and several startups.

My first conversation with Keith Raniere was in prison, after his trial. At the time, he and I were complete strangers. Now I count him as one of my friends. I am writing this letter to you, your honor, to provide my perspective on Keith's character, for consideration in your sentencing decision.

I first learned of Executive Success Programs in August 2016, when a fellow Harvard graduate told me about it and invited me to take it. He told me the company and its founder had very bad press but that the program was very effective for entrepreneurs. He explained that the program focused on helping the participant to overcome limiting behaviors and patterns. This sounded interesting so I signed up. Then later I Googled the company. I was initially very disturbed at what I read about Keith and about NXIVM, but most of the articles seemed to be personal blog posts and I have known political friends who were written fallaciously about in the media. In addition, the person who enrolled me seemed smart and kind, so I decided I would see for myself.

In October 2016, I took my first five-day intensive in an office building in midtown Manhattan. There were about 20 participants, from seasoned businesspeople to college graduates and everyone with a unique motivation for being at the training, from figuring out their next career move to achieving better work-life balance to finding inner peace. There were certain practices that I found strange, like referring to Keith as “Vanguard” in the classes. I later came to understand that there were benign, rational explanations for those things. Also, I took Tae Kwon Do growing up and had no issue with calling my instructor “Master.” I believe that if there were no bad press, I would not have interpreted those practices as negatively as I initially did.

What I learned about emotions and my own patterns of behavior was invaluable and I left the training energized to build my company and so much less stressed. As the weeks went by, I noticed more and more benefits. With my family, where I used to be controlling and tense, I



became relaxed and able to enjoy time with them more. Our family trips became even more precious and memorable. With my company, I began to push harder, get more projects, and grow my team faster than I thought possible.

Over the next few months, I completed my sixteen-day intensive and took an additional training called Mobius. On some occasions, I was asked by some of the coaches if I had anyone I wanted to invite to take a training. Although I did have people in mind, I did not feel comfortable publicly associating myself with NXIVM because of its negative reputation, so I told the coaches that I did not want to invite people and they completely understood. I did not feel any pressure to invite anyone and no one asked me about it thereafter. However, at a certain point, I felt that the classes of ESP had helped me so much, to be a more effective founder, a more compassionate brother, and a more grateful son that my desire to share this with others exceeded my fear of what people would think and I invited a few friends to take the course.

I became a coach in June of 2017 at the “coach summit” where many leaders in ESP decided to leave the organization. To me, this was strange because I never thought of ESP as something one would join or leave. To me, they were just classes you could take or not take. I continued to be a coach in the New York City ESP Center over the next few months as articles began to come out about “sex slaves” and “sex cult.” I found the articles seriously alarming, but they did not contain any evidence, seemed to be defamatory in nature, and were the opposite of my experience as a coach in NYC. All we did was have classes in midtown Manhattan, nothing more exciting than that, and I was seeing firsthand how the ESP classes were helping people in my family and in my company.

This contradiction between what I was experiencing and what was being written only grew more extreme. When the NY Times article came out in October 2017 about NXIVM being a “cult” that branded women, I received a flurry of emails from friends who knew I was a coach in the program and were concerned for my well-being and safety. In reality, that day was like any other for me. I had normal business meetings with my clients and my team and in the evening met with my ESP coach about my 3-month fitness goal. My reality was so mundane compared to what the media was writing. I also had the opportunity to get to know the subjects of some of those articles, people like Lauren Salzman and Allison Mack. I found them to be intelligent, strong-willed and caring women who were motivated to help others. Lauren had coached me to become more productive in managing my employees and Allison had taught me how to become more expressive and less reserved. At the same time that they were being described as bad people, I was getting to know them and finding them to be the opposite.

Because my personal experiences had been so positive and I had not been able to find evidence of what was being alleged, I decided to stay involved even during an international media storm. To me, ESP did not seem like a sinister organization with the hidden agenda of serving Keith Raniere. It seemed to me to be a personal growth company filled with good, earnest people who were being intentionally maligned. I was raised to stand up for good people, especially when they are being attacked, and that is why I chose to continue as a coach up until the companies closed in May 2018.

Almost a year later, I chose to attend Keith's trial because I had seen so much untruth and sensationalism in the media coverage about NXIVM and its family of companies that I was hoping that the legal process might be more data-driven and logical. Because I had sold my business by that time, I had the flexibility to attend the trial as often as I wanted, and I decided to go every day. I found that the narrative being presented about NXIVM was the same one that was in the media. The witnesses, some of whom I was familiar with, had changed their perspective completely and were presenting information that I could have contradicted with my experience as well as my experience of them even just a year prior. Although the types of crimes that Keith was convicted of are very serious and I do not in any way condone acts like sex trafficking and forced labor, I believe that Keith is innocent of these crimes and that he was convicted not because of evidence but because of how much hate he was painted with. It was an emotional trial and it would be hard for any person to not feel that Keith is a bad person, based only on what the witnesses said.

After the trial, I felt restless. I felt I had just observed a serious injustice and wanted to help, so I decided to visit Keith in prison and asked him how I could help.

Over the course of the past year, I have had a hundred hours of phone calls and dozens of in-person visitations with Keith as we have been working closely together on several initiatives that not only could help separate the prejudice from the law in his case but could help many others in the future who encounter prejudice in our legal system. Some of these communications have been published in court filings. I believe that if your honor were to hear them in context, you would find them to be upstanding and well-intentioned.

In every interaction that I have had with Keith, he has been kind, understanding and patient. Sometimes he is my fellow math nerd. Other times, he is a mentor to me. Other times yet, he is just my friend. He has never ordered me to do anything or been demanding or punishing. On the contrary, when I have tried to help but have come up short, he has always been understanding and grateful. I also feel that he has treated me like a true friend. Although our prison calls are short and there are many pressing matters with his case to discuss, he would always find some time to tell me a joke, discuss math topics with me, just tell me how he was feeling or ask me if I was doing okay.

For more than a year, I have only seen Keith try to use his situation to the benefit of others. Almost on a daily basis, he would call me with an idea of how to highlight the injustice in his situation to bring attention to the broader issues going on. He rarely, if ever, emphasized saving himself. At times, he expressed that he was not sure if he would ever be free but at least if his situation can help others, then he would feel happy.

Unfortunately, in July 2020, my communications with Keith were blocked by the prison. I have appealed the decision but never gotten any explanation or a response.

I have talked at length with Keith about his situation, the case and the NXIVM community and to me he seems very sorry for all that has happened, because is the leader of that community, but at the same time he maintains his innocence of the charges.

