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ADMITTED IN NY & CA  
STUART GOLD

March 26, 2020

VIA ECF

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

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

Dear Judge Garaufis:

We write with urgency to request the Court Order the Bureau of Prisons (“BOP”) to release to counsel (i) Keith Raniere’s medical records and (ii) any information regarding his status as a “high-risk” inmate. The undersigned counsel were notified this morning by the Federal Public Defenders Office that the BOP has identified Mr. Raniere as “high risk” for serious illness from COVID-19 under the Center for Disease Control’s definition of the term. Mr. Raniere has previously signed a HIPAA release during his Probation interview with both undersigned counsel present.

Counsel has repeatedly attempted legal calls with Mr. Raniere this week, and counsel’s requests have gone unanswered. Since March 14, 2020, when legal visits were cancelled at the MDC, counsel was granted one 40-minute legal call with Mr. Raniere, which occurred on March 16, 2020. Subsequently, counsel’s request for an in-person legal visit was denied. On March 23, 2019, counsel requested a legal call with Mr. Raniere. The request was “forwarded to the appropriate department,” but the department never contacted counsel. This morning, counsel requested another legal call with Mr. Raniere. The request, copying MDC Legal, has gone unanswered.

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Critically, on March 17, 2020, Mr. Raniere notified counsel Teny Geragos that he received a medical examination that day from MDC staff related to several health issues. On March 23, 2020, Mr. Raniere notified Ms. Geragos that he had not received any follow-up from the medical examination. Today, March 26, 2020, counsel was notified (by Federal Defenders, not the BOP) that Mr. Raniere has been deemed “high-risk.”

As the Court undoubtedly knows, inmates at both the state and federal level in New York have been impacted by the COVID-19 outbreak.<sup>1</sup> At least one inmate in the Metropolitan Detention Center in Brooklyn, where Mr. Raniere is detained, has been diagnosed with COVID-19. Counsel has been unable to conduct a telephone call with our client. Therefore, we respectfully request that this Court Order the BOP to release to counsel Mr. Raniere’s medical records to counsel and any records that indicate the BOP’s designation of Raniere as a “high-risk” inmate.

Thank you for your attention to this matter.

Respectfully submitted,

/s/

\_\_\_\_\_  
Marc A. Agnifilo, Esq., *Of Counsel*  
Teny R. Geragos, Esq.

cc: Counsel for the government (via ECF)

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<sup>1</sup> See, e.g., *Coronavirus Update: Inmate at Metropolitan Detention Center Tests Positive for COVID-19*, CBS News (March 21, 2020), available at <https://newyork.cbslocal.com/2020/03/21/coronavirus-inmate-tests-positive-metropolitan-detention-center-brooklyn/>; Robin McDowell, *38 positive for coronavirus in NYC jails, including Rikers*, ABC News (March 21, 2020), available at <https://abcnews.go.com/US/wireStory/38-positive-coronavirus-nyc-jails-including-rikers-69731911>; see also David Shortell and Kara Scannell, *New coronavirus cases in US jails heighten concerns about an unprepared system*, CNN.com (March 20, 2020).

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK  
\_\_\_\_\_  
UNITED STATES OF AMERICA,

-against-

KEITH RANIERE,

Defendant.

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**ORDER**  
**18-CR-204-1 (NGG)**

NICHOLAS G. GARAUFIS, United States District Judge.

By letter dated March 26, 2020, Defendant Keith Raniere moves this court for an order directing the Bureau of Prisons to release to his counsel Mr. Raniere's institutional medical records as well as any records related to the Bureau of Prisons' alleged designation of Mr. Raniere as "high-risk" in regard to the ongoing COVID-19 pandemic. (*See* Raniere Letter Mot. (Dkt. 863).) In the letter, Mr. Raniere's counsel also describes difficulties they have encountered in arranging legal calls with Mr. Raniere. (*See id.*)

Mr. Raniere's motion is GRANTED. The Bureau of Prisons is DIRECTED to release to Mr. Raniere's counsel by no later than 3:00 pm on Monday, March 30, 2020: (1) Mr. Raniere's complete medical records from the time he entered into the custody of the Bureau of Prisons to the present, and (2) any documents or other records relating to the Bureau of Prisons' designation of Mr. Raniere as "high-risk" in regard to the ongoing COVID-19 pandemic.

Counsel for the Government is further DIRECTED to communicate with the Bureau of Prisons regarding Mr. Raniere's efforts to speak with his counsel and use best efforts to facilitate those communications.

Counsel for the Government shall submit a letter to the court providing a status update on Mr. Raniere's ability to speak with his counsel by no later than 3:00 pm on Monday, March 30, 2020.

SO ORDERED.

Dated: Brooklyn, New York  
March 27, 2020

/s/ Nicholas G. Garaufis  
NICHOLAS G. GARAUFIS  
United States District Judge

March 30, 2020

**By E-Mail**

Nicole McFarland  
Legal Department  
Metropolitan Correctional Center Brooklyn  
150 Park Row,  
New York, NY 10007

**Re: United States v. CLIENT NAME, CASE CAPTION SDNY**

Dear Ms. McFarland:

This letter is respectfully submitted pursuant to 28 C.F.R. §§ 16.21 – 16.29 and *United States ex rel. Touhy v. Ragen*, 340 U.S. 462 (1951).

