



Certain property or things: (One or more of the following categories must be used, as circumstances dictate. See 13-3912)

- which were stolen or embezzled
- were used as a means of committing a public offense
- are being possessed with the intent to use them as a means of committing a public offense
- are in the possession of \_\_\_\_\_ to whom it was delivered for the purpose of concealing it or preventing it being discovered
- consist of some items or constitute some evidence which tends to show that a particular person has committed a public offense

That said property or things are described as follows: (List all with as much particularity as possible)

On October 14<sup>th</sup> 2009 the Carlsbad Police Department served a search warrant on James Ray International, 5927 Balfour Court, suite #104, Carlsbad California. The Yavapai County Sheriff's Office assisted with the search warrant. All evidence items seized were turned over to the Yavapai County Sheriff's Office. Your affiant is requesting permission to photograph, copy, forensically examine, and test these items for evidentiary purposes. The seized items that are now in the possession of the Yavapai County Sheriff's Office are:

#1000- Dell Tower Computer, service tag 4P614J1.

#1001- Green backpack, "Ful" brand, containing miscellaneous papers including retreat  
waivers completed by Spiritual Warrior participants.

#1002- Dell Tower computer, service tag 9PJSKH1

#1003- Orange file labeled "Spiritual Warrior 2009".

#1004- Purple file labeled "SPW 05" containing miscellaneous papers and a roster of participants.

#1005- Purple file labeled "SPW 10/06" containing event release forms.

#1006- Sony Cybershot camera with battery, charger and video card.

#1007- Blue expandable file folder labeled "Spiritual Warrior Oct 03-08 2009" with roster and waivers.

#1008- Dell XPS computer tower, service tag 4KM3LH1.

#1009- Apple laptop computer, serial number W89070EN.

#1010- "G-Raid" 1000GB external hard drive.

#1011- "G-Raid" 500GB external hard drive.

#1012- DVD-R labeled "Firewalk Prep".

#1013- File folders containing client's information, A through B.

#1014- File folders containing client's information, C through Donna Franklin.

#1015- File folders containing client's information, Fredrick through McNamee.

#1016- File folders containing client's information, R through Swenson.

#1017- File folders containing client's information, Maybry through Pulos.

#1018- File folders containing client's information, Sacino through Weeden.

#1019- File folders containing client's information, Weinmaster through XYZ.

#1020- 2 pieces of paper, "James Ray Int Event Matrix."

#1021- Papers and emails in reference to a Peru trip.

#1022- Paper with event details, "SW sent 2 months prior".

#1023- Harmonic Wealth Training Manual.

#1024- Dell Tower computer, service tag B47RYB1.

#1025- Dell Tower computer Dimension 9150, JNQS591.

#1026- 2 notebooks, Intro Events, Operations.

#1027- Paper, "Spiritual Warrior Event Vitals Oct 3<sup>rd</sup> - 8, 2009"

#1028- Black notebook, Event Coordinator, Event Procedures Training.

#1029- 2 notebooks and 4 journals.

#1030- Termination letter written by Amy Hall.

#1031- Red notebook, "Administration, Human Resources, New Team Member Training Manual".

#1032- Letter to James Ray International from Angel Valley.

#1033- Practical Mysticism Fire Walk Instructions.

#1034- Brown folder, "Weekly Leadership Team Meeting."

#1035- Brown folder, "WWS Conference Call Script."

#1036- Brown folder, "January Biz Developing Meeting."

#1037- Miscellaneous folders, employee documents and event descriptions.

#1038- Miscellaneous folders, "Stock Lawsuits", "Ken Browning", "Shawn Lawler", "Charity", "Tim Doyle".

#1039- Back-up storage media for server, 8 disks (most recent).

#1040- Back-up storage media for server, 6 disks (end of year 2007/2008).

Items 1041 to 1047 are components for the server:

#1041- Server EX01UMWAVE exc mail.

#1042- Server DC and file server.

#1043- Server AP001 file maker.

#1044- Server DB Counterpoint POS.

#1045- Server Array O1 top.

#1046- Server Array O2 bottom.

#1047- SCSI cables to connect server components.

## REGULAR INFORMATION FORM

I received my peace officer certification in December of 2001 after graduating from the Northern Arizona Regional Training Academy (NARTA). I received a promotion to the position of Detective in January of 2006. Since becoming a detective in 2006, I have primarily been assigned cases involving child victims. I have worked numerous cases involving child abuse, child molestation, and sexual exploitation of children. In January of 2006 I attended and successfully completed "Investigation and Prosecution of Child Sexual Exploitation" (Prescott Valley, AZ). Also in January of 2006 I attended the "17<sup>th</sup> Statewide Child Abuse Prevention Conference" (Mesa, AZ). In February of 2006 I attended "The Reid Techniques of Interviewing and Interrogation" (Phoenix, AZ). In March of 2006 I attended the "4<sup>th</sup> Statewide Sexual Abuse Conference" (Phoenix, AZ). In July of 2006 I attended and successfully completed a course in "Child Abuse and Exploitation on the Internet" (Las Vegas, NV). In November of 2006 I attended and successfully completed "Advanced Forensic Interview Training of Children Who Alleged Abuse" (Phoenix, AZ). In January of 2008 I attended the "19<sup>th</sup> Statewide Child Abuse Prevention Conference" (Mesa, AZ). In October of 2008 I attended the Arizona Homicide Investigator's Association annual conference (Las Vegas, NV). In June of 2009 I completed "Buried Body Recovery" school at NARTA. In July of 2009 I completed "Basic Shooting Reconstruction" school at NARTA. In August of 2009 I completed "Criminal Investigations Utilizing Cellular Technologies" in Gilbert, AZ.

On October 08, 2009 at approximately 5:25 p.m., The Yavapai County Sheriff's Office responded to the Angel Valley Retreat in Sedona Arizona, located at 13850 Angel Valley Road off of highway 89A, for a report of numerous people in various stages of medical distress.

Yavapai County Sheriff's Office detectives were advised of one male, James Shore, and one female, Kirby Brown, had died after being transported to the Verde Valley Medical Center. Detectives were also advised that other participants were in altered levels of consciousness and having difficulty breathing.

Your affiant learned that James Arthur Ray was the Facilitator for this event at the Angel Valley Spiritual Retreat Center in Sedona Arizona. The event was called the "Spiritual Warrior" program. The event was scheduled for October 3<sup>rd</sup> through the 8<sup>th</sup> 2009. James Arthur Ray was in charge of the proceedings in the Sweat Lodge. Witnesses who had participated in the two hour sweat lodge ceremony told officers that James Arthur Ray told the participants they would feel like they were going to die, but they would not die. Witnesses described the event as "super heated and so hot they could not breathe." James Arthur Ray told participants to push themselves and would only allow participants to leave by telling them they could only leave when the flap (opening) was up. James Arthur Ray controlled when the flap would open.

Doctor Fischione, Chief Medical Examiner for Maricopa County, told Det. Mike Poling that the extreme heat caused by a sweat lodge can cause hyperthermia to the body as was described by staff members as having to hose off participants with water to cool them as they left the lodge.

It is unknown how James Ray learned how to facilitate a Sweat Lodge. Some of the witnesses said James Ray claimed to have been trained by Native Americans.

Your affiant talked to Theodore "Ted" and Debra Mercer. Ted Mercer built the sweat lodge for James Ray and was the "fire tender" (person responsible for heating the rocks and bringing them to the door of the tent under the direction of the facilitator). Debra would use a pitch fork to pass the rocks into the tent. Someone inside would take the pitch fork, deposit the rock in the center of the tent, and then return the pitch fork. Debra and Ted were not allowed to go inside the lodge and could only see inside when the door flap was open between rounds. Debra and Ted have a 17 YOA daughter, Sarah Mercer, who was present outside of the sweat lodge during the event.

Witness Ted Mercer told your affiant that he has assisted with "six to eight sweat lodges" and has experienced problems on three occasions. He stated all three times he was working with facilitator James Arthur Ray. Ted Mercer has only assisted James Ray with three sweat lodges. Ted told me someone qualified to do Sweat Lodges would probably have called ambulances after the other two sweat lodges he did with James Ray. Ted Mercer told me he brought in the hot rocks (to the door of the tent) at the direction of James Arthur Ray. The rocks are called "grandfathers" and James Ray would tell Ted Mercer how many "grandfathers" to bring in at the beginning of each round. The number of rocks requested by James Ray would determine how hot the sweat lodge would get. This year's sweat lodge consisted of eight rounds. Ted Mercer told me the past two years people would exit the sweat lodge in medical distress. Ted said medical personnel should have been called in previous years but were not. Ted indicated James Ray's sweat lodges are much hotter and way more intense than the other sweat lodges he has assisted with. James Ray's sweat lodges are two hours long which is longer than the other sweat lodges he has assisted with. Ted estimated 55 people were in the sweat lodge. Ted said the normal number of people for a sweat lodge is 15 people but James Ray always has large groups of people in the sweat lodge. For these reasons, Ted said he did not plan on helping James Ray with the sweat lodge this year but he has been out of work and needed the money and James Ray had a nurse on staff that he believed would assist if there were problems.

Ted Mercer stated people did not have to stay in the lodge the whole time but were encouraged to do so to bring them to the next level of consciousness. Ted Mercer told me James Ray continued to encourage people to stay inside the sweat lodge. Ted heard James Ray say, "You are not going to die, you might think you are, but you're not going to die." Ted indicated James Ray said this three times during the sweat lodge.

Ted said the participants fasted for two days prior to the sweat lodge and didn't drink enough water. Ted said there was not a safety plan for the event.

Theodore Mercer's wife, Debra Mercer, told your affiant that James Arthur Ray was advised by participants that two participants were unconscious. This was between the 7<sup>th</sup> and 8<sup>th</sup> rounds. Debra Mercer did not know who made this statement but she could hear it from outside the lodge. Debra said James Ray's response to this was that they would be okay and there is only one more round. James Ray did not seem overly concerned that the two participants were unconscious.

Debra told me that after the 4<sup>th</sup> round two people had to be dragged out of the tent. Debra explained that participants would drag participants who were in medical distress to the door of the tent. Debra and other people would then drag the participants the rest of the way out. Debra said one of the participants came out of the tent after the 4<sup>th</sup> round. This participant believed he was having a heart attack and believed he was going to die. He kept saying, "I don't want to die, I don't want to die." Instead of summoning medical aid, James Ray stated "It's a good day to die".

Debra also stated there were problems with the sweat lodge the previous two years. Debra took pictures of participants outside the sweat lodge in 2008. Debra later emailed those pictures to me and it appears by the photos that some participants are in medical distress and possibly unconscious.

Debra said the rest of the occupants exited the tent after the 8<sup>th</sup> round. Debra was concerned about the previous comments that there were two people passed out after the 7<sup>th</sup> round. Debra observed James Ray sitting in a chair in the shade. Debra looked inside the tent and observed three people were at the back of the tent. Debra was able to drag one of the females out of the tent (possibly Liz Neuman who later died from her injuries). Two people were now inside (James Shore and Kirby Brown). Debra told James Ray that two people were still inside. Debra told James Ray she needed to open up the back of the tent. James Ray told her it would be "sacrilegious" to open up the back of the tent and she could only do it if it was necessary. Debra opened up the back of the tent but needed someone to hold the tent open so she could drag out Kirby Brown. Someone eventually held open the tent and she dragged Kirby out. Kirby wasn't breathing. She obtained more assistance and was able to drag out James Shore. At this time a female Debra believed was the nurse employed by James Ray was next to Kirby. The female said Kirby wasn't breathing and asked Debra what to do.

On 10/09/09 Detective S. Surak interviewed Sarah Mercer 17 years of age, he asked if she had participated in the event and she stated that she was outside of the sweat lodge assisting people as they came out of the lodge by putting cool water on them and providing drinking water and electrolytes. Sarah stated that she was never inside of the lodge and she

stated that toward the end of the ceremony someone had said that there were people that were unconscious in the lodge. Sarah said that they told James Ray that and he said "good, good". Sarah stated that when they asked Ray if they should get the unconscious people out of the lodge he stated "no they will be fine; we only have one more round". Sarah went on to say that at the end once everyone was out of the lodge her mother looked into the lodge and saw three people still in the lodge and they appeared to be unconscious and her mother asked for help to get them out and no one responded so Sarah and her mother went to the back of the sweat lodge and pulled the back of the lodge up and pulled the people out. Sarah stated that there were three people back there, one was a real big guy that she remembers and that his lips were purple and blue and face was purple and blue. Sarah stated that there was a girl sitting next to the big guy and they were holding hands, but she was face down in the dirt, she stated she had to walk away after that. Det. Surak asked if it was James Ray that said it was good that people were unconscious, she stated yes that he said it was a good thing and to just leave them in there for the last round, they would be fine. Det. Surak asked how long the rounds last and was told 15 minutes and Sarah went on to say that it was another 15 minutes after everyone was out to get to the people that were still in the lodge unconscious. Sarah could not remember anything else other than this was supposed to be a peaceful experience and it was not.

At the conclusion of the ceremony three people were found unconscious in the back of the sweat lodge. CPR was initiated on Kirby Brown and James Shore, who were pronounced deceased on arrival or shortly after arriving at Verde Valley Medical Center. Information from the family of Kirby Brown was she was in good physical condition prior to attending the sweat lodge ceremony. Sidney Spencer was transported to Flagstaff Medical Center by helicopter. Information from Verde Valley Medical Center was they ruled out carbon monoxide as a contributor to the death or illnesses of the people being brought in from this event.

Your affiant and detectives from the Yavapai County Sheriff's Office spoke to most of the participants/customers of the retreat which totaled over 50 people. There were no indications explaining why there were deaths and why people were getting sick other than it was extremely hot inside the sweat lodge. Several of the participants indicated James Ray continued to encourage people to stay inside the lodge. Witnesses said James Ray sat right next to the door and people would have to crawl past him to leave the sweat lodge. It appeared, based on the interviews, participants thought highly of James Ray and didn't want to let him down by leaving the sweat lodge. Several participants indicated they were not told what to do if they had medical problems during the event.

Your affiant learned the group may or may not have been fasting (depending on their unique spiritual journey) the day before (Wednesday October 07, 2009). The interviews of the participants indicated most of them participated in the "Vision Quest" which was 36 hours of fasting which lasted until Thursday morning. On Thursday morning October 08, 2009 the group ate breakfast and was told to hydrate. This was the only meal prior to the sweat lodge at 3:00 PM.



In the early evening hours, approximately between 3:00 p.m. and 5:00 p.m. the group of 50-60 people participated in a "Sweat Lodge" where a small hut (60' in diameter) was constructed of short wooden poles with blankets and tarps covering the hut. Rocks from outside the hut were heated by a wood fire and transported inside the hut where water was placed on the hot rocks. The hut was filled with these hot rocks while chanting was taking place.

Your affiant learned the time an individual spent in the sweat lodge was based on the individual's preference. The emphasis was on trying to push ones self past their self-imposed and conditioned borders.

On 10/08/09 Detective S. Surak interviewed Lou Caci who had been injured in the event and was at the Verde Valley Medical Center. Caci was located in the I.C.U. area of V.V.M.C. Caci advised Det. Surak that he had attended several of James Ray's events and that this was not the first time he had been involved in a Sweat Lodge. Caci advised Det Surak that he had done another sweat lodge with Ray back in 2003. When asked how this one differed Caci stated that it was a lot hotter than the last sweat lodge he had done with Ray in 2003. When asked how he was injured he stated that he had gotten so hot that he was "delirious" and was trying to get out of the lodge and put his hand into the hot rocks in the middle of the lodge. He said he didn't even realize what he had done until he did it and as soon as he did he was able to get out of the lodge. Caci also stated that he had come out at about round 4 or 5 and went back in for the last round. Caci said that he observed what he called a large woman unconscious and advised Ray and nothing was done. Caci stated that he and another person at the end of the last round pulled this woman from the Lodge. Caci advised Surak that he felt James Ray could have conducted the sweat lodge better than he did and that there should have been doctors and nurses on scene to assist in case of emergencies. Lou Caci also attended James Ray's "Modern Magick" program in March of 2008. Caci was instructed to break a brick with his hand. Caci broke the brick but also broke his hand. Caci described breaking the brick and his hand as an "amazing experience".

Det. Pam Edgerton interviewed Melinda Martin on 10/09/09. Melinda is employed by James Arthur Ray. Melinda attended the sweat lodge event. Melinda said James Ray did not have anyone on staff to render medical aid. Melinda stated James Ray did not hire or make arrangements for any medical personnel to assist with any injuries or emergencies.

Detectives learned the following information from different sources, including, Amy Hall (former James Ray employee), Melinda Martin, and family members of Colleen Conaway. On 07/25/09 Colleen Conaway participated in a James Ray event in San Diego. During this event James Ray and his staff would make the participants look like homeless people, take their identification, and drop them off in San Diego. The purpose of the event was for the participants to pretend they were homeless. Amy Hall, a James Ray employee who resigned

after the sweat lodge incident, told us some participants would actually dig through garbage to find something to eat after only a few hours. Colleen Conaway went inside the Horton Plaza mall, went up to the third story, and jumped to her death. Colleen's sister told me Colleen was not suicidal and the friends and family couldn't understand why she would do this. Colleen was dressed as a homeless person and didn't have identification. Another participant witnessed the suicide but would not give his address or information to law enforcement because he didn't want to come out of character. Colleen did not return to the bus and James Ray's staff notified mall security. Mall security advised James Ray's staff of the suicide. It was eventually determined that the suicide victim was Colleen. Melinda remembered a staff meeting about the event. The staff was not told Colleen was dead. James Ray told staff members that if anyone asked them where Colleen was they were to say that Colleen left and wasn't coming back. It is unknown which staff members knew of Colleen's death. Staff members Amy Hall and Melinda Martin did not know about the July death until after the deaths at the sweat lodge. On 10/20/09 Melinda Martin called Det. Edgerton to say she had just found out 10/19/09 that Colleen had died during the San Diego event.

Sgt. Tom Boelts interviewed Dawn Gordon on 10/12/09. Dawn was sitting in the back of the sweat lodge next to James Shore and Kirby Brown during the event. Dawn said James Shore helped drag a female in medical distress out of the tent but James did not leave. Later she could hear Kirby Brown gurgling. She could hear James Shore saying he needed help getting Kirby out. No one responded. James was apparently too weak to get Kirby out. Dawn was also too weak to help.

On 10/10/09 Daniel R. Foxx left the following comment on Prescottnews.com in response to an article on prescottnews.com:

*"I was in Spiritual Warrior with James A Ray at the Angel Valley Resort in October 2005. I left the sweatbox in fear after less than 1 hour. I witnessed most people stay in it for much longer. I remember one man came out swinging and punched a woman! Soon after that he was rushed to a hospital VIA ambulance! Why were there no red flags raised then? Why did 2 people have to lose their lives?! :-(*

*If you haven't heard, he is responsible now for the death of 2 people. I experienced his harsh and what i felt was selfish acts. I felt as if he was making himself to be a profit. I am available for further questions if need be. I feel as though he deserves to be charged with their deaths".*

I sent Daniel Foxx an email asking him to call me. He sent me the following response via email:

*"The only information I can give is that it wasn't the first time 911/Ambulance was called after a James Ray Sweat Lodge. Check Spiritual Warrior 2005."*

On October 13, 2009 Detective Mike Poling spoke to 34 year old, Mickey Reynolds about his experience while attending the 2005 "Spiritual Warrior" Retreat in Sedona Arizona.

Mickey has attended other seminars presented by James Ray and began with the "Harmonic Wealth" seminar. The experiences lead up to the final "Spiritual Warrior" retreat. Mickey was part of the "Dream Team" (participants acting as coaches and participants) during their spiritual journey.

Mickey told Detective Poling he felt safe entering the sweat lodge and said it was "implied" by James Ray that it was safe since he himself had done this before. Mickey said there were no safety procedures discussed if there was a problem inside the sweat lodge. The only air allowed into the lodge was when the entrance flap was opened to allow the rocks to be brought in and then it was shut again. Each session was started when additional rocks were brought in.

Mickey told Detective Poling he had stayed inside the sweat lodge for 6 sessions or an estimated four (4) hours. The minute Mickey exited the sweat lodge; Mickey dropped and needed to be hosed down with water. Mickey heard the Rock tenders claiming, "This guy (James Ray) is crazy." Mickey understood them using 60 stones when the rock tenders thought 20 stones were enough.

Mickey told Detective Poling he was sitting outside the sweat house while the final session was being held and heard participants inside the lodge "screaming" to get out. Mickey heard James Ray tell the participants, "NO."

Mickey informed Detective Poling a friend, Daniel Phankuch, had to be taken by ambulance to the hospital. Mickey's 60 year old father was also experiencing problems and vomiting.

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Mickey informed Detective Poling there were no safety measures to include medical staff (nurses or doctors). Mickey felt the heat was extreme with an estimation of 150 degrees. Mickey said he felt this situation was "reckless" and attempted to bring this to James Ray's attention. Mickey's concerns were said to be over looked by James Ray and Mickey ceased following James Ray's leadership.

The above incident Mickey Reynolds described occurred in 2005, prior to the Mercers assisting James Ray with the sweat lodge.

On 10/13/09 your affiant received a call from Shawn Hank. Shawn was a James Ray follower from 2002 until 2005. Shawn said he believed James Ray helped him and Shawn had written testimonials that are still on James Ray's website. Shawn made the comment that he would have even "Drank the Kool-aid". Shawn was upset because he heard on the news that this was the first incident involving James Ray and the sweat lodge. Shawn said

this wasn't true. Shawn said he attended the Spiritual Warrior program and someone had to be transported to the hospital. Shawn believed the year was 2005. I asked Shawn why he stopped being a James Ray follower. Shawn stated James Ray started the "wealth society" in 2005 and appeared to only be interested in helping people with a lot of money. James Ray was charging \$60,000 a year (per person) for people to subscribe to a year of his seminars. Shawn Hank has the money to be able to do this but he realized James Ray became more interested in money than spiritual things.