I firmly believe that you only know a person's character in the worst moments of their life. I have had the privilege of getting to know Keith during such a time and I believe him to be a good and peaceful person.

I implore you, your honor, to be as lenient as possible and not sentence Keith to life in prison.

Sincerely,

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Suneel Chakravorty

Exhibit D

Attachment 6

UNITED STATES DISTRICT COURT

Eastern District of New York

UNITED STATES OF AMERICA

v.

KEITH RANIERE

JUDGMENT IN A CRIMINAL CASE

Case Number: CR 18-0204 (S-2) (NGG)

USM Number: 57005-177

Marc A. Agnifilo, Esq.

Defendant's Attorney

THE DEFENDANT:

 was found guilty by jury verdict on Counts 1, 2, 6, 7, 8, 9 & 10 of the Superseding Indictment (S-2). pleaded nolo contendere to count(s) _____ which was accepted by the court. was found guilty on count(s) _____ after a plea of not guilty.

The defendant is adjudicated guilty of these offenses:

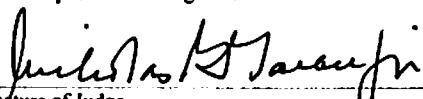
<u>Title & Section</u>	<u>Nature of Offense</u>	<u>Offense Ended</u>	<u>Count</u>
SEE PAGE 2 OF JUDGMENT			

The defendant is sentenced as provided in pages 2 through 11 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

 Any underlying Indictment is dismissed by motion of the United States. Counts 3, 4, 5 & 11 of the Superseding Indictment (S-2) are dismissed by motion of the United States before trial. Count(s) _____ is are dismissed on the motion of the United States.

It is ordered that the defendant must notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant must notify the court and United States attorney of material changes in economic circumstances.

October 27, 2020
Date of Imposition of Judgment


Signature of Judge

Nicholas G. Garaufis, U.S.D.J.
Name and Title of Judge

October 30, 2020
Date

DEFENDANT: KEITH RANIERE
CASE NUMBER: CR 18-0204 (S-2)(NGG)Judgment—Page 2 of 11**ADDITIONAL COUNTS OF CONVICTION****Offense:****Count 1:**

RACKETEERING CONSPIRACY
18 U.S.C. §1962(d), 18 U.S.C. §1963(a)
Not more than life imprisonment/\$250,000 fine
(Class A Felony)

Count 2:

RACKETEERING
18 U.S.C. §1962(c), 18 U.S.C. §1963(a)
Not more than life imprisonment/\$250,000 fine
(Class A Felony)

Count 6:

FORCED LABOR CONSPIRACY
18 U.S.C. §1594(b)
Not more than 20 years imprisonment/\$250,000 fine
(Class C Felony)

Count 7:

WIRE FRAUD CONSPIRACY
18 U.S.C. §1349, 18 U.S.C. §1343
Not more than 20 years imprisonment/\$250,000 fine
(Class C Felony)

Count 8:

SEX TRAFFICKING CONSPIRACY
18 U.S.C. §1594(c), 18 U.S.C. §1591(b)(1)
15 years to life imprisonment/\$250,000 fine
(Class A Felony)

Count 9:

SEX TRAFFICKING OF JANE DOE 5
18 U.S.C. §1591(a)(1), 18 U.S.C. §1591(b)(1)
15 years to life imprisonment/\$250,000 fine
(Class A Felony)

Count 10:

ATTEMPTED SEX TRAFFICKING OF JANE DOE 8
18 U.S.C. §1594(a), 18 U.S.C. §1591(b)(1)
15 years to life imprisonment/\$250,000 fine
(Class A Felony)

AO 245B (Rev. 09/19) Judgment in Criminal Case
Sheet 2 — ImprisonmentJudgment — Page 3 of 11DEFENDANT: KEITH RANIERE
CASE NUMBER: CR 18-0204 (S-2) (NGG)**IMPRISONMENT**

The defendant is hereby committed to the custody of the Federal Bureau of Prisons to be imprisoned for a total term of: SEE PAGE 4 OF JUDGMENT.

The court makes the following recommendations to the Bureau of Prisons:

The defendant is remanded to the custody of the United States Marshal.

The defendant shall surrender to the United States Marshal for this district:

at _____ a.m. p.m. on _____
 as notified by the United States Marshal.

The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:

before 2 p.m. on _____
 as notified by the United States Marshal.
 as notified by the Probation or Pretrial Services Office.

RETURN

I have executed this judgment as follows:

Defendant delivered on _____ to _____

at _____, with a certified copy of this judgment.

UNITED STATES MARSHAL

By _____
DEPUTY UNITED STATES MARSHAL

DEFENDANT: KEITH RANIERE
CASE NUMBER: CR 18-0204 (S-2) (NGG)

ADDITIONAL IMPRISONMENT TERMS

FORTY (40) YEARS (480 MONTHS) (CAG) ON COUNT ONE (1) OF THE SUPERSEDING INDICTMENT (S-2) TO BE SERVED CONCURRENTLY WITH THE SENTENCE ON COUNT 2 AND CONSECUTIVELY WITH ALL OTHER SENTENCES IMPOSED;

FORTY (40) YEARS (480 MONTHS) (CAG) ON COUNT TWO (2) OF THE SUPERSEDING INDICTMENT (S-2) TO BE SERVED CONCURRENTLY WITH THE SENTENCE IMPOSED ON COUNT 1 AND CONSECUTIVELY WITH ALL OTHER SENTENCES IMPOSED;

TWENTY (20) YEARS (240 MONTHS) (CAG) ON COUNT SIX (6) OF THE SUPERSEDING INDICTMENT (S-2) TO BE SERVED CONSECUTIVELY WITH ALL OTHER SENTENCES IMPOSED;

TWENTY (20) YEARS (240 MONTHS) (CAG) ON COUNT SEVEN (7) OF THE SUPERSEDING INDICTMENT (S-2) TO BE SERVED CONSECUTIVELY WITH ALL OTHER SENTENCES IMPOSED;

FORTY (40) YEARS (480 MONTHS) (CAG) ON COUNT EIGHT (8) OF THE SUPERSEDING INDICTMENT (S-2) TO BE SERVED CONCURRENTLY WITH THE SENTENCES IMPOSED ON COUNTS 9 AND 10, AND CONSECUTIVELY WITH ALL OTHER SENTENCES IMPOSED;

FORTY (40) YEARS (480) MONTHS (CAG) ON COUNT NINE (9) OF THE SUPERSEDING INDICTMENT (S-2) TO BE SERVED CONCURRENTLY WITH THE SENTENCES ON COUNTS 8 AND 10, AND CONSECUTIVELY WITH ALL OTHER SENTENCES IMPOSED;

FORTY (40) YEARS (480) MONTHS (CAG) ON COUNT TEN (10) OF THE SUPERSEDING INDICTMENT (S-2) TO BE SERVED CONCURRENTLY WITH THE SENTENCES ON COUNTS 8 AND 9, AND CONSECUTIVELY WITH ALL OTHER SENTENCES IMPOSED.

