



Syracuse University

College of Law

Syracuse National Trial Competition

THE UNITED STATES OF AMERICA

v.

ALEX FRANKLIN

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**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF NEW YORK**

THE UNITED STATES OF AMERICA v. ALEX FRANKLIN, DEFENDANT.	NO. CR-059-2019
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CASE SUMMARY

On May 23, 2019, at approximately 3:29 a.m., a pipe bomb went off at the New York Central Reserve Bank (Central Reserve Bank) in Syracuse, New York. The building was irreparably damaged, though no one was hurt. After their initial investigation, Federal Law Enforcement Agents connected the bombing to Raphael O'Connor and Baylor Rizwald, two members of an extremist group named the Covenant of Revolutionary Retribution (the Covenant). Raphael O'Connor, age 47, is the leader of the Covenant and a self-proclaimed prophet of wisdom. O'Connor believes the source of all evil in the world is capitalist influence in society. Over the past decade, O'Connor has called for acts of retribution against the system of capitalism.

For their part in the bombing, O'Connor and Rizwald were indicted on four felony terrorism counts. O'Connor was offered a reduced sentence in exchange for naming any other participants. O'Connor named Alex Franklin, another member of the Covenant and O'Connor's romantic partner. Franklin, age 20, joined the Covenant in the fall of 2013. Franklin claims s/he was forced to join the Covenant by his/her father, developed severe depression and feared for his/her life if s/he left the Covenant.

On August 2, 2019, Franklin was indicted on the same four felony terrorism counts, and has pled not guilty to all count. The defense has two available theories to pursue, not guilty and not guilty by reason of mental insanity. Franklin claims s/he was not aware that s/he was participating in a conspiracy to bomb the Central Reserve Bank. Further, Franklin's psychologist claims that in the spring of 2019, Franklin was mentally impaired due to the development of Stockholm Syndrome. Franklin's psychiatrist claims Stockholm Syndrome destroyed Franklin's ability to form the mental state required to participate in a conspiracy. The Prosecution disputes Franklin's claims and contends Alex Franklin is a terrorist, and will call two witnesses in their case-in-chief, Raphael O'Connor and Reagan Lewin, Ph.D. (Investigatory Psycho-Analyst for the Federal Bureau of Investigation). The defense will call the defendant, Alex Franklin, and Leslie Pander, M.D. (Psychiatrist, Director of the Institute of Mental Studies).

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OFFICIAL RULES

SYRACUSE NATIONAL TRIAL COMPETITION 2019

1. **SYRACUSE NATIONAL TRIAL COMPETITION:** The Syracuse National Trial Competition is an invitation-only tournament. Twelve law schools from across the country are invited to the competition, based on their application, the school's performance in other national and invitational tournaments, and the school's commitment to training students in the art of trial practice.
2. **ADMINISTRATION OF THE OFFICIAL RULES:** Each law school, by agreeing to participate in the competition, consents to strictly following the Official Rules of the Syracuse National Trial Competition. For purposes of the Syracuse National Trial Competition, the Competition Director is the final decision maker on all questions regarding the interpretation of these rules, all matters of administration of the competition, any protests, and those decisions shall be final. On or before September 13, 2019, any and all requests for interpretation of these rules should be sent in writing to the Competition Director, Joanne Van Dyke, at Mjvesq@aol.com. The Competition Director, in her sole discretion, may create additional rules to address situations not presently covered by these competition rules, and those decisions shall be final.
3. **TEAM COMPOSITION:** Each participating law school shall field a team consisting of four students currently enrolled in the sponsoring law school's J.D. program. For each round, two students will be advocates and two students will play their witnesses. Advocates and witnesses may change their roles from round to round, but not during a single trial. It is left to the discretion of the law school to determine if only two, three or all four advocates will have an arguing position at the competition.
4. **ATTORNEY ADVISOR:** Each participating law school shall send a non-student attorney advisor to the competition. All communication with the Competition Director must be from the attorney advisor, not the students. Teams with no adviser (or one who is not an attorney) will be allowed to compete in the tournament but will NOT be allowed to advance to the semi-final round.
5. **MODEL RULES:** The Model Rules for Mock Trials will apply to this competition, modified only to allow for necessary inferences and to utilize a standard protest procedure as described below. By participating in SNTC, all participants (including advocates, witnesses, coaches and advisors) pledge to abide by those rules. If there is any conflict between the MRMT and the SNTC Rules, the SNTC rules will be applied.
6. **ANONYMITY:** Each team will be randomly assigned a letter prior to the start of the competition, which the team shall use throughout the competition as their team designation. Teams shall be identified to judges only by the letter designation. No team member, coach, or person associated with a team shall directly or indirectly attempt to communicate the identity of a team to a judge. Students and advisers shall be careful not to have books, notepads or any other paraphernalia identifying a particular school.

7. **SCOUTING:** By competing in this competition, each team member, coach or other person associated with a team, agrees that they will not observe, attend, listen to, record, discuss with anyone, or receive any information regarding the trial(s) of other teams. Except in the final round, no coach or other person associated with a team may be present during any part of a round in which that team is not competing. In the semi-final rounds, persons associated with eliminated teams may observe the trials, but may not thereafter describe their observations to the finalists.
8. **ASSISTANCE:** Coaching of a team, including conversations, notes, texting, emails or gesturing, is prohibited during a round including recesses and breaks. Team members may talk to all four members of their own team.
9. **TIME RESTRICTIONS:** Each team shall be allotted 75 minutes to completely try their side of the case. Each team is entitled to allocate their time in any way they wish, so long as their entire case is presented according to the rules of the competition. The time spent arguing and answering objections shall not be assessed against the team's 75 minute time restriction. The clock shall be stopped for objections and responses to objections. Each team will be notified of their remaining time by the bailiff at mid-trial and before closing arguments. Teams may present pretrial motions orally prior to the opening statements. Pretrial motions do NOT count toward the 75 minute time restrictions. The prosecution shall have a total of 10 minutes to make and respond to the defendant's pretrial motions, and the defendant shall have a total of 10 minutes to respond to make and respond to the prosecution's pretrial motions. Teams may make and respond to motions made at the conclusion of the prosecution's case and at the end of the defendant's case. These motions do NOT count toward the 75 minute time restrictions. The prosecution shall have a total of 5 minutes to make and respond to the defendant's motions, and the defendant shall have a total of 5 minutes to respond to make and respond to the prosecution's motions. The presiding judge or Competition Director may extend any of these time restrictions ONLY where an opponent used excessive time in answering questions or making objections, to resolve time keeping mistakes, and/or to address an inequity.
10. **FEDERAL RULES AND APPLICABLE LAW:** The Federal Rules of Evidence and, if applicable, the Federal Rules of Civil Procedure and/or the Federal Rules of Criminal Procedure shall control. Only those rules, and the law provided in the fact pattern, shall be used in argument. Specifically, no statutory, regulatory, or case law shall be cited except for what is provided in the fact pattern. Students may argue the comments or advisory notes to the Federal Rules of Evidence, but may NOT cite the cases contained therein (such as Daubert). This rule does NOT preclude an advocate from arguing that a statement should not be admitted due to a sixth amendment issue (right to confront witnesses), but the advocate shall NOT cite Crawford v. Washington or any other case law.
11. **TRIAL:** All trials will be conducted as if a jury were present. No trials will be bench trials. Each trial will consist of an opening statement, direct examination (optional re-direct examination) of two witnesses per side, cross examination of two witnesses per side, and a closing argument. One team member must make the opening argument, and the other team member must make the closing argument, including any rebuttal argument. The prosecution's closing rebuttal is limited to the scope of the defendant's closing. During opening statement and closing argument, objections and arguments must be made and

responded to only by the advocate assigned to make the corresponding statement/argument. Each team member must conduct one direct examination and one cross examination. Re-cross examination is not permitted UNLESS it is being used solely to impeach a witness on a fact testified to for the first time on re-direct that is either directly impeachable or impeachable by omission. When requesting a re-cross examination under this rule, refer to it as the local impeachment rule. During the testimony of the witness, objections and arguments must be made and responded to only by the advocate assigned to examine or cross-examine the witness. Either or both advocates may address preliminary motions and housekeeping matters. Witnesses may NOT take any papers or other aids with them on the witness stand. This does not preclude an advocate from refreshing a witness' recollection or using exhibits, insofar as the same is consistent with the rules of evidence. If there are any violations of these rule, evaluators have the ability to reduce the score of a team.

12. **OBJECTIONS:** Objections and objection responses shall be BRIEF, limited to the legal basis, and applied to the specific facts of the case. Advocated should not make frivolous objections or use excessive time to argue or respond to objections. While the time consumed by objections is not charged against either team, the presiding judge, in his/her sole discretion, may order time charged against any team that makes frivolous objections or uses excessive time to respond to objections. The presiding judge and evaluators shall be instructed that they can deduct points from anyone that they deem to be making frivolous and/or excessive objections and/or motions. Beyond the record shall not be entertained as an objection.
13. **MOTIONS:** A motion to exclude all non-party witnesses from the courtroom may be made, and the presiding judge will rule on the motion, but in no event will any witness or other person be required to actually leave the courtroom. All motions made must be argued orally. One or both advocates may make or respond to pretrial motions, or motions for judgment as a matter of law. However, if one advocate makes a motion, only that advocate can argue in favor of that particular motion and only one advocate from the other side may respond to that particular motion. Making motions is NOT required, but may be used to evaluate the team's performance. In order to allow the case to continue, the presiding judge shall deny any motion for judgment as a matter of law.
14. **WRITTEN MATERIALS:** No written briefs, motions, trial notebooks, copies of the fact pattern, exhibit lists, or other written material shall be presented to the presiding judge or evaluators, however, you may provide a courtesy copies of exhibits to the Court. Teams will submit to the presiding judge and evaluators a Notice of Appearance at the start of each round.
15. **EXHIBITS, ENLARGEMENTS AND WHITEBOARDS:** The fact pattern is a closed universe. No outside materials may be used. Competitors are only permitted to use the exhibits provided in the fact pattern. No team may alter, modify, change, or redact an exhibit in any way. This does not apply to redactions ordered during a round by the presiding judge. Copies of any exhibits, jury instructions, or other materials contained in the fact pattern may be made and enlarged for demonstrative purposes. If desired, exhibit stickers may be removed from enlargements. Competitors and witnesses are prohibited from writing on an opponent's enlargements, unless the opponent brings a protective

covering with them and writes on the covering in such a way that it does not leave any permanent markings on the exhibit. It will be in the sole discretion of the presiding judge as to whether an enlargement may be used and if any markings can be made on the enlargement by the team proffering the enlargement and/or the opposing team. Writing on the enlargements is subject to any appropriate objections by counsel. Competitors are permitted to use flip charts, white boards or chalk boards for the purpose of drawing demonstrative diagrams, but these demonstratives must be made DURING the round (and the clock will not be stopped while these demonstratives are being made). The use of flip charts, whiteboards and chalkboards are subject to any appropriate objections by counsel. Competitors bear sole responsibility for bringing any enlargements, flip charts, whiteboards and/or easels they wish to use.

16. **USE OF TECHNOLOGY:** In the Preliminary Rounds and Semi-Final Rounds, competitors will NOT have access to and are not permitted to use technology, which includes, but is not limited to, a document camera, power-point and/or other audio-visual aids. However, in the Final Round, teams will have access to and may use a document camera throughout their case (at the discretion of the presiding judge). However all time spent using a document camera counts against that team's time.

17. **NECESSARY INFERENCE RULE:** SNTC has adopted the Necessary Inference Rule. Teams must confine their presentations to the facts given in the fact pattern, any matters judicially noticeable under Federal Rule of Evidence 201, and those inferences that are absolutely necessary, inescapable and inevitable. For example, if a witness is a police officer, it is a necessary inference that s/he attended a police academy, however, the witness cannot state that they graduated at the top of their class at the academy (unless the witness states that in the fact pattern), as that may enhance the credibility of the witness and/or otherwise presents testimony not contained in the fact pattern. The Necessary Inference Rule will be strictly enforced. Violators run the risk of having points deducted, ballots lost or rounds forfeited. This method of enforcement has been used in the past and will be used in the future if appropriate. Often, questions arise as to whether a cross-examiner may question a witness about non-events that are based on the fact pattern materials. For example, if a witness is a police officer, who stated that s/he conducted an examination of a vehicle, and the record is completely silent on whether the officer found any blood or DNA, the cross-examiner is permitted to question the police officer on his/her failure to observe/collect blood or DNA samples from the car. Under these circumstances, it would be proper to ask, "you never observed any blood" or "you never collected any DNA samples." In response to those questions, the witness is not permitted to invent facts by saying s/he did observe blood or s/he did collect DNA. Instead, the witness should respond by saying, "no I did not" or "I don't recall." Please note that this rule does not give license to a cross-examiner to question the witness about technical details or statistical analysis that is not contained in the fact pattern, such as the reliability of DNA, the scientific theory of DNA, etc. In this example, it is not permissible to ask the police officer, "you're aware that a margin of error for DNA tests can be as high as five percent." Furthermore, the presiding judge should NOT entertain the objection that the question calls for information "outside the scope of the record." An answer to a question is not objectionable on the ground that it is outside the scope of the record.