Det. Shonna Willingham later interviewed Beverley Bunn. Beverley is a Dentist and was a participant at the Angel Valley sweat lodge. Beverley was also interviewed by the media (Associated Press) and gave the same account during both interviews. Beverley believed James Ray pushed people too hard during the sweat lodge. Beverley said participants fasted prior to the sweat lodge and also participated in physically and mentally strenuous events. In one of the events James Ray played the role of "God" and when anyone did anything he didn't like James would point to them and say "You're dead." The participant would then have to play dead until James Ray decided they could live again.

During the sweat lodge, Beverley remembers hearing someone say, "I can't get her to move, I can't get her to wake up." James Ray replied, "Leave her alone, she'll be dealt with in the next round." This confirms the statements made by the Mercers. At one point, someone lifted up the side of the tent to get air. James reprimanded the person and said this was "sacrilegious". We determined through other interviews that the person lifting up the tarp to get air was one of the victims, James Shore. Beverley also stated that James Ray was saying things like, "You may think that you're going to die but you're not going to die." This further confirms the Mercer's statements.

Melissa Phillips was interviewed by Det. Shonna Willingham and remembered James Ray saying during the 2009 sweat lodge that participants, "Had to surrender to death to survive it." Participants were told that they were not allowed to talk during the sweat lodge and only the "master" (James Ray) could talk. Melissa observed participants dragging other participants, who were in medical distress, out of the sweat lodge. Melissa was transported to the hospital after the sweat lodge. At a follow-up visit with her doctor in Canada she learned she had burns all over her body from the heat of the sweat lodge.

Since the sweat lodge deaths, several people have contacted the Sheriff's Office with information about "Modern Magick". Modern Magick is an event held by James Ray in Hawaii. During this event participants are told to break bricks with their hands. Several people reported there were no instructions or training on how to break these bricks without being injured. There were no doctors or nurses employed by James Ray on site to treat the injured. Bronwen Richards is a nurse who attended Modern Magick in 2008. She reports that both she and her husband broke bones during this event. Bronwen estimated 16 people were being treated in the local emergency room with broken bones from attending the James Ray event. Participants of this event who asked for a refund were not given a

refund.

On 10/22/2009 at approximately 1323hrs Detective John Johnson spoke to Jeanne Armstrong by phone. Jeanne said that while James Ray was talking about the experience he described it as the most intense thing they did. She said that he didn't give any health warnings other than people might feel nauseous and want to throw up. She said he told people that it was important they not try to leave until between rounds so they didn't fall in the pit during darkness of each round. He told them they needed to stay hydrated. She said a female participant asked "I have high blood pressure, will it raise my blood pressure, should I go in?" She said James Ray told the woman "that's up to you I think it's like exercise and might raise your blood pressure."

Jeanne said she sat 4-5 people away from the flap. She said it was like intense exercise to her and she stayed through the last round. She said during one of the rounds a male subject got up and tried to leave during the round. She said he tripped and burned his hand on the hot rocks. She said he was screaming from the pain. She said James Ray asked "what was that" and then "let's get him out" after being told what happened. She said people tried to help him out and he didn't want help leaving. She said James Ray told him "it will be faster if they help you out." She said she thought that subject returned for the last round.

Jeanne said she heard someone yell "Ami is passed out" and "I need help." Jeanne said people were yelling things including a male voice say "let's get some guys over there." She said the voice came from the area James Ray was in and she thought it might have been him.

Jeanne said it was very loud in the sweat lodge with people yelling things and James Ray talking at the beginning of each event. She said people were encouraging each other to stay and make it through it.

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Jeanne said after the last round she was one of the last people out. She said she heard someone yell "I need help over here." She said she went, identified herself as a doctor, and then helped a female subject Sidney. She said someone told her that they were doing CPR on someone else. She said she left someone else with Sidney and went to perform CPR. She said she identified herself as a doctor again and after asking was told EMS was enroute. She said she assisted with CPR for some minutes. She said someone rotated in to relieve her from doing compressions. She said she stood up and James Ray came over to her. She said James Ray asked her what else they could do at that point. She said she told James she needed an AED (Automatic External Defibrillator) if one was available. She said James Ray left looking for an AED.

Detective Wendy Parkison previously interviewed Jeanne Armstrong on 10/08/09, the night of the sweat lodge deaths. Detective Parkison prepared the following summary of that interview:

*"Jeanne has done some James Ray events in the past however this is the first time for a Vision Quest and sweat lodge. Jeanne states she is a doctor and works for an immediate care clinic in Avon, Indiana. She had dinner Tuesday night and didn't eat food or drink water until Thursday morning. James Ray told them to drink a lot of water".*

*"I asked how many people she thought were in the lodge, she guessed about 50. I drew a diagram of the lodge and she drew an x to the West of the flap. She said she was close enough to the flap she could feel air when it was open. She said she was to the left of Christine Mattern. I asked if she experienced any problems breathing or any other difficulties. She said it was hot, like a sauna. She did not consider it a major discomfort. Jeanne stayed in the lodge the whole time."*

*"I asked her if prior to going in to the lodge if anyone discussed what to do if anyone panicked or got sick. She said she doesn't recall. She said people in there spoke out. I asked her about that. She said when the door was open they left. I asked if anyone instructed them to stay. She said before the lodge they were told to let someone know (if assistance was needed) but you don't usually remove people before the flap opens because of hot rocks (when the flap was closed it was too dark to see)."*

*"I asked if she heard anyone get denied a request to leave. She said no. I asked if when the flap was closed if anyone got denied. She said she was "in my own world". She said she heard people say they wanted to leave and she heard people encouraging them to stay strong. She said the whole group did that and that was what this was about. She said no one got yelled at or humiliated for leaving. She said it was group encouragement. Jeanne said she felt she could leave if she wanted to".*

*"She said it was really hot and she was sweating. But the ground was cooler. She said the flap was open each time for a long time and towards the last round she believes it was open at least 7 minutes. She said people would be leaving and people would be coming back in."*

*"I asked when she first recognized a problem. She said it wasn't until they were out of the lodge. She said she was laying there getting wet and she heard someone say they needed medical attention and someone was getting CPR. She said she worked on (CPR) both James Shore and Kirby Brown. She said they were behind the sweat lodge and she doesn't know how they got there."*

*"I asked if anyone knew she was a medical doctor prior going into the sweat lodge. She said some people did because at some point you share what you do. I asked if anyone asked her to be available if there were problems. She said no, she is attending (participant)."*

*"I asked how she was directed to where Kirby and James were. She said she thinks someone said they needed help and asked where the nurse was. She told them she was a*

doctor and asked what they needed. I asked what the condition of James and Kirby were when she saw them. She said they appeared to be in full cardiac arrest with no pulse and CPR was being performed already. She said she took over for one person as they were getting tired. She said at some point she switched with the person who was doing CPR on Kirby. She said neither James nor Kirby ever responded. I asked if she could tell what their issues were. She said she doesn't know when she saw them they were full arrest. She said both were a little cyanotic, their faces were a little dusky and she attributed that to having no pulse, not breathing and having CPR being performed. She said when she took over for the person doing CPR on Kirby she heard someone say they could feel a pulse (on Kirby) and that her color was better. Jeanne said she stopped to check and realized the only reason there was color was because she (Jeanne) was doing effective CPR."

"She could not say how long Kirby and James had been in that condition. I asked if she saw dilated pupils and she said she did not check that. She said at that point the job is to do CPR until the paramedics arrived. She said those two were the only ones in that condition. I asked if she rendered aid to anyone else and she said yes. She said she assisted with Sidney (Spencer). They asked her to come look at Sidney because she had some frothy sputum. Jeanne said she did a sternal rub to see if she would respond to pain. She said she was doing that when she heard the call for help over by Kirby and James. She said she triaged and because Sidney had a pulse and was breathing on her own she went over to where Kirby and James were. She said there were still people assisting Sidney. She said Sidney was incoherent. I asked what the frothy sputum was indicative of and she said it could be pulmonary edema. She said initially it looked more like spit."

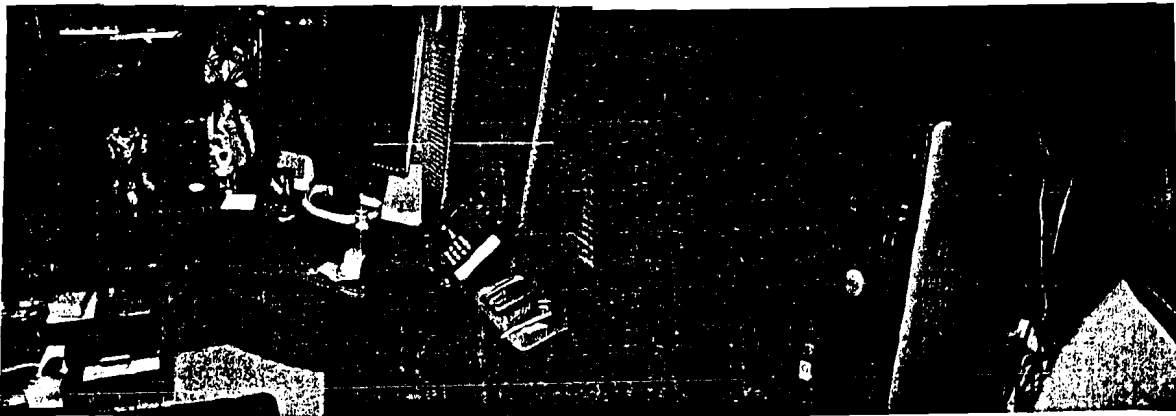
"Jeanne said after they took the full arrest victims she checked on the people that were still sitting on the ground making sure they had blankets and stayed warm in case they had heat exhaustion. Once the paramedics got there she stayed out of their way other than holding up I.V bags."

"I asked if there was anything she thought could help with this investigation. She said she doesn't know but obviously something out of the ordinary. Jeanne said she really didn't look forward to doing the sweat lodge and that getting hot is not something she likes to do however it was her choice to do it. She said it was just the luck of the draw in her position in the sweat lodge and that she controlled her breathing and laid on the ground. She said this sweat lodge for her was more comfortable than some of the sauna's she has been in."

James Ray and his staff, to date, have declined to answer questions from law enforcement in relation to the sweat lodge.

The below items were not thoroughly searched, only examined long enough to determine if they were of evidentiary value. Your affiant is requesting to examine the following items for the following reasons:

#1000- Dell Tower Computer, service tag 4P614J1. Taken from James Ray's office. This computer is used by James Arthur Ray. We believe incriminating or exculpatory evidence will be located on this computer, such as, email to other employees discussing prior and future events, lists of participants, documents on how to conduct sweat lodges, complaints or suggestions from prior members who were injured, and/or any other details about events and participants.

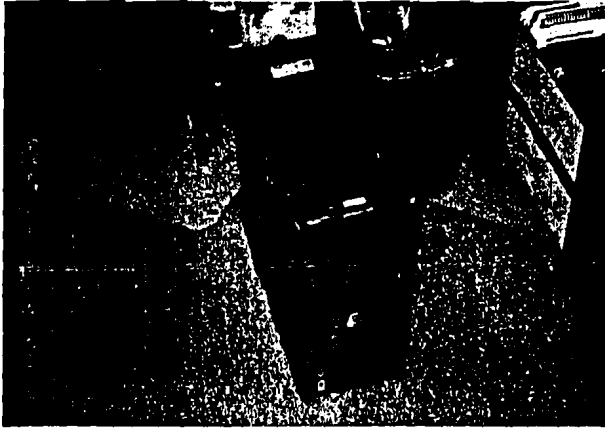


#1001- Green backpack, "Ful" brand, containing miscellaneous papers including retreat waivers completed by Spiritual Warrior participants. This item was located in Megan Fredrickson office.- Megan appears to be James Ray's second in command.- The documents in this backpack contain the medical release forms for participants of Spiritual Warrior 2009.

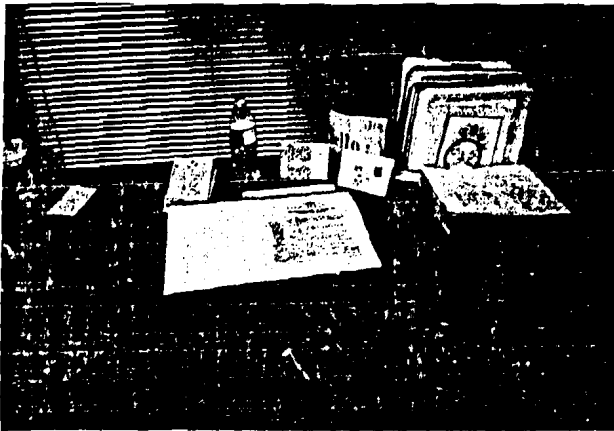




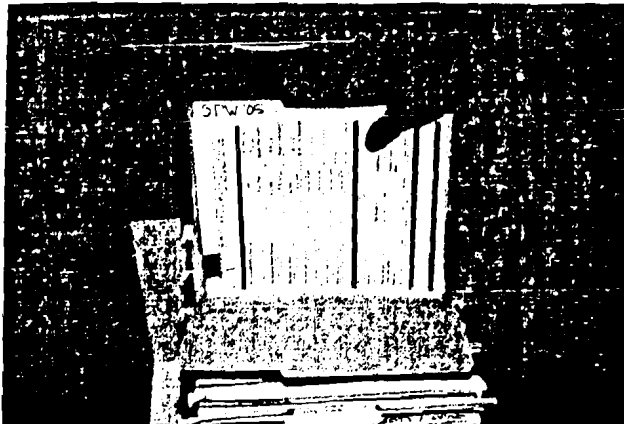
#1002- Dell Tower computer, service tag 9PJSKH1. This computer was taken from the office of Megan Fredrickson. We believe the same reasons exist to search this computer as detailed under item #1000.



#1003- Orange file labeled "Spiritual Warrior 2009". Found in Megan Fredrickson's office. This file contains information about Spiritual Warrior 2009.

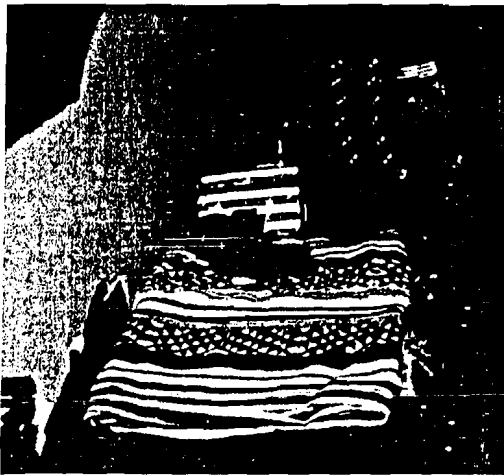


#1004- Purple file labeled "SPW 05" containing miscellaneous papers and a roster of participants. Found in Megan Fredrickson's office. This file appears to contain participant information for Spiritual Warrior 2005.



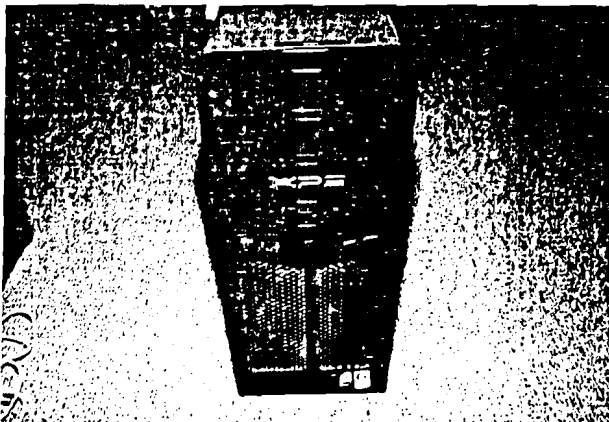
#1005- Purple file labeled "SPW 10/06" containing event release forms. Found in Megan Fredrickson's office. This file appears to contain participant information for Spiritual Warrior 2006.

#1006- Sony Cybershot camera with battery, charger and video card. Found in Josh Fredrickson's office. Josh is Megan's husband. Josh identified himself as being the person in charge when we served the search warrant. Megan and James Ray were not there. Josh told me he creates video of James Ray's events. Josh attended Spiritual Warrior 2009 and was in the sweat lodge. It is believed Josh's camera will contain pictures and/or video of James Ray events, including Spiritual Warrior 2009.

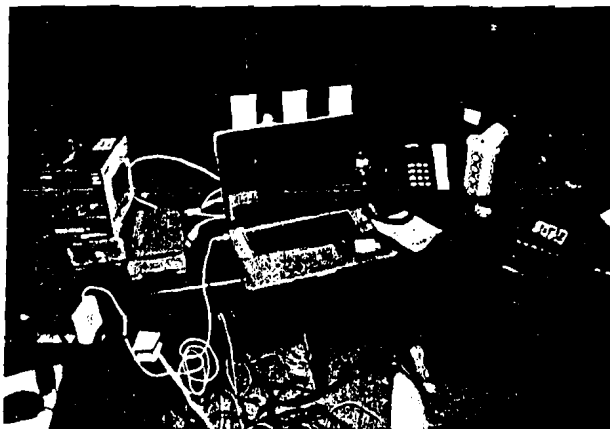


#1007- Blue expandable file folder labeled "Spiritual Warrior Oct 03-08 2009" with roster and waivers. Found on Josh Fredrickson's desk. This folder outlines the activities for Spiritual Warrior 2009.

#1008- Dell XPS computer tower, service tag 4KM3LH1. Found in Josh Fredrickson's office. We believe the same reasons exist that evidence will be found on this computer as detailed under item #1000.



#1009- Apple laptop computer, serial number W89070EN. This laptop was found on Josh Fredrickson's desk. Josh said this is his personal computer. Two external hard drives (#1010 and #1011) were found next to this laptop. One of the external hard drives was plugged into this laptop. This is consistent with downloading video of James Ray events, which is what Josh said his job was.

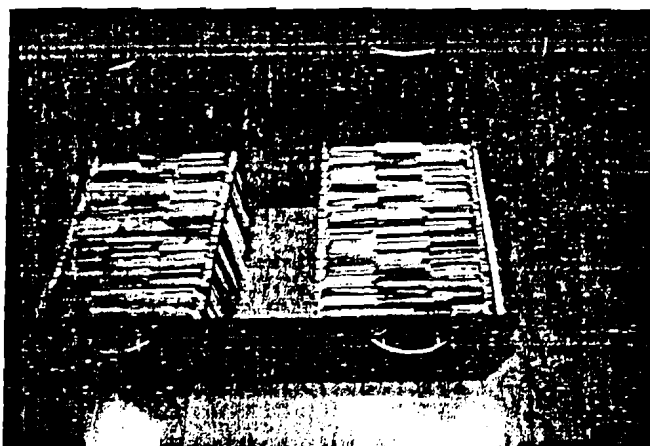


#1010- "G-Raid" 1000GB external hard drive. Found on Josh Fredrickson's desk. This hard drive is believed to contain video or other data of James Ray events.

#1011- "G-Raid" 500GB external hard drive. Found next to item #1010.

#1012- DVD-R labeled "Firewalk Prep". Found on Josh Fredrickson's desk. The "Firewalk" is an activity done at a James Ray event. We would like to search this DVD to determine if any safety procedures were in place or if any emergency plans existed should someone become injured during the Firewalk event.

#1013- File folders containing client's information, A through B. Items #1013 through #1019 are James Ray International customer's files located in file cabinets in the same area as several employee's cubicals. There appears to be hundreds of different customer files. These files will allow investigators to identify potential witnesses of other James Ray events and will provide contact information for identifying these witnesses.



#1014- File folders containing client's information, C through Donna Franklin.

#1015- File folders containing client's information, Fredrick through McNamee.

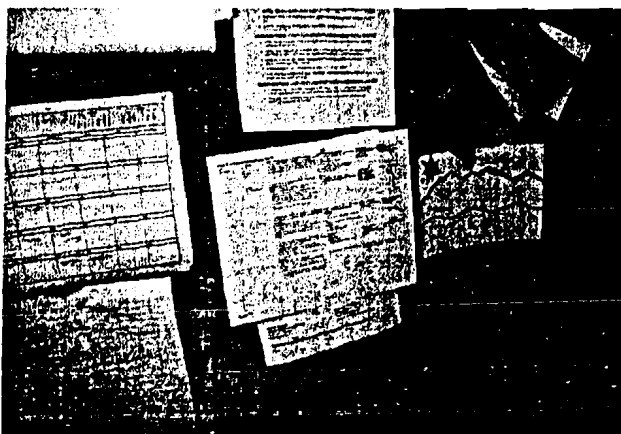
#1016- File folders containing client's information, R through Swenson.

#1017- File folders containing client's information, Maybry through Pulos.

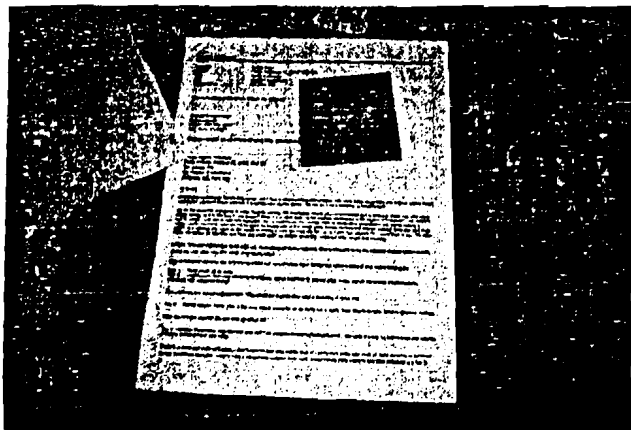
#1018- File folders containing client's information, Sacino through Weeden.