TO SUMMARIZE, THIS IS A CUMULATIVE SENTENCE OF 120 YEARS (CAG).

DEFENDANT: KEITH RANIERE
CASE NUMBER: CR 18-0204 (S-2) (NGG)

SUPERVISED RELEASE

Upon release from imprisonment, you will be on supervised release for a term of: FIVE (5) YEARS ON COUNT ONE (1) OF THE SUPERSEDING INDICTMENT (S-2). FIVE (5) YEARS ON COUNT TWO (2) OF THE SUPERSEDING INDICTMENT (S-2). THREE (3) YEARS ON COUNT SIX (6) OF THE SUPERSEDING INDICTMENT (S-2). THREE (3) YEARS ON COUNT SEVEN (7) OF THE SUPERSEDING INDICTMENT (S-2). A LIFETIME TERM ON COUNT EIGHT (8) OF THE SUPERSEDING INDICTMENT (S-2). A LIFETIME TERM ON COUNT NINE (9) OF THE SUPERSEDING INDICTMENT (S-2). A LIFETIME TERM ON COUNT TEN (10) OF THE SUPERSEDING INDICTMENT (S-2). ALL TERMS OF SUPERVISED RELEASE TO BE SERVED CONCURRENTLY WITH ONE ANOTHER.

MANDATORY CONDITIONS

1. You must not commit another federal, state or local crime.
2. You must not unlawfully possess a controlled substance.
3. You must refrain from any unlawful use of a controlled substance. You must submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as determined by the court.
 - The above drug testing condition is suspended, based on the court's determination that you pose a low risk of future substance abuse. *(check if applicable)*
4. You must make restitution in accordance with 18 U.S.C. §§ 3663 and 3663A or any other statute authorizing a sentence of restitution. *(check if applicable)*
5. You must cooperate in the collection of DNA as directed by the probation officer. *(check if applicable)*
6. You must comply with the requirements of the Sex Offender Registration and Notification Act (34 U.S.C. § 20901, *et seq.*) as directed by the probation officer, the Bureau of Prisons, or any state sex offender registration agency in the location where you reside, work, are a student, or were convicted of a qualifying offense. *(check if applicable)*
7. You must participate in an approved program for domestic violence. *(check if applicable)*

You must comply with the standard conditions that have been adopted by this court as well as with any other conditions on the attached page.

DEFENDANT: KEITH RANIERE
CASE NUMBER: CR 18-0204 (S-2) (NGG)

STANDARD CONDITIONS OF SUPERVISION

As part of your supervised release, you must comply with the following standard conditions of supervision. These conditions are imposed because they establish the basic expectations for your behavior while on supervision and identify the minimum tools needed by probation officers to keep informed, report to the court about, and bring about improvements in your conduct and condition.

1. You must report to the probation office in the federal judicial district where you are authorized to reside within 72 hours of your release from imprisonment, unless the probation officer instructs you to report to a different probation office or within a different time frame.
2. After initially reporting to the probation office, you will receive instructions from the court or the probation officer about how and when you must report to the probation officer, and you must report to the probation officer as instructed.
3. You must not knowingly leave the federal judicial district where you are authorized to reside without first getting permission from the court or the probation officer.
4. You must answer truthfully the questions asked by your probation officer.
5. You must live at a place approved by the probation officer. If you plan to change where you live or anything about your living arrangements (such as the people you live with), you must notify the probation officer at least 10 days before the change. If notifying the probation officer in advance is not possible due to unanticipated circumstances, you must notify the probation officer within 72 hours of becoming aware of a change or expected change.
6. You must allow the probation officer to visit you at any time at your home or elsewhere, and you must permit the probation officer to take any items prohibited by the conditions of your supervision that he or she observes in plain view.
7. You must work full time (at least 30 hours per week) at a lawful type of employment, unless the probation officer excuses you from doing so. If you do not have full-time employment you must try to find full-time employment, unless the probation officer excuses you from doing so. If you plan to change where you work or anything about your work (such as your position or your job responsibilities), you must notify the probation officer at least 10 days before the change. If notifying the probation officer at least 10 days in advance is not possible due to unanticipated circumstances, you must notify the probation officer within 72 hours of becoming aware of a change or expected change.
8. You must not communicate or interact with someone you know is engaged in criminal activity. If you know someone has been convicted of a felony, you must not knowingly communicate or interact with that person without first getting the permission of the probation officer.
9. If you are arrested or questioned by a law enforcement officer, you must notify the probation officer within 72 hours.
10. You must not own, possess, or have access to a firearm, ammunition, destructive device, or dangerous weapon (i.e., anything that was designed, or was modified for, the specific purpose of causing bodily injury or death to another person such as nunchakus or tasers).
11. You must not act or make any agreement with a law enforcement agency to act as a confidential human source or informant without first getting the permission of the court.
12. If the probation officer determines that you pose a risk to another person (including an organization), the probation officer may require you to notify the person about the risk and you must comply with that instruction. The probation officer may contact the person and confirm that you have notified the person about the risk.
13. You must follow the instructions of the probation officer related to the conditions of supervision.

U.S. Probation Office Use Only

A U.S. probation officer has instructed me on the conditions specified by the court and has provided me with a written copy of this judgment containing these conditions. For further information regarding these conditions, see *Overview of Probation and Supervised Release Conditions*, available at: www.uscourts.gov.