18. **IMPEACHMENT:** No objections shall be made that the opposing team is going “outside the record” except during closing arguments. Instead, any breach of the Necessary Inference Rule shall be addressed by means of Impeachment. Impeachment is permissible a witness testifies to a fact outside of the record, known as impeachment by omission. In addition, a witness can be impeached when they change or alter any prior statement they made. The term “statement” includes depositions, grand jury testimony, affidavits, affirmations, statements, and/or reports the witness prepared. Should a witness be impeached by omission, the witness **MUST** admit, if asked, that the facts they have testified to are not in their statement. It is impermissible for a witness to say that they were not asked about those facts in their statement. If asked, the witness should simply answer, “I did not say that in my deposition.” If the witness fails to do so, it is a **VIOLATION** of the rules. The judges will be instructed concerning the significance of this form of impeachment in the mock trial context, and they are likely to account for unfair additions to the record in their scoring of that witness’ team.
19. **EVALUATORS:** Judges and evaluators will be given only copies of the case summary, the indictment, complaint and/or answer, the applicable jury instructions, and the exhibits contained within the fact pattern. Before the start of each round the Competition Director shall instruct the judges to ignore regional variations of courtroom practice, to evaluate the teams on the basis of performance and not the apparent merits of the case, and not to announce the result of the round to the students. The Competition Director may also give such other instructions as are appropriate.
20. **DISCLOSURE:** If a judge or evaluator knows a team member, competitor, witness or other person associated with a team, the judge or evaluator must advise the bailiff and/or Competition Director of this prior to the round commencing so a substitution can be made. If a team member, competitor, witness or other person associated with a team knows the judge and/or evaluator(s), they are required to inform the bailiff and/or Competition Director before the round so a substitution may be made. Failure to do so on the part of the team member, competitor, witness or other person associated with the team may result in disqualification of the team from the Competition.
21. **EVALUATORS AND SCORING:** Each round will be composed of a panel of three (3) evaluators. One of those evaluators will be designated as the presiding judge prior to the round. Each evaluator will evaluate each team’s performance based upon a 100-point scale. No ties will be permitted on any individual ballot. Each evaluator will be allotted one vote, and the scoring rubric is as follows: up to 20 points for the opening statement, up to 15 points for each direct examination, up to 15 points for each cross-examination, and up to 20 points for closing argument. The winner of the round will be determined by the majority of win votes by the panel of evaluators. In the unlikely event that only two evaluators are present, the presiding judge’s vote will determine the winner of that round. Scoring will be by points. No ties will be permitted on any individual ballot. All rounds outside of preliminary rounds will be single elimination based on a winning vote.
22. **PRELIMINARY ROUNDS AND SEEDING:** There will be four preliminary rounds. All teams will try the case twice on each side. Teams will not meet each other twice in the preliminary rounds. During the four (4) preliminary rounds, each team will argue the prosecution case twice and the defense case twice. The first three rounds will be randomly paired. The

fourth round will be power-matched. The team ranked first after the first three rounds will be matched against the team ranked second and so on (1 v 2, 3 v 4, 5 v 6, 7 v 8, 9 v 10, 11 v 12). If the natural power-match for the fourth round either (A) matches two teams who have met in the first three rounds or (B) matches two teams who have each been on the same side of the case twice, the Competition Director shall adjust the power matching so that the higher ranked team goes against the next available highest ranked team. For example, if Team A is ranked first, Team B is ranked second, Team C is ranked third, but Team A and Team B have been on defense twice and Team C has been on prosecution twice, then Team A will be matched against Team C in the fourth round and Team B will be matched against Team D. If, after this adjustment, Team B and Team D have been on the same side twice, then Team B would be matched against Team E or the next highest ranked team that had not been on the same side twice that Team B had. The same adjustments will be made if two teams otherwise power-matched against each other competed against each other in one of the first three rounds (Team A v Team C, Team B v Team D). The Competition Director shall continue to use this method of adjustment to ensure that each team has each side of the case twice and that no teams meet each other twice in the preliminary rounds while adhering as closely to the power-matched system as possible.

23. **ADVANCED ROUNDS AND SEEDING:** Following the preliminary rounds, teams will advance to the Semi-Finals and a Final Round. Advancing teams will be selected based on the following criteria used in the following order: (A) win/loss record, (B) total ballots, (C) point differential, and (D) coin toss. For example, a team with two wins and four judges will be seeded higher than a team with one win and four judges; a team with two wins, four judges and 210 points will be seeded higher than a team with two wins, four judges, and 200 points. The semi-finalists shall be seeded based on their performance in the preliminary rounds, and the draw for the semi-final round shall seed 1 v 4 and seed 2 v 3. If the teams faced each other in preliminary rounds, they will reverse sides. Otherwise, the higher seeded team shall choose sides. In the final round, if the teams have faced each other in the preliminary rounds, they will reverse sides. If the finalists had opposite sides in the semi-finals, they shall switch sides from the semi-finals. If the finalists had the same side in the semi-finals, the higher seeded team shall choose sides. All rounds outside of preliminary rounds will be single elimination based on a winning vote.
24. **EVALUATOR SCORES AND FEEDBACK:** At the end of each round, the bailiff will ask the competitors to leave the room while the evaluators complete filling out their score sheets. The bailiff will take the score sheets to the Competition Director, at which time the evaluators will provide feedback to the competitors. We will ask the evaluators to confine their comments to one positive and one negative comment per advocate/witness. The competitors are not permitted to ask the evaluators about the scores, win-loss record or similar information.
25. **PROFESSIONAL CONDUCT:** The conduct of all participants in the competition, including competitors, witnesses and coaches, will be governed by the standards set out in the ABA-Model Code of Professional Responsibility and the ABA-Model Rules of Professional Conduct.

26. **QUESTIONS/PROTESTS:** All participants are encouraged to act within the spirit and letter of the competition rules, however, if there is a violation of these rules, a competitor may lodge a protest. Protests under this procedure are not encouraged, and are not intended to be and should not become part of the competitive process. They are a last resort. Accordingly, any and all protests should be limited to violations of the competition rules and/or relevant unethical standards, that are well grounded in facts. All questions arising during the competition itself, including any protest about the conduct of a round, shall be addressed to the Competition Director verbally as soon as possible after the matter arises and no later than five minutes after the conclusion of a round in question. The conclusion of the trial means the moment the judges from the round dismiss the competitors, and the bailiff is responsible for keeping the five-minute deadline. The protest must be lodged with the Competition Director, who notify the accused participant(s) of the specific allegations, and request a response. The Competition Director may consider and decide the matter according to such procedures and standards as s/he may determine, including but not limited to submitting the matter to a protest committee if necessary. The Competition Director may also decline to decide a protest if allowance of the protest would not affect the outcome, that is, the determination of the winners of the round. The Competition Director may, but is NOT required to, consult with the judges of the protested round when deciding the protest. The protest should be determined as soon as practicable. If the Competition Director determines that there was a violation of the rule(s) and/or related unethical conduct, s/he will decide what, if any, sanctions should be imposed. Sanctions may include, but are not limited to, a warning, a point deduction, or removal from the competition. The severity of the sanction will depend on the nature of the offense. Competitors will be notified of the decision and any sanctions. The decision of the Competition Director shall be final.
27. **FACT PATTERN:** After the fact pattern is released, each team must send an email to the Competition Director, Joanne Van Dyke, at Mjvesq@aol.com, advising that the team received the fact pattern. All questions concerning the fact pattern and/or requests for clarifications of the rules must be sent to Mjvesq@aol.com no later than September 13, 2019, at 5:00 p.m. EST. Questions after that period will not be accepted. A reply will be sent to the teams on or about Friday, September 20, 2019. Contact with the Competition Director concerning this fact pattern must be pursuant to the rules of the competition. No one shall attempt to contact the drafter of the fact pattern before the conclusion of the 2019 Syracuse National Trial Competition Final Round. Prior to certain rounds, SNTC may make changes to the fact pattern. Teams will be asked to incorporate the changes and judges will be instructed of the changes and told to consider the team's use of the new information in their scoring.

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF NEW YORK**

<p style="text-align:center">THE UNITED STATES OF AMERICA</p> <p style="text-align:center">v.</p> <p style="text-align:center">ALEX FRANKLIN,</p> <p style="text-align:center">DEFENDANT.</p>	<p style="text-align:center">NO. CR-059-2019</p>
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STIPULATIONS REGARDING EVIDENTIARY MATTERS

PROCEDURAL MATTERS

1. The prosecution and the defendant are required to call only the two witnesses set forth below, and those witnesses may not be recalled by either side. The witnesses for the Prosecution are Raphael O'Connor and Reagan Lewin, Ph.D. (Investigatory Psycho-Analyst for the Federal Bureau of Investigation). The witnesses for the defense are the defendant, Alex Franklin, and Leslie Pander, M.D. (Psychiatrist, Director of the Institute of Mental Studies). The parties may call their respective witnesses in any order. The Defendant is required to sit at Counsel table. No other witnesses are required to sit at Counsel table.
2. Because the teams are limited to two witnesses per side for purposes of the competition, making an argument that either side has not called a witness undermines the spirit of the competition. As such, Counsel shall not argue that their opponent did not call any other witnesses to testify. For example, a defense team may not argue that the prosecution did not meet its burden because they did not call any other witnesses to testify. This rule does not preclude a team from arguing that based on the confrontation clause, certain evidence or testimony is not admissible due to a witness's failure to testify (subject to any other stipulations herein).
3. Alex Franklin, Reagan Lewin, Ph.D., and Leslie Pander, M.D. may be played by either gender. If Alex Franklin is played by a male, all references in medical records which indicate that Alex Franklin is a female, are constructively redacted. Raphael O'Connor identifies as a male, and must be played by a male unless there are four females on the team, in which case the witness playing Raphael O'Connor will be identified as being and referred to as a male. On or before October 3, 2019, teams must inform the Competition Director of the gender of each of their witnesses, and to confirm such at the coaches meeting.
4. Other than what is supplied in the problem itself, there is nothing exceptional or unusual about the background information of any of the witnesses that would bolster or detract from their credibility.

5. All witnesses, who have been called to testify, have identified the parties, other individuals, or tangible evidence in prior testimony, statements and/or reports, and will, if asked, identify the same at trial.
6. The witnesses may make necessary inferences based on the information provided in the fact pattern, however no individual may invent a material fact or individual not contain herein.
7. Counsel stipulate that they have gathered and exchanged in discovery all witness statements (defined as all grand jury testimony, depositions, affidavits, affirmations, statements, medical/hospital records, exhibits, and/or expert reports).
8. Counsel stipulate that they had their witnesses review their statements before trial, and the witnesses signed a certification, under penalty of perjury, that they have reviewed their grand jury testimony, deposition, affidavit, affirmation, statement, and/or expert report and determine that the answers/information contained therein is accurate and they have no other information relevant to the matters discussed.
9. All testimony, depositions, affidavits, affirmations, statements and/or expert reports are signed and dated.
10. Counsel may not request, nor will the Court grant, any additions or modifications to the jury instructions.
11. The defendant has been deemed competent to stand trial.
12. The parties have given notice of intent to introduce expert testimony relating to the mental disease or defect of the defendant in the commission of the crime. All procedural objections related to the disclosure of such testimony have been heard and overruled. No further argument will be made by Counsel or entertained by the Court.
13. Any and all notice requirements under the Federal Rules of Evidence have been constructively met. For example, notice requirements under 404(b) are deemed by the Court to be met. This stipulation, however, does not affect the admissibility of any evidentiary issues pursuant to the Federal Rules of Evidence.
14. All exhibits in the file are authentic and the original of that document unless otherwise noted on the exhibit or established by the evidence.
15. The case will come to trial in the year of 2019. All speedy trial arguments have been ruled on pre-trial and denied.
16. All necessary search and arrest warrants were issued and are valid. No objection will be entertained or granted regarding search and arrest warrants.
17. No chain of custody issues exist regarding the physical evidence collected. No objection will be entertained regarding chain of custody.
18. The parties cannot withdraw any charges or withdraw affirmative defenses.
19. Baylor Rizwald is the same gender as Alex Franklin.

20. The Case Summary is solely meant to provide a synopsis of the case. The Case Summary will not be offered, nor will it be admissible.
21. Prior to Trial, the Court instructed Counsel as to the following housekeeping matters:
 - A. All exhibits are pre-marked by numbers, and shall retain their original numbers regardless of the order they are introduced at trial.
 - B. Counsel may assume all witnesses have been sworn before testifying at trial.
 - C. Counsel may move freely about the courtroom, however, when approaching the bench or the witness stand, Counsel must ask permission, unless the judge indicates otherwise during the trial.
 - D. If Counsel is unable to see a whiteboard or an enlargement that opposing counsel or a witness is using, ask permission to move the first time. After that, Counsel can move freely to see the whiteboard/enlargement.
 - E. When using a deposition or a witness's own statement for purposes of refreshing recollection or impeachment, Counsel is not required to have it marked for identification.
 - F. After Counsel adequately qualifies an expert witness, you should proffer the expert prior to asking for their expert opinion.
 - G. The Court will take a break following the presentation of the prosecution's case-in-chief, and after the Defendant's case-in-chief and before closing argument.

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF NEW YORK**

<p style="text-align:center">THE UNITED STATES OF AMERICA</p> <p style="text-align:center">v.</p> <p style="text-align:center">ALEX FRANKLIN,</p> <p style="text-align:center">DEFENDANT.</p>	<p style="text-align:center">NO. CR-059-2019</p>
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STIPULATIONS REGARDING EVIDENTIARY MATTER

SUBSTANTIVE MATTERS

1. All items in this fact pattern, and referred to in the statements, testimony and reports, were provided to the defense through discovery, and no objections related to the disclosure of this evidence or chain of custody will be made or entertained.
2. The American Psychological Association and the Federal Bureau of Investigation have not formally classified the Covenant as a “cult.”
3. The New York Central Reserve Bank Building is owned by the United States Government and several floors are leased to the New York Central Reserve Bank Building, which is a private bank.
4. The New York Central Reserve Bank is owned by the St. Louis Investment Group, of which Raphael O’Connor’s biological father, Joseph Gattuso, III, is a majority owner.
5. A pipe bomb meets the standard of a “weapon of mass destruction” under the legal statute.
6. Ray Franklin was killed on June 10, 2019, in the raid of the Covenant Compound.
7. Leslie Pander, M.D. did not review the report of Reagan Lewin, Ph.D. until after Dr. Pander wrote his/her own report.
8. Reagan Lewin, PhD. attached an article to his/her report entitled *Stockholm Syndrome*, which was published in Time. Leslie Pander, M.D. attached the remaining two articles to his report, entitled *Contemporary Review of Empirical and Clinical Studies of Trauma Bonding in Violent or Exploitative Relationships*, and *Stockholm Syndrome*, Laura Lambert EB Editors.
9. EXHIBIT 4A-K are screenshots of texts from the defendant’s cell phone, which was recovered from the Compound pursuant to a valid search warrant based on probable cause.

