

Declaration on Evidence of Criminal Misconduct in FBI Search in U.S. v. Raniere

In *United States v. Keith Raniere et. al.*, the government executed a fraudulent, staged search in which agents forged records, planted evidence, and constructed incriminating scenes using props of unknown origin. With our combined 43 years with the FBI, we have never encountered a search conducted with this magnitude of deliberate malfeasance.

The malfeasance is proven by the FBI's own search records. These findings are documented in a report authored by former FBI Senior Evidence Technician Kenneth DeNardo and corroborated by retired FBI Special Agent and OIG Agent Mark Daniel Bowling. (*See DeNardo Report, US v. Raniere*, E.D.N.Y., 18-cr-204, Docs. 1273-1, 1273-2, 1273-3). Key findings are as follows:

- **Search Logs Pre-Filled and Forged:** Before the search team even arrived on site, evidence log entries – meant to be completed in real-time – were pre-filled in advance, scripting “discovery” by predetermining both the order and location of key items to be collected, before the search began. Then, entries were later crossed out and the order of discovery altered to create a more incriminating narrative. **Special Agent (SA) Elliot McGinnis** was a key orchestrator of this fabrication. (DeNardo Report, Findings 1, 2).
- **Falsified Evidence Log Entries:** SA McGinnis also falsified log entries for multiple agents. For example, he filled in the “Observed by” column on the evidence log as if he were SA Christopher Mills for 32 of 40 item entries – a staggering 80% of the entries. (DeNardo Report, Finding 3).
- **Manufactured Scenes with Planted Items:** Areas in the search were falsely staged and incriminating items of unknown origin were planted in scenes and photographed. These highly prejudicial items were directly relevant to the search warrant, yet they were not taken as evidence.
 - **Uncollected, Second Camera:** For example, the search warrant sought photographic evidence. Two cameras were present – one of which would later become a centerpiece of the government's case. Only that one was taken. The second was planted on a countertop, labeled as evidence, photographed, and shown to the jury as evidence as if it had been collected, but was intentionally left behind. (DeNardo Report, Finding 7).
 - **Two, Uncollected, Planted Sex Trafficking Books:** Even more striking, two books on sex trafficking¹ – the central alleged crime tied to this search – were planted on a desk, photographed, and later used as props in manufactured scenes on a nearby bookshelf. Yet they too were not taken into evidence, despite appearing, on their face, highly relevant to the warrant – a fact that strongly suggests they were brought to the scene solely to create prejudicial photographs. By contrast, a less relevant yet inflammatory book on “The History of Torture” – pre-scripted in a pre-filled evidence log entry to be the third item “discovered” – *was* collected. (DeNardo Report, Finding 6).

¹ The books photographed are similar in subject matter to materials used in FBI in-service training.

- **Mishandling of the Only Two Items Used at Trial:** The camera and a Western Digital hard drive were the only two items from the search used to convict the defendant. Both were grossly mishandled in the search. Notably, SA McGinnis was the seizing agent, taking initial custody of these two items, as indicated by their chain of custody logs. (Defense Exhibits 945 and 960).
 - **The Camera:** The camera was allegedly in a camera bag, which was photographed in place, then placed on a desk partially open, yet never shown with visible, identifiable contents. (DeNardo Report, Finding 8).
 - **The Western Digital Hard Drive:** The Western Digital hard drive's handling was even more egregious. A *different* drive – a LaCie – was mislabeled as Item #2 and photographed. Meanwhile, the actual Western Digital drive was collected and logged as Item #2. (DeNardo Report, Finding 9). The mislabeled LaCie drive later had its #2 label removed and was relabeled as Item #37 and photographed a second time – this time in one of the manufactured scenes containing the planted sex trafficking books. (DeNardo Report, Finding 6).
- **Seven Experts Confirm Digital Falsification and Planting:** Seven post-conviction digital forensic experts – including four former FBI examiners, among them the undersigned Mr. Bowling – determined that the so-called contraband was planted on the hard drive, corroborating photo files were planted on the camera's memory card, and timestamps were manipulated, falsely making photos appear as if they were taken in 2005, thereby falsely depicting a 15-year-old. (Doc. 1253-1). **An independent expert retained by *Newsweek* agreed with the seven defense experts.**²

We declare under penalty of perjury, pursuant to 28 U.S.C. 1746, that the foregoing is true and correct.

DocuSigned by:



2FB976B975B04A4...

Kenneth DeNardo

Former FBI Senior Evidence Technician and ERT Photographer

Executed on: 5/13/2025

DocuSigned by:



0F0676862144440...

Mark Daniel Bowling, CISSP

Retired FBI & OIG Assistant Special Agent in Charge

Executed on: 5/13/2025

² See <https://www.newsweek.com/fbi-nxivm-crime-sex-cult-keith-raniere-2004375>