Defendant's Signature _____

Date _____

DEFENDANT: KEITH RANIERE
CASE NUMBER: CR 18-0204 (S-2)(NGG)

SPECIAL CONDITIONS OF SUPERVISION

- #1. The defendant shall comply with any applicable state and/or federal sex offender registration requirements, as instructed by the probation officer, the Bureau of Prisons, or any state offender registration agency in the state where he resides, works, or is a student;
- #2. The defendant shall participate in a mental health treatment program, which may include participation in a treatment program for sexual disorders, as approved by the U.S. Probation Department. The defendant shall contribute to the cost of such services rendered and/or any psychotropic medications prescribed to the degree he is reasonably able, and shall cooperate in securing any applicable third-party payment. The defendant shall disclose all financial information and documents to the Probation Department to assess his ability to pay. As part of the treatment program for sexual disorders, the defendant shall participate in polygraph examinations to obtain information necessary for risk management and correctional treatment;
- #3. The defendant shall not associate with or have any contact with convicted sex offenders unless in a therapeutic setting and with the permission of the U.S. Probation Department;
- #4. The defendant shall not associate with children under the age of 18, unless a responsible adult is present and he has prior approval from the Probation Department. Prior approval does not apply to contacts which are not known in advance by the defendant where children are accompanied by a parent or guardian or for incidental contacts in a public setting. Any such non-pre-approved contacts with children must be reported to the Probation Department as soon as practicable, but no later than 12 hours. Upon commencing supervision, the defendant shall provide to the Probation Department the identity and contact information regarding any family members or friends with children under the age of 18, whom the defendant expects to have routine contact with, so that the parents or guardians of these children may be contacted and the Probation Department can approve routine family and social interactions such as holidays and other family gatherings where such children are present and supervised by parents or guardians without individual approval of each event;
- #5. If the defendant cohabitates with an individual who has residential custody of minor children, the defendant will inform that other party of his prior criminal history concerning his sex offense. Moreover, he will notify the party of his prohibition of associating with any child(ren) under the age of 18, unless a responsible adult is present;
- #6. The defendant shall submit his person, property, house, residence, vehicle, papers, computers (as defined in 18 U.S.C. § 1030(e)(1)), other electronic communications or data storage devices or media, or office, to a search conducted by a United States probation officer. Failure to submit to a search may be grounds for revocation of release. The defendant shall warn any other occupants that the premises may be subject to searches pursuant to this condition. An officer may conduct a search pursuant to this condition only when reasonable suspicion exists that the defendant has violated a condition of his supervision and that the areas to be searched contain evidence of this violation. Any search must be conducted at a reasonable time and in a reasonable manner;

DEFENDANT: KEITH RANIERE
CASE NUMBER: CR 18-0204 (S-2)(NGG)

Judgment—Page 8 of 11

SPECIAL CONDITIONS OF SUPERVISION

#7. The defendant is not to use a computer, Internet capable device, or similar electronic device to access pornography of any kind. The term "pornography" shall include images or video of adults or minors engaged in "sexually explicit conduct" as that term is defined in Title 18, U.S.C. § 2256(2). The defendant shall also not use a computer, Internet capable device or similar electronic device to view images of naked children. The defendant shall not use his computer to view pornography or images of naked children stored on related computer media, such as CDs or DVDs, and shall not communicate via his computer with any individual or group who promotes the sexual abuse of children. The defendant shall also cooperate with the U.S. Probation Department's Computer and Internet Monitoring program. Cooperation shall include, but not be limited to, identifying computer systems, Internet capable devices, and/or similar electronic devices the defendant has access to, and allowing the installation of monitoring software/hardware on said devices, at the defendant's expense. The defendant shall inform all parties that access a monitored computer, or similar electronic device, that the device is subject to search and monitoring. The defendant may be limited to possessing only one personal Internet capable device, to facilitate the Probation Department's ability to effectively monitor his/her Internet related activities. The defendant shall also permit random examinations of said computer systems, Internet capable devices, similar electronic devices, and related computer media, such as CDs, under his control.

#8. The defendant shall report to the Probation Department any and all electronic communications service accounts (as defined in 18 U.S.C. § 2510(15)) used for user communications, dissemination and/or storage of digital media files (i.e. audio, video, images). This includes, but is not limited to, email accounts, social media accounts, and cloud storage accounts. The defendant shall provide each account identifier and password, and shall report the creation of new accounts, changes in identifiers and/or passwords, transfer, suspension and/or deletion of any account within 5 days of such action. Failure to provide accurate account information may be grounds for revocation of release. The defendant shall permit the Probation Department to access and search any account(s) using the defendant's credentials pursuant to this condition only when reasonable suspicion exists that the defendant has violated a condition of his supervision and that the account(s) to be searched contains evidence of this violation. Failure to submit to such a search may be grounds for revocation of release.

#9. Upon request, the defendant shall provide the U.S. Probation Department with full disclosure of his financial records, including co-mingled income, expenses, assets and liabilities, to include yearly income tax returns. With the exception of the financial accounts reported and noted within the presentence report, the defendant is prohibited from maintaining and/or opening any additional individual and/or joint checking, savings, or other financial accounts, for either personal or business purposes, without the knowledge and approval of the U.S. Probation Department. The defendant shall cooperate with the probation officer in the investigation of his financial dealings and shall provide truthful monthly statements of his income and expenses. The defendant shall cooperate in the signing of any necessary authorization to release information forms permitting the U.S. Probation Department access to his financial information and records;

DEFENDANT: KEITH RANIERE
CASE NUMBER: CR 18-0204 (S-2)(NGG)

Judgment—Page 9 of 11

SPECIAL CONDITIONS OF SUPERVISION

- #10. The defendant shall not have contact with any of the named victims of his offenses. This means that he shall not attempt to meet in person, communicate by letter, telephone, or through a third party, without the knowledge and permission of the Probation Department;
- #11. The defendant shall not associate in person, through mail, electronic mail or telephone with any individual with an affiliation to Executive Success Programs, Nxivm, DOS or any other Nxivm-affiliated organizations; nor shall the defendant frequent any establishment, or other locale where these groups may meet pursuant, but not limited to, a prohibition list provided by the U.S. Probation Department;
- #12. The defendant shall comply with the fine payment order;
- #13. The defendant shall comply with the attached Order of Forfeiture.

DEFENDANT: KEITH RANIERE
CASE NUMBER: CR 18-0204 (S-2) (NGG)

CRIMINAL MONETARY PENALTIES

The defendant must pay the total criminal monetary penalties under the schedule of payments on Sheet 6.

	<u>Assessment</u>	<u>Restitution</u>	<u>Fine</u>	<u>Forfeiture Money Judgment</u>	<u>JVTA Assessment**</u>
TOTALS	\$ 700.00	\$ TBD	\$ 1,750,000.00	\$ N/A	\$ 15,000.00

- The determination of restitution is deferred until _____. An *Amended Judgment in a Criminal Case (AO 245C)* will be entered after such determination.
- The defendant must make restitution (including community restitution) to the following payees in the amount listed below.

If the defendant makes a partial payment, each payee shall receive an approximately proportioned payment, unless specified otherwise in the priority order or percentage payment column below. However, pursuant to 18 U.S.C. § 3664(i), all nonfederal victims must be paid before the United States is paid.