10. The time shown on Exhibits 4A-K is the time the messages were sent and received.
11. EXHIBIT 4K is a screen shot of a number from the defendant's cell phone that triggered the explosive at the New York Central Reserve Bank.
12. The Court took testimony from the forensic technician who recovered, tested, and analyzed the fingerprint found on the bomb fragment that was recovered from the Central Reserve Bank. Exhibit 2 is a photograph of the bomb fragment. Both parties had the opportunity to examine and cross examine the forensic technician at the hearing. The Court ruled that EXHIBIT 2, EXHIBIT 5 and EXHIBIT 11 are admissible at trial without objection.
13. The Bank Account Records for Alex Franklin (EXHIBIT 7) are admissible at trial without objection.
14. EXHIBIT 8 are Alex Franklin's medical intake forms.
15. EXHIBIT 9 are Alex Franklin's medical records.
16. Baylor Rizwald was convicted on four felony charges related to the bombing of the Central Reserve Band, and was incarcerated in a federal penitentiary. While incarcerated, Baylor Rizwald wrote the manifesto (EXHIBIT 10), and committed suicide the very day s/he finished writing the manifesto.
17. EXHIBIT 2 is a photograph of the bomb fragment, and EXHIBIT 11 is the physical bomb fragment shown in EXHIBIT 2. EXHIBIT 11 will be provided to you at the coaches meeting.
18. The defendant filed a motion to allow presentation of an affirmative defense of mental disease or defect, and the Court issued a jury instruction of a preponderance of the evidence standard required to meet the burden of proof for this affirmative defense. The Court granted the motion, and further ruled the affirmative defense does not bar the defendant from proceeding with defense of innocence. However, as notice has been given in this case by the defense, the prosecution may present rebuttal evidence in its case in chief to refute the defense's claim of insanity.
19. Counsel may not seek leave to admit the written statement of the defendant in the prosecution's case-in-chief.
20. 2019 should be the current year in which this case comes to trial.

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF NEW YORK**

<p style="text-align:center">THE UNITED STATES OF AMERICA</p> <p style="text-align:center">v.</p> <p>ALEX FRANKLIN,</p> <p style="text-align:center">DEFENDANT.</p>	<p style="text-align:center">INDICTMENT</p> <p style="text-align:center">NO. CR-059-2019</p>
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CHARGING STATUTES 18 USC § 2332a(2)(a)(B); §1361

COUNT ONE: On or about May 23, 2019, within the County of Onondaga, State of New York and the Northern District of New York, the defendant, ALEX FRANKLIN, did knowingly and intentionally conspire, with one or more, to unlawfully use a weapon of mass destruction against a person or property within the United States and such property is used in interstate or foreign commerce or in an activity that affects interstate or foreign commerce, all in violation of Title 18, United States Code, Section 2332(a)(2)(B).

COUNT TWO: On or about May 23, 2019, within the County of Onondaga, State of New York and the Northern District of New York, the defendant, ALEX FRANKLIN, did knowingly and intentionally unlawfully use a weapon of mass destruction against a person or property within the United States and such property is used in interstate or foreign commerce or in an activity that affects interstate or foreign commerce, all in violation of Title 18, United States Code, Section 2332(a)(2)(B).

COUNT THREE: On or about May 23, 2019, within the County of Onondaga, State of New York and the Northern District of New York, the defendant, ALEX FRANKLIN, did willfully conspire, with one or more, to commit an act of depredation against property of the United States, all in violation of Title 18, United States Code, Section 1361.

COUNT FOUR: On or about May 23, 2019, within the County of Onondaga, State of New York and the Northern District of New York, the defendant, ALEX FRANKLIN, did willfully commit an act of depredation against property of the United States, all in violation of Title 18, United States Code, Section 1361.

A TRUE BILL ISSUED BY THIS GRAND JURY ON AUGUST 2, 2019.

Lily V. Benjamin

FOREPERSON: LILY B. BENJAMIN

APPROVED: LAURA V. TRAVIS
Attorney General, Northern District of New York

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF NEW YORK**

<p>THE UNITED STATES OF AMERICA</p> <p style="text-align: center;">v.</p> <p>ALEX FRANKLIN,</p> <p style="text-align: center;">DEFENDANT.</p>	<p>NO. CR-059-2019.</p>
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EXHIBIT LIST

1. Photograph of the Central Reserve Bank.
2. Photograph of the Recovered Bomb Fragment.
3. Photograph of the Recovered Second Pipe Bomb.
4. Recovered Text Messages from Alex Franklin's Cell Phone.
5. Fingerprint Analysis Report of Bomb Fragment.
6. Witness Statements from CRB Bank Teller.
7. Bank Account Records for Alex Franklin.
8. Medical Intake Forms of Alex Franklin.
9. Medical Records of Alex Franklin from St. Joseph's/Leslie Pander, M.D.
10. Baylor Rizwald Manifesto.
11. Recovered Bomb Fragment (Physical Exhibit).

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF NEW YORK**

GRAND JURY 10-03

**IN THE MATTER OF A UNITED STATES
DEPARTMENT OF JUSTICE INVESTIGATION**

1 The above entitled matter came on for hearing before a Federal Grand Jury at the hour of 2:40
2 p.m. on August 1, 2019, at the James Murphy Federal Building & U.S. Courthouse, 100 South
3 Clinton Street, Syracuse, New York 13261.

4
5 **APPEARANCE FOR THE UNITED STATES:** Jonathon A.M. Maddalone, Assistant United States
6 Attorney.

7
8 **GRAND JURY TESTIMONY OF RAPHAEL O'CONNOR**

9
10 **FOREPERSON:** We have a quorum. There are no unauthorized persons present.

11
12 The witness, upon being first duly sworn, was examined and testified as follows:

13
14 **BY MR. MADDALONE:**

15
16 Q. Please state your name for the record.

17
18 A. Raphael Carvajal O'Connor.

19
20 Q. Are you known by any other names?

21
22 A. Yes, sometimes my friends call me Ralph or Ralphie.

23
24 Q. Are you the leader of the Covenant of the Revolutionary Retribution?

25
26 A. I am.

27
28 Q. Is that the same Covenant that orchestrated the bombing of the Central Reserve Bank on
29 May 23, 2019?

30
31 A. Yes.

32
33 Q. How involved were you in the bombing of the Central Reserve Bank?

34
35 A. My partner and I planned it, planted it, detonated it and even helped the bomb maker make
36 it.

37
38 Q. Please name your co-conspirators and what exactly they did during the process.
39

1 A. Baylor Rizwald was the bomb maker. Alex Franklin is my partner, and the only person that
2 fully understood me and what the Covenant is about.
3
4 Q. Why are you testifying today against Alex Franklin then?
5
6 A. I'm 47, and if I get a long sentence I'll die in prison. So when I was offered a deal, I took it.
7 I have to confess everything in exchange for a lighter sentence recommendation.
8
9 Q. What do you mean by lighter sentence?
10
11 A. The government is dropping the conspiracy charges and I'll only serve a 25-year sentence
12 with parole eligibility after my 15th year.
13
14 Q. To the best of your knowledge, was this deal presented to only you?
15
16 A. No, Baylor was with me when it was offered. Baylor was charged with the same charges
17 and s/he chose to not take that deal. Baylor got four consecutive 20 year sentences. Idiot.
18
19 Q. What were you charged with?
20
21 A. Four felonies. Conspiracy to use a weapon of mass destruction, use of a weapon of mass
22 destruction, conspiracy to destroy government property, and destruction of government
23 property.
24
25 Q. To be clear, you don't deny being guilty of those charges?
26
27 A. Nah, I did it. I was wicked. I sinned against the capitalist machine and now I must lay my
28 soul bare for judgment.
29
30 Q. Let's start off with some background. Tell us about how you came to join or found the
31 Covenant.
32
33 A. I'm the secret love child of Joseph Gattuso, III. Yeah, the Wall Street, business tycoon. He
34 owns a slew of banks and companies across the country. My mother was a housekeeper
35 at one of his Manhattan penthouses and let's just say he wanted her washing more than
36 just the dishes. When he found out my mother was pregnant, he paid her \$2,000 to
37 disappear. That's all I was worth. I grew up dirt poor, but I clawed my way into UCLA, and
38 got a business degree. Even a job at a Wall Street firm. I was ready to conquer the world,
39 but that didn't happen.
40
41 Q. What do you mean by that?
42
43 A. The 2009 financial crash hit and the company rock bottomed. Add on top of that my mother
44 got sick, the insurance company denied her coverage because they considered her cancer
45 a Pre-existing condition. So I was left to pay everything out of my own pockets and before
46 I knew it everything was gone. Everything. I reached out to my dad's big bank to get a loan
47 too, but they denied me. I even reached out to my father's office, to the man, personally.
48 I begged him, on my knees, in the lobby of his downtown office building. He was heartless,
49 and didn't give a damn. He had security throw me out on the street. Me. Not long after that,
50 my mother died. It happened on April 4, 2011, the same day my father announced a billion-

1 dollar IPO on his fourth company. That was the day my eyes were truly open to the evils
2 of capitalism.
3
4 Q. Is that when you started the Covenant?
5
6 A. No, that was the day I joined the “Occupy Wall Street” movement. During my months with
7 them, I camped with the protestors and began preaching against the evils of capitalism. I
8 had revelations about the true value of living a life devoid of corruption of capitalism, and
9 I shared that truth, my truth, with the masses. By the end of the “Occupy” movement in
10 October, I had 50 converts ready to give me everything they owned to lead the flock to a
11 new promise land. I saw it as an opportunity to create a new world. So, in spring of 2012,
12 I used their funds to buy farm land in Solvay, New York and build a Mecca for believers.
13
14 Q. Does this property go by any name?
15
16 A. Yes. The Covenant Compound. It was completely capable of being self-sufficient. We
17 officially opened on September 16, 2012.
18
19 Q. Are you familiar with the name Ray Franklin?
20
21 A. Yes. Ray and Alex were strong believers and proud covenant members.
22
23 Q. When did you first meet Ray Franklin?
24
25 A. In September of 2013. Ray came to one of our “grief from greed” healing workshops.
26
27 Q. What did Mr. Franklin tell you about himself?
28
29 A. He said his wife was killed in a bank robbery. Instead of the bank protecting his wife and
30 the hostages, the bank manager refused to open the safe. Said it was corporate policy. The
31 bank robber killed Ray’s wife right then and there. In the aftermath, Ray struggled to cope.
32 He couldn’t go to work, and even when he did, he couldn’t afford his house on one income.
33 In the end, that same bank, the one that killed his wife, foreclosed on his home.
34
35 Q. What, if anything, did you offer him?
36
37 A. Hope. A place among the Covenant disciples where they could be safe. Ray and Alex
38 moved in the Compound on October 31, 2013.
39
40 Q. What were your thoughts of Alex back then?
41
42 A. Alex was beautiful, but a child. I certainly would never think of Alex Franklin in a sexual way
43 while Alex was a child.
44
45 Q. But that changed right?
46
47 A. I know what you’re implying.
48
49 Q. Answer the question. Eventually you and Alex Franklin had a sexual relationship?
50
51 A. Yes.

