



TULLY & WEISS

RETIRE
ATTORNEYS AT LAW

March 16, 2022

VIA EMAIL

Assistant United States Attorney Tanya Hajjar
U.S. Attorney's Office
Eastern District of New York
271 Cadman Plaza East
Brooklyn, NY 11201
Tanya.hajjar@usdoj.gov

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

Dear AUSA Hajjar:

This letter is submitted on behalf of defendant Keith Raniere in the above-entitled case and pursuant to Rule 16 of the Federal Rules of Criminal Procedure, *Brady v. Maryland*, 373 U.S. 83 (1963), *Giglio v. United States*, 405 U.S. 150 (1972), and *Kyles v. Whitley*, 514 U.S. 419 (1995). Mr. Raniere demands the following information, documents, and other materials based on newly discovered evidence that was uncovered following trial, sentencing, and appellate briefing in this case. Each below demand is supported by a specific finding made after the trial and sentencing of Mr. Raniere, which in turn, led to the discovery that the government either possesses additional information or materials related to these findings or should have been aware of same.

Firstly, we request information pertaining to photographic images that were purportedly taken in 2005 depicting underage nudity on a camera's CF card and hard drive that were seized from 8 Hale Drive on March 27, 2018. As the government is aware, the dates of these photographs were crucial to establishing the age of the individuals at the time the photographs were taken during jury trial. Mr. Raniere concludes that the above-mentioned evidence was manipulated and materially altered while in FBI custody.

Secondly, we request information pertaining to witness collusion and tampering between key witnesses, namely, Nicole and Daniela. Considering the newly discovered evidence on this issue, we also seek information concerning other witnesses and potential government tampering.

Thirdly, we request information concerning dates, times, and other documentary proof of Nicole's travels.

Lastly, we request information pertaining to the arrest of Mr. Raniere in Mexico.

Even if the government were unaware of the below issues, they constitute newly discovered evidence pursuant to Rule 33 of the Federal Rules of Criminal Procedure. Therefore, we request production of the following:

Camera Images and Data

FRESNO

1340 VAN NESS
(559) 321-0907

LOS ANGELES

220 S. PCH, STE 106
(424) 383-9700

MARTINEZ

713 MAIN ST.
(925) 229-9700

REDDING

1388 COURT ST., STE G
(530) 999-9700

SAN FRANCISCO

333 WEST PORTAL, STE A
(415) 360 9007

SELMA

1916 E. FRONT ST.
(559) 860-0970

1. The entire chain of custody of the seized camera, camera's CF card, and hard drive since its seizure on March 27, 2018, including every individual that had possession or control of these items along with specific dates as to when the evidence was in possession and when the chain of custody was broken as well as for any derivative evidence copies that were made.¹
2. CART evidence receipts for all devices seized from 8 Hale Drive on March 27, 2018.
3. Documentation establishing exactly when, and the circumstance as to why, photographs were manually added to the camera's CF card between April 11, 2019 and June 11, 2019, while in FBI custody. Specifically, this request relates to the disparity between the two Forensic Toolkit reports produced on these dates and why new files appeared on the latter report.
4. The identity of the individual(s) who accessed the camera's CF card on September 19, 2018 and altered the file system dates while in the custody of the FBI. According to the camera's CF card's file listing, the accessed dates for all active files were changed to September 19, 2018, indicating that the dates were altered on at least this one occasion during the six months they were in the custody of the FBI. We further request the true and original dates that were indicated prior to alteration.
5. The identity of the individual(s) who altered the dates of the photographs through manual intervention and the dates on which the alterations occurred. Specifically, this request refers to the differences in dates between the EXIF dates and Modified dates.
6. The identity of the individuals(s) who manually altered the modified date on the photograph identified as IMG_0175. Alteration is evidenced by the fact that the EXIF CreatorTool value of said image is set to "Adobe Photoshop Elements 3.0," indicating Photoshop was used to open and modify the file data.
7. The individual(s) who altered the names of the folders containing the alleged contraband photographs so that it appeared the dates provided in the file names corresponded to the EXIF data of files in those folders. We further request the true and original folder dates.
8. The individuals(s) who backdated the folder content and rolled back the system time to 2003 before manually copying these files onto the seized hard drive. This request is in relation to the fact that all the files in the Dell Dimension backup folder have a created date of July 26, 2003, despite the folder name indicating the backup date as March 30, 2009, the same date that appears on all the files' created dates.
9. All examination notes of the forensic examiners.
10. Photographs of the camera's CF card, documenting its condition and packaging, when received by FE Flatley on 02/22/2019 and by FE Booth on 06/10/2019.
11. All communications, including but not limited to texts, e-mail messages, notes, and voicemail messages, of FET Donnelly, FE Booth, FE Flatley, SA Lever, and SA Jeffrey, SA Mills, SA Weniger, AUSA Hajjar, AUSA Penza, AUSA Lesko, regarding this case.
12. The original forensic image (NYC023721_1B16.E01) and file listing of the WD HDD (1B16) created by FET Donnelly (NYC023721_1B16.E01.csv) and the imaging log for that item.