<u>Name of Payee</u>	<u>Total Loss***</u>	<u>Restitution Ordered</u>	<u>Priority or Percentage</u>
----------------------	----------------------	----------------------------	-------------------------------

TOTALS \$ _____ \$ _____

- Restitution amount ordered pursuant to plea agreement \$ _____
- The defendant must pay interest on restitution and a fine of more than \$2,500, unless the restitution or fine is paid in full before the fifteenth day after the date of the judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on Sheet 6 may be subject to penalties for delinquency and default, pursuant to 18 U.S.C. § 3612(g).
- The court determined that the defendant does not have the ability to pay interest and it is ordered that:
- the interest requirement is waived for the fine restitution.
 - the interest requirement for the fine restitution is modified as follows:

* Amy, Vicky, and Andy Child Pornography Victim Assistance Act of 2018, Pub. L. No. 115-299.

** Justice for Victims of Trafficking Act of 2015, Pub. L. No. 114-22.

*** Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.

DEFENDANT: KEITH RANIERE
CASE NUMBER: CR 18-0204 (S-2) (NGG)

SCHEDULE OF PAYMENTS

Having assessed the defendant's ability to pay, payment of the total criminal monetary penalties is due as follows:

- A Special Assessment of \$ 700.00 due immediately, balance due
- not later than _____, or
 in accordance with C, D, E, or F below; or
- B . D, or F below); or
- C Fine Payment of \$1,750,000.00 due immediately.
 over a period of
(e.g., months or years), to commence _____ (e.g., 30 or 60 days) after the date of this judgment; or
- D Payment in equal _____ (e.g., weekly, monthly, quarterly) installments of \$ _____ over a period of
(e.g., months or years), to commence _____ (e.g., 30 or 60 days) after release from imprisonment to a term of supervision; or
- E JVTA assessment of \$15,000.00
- F Order of Restitution to be determined
An Order of Restitution must be submitted within 90 days from October 27, 2020.

Unless the court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during the period of imprisonment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons' Inmate Financial Responsibility Program, are made to the clerk of the court.

The defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

- Joint and Several

Case Number Defendant and Co-Defendant Names (including defendant number)	Total Amount	Joint and Several Amount	Corresponding Payee, if appropriate
---	--------------	-----------------------------	--

- The defendant shall pay the cost of prosecution.
 The defendant shall pay the following court cost(s):
 The defendant shall forfeit the defendant's interest in the following property to the United States:

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) AVAA assessment, (5) fine principal, (6) fine interest, (7) community restitution, (8) JVTA assessment, (9) penalties, and (10) costs, including cost of prosecution and court costs.

Ex. D, Att. 6, p. 11

BDM:KKO
F. #2017R01840

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

----- X

UNITED STATES OF AMERICA

ORDER OF FORFEITURE

- against -

18-CR-204 (S-2) (NGG)

KEITH RANIERE,

Defendant.

----- X

WHEREAS, on or about June 19, 2019, Keith Raniere, also known as “Vanguard,”“Grandmaster,”and “Master” (the “defendant”), was convicted after a jury trial of Counts One, Two, and Six through Ten, of the above-captioned Superseding Indictment, charging violations of 18 U.S.C. §§ 1349, 1591(a)(1), 1594(a), 1594(b), 1594(c), 1962(c), and 1962(d); and

WHEREAS, the Court has determined that pursuant to 18 U.S.C. § 1963(a), the defendant shall forfeit: (a) any interest the defendant acquired or maintained in violation of 18 U.S.C. § 1962; (b) any interest in, security of, claim against or property or contractual right of any kind affording a source of influence over any enterprise which the defendant has established, operated, controlled, conducted or participated in the conduct of, in violation of 18 U.S.C. § 1962; (c) any property constituting, or derived from, any proceeds which the defendant obtained, directly or indirectly, from racketeering activity in violation of 18 U.S.C. § 1962; and/or (d) substitute assets, pursuant to 18 U.S.C. § 1963(m), which shall be reduced to a forfeiture money judgment (the “Forfeiture Money Judgment”).

NOW, THEREFORE, IT IS HEREBY ORDERED, ADJUDGED AND
DECREED as follows:

1. The defendant shall forfeit to the United States the Forfeiture Money Judgment, pursuant to 18 U.S.C. §§ 1963(a) and 1963(m).
2. This Order of Forfeiture (“Order”) is entered pursuant to Fed. R. Crim. P. 32.2(b)(2)(c), and will be amended pursuant to Fed. R. Crim. P. 32.2(e)(1) when the amount of the Forfeiture Money Judgment has been calculated.
3. All payments made towards the Forfeiture Money Judgment shall be made by a money order, or certified and/or official bank check, payable to U.S. Marshals Service with the criminal docket number noted on the face of the check. The defendant shall cause said payment(s) to be sent by overnight mail delivery to Assistant United States Attorney Karin K. Orenstein, United States Attorney’s Office, Eastern District of New York, 271-A Cadman Plaza East, Brooklyn, New York 11201, with the criminal docket number noted on the face of the instrument. The Forfeiture Money Judgment shall become due and owing in full thirty (30) days after any amendment of this Order pursuant to Rule 32.2(e)(1) (the “Due Date”).
4. If the defendant fails to pay any portion of the Forfeiture Money Judgment on or before the Due Date, the defendant shall forfeit any other property of his up to the value of the outstanding balance, pursuant to 18 U.S.C. § 1963(m).
5. Upon entry of this Order, the United States Attorney General or his designee is authorized to conduct any proper discovery in accordance with Fed. R. Crim. P. 32.2(b)(3) and (c). The United States alone shall hold title to the monies paid by the

defendant to satisfy the Forfeiture Money Judgment following the Court's entry of the judgment of conviction.

6. The defendant shall fully assist the government in effectuating the payment of the Forfeiture Money Judgment.

7. The entry and payment of the Forfeiture Money Judgment is not to be considered a payment of a fine, penalty, restitution loss amount or a payment of any income taxes that may be due, and shall survive bankruptcy.

8. Pursuant to Fed. R. Crim. P. 32.2(b)(4)(A) and (B), this Order of Forfeiture shall become final as to the defendant at the time of sentencing and shall be made part of the sentence and included in the judgment of conviction. This Order shall become the Final Order of Forfeiture, pursuant to Fed. R. Crim. P. 32.2(c)(2) and (e)(1). At that time, the monies and/or properties paid toward the Forfeiture Money Judgment shall be forfeited to the United States for disposition in accordance with the law.

9. This Order shall be binding upon the defendant and the successors, administrators, heirs, assigns and transferees of the defendant, and shall survive the bankruptcy of any of them.