- 1
2 Q. Let's talk about life on the compound for the Franklins. How involved were you in the day
3 to day activities of individual families?
4
5 A. Not very involved. The children spent the day at the compound school. During the day,
6 adults worked in the farms and attended lunch lecture. I would see the Franklins together
7 only at morning and evening lectures.
8
9 Q. The kids at the compound weren't allowed to attend public schools?
10
11 A. Correct. We had teachers in our community. We home schooled them. We didn't want the
12 children being exposed to negative influences from the outside world.
13
14 Q. Tell us about the adult only lectures?
15
16 A. It was a time for confessions. It was very important to be open with our transgressions
17 against the Covenant. I'd also talk with the parents specifically about how to best reinforce
18 our beliefs with the youth.
19
20 Q. Was there any punishment for transgressions?
21
22 A. Nothing mandated, but adults would take steps to atone. Some would commit time to
23 practices of purification like fasting, isolation, and meditation. We converted some old porta
24 potties into meditation chambers. That gave members the opportunity to really purify their
25 minds.
26
27 Q. You made them go in them?
28
29 A. Never. If asked and I'd make recommendations, but I never forced anyone.
30
31 Q. Give us an example?
32
33 A. I remember when Shane Gardner transgressed by secretly attending an old colleague's
34 birthday lunch at Maxwell's. He confessed to me and I told him that any people who sully
35 themselves have disgraced their family, and they all should fast for 7 days and 7 nights to
36 let the toxins completely clear their spirit.
37
38 Q. Did that include the children?
39
40 A. I never told him that, but often the sins of the father are visited upon the child.
41
42 Q. Describe the compound for us?
43
44 A. We had 70 acres, a few farm fields to grow our own food, we had two large storage
45 buildings, a main community building, and three residential buildings with rooms for about
46 100 families. The property also included a brewery where we made our own IPA, Schrute's
47 Beet Beer.
48
49 Q. Could members leave the Compound?
50

1 A. Yes. Members could walk out anytime they wished. In order to live at the Compound, each
2 member had to give all their capitalistic possessions to the Covenant. Once we got their
3 possessions, we sold them and deposited them into the Covenant treasury. However, they
4 could take their clothes and leave at any time.
5
6 Q. Did that require members give their vehicles to the Covenant?
7
8 A. Yes. Members transferred the title to their cars to the Covenant when they moved into the
9 compound, and we either sold them or kept them for Covenant use. They were free to
10 check out Covenant cars for trips, doctors' visits, anything so long as they logged it into our
11 records.
12
13 Q. Did you monitor those records?
14
15 A. I glanced over them.
16
17 Q. During 2015 to 2017, did Ray Franklin or Alex Franklin check out a vehicle at any point?
18
19 A. I don't remember exact dates, but I do remember they stood out because they actually
20 received praise for leaving the compound the least of any family. Ray was a very, very
21 devout believer. He did not want to leave the Compound grounds unless it was absolutely
22 necessary. I know they used the cars for Alex's driving lessons and a few visits to the
23 doctor, but I don't recall the Franklins taking a car for anything else.
24
25 Q. About how many medical visits do you recall?
26
27 A. Maybe one a year? I wasn't supervising them, so I wasn't paying that close of attention.
28
29 Q. Let's talk about Alex Franklin in 2017. What was the nature of your relationship with Alex?
30
31 A. Alex had grown up, and become a bright, beautiful person, who was going to college. I
32 wanted to make sure Alex succeeded.
33
34 Q. How did you make sure Alex succeeded?
35
36 A. I paid for Alex to go to college. Any student of the Covenant could go off to our local
37 community college for free once they completed Covenant High School. I strongly believe
38 in education, and I don't want anyone to stay in the Covenant because they were raised
39 in it. College is like the Covenant's version of the Amish Rumspringa.
40
41 Q. So at 18, a person can go off to college and leave the Covenant?
42
43 A. Yes. Covenant funds would cover the part of a student's tuition that we couldn't get financial
44 aid to cover. We've had students decide they want to transfer to bigger schools and
45 experience more. That's fine. There's never been a problem with anyone that wanted to
46 leave.
47
48 Q. Did you do anything for Alex Franklin besides paying for College?
49

- 1 A. For a freshman going away present, I got Alex a cheap old MePhone and said to text me
2 if anything was needed. Because Alex's community college was about an hour away, I also
3 offered to give Alex rides every day.
4
- 5 Q. Were there any restrictions on how Alex Franklin spent time at college, or what Alex could
6 or could not do?
7
- 8 A. No. Nothing I can think of right now.
9
- 10 Q. When did your relationship become romantic?
11
- 12 A. June 10, 2018. Alex was home and sent me a text asking for help. I went to the Franklin's
13 place and saw Ray beating Alex. I knocked Ray out with a Stickley lamp and took Alex to
14 the emergency room. Alex looked at me differently from that point forward. Alex said,
15 "you're my savior." Told me that no one had ever made Alex feel that safe before. We
16 kissed and I said that as long as Alex was with me, Alex would never have to worry about
17 anyone ever again.
18
- 19 Q. Prior to that night, you'd never seen Ray Franklin being abusive to Alex Franklin?
20
- 21 A. Not physically. I was present over the years for a few times when Ray Franklin disciplined
22 Alex, but never saw him do anything that I concluded was inappropriate.
23
- 24 Q. Did you observe Ray Franklin make Alex Franklin participate in the Covenant's practices?
25
- 26 A. I never saw anyone make anyone do anything. Alex Franklin was a believer. Yes, I know
27 Alex participated in the practices, and I know most in the Covenant were not as extreme in
28 their devotion to the practices of the Covenant as the Franklin Family. But that's what made
29 them special. What made Alex such a developed, attractive companion and a true believer.
30
- 31 Q. Tell us how the relationship progressed from the night you had the physical altercation with
32 Ray.
33
- 34 A. Alex got me. Alex moved in and we'd spend hours just talking about our plans for the future
35 and growing together as believers.
36
- 37 Q. What plans for the future did you talk about?
38
- 39 A. Revolutionary Retribution, of course! We'd talk about wanting to watch the infrastructure
40 of our economic system crumble and watching the talking heads on every major news
41 station explode as it became clear the entire financial market was demolished under the
42 weight of its own corruption.
43
- 44 Q. Did Alex Franklin return to college in the fall of 2018?
45
- 46 A. No. As Alex put it, "I never want to leave your side again."
47
- 48 Q. Did Alex ever mention ever getting hit again by Ray Franklin at any other time before you
49 stopped him?
50

1 A. No. Over the years, I had seen Alex with bruises on the arms and neck, even a busted lip.
2 Not to mention the random visits to the doctor. At least once before Alex graduated high
3 school, I spoke with Ray about it and he assured me Alex was just a clumsy kid when
4 playing sports or doing chores and that's how Alex got injured. Admittedly, the work on the
5 Compound could be brutal on the kids especially in the upstate winters, so I didn't inquire
6 anymore.
7
8 Q. So you and Alex were living together?
9
10 A. Um-hum.
11
12 Q. Who thought, "let's bomb the Central Reserve Bank?"
13
14 A. Alex.
15
16 Q. When?
17
18 A. January 1, 2019. We were watching the Syracuse New Year's parade on the secret
19 computer I have in my place and the float went by the downtown branch of the Central
20 Reserve Bank. When the camera stopped and showed the bank, Alex got really upset. Alex
21 was so clearly traumatized. Alex said, "that's the bank that killed my mother." Then Alex
22 looked at me and told me "It's time for the Covenant to actually live up to its name. It's time
23 we start the revolution." I wanted to know what Alex had in mind so I asked, and Alex said,
24 "we should tear down the Central Reserve Bank until all that's left are the smoldering ashes
25 of its corruption. We should blow all that evil money off the face of the earth."
26
27 Q. What did you say to that?
28
29 A. I told Alex I loved it, and I guess the rush of crime really got Alex hot and bothered because,
30 well, we didn't leave the bed for the rest of the day and we weren't sleeping, if you catch my
31 drift.
32
33 Q. You can spare us the details of your activity in bed. What did you do after you left the bed?
34
35 A. I called to Baylor Rizwald, an old flame and co-worker from my Wall-Street days, and s/he
36 immediately agreed to join in the bombing plan.
37
38 Q. Why did you call Baylor Rizwald?
39
40 A. You see, Baylor had a military background, knew how to get explosives, and how to make
41 a special pipe bomb explosive called an "IRIS."
42
43 Q. What is an "IRIS?"
44
45 A. IRIS stands for Individual Remote Incendiary System. Essentially, it's an incendiary pipe
46 bomb with a C-4 charge and remote cell phone trigger. Most pipe bombs send shrapnel to
47 injure people, but an IRIS is designed to create a large initial explosive that also shoots
48 flaming shrapnel to the surrounding structures and sets it aflame. All that power, yet the
49 actual bomb is essentially only the size of a large water bottle.
50
51 Q. Did you convey this information to Alex Franklin?

1
2 A. Alex was listening next to me on the call. It was on speaker phone. I kept nothing from Alex.
3
4 Q. What happened next?
5
6 A. On January 21, 2019, Alex picked Baylor up in Buffalo and brought him/her back to the
7 compound. I was happy to have Baylor there.
8
9 Q. Were you close with Baylor?
10
11 A. Baylor was special to me. Alex was extra special. A shepherd is always happy to have more
12 flock in his pasture.
13
14 Q. Once you picked up Baylor Rizwald and returned to the compound, what happened next?
15
16 A. Baylor laid low during February and March to establish a presence in the community, and
17 not raise suspicion.
18
19 Q. You didn't want to share your act with the entire Covenant?
20
21 A. Not everyone believed with the devotion that Alex, Baylor and I had.
22
23 Q. When did you start building the bomb?
24
25 A. April. Alex and Baylor were in charge of getting the materials. Baylor and I would build the
26 bombs. Alex wanted to help plant it, and specifically asked to be the one to detonate it.
27
28 Q. Bombs?
29
30 A. Yes. We built two bombs. Both were for the bank, but in May we decided one would be
31 enough and we'd keep the second one to do another bombing later in the summer.
32
33 Q. Did everyone agree with the plan?
34
35 A. Yes. Baylor and I were motivated by the revolutionary act it would be, while Alex was
36 motivated by the retribution it would be for Alex's family. Plus, anytime Alex did something
37 criminal, I don't know for sure, but it was like the thrill of the crime turned Alex into an
38 animal in bed. Oh yeah, you don't want to hear about that.
39
40 Q. Did you and Alex Franklin engage in any other activity to prepare for the bombing?
41
42 A. Yes. We also opened a bank account in April and made routine trips to the bank during
43 different times of the day to get a readout of security and the layout of the place. The bank
44 is pretty big so we needed to know where to place the bomb to have the best chance of
45 setting the entire building on fire since the blast wouldn't bring it down. Alex also insisted
46 we bomb the building at a time no one would get hurt.
47
48 Q. Did you ever become concerned that someone might be on to your plan?
49
50 A. Yes. Alex told me something about Chris Fitzpatrick. Chris was a relatively new member
51 and someone that I really liked, but I guess he was asking too many questions about the

1 trips to the hardware stores to get supplies. Alex said that Baylor and I should encourage
2 Chris to back off. So we did.
3

4 Q. Did Alex Franklin help build the bomb?
5

6 A. Besides giving us sweet tea and giving me sweet kisses? No. Alex was in the other room
7 and only helped move the finished bombs to the latch box in our hallway closet once the
8 bombs were done.
9

10 Q. So Alex Franklin physically touched the bombs?
11

12 A. Yeah, that day and on May 22nd for sure.
13

14 Q. Tell us about May 22, 2019.
15

16 A. Alex chose the early morning of May 23rd for the detonation date to commemorate Alex's
17 mother's death. That meant we had to place the bomb at the last possible time on the 22nd.
18 Alex carried the bomb through security in Alex's big bag since security never checked bags.
19 As a precautionary measure, I wrapped the bomb in one of Alex's scarfs. The plan was for
20 Alex to go make a deposit at the counter, then text me when we could do a handoff. I would
21 actually put it under the desk we'd chosen, while Alex went to the door and made a
22 distraction.
23

24 Q. Is that what happened?
25

26 A. Yes. Alex texted me when to come to the restroom, and we made the switch. Then Alex
27 created a distraction, and I snuck the bomb underneath the desk.
28

29 Q. How did you know it would be safe there?
30

31 A. We'd done test runs with water bottles and security and maintenance never picked it up so
32 we figured it would go undetected in that spot.
33

34 Q. What did you do after the bomb was placed?
35

36 A. Left, went to the lake, found a quiet spot and had relations. We drank beer until like 3 a.m.
37

38 Q. Did you return to the Central Reserve Bank that night?
39

40 A. Yes. We drove to Armory Square a few blocks down and walked up to the corner of the
41 building to the southwest.
42

43 Q. How was the bomb detonated?
44

45 A. The day before the bombing, I sent Alex the number of the detonation phone. That night
46 Alex sent the text that set the bomb off.
47

48 Q. Did you make Alex Franklin participate in any part of this plan?
49

50 A. Alex was the architect.
51

- 1 Q. What do you say to those who don't believe you? To those who would think someone like
2 you wouldn't be a passive participant in this type of crime. After all, you're the leader of the
3 Covenant.
4
5 A. I am the leader. I am the inspiration. But that doesn't mean I'm the only one that can be
6 inspired. My words and Alex's pain inspired Alex to do something great. Something that
7 will never be forgotten. I truly admire Alex for that.
8
9 Q. Yet here you are testifying against Alex Franklin to save your own hide. Why is that?
10
11 A. I disagree. Alex Franklin was very special to me. Literally another version of me. I don't
12 think Alex has anything to worry about. Alex deserves this recognition, and I know deep
13 down I prepared Alex to handle this type of persecution. I always told Alex that the best
14 offense is a strong defense and if you think Alex is some helpless little lamb, that's just
15 insanity.
16
17 Q. I'm placing some messages, marked as Exhibit 4, in front of you. Do you recognize these?
18
19 A. Yes. They're all between me and Alex.
20
21 Q. Do you recognize these photographs marked Exhibit 1, 2 and 3?
22
23 A. Yes.
24
25 Q. Thank you. That's all I have,
26

27 **END OF GRAND JURY TESTIMONY**
28

29 **CERTIFICATION:** On this 1st day of August, 2019, I certify, under penalty of perjury, that I have
30 carefully reviewed the above grand jury testimony to determine whether the answers contained are
31 true and correct, and whether I had any additional information relevant to the matters therein. I
32 hereby certify, under penalty of perjury, that the grand jury testimony is accurate and I have no
33 information relevant to the matters discussed other than what is discussed in this grand jury
34 testimony. Everything was covered and nothing was left out.
35
36

37 *Raphael O' Connor*

38 Signed by Raphael O'Connor

FEDERAL BUREAU OF INVESTIGATION
SPECIAL INVESTIGATION DIVISION

UNITED STATES OF AMERICA V. ALEX FRANKLIN
NO. CR-059-2019

SPECIAL AGENT REAGAN LEWIN
SEPTEMBER 21, 2019

1 **SYNOPSIS:** Based on my investigation of the Covenant and the Central Reserve Bank (CRB)
2 Bombing, I've concluded that Alex Franklin, "Franklin," was an active participant in the conspiracy.
3 Based on my experience as a behavioral psych-analyst and the evidence I gathered and reviewed,
4 I found no evidence that Franklin was experiencing any condition that would inhibit Franklin's ability
5 to understand the quality and nature of Franklin's actions.
6