The above-captioned case is a federal criminal prosecution in the Southern District of New York against Mr. CLIENT NAME, Register Number #####-###, who is currently detained at the MCC New York.

Through his undersigned counsel, Mr. CLIENT NAME has issued a subpoena, attached here, to MCC New York seeking a complete copy of his medical records from December 26, 2019 to today. These medical records are essential to presenting mitigation evidence in connection with Mr. CLIENT NAME's defense. Also enclosed is a current HIPAA-compliant form signed by Mr. CLIENT NAME.

We believe this letter satisfies our *Touhy* obligations. If you disagree, kindly contact the undersigned at your earliest possible convenience. **We will need these medical records on or before April 1, 2020.**

Thank you in advance for your kind assistance in this matter.

Sincerely,

/s/

ATTORNEY NAME

Tel:

Fax:

November 12, 2019

**By E-Mail**

Nicole McFarland  
Legal Department  
Metropolitan Detention Center Brooklyn  
80 29<sup>th</sup> Street  
Brooklyn, NY 11232

**Re: United States v. CLIENT NAME, CASE CAPTION**

Dear Ms. McFarland:

This letter is respectfully submitted pursuant to 28 C.F.R. §§ 16.21 – 16.29 and *United States ex rel. Touhy v. Ragen*, 340 U.S. 462 (1951).

The above-captioned case is a federal criminal prosecution in the Southern District of New York against Mr. CLIENT NAME, Register Number #####-###, who is currently detained at the MDC Brooklyn.

Through his undersigned counsel, Mr. CLIENT NAME has issued a subpoena, attached here, to MDC Brooklyn seeking a complete copy of his medical records from March 19, 2019 to today. These medical records are essential to presenting mitigation evidence in connection with Mr. CLIENT NAME's defense. Also enclosed is a current HIPAA-compliant form signed by Mr. CLIENT NAME.

We believe this letter satisfies our *Touhy* obligations. If you disagree, kindly contact the undersigned at your earliest possible convenience. **We will need these medical records on or before November 22, 2019.**

Thank you in advance for your kind assistance in this matter.

Sincerely,

/s/  
ATTORNEY  
Tel:  
Fax:

U.S. PROBATION  
SOUTHERN DISTRICT OF NEW YORK

Due to the recent precautions taken for COVID-19, the courthouse is not allowing any public entrance to the building. To ensure you are still reporting to probation within 72 hours of being sentenced or released from custody (BOP, ICE, State or RRC), we are asking you to send an EMAIL to:

[NYSP\\_Intake@nysp.uscourts.gov](mailto:NYSP_Intake@nysp.uscourts.gov)

Stating the following ...

1. Your first AND last name
2. Phone number to reach you to conduct a telephone intake session
3. Date of birth
4. Where you were released from
5. When you were released
6. If you need Spanish speaking officer to contact you

If you are unable to send an email, please contact one of the intake officers via telephone, text message is preferred, or you may leave a voice mail stating...

1. Your first AND last name
2. Phone number to reach you to conduct a telephone intake session
3. Date of birth
4. Where you were released from
5. When you were released
6. If you need Spanish speaking officer to contact you

**Officer Jana Nieman**  
**212-805-5077**  
**646-879-6443**

**Officer Taylor Shargay**  
**212-805-0300**  
**917-418-5008**

If you contact us after 4:30 pm we will respond the next day. You will be asked to verify your demographic information which may include sending us a picture. You will also be given contact information for your assigned officer. The assigned officer will then be in contact with you regarding your term of supervised release and any further questions/concerns.

\*Please note: When we contact you to conduct the phone interview, our calls will come in as a **BLOCKED NUMBER**, please pick the call up.

We thank you for your patience during this time.

U.S. PROBATION  
SOUTHERN DISTRICT OF NEW YORK

Debido a las recientes precauciones tomadas por el COVID-19 (virus), el palacio de justicia no permite ninguna entrada publica al edifice. Para asegurarnos de que aun se presenta a la libertad condicional dentro de las 72 horas de haber sido sentenciado o liberado, (Carcel federal, Carcel de Imigracion, Carcel Estatal or Casa media) le pedimos que envíe un correo electronico a:

[NYSP\\_Intake@nysp.uscourts.gov](mailto:NYSP_Intake@nysp.uscourts.gov)

Indique lo siguiente...

1. Su nombre y apellido
2. Numero de telefono para llevar a cabo una session de admission Telefonica
3. Fecha de Nacimiento
4. De donde fue liberado
5. Cuando fue liberado
6. Si necesita que un official de habla hispana se comunice con usted

Si no puede enviar un correo electronico, comuniquese con uno de los oficiales de admission por telefono, se prefiere un mensaje de texto o puede dejar un mensaje telefonico que indique...