#1019- File folders containing client's information, Weinmaster through XYZ.

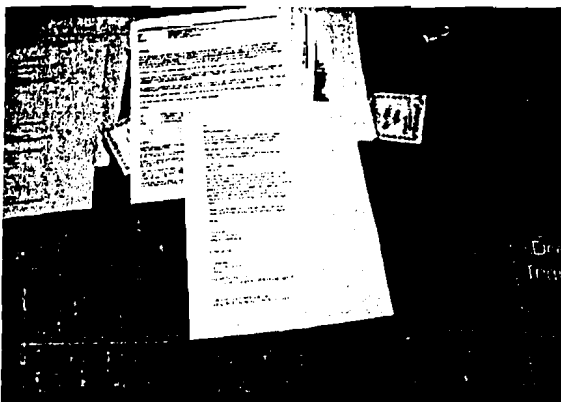
#1020- 2 pieces of paper, "James Ray Int Event Matrix. Found on Rossina's desk. These items appear to have information about James Ray International events and specific keys to the presentation.



#1021- Papers and emails in reference to a Peru trip. Found on Rebecca's desk. James Ray has told participants he learned how to do a sweat lodge by Native Americans. He also told participants he learned from shaman in South America. We are requesting to search these documents to find out the purpose of James Ray's trip to Peru and if the purpose was to learn how to conduct ceremonies such as sweat lodges or other ceremonies used at James Ray's events.



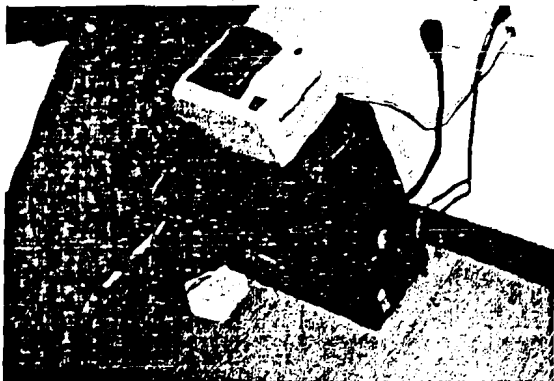
#1022- Paper with event details, "SW sent 2 months prior". Found on Rebecca's desk. Appears to be details sent to Spiritual Warrior participants prior to the event.



#1023- Harmonic Wealth Training Manual. Found on Rebecca's desk. "Harmonic Wealth" is one of the principals taught by James Ray. James Ray facilitated a conference call with all the participants of Spiritual Warrior 2009 after the deaths of James Shore and Kirby Brown. During this conference call, James Ray told participants they should only surround themselves with "Harmonic Wealth minded individuals". Reviewing the "Harmonic Wealth Training Manual" will help investigators understand the mindset of James Ray and the participants of the sweat lodge.



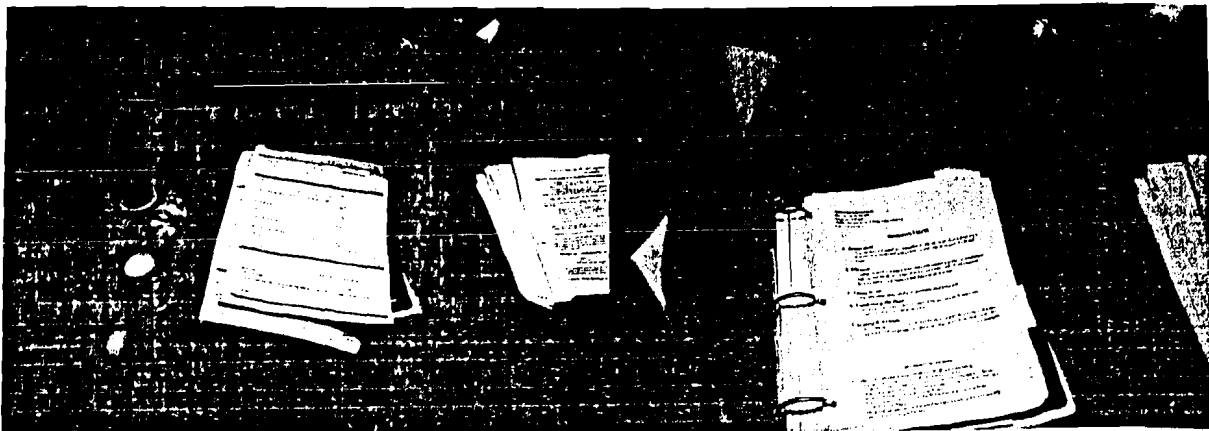
#1024- Dell Tower computer, service tag B47RYB1. Found under Rebecca's desk. Rebecca, "Becca", told me she answers phones for James Ray International and takes complaints from customers who want a refund. Becca told me Tina Hefner is responsible for what happens with these complaints or requests for refunds. It is believed probable cause exists and information about these complaints would likely be stored on Becca's computer.



#1025- Dell Tower computer Dimension 9150, JNQS591. Found under Tina Hefner's desk. It appears, based on interviews with Becca and former James Ray employees, that Tina Hefner is responsible for documenting complaints about injuries at James Ray events or requests for refunds. It is believed evidence of these complaints will be located on Tina Hefner's computer.

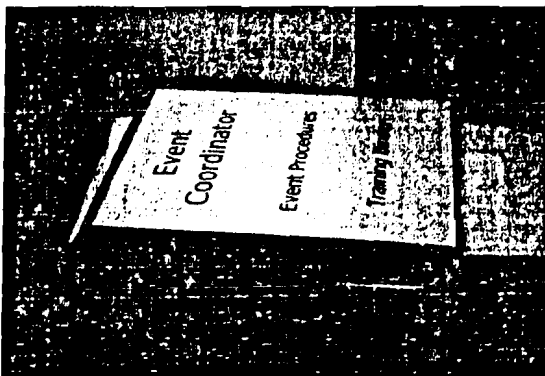


#1026- 2 notebooks, Intro Events, Operations. Found on top of the receptionist's file cabinet. These notebooks appear to contain details about James Ray events, employee organizational charts, staff itineraries for events and a price "investment" list for James Ray events .



#1027- Paper, "Spiritual Warrior Event Vitals Oct 3<sup>rd</sup> - 8, 2009". Found in the Storage/Supply closet next to the entrance. This paper contains details about Spiritual Warrior 2009.

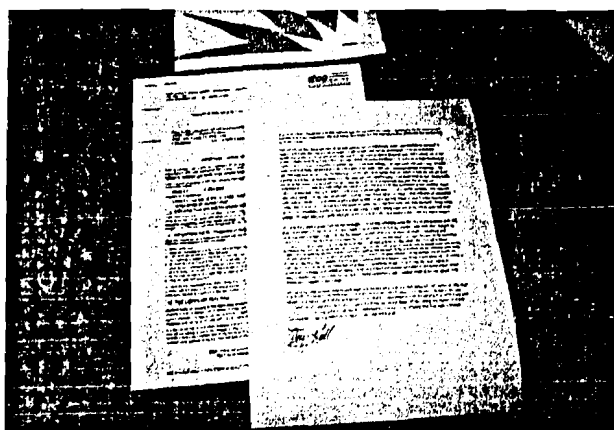
#1028- Black notebook, Event Coordinator, Event Procedures Training. Found in supply closet next to entrance. This notebook appears to contain details about James Ray event procedures and team member training checklists for different James Ray events.



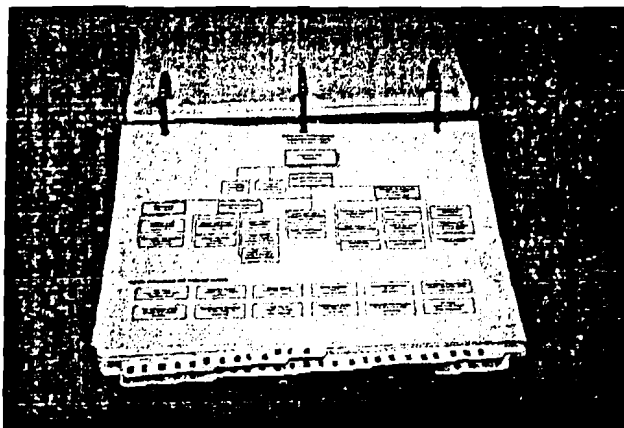
#1029- 2 notebooks and 4 journals. Found in file cabinet in Megan Fredrickson's office. These items contain details about James Ray events, hand written notes about events, pre-event checklists, and Modern Magick participation guide for 2008 in Hawaii.



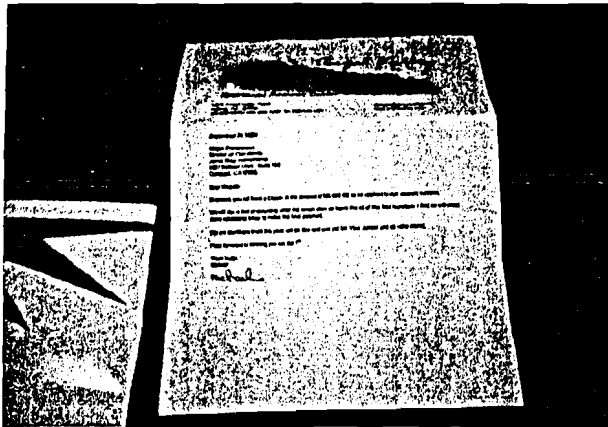
#1030- Termination letter written by Amy Hall. Found in Megan's office on top of desk. Amy Hall contacted us and stated she resigned after the Spiritual Warrior sweat lodge deaths. Amy was a James Ray International employee.



#1031- Red notebook, "Administration, Human Resources, New Team Member Training Manual". Found in Megan's office in file cabinet next to desk. This notebook appears to contain information about how employees are trained and an employee flow chart similar to a chain of command.



#1032- Letter to James Ray International from Angel Valley. Found in Megan's office on top of desk. This letter contains communication between the owners of Angel Valley and James Ray and money owed to James Ray by Angel Valley.



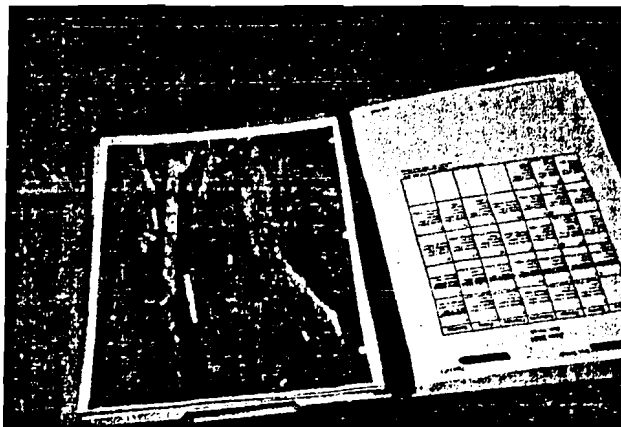
Dear Megan:

Enclosed you will find a Check in the amount of \$35,000.00 to be applied to our account balance.

We will do a final accounting after the event when we have the all of the final numbers. I feel we will need some additional time to make the final payment.

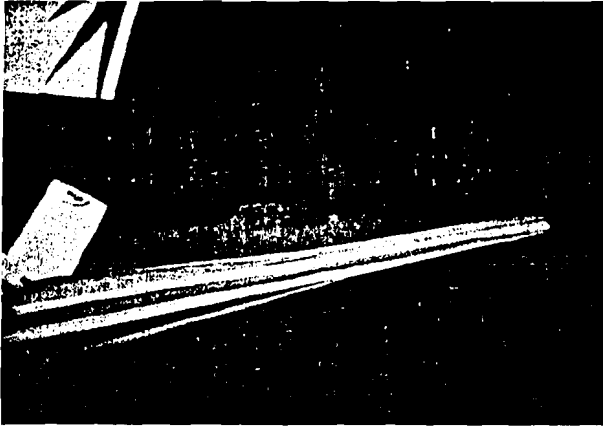
We are confident that this year will be the best year yet for You, James and all who attend.

#1033- Practical Mysticism Fire Walk Instructions. Found in Megan's office on top of desk. This item appears to be instructions for a James Ray event.

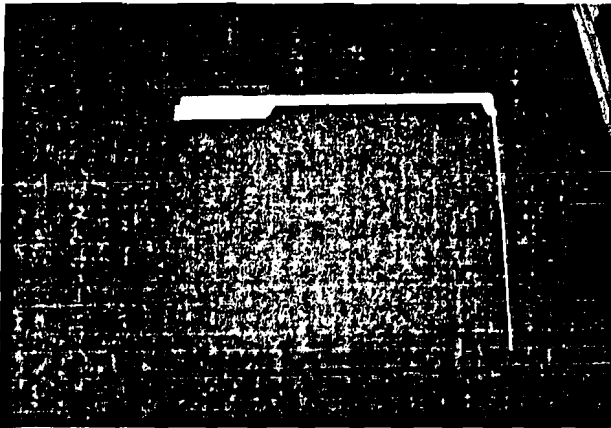




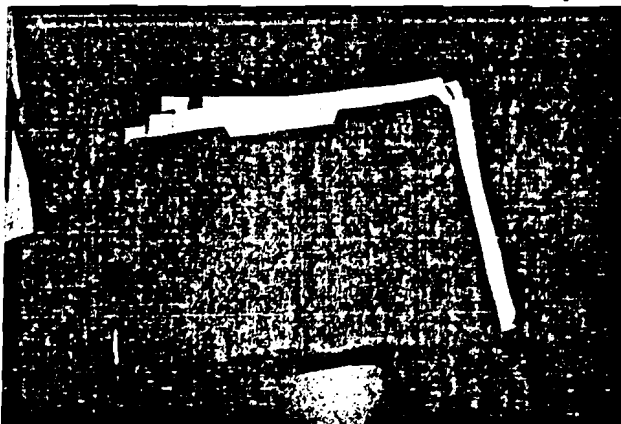
#1034- Brown folder, "Weekly Leadership Team Meeting." Found in Megan's office on top of desk. This folder appears to contain information about the James Ray International Business Plan, instruction guide for employees, and leadership team agendas.



#1035- Brown folder, "WWS Conference Call Script." Found in Megan's office on top of desk. This item contains scripts for three different World Wealth Society conference calls.

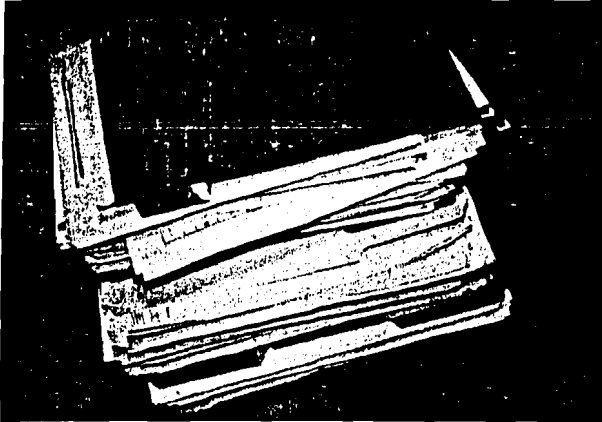


#1036- Brown folder, "January Biz Developing Meeting." Found in Megan's office on top of desk. This item appears to contain a schedule for a Modern Magick event and email communication about different James Ray events.

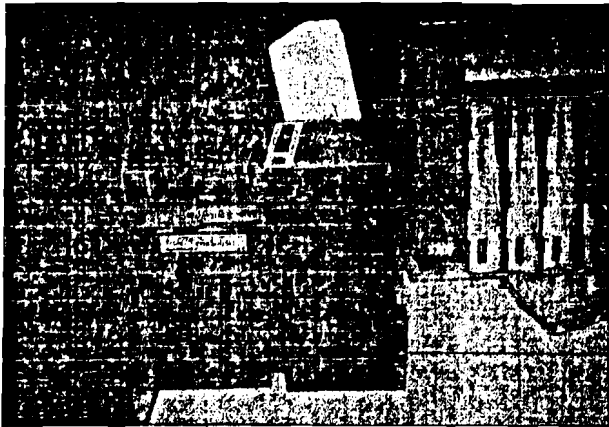


#1037- Miscellaneous folders, employee documents and event descriptions. Found in Megan's office in box next to printer files. These documents appear to be financial documents for James Ray International and information about employee meetings.

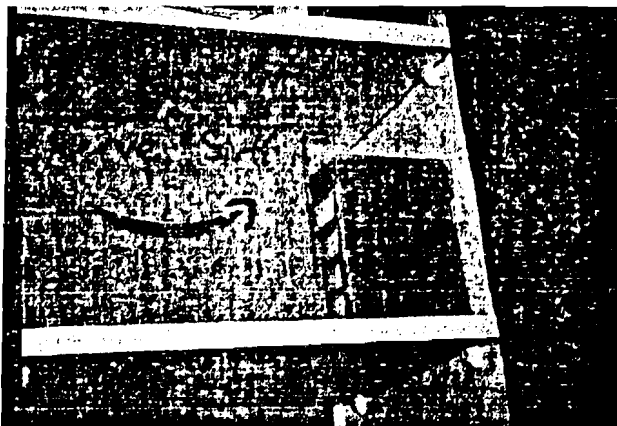
#1038- Miscellaneous folders, "Stock Lawsuits", "Ken Browning", "Shawn Lawler", "Charity", "Tim Doyle". Found in Alex's office in 4 drawer file cabinet in the third drawer on the right side. These folders appear to show other possible victims of James Ray.



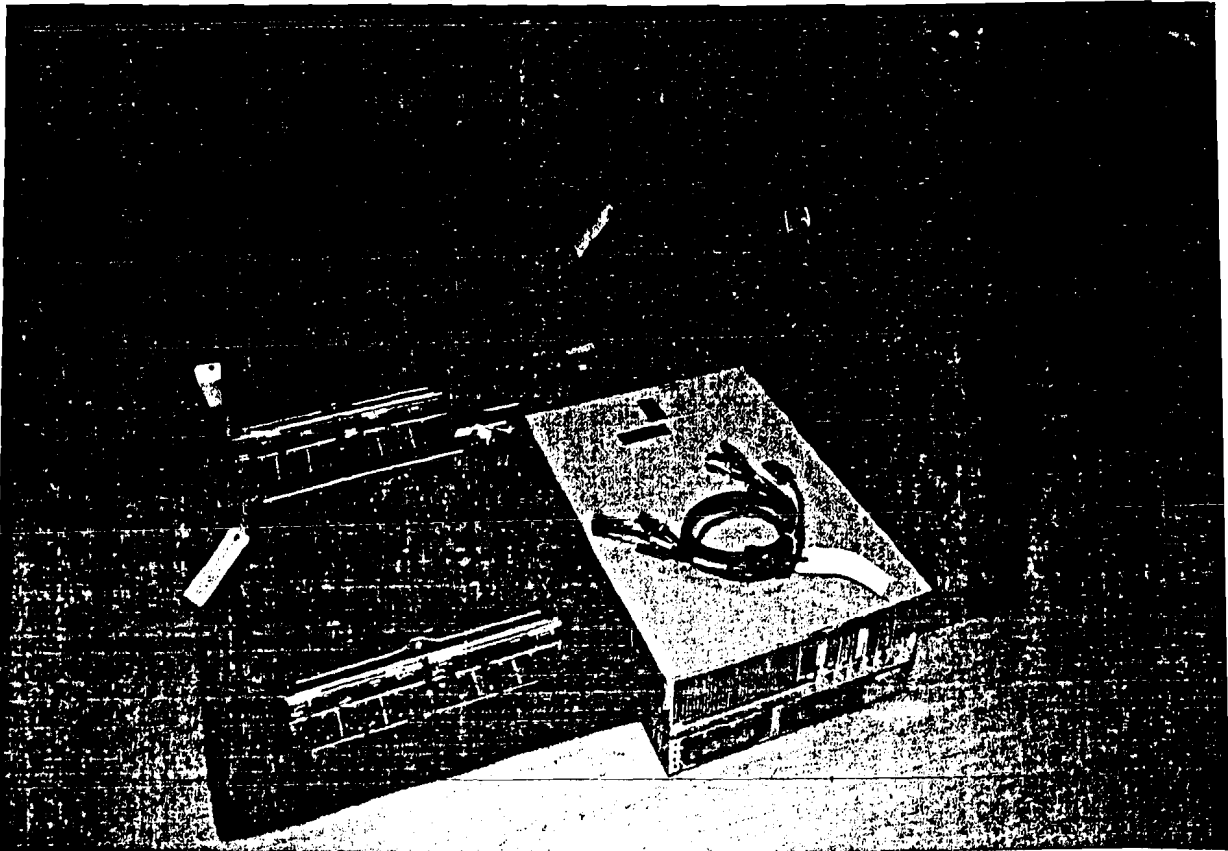
#1039- Back-up storage media for server, 8 disks (most recent). Found in kitchen storage cabinet next to refrigerator.



#1040- Back-up storage media for server, 6 disks (end of year 2007/2008). Found in kitchen storage cabinet next to refrigerator.



Items 1041 to 1047 are components for the server. Found in server room past kitchen. This server contains all email communication sent and received by employees. This server stores scans of documents. Several current and former employees said all documents are now scanned and stored on the server. While serving the search warrant, I asked Josh Fredrickson where the employee contact information was stored. Josh called Megan and asked her where the employee files are stored. I could hear this conversation. Megan told Josh the employee files had recently been scanned into the server and then shredded. Employees and former employees of James Ray International are witnesses in this case. Their identity and contact information is evidence in this case. The only place these documents exist is on the server. Items 1039 and 1040 are back up disks from this server.