7 **PERSONAL HISTORY:** I obtained a bachelor's degree in Sociology and Criminology from N.Y.U.
8 in 2006, and my masters and doctorate in Psychiatry from Columbia University in 2008. My
9 masters' thesis garnered a lot of awards and public acclaim. I conducted in field research on group
10 thinking, power dynamics, and psychological brainwashing in ideological centered organizations.
11 Since my research specifically focused on cults and terrorist organizations, I actually infiltrated a
12 small terrorist cell I found on a chat room in the dark web. I helped the police foil their plan to
13 kidnap a federal judge, and published my thesis, "Mind Melt: From Churches to Cults, How Your
14 Mind is Being Controlled!" The Federal Bureau of Investigations (FBI) contacted me shortly after
15 the airing of a 60 Minute News special on my research.
16

17 Since 2011, I've been with the FBI's Special Investigation Division (SID), along with 7 investigators.
18 The SID only investigates potential domestic terrorist organizations. In addition to receiving the 3
19 months of basic FBI training, I underwent 2 months of additional training to earn the "Special
20 Investigator" classification and 3 months of additional training in psycho-criminal analysis to earn
21 the "Behavioral Psych-Analyst" classification. As a Behavioral Psych-Analyst, I provide
22 psychological breakdowns of the organization and its members to analyze group dynamics and
23 tactics that would expose weakness in the power structure. Occasionally, my job requires me to
24 go undercover and infiltrate the organization. Further, if requested I provide psychological
25 evaluations on individuals in custody
26

27 Though I've been with SID for eight years, I've only conducted 17 investigations. SID investigations
28 can take months or even years to complete. However, it is worth mentioning those 17 investigations
29 resulted in 58 convictions, 12 of which were for conspiracy to use weapons of mass destruction.
30 Though I've prepared reports for every case, I've only had to testify in 12 cases. In my cases, I
31 have only seen Stockholm Syndrome in a cult member one time, but that person was completely
32 disconnected with the criminal conspiracy we were investigating.
33

34 **INSTIGATIVE NARRATIVE:** In late October of 2018, SID received an informal request from local
35 law enforcement to investigate a local cult, the Covenant of the Revolutionary Retribution. While
36 it wasn't our normal process for opening up an investigation, since he was in law enforcement, we
37 decided to investigate. I found a Facebook event for a covenant lecture in Syracuse and traveled
38 from Washington, D.C. to Syracuse to observe the Covenant in person. I posed as a potential
39 member, using an alias, Chris S. Fitzpatrick. I observed the leader, Raphael O'Connor (O'Connor),
40 and listened to the anti-capitalism message. O'Connor was charismatic, engaging, somewhat
41 intelligent, and extreme. O'Connor used manipulative language and psychological tactics to prey

1 on of the vulnerable in the crowd. O'Connor also talked about at "the Compound," a utopian society
2 that O'Connor claimed to be creating in Solvay, New York. I went to three or four lectures, flying
3 to Syracuse every week for a month. When O'Connor would talk to me, I tailored my alias' back
4 story to have the vulnerabilities that cult leaders seek when recruiting. After a month of lectures,
5 O'Connor invited me to live at the Compound because "a revolutionary act was nigh" and O'Connor
6 wanted soldiers like me in the Covenant. I informed SID of everything I had gathered, and my boss
7 authorized a full-scale undercover operation.
8

9 I stayed undercover at the Compound from December of 2018 until May 23, 2019. I was welcomed
10 by O'Connor and Franklin, a member of the Covenant. It quickly became clear Franklin was in a
11 relationship O'Connor, though over the relationship showed clear signs of psychological abuse and
12 unhealthy dependence. Franklin was extremely subservient to O'Connor, constantly following
13 O'Connor around, requesting permission to do basic tasks such as to respond to other members
14 or leave the room. Franklin appeared to fear upsetting O'Connor. During one incident, Franklin
15 spilled O'Connor's beer and O'Connor took Franklin into a bedroom away from where we were
16 gathered in the living room. I could hear O'Connor berating Franklin while Franklin cried and
17 repeated "I'm sorry." On several separate occasions while around O'Connor and Franklin, I heard
18 O'Connor reminding Franklin how lucky Franklin was to be with O'Connor. I saw no evidence of
19 O'Connor physically abusing Franklin. I never heard or observed any threat against Franklin. I
20 never observed O'Connor prevent anyone from leaving. O'Connor frequently encouraged people
21 who didn't fully believe to leave the Compound. While Franklin and O'Connor's relationship had
22 several troubling aspects, Franklin appeared to voluntarily engage in it. Franklin appeared
23 depressed, but, also, a committed believer in the O'Connor and the Covenant ideology.
24

25 My investigation uncovered little for the first few months. I fully engaged in the Covenant practices.
26 At lectures, O'Connor continuously requested participation in covenant practices to "purify of
27 capitalistic urges." The practices included varying periods of starvation, abstinence, manual labor,
28 verbal abuse, and isolation. O'Connor personally ordered me to perform specific rituals and created
29 a system where members could report other members if they failed to perform their practice.
30 Punishment would include anything from longer practices times, additional practices, or even nights
31 in the meditation chamber. I never found evidence O'Connor sanctioned violence as a punishment.
32 I did see children doing practices and I'm pretty sure they were being forced to do it by their
33 parents. I don't know if O'Connor forced the children to engage in the practices subject to threats
34 or punishments.
35

36 From late March through April and May, O'Connor began isolating from the members and only
37 spent time with Franklin and Baylor Rizwald (Rizwald), another member of the Covenant. SID ran
38 Rizwald's name and I learned that Rizwald was a person of interest in an explosion case in Toronto.
39 I suspect Rizwald was using the Covenant to hide out. I alerted the SID and spent the month
40 unsuccessfully trying to gain Rizwald's trust. Rizwald only interacted with O'Connor and Franklin.
41 Franklin and Rizwald would leave the Compound together and return with shopping bags from
42 hardware stores. I tried to get a peek in inside the bags, but Franklin got in my face and threatened
43 that if I didn't get some of my own business to mind, Franklin would make sure O'Connor found
44 some business for me.
45

46 After that, I became extremely suspicious. If I saw O'Connor leaving the Compound, I called SID
47 on my secret burner and had an unmarked car tail them. It was through the tail that we discovered
48 O'Connor and Franklin frequently visited the CRB. Since I was lead on the case, the SID Director
49 asked me if we should alert CRB that the two were under FBI surveillance so CRB could heighten
50 security. I didn't want to scare O'Connor and believed I could stop him if he was planning
51 something, so I told SID not to alert security at CRB. I regret that decision.

1 On May 20, I told Franklin that I needed to go to CRB to close out an account that I forgot about.
2 Franklin said nothing but went inside O'Connor's home. Next thing I know O'Connor, Franklin and
3 Rizwald are in my room. Rizwald slapped me around and kicked me in my gut causing me to fall
4 to the floor. O'Connor and Franklin watched. O'Connor grinned and said the Covenant would not
5 tolerate problems, especially on the "eve of revolution." Franklin said it might be time for me to
6 leave the Compound before I messed up "the plan." I begged with O'Connor to let me atone.
7 O'Connor ordered me stripped and sent me to the meditation chamber for 48 hours. I got out on
8 the night of May 22, 2019 around midnight. By that point, I ran to my quarters and retrieved my
9 clothing and my service weapon. My cell phone hadn't been charged in 48 hours, so it was dead
10 and I placed it on the charger before leaving. Then I searched for O'Connor or Rizwald. I didn't see
11 O'Connor anywhere, and Rizwald was in the main Building having beer with some members. I
12 knew there wasn't a tail car on O'Connor. I stayed outside O'Connor and Franklin's maybe an hour,
13 though I didn't have my phone so I'm not sure on the time.
14

15 Upon being sure no one was there, I broke into the house and searched O'Connor's private trash
16 can, which I knew from prior visits is kept in his garage. I found it, moved O'Connor's lock box from
17 on top of the lid to the shelf next to the garbage can, and opened the can to look for evidence of
18 a possible crime. Inside I found packaging for an ignition cap, wiring, PVC pipe, bags containing
19 a black powdery substance, and some packaging that had remnants of a substance I believed were
20 consistent with C4 explosives. At that point I headed back to retrieve my phone, when I saw
21 Rizwald enter a covenant vehicle. Making a split decision, I proceeded to the main building to grab
22 keys to a covenant vehicle and followed Rizwald hoping Rizwald would leave me to the scene of
23 the crime. I did not have time to grab my phone. I spent the next three hours watching Rizwald play
24 slots at a casino located in the outskirts of Onondaga County. I arrived home at 4 a.m. Upon
25 walking into my quarters, there were several missed calls from the SID Director. I was immediately
26 extracted from the compound and taken to the CRB, which was ablaze when I arrived.
27

28 That week, we executed a search warrant on the Compound and brought O'Connor and Rizwald
29 in for informal questioning. They denied everything. We spent the next week gathering evidence,
30 and finally had enough to perform a police raid on the compound June 10, 2019. There was some
31 resistance and there were fatalities in the raid, such as Ray Franklin. O'Connor and Rizwald were
32 arrested. Initially, we did not have probable cause to arrest Franklin. However, upon arresting
33 O'Connor and finding O'Connor's cell phone, we were able to gain a search warrant for O'Connor's
34 cell phone. We found text messages that indicated Franklin was involved in the planning and
35 execution of the bombing. The final lynchpin of our investigation against Franklin was the forensic
36 evidence and the confession by co-conspirator, O'Connor. O'Connor provided additional evidence
37 that Franklin was complicit, including the revelation O'Connor was hiding a second pipe bomb in
38 O'Connor's lock box.
39

40 **MATERIALS REVIEWED:** In addition to writing my narrative, I was asked to include my analysis
41 of Franklin's behavior and how that indicates Franklin's psychological state. I reviewed the expert
42 report of Leslie Pander, M.D., the grand jury testimony of Raphael O'Connor, the statement of Alex
43 Franklin, and all exhibits and evidence in the case file. I have also submitted a non-scientific article
44 from Time, entitled *Stockholm Syndrome*, to provide a brief layman's history of Stockholm
45 Syndrome. This report includes all of my findings and conclusions.
46

47 **CONCLUSIONS:** First, I concur with Dr. Pander's diagnosis of Persistent Depressive Disorder.
48 There is no question, Franklin was depressed following the death of his/her mother and the lack
49 of adequate/basic psychological help caused Franklin's depression to persist and worsen
50 throughout the six-year period following his/her mother's death. I can state that opinion to a
51 reasonable degree of professional certainty.

1
2 Dr. Pander and I have significant disagreement over the rest of Dr. Pander's conclusions. I find that
3 Dr. Pander's assertion of Stockholm Syndrome in this case is irresponsible and, frankly, laughable.
4

5 Dr. Pander's first treatise gives an accurate articulation of the phenomenon of trauma bonding, cult
6 dynamics, and a general overview of the current state of psychiatric study of this area of practice.
7 Trauma bonding is real and rare. The FBI has found that less than a third of all victims involved in
8 crimes that could result in the type of trauma bonding, actually experience any trauma bonding.
9 This conclusion is also consistent with Dr. Pander's treatise's findings and common cultural
10 understanding of this phenomenon.
11

12 While Dr. Pander attempts to justify claims of Stockholm Syndrome in this case through use of the
13 Stockholm Syndrome Scale, Dr. Pander failed to perform the actual 49 or 127 item survey on
14 Franklin. Dr. Pander's theoretical application of the Stockholm Syndrome Scale is a far less reliable
15 application than Graham's original. Even ignoring the limits of Dr. Pander's theoretical application,
16 Dr. Pander fails to recognize the full weight of the second sentence of that section of the treatise,
17 "Two were specifically designed to measure trauma bonding but have not been sufficiently tested
18 or standardized." There is no sufficient or standardized test for Stockholm Syndrome. It is as
19 untestable as it is unprovable, making its use in a case irresponsible.
20

21 While I personally do not dispute that trauma bonding or Stockholm Syndrome are real
22 psychological states that inhibit a person's ability to appreciate the quality and nature of their
23 actions, it is noteworthy that there are significant number of professionals in the field that do not
24 recognize Stockholm Syndrome as an actual psychological diagnosis. The American Psychiatric
25 Association does not include Stockholm Syndrome in its Diagnostic and Statistical Manual of
26 Mental Disorders (DSM). However, most psychologist and psychiatrist use Stockholm Syndrome
27 and trauma bonding interchangeably, and trauma bonding is a recognized psychological diagnosis.
28

29 Even if we ignore that Stockholm Syndrome is rare, not a recognized diagnosis, and has no
30 sufficient/standardized specific test, this case does not have the universally recognized four factors
31 required for potential trauma bonding, and these factors include: (1) perceived threat to one's
32 physical and psychological survival at the hands of an abuser; (2) perceived kindness from the
33 abuser to the victim; (3) isolation; and (4) inability to escape.
34

35 I can concur with Dr. Pander that Franklin was the recipient of psychological abuse and kindness
36 from O'Connor. However, there is nothing in the record to substantiate the claim that Franklin
37 identified O'Connor as his/her "abuser" or that Franklin felt an inability to escape.
38

39 It is true that Franklin and O'Connor were romantic partners in a toxic relationship. Their public
40 interactions displayed a clear power imbalance resulting in O'Connor having more control and
41 dominance in the relationship. However, that relationship dynamic is common amongst victims of
42 substantial prior domestic abuse. It is undeniable that Franklin and Ray Franklin had a prolonged
43 psychologically abusive relationship. Based on the record, Ray Franklin routinely used control
44 tactics to psychologically break Franklin. Ray Franklin's extreme application of the practices of the
45 Covenant, served as effective tools to induce Franklin's generalized ego-weakness, emotional
46 vulnerability, a propensity toward dissociative states, and persistent depression.
47

48 Ray Franklin's actions caused Franklin to be more likely to seek a subservient dynamic with
49 whomever Franklin chose as a romantic partner. While it is true, O'Connor most likely recognized
50 this vulnerability in Franklin and preyed on his/her vulnerabilities to feed his obsessive need for

1 power, there is no evidence that Franklin's love for O'Connor had any association with existing fear
2 of him. Everything indicates Franklin had an overwhelming fear of Ray Franklin.

