

EXHIBIT 5

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK
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UNITED STATES OF AMERICA

- against -

Case Nos.:
1:18-CR-002024 &
24-CV-02925

KEITH RANIERE,

Defendant.

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Declaration of Stacy R. Eldridge

1. My name is Stacy Eldridge. I am a digital forensics examiner, holding the following certifications:
 - a. IACIS Certified Mobile Device Examiner (ICMDE);
 - b. IACIS Certified Forensic Computer Examiner (CFCE);
 - c. GIAC Certified Forensic Examiner (GCFE);
 - d. GIAC Security Essentials Certification (GSEC);
 - e. GIAC Critical Controls Certification (GCCC);
 - f. Magnet Certified Forensic Examiner (MCFE);
 - g. Access Data Certified Examiner (ACE) (Expired); and
 - h. Licensed Private Detective in the State of Nebraska
2. I was employed by the FBI for approximately 10 years. During that time, I served in various roles, including Senior Forensic Examiner (SFE) within the Computer Analysis Response Team (CART).
3. On or around September 9, 2022, I was retained on Keith Raniere's (hereinafter referred to as "Mr. Raniere") behalf to conduct a forensic analysis regarding the integrity of the digital evidence and evidence-handling procedures in his prosecution.
4. On September 9, 2022, I signed the Protective Order regarding discovery in U.S. v. Raniere, et al., 18 CR 204 (NGG) and was subsequently provided access to certain evidence in this case, primarily the digital evidence.
5. In the FBI, there is a process called Case Agent Investigative Review (CAIR), by which Special Agents and other designated personnel review digital evidence in Forensic Toolkit (FTK), after it has been processed by CART. The personnel reviewing the digital evidence in FTK is known as the reviewer, and in this role they

are limited to the actions they can take in FTK. Before providing access to the evidence to the reviewer, CART personnel will filter the data within CAIR to meet the requirements of the search warrant. There are numerous ways that data can be filtered, but commonly filtered areas are by file type and date. This is done to exclude and filter out anything not within the scope authorized by the search warrant. In my experience, this protocol of filtering the data was always followed to ensure the FBI did not exceed the scope of the search warrant.

6. If FTK Case, which contains the processed digital evidence, had been appropriately filtered in Mr. Raniere's case, CAIR would have prevented the viewing of any materials on the hard drive (1B16), or any digital evidence with file timestamps prior to January 1, 2015. The search warrant only permitted the search of items occurring in or after January 1, 2015, and as such, everything before this date should have been filtered out from the reviewer's view.
7. While a reviewer is using FTK, FTK logs certain information. Logged information can include, but is not limited to, filter settings, keyword searches, bookmarking, and access to the case. The date and time of the event is also recorded. The FTK Log can provide significant details regarding the purported accidental discovery of the alleged contraband.
8. Based on my review of the redacted copy of the hard drive, the file listing of the hard drive's contents, and Booth's forensic report of the hard drive, the date range of all the files on the hard drive was from 2010 or earlier.¹ This is outside of the authorized date range of the search warrant. Therefore, there should have been no discovery of the alleged child pornography, as all files would have been filtered out by CAIR, based on the date range².
9. The search warrant issued on February 22, 2019, for the child pornography, only applied to the hard drive (1B16), and not the memory card.
10. Based on Booth's and Flatley's forensic reports of the memory card, all of the files on the memory card were between 2005 and 2007³, which is outside of the authorized date range. Therefore, Flatley and Booth should not have generated any forensic reports with contents from the memory card.

¹ This is excluding certain files dated to the next century, 2106, which are impossible and erroneous.

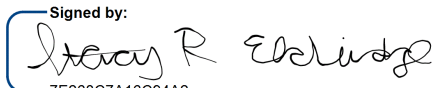
² Items that are "carved" by the forensic tool cannot be filtered out by date as they do not have dates, but could and should have been filtered out by the presence of any metadata, such as EXIF data embedded in pictures. It is just like when a search warrant says only emails that have been read may be examined we would filter out all unread emails.

³ This excludes the last access dates of the active files that were altered to be September 19, 2018 while in FBI possession.

11. In my professional experience, Forensic Examiner Trainee Virginia Donnelly and SFE Brian Booth should have applied the relevant date filters for the hard drive to comply with the search warrant. Similarly, both SFE Stephen Flatley and Booth should have applied the relevant date filters for the memory card. Regardless, no reports should have been generated for either the memory card or the hard drive since the dates of the files on these devices were outside of the date scope. Even if the examiners failed to do so, the reviewing agent, e.g. SA Michael Lever or SA Michael Weniger should have applied the filters. Yet clearly, they did not.
12. The proper action by the examiners – SFE Stephen Flatley, SFE Brian Booth, and FTE Virginia Donnelly – would have been to inform the case agent, in this case, Special Agent (SA) Michael Lever, that there was nothing within the scope of the search warrant. They could and should have provided SA Lever with a summary of what they saw and the date range, and then SA Lever could have applied for a search warrant for the older dates.
13. With my oversight, input and review, this document was prepared for me by Mr. Raniere's 28 U.S.C. § 2255 counsel, Deborah J. Blum, Esq.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: 11/27/2024

Signed by:

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Stacy R. Eldridge, CFCE, GCFE, LPD