#1041- Server EX01UMWAVE exc mail.

#1042- Server DC and file server.

#1043- Server AP001 file maker.

#1044- Server DB Counterpoint POS.

#1045- Server Array 01 top.

#1046- Server Array 02 bottom.

#1047- SCSI cables to connect server components.

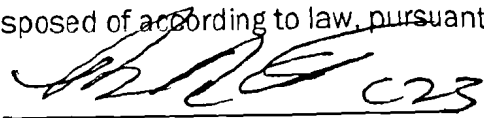
Your affiant is also requesting permission to search all items seized for financial documents or evidence and documentation of money received by James Ray International. The Yavapai County Sheriff's Office is investigating financial gain as a possible motive for the offense.

Based on your affiant's training and experience in investigating crimes involving the use of computers, your affiant is aware that computer files can be disguised in any number of ingenious ways, the simplest of which is to give files a misleading name (e.g. pesto.recipe in lieu of blackmail photos.jpg) or a false extension (.doc in lieu of .jpg or .gz). In addition, relevant data might be erased or hidden; there might be booby traps that destroy or alter data if certain procedures are not scrupulously followed; certain files and programs might not be accessible at all without the proper software, which may not be available on the computer that is being searched; there may simply be too much information to be examined at the site; or data might be encrypted or compressed, requiring passwords, keycards or other external devices to retrieve. In this case, your affiant has no information to suggest whether or not the computer media for which search and seizure is requested has been subjected to any such misleading names, booby traps, hidden files, etc.

Accordingly, searching computer systems often requires the use of precise, scientific procedures which are designed to maintain the integrity of the evidence, and which require searching files that, on their surface, do not appear to contain relevant information, in order to determine whether relevant information responsive to the search warrant is hidden with the file. In order to do an appropriate and thorough search, off-site examination and segregation of the computer storage media seized is necessary.

**THE SEARCH WARRANT IS HEREBY INCORPORATED HEREIN BY THIS REFERENCE**

Wherefore, affiant prays that a search warrant issue commanding that an immediate search be made of the persons, premises and buildings, and vehicles described herein for the property and things herein described, and that the same be retained in the custody of affiant or in custody of the agency which affiant represents and disposed of according to law, pursuant to ARS 13-3920.



Detective Ross Diskin C23  
Affiant Badge or ID  
Yavapai County Sheriff's Office  
Law Enforcement Agency

SUBSCRIBED AND SWORN to before me October 23<sup>rd</sup>, 2009. *2 1:02 PM*



Yavapai County Superior Court Judge



The "Pop Up" tent: A canvas structure supported by poles and located next to the Sweat Lodge (An area where fluids were kept for the participants in the sweat lodge).

Certain property or things: (One or more of the following categories must be used, as circumstances dictate. See 13-3912)

- which were stolen or embezzled
- were used as a means of committing a public offense
- are being possessed with the intent to use them as a means of committing a public offense
- are in the possession of \_\_\_\_\_ to whom it was delivered for the purpose of concealing it or preventing it being discovered
- consist of some items or constitute some evidence which tends to show that a particular person has committed a public offense

That said property or things are described as follows: (List all with as much particularity as possible)

Any and all materials that could give off a noxious gas that would lead to incapacitation or death.

Any and all rocks associated with the fire in or around the immediate area of the Sweat Lodge.

Any and all wood associated with the fire in or around the immediate area of the Sweat Lodge

Any and all reference guides or books written on or about the use of a Sweat Lodge.

Any and all materials to include blankets, plastic tarps, or other flammable items associated with the Sweat Lodge.

A saleable/useable quantity of unlawful drugs including but not limited to marijuana, methamphetamine and peyote, paraphernalia for packaging, manicuring, weighing, distributing, including but not limited to scales, baggies, grinders, bindles, envelopes, seals, paraphernalia used to administer the drug, i.e., syringes, cotton swabs, alcohol swabs, spoons, razor blades, tubes.

Any cellular phones, pagers, computers, digital recording/photography devices, digital or computerized planners or address books, or other devices which may contain information pertaining to the case, associates, or other information related to the offense, to include perusal of the contents thereof.

Any journals, diaries, day planners, name and address books, or any other books which may contain information pertaining to the case, associates, or other information related to the offense, to include perusal of the contents thereof.

### REGULAR INFORMATION FORM

Your affiant, Detective Mike Poling, has been a certified law enforcement officer for 14 years. Your affiant received his law enforcement certification in December 1995 from the Arizona Law Enforcement Training Academy in Tucson Arizona. He has been continuously employed by The Yavapai County Sheriff's Office and his assignments have included Patrol, Field Training Officer, General Instructor (Northern Arizona Regional Training Academy and proficiency training within the Sheriff's Office), and Criminal Investigations.

In April of 2001 your affiant was promoted to the position of Detective and assigned to the Criminal Investigations Section of the Sheriff's Office. He has investigated and assisted in the prosecution of crimes including Sexual Assault, Child Molestation, Child Abuse, Exploitation of Children (possession and distribution of child pornography by the use of computers and other media), Aggravated Assaults, and Homicide.

Your affiant has received advanced training in criminal investigations from the Arizona Attorney General's Office, Maricopa County Attorney's office, Office of Juvenile Justice Delinquency Program, and the Arizona peace officers Standards and Training Board. Your officer is currently assigned as a homicide investigator for the Yavapai County Sheriff's Office, and has investigated homicides since October 2003.

Your affiant is a member of the Arizona Homicide Investigators Association and has attended various training seminars presented by the association. He has also attended training in various investigative techniques as well as the use and collections of forensic evidence, including latent prints, blood, bodily fluids, and other items containing DNA evidence. Your affiant has experience with similar felony investigations.

On October 08, 2009 at approximately 5:25 p.m., The Yavapai County Sheriff's Office responded to the Angel Valley Retreat in Sedona Arizona, located at 13850 Angel Valley Road off of highway 89A, to a suspicious death report.

Your affiant was advised of one male, James Shore and one female Kirby Brown had died at the scene and many others were transported to local hospitals with breathing issues or

cardiac arrest.

Your affiant learned that James Arthur Ray "Spiritual Warrior" was the Facilitator for this event at the Angel Valley Spiritual Retreat Center in Sedona Arizona October 01-09, 2009 James Arthur Ray was in charge of the proceedings in the Sweat Lodge. Witnesses who had participated in the two hour sweat lodge ceremony told officers that James Arthur Ray told the participants they would feel like they were going to die, but they would not die. Witnesses described the event as "super heated and so hot they could not breathe." James Arthur Ray told participants to push themselves and would only allow participants to leave by telling them they could only leave when the flap (opening) was up. James Arthur Ray controlled when the flap would open.

Doctor Fisheoni described the extreme heat caused by a sweat lodge can cause hyperthermia to the body as was described by staff members as having to hose off participants with water to cool them as they left the lodge.

Witness Theodore Mercer told officers that he has assisted with many "sweat lodges" and has experienced problems on three occasions. He stated all three times he was working with facilitator James Arthur Ray. Theodore Mercer told Officers that he brought in the hot rocks at the direction of James Arthur Ray. James Arthur Ray was advised by participants that two participants had passed out in the back of the lodge. James Arthur Ray did not appear overly concerned and continued the ceremony. A doctor who was participating in the ceremony advised James Arthur Ray that one participant who had almost lost consciousness stumbled into the heated rocks had a sever burn on his arm. James Arthur Ray's response was he is fine. At one point James Arthur Ray threw something onto the rocks inside the sweat lodge causing the rocks to flame up, further heating the lodge.

At the conclusion of the ceremony three people were found unconscious in the back the sweat lodge. CPR was initiated on Kirby Brown and James Shore, who were pronounced deceased on arrival or shortly after arriving at Verde Valley Medical Center. Information from the family of Kirby Brown was she was in good physical condition prior to attending the sweat lodge ceremony. Sidney Spencer was transported to Flagstaff Medical Center by helicopter. Information from Verde Valley Medical Center was they ruled out carbon monoxide as a contributor to the death or illnesses of the people being brought in from this event.

Your affiant and detectives from the Yavapai County Sheriff's Office spoke to most of the participants/ Customers of the retreat which totaled over 50 people. There were no indications explaining why there were deaths and why people were getting sick.

Your affiant learned the group may or may not have been fasting (depending on their unique spiritual journey) the day before (Wednesday October 07, 2009). On Thursday October 08, 2009 the group ate breakfast and was able to hydrate.



In the early evening hours, approximately between 3:00 p.m. and 5:00 p.m. the group of 50-60 people participated in a "Sweat Lodge" where a small hut (60' in diameter) was constructed of short wooden poles with blankets and tarps covering the hut. Rocks from outside the hut were heated by a wood fire (possibly Sandalwood) and transported inside the hut where water was placed on the hot rocks. The hut was filled with these hot rocks while chanting was taking place.

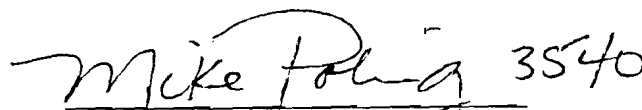
Your affiant learned the time an individual spent in the sweat lodge was based on the individual's preference. Emphasis was on trying to push ones self past their self-imposed and conditioned borders.

Your affiant has researched and discovered that dangerous drugs such as hallucinogens including peyote are used in sweat lodges during spiritual rituals.

Your affiant is unable to determine what caused or contributed to the deaths of Kirby Brown and James Shore, two people who appeared to be in good health prior to experiencing the effects of a sweat lodge or if anything was used or could have been used to cause the deaths or sickness to these participants.

**THE SEARCH WARRANT IS HEREBY INCORPORATED HEREIN BY THIS REFERENCE**

Wherefore, affiant prays that a search warrant issue commanding that an immediate search be made of the persons, premises and buildings, and vehicles described herein for the property and things herein described, and that the same be retained in the custody of affiant or in custody of the agency which affiant represents and disposed of according to law, pursuant to ARS 13-3920.

 3540

Detective Mike Poling #3540  
Affiant Badge or ID  
Yavapai County Sheriff's Office  
Law Enforcement Agency

SUBSCRIBED AND SWORN to before me October 09, 2009.

 12:56 pm  
Yavapai County Superior Court Judge

# MUNGER, TOLLES & OLSON LLP

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560 MISSION STREET  
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TELEPHONE (415) 512-4000  
FACSIMILE (415) 512-4077

December 1, 2009

ROBERT K. JOHNSON<sup>1</sup>  
ALAN V. FRIEDMAN<sup>1</sup>  
RONALD S. OLSON<sup>1</sup>  
RICHARD S. VOLPERT  
DENNIS C. BROWN<sup>1</sup>  
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(1922-2008)

## BY E-MAIL AND FEDERAL EXPRESS

Mr. Bill Hughes  
Supervising Deputy County Attorney  
Yavapai County Attorney's Office  
255 East Gurley Street  
Prescott, AZ 86301

Re: James Arthur Ray

Dear Bill:

Thank you for the opportunity to discuss this case with you.<sup>1</sup> We understand that your office is reviewing the circumstances surrounding the Sedona deaths and considering whether or not these deaths resulted from negligent homicide. This letter sets forth the facts and legal analysis demonstrating that the sweat lodge deaths were a tragic accident and not the result of criminally negligent conduct.

We have interviewed over twenty people, including participants who attended the Spiritual Warrior Retreat (the "Retreat"), James Ray International ("JRI") employees and volunteers both inside and outside the sweat lodge; the man who built the sweat lodge under

<sup>1</sup> This letter is a protected confidential communication pursuant to Ariz. Evid. Code §§ 408, 410 and Ariz. R. of Crim. P. 17.4(f). It does not purport to present what every witness would say about every fact or event. Rather, it describes what we believe the key evidence would show based on an assessment of that evidence and the inferences to be drawn from the evidence.

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contract with the Angel Valley; and a Native American expert on the construction and use of sweat lodges. We respectfully submit that a review of these and other facts shows that the deaths were heartbreaking and tragic but were not the result of criminal negligence on the part of James Ray or JRI.

## I. INTRODUCTION

This was a terrible accident. Much has been written and said about this matter – some true, some not – but nothing will ever alter that simple fact. Mr. Ray was and is devastated. The victims were friends and students. He cared deeply for all of them.

Criminal charges would compound this tragedy, regardless of outcome. Such charges would be the only sweat lodge-related criminal prosecution of which we are aware. And because such a prosecution would constitute an unprecedented expansion of the law on negligent homicide, it would face profound factual and legal challenges. An evaluation of whether negligent homicide charges should be brought usually involves two factors: (1) whether the activity that caused the death is inherently criminal or unsafe; and (2) whether the party's conduct during the activity created a substantial and unjustified risk of death that he, in a gross deviation from the reasonable standard of care, failed to perceive. In this case, each of these factors weighs strongly against criminal charges.

**Holding a sweat lodge ceremony, by itself, is not criminally negligent behavior.**

Sweat lodges and their equivalents have been used by many cultures – from Native Americans to ancient Romans – for thousands of years. Sedona is home to hundreds of sweat lodges; urban areas as far away as Chicago offer downtown spas specializing in sweat lodges. On occasions, participants in sweat lodge ceremonies have died from accidental hyperthermia. To the best of our knowledge, not one of these deaths has ever been the subject of a criminal prosecution, for a simple reason: the operation of a sweat lodge is not inherently illegal or criminally negligent. Unlike the types of activities typically involved in negligent homicides – driving drunk, illegally discharging firearms and other inherently unsafe and/or illegal acts – conducting a sweat lodge ceremony falls far outside of the heartland of activity Arizona criminal law seeks to discourage. In criminal negligence terms, sweat lodges do not pose “a substantial and unjustified risk of serious injury or death.”

**Mr. Ray did not commit criminally negligent conduct in holding this year's Spiritual Warrior sweat lodge.** Mr. Ray acted reasonably in conducting the sweat lodge at this year's Retreat. He chose to hold the Retreat at Angel Valley, a well-regarded facility that has hosted Spiritual Warrior since JRI began the annual event seven years ago. Angel Valley, like many organizations in Sedona, combines spiritual philosophy with various facilities for its guest and group retreats. Those services include providing a sweat lodge “for up to 75 people, without or with facilitator and fire-tender(s).” (Ex. A at 3.)

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Pursuant to its contract with JRI, Angel Valley and/or its agents built and maintained the sweat lodge. As in past years, Angel Valley provided the stones and water used in the sweat lodge ceremony. JRI, as well as numerous other retreat groups, used this exact same sweat lodge before the recent event without serious incident.

Like most sweat lodge ceremonies, Mr. Ray conducted the Retreat sweat lodge as a series of short rounds; in this case, the eight rounds lasted from 10 to 15 minutes. No one prevented participants from leaving the sweat lodge, either between or during the rounds. To the contrary, the evidence would show that some 15-20 people came and went between rounds. Mr. Ray did encourage people to stay inside the sweat lodge while a round was underway. This precaution enhanced the safety of the event: the sweat lodge was pitch black when the flap was closed and there was a hot stone pit in the middle of it. Even so, the evidence would show that neither Mr. Ray nor anyone else physically prevented people from leaving in the middle of a round. At least one participant simply lifted up the side of the tent and left.

No one, including Mr. Ray, could have foreseen sweat lodge consequences even remotely close to what occurred here. After the single incident in 2005 in which a participant required medical attention, JRI took extensive precautions to prevent any additional problems, including shortening the number of rounds in the sweat lodge ceremony; stationing a registered nurse and five other JRI personnel or experienced volunteers outside the tent; setting up a care station with water, electrolytes, lemons, oranges and watermelon; having buckets of water and hoses available to cool people off; and training staff members in CPR. These precautions have been more than sufficient to care for sweat lodge participants in the past and exceed the care available in traditional lodges. Neither Mr. Ray nor JRI had any reason to think that more was required. Their past efforts make clear that if Mr. Ray or JRI believed anything more was needed, they would have done it. Any failure to foresee the need for the type of medical attention required at the recent Retreat does not constitute the “gross deviation” from a reasonable standard of care required to support criminal negligence charges.

Mr. Ray and JRI took additional precautions throughout the Retreat, constantly reminding people to prepare for the activities by hydrating. The evidence would show that the words “hydrate, hydrate, hydrate” became the Retreat’s mantra. Prior to the sweat lodge, Mr. Ray informed Retreat participants that it would be very hot and very intense.

Despite the innuendo in various media accounts, Mr. Ray did not lead or pressure participants into making a choice they otherwise would not have made. This was a 5-day retreat, not a cult. The JRI philosophy is a practical approach to creating a successful life, not a religious practice. The participants – some of whom had attended many JRI events, some who had had only a brief introduction – were educated, successful people who were looking for a physical, mental and emotional challenge. Those who chose to participate in the sweat lodge, and in any other event at the Retreat, did so voluntarily and after having been informed of the risk. JRI informed participants in writing that the Spiritual Warrior activities could lead to serious injury, up to and including death. Each participant signed a comprehensive release form that spelled out that the activities could include a sweat lodge with tight, enclosed spaces and intense

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temperatures. (Ex. F.) The evidence would show that participants understood from this release and from Mr. Ray's description of the sweat lodge that it was going to be hot and uncomfortable and that the decision whether to go in at all, and whether to stay in once there, was up to them. One Retreat participant chose not to participate at all.

Contrary to the one-sided reports in the media, Mr. Ray did not "abandon" the Spiritual Warrior participants. The moment Mr. Ray and the JRI team learned of the emergency situation, 911 was immediately called, and the team took action. Team members administered CPR, doused people in water to cool them off, provided drinking water and electrolytes, held IVs for paramedics, and provided updates to the other participants. Mr. Ray helped participants and worked with his team until Sheriff's Detectives detained him until approximately 1:00 a.m. the next morning. He repeatedly asked Sheriff's officials to allow him to speak with participants. When that was not possible, he sent a message to participants through a JRI employee.

In short, before, during and after the sweat lodge ceremony, the circumstances do not support charges of criminally negligent homicide.<sup>2</sup>

## II. FACTS

### A. Mr. Ray's Background

Mr. Ray is the 51-year old founder and CEO of JRI. He is not a mystic or "spiritual guru." He grew up in Tulsa, Oklahoma, as the son of a Protestant preacher. After obtaining a 2-year certificate from a Tulsa junior college, he went to work, eventually getting a job with Southwest Bell, then part of the AT&T network.<sup>3</sup> Mr. Ray spent about 14 years with AT&T, much of it as an internal trainer at the AT&T School of Business. In this capacity, he provided training on a wide range of topics – from team-building to time management to diversity training. It was here that he learned many of the tools that he would apply to his later work.

In 1992 Mr. Ray started his own company, Quantum Consulting Group, offering management training and consulting services similar to what he had provided at AT&T. He contracted with mainstream companies such as Praxis, the educational testing company based in Utah, and The Felicity Group, Ltd., a Chicago-based consulting company, to provide services to

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<sup>2</sup> The reasons for this tragic accident may never be known, in part because we understand that Angel Valley subsequently destroyed the sweat lodge structure and coverings and buried the stones used in the ceremony. The loss of this critical environmental information may render determining the exact cause of death impossible, and the loss of this critical evidence from any "crime scene" would itself undermine any criminal charges against Mr. Ray.

<sup>3</sup> He has since attended night and weekend college courses and is five hours short of a degree in Applied Behavioral Sciences.

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clients that included Boeing Aircraft, Bell Canada, Symbios Logic, IBM, Denny's, Subway and others.

Throughout this life Mr. Ray has been an avid reader, reading books on diverse topics involving philosophy, religion, physics, psychology and Buddhism. In 2000, he incorporated JRI and began offering workshops, seminars and retreats based on his own developing practical philosophy and material. In 1999 he published his first book, *THE SCIENCE OF SUCCESS*, followed in 2003 by *PRACTICAL SPIRITUALITY*. The events and books have focused on helping people achieve harmony among the various facets of life – financial, relational, mental, physical and spiritual. Most recently, Mr. Ray authored *HARMONIC WEALTH*, a book that summarizes his approach to these topics and reached the *New York Times* bestseller list.

B. JRI Programs and Philosophy

Like all of us, Mr. Ray has experienced the numerous ups and downs of life, from business failures and successes to a life-threatening motorcycle accident, as well as a divorce at an early age. He has managed to synthesize these experiences into a practical approach to personal growth. He has tried to share these experiences with his clients so they can address similar issues in their own lives.

The goal of the JRI philosophy is personal transformation. Mr. Ray repeatedly celebrates life during his programs and challenges people to start living the life they want right now. Mr. Ray stresses a practical approach for figuring out what you want and how to get it. People deal with concrete life challenges, such as losing weight or growing a business. For people on a diet, Mr. Ray points out that “no amount of thinking” will turn a pizza into a salad; you have to decide not to eat the pizza and enforce that boundary. To deal with a problematic employee who is preventing your business from prospering, you need to decide whether to fire the employee or accept a less-than-successful business outcome. He recommends time management as another key to success. He encourages people to apply this practical “make your own choice and stick to it” approach to interpersonal relationships, past family trauma and other life challenges. A core teaching of the JRI philosophy is to follow your own internal guidance and not succumb to peer pressure. Mr. Ray's most recent book repeatedly advises the reader to “take what feels right and leave the rest.” J. RAY, *HARMONIC WEALTH*, at 278 (2008).

Mr. Ray regularly travels around the country, putting on free 2-hour workshops in which he introduces his philosophy. At these workshops, JRI offers attendees the chance to sign up for a variety of weekend or week-long retreats. The Spiritual Warrior Retreat is an annual event first offered in 2003 and always held at Angel Valley. Spiritual Warrior is the most physically, mentally and emotionally challenging of the JRI events.