10. This Order shall be final and binding only upon the Court's "so ordering" of the Order.

11. The Court shall retain jurisdiction over this action to enforce compliance with the terms of this Order and to amend it as necessary, pursuant to Fed. R. Crim. P. 32.2(e).

Dated: Brooklyn, New York

Oct 26, 2020

SO ORDERED:

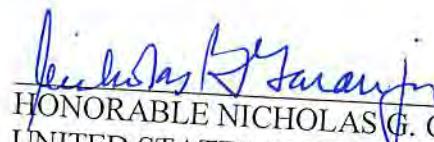

HONORABLE NICHOLAS G. GARAUFIS
UNITED STATES DISTRICT JUDGE
EASTERN DISTRICT OF NEW YORK

Exhibit D

Attachment 7

NOTICE OF EMAIL/MAIL/PHONE SERVICE LIMITATION CHANGE

Pursuant to Program Statements 4500.11 Trust Fund/Deposit Fund Manual, 5264.08 Inmate Telephone Regulations, & 5265.14 Correspondence, I have exercised my discretion to limit your Telephone Usage, TRULINCS services, and Correspondence. This form is maintained in your Central File, which you may access through your Unit Team, unless this request had to be maintained in the FOIA Exempt Section due to sensitive content. If this request is in the FOIA Exempt Section, you can request such through the FOIA process. Your Unit Team can provide you the address for the FOIA. If you have concerns about this limitation, you may utilize the Administrative Remedy Process.

P.S. 4500.11: Use of TRULINCS is a privilege; therefore, the Warden may limit or deny the privilege of a particular inmate (see Section 14.9 for restrictions). This authority may not be delegated below the Associate Warden level.

P.S. 5264.08: In addition to the procedures set forth in this subpart, inmate telephone use is subject to those limitations which the Warden determines are necessary to ensure the security or good order, including discipline, of the institution or to protect the public.

P.S. 5265.14: The Warden may place an inmate on restricted general correspondence based on misconduct or as a matter of classification.

TO:

Keith Raviere

Inmate Name

S7005-177C1-108

Quarters

FROM:

D. Colbert, Warden5/3/2022

Date

Reason for change (Check Box): SIS Investigation 100/200 Series Incident Report FRP Refused Other
Restore (initial)

<input type="checkbox"/> Disallow Telephone Fund Transfers (TRUFONE) <input type="checkbox"/> Manage TRU-Units Restricted (TRULINCS). <input type="checkbox"/> Manage Funds Restricted (TRULINS). <input type="checkbox"/> Restrict Commissary shopping list.	
<input type="checkbox"/> Limit of one 5 minute phone call per week.	
<input checked="" type="checkbox"/> Maximum of 10 total active contacts (<i>All current contacts will be deleted and SIS will need to approve the initial 10 contacts entered.</i>) (TRULINCS)	
<input checked="" type="checkbox"/> Inmate is placed on Contact Pre-Approval (<i>SIS will review change requests on a quarterly basis.</i>) (TRULINCS)	
<input type="checkbox"/> Recommend to Unit Team that inmate be placed on PSF for the telephone and disallow public messaging. (TRUFONE & TRULINCS)	
<input type="checkbox"/> Inmate is placed on Restricted General Correspondence.	

Restore full privileges.

D. Colbert, Warden

Date

CC: Trust Fund Supervisor
Applicable Unit Team

INITIAL REVIEW DATE: _____

If you are currently housed within the Special Housing, upon your release see a member of the Executive Staff at mainline to be assigned a review date. Bring this form with you.

Exhibit D

Attachment 8

Date: 05/19/2022
Time: 03:19 PM

Federal Bureau of Prisons
TRULINCS
Inmate Contacts
Sensitive But Unclassified

Inmate Reg#: 57005177
Group: <ALL>
Facility: TCN
Institution: <ALL>
Contact Status: Active
Contact: <ALL>

Inmate: 57005177 RANIERE, KEITH

TCP-C-A

Contact Name Legal Name	Address(es)	Email Address(es)	Phone Number(s)	Comment(s)	Video Contact
Marc Agnifolo Marc Agnifolo	[REDACTED] NEW YORK, NY 10016 United States				No
Date Created: 05/18/2022					
Relationship: Attorney	Last Changed: 05/19/2022				
Jennifer Bon Jean Jennifer Bon Jean	[REDACTED] BROOKLYN, NY 11238 United States				No
Date Created: 05/18/2022					
Relationship: Attorney	Last Changed: 05/18/2022				
Paul Derohanesian Paul Derohanesian	[REDACTED] CLIFTON PARK, NY 12065 United States				No
Date Created: 05/18/2022					
Relationship: Attorney	Last Changed: 05/18/2022				

Date: 05/19/2022
Time: 03:19 PM

Federal Bureau of Prisons
TRULINCS
Inmate Contacts
Sensitive But Unclassified

Contact Name Legal Name	Address(es)	Email Address(es)	Phone Number(s)	Comment(s)	Video Contact
Marianna Fernandez	[REDACTED] CLIFTON PARK, NY 12065 United States				No
Date Created: 05/16/2022					
Relationship: Other Relation Last Changed: 05/19/2022					
Teny Geragos	[REDACTED] NEW YORK, NY 10016 United States				No
Date Created: 05/19/2022					
Relationship: Attorney	Last Changed: 05/19/2022				
Jacob Kaplan	[REDACTED] NEW YORK, NY 10016 United States				No
Date Created: 05/19/2022					
Relationship: Attorney	Last Changed: 05/19/2022				
Howard Leader	[REDACTED] NEW YORK, NY 10007 United States				No
Date Created: 05/19/2022					
Relationship: Attorney	Last Changed: 05/19/2022				

Date: 05/19/2022
Time: 03:19 PM

Federal Bureau of Prisons
TRULINCS
Inmate Contacts
Sensitive But Unclassified

Contact Name Legal Name	Address(es)	Email Address(es)	Phone Number(s)	Comment(s)	Video Contact
Jeffrey Lichtman	[REDACTED] NEW YORK, NY 10017 United States				No
Date Created: 05/19/2022					
Relationship: Attorney	Last Changed: 05/19/2022				
Danielle Smith	[REDACTED] CLIFTON PARK, NY 12065 United States				No
Date Created: 05/19/2022					
Relationship: Attorney	Last Changed: 05/19/2022				
Michael Sullivan	[REDACTED] CLIFTON PARK, NY 12065 United States				No
Date Created: 05/19/2022					
Relationship: Attorney	Last Changed: 05/19/2022				

Exhibit E

ORIGINAL

November 28, 2021

Dear Honorable Judge Komitee,

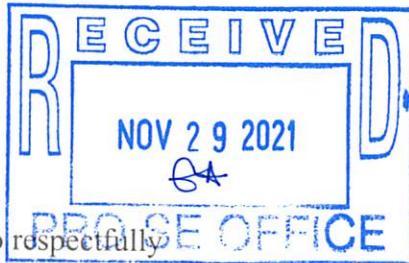
I am writing on behalf of defendant Keith Raniere, as his power of attorney, to respectfully inform you that he intends to retain counsel to defend him in this case, but unfortunately has not yet been able to do so. He has been in the SHU, or “solitary,” for the better part of the last four months and so has had little ability to communicate, even with his attorneys.

