



Cesar de Castro <cdecastro@cdecastrolaw.com>

Confirming Friday

2 messages

Cesar de Castro <cdecastro@cdecastrolaw.com>
To: conroyc@dany.nyc.gov

Wed, Sep 14, 2022 at 3:22 PM

Hey Chris, I hope you are well. Just confirming that we are on for 10 AM on Friday?

César de Castro
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Conroy, Christopher <CONROYC@dany.nyc.gov>
To: Cesar de Castro <cdecastro@cdecastrolaw.com>

Wed, Sep 14, 2022 at 5:59 PM

Yes. Just tried your cell. Let's try to chat quickly before then - I just want to get the 30 second preview - will help me figure out who else to bring. Give me a buzz whenever at 917-709-7884. Or I will try you again tomorrow. Thanks.

Sent from my iPhone

On Sep 14, 2022, at 3:22 PM, Cesar de Castro <cdecastro@cdecastrolaw.com> wrote:

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Cesar de Castro <cdecastro@cdecastrolaw.com>

DANY Meeting 9-16-22

8 messages

Cesar de Castro <cdecastro@cdecastrolaw.com>

Thu, Sep 15, 2022 at 10:48 AM

Cc: Rick Kiper <info@kipertekusa.com>, Shannon McManus <smcmanus@cdecastrolaw.com>
Bcc: john@meringoloesq.com

Good morning. Last night I received a call from the DANY Deputy Chief of the Investigation Division asking me for some more details on the meeting in order to determine if he should bring additional personnel or a forensic professional. As I had done earlier with the chief of the division, I told him detail but did not identify the case or mention Mr. Raniere at all for all of the reasons we have discussed. He then commented that he suspected that it was related to Mr. Raniere because he had seen press regarding FBI evidence tampering. At that point, I confirmed that it was related to Mr. Raniere's prosecution and launched into part of my presentation as to why it was important for them to look at criminality in their jurisdiction (in fact right across the street) regardless of the case in which it happened and regardless of the procedural posture in Mr. Raniere's case. I gave him a 30,000 foot on the relevant facts and that additional world renowned forensic experts were reviewing the materials (after two have already done so) and would likely come to the same conclusions. Of course, after the call I was concerned, for all the reasons that we discussed, that once they learn of the underlying case they will decline to act in any way.

Just earlier this morning I received a call from the Deputy Chief that they had pulled all publicly available documents regarding the issue, would be reviewing them, and they were canceling our Friday meeting. He basically told me that his preliminary conclusion upon their review was that this matter is being handled in at least one judicial forum if not two and that he did not see a reason why they should intervene. However, they would review the materials. I expressed my disappointment and view of the importance of them investigating this matter. I asked him if he needed anything else from us, and he said no.

I believe that we should send him a carefully worded email expressing disappointment in their declination of our meeting and explaining in a few bullet points why this matter is of the utmost importance for their office to engage in a comprehensive review and for the perpetrators to be held accountable. In addition, I believe we should provide them with any materials (annotated) that we think would be essential to their review (keeping in mind that if it is not publicly available we may not want to provide it to them).

Perhaps we can all get on a call or a zoom on Friday to discuss. Let me know your thoughts.

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To: Cesar de Castro <cdecastro@cdecastrolaw.com>

Thu, Sep 15, 2022 at 10:55 AM

<info@kipertekusa.com>, Shannon McManus <smcmanus@cdecastrolaw.com>

Rick Kiper

Dear Cesar, thank you for letting us know. Yes, let's discuss on Friday and figure out how we can use this to further the effort. Would 11:30AM work?

—

text hidden]

Cesar de Castro <cdecastro@cdecastrolaw.com>

Thu, Sep 15, 2022 at 11:02 AM

<info@kipertekusa.com>, Shannon McManus <smcmanus@cdecastrolaw.com>

Rick Kiper

Yes, 11:30am works.

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[Quoted text hidden]

To: Cesar de Castro <cdecastro@cdecastrolaw.com>

Thu, Sep 15, 2022 at 2:55 PM

<info@kipertekusa.com>, Shannon McManus <smcmanus@cdecastrolaw.com>

Rick Kiper

Great let's do it then! We can use the below Zoom

<https://us02web.zoom.us/j/5>

[Quoted text hidden]

Thu, Sep 15, 2022 at 2:56 PM

To: Cesar de Castro <cdecastro@cdecastrolaw.com>

Deborah Blum (do you know her? She knows you via John) has some possible inroads at the Brooklyn DA CRU.

What do you think about her joining tomorrow to share her thoughts and you guys put your heads together?

Btw I'm not surprised this happened. It's great you got the meeting at all. We are in the belly of the beast.