C. The Retreat Center

Angel Valley, owned by Michael and Almayra Hamilton, is a well-regarded Sedona-area retreat center and a Section 501(c)(3) charitable entity in good standing. It offers a

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variety of services and rustic, but comfortable, facilities. Contrary to many reports, Angel Valley is located not in a desolate wilderness or isolated desert but in a picturesque valley, with a trout stream running through the property. As you know, it is only a few miles from Arizona highway 260.

JRI chose this location from the many retreat centers in Sedona because it is reputable. It is not cheap. Angel Valley charged JRI \$1600 per participant for six nights of meals and accommodations. Angel Valley can charge these rates precisely because of its reputation and ability to deliver high-end services.

Among those services, Angel Valley offers a sweat lodge as an option for Group Retreats. *See* <http://angelvalley.org/assets/pdfs/group-guidelines-conditions-august-2009.pdf> (Ex. A at 2.) Since creating the Spiritual Warrior Retreat, JRI has taken advantage of this offer. The contract between Angel Valley and JRI specifically required Angel Valley to provide, as part of the 2009 Retreat package, a “Sweat Lodge able to support 75 participants prepared and available based on JRI schedule.” (Ex. B at 1.) Angel Valley also provided 100 grandfather stones for the ceremony.

Angel Valley constructed this particular sweat lodge in 2008. Yavapai County records contain no building permit for the sweat lodge. We do not know whether Angel Valley was obligated to obtain such a permit or whether any other sweat lodge in Yavapai County possesses a permit.

We understand that Angel Valley employed a local man of Native American background to build the sweat lodge. The evidence would show that he constructed the lodge in accordance with his traditions and specified the type of materials to be used. The wooden frame was made out of bent branches and saplings. Two employees of Angel Valley at the time, Ted and Debbie Mercer, and another man named Brian Hitchcock performed the actual construction work and obtained the blankets and plastic tarps used as coverings.

JRI used the sweat lodge at its 2008 Spiritual Warrior Retreat. In the intervening year, approximately eight other groups used the same sweat lodge. None of these prior sweat lodge events resulted in serious incident.

When the sweat lodge was not in use, the frame remained on site while the coverings were kept in a storage building at Angel Valley. We do not know the exact location of this building but believe that it may provide information about whether there were any foreign substances on the tarps or blankets used during the ceremony.

On Saturday, October 10, 2009, the Hamiltons, the Mercers and an Angel Valley staff member dismantled the sweat lodge. We understand that they burned the wooden frame, took the plastic tarps and blankets to a landfill, and buried the “grandfather” stones. Despite our efforts, neither the Hamiltons nor the Mercers will speak to us or to any JRI representatives about this destruction.

D. Mr. Ray Properly Conducted And Implemented Safeguards For The Sweat Lodge Ceremony

A sweat lodge ceremony consists of only a few items: a frame, coverings, heated rocks, water, participants and a leader. The lodge is essentially blankets and tarps thrown over a wooden frame. The sides are not staked down. The leader pours water onto the heated rocks, the steam heats the covered frame, and the participants experience the intense heat. Such ceremonies occur throughout this country and many others with few variations. Mr. Ray conducted the Retreat sweat lodge as he had done many others and with precautions that were consistent with or in excess of those taken in many other sweat lodges.

1. Mr. Ray Did Not Prevent Anyone From Leaving The Sweat Lodge

The sweat lodge began with a total of 55 people inside: 47 participants, five JRI employees or subcontractors<sup>4</sup>, and three volunteers.<sup>5</sup> Mr. Ray assigned the volunteers to sit at the northern, western and eastern points of the sweat lodge; he sat at the southern point. Participants entered in a line and sat in two rows around the stone pit. The high temperature in Sedona that day was 67 degrees.

At the beginning of each round, Mr. Ray called for hot stones, known as “grandfathers,” to be brought in. Ted Mercer heated the stones outside the sweat lodge, then delivered them to the door, where a volunteer moved them into the stone pit. Mr. Ray then said a few words and poured water over the stones to create steam. Mr. Ray led the group in chants and prayer. Partway into each round, participants shouted out their intentions, e.g., “I will be a better father,” or “I will succeed at work,” or “I will leave my past behind.” Mr. Ray concluded with the statement, “So be it,” which was repeated by the participants. After that, participants sat or lay quietly for a few minutes to meditate on their intentions. At the end of each round, the flap was opened for a few minutes before the next round begins. The sweat lodge ran for eight rounds, lasting about 10-15 minutes each.

People could and did leave the sweat lodge between rounds. At least 16 people came out at various points before the end of the ceremony; of these, approximately 5 went back inside. Participants who came out between rounds were washed down with water to cool them off, encouraged to sit or lie on the tarp, and given fluids, electrolytes, and fruit. The decision whether or not to re-enter was left entirely up to them.

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<sup>4</sup> Mr. Ray, Taylor Butler, Megan Fredrickson, Josh Fredrickson, and Michael Barber.

<sup>5</sup> There were a total of seven volunteers at the Retreat, known as the “Dream Team,” who assisted with the various events and exercises. Three volunteers were inside the lodge and four volunteers were outside the lodge. There were another two additional JRI personnel outside the lodge.



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At least one participant, John Ebert, left during the fourth round by pulling up the side of the tent and crawling out. The construction of the tent did not prevent him from leaving – the blankets and tarps could be pulled off the frame with little difficulty. After sitting out a few rounds and having water and juice, he went back in.

Participants compare the sweat lodge to a marathon, with people encouraging one another and checking on each other. One participant recalls that Mr. Ray acted like a coach, telling people “come on you can do it, you are better than this.” Another compares Mr. Ray’s role to that of a personal trainer, who always asked for “one more rep” – one more repetition.

The evidence would show that Mr. Ray did not physically prevent anyone from leaving. Nor was there any obstruction of the tent flap or anyone standing in front of it to prevent exit. According to press accounts, even Beverly Bunn, now a vocal critic of JRI, stated that “No one was prevented from trying to leave.” *See* Transcript, NBC Today Show, Oct. 23, 2009, 2009 WLNR 21076010 (Ex. C at 2.)

2. Mr. Ray And JRI Implemented Appropriate Safeguards For The Sweat Lodge

Of the six prior sweat lodges offered by JRI since 2003, only one participant received outside professional medical care. In 2005, after the sweat lodge ceremony ended, one man became combative. Thirty people had participated in that sweat lodge. It was held at night and ran for 12 rounds. Mr. Ray told participants that they had only one more round to go, then at the last minute, held one more round. Some participants complained and, when the ceremony was over, people left in disarray. A man named Daniel Pfankuch came out swinging his arms and cursing. Paramedics responded and administered oxygen. He was hospitalized that night and returned to the Spiritual Warrior Retreat the next day.

After the 2005 incident, JRI took a series of steps to ensure participants’ safety, including:

- Shortening the number of rounds from 12 to 8, and adhering to the statement that the “last round” really is the last round;
- Moving the sweat lodge to daylight hours to increase visibility;
- Setting up a canopy for shade outside the sweat lodge to prevent further dehydration;
- Putting a large tarp on the ground outside for participants to sit or lie down on;
- Having buckets and hoses ready to cool people down;

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- Setting up a recovery station stocked with water for drinking, electrolyte fluids, towels, lemons, oranges and watermelon;
- Hiring an event coordinator trained in first aid and CPR;
- Paying for its employees to be trained in CPR and keeping that training current;
- Stationing people, including those trained in CPR as described above, outside to help those who exited between rounds and at the end of the event. In 2009, there were two JRI personnel and 4 volunteers stationed outside the sweat lodge; and
- In 2009, JRI specifically accepted an additional volunteer, Lisa Rondan, to help at the Retreat because she was a registered nurse. JRI stationed her outside the sweat lodge as an additional safety precaution. Ms. Rondan not only was a medical professional but also had experience in sweat lodges, having attended a Spiritual Warrior Retreat in 2008.

Over the course of this year's Retreat, Mr. Ray took additional precautions, repeatedly telling people to "hydrate, hydrate, hydrate" and to take a daily teaspoon of sea salt to avoid the sodium depletion often associated with sweating and passing out written reminders to do the same. (Ex. D at 2; Ex. E.) The evidence would show that the admonishment to hydrate was a "mantra."

Early afternoon on Thursday, October 8, Mr. Ray explained the traditions of and specific procedures for the sweat lodge, including how to enter, where to sit, and how to exit. Among other things, Mr. Ray told participants that it would be "pitch black" inside the lodge and "hellacious hot." He reminded them to hydrate. He advised them to leave the sweat lodge between, not during, rounds, and to move in a clockwise direction towards the door. The request that participants exit between rounds and in a clockwise direction was a necessary precaution in a dark enclosed space with a pit of very hot stones in the middle of it.<sup>6</sup> The evidence would show that, based on this explanation, participants understood that the sweat lodge would be hotter than anything in their prior experience.

3. Retreat Participants Made An Informed, Voluntary Decision To Enter The Sweat Lodge

Upon signing up for Spiritual Warrior, all participants were sent a packet of information that included a Release form. The Release specifically states that the Activities (a defined term in the contract) at the Retreat may include "a sweat lodge ceremony (a ceremonial sauna involving tight, enclosed spaces and intense temperatures)." (See Ex. F at 2.) By signing

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<sup>6</sup> A man named Lou Caci later exited between rounds but, instead of going clockwise around the pit, went straight for the door. He stumbled and burned his arm in the stone pit.

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the Release, each participant released JRI from “any claim . . . on account of injury to the undersigned’s person (whether physical, emotional, psychological or otherwise) or property or resulting in death.” (*Id.*) Each participant also acknowledged:

“I understand that (1) there are inherent risks in the Activities; (2) people may have been seriously injured by participating in the Activities; and (3) if I voluntarily choose to participate in the Activities, there is a risk that I may receive injuries requiring medical attention. I fully understand and acknowledge that there is no requirement whatsoever that I participate in the Activities. If I do choose to participate in any of the Activities, I affirm that I have not been coerced or persuaded in any way to do so and I assume full responsibility for and risk of any injury sustained in connection with the Activities, whether caused by the negligence of the Releasees or otherwise.” (*Id.*)<sup>7</sup>

The sweat lodge event was completely voluntary. One of the participants that week, a woman named Elsa Hafsted, elected to skip the sweat lodge entirely.<sup>8</sup>

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<sup>7</sup> The release form required by Angel Valley similarly required each participant to give up claims for injury “from all acts of negligence arising as a result of, or otherwise in connection with or related to,” their stay at Angel Valley and “to take full and complete responsibility for” their safety and welfare. (Ex. G.)

<sup>8</sup> You also have asked us about the suicide of Colleen Conaway at the Horton Plaza Mall in downtown San Diego on July 25, 2009. Ms. Conaway had gone to the Mall as part of a 2-1/2 hour exercise in which participants were challenged to go to three affluent areas, including a high-end mall, and obtain a meal, water, and the use of a restroom without any money and wearing clothes purchased at local Goodwill stores. This exercise was entirely optional and the purpose was to provide participants with an opportunity to test their resourcefulness. Ultimately, as in other years, some went to homeless shelters, some participants applied for and got jobs, some even used the time to get haircuts, and others went back to their hotel rooms. Each participant was assigned a buddy and given an emergency phone number to call. JRI personnel, wearing bright blue t-shirts, were assigned to each location to provide any necessary support. Back-up drivers were assigned to each site in the event anyone wanted or needed to leave early or returned late to the scheduled pick-up point. At the end of the event, participants boarded buses and handed in their name tags to be counted. When Ms. Conaway was not among them, JRI personnel attempted to reach her by telephone. When she did not appear after the next exercise, JRI contacted her hotel, the number listed on her signed release form, and police. We are not aware of any evidence that Mr. Ray or JRI contributed to or could have prevented Ms. Conaway’s tragic suicide or that they were on notice of any psychological or emotional problems that Ms. Conaway was facing.

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4. Participants At The Retreat Were Looking For A Challenge And Were Not Acting Under Any Form Of Compulsion

Some media reports have suggested that Mr. Ray exercised some sort of “mind control” over the participants, played “God,” told them they were going to die, required participants to fast before entering the sweat lodge, and limited their food intake and hours for sleeping over the week. These reports are grossly inaccurate.

Mr. Ray is not a guru and the people who come to JRI events are not cult members. They do not meet as an ongoing group or collective; they do not live communally or on an isolated property; they do not dress in a particular way or engage in ongoing rituals or worship. Mr. Ray asks people *not* to follow him but to find what works for them, as his most recent book, *HARMONIC WEALTH*, makes clear: “I don’t want you to follow. I want you to explore. My aim is to teach you what I believe and what’s worked for me, and most of all to encourage you to accelerate your own understanding and growth. . . . But in keeping with what I’ve always advised, take what feels right to you and leave the rest.” J. RAY, *HARMONIC WEALTH*, at 278.

JRI offers approximately 60 events per year. Some are multi-day, some last only hours. The events are attended by a diverse and constantly changing group of people. The only common ground among JRI attendees is that they tend to be entrepreneurial and looking for practical ways to make their lives more successful.

This year’s Spiritual Warrior group – most of whom had never met each other before – was no different. The group included a travel agent, a doctor with a family practice, a woman with a bachelor’s degree in engineering, a former Wall Street trader, an independent filmmaker, a real estate agent, an Air Force reservist, and a financial analyst. Some of these educated, successful people had previously attended numerous JRI events; some had only been to an introductory weekend.

Spiritual Warrior challenges participants to push past personal barriers and limiting beliefs and make permanent life changes. The various exercises at Spiritual Warrior are all built around a unifying *metaphor*: a person’s old self is conquered and he or she is reborn as a new person, free of limitations that prevented a successful life. As explained below, many of the Retreat events that the media has reported as some form of lurid or cult-like activity were simply examples of this paradigm.

a. The “Buzz Cut”

As part of the “cult” theory floated by the press, it has been suggested that Mr. Ray required everyone to shave their heads. Any such suggestion is wrong. The “buzz cut” was offered during the first 30 minutes that the Retreat group spent together, shortly before dinner on

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Saturday, October 3. Only preternaturally powerful skills at “brainwashing” would have permitted Mr. Ray to have manipulated minds that quickly in order to compel obedience. He has no such power. The “buzz cut” was one of many opportunities for participants to see themselves in a new way. The evidence would show that the “buzz cut” was an entirely voluntary event; approximately half of the group chose to participate.

b. The Samurai Game

Much has been made of the fact that Mr. Ray purportedly played “God” at one point during the Retreat. He played this role exactly once, on Tuesday afternoon, when participants played the Samurai Game. But this was no cult practice. The Samurai Game is based on a corporate exercise that Mr. Ray learned while working for AT&T. The exercise is intended to demonstrate that people are responsible for their actions.

The Samurai game focuses on the concept of acting with integrity. As with many corporate team-building exercises, the rules are intricate and somewhat arbitrary. Participants divided into two teams. Each team had a domio, a priest who can talk to “God,” a ninja, a sentry and other assigned characters. Mr. Ray played “God” merely by acting as the proctor for the exercise by answering questions about rules. At one point during the game, participants watched a clip from *The Last Samurai*, starring Tom Cruise.

The Samurai Game culminated in various “battles” – using the term loosely – between individual team opponents. For example, the “battles” included a contest to see who could spin around ten times with a pillow on his or her head, and who could carry an egg on a spoon to a chair and back first. Those who “died” in battle, e.g., by dropping their pillows or eggs, were escorted by volunteers dressed as “Angels of Death” to the “graveyard,” which was a cordoned-off section of the Pavilion.

Although the press has chosen to take the metaphor of the Samurai Game literally, the evidence would show that the Samurai *Game* was just that – a very theatrical game, and the kind of team-building exercise that might be played at a corporate or law firm retreat.

c. The Vision Quest

Press reports suggesting that participants went directly into the sweat lodge without eating or drinking are false. Participants did go on a 36-hour “Vision Quest” beginning late Tuesday night, after dinner, and returning at sunrise on Thursday morning in time for breakfast. The purpose of the Vision Quest was to provide time alone in a natural environment for participants to form and meditate on their new intentions and goals. Participants were taken to individual locations on the retreat property. These sites, and the pathways and maps for them, were identified by Angel Valley prior to JRI’s arrival. All were within ½ to ¾ of a mile from Angel Valley’s main lodge. Although this event occurred in the outdoors, this was not the wilderness.

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Participants did not eat or drink anything during the Vision Quest, but did bring warm clothing and a pad or sleeping bag. The high temperature in Sedona during the Vision Quest was 63 degrees; the low was 41. (Ex. H.) The evidence would show that participants felt safe and knew that they could get help if the need arose.

Participation in the Vision Quest was entirely voluntary. Liz Neuman, one of the decedents, did not participate in the Vision Quest at all. The evidence would show that many participants found it to be a profound experience.

Upon returning from the Vision Quest, participants ate breakfast and were again encouraged to hydrate. (Ex. E.)

d. Meals and Sleeping

Except for the day of the Vision Quest, participants were given three meals per day. Meals were served buffet style and, in accordance with the food provided by Angel Valley, vegetarian. Participants were not limited to the quantities they could consume. Snacks were available all day in the Crystal Hall Meeting Room. Mr. Ray ate the same food as everyone else.

Press reports have also suggested that participants were sleep-deprived. Again, these reports are not true. The evidence would show that Saturday evening's events ended at approximately 9:00 p.m.; Sunday and Monday, the events ended at around midnight. On Tuesday and Wednesday nights, participants were alone on their Vision Quests. It is reasonable to assume that most people spent some of that time sleeping.

\* \* \* \* \*

In sum, the sweat lodge was a voluntary event during which people could and did come and go. The intense nature of the sweat lodge was disclosed beforehand, and people were encouraged to hydrate. The JRI team members, including a registered nurse, were available at all times to help those who needed to cool off. Mr. Ray did not force anyone to participate, prevent anyone from leaving or "brainwash" Retreat participants before the sweat lodge event. There is no basis whatsoever for bringing criminal charges based on his actions before or during the sweat lodge.

E. Mr. Ray And The JRI Team Took Immediate Action As Soon As They Realized That An Emergency Situation Had Arisen

The evidence would show that Mr. Ray and numerous others who sat through the sweat lodge had no idea of the seriousness of the problems suffered by some of the participants until the ceremony was over. We understand that it has been suggested that Mr. Ray and/or JRI personnel purportedly ignored requests for help. This is untrue. Had Mr. Ray, JRI personnel or volunteers heard or understood there to be an urgent call for help, they immediately would have stopped the ceremony. The JRI team and the registered nurse stationed outside could hear what

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was going on and were available to assist if they had known of a problem. Unfortunately, no one knew that there was an emergency situation until it was too late.

Upon realizing that several people needed help when the sweat lodge ended, the team responded. 911 was called. Lisa Rondan, the nurse, went directly to help Kirby Brown and James Shore. Marta Reis helped perform CPR on Mr. Shore. Greg Hartle assisted Sydney Spencer. He later relieved Megan Fredrickson from holding an IV for paramedics. Others administered fluids and cooled people down. JRI personnel provided paramedics with names and other available information about those taken to the hospital. Three JRI personnel drove to the hospital in Cottonwood in order to be with participants taken there by paramedics.

Although press reports have accused Mr. Ray of leaving the scene and returning to California, these reports are not true. The evidence would show that Mr. Ray comforted the victims and assisted in whatever way he could. At one point during the night, he went to his room to change out of his sweat-soaked clothes. With that exception, the evidence would show that he was at the site, speaking to his team and to participants, until he was separated from everyone and detained by Yavapai County Sheriff's Detectives. Witnesses recall hearing that he made numerous requests to be allowed to meet with the participants and talk to them about what happened.

Given his detention by Sheriff's officials, Mr. Ray asked Greg Hartle to speak to the participants on his behalf. Mr. Hartle met with the participants in the dining hall and provided updates on what was happening as the information became available. He also told them that Mr. Ray wanted to be there with them but could not because the deputies had detained him.

### **III. THE LAW DOES NOT SUPPORT CHARGES OF NEGLIGENT HOMICIDE IN THIS CASE.**

We understand that your office is evaluating whether the tragic deaths associated with the Retreat were criminally negligent homicides. They were not. We provide the following analysis and demonstrate that any such charges arising out of this matter would be unprecedented and would stretch the existing case law beyond recognition.

Negligent homicide occurs "where a person fails to perceive a substantial and unjustifiable risk" that his conduct will cause another's death. *State v. Nieto*, 186 Ariz. 449, 460, 924 P.2d 453, 456 (Ariz. Ct. App. 1996); *see* Ariz. Rev. Stat. § 13-105(10)(d); Ariz. Rev. Stat. § 13-1102A. "The risk must be of such nature and degree that the failure to perceive it constitutes a gross deviation from the standard of care that a reasonable person would observe in the situation." Ariz. Rev. Stat. § 13-105(d).

Ordinary negligence, such as might suffice for a civil lawsuit, cannot support a charge of negligent homicide. *In re William G.*, 192 Ariz. 208, 213 n. 1, 963 P.2d 287 (Ariz. Ct. App. 1997); *People v. Penny*, 44 Cal. 2d 861, 285 P.2d 926 (Cal. 1955); *People v. Neff*, 117 Cal.

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App. 2d 772, 784 (Cal. Ct. App. 1953) (reversing manslaughter conviction of hotel manager for deaths of two guests due to carbon monoxide poisoning caused by fumes from gas heater, where trial court failed to instruct jury on difference between ordinary negligence, criminal negligence, and reckless conduct).