1. Su Nombre y apellido
2. Su numero de telefono para comunicarse con usted para llevar a cabo la session de admission
3. Fecha de Nacimiento
4. De donde fue liberado
5. Cuando fue liberado
6. Si necesita un official de habla hispana para ser contactado

**Oficial Marcela Bravo**

**212-805-5137**

**646-210-0046**

**Oficial Sonales Gonzalez**

**212-805-0042**

**917-642-5948**

Si nos contacta despues de las 4:30 PM, le responderemos al dia siguiente. Se le pedira que verifique su informacion demografica. Tambien se le dara informacion de contacto para su official asignado. El official asignado se pondra en contact con usted con respect a su period de liberacion supervisada y cualquier otra pregunta o inquietud.

**\*Tenga en cuenta:** Cuando nos comuniquemos con usted para realizar una entrevista Telefonica, nuestras llamadas seran de un numero bloqueado, recoja la llamada.

Le agradecemos su paciencia durante este tiempo.



## Instructions for individuals being released directly from jail

A judge has ordered your release directly from jail, as opposed to from the courthouse, due to the extraordinary circumstances related to the COVID-19 pandemic.

When you leave jail, you will be given a copy of the bond which explains the specific conditions of your release. Your lawyer's name and contact information is on the bond.

It is your responsibility to

- (1) Follow all of the conditions that are on this bond
- (2) Contact your lawyer within **24 hours of your release** from custody to confirm you have received the bond and discuss the conditions with your lawyer.

If you do not abide by all of the conditions on your bond, the judge could revoke your bail and you could return to prison.

If you have questions about the bond or the conditions of your release, ask your lawyer and he or she will explain it to you.

### Instrucciones para personas que salen directamente de la cárcel

Un juez ha ordenado que se haga su liberación directamente de la cárcel, en lugar de hacerse desde el juzgado, debido a las circunstancias extraordinarias relacionadas con la pandemia de COVID-19.

Al salir usted de la cárcel, se le entregará una copia del bono, la cual explica las condiciones específicas de su liberación. El nombre y los datos de contacto de su representante legal aparecen en el bono.

Es su responsabilidad:

- (1) Seguir todas las condiciones que figuran en este bono
- (2) Comuníquese con su abogado/a antes de pasar 24 horas de su liberación de la cárcel para confirmar que ha recibido el bono y consultar sobre las condiciones con su abogado/a.

Si no cumple todas las condiciones de su liberación bajo fianza, el juez podría revocar la fianza y usted podría ser ingresado nuevamente a la prisión.

Si tiene preguntas sobre la fianza o las condiciones de su liberación, consulte con su abogado/a y él o ella se lo explicará.



**Privacy Act Statement.** In accordance with 28 CFR Section 16.41(d) personal data sufficient to identify the individuals submitting requests by mail under the Privacy Act of 1974, 5 U.S.C. Section 552a, is required. The purpose of this solicitation is to ensure that the records of individuals who are the subject of U.S. Department of Justice systems of records are not wrongfully disclosed by the Department. Requests will not be processed if this information is not furnished. False information on this form may subject the requester to criminal penalties under 18 U.S.C. Section 1001 and/or 5 U.S.C. Section 552a(i)(3).

Public reporting burden for this collection of information is estimated to average 0.50 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Suggestions for reducing this burden may be submitted to the Office of Information and Regulatory Affairs, Office of Management and Budget, Public Use Reports Project (1103-0016), Washington, DC 20503.

Full Name of Requester <sup>1</sup> \_\_\_\_\_

Citizenship Status <sup>2</sup> \_\_\_\_\_ Social Security Number <sup>3</sup> \_\_\_\_\_

Current Address \_\_\_\_\_

Date of Birth \_\_\_\_\_ Place of Birth \_\_\_\_\_

### OPTIONAL: Authorization to Release Information to Another Person

This form is also to be completed by a requester who is authorizing information relating to himself or herself to be released to another person.

Further, pursuant to 5 U.S.C. Section 552a(b), I authorize the U.S. Department of Justice to release any and all information relating to me to:

\_\_\_\_\_ **Print or Type Name**

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct, and that I am the person named above, and I understand that any falsification of this statement is punishable under the provisions of 18 U.S.C. Section 1001 by a fine of not more than \$10,000 or by imprisonment of not more than five years or both, and that requesting or obtaining any record(s) under false pretenses is punishable under the provisions of 5 U.S.C. 552a(i)(3) by a fine of not more than \$5,000.

Signature <sup>4</sup> \_\_\_\_\_ Date \_\_\_\_\_

<sup>1</sup> Name of individual who is the subject of the record(s) sought.

<sup>2</sup> Individual submitting a request under the Privacy Act of 1974 must be either "a citizen of the United States or an alien lawfully admitted for permanent residence," pursuant to 5 U.S.C. Section 552a(a)(2). Requests will be processed as Freedom of Information Act requests pursuant to 5 U.S.C. Section 552, rather than Privacy Act requests, for individuals who are not United States citizens or aliens lawfully admitted for permanent residence.

<sup>3</sup> Providing your social security number is voluntary. You are asked to provide your social security number only to facilitate the identification of records relating to you. Without your social security number, the Department may be unable to locate any or all records pertaining to you.

<sup>4</sup> Signature of individual who is the subject of the record sought.