—

[Quoted text hidden]

Cesar de Castro <cdecastro@cdecastrolaw.com>

Thu, Sep 15, 2022 at 3:54 PM

have no problems with her joining. Brooklyn DA CRU does not do review of federal convictions, so not sure why they would be involved. The issue is whether to the Brooklyn DA investigations division or directly to Eric Gonzalez.

On Thursday, September 15th, 2022 at 8:02 AM, Cesar de Castro
<cdecastro@cdecastrolaw.com> wrote:

Cesar de Castro

September 15, 2022 at 10:48 AM

Good morning. Last night I received a call from the DANY Deputy Chief of the Investigation Division asking me for some more details on the meeting in order to determine if he should bring additional personnel or a forensic professional. As I had done earlier with the chief of the division, I told him detail but did not identify the case or mention Mr. Raniere at all for all of the reasons we have discussed. He then commented that he suspected that it was related to Mr. Raniere because he had seen press regarding FBI evidence tampering. At that point, I confirmed that it was related to Mr. Raniere's prosecution and launched into part of my presentation as to why it was important for them to look at criminality in their jurisdiction (in fact right across the street) regardless of the case in which it happened and regardless of the procedural posture in Mr. Raniere's case. I gave him a 30,000 foot on the relevant facts and that additional world renowned forensic experts were reviewing the materials (after two have already done so) and would likely come to the same conclusions. Of course, after the call I was concerned, for all the reasons that we discussed, that once they learn of the underlying case they will decline to act in any way.

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disappointment and view of the importance of them investigating this matter. I asked him if he needed anything else from us, and he said no.

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[Quoted text hidden]

Tue, Sep 20, 2022 at 1:11 PM

To: Cesar de Castro <cdecastro@cdecastrolaw.com>

Cc: Rick Kiper
<info@kipertekusa.com>, Shannon McManus <smcmanus@cdecastrolaw.com>, "Deborah J. Blum"
<deborahblum@gmail.com>

Hi everyone, great meeting on Friday.



Cesar de Castro <cdecastro@cdecastrolaw.com>

Canceled Meeting

5 messages

Cesar de Castro <cdecastro@cdecastrolaw.com>

Sun, Sep 25, 2022 at 5:09 PM

To: conroyc@dany.nyc.gov

Cc: hoffingers@dany.nyc.gov, Shannon McManus <smcmanus@cdecastrolaw.com>

Bcc: john@meringoloesq.com

Dear Chris:

As you know from our telephone calls and my prior communications with Susan, I was looking forward to meeting with you and/or Susan regarding potential crimes committed within New York County by members of law enforcement in connection with a matter prosecuted by the United States Attorney's Office for the Eastern District of New York. Specifically, in connection with the prosecution of Keith Raniere (*United States v. Raniere, et al.*, 18 Cr. 204 (NGG)), significant and crucial pieces of electronic evidence appear to have been accessed and tampered with while in the custody of Federal Bureau of Investigation agents and in particular, the Bureau's Computer Analysis Response Team. I accept but was disappointed that your office chose to cancel our meeting. The handling, mishandling, use, and alleged tampering of this evidence is deserving of investigation by an impartial and globally respected office like DANY that can reach its own evidence-based conclusions.

The evidence in question has been reviewed by a former FBI forensics expert, Dr. Richard Kiper. Dr. Kiper, after an extensive forensic analysis, reached the conclusion that the only explanation for the numerous anomalies in the evidence was that, while in the custody of the FBI, the evidence was tampered with. His analysis and conclusions, considered together with serious improprieties and violations of FBI protocol regarding the handling of electronic evidence as well as the arguably perjurious testimony of an agent at trial regarding the reliability of the evidence, implicates the New York Penal Law within New York County. Mr. Kiper's analysis and conclusions have been echoed by two other experts who have also analyzed the evidence. Furthermore, at least three other recognized forensic experts are in the process of analyzing the evidence and thus far are reaching the same conclusions.

The implications of the FBI's handling and potential tampering with this evidence in the prosecution of Mr. Raniere are obviously significant and are the subject of motion practice in that criminal case under the standards that apply in post-conviction litigation. But the implications and importance of the facts relating to the handling and potential tampering of evidence by the FBI transcends Mr. Raniere's case. I do not represent Mr. Raniere and I have never even spoken with him. Likewise, Dr. Kiper is a third-party expert brought in by defense counsel and has never spoken to Mr. Raniere. The conclusions reached by Dr. Kiper and others are driven by a comprehensive analysis of the evidence. The conclusions he has reached trouble him, as a former supervisory employee and trainer of trainers for the FBI, more than anyone else. There is credible forensic evidence, certified to a scientific certainty by three computer forensics experts, that criminal tampering occurred. The experts in this case have a combined experience of 100 years, and none have ever seen anything like it.