Although there will be no attorney appearing for him in this week’s status hearing, I will request a transcript of the hearing and have Mr. Raniere’s criminal attorney send it to him, so he can remain as up to date as possible.

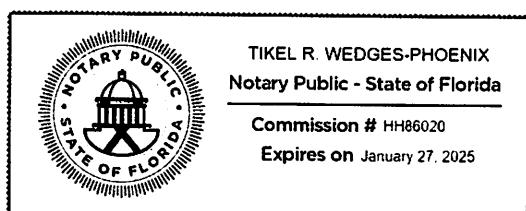
Should this Court require proof of my Power of Attorney, I would be happy to submit it under seal and *ex parte*.

Sincerely,

Suneel Kumar Chakravorty
Suneel Chakravorty



*see attached acknowledgement certificate *

ALL-PURPOSE ACKNOWLEDGMENTState/Commonwealth of FLORIDA) City County of Palm Beach County)On 11/28/2021 before me, Tikel R. Wedges-Phoenix
Date _____ Notary Name _____personally appeared Suneel Kumar Chakravorty
Name(s) of Signer(s) personally known to me -- OR -- proved to me on the basis of the oath of _____ -- OR --
Name of Credible Witness _____ proved to me on the basis of satisfactory evidence: driver_license
Type of ID Presented _____to be the individual(s) whose name(s) is (are) subscribed to the within instrument, and
acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies)
and by proper authority, and that by his/her/their signature(s) on the instrument, the individual(s),
or the person(s) or entity upon behalf of which the individual(s) acted, executed the instrument for
the purposes and consideration therein stated.

WITNESS my hand and official seal.

Notary Public Signature: Tikel R. Wedges - Phoenix Online NotaryNotary Name: Tikel R. Wedges-PhoenixNotary Commission Number: HH86020Notary Commission Expires: 01/27/2025

Notarized online using audio-video communication

Notarized online using audio-video communication

DESCRIPTION OF ATTACHED DOCUMENTTitle or Type of Document: Letter to JudgeDocument Date: 11/28/2021 Number of Pages (w/ certificate): 2Signer(s) Other Than Named Above: N/A**Capacity(ies) Claimed by Signer(s)**Signer's Name: Suneel Kumar Chakravorty**Capacity(ies) Claimed by Signer(s)**Signer's Name: N/A

- Corporate Officer Title: N/A
 Partner – Limited General
 Individual Attorney in Fact
 Trustee Guardian of Conservator
 Other: POA

Signer Is Representing: self

- Corporate Officer Title: N/A
 Partner – Limited General
 Individual Attorney in Fact
 Trustee Guardian of Conservator
 Other: N/A

Signer Is Representing: N/A

1112

1280 Lexington Ave, Ste 2
New York, NY 10028

Honorable Eric Kornblith

Re: 20-cv-00485



Exhibit F

October 30, 2021

Dear Honorable Judge Komitee,

My name is Suneel Chakravorty. I am not a party to this case, nor am I an attorney. I am defendant Keith Raniere's power of attorney.

The plaintiffs' attorney, Neil Glazer referred to me in a status conference on October 15 (Dkt. 92) and his letter to the Court dated October 29 (Dkt. 100), requesting a non-party subpoena be served upon me.

I respectfully submit this letter to your Honor in response to some of Mr. Glazer's comments.

First and foremost, I am not in possession, nor have I ever been, of any hard drive, or copy thereof, from the criminal case. By now, Honorable Judge Garaufis's inquiry has likely confirmed this. I do not possess any DOS collateral, nor do I possess or have I ever seen any nude photographs of Camila, one of the plaintiffs in the case before you.

To my knowledge, I possess no evidence that has any relevance to this civil litigation.

I do possess redacted nude photos [where the breasts and genitals are blurred] of a 27-year-old Camila, taken in 2017, which contain no visible appendectomy scar. The original, unredacted version of the photos, which I do not possess, were not collateral.

I was informed that these photos were voluntarily and happily taken by the founding sisters of DOS as a ritual before meetings and were not meant for anyone to use as collateral.

The purpose of the redacted photos is to possibly be used as evidence in the criminal proceeding of the USA v Raniere, to show that the prosecution's determining the age of the subject in the photos based on the lack of an appendectomy scar is not dispositive, and the redacted photos are not to be otherwise disseminated. I would be glad to submit these redacted photos to the Court, *ex parte* and under seal.

As Mr. Raniere's power of attorney, I have referred cyber forensics experts to his criminal counsel to investigate his allegation that the FBI falsified and tampered with evidence. These experts signed a Protective Order and had access to protected discovery materials. The experts include the following:

Dr. James Richard Kiper, Ph.D., who served in the FBI for twenty years and retired in 2019, in good standing. He is a celebrated whistleblower and the "raison d'être" of the FBI Whistleblower Protection Enhancement Act of 2016.

Mr. Steve Abrams, M.S., J.D., who has advised and trained federal, state and local law enforcement in cyber forensics for three decades, on over 1,200 cases.

Mr. Wayne Norris, who has been an expert witness in roughly 100 cases, holds several patents in nuclear instrumentation, and has a diverse technical background, from working on the Apollo project, to project managing for the US Navy, to digital forensics.

These experts have stated that prior to this case, they had never before seen or claimed to have seen credible evidence of tampering on the part of any law enforcement. After examining the forensic evidence, they issued reports which may be used in a motion in the criminal case, and here are some of their findings:

- FBI Senior Forensic Examiner Brian Booth provided false testimony.
- An unknown person improperly accessed and altered data on the camera card on 9/19/18.
- Photos were added to the camera card while the device was in FBI custody, between 4/11/19 and 6/11/19.
- Date and times of photos on the hard drive were manually altered.
- Folder names were manually set to exact dates and times in 2005, to corroborate the fabricated photo dates.
- The backup folder on the hard drive containing the photos was backdated and manually placed on the hard drive and efforts were made to conceal the forgery and make it look like a legitimate automatic computer backup.