In sum, to prove negligent homicide, the state must prove either that (1) a sweat lodge itself creates a “substantial and unjustifiable risk of death” that Mr. Ray, in a gross deviation from the standard of care, failed to perceive; or (2) that Mr. Ray operated this sweat lodge in a manner that created such a risk and then was grossly unreasonable in failing to perceive that this risk existed. Neither theory can be proven here.

A. Operating A Sweat Lodge Does Not Create A Substantial And Unjustifiable Risk of Death

The operation of a sweat lodge itself does not constitute or create an inherent risk of death. In this country, sweat lodges have expanded beyond their Native American tradition. *See Werner v. McCotter*, 49 F.3d 1476, 1480 (10th Cir. 1995), *impliedly overruled on other grounds*, *City of Boerne v. Flores*, 521 U.S. 507 (1997) (taking judicial notice of “the central and fundamental role played by the Sacred Sweat Lodge in many Native American religions”). A population ranging from business professionals to high school students now attends retreats involving sweat lodges. Sweat lodges are offered as a form of spa or “getaway” relaxation treatments. *See, e.g.*, [www.chicagosweatlodge.com/index-5.html](http://www.chicagosweatlodge.com/index-5.html) (offering “[s]weat lodge sauna ovens” and detailing use of sweat lodges by “[c]ultures throughout history”). During the pendency of this matter, I – and most likely everyone at this firm – received an email from [www.rundown.com](http://www.rundown.com) (a site featuring restaurants, movies and other local events and activities) offering Los Angeles readers “Mayan therapy in Mexico” consisting of a “temazcal,” the Spanish word for sweat lodge.

As with any human endeavor, a sweat lodge carries some risk of death or serious injury. This is not unique to sweat lodges. For example, deaths during marathons are unusual, but in the recent Detroit Marathon on October 18, 2009, three participants died. We are unaware of any criminal investigation arising out of this event. The U.S. National Highway Traffic Safety Administration reported that in 2007, 698 bicyclists were killed in traffic accidents. *See* [www.nrd.nhtsa.dot.gov/Pubs/810986.pdf](http://www.nrd.nhtsa.dot.gov/Pubs/810986.pdf). In 2004, over 2400 people were hospitalized due to head injuries from horseback riding. *See* [www.cpsc.gov/CPSCPUB/PREREL/prhtml06/06122.html](http://www.cpsc.gov/CPSCPUB/PREREL/prhtml06/06122.html). Like these other activities, sweat lodges would not have lasted through the centuries or be entering the mainstream of American culture if death or serious injury was anything more than a rare event.

We are aware of five other sweat lodge deaths in the last 17 years – two in Northern California in 1992, one in Texas in 1993, one in the United Kingdom, and one in Australia. Not one was criminally prosecuted. *See, e.g., Death in Sweat Lodge Analyzed*, Dallas Morning News, Sept. 5, 1993 (authorities ruled sweat lodge death due to heatstroke accidental, noting that victim chose to enter the structure voluntarily and “unfortunately, she tried to stick it



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out”); *Sweated to Death in a Teepee*, *Scottish Daily Record & Sunday Mail Ltd.*, Nov. 22, 1996 (death of 43-year-old London scientist from hyperthermia after participating in 90-minute sweat lodge ruled “accidental” at inquest). (Copies of these articles are attached as Exhibits I and J.) The coroner who examined the Australian victim recommended against criminal charges even though the sweat lodge organizers waited at least three hours before summoning an ambulance and despite a push from the victim’s partner for prosecution. *Partner Wants Police Action After ‘New Age’ Death Finding*, *Australian News Limited*, June 9, 2007. (Ex. K.)

In fact, the only cases involving sweat lodges of which we are aware were brought by prisoners petitioning correctional authorities to be allowed to participate in the sweat lodge tradition, *see, e.g., Allen v. Toombs*, 827 F.2d 563 (9<sup>th</sup> Cir. 1987), or arguing that allowing some groups to hold sweat lodges in prison but prohibiting other religious practices constituted a denial of equal protection, *see, e.g., Stavensjord v. Corrections Corp. of America*, No. CV 09-0354, 2009 WL 3527437 (D. Ariz. Oct. 23, 2009). We are unaware of any case finding that sweat lodges in this, or any other context, are inherently dangerous activities.

The operation of a sweat lodge does not constitute the manifestly unsafe or illegal conduct that typically gives rise to charges of negligent homicide (formerly known in Arizona as involuntary manslaughter). These cases involve conduct, such as drunk driving or hunting accidents, that our society has determined cannot be tolerated and that clearly justifies criminal prosecution, even if the defendant did not possess the level of intent required for a murder or voluntary manslaughter conviction. Examples of cases illustrating this point are set forth below.

*Drunk Driving and Vehicular Manslaughter Cases.* The classic negligent homicide case arises when a defendant has chosen to drink and drive and ended up killing someone. *See, e.g., State v. Arrington*, No. 2 CA-CR 2008-0030, 2008 WL 5051796 (Ariz. Ct. App. Nov. 26, 2008) (defendant who ran over a bicyclist convicted of negligent homicide and two alcohol-related driving offenses); *State v. Blanton*, 173 Ariz. 517, 844 P.2d 1167 (Ariz. Ct. App. 1992) (affirming sentence imposed in negligent homicide case against defendant who, driving while drunk, had accident that killed his passenger); *State v. Gentry*, 123 Ariz. 135, 598 P.2d 113 (Ariz. Ct. App. 1979) (vehicular manslaughter charges brought against defendant, who driving under the influence, ran stop sign and collided with taxi, killing passenger and driver). An inherently unsafe driving practice, such as street racing, similarly justifies such charges. *See State v. Melcher*, 15 Ariz. App. 157, 161-162, 487 P. 2d 3 (Ariz. Ct. App. 1971) (evidence supported conviction for vehicular manslaughter where defendant was racing with second automobile, second automobile collided with third automobile, and driver of second automobile and occupants of third automobile were killed).

*Fighting With Knives And Firearms.* Defendants who escalate arguments or fistfights by employing dangerous weapons also face criminal negligence charges when someone gets killed. *See, e.g., State v. Nunez*, 167 Ariz. 272, 806 P.2d 861 (Ariz. 1991) (evidence supported conviction for negligent homicide where defendant, after verbal altercation with victim outside Tucson bar, went back inside bar, borrowed knife, returned to scene and stabbed victim); *State v. Olsen*, 157 Ariz. 603, 760 P.2d 603 (Ariz. Ct. App. 1988) (negligent homicide

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charges in shooting death that occurred when appellant fired .38 caliber revolver at tires of automobile of two men leaving parking lot after bar fight and hit one of the men by mistake); *State v. DeGraw*, 26 Ariz. App. 595, 550 P.2d 641 (Ariz. Ct. App. 1976) (evidence sufficiently supported involuntary manslaughter conviction where defendant shot wife while allegedly cleaning gun, when powder burns showed that muzzle was very close to victim's head).

*Hunting Accidents.* Hunting accidents that occur when the defendant accidentally kills someone, either while hunting in violation of state law or by shooting in a criminally negligent fashion, have also led to negligent homicide charges. *See, e.g., State v. Puryear*, 121 Ariz. 359, 590 P.2d 475 (Ariz. Ct. App. 1979) (appellant who shot geese decoys from road with rifle instead of shotgun committed two unlawful acts and was liable for involuntary manslaughter for resulting death of man near decoys); *see generally* Annot., 23 A.L.R.2d 1401 (criminal responsibility for injury or death resulting from hunting accident).

Unlike the illegal and unsafe behaviors described above, the operation of a sweat lodge is not *inherently* a proper subject for criminal prosecution. Drivers and passengers killed by colliding with drunk drivers have no choice and no chance. People hunting safely do not choose to be in an environment with a negligent hunter; they are simply at the receiving end of the bullet. Offering people a chance to participate in a sweat lodge – an event steeped in the traditions of many cultures over thousands of years and now a mainstream trend – does not by any stretch rise to the level of conduct that would justify unprecedented criminal charges.

B. Mr. Ray Did Not Create, And Then Fail To Perceive, A Substantial And Unjustified Risk That The Sweat Lodge Could Lead To Death

Because sweat lodges are not inherently unsafe, negligent homicide charges would require proof of particular conduct by Mr. Ray that created a “substantial and unjustifiable risk” of death, as well as proof beyond a reasonable doubt that his failure to perceive this risk constituted a “gross deviation” from a reasonable person’s standard of care. Ariz. Rev. Stat. § 13-105(10)(d); Ariz. Rev. Stat. § 13-1102A. A review of what Mr. Ray did – and did not – do shows no basis for criminal prosecution.

1. Mr. Ray And JRI Did Not Build The Sweat Lodge

Mr. Ray and JRI did not build the sweat lodge. They did not choose to cover it with blankets and plastic tarps. They had no responsibility for obtaining any necessary building permit for the sweat lodge or for maintaining it after it was built. The decision to place – or not to place – a temperature gauge or thermometer in the sweat lodge was made by Angel Valley. Mr. Ray relied on Angel Valley, as the property owner, to provide a safe sweat lodge under the Retreat contract. Under settled law, this reliance was entirely proper.

In *People v. Neff, supra*, the manager of a hotel was convicted of involuntary manslaughter in the deaths of two hotel guests due to carbon monoxide poisoning from fumes emitted by a defectively designed and improperly functioning gas heater in the hotel room.

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Reversing the conviction, the court held that the manager could not be charged with the duty to install a new heater or to repair the old one, where he was under no contract to do so. The court further held that the manager had not committed an unlawful act that would support involuntary manslaughter charges by failing to comply with a state statute requiring approval of gas-burning appliances by a nationally recognized testing agency, and that he could not be charged with knowledge of the heater problem simply because he was the manager. 117 Cal. App. 2d at 771-772.

The manager in *Neff* relied on the owner of the property and the lessee to replace or repair the hotel's heaters. Mr. Ray similarly relied on the Angel Valley owners, as well as the couple that re-installed the sweat lodge coverings at Retreat, to create and maintain a safe structure. By offering the sweat lodge as an option for Group Retreats, Angel Valley as the landowner and builder committed itself to do exactly that. See *Markowitz v. Arizona Parks Board*, 146 Ariz. 352, 355, 706 P.2d 364, 367 (Ariz. 1985) (quoting *Tribe v. Shell Oil Co.*, 133 Ariz. 517, 519, 652 P.2d 1040, 1042 (Ariz. 1982) ("a possessor of land 'is under an affirmative duty' to use reasonable care to make the premises safe for invitees); W. KEETON, PROSSER AND KEETON ON THE LAW OF TORTS, § 61, at 424 (5th ed. 1984) (invitee on private land has justifiable "expectation that the place has been prepared and made safe for the visit," in part due to actual or possible pecuniary benefit to landowner). A landowner cannot escape this obligation by delegating the duty to maintain the property to a third party or independent contractor. *Jules v. Embassy Properties, Inc.*, 905 P.2d 13 (Colo. Ct. App. 1995); Restatement (Third) of Torts § 51(b) & comment (Tent. Draft No. 6, 2009) (land possessor owes duty of reasonable care with respect to "artificial conditions" on premises, included "those that the possessor has constructed or had constructed by an agent").

Just like any retreat or hotel commits to exercising reasonable care with respect to whatever facilities are offered – be it spa treatments or rock climbing walls – Angel Valley was required to provide a safe sweat lodge. The law places no obligation on a corporate event planner booking such a retreat center or hotel to investigate the spa facilities or test the rock wall. Under the principles governing ordinary negligence, Mr. Ray could not be held liable for any failure of Angel Valley to meet its obligations, let alone charged with negligent homicide due to a design defect in the sweat lodge or a failure to properly store the coverings or make necessary repairs. *Neff, supra*.

## 2. Mr. Ray Did Not Require Anyone To Enter Or Stay In The Sweat Lodge

The sweat lodge was an optional event. JRI provided a written release form telling participants in detail of the risks involved, and Mr. Ray informed them in detail of what they could expect on the day of the event.

Once the sweat lodge was underway, Mr. Ray conducted the ceremony. He asked for stones to be brought in, he poured water over the stones, and he led prayers and statements of intention. That is what happens in sweat lodges.

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Mr. Ray did not force people to stay in the lodge. Those who chose to participate could and did choose to leave, both between and during rounds. Mr. Ray did not block the door. He encouraged people to stick it out for the entire round, but at least one man ignored him, just like others during the Retreat passed on the buzz cut, declined to go on the Vision Quest, and skipped the sweat lodge altogether. The evidence simply does not support a depiction of Mr. Ray as a cult leader forcing people to engage in dangerous and possibly fatal activities.

Although Mr. Ray and JRI deeply regret what has occurred, the fact of the matter is that no one prevented these educated, tough people from simply walking out or lifting up the side of the tent and crawling out between, or during, rounds. It was not unreasonable, and certainly not criminally negligent, to expect people to know their own limits and to take care of themselves. *See State v. Shumway*, 137 Ariz. 585, 588, 672 P.2d 929 (Ariz. 1983) (in prosecution for negligent homicide, “the trier of fact may . . . consider the decedent’s conduct when determining whether the defendant’s act was criminally negligent).

3. Mr. Ray And JRI Took Reasonable Precautions To Ensure Participants’ Safety

Mr. Ray had no reason to believe that serious injury or death might occur as a result of the sweat lodge experience. As discussed above, sweat lodges themselves are not inherently risky, and a reasonable person would not believe that a sweat lodge presented a substantial and unjustified risk of death.

Mr. Ray’s past sweat lodge experience did not provide him with any reason to believe that a substantial and unjustified risk existed this year. With one exception, JRI’s prior experiences with sweat lodges required no medical treatment or hospitalization. As explained above, the behavior of that individual could reasonably have been attributed to his anger at the sweat lodge procedure and not to a medical emergency.

In any event, Mr. Ray and JRI responded to that single event by considerably shortening the number of rounds, thus decreasing the participants’ exposure to heat. JRI also made the sweat lodge a day-time event. Holding the event during daylight hours ensured that JRI could better monitor the participants and that the participants could see better. JRI set up a shade canopy to shelter any potentially dehydrated participants from the desert sun. JRI provided hoses to cool people off, a tarp to rest on, and fluids with electrolytes. These safeguards paralleled the medical care recommended for the treatment of heat exhaustion. *See James S. Walker & David E. Hogan, Heat Emergencies*, in JUDITH E. TINTINALLI ET AL., TINTINALLI’S EMERGENCY MED.: A COMPREHENSIVE STUDY GUIDE, at 1239 (5th ed. 2000) (<http://www.accessmedicien.com/content.aspx?aID=604435>) (“Heat exhaustion is treated with volume and electrolyte replacement and rest”); *see also James L. Glazer, Management of Heatstroke and Heat Exhaustion*, 71 AM. FAMILY PHYSICIAN 2133, 2137 (2005) (“The initial treatment of patients with heat exhaustion involves stabilization in a cool area. . . . Oral rehydration solutions containing sodium may be used in the field to treat most cases of mild dehydration”).

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One point bears emphasis. JRI stationed several people outside to be ready to step in if needed, *including a registered nurse and other medically trained personnel*. We doubt that most, if any, sweat lodges adopt such precautions. The evidence would show that, at the typical Native American sweat lodge, no outside medical personnel are present. At a minimum, implementation of these safeguards precludes charges for criminally negligent conduct.

The case of *State v. Dykes*, 114 Ariz. 592, 562 P.2d 1090 (Ariz. Ct. App. 1977), illustrates clearly why the sweat lodge tragedy is not a negligent homicide case. In *Dykes*, negligent homicide charges were brought based on the defendant's abandonment of a group of men he had taken on one of his routine trips to the desert to steal shell casings from Air Force property. While on the trip, the defendant and another man went into town to obtain more water. In town, the two went to a motel and went swimming. On their return, they learned that many members of the group had walked miles to a well of nonpotable water because of extreme thirst. The next day, temperatures reached 155 degrees. That night, the group, with the exception of the defendant, scattered when spotted by an Air Force helicopter. The defendant surrendered but did not tell authorities that others were still out in the desert until 8:00 p.m. the next night, and no search was mounted until the day after that. Five men were then discovered dead in the desert from dehydration. The court found the evidence sufficient to sustain the defendant's conviction for five counts of negligent homicide.<sup>9</sup>

Here, by contrast, Mr. Ray and his team took steps before, during and after the sweat lodge to protect and ensure the safety of participants. They chose a reputable place to hold the sweat lodge, told participants of the risks, repeatedly reminded them to hydrate, told them how to exit the lodge, helped them exit when necessary, and cooled off and provided water and other assistance to people who came out. When the emergency arose, they did everything they could to revive people through CPR and other means. They comforted and assisted the victims; some followed paramedics to the hospital to be with the people taken there. Mr. Ray's and JRI's operation of the sweat lodge is the opposite of the blatant disregard of human life that gave rise to the charges in *Dykes* and precludes any charges of negligent homicide here.

C. A Conclusive Determination Of The Cause Of The Deaths Has Been Severely Hampered By The Destruction Of The Crime Scene

The sweat lodge has been completely destroyed by the property owners responsible for its design, construction and maintenance. We have not been able to explore the circumstances of this destruction except to determine that it occurred at the behest of third parties, after law enforcement left the scene.

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<sup>9</sup> The *Dykes* court nonetheless reversed the convictions because of the prosecution's reliance on the defendant's failure to let anyone know in time that others needed to be rescued as the basis for the charges. The defendant had remained silent after receiving a *Miranda* warning as to the federal larceny charges. This structural error required reversal under *Doyle v. Ohio*, 426 U.S. 610, 617-18 (1976).

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This destruction has rendered it almost impossible for either your office or our client to look into the many environmental factors that may have contributed to the deaths. Among other things, it is now impossible for us (1) to analyze the materials used in constructing and covering the sweat lodge; (2) to analyze whether or not the rocks provided by Angel Valley contained arsenic or other toxic materials; and (3) to determine whether any structural changes were made or allowed to occur since JRI last used the sweat lodge in 2008. The destruction means that the cause of death may forever mean a mystery. It also means that it would be extraordinarily difficult for the state to prove beyond a reasonable doubt that these factors did not cause or contribute to the victims' death, and for the defense to receive a fair trial, given that critical evidence no longer exists.<sup>10</sup>

#### IV. CONCLUSION

We do not seek to minimize the tragedy of the sweat lodge deaths. But these deaths were not the result of criminal conduct. Mr. Ray and his team relied on Angel Valley to provide a safe environment, warned people of the risks, did not force people to participate, did not prevent them from leaving, and did everything they could to prepare for any problems and to assist when problems arose. In these circumstances, criminal charges are unwarranted.

We believe that your concerns as to additional precautions that could be taken in sweat lodges, for example, by requiring the lodges to include thermometers or an ambulance to be stationed outside, should be addressed by the legislature.<sup>11</sup> Imposing such requirements for sweat lodges through the mechanism of a criminal prosecution of Mr. Ray would circumvent the legislative process and punish Mr. Ray for not meeting an undefined and nonexistent standard of care.<sup>12</sup>

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<sup>10</sup> The destruction of evidence can support the dismissal of a criminal case. *See State v. Hannah*, 120 Ariz. 1, 583 P.2d 888 (Ariz. 1978) (affirming dismissal of indictment charging defendant charged with arson and fraudulent insurance claim where inadvertent destruction of evidence severely prejudiced defendant); *State v. Escalante*, 155 Ariz. 55, 734 P.2d 597 (Ariz. Ct. App. 1986) (dismissal is appropriate remedy where state permits destruction of evidence).

<sup>11</sup> Arizona law contains numerous safety measures. For example, it requires swimming pools to be enclosed, Ariz. Rev. Stat. § 36-1681; prohibits the use or sale of fireworks except by experts, *id.* § 36-1602; requires smoke detectors in hotels and motels and new residential housing in certain circumstances, *id.* §§ 36-1637, 1646; and imposes ventilation requirements for gas appliances and chimneys, *id.* § 36-1623.

<sup>12</sup> As discussed above, any ex post facto thermometer requirement would apply to Angel Valley, not Mr. Ray.

Mr. Bill Hughes  
December 1, 2009  
Page 22

We look forward to discussing these matters with you further.

Respectfully submitted,

MUNGER, TOLLES & OLSON, LLP  
Brad D. Brian  
Luis Li  
Susan E. Nash

By Luis Li (by son)  
Luis Li

**EXHIBIT A**



# Angel Valley

*Spiritual Retreat Center*

13513 Angel Valley Road, Sedona, AZ 86336

Phone: 928-634-1320 – Fax: 928-634-1397

E-mail: [retreats@angelvalley.org](mailto:retreats@angelvalley.org)

[www.angelvalley.org](http://www.angelvalley.org)

## **GROUP RETREAT**

### **TERMS and CONDITIONS**

Effective August 1, 2009

Our commitment is to establish a fulfilling working relationship with you by creating a mutual understanding of transparent responsibilities. If something in the terms and conditions is not clear or does not resonate with you, please, call and share. We will explore the possibilities of bringing things into alignment with each other.

#### **GENERAL GROUP INFORMATION:**

- ❖ For images and description of Angel Valley facilities & services visit our website [www.angelvalley.org](http://www.angelvalley.org).
- ❖ A minimum Three-night stay is required for all retreats.
- ❖ A group retreat starts after 1pm on arrival date and ends on or before 11:00 AM on the departure date. Using the Angel Valley Facilities after 11:00 AM requires the retreat to be extended by one full day and paying the contract rate per person.
- ❖ The group rate includes accommodations, all meals and one group meeting facility.
- ❖ **For the 2009 and 2010 groups the basic rate for contracts signed after August 1, 2009 is \$165 per person, per day.**

#### **SPECIFIC GROUP PRICING INFORMATION:**

All Pricing is based upon Sharing Accommodations: 2, 3 or 4 persons per room or cabin in single beds.

