

*Table 2: The Systematic and Pervasive Nature of the Government Malfeasance*

| Stage of the Case                    | # Agents involved in malfeasance | Description   |
|--------------------------------------|----------------------------------|---|
| Evidence Collection                  | 9                                | <p>Involved in fraudulent staging of the search:<sup>16</sup></p> <ul style="list-style-type: none"> <li>- SA Elliot McGinnis</li> <li>- SA Christopher Mills</li> <li>- SA Tracee Mergen</li> <li>- TFO Brett Hochron</li> </ul> <p>Involved in knowing violations of FBI protocol relating to the<sup>17</sup> search:</p> <ul style="list-style-type: none"> <li>- SAs McGinnis, Mills, Mergen and TFO Hochron</li> <li>- SA Anthony Hingle</li> <li>- TFO Vincent Augeri</li> <li>- SA Timothy Coll</li> <li>- SA Michelle Pherson</li> <li>- SA Christine Doyle</li> </ul> |
| Evidence Handling / Review           | 3                                | <p>Involved in knowing mishandling and circumvention of CART:<sup>18</sup></p> <ul style="list-style-type: none"> <li>- SA Maegan Rees</li> <li>- SA Michael Lever</li> <li>- unidentified FBI “photo tech”</li> </ul>  |
| CART Forensic Examination            | 3                                | <p>Knowingly violated FBI protocol by secretly creating and using a prohibited second copy of the memory card at trial:<sup>19</sup></p> <ul style="list-style-type: none"> <li>- SA Michael Lever</li> <li>- SSA Trenton Schmatz</li> <li>- SFE Brian Booth</li> </ul>   |
| Statements to the Court and at Trial | 3                                | <p>Reported a false “accidental discovery”:</p> <ul style="list-style-type: none"> <li>- SA Michael Lever<sup>20</sup></li> </ul> <p>Provided knowingly false testimony<sup>21</sup>:</p> <ul style="list-style-type: none"> <li>- SA Christopher Mills</li> <li>- SFE Brian Booth</li> </ul>   |

<sup>16</sup> See Ex. 1 at 27

<sup>17</sup> See Ex. 1 at 6, 9, 10-11

<sup>18</sup> See Ex. 8 at 1-2

<sup>19</sup> See Ex. 8 at 3

<sup>20</sup> See Doc. 594-2

<sup>21</sup> Ex. 7 at 4; Ex. 8 at 3.

|            |   |   |
|------------|---|---|
| Post-Trial | 1 | Made a critical, impossible and misleading statement that was used to blocked defense access to the withheld 2 forensic copies:<br>- SCS David Loveall II <sup>22</sup> |
|------------|---|---|

## **VII. Trial Counsel Was Ineffective for Failing to Challenge the Defendant's Apprehension and Forcible Removal from Mexico**

### **A. Factual Background**

On February 14, 2018, the United States Attorney's Office – Eastern District of New York obtained a sealed arrest warrant from The United States District Court for the Eastern District of New York (hereinafter referred to as "EDNY") So Ordered by The Hon. Lois Bloom, USMJ. The sealed arrest warrant was obtained based on allegations of Sex Trafficking by Coercion, Sex Trafficking Conspiracy, and Conspiracy to Commit Forced Labor. *See* Docs.1, 3<sup>23</sup> & 8-1. These are extraditable offenses in Mexico.<sup>24</sup>

Immediately after obtaining the sealed arrest warrant, United States authorities "actively worked with Mexican immigration officials to locate [Mr. Rainere]." Doc. 8-1 at 4. After 5 ½ weeks of formal intergovernmental cooperation by the US government<sup>25</sup> and Mexico, armed Mexican federal police, "Policía Federal", arrested Mr. Raniere on March 25, 2018. *See* Ex. 6 at ¶ 8. The Mexican federal police referenced the charges in the EDNY sealed arrest warrant<sup>26</sup> as

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<sup>22</sup> *See* Ex. 7 at 7-10

<sup>23</sup> The arrest warrant was unsealed on March 26, 2018 by The Hon. Steven M. Gold, USMJ. Doc. 3.

<sup>24</sup> Treaty on Extradition, U.S.-Mex., art. 2 & app. note 6, May 4, 1978, 31 U.S.T. 5059.

<sup>25</sup> *See* Doc 8-1, March 26, 2018 letter to arraignment USMJ from AUSAs Moira Kim Penza and Tanya Hajjar at 4: "[f]or over a month and a half, since the arrest warrant in this case was issued, the government has actively worked with Mexican immigration officials to locate the defendant."

<sup>26</sup> The official Mexican documentation, as cited to below, shows that the arrest warrant was stamped by Mexican officials on the same day that it was Ordered to be unsealed by The Hon. Steven M. Gold, USMJ. Doc. 3.