Dr. Kiper writes in his technical report, “In my 20 years as an FBI agent, I have never observed or claimed that an FBI employee tampered with evidence, digital or otherwise. But in this case, I strongly believe the multiple, intentional alterations to the digital information I have discovered constitute evidence manipulation. And when so many human-generated alterations happen to align with the government’s narrative, I believe any reasonable person would conclude that evidence tampering had taken place. My analysis demonstrates that some of these alterations definitely took place while the devices were in the custody of the FBI. Therefore, in the absence of any other plausible explanation it is my expert opinion that the FBI must have been involved in this evidence tampering.”

Mr. Abrams writes, “[I]t saddens me to conclude that the most plausible explanation for these artifacts is manual alteration of the digital photographic and file system evidence and an unsuccessful attempt to cover that manual alteration, at least some of which had to have occurred while the evidence was in the custody of the FBI.”

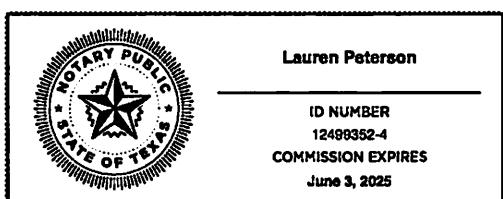
Mr. Norris writes, “I believe based on what I have reviewed that Dr. Kiper is correct in his assessments that no plausible explanation exists for the anomalies in the Government’s exhibits other than intentional tampering on the part of the Government.”

I hope that the above information assuages Mr. Glazer’s concerns and provides this Court with useful context.

Sincerely,

Suneel Chakravorty

Suneel Kumar Chakravorty

ALL-PURPOSE ACKNOWLEDGMENTState/Commonwealth of TEXAS)
) City County of Comal)On 11/01/2021 before me, Lauren Peterson
Date _____ Notary Name _____personally appeared Suneel Kumar Chakravorty
Name(s) of Signer(s) _____ personally known to me -- OR -- proved to me on the basis of the oath of _____ - OR -
Name of Credible Witness _____ proved to me on the basis of satisfactory evidence: passport
Type of ID Presented _____to be the individual(s) whose name(s) is (are) subscribed to the within instrument, and
acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies)
and by proper authority, and that by his/her/their signature(s) on the instrument, the individual(s),
or the person(s) or entity upon behalf of which the individual(s) acted, executed the instrument for
the purposes and consideration therein stated.

WITNESS my hand and official seal.

Notary Public Signature: _____

Notary Name: Lauren PetersonNotary Commission Number: 12499352-4Notary Commission Expires: 06/03/2025

Notarized online using audio-video communication

DESCRIPTION OF ATTACHED DOCUMENTTitle or Type of Document: LetterDocument Date: 11/01/2021 Number of Pages (w/ certificate): 3Signer(s) Other Than Named Above: N/A**Capacity(ies) Claimed by Signer(s)**Signer's Name: Suneel Kumar Chakravorty**Capacity(ies) Claimed by Signer(s)**

Signer's Name: _____

 Corporate Officer Title: _____ Corporate Officer Title: _____ Partner – Limited General Partner – Limited General Individual Attorney in Fact Individual Attorney in Fact Trustee Guardian of Conservator Trustee Guardian of Conservator Other: _____ Other: _____Signer Is Representing: Self

Signer Is Representing: _____

Exhibit G

UNITED STATES COURT OF APPEALS
FOR THE
SECOND CIRCUIT

At a Stated Term of the United States Court of Appeals for the Second Circuit, held at the Thurgood Marshall United States Courthouse, 40 Foley Square, in the City of New York, on the 29th day of April, two thousand twenty two,

United States of America,
Appellee,

ORDER
Docket Nos. 20-3520 (L)
20-3789 (Con)

v.

Allison Mack, Kathy Russell, Lauren Salzman, Nancy
Salzman, AKA Perfect,

Defendants,

Keith Raniere, AKA Vanguard, Clare Bronfman,

Defendants - Appellants.

Appellant moves for leave to hold the appeal in abeyance pending the determination of a Rule 33 motion appellant intends to file in the District Court.

IT IS HEREBY ORDERED that the motion is DENIED.

For The Court:
Catherine O'Hagan Wolfe,
Clerk of Court


Catherine O'Hagan Wolfe

Exhibit H

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA**

Keith Raniere,
Plaintiff,
vs.

No. 22-cv-00212-RCC-PSOT

**DECLARATION OF
SCOTTY WATSON**

Merrick Garland, US Attorney General, et al.,
Defendants.

I, Scotty Watson, pursuant to 28 U.S.C. § 1746, and based upon my personal knowledge and information made known to me from official records reasonably relied upon by me in the course of my employment, hereby make the following declaration relating to the above-titled matter.

1. I am a Case Manager for the Federal Bureau of Prisons (Bureau), assigned to the United States Penitentiary in Tucson, Arizona (USP Tucson). In this role, I address inmate institutional needs on a daily basis.

2. I am familiar with inmate Keith Raniere, Federal Register No. 57005-177. Mr. Raniere is assigned to C1 Unit at USP Tucson and he is one of the inmates on my caseload.

4. As a Case Manager, I assist Correctional Counselor Flores with scheduling and conducting legal telephone calls when he is out of the office.

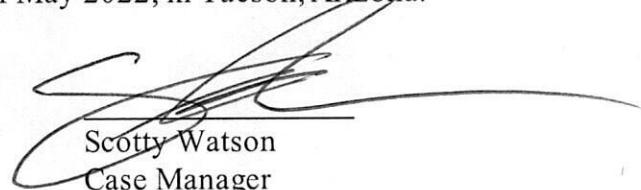
5. On May 6, 2022, I facilitated a legal call between Mr. Raniere and Joseph P. Daugherty because Mr. Flores was out of the office. During the legal call, the connection was lost. I called Mr. Daugherty back and he and Mr. Raniere resumed their call until it concluded. I am not aware of any other times that a legal call has become disconnected between Mr. Raniere and one of his attorneys. When a legal call is disconnected, I simply call the attorney again and re-establish the connection.

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1 Pursuant to the provisions of 28 U.S.C. § 1746, I declare under penalty of perjury
2 that the foregoing is true and correct to the best of my information, knowledge, and belief.
3

4 Executed on this 23rd day of May 2022, in Tucson, Arizona.
5



6 Scotty Watson
7 Case Manager
8 USP Tucson, Arizona
9 Federal Bureau of Prisons
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