3
4 Dr. Pander's assertion that somehow Franklin's fear of Ray Franklin was projected on O'Connor
5 is the only possible theory that could substantiate Dr. Pander's findings, and it is that lynchpin that
6 is laughable. Of the rare Stockholm Syndrome cases that are recognized, though still disputed,
7 none of them involve an attachment to someone who was not a direct psychological **and** physical
8 abuser.

9
10 Finally, the evidence doesn't support the finding of Stockholm Syndrome. Based on Franklin's
11 comments and behavior, Franklin exhibited, a willingness and enthusiasm to plan, execute, and
12 cover up this crime. There is overwhelming evidence that Franklin was completely aware that
13 bombing the CRB was a crime. Because I did not conduct an in-person analysis, I cannot say it is
14 impossible that Franklin had Stockholm Syndrome. I can say Franklin's actions and the evidence
15 are consistent with Franklin having the mental capacity to understand the nature and quality of
16 Franklin's actions. As Franklin said, Franklin learned early on the difference between right and
17 wrong. Franklin has shown a consistent pattern of lying and manipulating to protect those Franklin
18 cares about - something a person only does if they understand the negative consequence of the
19 action and wishes to avoid those consequences. Given O'Connor's own (likely) sociopathic mind,
20 it is quite possible that Franklin and O'Connor derived this entire defense and Franklin manipulated
21 Dr. Pander into believing Franklin is a helpless victim. Make no mistake, O'Connor is a monster,
22 but so is Franklin.

23
24 All of my opinions are stated within a reasonable degree of certainty in my field.

25
26 **CERTIFICATION:** On the 21st day of September, 2019, I certify, under penalty of perjury, that I
27 have carefully reviewed the above report to determine whether the information contained are true
28 and correct, and whether I had any additional information relevant to the matters therein. I hereby
29 certify, under penalty of perjury, that the report is accurate and I have no information relevant to
30 the matters discussed other than what is discussed in this grand jury testimony. Everything was
31 covered and nothing was left out.

32
33 *Reagan Lewin*

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF NEW YORK**

**UNITED STATES V. ALEX FRANKLIN
DOCKET NO. CR-059-2019**

VOLUNTARY STATEMENT OF ALEX FRANKLIN

1 This statement is being voluntarily given, upon being duly sworn and subject to the threat of perjury
2 by Alex Franklin, in the matter of UNITED STATES V. ALEX FRANKLIN Docket No. CR-059-2019.

3
4 My name is Alex Franklin. I currently reside at the Onondaga County Justice Correctional Facility.
5 I am currently taking Celexa which is an anti-depressant and undergoing weekly psychiatric
6 treatment for severe depression. None of these medications impair my ability to testify or my
7 memory of what happened in regard to the Central Reserve Bank. I am sorry for my part in the
8 bombing. I did not realize what I was a part of. I did not have control of what I was doing. I learned
9 the difference between right and wrong as a child, and I always try to do right when I can. I now
10 don't consider anything that happened in connection with the Covenant as being right or justified.

11
12 I met Raphael after my mother was killed. On July 23, 2013, my mother was shot during an
13 attempted robbery at the Central Reserve Bank. Life got pretty cold and dark from there. A little
14 over a month after her death, my father, Ray, started taking us to grief meetings, then church
15 meetings, but everything changed when we went to our first Covenant meeting.

16
17 Raphael was really charismatic. Raphael made me feel like Raphael was speaking directly to me
18 with every word. I instantly liked Raphael. The way he spoke, his presence in the room, his looks.
19 Ray seemed really into Raphael and the message too. After the meeting, Ray spoke privately with
20 Raphael for maybe 2 hours. On the way home, Ray told me we were giving up everything to go join
21 the Covenant. I may have been into Raphael, but I wasn't leaving school, my friends, and my house
22 to go live on some "Little House on the Prairie" wannabe in Solvay. I told that to Ray and he
23 slapped me so hard his ring drew blood. He told me I had no choice, because I didn't need that
24 school or friends. I needed the Covenant. I didn't want to get slapped again so I just nodded my
25 head and packed my things when we got home. Two days later I was on the compound, working
26 in the vegetable garden for chores. I remember because it was Halloween, but none of the kids
27 even dressed up.

28
29 Life on the compound was horrible from the start. I tried to isolate myself as I was trying to deal with
30 my grief over my mother's death, but with the strenuous schedule there was no time to grieve. Ray
31 was really big on structure and the Covenant's rituals. We woke at 4:00 a.m. every morning. The
32 morning lecture was at 5:00 a.m., then chores from 6:00 a.m. to 8:30 a.m. At 8:30 a.m, I was given
33 30 minutes to reflect on the morning lecture and eat breakfast, then I was in the Covenant's school
34 until evening chores at 5:00 p.m. From 5:00 p.m. to 7:30 p.m, I did evening chores and from 8:00
35 p.m. to 9:00 p.m., we had the Covenant evening lecture. After the lecture, I ate dinner then went
36 to bed. I'm not sure if everyone followed this strict a schedule, but Ray made sure we did it every
37 single day. Not a minute could be off. I didn't like it, but because we gave up all of our "capitalist
38 possessions," there was nothing else to do. I cried every day over the Covenant and my mother's
39 death for the next year.

1 I felt so hopeless, that on July 22, 2015, I attempted suicide by cutting my wrists. Ray took one of
2 the Covenant's cars and rushed me to St. Joseph's Hospital emergency room. They held me for
3 a few days, and it was actually my first-time meeting Dr. Pander. Dr. Pander was nice and told me
4 I had depression. Dr. Pander prescribed medication to me, and wanted me to see a therapist. Once
5 we got back to the compound, Ray took me to Raphael. Raphael ripped up the prescription in my
6 face and yelled at me about the greed of the medical industry. After Raphael finished, I yelled out
7 that I hated it at the compound and Ray hit me really hard while Raphael stood there watching.
8 Raphael told Ray to pick me up and hit me again, and Ray did. Raphael said good and they both
9 smiled, they almost looked like the same person.

10
11 From that night on, I learned pretty quickly that Ray was going to hurt me if I complained or said
12 anything contrary to the Covenant. I thought about trying to kill myself again, but Raphael ordered
13 that ropes or anything close to being sharp be removed from my room. A few days later Raphael
14 came to my bedroom and told me the Covenant was the only place in the world where I could be
15 safe. Raphael told me I could leave but anywhere else I would end up like my mother. I gave up
16 on the thought of ever leaving that night. I took what Raphael was saying as a threat to my life. I
17 knew Ray was crazy enough to hurt or kill me just to make Raphael happy, I just decided to do
18 whatever it took to make staying there tolerable.

19
20 From 2016 to 2017, the Covenant began to get more extreme. As the Covenant grew in size,
21 Raphael began more preaching about cleansing our bodies and minds. Ray told me Raphael
22 ordered we fast, so Ray started withholding meals from me for weeks at a time. Raphael also had
23 the men build isolation chambers, so members could "isolate themselves from any influence from
24 materialistic desires." Ray told me Raphael ordered 2 hours of isolation be added to my daily
25 routine after the evening lecture. Over those years, I lost a lot of weight which helped me start
26 looking more mature.

27
28 During 2016 and 2017, I went to the doctor's office two times. The first time was October 11, 2016.
29 Ray was a part of a special group of members that got to drink with Raphael. Anyway, Raphael and
30 Ray were a few hours into drinking in the living room and I made a smart comment about the
31 hypocrisy of being against everything capitalistic except booze. Raphael looked at Ray, and Ray
32 drunkenly got up and started hitting and throwing me around. After like a minute, Raphael stood
33 up and said enough. Raphael picked me up, and had another member drive me to the hospital. I
34 ended up bruised with a sprained my wrist. The second time I went to the doctor was right before
35 graduation from Covenant High School. Ray took me to Raphael's house to discuss college
36 because Ray was upset, I was leaving. Ray and Raphael discussed the matter in another room so
37 I couldn't hear what was said. When Ray came back, he put me in the isolation chamber and said
38 Raphael suggested I spend the night there so I could rethink my decision. After 4 hours, I had
39 enough and snuck back to my room. Unfortunately, Ray caught me, and pushed me so hard part
40 of my arm went through the living room window. I cut myself, badly, and needed stitches. Dr.
41 Pander thought it was a case of self-harm, and I let Dr. Pander believe it. What else could I say?
42 The Covenant was all I had.

43
44 Raphael started being nice to me after I graduated. It was the first time anyone had been kind to
45 me since we got to the Compound. Raphael paid for me to go to community college, and drove me
46 every day. Raphael even broke Covenant rules and bought me a MePhone. Raphael programmed
47 his number in it and said "text me if you need anything." Raphael said it was ok because I was
48 special, and the rules didn't apply the same to me. It felt good to be special for one time in my life.

49
50 In the fall of 2017, I started at the community college, with quite a few restrictions. Ray said
51 Raphael would not permit me to make friends, go off campus, have any extended stays, or spend

1 in excess. Even without Raphael or Ray being there, I still feared anytime someone dared look at
2 me, Ray would come out of nowhere and force me into the isolation chamber or slap me. With that
3 said, Raphael started asking to spend more time with me at the Compound. Raphael was like the
4 age of my father. Like I knew Raphael was a part of the abuse my father inflicted on me, but as Dr.
5 Pander has explained to me, Raphael's sudden niceness caused me to develop positive feelings
6 for Raphael. I mean I fell in love with Raphael. Sometimes I'd get texts from Raphael in the middle
7 of the night to let me know Raphael was thinking of me. At first, I laughed it off, but over time I
8 hoped it was real.

9
10 When I was on the Compound, I found any excuse to be with Raphael. It was difficult at first,
11 because of Ray, but everything changed on June 10, 2018. Ray found the phone and confronted
12 me. Ray was furious, so I snatched the phone away, ran to my room and text Raphael to come
13 save me. Ray got in and started beating me like he'd never beat me before. I tried to shield myself
14 from a few blows, but Ray hit my arm so hard, I felt a crack and rush of pain. Then out of know
15 where I hear the crash of glass and Ray falls over. I was about to die, but Raphael saved me by
16 smashing my lamp over Ray's head. Raphael even took me to the hospital and said I told the
17 doctors I was in a car accident. I clung to Raphael the entire time. I felt like Raphael was the only
18 thing that keeping Ray from killing me.

19
20 Raphael said as long as I was with him no one would kill me. I knew Raphael would protect me,
21 but he told me in exchange I had to devote myself to him, unquestionably. I couldn't say no. Never.
22 Raphael told I needed to be one with him, mind and body. So Raphael took my virginity that night.
23 We spent the rest of the summer together, and by the time it was time for the next semester to start
24 Raphael told me I wasn't going back to school. From the moment I moved in with Raphael, he
25 controlled every aspect of my existence. Pleasing Ralph, I sometimes called him that or Ralphie,
26 just seemed like the only way to stay alive. Though, I'd be lying if I didn't also say being devoted
27 to him felt good. It made me happy. If I made him unhappy, Raphael would punish me. Raphael
28 would tell me how stupid and worthless I was, and how at any moment I could be sent back to Ray.
29 I would cry and beg for Raphael's forgiveness.

30
31 In January of 2019, Raphael told me we were going on a trip to pick up a new Covenant member
32 in Buffalo. I didn't ask any questions. That was the first time I met Baylor Rizwald. Baylor came
33 back to the Compound and Raphael told me Baylor was just an old acquaintance, but their
34 relationship was different than any other member. They'd have secret meetings and talk about
35 things without including me. In April, Raphael started giving me tasks but wouldn't tell me what it
36 was for. For instance, I was told to take Baylor to the store whenever Baylor asked and help Baylor
37 pick up and pay for whatever Baylor wanted. To facilitate these payments, Raphael told me I would
38 get to open a bank account and have my own spending card. I was so excited. I felt like Raphael
39 really trusted me. I didn't ask any questions. Raphael asked me if I knew of any bank and I told him
40 the Central Reserve Bank because it was the only one I knew of. Raphael gave a thousand dollars
41 to make the initial deposit, then over the weeks later, Raphael would have me deposit or withdraw
42 various amounts. It was great, Raphael would even let me get stuff for myself every now and then.
43 After every visit to the bank, would ask me questions about the layout and the security. Raphael
44 even had me bring him inside and lie that he was my father. I now realize how weird and suspicious
45 this all was, but at the time, I just did as I was told. Sometimes, I would take initiative. Another cult
46 member, Chris, started asking too many questions about Baylor and the trips we took, so I told
47 Raphael. Raphael was so happy with me.

48
49 On May 22, 2019, Raphael told me to make a deposit at the Central Reserve Bank, but I was
50 supposed to put something in my bag, and text him when I was finished with the deposit so we
51 could meet in a private location and exchange it. We had never done anything like that before, nor

1 had Raphael ever asked me to bring anything in with me. Raphael was clear I was not supposed
2 to look at it, then he handed me an object about the size of a really big water bottle wrapped in one
3 of my scarfs. I obeyed. As I was depositing the check, I reached in my bag for a pen and I felt the
4 surface of the object. it was smooth and hard. I didn't look at it. I just got my pen and pulled my
5 hand out of my bag. After my deposit, I met Raphael at the bathroom and handed over the object.
6 I did not know it was a bomb. Raphael took me out to the lake for the evening and we didn't get
7 back to the compound until 1:00 a.m. The next morning, I saw a text was sent from my phone to
8 a number Raphael told me to save earlier that week. I didn't send the message. My phone was on
9 the night stand, in full reach of Raphael and he insisted the password be his name.