¹ Accordingly, any evidence related to manipulation, alteration, or chain of custody breaks with said evidence should have been disclosed by the government in advance of trial.

13. The FTK log of the processing, browsing, searching, and bookmarking of evidence for the WD HDD (1B16) and both instances of processing for the camera's CF card (1B15a).
14. The forensic image of the camera's CF card created by FE Flatley (NYC024299.001), together with its imaging log and file listing (.CSV) file.
15. The forensic image of the camera's CF card (1B15a) created by FE Booth (NYC024299_1B15a.E01), together with its imaging log and file listing (.CSV) file.
16. The CART Requests corresponding to SubID 196817 and SubID 208206.
17. All EXIF data for ALL photographs listed on both of the camera's CF card reports (GX 521A, dated 04/11/2019, and GX 521A Replacement, dated 06/11/2019).
18. The logical file layout of the camera's CF card

Witness Collusion and Tampering

1. All 3500 materials, including 302 notes, and all internal memoranda, including FBI messages, emails, and other communications regarding witnesses and witness meetings not previously provided;
2. All aforementioned materials specifically as they pertain to:
 - a. India
 - b. Siobahn Hotaling
 - c. Michele Hatchette
 - d. Danielle Roberts
 - e. Samantha LeBaron
3. All aforementioned materials specifically as they pertain to:
 - a. Mark Vicente
 - b. Souki
 - c. Audrey
 - d. Crystal
 - e. Sarah Edmondson
 - f. Nicole
 - g. Daniela
 - h. Catherine Oxenberg
 - i. Jessica Joan ("Jaye")
4. All text messages and email communications between the individuals reference in 3) between May 2017 and May 2019;
5. All documentation or communications between FBI agents and/or AUSAs concerning FBI conduct that could be perceived as direct or indirect witness intimidation;
6. All emails, text messages, letters, or other forms of written communication between Neil Glazer and the government, including the United States Attorney's Office and FBI;
7. Any audio recordings of Neil Glazer;
8. Any audio recordings, text messages, or other forms of communication between witnesses prior to any testimony.

Nicole Travels

1. Any Amtrak, Greyhound, or other commercial train or bus receipts, with corresponding dates and times, provided to the FBI and/or Justice Department concerning Nicole's train or bus travels to Albany where the purported sex acts occurred.

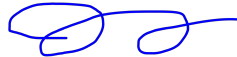
2. Any payment information concerning Nicole's method of payment of the abovementioned travel.
3. Any other documentation concerning the dates, times, and modes of Nicole's travels.

Mr. Raniere's Arrest

1. Any text messages, phone calls, emails between individuals from the United States Justice Department, including but not limited to the FBI, DEA, and U.S. Attorney's Office, any private citizens, and/or diplomats to further the detention, arrest, or capture of Mr. Raniere.
2. Any information concerning the arrest of Mr. Raniere upon his arrival in the US, including the identification of the arresting agents, any information concerning the purchase of the commercial airplane ticket for Mr. Raniere from Mexico to Texas, after his capture in Mexico, and the passenger manifest for that flight.
3. Any information concerning the capture of Mr. Raniere in Mexico on March 25, 2018, including the identification of the individuals involved in the capture.
4. Any official records of deportation, extradition, or expulsion of Mr. Raniere from Mexico.

We expect that the requested materials be produced as soon as possible given their already untimely production. If the government needs clarification of any of the above requests, please do not hesitate to contact me.

Very truly yours,



Joseph Tully