King size beds in some rooms are available upon request. No private rooms are available.

Each room has its private bathroom, some attached, some not attached.

- ❖ Group Participants who choose to stay off-site pay \$105.00 per day with meals included.
- ❖ Participants staying off-site for overflow reasons, arranged by Angel Valley, pay the regular fee of \$165.
- ❖ For extra nights before or after the group retreat participants pay a discounted rate of \$133.00 per person with all meals included, \$98 with breakfast only.
- ❖ Participants make their extended stay reservations directly through the Angel Valley office.

#### **'Light House Group' – For 8 to 15 paying participants:**

- ❖ This group will use the Light House as their Private Meeting Space.
- ❖ One Facilitator stays for free when there are 13 paying Participants.
- ❖ For 12 or fewer paying participants the Facilitator pays the same rate as the participants.

#### **'Crystal Hall Group' – For 16 or more participants:**

- ❖ This group will use the Crystal Hall as their Private Meeting Space.
- ❖ One Facilitator stays for free with 16 paying participants.
- ❖ Two Facilitators sharing one room stay for free with 26 paying Participants.
- ❖ Two Facilitators occupying two rooms pay \$100 extra per night.
- ❖ Three Facilitators sharing two rooms stay for free with 36 paying Participants.
- ❖ Four Facilitators sharing three rooms stay for free with 46 or more paying Participants.

Facilitator's Initials indicating understanding and acceptance: \_\_\_\_\_

## SHARED USE of ANGEL VALLEY:

- ❖ All 'Light House' and 'Crystal Hall' Group Retreats are sharing all the Facilities of Angel Valley with other Group Retreats, Individual Retreats or Day Visitors – except for your designated meeting space, which is exclusively for your use.
- ❖ Additional services are available for additional charges – Sweat Lodge, Ceremonial Tipis, Fire Ceremonies, Group Vortex Experiences, Angel Connections and other facilitated activities.
- ❖ Additional requests will be addressed on an individual basis.

## MEETING FACILITIES see [www.angelvalley.org/meeting\\_rooms.html](http://www.angelvalley.org/meeting_rooms.html) :

- ❖ **Crystal Hall** 1150 sq. ft., seats up to 100 or provides space for up to 50 in yoga, movement, dance. The Crystal Hall is assigned to 'CH Group' retreats for their meeting space.  
Day use rate, when available, is \$700.00 for a full day or any portion thereof.
- ❖ **Heart Pavilion** 52 ft. diameter, 2122 sq. ft., round tent, carpeted, seats 200, for movement, ceremony, receptions.  
Day use rate, when available, is \$700.00 for a full day or any portion thereof.
- ❖ **Light House** 365 sq. ft. meditation room, seats maximum 16. The Light House is assigned to 'LH Groups' for their meeting space.  
Day Use Rate, when available, is \$300.00 for a full day or any portion thereof.
- ❖ **Orange House** 260 sq. ft. Great Room. This building sleeps up to 8 participants.  
Day & Night Use, when available \$999.00 from 1:00 PM - 11:00 AM the next morning, including meals.
- ❖ **Ceremonial Tipis** size 20 and 22 ft., seat 15-25 people.  
Day use rate is \$150.00 for a full day or any portion thereof.

## MEALS:

- ❖ **Vegetarian meals** are included in the base contract rate.
- ❖ The food is mostly organic and reflects 'The Ultimate Nourishing Experience'. Please, visit [www.angelvalley.org/meals.html](http://www.angelvalley.org/meals.html).
- ❖ There is an extra charge for special meal options requested for the whole group:  
Vegan meals \$10.00 per person **per day**. Raw/living organic meals \$20.00 per person **per day**.  
Transitional/minimal carb/special sweeteners \$10 per person **per day**.
- ❖ There are individual meal options available, ordered in advance:  
Chicken or fish option (lunch and/or dinner) \$7 per person **per meal**  
Special Dietary needs (gluten free, dairy free, sugar free) \$10.00 per person **per day**.
- ❖ Additional requests can be discussed
- ❖ Teas, iced tea, ice water and lemonades, if requested, are available during meals. Coffee and decaf coffee are available upon request. Tea and coffee throughout the day upon special request by the Facilitator.
- ❖ Meals are served buffet style in the Yellow House dining room.
- ❖ Mealtimes are indicated on the contract and are pre-arranged. An extra fee may be charged for special requests. Facilitators are expected to honor the pre-arranged times. Delays of more than 30 minutes from the scheduled times will result in being charged at the rate of \$75.00 per 30 minutes or any portion thereof.
- ❖ Around four weeks prior to the event, menu preferences and specifics on dietary needs must be determined, by submitting the meal questionnaire.

## MISCELLANEOUS:

- ❖ Facilitators are invited to promote their event on the Angel Valley website, including a reciprocal link exchange, after receipt of signed contract, initialed Guidelines and Conditions (please, keep copies) and first payment.
- ❖ We highly encourage the Facilitator(s) to take advantage of our invitation to enjoy one complimentary day and night's stay before or after their event, to get in tune with the energy of the land and/or enjoy the integration of their work. Meals are included if preordered and prearranged. If an extended stay is not an option, the Facilitator must arrive at least two hours before the expected arrival of Participants.
- ❖ The Angel Valley Retreat Coordinator will give a brief orientation to the group after Participants have arrived and before the retreat begins, usually at the start of the first meal.

Facilitator's Initials indicating understanding and acceptance: \_\_\_\_\_

**ADDITIONAL OPTIONS MADE AVAILABLE AT EXTRA CHARGE:**

- Golf Cart Usage: \$250.00 per cart for the entire retreat.
- Fire Ceremony: \$250.00 for each ceremony, fire prepared, seating arranged
- Sweat Lodge: \$900 - \$1,300.00, for up to 75 people, without or with facilitator and fire-tender(s)
- Musician: Fee depending on the request

**CO-FACILITATION BY ANGEL VALLEY:**

Some Facilitators like to include Angel Valley Facilitators in their program, because this can enhance their work. Available options are:

- ❖ *Vortex Experience*, average 3 hours. Procedure: An introduction of ½ hour for the whole group. Then the group splits into smaller groups (maximum 11) for the experience itself, walking on the land and exploring vortex sites with the facilitator, while the other group goes out by themselves with an assignment. After 1 hour the groups switch. Then return to Crystal Hall for ½ hour sharing circle.
- ❖ *Angel Connection*, similar formula as above.
- ❖ *Following Your Excitement*: 2-3 hours: interactive approach of how to live more in alignment with one's natural authentic self, with who you truly are.
- ❖ *Crystal Skull Meditation*: 2-3 hours: what are crystal skulls, how can they serve us, meditation and sharing.
- ❖ *Mayan Calendar Presentation*, 2-3 hours: lecture on the Mayan calendar, sharing of the Mayan signature of each individual AND of the whole group.
- ❖ *Grief Guidance Presentation*, 2-3 hours: Lecture and Group interaction on how to recognize unresolved grief issues, and a presentation of some tools that can be used in a grief process.
- ❖ *Health and Nutrition Presentation*, 2-3 hours: How to improve one's health through healthy living habits and wholesome food.
- ❖ *Tai Ji*, 30-60 minute exercise daily during the retreat.

**Fee for the provided presentation, instruction or experience is \$300 per hour.**

**ANGEL VALLEY HOLISTIC HEALING SERVICES:**

Some Facilitators schedule free time within their group program to allow for participants to integrate their experiences through Individual Services. In this free time Angel Valley Holistic Healing Services can be made available, arranged in advance. Scheduling of sessions is organized by Angel Valley Retreat Coordinator.

**Angel Valley Services for Individuals :**

Sessions are 1½ hours, which gives our practitioners an opportunity to do their work in the most optimal way. **The rate is \$144 for a session.**

In case for practical reasons sessions have to be 50/55 minutes in order to accommodate more people, the rate is \$111.

In several of the sessions offered, the practitioner combines a number of the modalities listed below.

- |                          |                           |                          |
|--------------------------|---------------------------|--------------------------|
| <i>Affirmations</i>      | <i>Colon Therapy</i>      | <i>Massage</i>           |
| <i>Angel Connection</i>  | <i>Counseling</i>         | <i>Mayan Signature</i>   |
| <i>Angel Healing</i>     | <i>Cranial Sacral</i>     | <i>Polarity Therapy</i>  |
| <i>Aura Healing</i>      | <i>Crystal Skulls</i>     | <i>Reiki</i>             |
| <i>Body/Energy Work</i>  | <i>Grief Guidance</i>     | <i>Sound Therapy</i>     |
| <i>Chakra Balancing</i>  | <i>Intuitive Coaching</i> | <i>Vortex Experience</i> |
| <i>Channeled Writing</i> | <i>Labyrinth-Guided</i>   | <i>Vortex Healing</i>    |

**Facilitator's Initials indicating understanding and acceptance: \_\_\_\_\_**

## **STEPS TO BOOK YOUR EVENT**

### **❖ Application form**

1. Fill out form and submit to Angel Valley.
2. A Retreat Coordinator will use this information to answer questions and to draw up a Contract Agreement.

### **❖ Contract Agreement**

1. Terms & Conditions are subject to change until the contract has been signed and the first payment is received.
2. Requested dates and quoted rates are guaranteed upon receipt of signed contract, initialed Guidelines and Conditions, and the first payment.
3. Your reservation is based on the number of expected participants, as listed on Contract.
4. Initial estimates are subject to change as participant numbers and other conditions change.
5. Facilitators will receive an Addendum to Contract, for review and signature that reflects changes to the contract. Any updates that affect the reserved space should be passed on as soon as possible.

### **❖ Payments**

1. Payments for retreats are made in installments and are detailed in the contract.
2. The first payment is 22% of the anticipated total contract amount and is due upon signing of the contract, along with the Terms & Conditions.
3. Second, third, and fourth payments are due on prearranged dates, as detailed in contract.

### **❖ Cancellation Policy**

1. All payments are non-refundable. However, cancelled retreats can be rescheduled within one year.
2. Your payments up to that point, minus a 25% fee, will be applied to the new scheduled retreat.
3. An additional payment will be required prior to establishing a new retreat date.
4. Cancellations within 60 days of event are not eligible to be rescheduled.

### **❖ Required Paperwork**

1. Completed Application
2. Signed contract and signed Terms and Conditions.
3. Completed Meal Questionnaire.
4. Schedule of the group's agenda (so Angel Valley can best schedule housekeeping, etc).
5. Signed Waiver and Release of Liability for each participant and facilitator.
6. Participant List for room assignments, including special requests, with email addresses & cell phone numbers.

## **CHECK-IN AND CHECK-OUT**

### **Check-in:**

- ❖ Check-in is from 1:00 pm to 4:00 pm on the group's day of arrival. Angel Valley's electronic gate closes at night. For late arrivals, please notify the office and have a cell phone number available.
- ❖ Facilitators are responsible for checking in group participants.
- ❖ Angel Valley staff will assist guests with their luggage and guide them to their accommodations.
- ❖ Driving to rooms is allowed only in limited circumstances and upon pre-arrangement.

### **Check-out:**

- ❖ Check-out is at 11:00 am unless other arrangements have been made. Breakfast is included.
- ❖ Facilitators and participants are requested to evaluate their stay by filling out an Evaluation Form. We appreciate you sharing any comments, including constructive criticism, to improve our services.
- ❖ Before leaving the premises we require Facilitators to contact the office.

## **WHAT TO BRING:**

- ❖ Flashlight - outdoor lighting is minimal, honoring our famous Arizona clear night sky.
- ❖ Water bottle.
- ❖ Clothing in layers – evenings/mornings can be cool, with wintertime temperatures in the 20's.
- ❖ Comfortable / hiking shoes - slippers / socks for inside the houses.  
In the summer: bathing suit and bathing towel for swimming in the creek - sun hat & sunglasses

**Facilitator's Initials indicating understanding and acceptance:** \_\_\_\_\_

**OTHER GENERAL GUIDELINES:**

**Some basics:**

- ❖ Cell phone reception is limited. Telephones are available in Yellow House (928) 634-4450 and Orange House (928) 634-4449. Long distance calls may be made with a calling card. There are no answering machines.
- ❖ The office can be reached any time at (928) 634-1320 during the day. Messages can be left after office hours.
- ❖ For directions, map, or shuttle costs & schedule see: [www.angelvalley.org/directions.html](http://www.angelvalley.org/directions.html)

**Respecting the Angel Valley environment:**

- ❖ No alcohol, or drugs on the premises. For smokers there are a few designated areas.
- ❖ Please be considerate of individuals with sensitivities by not using scented candles, incense, perfumes, aftershave, body perfumes and other scented aerosol products, heavily scented lotions, oils and soaps.
- ❖ We request that guests bring environmentally friendly shampoos and soaps.
- ❖ No fires without permission from Angel Valley staff. Be extremely cognizant to prevent wild fires.
- ❖ No driving on the premises. Parking is allowed in designated spots only.
- ❖ Facilitators must ensure that their participants are familiar with and comply with the house rules of Angel Valley.

**Awareness of the Land, the Climate & the Environment:**

- ❖ Angel Valley is a close-to-nature retreat. Prepare emotionally and practically.
- ❖ We share the environment with plant and animal life. Should you encounter a scorpion, tarantula or snake, (which is not common, yet possible), we invite you to contemplate the message or gift it is offering you. In the rare case you are bitten or stung, please notify the office for First Aid procedures.
- ❖ Sedona is high desert country. **Drink lots of water.** Guard against over-exposure to the sun. The water from the tap comes from our wells and is excellent for drinking.
- ❖ Recycle as much as possible. Please re-use your water bottles.

**Liability:**

All Facilitators and Participants are required to sign a Waiver/Release of Liability and Acceptance of Responsibility prior to or upon arrival!

Angel Valley cannot be held liable for any direct or indirect claim, incident, loss or damage to your person, your personal belongings, or your vehicle.

**I have read, I understand and I agree to the Guidelines, Terms and Conditions!**

Please, return a copy of this document with your initials, together with Signed Contract.

Dated: \_\_\_\_\_

Dated: \_\_\_\_\_

\_\_\_\_\_  
Name of Facilitator  
Facilitator for:

\_\_\_\_\_  
Michael Hamilton, General Manager  
Angel Valley Spiritual Retreat Center

# **EXHIBIT B**

# Angel Valley

Spiritual Retreat Center

13513 Angel Valley Road, Sedona, AZ 86336

Phone: 928-634-1320/ 800-393-6308; Fax 928-634-1171

[connect@angelvalley.org](mailto:connect@angelvalley.org)

## CONTRACT PACKAGE – JAMES RAY INTERNATIONAL

'SPIRITUAL WARRIOR' Group Retreat:

October 1<sup>st</sup> to October 9, 2009

January 31, 2008

### Contract Considerations

- **JRI Staff and Dream Team arrival on Thursday, October 1, 2009, Spiritual Warrior Participants arrival on Saturday, October 3, 2009. General departure, unless extended stay reservations are made, on Friday, October 9. Final schedules of activities and meal times to be provided to Angel Valley by August 17, 2009.**
- The Crystal Hall will be available for the duration of the retreat.
- The Heart Pavilion will be available for the duration of the retreat.
- The Light House will be available for the duration of the retreat.
- Vegetarian meals and meal times will be provided based on agreement with JRI and Angel Valley, food temperature and quality can be affected beyond the scheduled times.
- Vision Quest spots prepared in advance and available based on JRI schedule.
- Sweat Lodge able to support 75 participants prepared and available based on JRI schedule.
- Meals available for JRI staff and Dream Team on October 1 and 2 based on 2 weeks prior notification by JRI
- Use of available Audio Visual equipment to include Television, DVD, Flip Chart and sound system.

Pricing for this retreat is based upon:

- Exclusive use of Angel Valley by James Ray International. (No outside guests will be present)
- James Ray International guarantees at least 60 'Spiritual Warriors'
- Angel Valley can not guarantee availability above 60 participants, should accommodations be available additional participants will be charged \$1,600.00 each (which includes registration fee)
- Participants can stay for additional days after the event for \$155.00 per day per person with meals included.
- Participants will make reservations and payments directly with Angel Valley based on an additional charge per participant and Dream Team member making reservations of \$100.00 per person.

**4 Facilitators in Two to Three Rooms based on availability, gender and 60**

**Participants----- \$ NO Charge**

**\*8 Dream Team members @ \$1,400.00 EACH-----\$11,200.00**

**\*60 Spiritual' Warriors' @ \$1,600.00 Each-----\$96,000.00**

**(\*rates include \$100 reservation fee paid by participants and Dream Team)**

Page 2 Spiritual Warrior 2009 contract


Total contracted price as of 1-30-08 ----- \$107,200.00

**Contract Payment Schedule:**

1 <sup>st</sup> payment due upon contract signing	\$26,800.00
2 <sup>nd</sup> payment due May 1, 2009	\$33,376.00
3 <sup>rd</sup> payment due July 1 2009	\$33,376.00
Final payment due upon arrival	\$13,648.00

Payments will be adjusted 1 week prior to due date based on deduction of participant and Dream Team payments for accommodations and meals paid to Angel Valley.

The terms and conditions of this Contract are Valid until February 15, 2008.  
Payments are non-refundable and non-transferable.

Date: 01/30/08 Signed by:   
For: James Ray International

Date: \_\_\_\_\_ Signed by: \_\_\_\_\_  
Gary Palisch, Executive Director  
Angel Valley Spiritual Retreat Center



# **EXHIBIT C**

10/23/09 NBC News: Today (Pg. Unavail. Online)  
2009 WLNR 21076010

NBC TODAY SHOW  
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October 23, 2009

Interview: Beverley Bunn speaks about surviving sweat lodge fiasco

Time: 7:00-11:00 AM

LESTER HOLT, co-host:

But before we get to all that, let's begin with that tragic sweat lodge ceremony in Sedona, Arizona. We're going to talk with one of the survivors live in a moment, but first, NBC's Michael Okwu has details of the spiritual retreat gone wrong.

MICHAEL OKWU reporting:

For survivors of the desert fiasco, the images are still haunting, a makeshift sweat lodge now viewed by some participants as a death trap. At 415 square feet, the improvised tent, covered with blankets and tarps, was four and a half feet high in the center and only two and a half feet on the perimeter. More than 50 people were crammed inside.

Sheriff STEVE WAUGH (Yavapai County, Arizona): So, literally, no one could stand up in the lodge.

OKWU: Survivors say there was no light, no ventilation, and no way to gauge the sweltering heat. Survivor Beverley Bunn says midway through the two-hour session, people began gasping for air and passing out. There were people vomiting everywhere.

(Clip from 911 call)

Unidentified 911 Operator: 911, where is your emergency?

Unidentified 911 caller: Two people aren't breathing. Two with no pulse.

(End of clip)

OKWU: Emergency crews evacuated more than 20 people to hospitals with illnesses ranging from dehydration to organ failure, but three people died, including one man who, according to reports, managed to drag a woman out of the lodge to safety.

Investigators are treating the deaths as homicides, and they want to talk to the event's organizer, James Arthur Ray, a new age and self-help guru who appeared on TODAY in July.

Mr. JAMES ARTHUR RAY: (From file footage) The reason they got into that rut is because they never stopped and really asked themselves, 'What inspires me?'

Sheriff WAUGH: We attempted to interview Mr. Ray at the--at the scene. He refused to talk to us, and we will, at some point in time, schedule another interview with him.

OKWU: For his part, Ray has released a statement expressing sympathy for the families and saying he's working with authorities and "even hired our own investigators to find out the truth." For now, survivors are talking about a spiritual journey gone awfully wrong. For TODAY, Michael Okwu, NBC News, Los Angeles.

HOLT: And Beverley Bunn is with us now.

Beverley, good morning. We appreciate you being here.

Ms. BEVERLEY BUNN (Sweat Lodge Survivor): Good morning.

HOLT: As Michael said in that report, you have described the conditions there of people throwing up, passing out, gasping for air. We haven't heard any accounts that James Arthur Ray physically restrained anyone from leaving the tent, but you describe him as a "gatekeeper." Can you describe whether anyone was actually prevented from trying to leave?

Ms. BUNN: No. No one was prevented from trying to leave.

HOLT: At one point...

Ms. BUNN: They were motivated and encouraged to stay in there.

HOLT: At what point did...

Ms. BUNN: But no one was prevented from leaving.

HOLT: At what point did you try to leave?

Ms. BUNN: Yes. In the fourth round I tried to leave, and I had to walk--I had to crawl past the door, and he said, 'You're stronger than that, you're stronger than that, you're stronger. You can overcome anything that's physical.' And I went past the door, and I went back to the--and I went over to the west side of the tent, and I laid down and I stayed for the rest of the duration of the other formal rounds.

HOLT: Did you--did you try to leave because you were horribly uncomfortable or were you in fear of your life?

Ms. BUNN: I was just having--I was having difficulty breathing. I couldn't keep up with the chants, and there were several people leaving at that time or trying to leave. It was very, very uncomfortable at that time for me.

HOLT: You told us that last Wednesday you took part in a conference call between people from Ray's organization and people who attended the retreat, in which a person from his organization said, and let me know if I have this right, that Kirby Brown and James Shore, the two people who died that night in the lodge ceremony, were having so much fun because of an out-of-body experience that they chose not to come back into their bodies because they en-

joyed where they were more. First of all, is that an accurate quote, and what was your reaction when you heard it?

Ms. BUNN: That's a completely accurate quote. I put my phone on mute, and I basically just screamed because both of them were very healthy people, and they couldn't come back into their bodies because their bodies weren't alive. So, yes, that was a totally accurate quote, but I didn't have an out-of-body experience, so I couldn't completely relate to exactly what they were talking about.

HOLT: And I know that Kirby was, I think, your roommate at the retreat...