>From our conversation, I understand that someone within DANY was pulling all publicly available information and reviewing the allegations. We encourage you to do so and please know that Dr. Kiper is available should you have any questions. I have attached documents to this email for your review that we believe would be helpful in any analysis of the issue to the extent that you have not already obtained and/or reviewed them.

Attached is the following:









- DX 945 - Chain of Custody of Canon Camera
- DX 960 - Chain of Custody of Hard Drive
- DX 961 – Examination Notes of SFE Booth and FET Donnelly
- Dr. Kiper's Summary of Process Findings
- Dr. Kiper's Summary of Technical Findings

- Analysis of the Testimony of Special Agent Christopher Mills
- Expert Opinion Regarding Time to Review Digital Evidence
- Flatley versus Booth: An Analysis of Conflicting FBI Testimony Regarding EXIF Data

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8 attachments

-  **DX 945.pdf**
360K
-  **DX 960.pdf**
304K
-  **DX 961.pdf**
4066K
-  **2_Kiper_Final_Process.pdf**
783K
-  **3_Kiper_Final_Mills.pdf**
244K
-  **4_Kiper_Final_Time.pdf**
211K
-  **Flatley_vs_Booth_Analysis_with_Affidavit_sm.pdf**
2068K
-  **Affidavit_with_Reports_04-25-2022.pdf**
2936K

Hoffinger, Susan <HoffingerS@dany.nyc.gov> Sun, Sep 25, 2022 at 9:29 PM
To: Cesar de Castro <cdecastro@cdecastrolaw.com>, "Conroy, Christopher" <CONROYC@dany.nyc.gov>
Cc: Shannon McManus <smcmanus@cdecastrolaw.com>

Cesar,

As you probably know, I am observing Rosh Hashanah.

I will return your email when the holiday is over.

Susan Hoffinger

Executive Assistant DA

Chief, Investigation Division

New York County District Attorney's Office

[1 Hogan Place, Room 847](#)

[New York, NY 10013](#)

(212) 335-9790

HoffingerS@dany.nyc.gov

From: Cesar de Castro <cdecastro@cdecastrolaw.com>

Sent: Sunday, September 25, 2022 5:09 PM

To: Conroy, Christopher <CONROYC@dany.nyc.gov>

Cc: Hoffinger, Susan <HoffingerS@dany.nyc.gov>; Shannon McManus <smcmanus@cdecastrolaw.com>

Subject: [EXTERNAL] Canceled Meeting

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Cesar de Castro <cdecastro@cdecastrolaw.com>

Mon, Sep 26, 2022 at 8:41 AM

To: "Hoffinger, Susan" <HoffingerS@dany.nyc.gov>

Cc: "Conroy, Christopher" <CONROYC@dany.nyc.gov>, Shannon McManus <smcmanus@cdecastrolaw.com>

Thanks. Happy new year.

César de Castro

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On Sep 25, 2022, at 9:29 PM, Hoffinger, Susan <HoffingerS@dany.nyc.gov> wrote:

[Quoted text hidden]

Conroy, Christopher <CONROYC@dany.nyc.gov>

Mon, Sep 26, 2022 at 10:25 AM

To: Cesar de Castro <cdecastro@cdecastrolaw.com>

Cc: "Hoffinger, Susan" <HoffingerS@dany.nyc.gov>, Shannon McManus <smcmanus@cdecastrolaw.com>

Received thank you.

From: Cesar de Castro <cdecastro@cdecastrolaw.com>

Sent: Sunday, September 25, 2022 5:09 PM

To: Conroy, Christopher <CONROYC@dany.nyc.gov>

Cc: Hoffinger, Susan <HoffingerS@dany.nyc.gov>; Shannon McManus <smcmanus@cdecastrolaw.com>

Subject: [EXTERNAL] Canceled Meeting

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[Quoted text hidden]

[Quoted text hidden]

[Quoted text hidden]

Cesar de Castro <cdecastro@cdecastrolaw.com>

Tue, Sep 27, 2022 at 8:26 AM

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----- Forwarded Message -----

Subject: Canceled Meeting

Date: Sun, 25 Sep 2022 17:09:20 -0400

From: Cesar de Castro <cdecastro@cdecastrolaw.com>

To: conroyc@dany.nyc.gov

CC: hoffingers@dany.nyc.gov, Shannon McManus <smcmanus@cdecastrolaw.com>

[Quoted text hidden]

8 attachments



DX 945.pdf

360K



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4066K



2_Kiper_Final_Process.pdf

783K



3_Kiper_Final_Mills.pdf

244K



4_Kiper_Final_Time.pdf

211K



Flatley_vs_Booth_Analysis_with_Affidavit_sm.pdf

2068K



Affidavit_with_Reports_04-25-2022.pdf
2936K