10
11 I didn't know anything about the bombing until the police raided the compound. Raphael rushed into
12 the bedroom where I was laying. He frantically told me that the police were coming, I needed to
13 keep my mouth shut and stay in bed. He told me I had to move the lock box that he kept in our
14 bedroom closet and make sure the police didn't get it. Then he left. I don't know where he went but
15 I heard gun fire and hid under my bed. Chris, that nosey member I told you about, actually turned
16 out to be FBI, and he's the one that found me under the bed. The police initially questioned me,
17 and I told the truth, I knew nothing about any bombing. They let me go and I moved the lock box
18 before they searched the house.

19
20 I didn't get to talk to Raphael again until two weeks after the raid on June 10, 2019. Raphael
21 instructed me to keep moving the lock box in different parts of the compound, and not talk to the
22 FBI, no matter what. I did everything Raphael asked. I was so miserable at the Compound without
23 Raphael, and when the Judge cut off his visitation privileges, my depression only got worse. I wrote
24 Raphael two letters but didn't hear anything from him. Then all of sudden in August, the FBI show
25 up at the Compound with an arrest warrant for me! They claimed I was also a part of the planning
26 of the bombing. It wasn't until after my arraignment that I found out Raphael was behind my arrest.
27 I knew nothing of the bombing. I didn't deserve to be arrested. Ironically, being arrested ended up
28 allowing me to get the help I so desperately needed.

29
30 I now see how stupid I was being. I didn't comprehend what exactly I was doing. I'm so sorry for
31 what happened, but please understand, I was sick and manipulated by Raphael O'Connor. I
32 recognize Exhibits 1, 2, 3, 4, 8 and 9. Though I'd like to say that Exhibit 4 contains screenshots of
33 only parts of conversations. I know they can be manipulated to look bad, but they aren't what they
34 seem.

35
36 **CERTIFICATION:** On this 13th day of September, 2019, I certify, under penalty of perjury, that I
37 have carefully reviewed the above voluntary statement to determine whether the information
38 contained are true and correct, and whether I had any additional information relevant to the matters
39 therein. I hereby certify, under penalty of perjury, that the voluntary statement is accurate and I
40 have no information relevant to the matters discussed other than what is discussed in this grand
41 jury testimony. Everything was covered and nothing was left out.

42
43 *Alex Franklin*

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EXPERT REPORT ON ALEX FRANKLIN

1 **SYNOPSIS:** In my medical opinion, Alex Franklin, age 20, is a severely traumatized patient who
2 has suffered from the following mental defects. Persistent Depressive Disorder and Stockholm
3 Syndrome. Alex Franklin was not mentally capable of understanding the nature of his/her actions
4 in participating in the Central Reserve Bank Bombing.
5

6 **BACKGROUND:** I obtained a bachelor's in psychology from Purdue University, two master's in
7 psychology and psychopharmacology and a medical degree in psychiatry from Upstate Medical
8 University. While getting my doctorate, I spent two years working with street gangs in Mexico City
9 to study the role and effect of violence as a reinforcement technique in organizational structures.
10 Post school, I spent 15 years working with the Federal Bureau of Investigation as a behavioral
11 psych-analyst. I worked with the FBI for 15 years on over one hundred cases, until June of 2005.
12 I believed the FBI was consistently incorrectly treating suspects suffering severe mental disabilities
13 as criminals instead of individuals in need of psychological treatment. After a child with severe
14 trauma was railroaded to get a conviction using my analysis, I confronted my superiors from the
15 Bureau about our practices and they dismissed me that day. After working with the FBI, I moved
16 to Syracuse, New York, and started a private practice. I was offered a position at St. Joseph's
17 Hospital in 2008 and in 2014, I was appointed Director of the Institute of Mental Studies for the New
18 York Psychology Association. I am a member of the American Medical Association, American
19 Psychology Association, and the New York Psychology Association. I am also licensed to practice
20 in New York, Virginia, the District of Columbia, and Alaska. I am the author or co-author of 2 peer
21 reviewed research articles, as well as an honorary member of the editorial board of the *Journal of*
22 *Substance Abuse Treatment*. During my time in the FBI, I did not testify in Court, though I have
23 draft written expert reports for over 60 cases that the Psych-Analyst department head used to
24 testify.
25

26 **CASE INVOLVEMENT AND PATIENT REVIEW:** Alex Franklin officially became my patient after
27 his/her August 2019 arrest. I sought Alex out, after seeing Alex's arrest on the news. I requested
28 Alex allow me to treat Alex, given our prior interaction on a few occasions when Alex visited the St.
29 Joseph's Hospital for treatment. In July of 2015, Alex was placed on a 72-hour psychiatric hold
30 following a failed suicide attempt. I performed two brief evaluations of Alex during that
31 hospitalization. I spoke with Alex on two other occasions where Alex visited the emergency room
32 at St. Joseph prior to 2019. Alex has given me permission to divulge all relevant contents of Alex's
33 medical history. In preparation of writing this report, I reviewed the voluntary statement of Alex
34 Franklin and O'Connor, as well as all of the exhibits. In addition to the statements and exhibits, I

1 have also reviewed two medical treatises that are the golden standard in the psychological field
2 when dealing with patients exhibiting symptoms of Stockholm Syndrome. These treatises explain
3 Stockholm Syndrome and Cult Dynamics in detail. Since his/her incarceration, Alex has been
4 treated with Celexa, a strong antidepressant, and daily therapy sessions.
5

6 **MATERIALS REVIEWED:** In addition to writing my narrative, I reviewed the grand jury testimony
7 of Raphael O'Connor, the statement of Alex Franklin, and all exhibits and evidence in the case file.
8 I have also submitted two articles the this report. One is entitled *Contemporary Review of Empirical*
9 *and Clinical Studies of Trauma Bonding in Violent or Exploitative Relationships*, and the other is
10 entitled *Stockholm Syndrome*, Laura Lambert EB Editors. This report includes all of my findings and
11 conclusions.
12

13 **EVIDENTIARY REVIEW:** While Stockholm Syndrome and the psychological dynamics of cults are
14 described in depth in the treatises provided in conjunction with this report, the treatises do not
15 include descriptions of Persistent Depressive Disorder. A description of this disorder is provided
16 below:
17

18 **PERSISTENT DEPRESSIVE DISORDER:** Depression is a common term that we've all heard or
19 used to describe when someone is feeling down. Depression is a psychological diagnosis and there
20 are different kinds of depression dependent on the length and severity of the symptoms
21 experienced by a given individual. People who are diagnosed with a Persistent Depressive Disorder
22 must have experienced symptoms of depression for at least two years. The symptoms must persist
23 for this amount of time. Symptoms include but are not limited to: Changes to appetite, Sleep
24 changes (too much or too little), Lack of energy, Low self-esteem, Trouble concentrating or making
25 decisions and Feelings of hopelessness.
26

27 **CASE ANALYSIS:** As part of this analysis, I use the golden standard in the field when it comes to
28 cases of patients exhibiting symptoms of Stockholm Syndrome. When a psychologist identifies a
29 patient that is exhibiting signs of Stockholm Syndrome due to interpersonal violence specifically,
30 we use the Stockholm Syndrome scale to identify whether or not the patient actually has Stockholm
31 Syndrome. This scale measures the three core factors that are present in patients who have
32 Stockholm Syndrome: (1) Core features of Stockholm Syndrome (the use of dysfunctional
33 strategies to cope with interpersonal violence), (2) Psychological damage (depression, low-self
34 esteem, loss of sense of self) and (3) Love Dependence (the belief that survival was dependent
35 on abusive partner's love). It has been found that four situations or conditions must be present in
36 an individual in order for them to develop Stockholm Syndrome: Presence of a perceived threat to
37 one's physical and psychological survival and the belief that the abuser would carry out the threat.
38 Presence of a perceived small act of kindness from the abuser to the victim. Isolation from
39 perspectives other than those of the abuser. Perceived Inability to escape the situation. These four
40 conditions in addition to the three factors before mentioned must all be present in order to conclude
41 a person has Stockholm Syndrome.
42

43 Alex Franklin was forced to join a cult, the Covenant of Revolutionary Retribution. I found evidence
44 of Alex being forced into prolonged periods of starvation, isolation, and labor. Combined with
45 persistent verbal and physical abuse, Alex's treatment at the cult had a pervasive negative
46 psychological effect, comparable to torture tactics used on prisoners of war. Alex attempted suicide
47 upon entering and had active suicidal thoughts after the first attempt. Based on Alex's medical
48 records and admissions, it is more probable than not that Alex was subjected to years of physical
49 abuse. While it is true, Alex always denied Alex's abuse prior to Alex's arrest, Alex later admitted
50 the abuse in Alex's statement. Frankly, as Alex's treating psych-evaluator, I should have had child
51 protective services look into Alex's case, but Alex was a very convincing liar that presented with

1 extremely apparent indications of severe psychological distress. It's also noteworthy that it is not
2 completely inconsistent of child victims of domestic abuse to deny the abuse.

3
4 Alex's individual identity, Alex's reliance on Alex's own opinions and decision making were
5 suppressed by the Cult's tactics. When Alex tried to assert Alex's own critical thinking, Alex was
6 subjected to physical abuse to further reinforce the Covenant's suppression of individual thought.
7 Alex's statement is riddled with examples of the hopelessness Alex persistently felt. From 2015-
8 present, Alex has suffered from Persistent Depressive Disorder.

9
10 It was in that traumatized state that Raphael O'Connor preyed on Alex for Raphael's own personal
11 sexual gratification. Raphael saw Alex as someone that could be easily controlled. Alex was young
12 and vulnerable in need of someone to protect Alex. Raphael's sociopathic tendencies should not
13 be ignored in analyzing Alex's condition. Consistent with other cult leaders, Raphael shows the
14 signs of being a pathological liar and master manipulator who always seeks control. Raphael's
15 design of the Covenant systematically strips power from the members. Raphael collects their
16 money, their property, then uses inhumane rituals to break the members or their children down.
17 Alex gave Raphael power.

18
19 In my opinion, Raphael was fully aware and even participated in Ray's torturing of Alex. Raphael
20 was nearly always present when Ray physically abused Alex. If not present, Ray would constantly
21 mention Raphael immediately before he would proceed to beat Alex. I suspect Raphael, in some
22 instances, even directly gave Ray a look or a direct order to punish Alex. I also suspect Raphael
23 prescribed rituals to parents like Ray, in hopes the rituals would cripple the Covenant's children.
24 Admittedly, no one else from the Covenant's 120-person membership has come forward with any
25 allegations of abuse or misconduct against Raphael. Regardless, Raphael's actions upon Alex's
26 graduating show that Raphael wanted Alex to view Raphael as a savior. Raphael used kindness,
27 (having someone drive him/her to the hospital, volunteering to pick Alex up from school, the secret
28 cell phone), as a way to create a psychological dependence on Raphael and manipulate Alex into
29 falling in "love" with Raphael. Once Alex fell in love with Raphael, Alex believed Raphael loved Alex
30 too. Alex depended on Raphael's love to survive.

31
32 Raphael and Ray's shared age, authority over Alex, and use of abuse, both emotional and physical,
33 created a paradoxical view of both figures. Alex's mind only attributed positive thoughts with
34 Raphael, so Raphael's abusive nature was unconsciously attributed to Ray's abuse. In his/her
35 mind, Ray was bad, and Raphael was good. In other words, when Raphael would abuse Alex, in
36 Alex's mind, it was as if Ray was still abusing Alex. Raphael's abuse constantly revived the trauma
37 Ray caused Alex. From the night Raphael saved Alex, Alex could only think of Raphael as
38 protecting Alex from being killed by Ray. Raphael used Alex's fear of Ray as a control tactic. This
39 dynamic is indicative of Stockholm Syndrome. Unconsciously, submission to Raphael was the only
40 way to stay alive.

41
42 It's important to note that Stockholm Syndrome is different than acting out of duress. There was
43 no literal gun held to Alex's head. Alex needed to be by Raphael's side to stay alive. Alex actively
44 feared for Alex's life. Alex was not consciously acting out of fear, but rather, Alex was
45 unconsciously fearful which therefore distorted Alex's ability to consciously perceive the nature of
46 Alex's actions.

