

UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT

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UNITED STATES

Appellee,

v.

DECLARATION IN OPPOSITION
TO MOTION TO STAY

Docket Nos. 20-3520-cr(L);
20-3789-cr(CON)

KEITH RANIERE,

Defendant-Appellant.

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KEVIN TROWEL hereby declares the following under 28
U.S.C. § 1746:

1. I am an Assistant United States Attorney in the Eastern
District of New York. I submit this declaration in opposition to the
defendant Keith Ranieri's motion to stay. (CM/ECF Docket No. ("DE")
225).¹

2. This is Ranieri's second motion to stay this appeal. He
previously moved to stay his appeal on April 28, 2022, just days before
oral argument. (DE 202). The government and counsel for Ranieri's

¹ References to "DE" are to this Court's docket for the lead case
cited above, No. 20-3520, unless otherwise indicated.

codefendant, Clare Bronfman, both opposed Ranieri's motion (DE 205, 211), and this Court denied the motion on April 29, 2022 (DE 215).

3. There was no legal or factual basis to stay Ranieri's appeal at the time of his previous motion, and there is no basis to do so now.

4. First, these consolidated appeals were fully briefed as of January 26, 2022 (DE 189²) and argued on May 3, 2022 (DE 218). A stay at this late stage of the proceeding would waste, rather than conserve, this Court's resources.

5. Second, the district judge who presided over Ranieri's trial has expressed his view that deferring resolution of Ranieri's Rule 33 motion until this Court resolves Ranieri's appeal will serve the "interest of judicial economy." (See 18-CR-204 (NGG) (E.D.N.Y.) (minute entry dated May 9, 2022)). Although in Ranieri's Rule 33 motion he requested that the district court exercise its authority to issue an "indicative ruling" under Federal Rule of Criminal Procedure 37(a)(3) (see id. (DE 1169 at 39-41)), the district court expressly declined to do so

² Ranieri did not file a reply brief in support of his appeal.

and instead deferred consideration of Ranieri's Rule 33 motion pending Ranieri's appeal under Fed. R. Crim. P. 37(a)(1)) (see id. (minute entry dated May 9, 2022)).

6. Third, a stay of this appeal would delay resolution of Clare Bronfman's consolidated appeal, even though Ranieri's Rule 33 motion bears no relation to Clare Bronfman's conviction by guilty plea, or to the sentencing issues she has raised on appeal.³

7. Finally, as noted in the government's opposition to Ranieri's previous motion to stay, Ranieri's Rule 33 motion is frivolous and contradicted by the record in this case.⁴

³ The Court previously denied Bronfman's request to unconsolidate her appeal from Ranieri's. (DE 89).

⁴ The crux of Ranieri's Rule 33 motion is that "the government manufactured child pornography [in the form of explicit photographs of Ranieri's victim Camila] and planted it on a computer hard drive to tie it to him." (18-CR-204 (NGG) (E.D.N.Y.) (DE 1169)). This allegation is false and belied by the record in this case. For example, as the government noted in its opposition to Ranieri's previous motion to stay and in its responsive brief on appeal, Camila appeared at Ranieri's sentencing and herself confirmed that "in September 2005, 'when [she] was still fifteen, [Ranieri] took naked pictures of [her].'" (DE 164 at 55 n.12 (government's responsive brief)). The government will respond in full to Ranieri's Rule 33 motion as directed by the district court.