47
48 I admit Alex's presentation of Stockholm Syndrome is unconventional. Typically, Stockholm
49 Syndrome attaches to the prolonged abuser, which in this case would be Ray. Out of thousands
50 of cases where Stockholm Syndrome has been found, no case is without some controversy and
51 disagreement in the field. Further, this case is groundbreaking because it is one of the rarer cases

1 in a cult member can be evaluated for Stockholm Syndrome, though it is noteworthy that cult-
2 member related evaluations are rare. Anyone who studies the mind will concede that so much is
3 still unknown about Stockholm Syndrome, though it is undeniable that Stockholm Syndrome inhibits
4 an individual's ability to consciously discern the nature and quality of their actions since their
5 thoughts and actions are not their own.
6

7 Using the Stockholm Syndrome scale, I can conclude in my professional opinion, that during 2019,
8 Alex's mental state was impaired by mental defects, Stockholm Syndrome and Persistent
9 Depressive Disorder, and in this mental state Alex Franklin was unable to fully appreciate the
10 nature of Alex's actions. Alex would have been more likely to follow Raphael's request, without
11 question, because Alex's conscious mind was incapable of processing the suspicious nature of
12 Raphael's actions. Further, Alex Franklin's mental state was vulnerable, Alex was capable of being
13 easily manipulated and controlled by Raphael O'Connor. Alex's thoughts were not Alex's thoughts.
14 They were O'Connor's thoughts and O'Connor's ideology.
15

16 This report includes all my findings and relevant conclusions. All of my opinions are stated within
17 a reasonable degree of certainty in my field.
18

19 **CERTIFICATION:** On this 20th day of September, 2019, I certify, under penalty of perjury, that I
20 have carefully reviewed the above report to determine whether the information contained are true
21 and correct, and whether I had any additional information relevant to the matters therein. I hereby
22 certify, under penalty of perjury, that the report is accurate and I have no information relevant to
23 the matters discussed other than what is discussed in this grand jury testimony. Everything was
24 covered and nothing was left out.
25

26 Leslie Pander

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF NEW YORK**

<p>THE UNITED STATES OF AMERICA</p> <p>v.</p> <p>ALEX FRANKLIN,</p> <p>DEFENDANT.</p>	<p>NO. CR-059-2019</p> <p>JURY INSTRUCTIONS</p>
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JURY INSTRUCTIONS: Members of the jury, I shall now instruct you on the law that you must follow in reaching your verdict. It is your duty as jurors to decide the issues, and only those issues, that I submit for determination by your verdict. In reaching your verdict, you should consider and weigh the evidence, decide the disputed issues of fact, and apply the law on which I shall instruct you to the facts as you find them, from the evidence.

CREDIBILITY OF WITNESSES: You are the sole and exclusive judges of the believability of the witnesses and the weight to be given the testimony of each witness.

In determining the believability of a witness you may consider any matter that has a tendency reasonably to prove or disprove truthfulness of the testimony of the witness, including but not limited to the following: the demeanor and manner of the witness while testifying; the character and quality of that testimony; the frankness or lack of frankness of the witness; a statement previously made by the witness that is consistent with or inconsistent with the testimony of the witness; the existence or nonexistence of any fact testified to by the witness; the attitude of the witness toward this action or toward the giving of testimony and the conviction of a crime; the intelligence of the witness; the extent of the opportunity or ability of the witness to see or hear or otherwise become aware of any matter about which the witness testified; the ability of the witness to remember or to communicate any matter about which the witness testified; the existence or nonexistence of a bias, motive or interest in the outcome of the case; and the reasonableness of the testimony of the witness, considered in light of all the evidence in the case and in light of your own experience and common sense.

WITNESS WILFULLY FALSE: A witness, who is willfully false in one material part of his or her testimony, is to be distrusted in others. You may reject the whole testimony of a witness who willfully has testified falsely as to a material point, unless, from all the evidence, you believe the probability of truth favors his or her testimony in other particulars.

WEIGHING CONFLICTING TESTIMONY: You are not required to decide any issue based solely on the number of witnesses that have testified on the opposing sides. The testimony of one witness worthy of belief is sufficient to prove any fact. This does not mean that you are free to disregard the testimony of any witness merely from caprice or prejudice, or from a desire to favor either side. It does mean that you must not decide anything by simply counting the number of witnesses who have testified on the opposing sides. The final test is not the relative number of witnesses, but the convincing force of the evidence.

DISCREPANCIES IN TESTIMONY: Discrepancies in the testimony of a witness or between the testimony of one witness and that of other witnesses, if there were any, do not necessarily mean that any witness should be discredited. Failure of recollection is common. Innocent mis-recollection is not uncommon. Two persons witnessing an incident or a transaction often will see or hear it differently. You should consider whether a discrepancy pertains to an important matter or only to something trivial.

EXPERT OPINION: Some witnesses, because of education and experience, are permitted to state opinions and the reasons for those opinions. Opinion testimony should be judged just like any other testimony. You may accept it or reject it, and give it as much weight as you think it deserves, considering the expert's education and experience, his/her believability, the reasons given for the opinion, what the opinion is or is not based on, and whether the expert's opinion is consistent or inconsistent with other evidence in the case, among other factors.

EVIDENTIARY EVALUATION: The evidence in this case consists of the sworn testimony of the witnesses, all exhibits received into evidence, and all facts that may be admitted or agreed to by the parties. In determining the facts, you may draw reasonable inferences from the evidence. You may make deductions and reach conclusions which reason and common sense lead you to draw from the facts shown by the evidence in this case, but you should not speculate on any matters outside the evidence.

There are two types of evidence from which you may properly find the truth as to the facts of a case. One is direct evidence and the other is circumstantial evidence. The law makes no distinction between direct and circumstantial evidence in terms of its weight or importance. Either type may be enough to establish guilt beyond a reasonable doubt, depending on the facts as you find them to be.

DIRECT EVIDENCE: Direct evidence is evidence of a fact based upon a witness' personal knowledge, observation or perception of that fact. A defendant's guilt of a charged crime may be proven by direct evidence if, standing alone, such evidence satisfies you beyond a reasonable doubt of the defendant's guilt.

CIRCUMSTANTIAL EVIDENCE: Circumstantial evidence is evidence of a fact from which a person may reasonably infer the existence or non-existence of another fact. A person's guilt of a charged crime may be proven by circumstantial evidence if that evidence, while not directly establishing guilt, gives rise to an inference of guilt beyond a reasonable doubt. Because circumstantial evidence requires the drawing of inferences, you must first decide, from all the evidence presented, what facts have been proven beyond a reasonable doubt. After doing so, you must then determine what facts, if any, can be drawn from those facts. Before you may draw an inference of guilt,

however, that inference must be the only one that can fairly and reasonably be drawn from those facts. Such inference must also be consistent with the proven facts and, as noted above, must flow reasonably, naturally and logically from them. On the other hand, if there is a reasonable hypothesis from the proven facts that is consistent with the defendant's innocence, then you must find the defendant not guilty. Conversely, if the only reasonable inference you find is that the defendant is guilty of a charged crime, and that inference is established beyond a reasonable doubt, then you must find the defendant guilty of that crime.

PRESUMPTION OF INNOCENCE: Throughout the trial, the defendant is presumed innocent. Therefore, you must find the defendant not guilty unless upon the evidence presented, you conclude that the prosecution has proven the defendant guilty beyond a reasonable doubt. In determining whether the prosecution has met their burden of proof, you may consider all the evidence presented, whether by the prosecution or the defendant. In doing so, however, remember that even though the defendant presented evidence, the burden of proving the defendant's guilt beyond a reasonable doubt always remains with the prosecution.

BURDEN OF PROOF FOR THE PROSECUTION: Every defendant charged with a crime is presumed innocent until proven guilty beyond a reasonable doubt. The burden of proof is on the prosecution to prove the existence of all the elements necessary to constitute the crime charged beyond a reasonable doubt.

REASONABLE DOUBT: Reasonable doubt means a doubt based upon reason and common sense which arises from a fair and rational consideration of all of the evidence, or the lack of evidence, in the case. It is a doubt which is not a vague, speculative or imaginary doubt, but such a doubt as would cause reasonable people to hesitate to act in matters of importance to themselves. If you find, from the evidence, that each and every element has been proven beyond a reasonable doubt, you will find the defendant guilty. If you find from the evidence that the prosecution has failed to prove any one or more of the elements beyond a reasonable doubt you will find the defendant not guilty.

MENTAL CULPABILITY AND CRIMINAL COUNTS: The charges involve crimes requiring different types of mental culpability. A conspiracy is an agreement, express or implied, between two or more persons to commit a criminal act or series of criminal acts. A person is guilty of conspiracy if with the purpose of promoting or facilitating the commission of a crime, s/he agrees with such a person or persons, that they will engage in conduct that constitutes a crime, or agrees to aid such other person or persons in planning or committing such crime.

A person acts "intentionally" or "with intent" when his conscious objective is to cause the specific result proscribed by the statute defining the offense. It is immaterial whether or not the result actually occurred.

A person acts "knowingly" or "willfully" with respect to conduct or to a circumstance described by a statute defining an offense when he is aware that his conduct is of such nature or that such a circumstance exists.

A person acts "knowingly" or "willfully", with respect to a result of his conduct, when he is aware that his conduct is practically certain to cause the result.

CONSPIRACY TO USE WEAPON OF MASS DESTRUCTION: The first count charges that the defendant violated Title 18 USC §2332(a)(2)(B). To find the defendant guilty of this crime you must be convinced that the prosecution proved each of the following beyond a reasonable doubt:

- FIRST:** The defendant conspired with at least one other individual;
- SECOND:** The defendant acted knowingly and intentionally;
- THIRD:** The conspiracy involved use of a weapon of mass destruction. A pipe bomb explosive is a weapon of mass destruction; and
- FOURTH:** The target of the conspiracy was property within the United States that is used in interstate commerce. The Central New York Reserve Bank is involved in interstate commerce and engaged in activity that affects interstate commerce.

USE OF WEAPON OF MASS DESTRUCTION: The second count charges that the defendant violated Title 18 USC § 2332(a)(2)(B). To find the defendant guilty of this crime you must be convinced that the prosecution proved each of the following beyond a reasonable doubt:

- FIRST:** The defendant acted knowingly and intentionally;
- SECOND:** The defendant, either alone or in conspiracy with another, used a weapon of mass destruction. A pipe bomb explosive is a weapon of mass destruction; and
- THIRD:** The weapon of mass destruction was used against property within the United States that's used in interstate commerce. The Central New York Reserve Bank is involved in interstate commerce and engaged in activity that affects interstate commerce.

CONSPIRACY TO DESTROY GOVERNMENT PROPERTY: The third count charges that the defendant violated Title 18 USC §1361. To find the defendant guilty of this crime you must be convinced that the prosecution proved each of the following beyond a reasonable doubt:

- FIRST:** The defendant conspired with at least one other individual;
- SECOND:** The defendant acted willfully;
- THIRD:** The conspiracy aimed to commit an act of depredation against property. Depredation is defined as an act of desecration, desolation, pillage, or burglarizing. This section prohibits actual physical damaging of both real and personal property;
- FOURTH:** The property is currently or was previously owned by, or manufactured or constructed for, the United States or any department or agency thereof. The Central New York Reserve Bank was originally constructed as a federal reserve bank. The building is currently owned by the United States Government and several floors are leased to a private bank.

DESTRUCTION OF GOVERNMENT PROPERTY: The fourth count charges that the defendant violated Title 18 USC §1361. To find the defendant guilty of this crime you must be convinced that the prosecution proved each of the following beyond a reasonable doubt:

- FIRST:** The defendant acted willfully;
- SECOND:** The defendant, alone or in conspiracy with others, committed an act of depredation against property. Bombing a building that results in damage would constitute an act of depredation;
- THIRD:** The property is currently or was previously owned by, or manufactured or constructed for, the United States or any department or agency thereof. The Central New York Reserve Bank was originally constructed as a federal reserve bank. The building is currently owned by the United States Government and several floors are leased to a private bank.

AFFIRMATIVE DEFENSE: When a defendant is charged with a crime which requires a specified intent be established in order to constitute the crime, you must take all the evidence into consideration and determine therefrom if, at the time when the alleged crime was committed, the defendant was suffering from some abnormal mental or physical condition which prevented the defendant from forming the specific intent, which is an essential element of the crime with which the defendant is charged.

The defendant has asserted an affirmative defense. This does not bar the defendant from challenging his/her guilt in any form. However, the defendant may also assert that at the time of the offense, the defendant had a mental disease or defect that rendered the defendant incapable of appreciating the quality and nature what the defendant was doing at the time.

The defendant must prove the presence of a severe mental condition that stopped the defendant from fully understanding the nature of the defendant's actions or the wrongfulness of the defendant's conduct by a preponderance of the evidence. A preponderance of the evidence is not as high a burden as beyond reasonable doubt. A preponderance of the evidence requires that the evidence being presented must be more likely than not.

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF NEW YORK**

<p style="text-align: center;">THE UNITED STATES OF AMERICA</p> <p style="text-align: center;">v.</p> <p style="text-align: center;">ALEX FRANKLIN,</p> <p style="text-align: center;">DEFENDANT.</p>	<p style="text-align: center;">NO. CR-059-2019</p>
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VERDICT

COUNT ONE: On the count of CONSPIRACY TO USE A WEAPON OF MASS DESTRUCTION, we, the jury, find the defendant, Alex Franklin (CHECK ONLY ONE OF THE THREE RESPONSES BELOW AND THEN MOVE TO COUNT TWO):

GUILTY: _____ NOT GUILTY: _____ NOT GUILTY BY REASON OF INSANITY: _____

COUNT TWO: On the count of USE OF A WEAPON OF MASS DESTRUCTION, we, the jury, find the defendant, Alex Franklin (CHECK ONLY ONE OF THE THREE RESPONSES AND THEN MOVE TO COUNT THREE):

GUILTY: _____ NOT GUILTY: _____ NOT GUILTY BY REASON OF INSANITY: _____

COUNT THREE: On the count of CONSPIRACY TO DESTROY GOVERNMENT PROPERTY, we, the jury, find the defendant, Alex Franklin (CHECK ONLY ONE OF THE THREE RESPONSES AND THEN MOVE TO COUNT FOUR):

GUILTY: _____ NOT GUILTY: _____ NOT GUILTY BY REASON OF INSANITY: _____

COUNT FOUR: On the count of DESTRUCTION OF GOVERNMENT PROPERTY, we, the jury, find the defendant, Alex Franklin (CHECK ONLY ONE OF THE THREE RESPONSES AND THEN REPORT YOUR VERDICT TO THE COURT):

GUILTY: _____ NOT GUILTY: _____ NOT GUILTY BY REASON OF INSANITY: _____