Ms. BUNN: Yes.

HOLT: ...and you attended her funeral. How's her family?

Ms. BUNN: Her family's amazing, amazing, amazing. They actually--I was the only one to attend the funeral and the services. I didn't actually tell the family that I was coming. I was a wee bit nervous about going there. When I went there, and I put a flower on Kirby's casket, and then I had a friend with me. And I was quite upset, and then I announced--my friend actually announced to the family that--who I was and what I was there for and stuff.

HOLT: Right.

Ms. BUNN: And the family completely embraced me. They embraced me there, they embraced me at their house, they invited me to their home.

HOLT: Right.

Ms. BUNN: I got to know all her friends and her family, and they are beautiful, beautiful, amazing people.

HOLT: Well. Well, Beverley Bunn...

Ms. BUNN: And Kirby was, too.

HOLT: We appreciate you so much for coming on and sharing your story with us this morning. Thank you so much.

Ms. BUNN: Thank you.

--- INDEX REFERENCES ---

COMPANY: NBC INC

REGION: (Arizona (1AR13); North America (1NO39); Americas (1AM92); USA (1US73))

Language: EN

OTHER INDEXING: (BEVERLEY; BEVERLEY BUNN; HOLT; NBC; NBC NEWS; SURVIVOR BEVERLEY BUNN) (Clip; Interview; JAMES ARTHUR; James Arthur Ray; James Shore; Kirby; Kirby Brown; Lodge Survivor; Michael; Michael Okwu; Mr.; Ms.; Ms. BEVERLEY; OKWU; Ray; Sheriff STEVE WAUGH; Sheriff WAUGH; Unidentified)

Word Count: 1142  
10/23/09 NBCTODAY (No Page)  
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**EXHIBIT D**

Know your true self.  
Know your true power.



## Welcome to Spiritual Warrior!

Congratulations on your commitment to join me at this special juncture of your personal Journey of Power. I'm so excited and honored to have you in my life and to be in this amazing sanctuary with you.

For the better portion of 13 years now, this sacred place has been my one of my most special power spots; and I trust that it will enrich your spirit in the same way it has mine.

Just the fact that you're here proves that we're kindred spirits. We both have traveled many miles and experienced many adventures to be in this special place together in this special window in time. Some of these journeys we've taken together and some we've taken on our own. The personal battles you've fought, challenges you've overcome, and the difficulties you've faced place you among the elite few who are willing to do what most never will.

*To know of the path is commendable... to walk the path is rare indeed.*

As you reflect upon your own personal joys and tears, laughter and fears, I'm sure you, like me, recognize that some of your fondest life memories and closest friendships have been forged in your times of transformation and growth. Springing forward to capture new heights always means letting go. For something new to live something first must die.

While we celebrate the path that has brought us here, I can assure you that your future holds the most difficult battles, as well as the greatest victories. As you may imagine, Spiritual Warrior will push you beyond your perceived limits. All great traditions, secret societies, and mystery schools have incorporated initiations and rites of passage that you'll experience this week. As we've previously discussed, it's well known in esoteric thought that you must release a minimum of 51 percent of your black bags (unresolved emotional issues) before true magick and power becomes commonplace in your life.

What you're about to embark upon is a ritual as old as time itself – a ritual that Yeheshua (also known as Jesus), as well as many other great teachers, sages, and saints participated in to initiate their lives into a new realm of existence. As we've discussed before, a true Warrior doesn't go to battle knowing exactly what will transpire. A true Warrior goes to battle with heart, determination, and courage; willing to do whatever it takes to defeat his own demons and dragons.

*"If you can't dance with the Devil you will never walk in the Light."*

Prepare yourself to dance like never before, my Warrior friend. I warn you in advance that your small ego/identity may not want to participate and complete the tasks ahead of you. Many talk, but time for

talk is over; decide right now that you won't leave from this sacred place the same person who entered.

*"The person of true power is the person with no personal history."*

Be courageous. I believe in you and know that you're chosen and ready; and my certainty far exceeds any doubt you may have. You've never been presented with a test you were unable to handle; nor ever will you be.

In your "thriving kit" you'll notice a large water bottle. Fill it often and keep it empty. Recent studies indicate that you should drink 3 to 4 liters of water per day. In the deserts of Sedona, your energy depends upon it.

You'll also find sea salt (very different from normal table salt). Take a teaspoon a day each morning of this incredible molecule, as well as using it liberally on your food throughout the day. While I can assure you that this may be distasteful, it's an activity that enables your body to flow energy and hold the water and minerals you need in this climate. Use it. Your power depends upon it.

Commit right now to stretch and move your body frequently. Memories and emotions are stored at the cellular level. As they're released they must be moved through and out of your system. This is not optional... your transformation depends on it.

Once again, congratulations for your commitment to the only thing of true value... that which is eternal.

Spiritual Warrior will open a portal for you—a portal of personal power and consciousness. Prepare to plug in to 220 watts, my Warrior friend. New neurological connections will be created, bringing with them all the opportunities and adventures of a full-on spiritual and practical experience. You're on a fast track... buckle your seatbelt Dorothy, because Kansas is going bye-bye.

Life will never be the same!

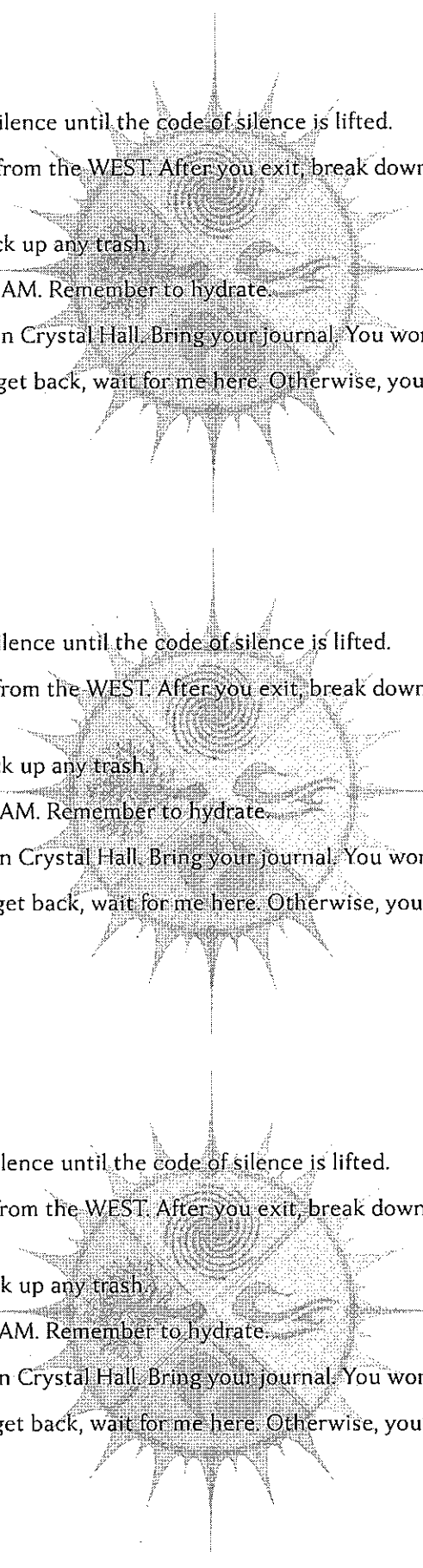
To your continued wealth and fulfillment,



JAMES ARTHUR RAY



# **EXHIBIT E**

- 
- Remember that you're in silence until the code of silence is lifted.
  - Exit your medicine wheel from the WEST. After you exit, break down your medicine wheel as if you were never there.
  - Pack all belongings and pick up any trash.
  - Breakfast is from 7:00-8:15 AM. Remember to hydrate.
  - Session starts at 8:30 AM in Crystal Hall. Bring your journal. You won't need Holosync.
  - If you're unsure of how to get back, wait for me here. Otherwise, you're free to return.

- Remember that you're in silence until the code of silence is lifted.
- Exit your medicine wheel from the WEST. After you exit, break down your medicine wheel as if you were never there.
- Pack all belongings and pick up any trash.
- Breakfast is from 7:00-8:15 AM. Remember to hydrate.
- Session starts at 8:30 AM in Crystal Hall. Bring your journal. You won't need Holosync.
- If you're unsure of how to get back, wait for me here. Otherwise, you're free to return.

- Remember that you're in silence until the code of silence is lifted.
- Exit your medicine wheel from the WEST. After you exit, break down your medicine wheel as if you were never there.
- Pack all belongings and pick up any trash.
- Breakfast is from 7:00-8:15 AM. Remember to hydrate.
- Session starts at 8:30 AM in Crystal Hall. Bring your journal. You won't need Holosync.
- If you're unsure of how to get back, wait for me here. Otherwise, you're free to return.

**EXHIBIT F**

/

**Please confirm that the information below is accurate and make changes as needed:**

EMAIL:

PHONE:

ADDRESS:

CITY:

STATE/PROVINCE:

POSTAL CODE:

Where did you first hear about James Ray International?

**PLEASE COMPLETE ALL ATTACHED RELEASE FORMS.**

Completion of all forms is required for entry to the event.

**SPIRITUAL WARRIOR  
RELEASE, WAIVER OF LIABILITY, ASSUMPTION OF RISK,  
INDEMNITY AGREEMENT AND DISCLAIMER**

**PLEASE READ CAREFULLY. BY SIGNING THIS AGREEMENT YOU ARE  
WAIVING ALL RIGHTS TO COMPENSATION IN CASE OF INJURY.**

In consideration of being permitted to participate in the Spiritual Warrior event (the "Event") and being granted access to the premises where the Event will be conducted, and for other good and valuable consideration, I agree to release, waive and discharge James Ray International, Inc. (the "Company"), its principals, directors, shareholders, employees, agents, promoters, independent contractors, sponsors, volunteer assistants, associated coaches, and others associated with the Company, or any of them (the "Releasees"), from all liability to the undersigned for any loss or damage, and any claim or demands therefore on account of injury to the undersigned's person (whether physical, emotional, psychological or otherwise) or property or resulting in death, whether caused by the negligence of the Releasees or otherwise, relating to the Event, whether sustained during the Event or not.

I am fully aware and understand that I will be given the opportunity by the Company to participate in physical, emotional and other activities during the Event, some of which may take place outdoors and/or require the participants to be isolated from one another and/or include very loud music. These activities may include physical exercise (e.g., hiking, swimming, yoga, team games), Holotropic Breathwork (a psychotherapeutic approach believed to allow access to non-ordinary states of consciousness), a sweat lodge ceremony (a ceremonial sauna involving tight, enclosed spaces and intense temperatures), and/or a Vision Quest (a multi-day, solitary, personal and spiritual quest in the wilderness without food or water) (the "Activities"). I am fully aware that I may suffer physical, emotional, financial or other injury during any of the Activities and there is and can be no assurance or guarantee regarding my health or safety in connection with my participation in the Activities. I understand that (1) there are inherent risks in the Activities; (2) people may have been seriously injured by participating in the Activities; and (3) if I voluntarily choose to participate in the Activities, there is a risk that I may receive injuries requiring medical attention. I fully understand and acknowledge that there is no requirement whatsoever that I participate in the Activities. If I do choose to participate in any of the Activities, I affirm that I have not been nor will I be coerced or persuaded in any way to do so and I assume full responsibility for and risk of any injury sustained in connection with the Activities, whether caused by the negligence of Releasees or otherwise.

I also understand that the Company does not purport to offer any medical, psychological, therapeutic, religious, or other professional advice at the Event and that the information provided at the Event is not a substitute for professional psychological or psychiatric care. I agree that under no circumstances shall Releasees be liable to me based on my use or misuse of and/or reliance on any information provided to me at the Event. And I assume full responsibility for and risk of any injury whether personal, financial or otherwise that I might incur based on such use, misuse and/or reliance thereon.

Similarly, I understand and acknowledge that meals may be served at irregular and varying times and that Event hours are long and may last from approximately 8:00 a.m. to midnight or later. I also understand and acknowledge that the temperature indoors and outdoors may vary from very cool to balmy and I assume responsibility to dress in a manner that can be adapted to the temperature as necessary for my comfort. I also understand and acknowledge that smoking areas may not be available on the premises of the Event.

I further understand that I may have the opportunity during the Event to engage in discussions regarding products, businesses or business opportunities with other attendees. I acknowledge that any decision to engage in a business relationship with an attendee, or with a person or entity in any way relating to my association with an attendee, is entirely my own choice. Accordingly, I assume full responsibility for any loss, whether financial or otherwise, that I might incur as a result of any such relationship.

I expressly agree in no event shall the Releasees be liable to me, whether the claim be in tort, contract or otherwise for any direct, indirect, incidental, consequential, special, exemplary, or punitive damages (even if the Releasees have been advised of the possibility of such damages).

I agree to indemnify and hold harmless the Releasees and each of them from any loss, liability, damage or cost they may incur due to my participation in the Event or in any way related to my presence on the premises of the Event, whether caused by the negligence of the Releasees or otherwise.

I agree not to record by audio, video, photographic or any other means, any portion of the Event. I also understand that all information and materials provided in connection with the Event, including but not limited to workbooks and other written materials, trademarks, logos, graphics and images (the "Materials"), are the copyrighted works and other forms of intellectual property of the Company. I understand and agree that I will not use the information or Materials provided at the Event for any purpose other than for my personal use and benefit. I understand and agree that I may not distribute, transmit, display or broadcast in any manner the information or Materials for any purpose.

I further expressly agree that this agreement is to be governed by the law of the State of California, without regard to conflicts of law doctrines, and the release, waiver of liability, assumption of risk, indemnity and disclaimer provided herein are intended to be as broad and inclusive as permitted by the law of the State of California and that if any portion thereof is held invalid, it is agreed that the balance shall continue in full legal force and effect.

I acknowledge that I have been given the opportunity by the Company to ask questions regarding any aspect of this Release, Waiver, Assumption of Risk, Indemnity Agreement and Disclaimer. By signing below, I acknowledge that I have carefully and completely read and fully understand all aspects of this agreement and voluntarily agree to all of the terms and conditions stated in this document and that in doing so I have not relied upon any oral representations, statements or inducement apart from statements made expressly herein.

\_\_\_\_\_  
Participant's Name (Printed)

\_\_\_\_\_  
Witness's Name (Printed)

\_\_\_\_\_  
Participant's Signature

\_\_\_\_\_  
Witness's Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

Witness's statement: I was present and observed the above person read and sign this form.

Name of Event: Spiritual Warrior

Date of Event: October 3-8, 2009

Location of Event: Angel Valley Spiritual Retreat Center

13513 Angel Valley Road, Sedona, AZ 86336

## PUBLICITY RELEASE FORM

### PLEASE READ CAREFULLY. BY SIGNING THIS FORM YOU ARE WAIVING ALL RIGHTS TO COMPENSATION.

In consideration for the opportunity to participate in and appear at this James Ray International, Inc. event (the "Event"), the undersigned ("Participant") does hereby grant to James Ray International, Inc. ("JRI") and its affiliated companies, successors, licensees, distributors and assigns JRI the unrestricted right to fix Participant's image, participation and/or performance, as it appears in the Event, in whole or in part, by any means or method; and to use Participant's name, voice, image and/or likeness as it appears in the Event, by any means, in any form, content or medium, including, without limitation, television, radio, internet, wireless, podcasting, theatrical and home distribution, sound recording, publishing and merchandising, and in order to advertise, promote or market JRI and its events.

Participant does hereby forever release and discharge JRI, its officers, directors, employees, agents, representatives, successors, assigns and licensees ( the "Released Parties"), from any and all actual or potential, known or unknown, suspected or unsuspected claims, causes of action, liabilities and damages based upon or arising out of any use of Participant's name, voice, image likeness, or appearance in or in connection with the advertising, promotion or marketing of JRI and its events, including, without limitation, any and all claims that Participant has or may have for defamation, invasion of privacy or violation of the right of publicity, notoriety or any other claims arising out of or relating to any use by JRI of Participant's name, voice, likeness or appearance. This release and the legal relations between the parties shall be governed by and construed in accordance with the laws of the State of California, without regard to conflicts of law doctrines.

\_\_\_\_\_  
Participant's Name (Printed)

\_\_\_\_\_  
Witness's Name (Printed)

\_\_\_\_\_  
Participant's Signature

\_\_\_\_\_  
Witness's Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

Witness's statement: I was present and observed  
the above person read and sign this form.

If the participant is under the age of 18 years old, signature of a parent or legal guardian is required below. As parent/legal guardian of the above stated participant, I hereby agree and accept all of the above stated terms on behalf of my dependent.

\_\_\_\_\_  
Parent/Guardian's Name (Printed)

\_\_\_\_\_  
Relationship to Minor

\_\_\_\_\_  
Parent/Guardian's Signature

\_\_\_\_\_  
Date

**EXHIBIT G**



# Angel Valley

Ministries and Spiritual Center

13513 Angel Valley Road, Sedona, AZ 86336

Phone: 928-634-1320/800-393-6308, Fax 928-634-1171

## WAIVER/RELEASE OF LIABILITY & MY ACCEPTANCE OF RESPONSIBILITY

PLEASE BRING OR MAIL THIS FORM TO ANGEL VALLEY AT THE ADDRESS ABOVE. DO NOT FAX.

Based upon our Philosophy and Mission Statements, Angel Valley has created the following policy:

We believe that we are all creators of our own reality. Therefore, we ask that you sign this waiver and declare that you take full and complete responsibility for all your creations while at Angel Valley. If you have any questions, please ask for our Philosophy and Mission Statements.

I, \_\_\_\_\_ (print name), agree to abide at all times by the rules, regulations and instructions of and related to Angel Valley Ministries, Angel Valley Spiritual Center and any other person or entity having an ownership interest in the Angel Valley Properties, Sedona, AZ 86336, along with any of their employees, agents, officers, directors, staff, volunteers and other parties (including any unaffiliated event planners or organizers) or agents acting by or through any of them, and any of their successors, heirs, executors and administrators (hereinafter "Angel Valley Parties"), whether in writing or verbal, including but not limited to those provided below. I hereby further affirm and agree to the following:

1. I agree to waive, release, indemnify and hold harmless and forever release and discharge each of the Angel Valley Parties for any and all claims, demands, injuries, damages, actions or causes of action, suits, obligations, debts, judgments, remedies, or liabilities of any nature, and from all acts of negligence arising as a result of, or otherwise in connection with or related to, my stay and participation at Angel Valley, any activities on the Angel Valley properties, or any activities incidental thereto, wherever, whenever or however the same may occur, which may be made by me, my successors, family, estate, executors, heirs or assigns.
2. I agree that the Angel Valley Parties shall not be responsible for any bodily and or physical/mental injury suffered by me as well as loss/theft of property during my stay at Angel Valley for any reason whatsoever including participation in activities (on and off the premises), using equipment or receiving services and treatments, including, without limitation, ordinary negligence on the part of any Angel Valley Party.
3. I understand that no Angel Valley Party is making any evaluation or recommendation regarding the treatment of any medical condition or my physical or mental fitness for any program or activity. It is my sole responsibility to consult with a physician to determine if any of these medical condition(s) exist, if my physical fitness is sufficient and whether such condition(s) pose a direct threat to my health and safety or to the health and safety of others.
4. I understand that no Angel Valley Party is making any guarantees or representations regarding the results of my voluntary stay at Angel Valley or participation in any programs directly or indirectly related to Angel Valley, the premises or any Angel Valley Party.
5. I agree to be vigilant and to take full and complete responsibility for my safety and welfare by, among other things, always using a flashlight at night, by walking at all times only upon designated paths and trails, and by inspecting my accommodation for, and avoiding as necessary, any animals, insects or reptiles etc., by using caution when crossing Oak Creek on foot bridges, and by engaging in swimming and water activities only with proper caution and/or supervision.
6. I agree to be responsible for my actions at all times on the Angel Valley properties and in my interactions with Angel Valley Parties. I agree that I assume risks by entering on the Angel Valley properties and by engaging in any activity with any of the Angel Valley Parties. I acknowledge the receipt of consideration for effecting this waiver, release and acceptance.
7. This Waiver, Release of Liability and My Acceptance of Responsibility shall be a continuing waiver, release and my acceptance, applicable to all future activities and programs, and shall continue to be in full force and effect and applicable to any future visit to the Angel Valley properties and to any future involvement with any Angel Valley Party of any kind or nature.

I affirm that I have carefully read, fully understand and agree to the contents of this Waiver/Release of Liability and My Acceptance of Responsibility form.

Other than the date, printed name, and signature, providing the other information requested below is optional. You will not receive mailings or other correspondence from Angel Valley unless you specifically request it and your name will never be sold or given to any other parties.

Date: \_\_\_\_\_

Print Name here: \_\_\_\_\_ Signature: \_\_\_\_\_

Street: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Phone: (\_\_\_\_) \_\_\_\_\_ Cell: (\_\_\_\_) \_\_\_\_\_ E-mail: \_\_\_\_\_

How did you hear about us? \_\_\_\_\_ Do you want to receive updates and newsletters? Yes: \_\_\_\_\_ No: \_\_\_\_\_

Purpose for visit: \_\_\_\_\_ Individual Day Visit or Retreat: \_\_\_\_\_

Group Retreat: \_\_\_\_\_ Group Name: \_\_\_\_\_ Dates of Retreat: \_\_\_\_\_

# **EXHIBIT H**

United States (English) ▼

Local weather in 1-click | Put weather on my desktop

Local Weather  Site  Web

Enter ZIP or US / world city

**Search**

Maps | Video | Photos | World | Mobile | Alerts

Home | Weather News | Travel | Driving | Health | Home & Family | Sports | Outdoor Activit

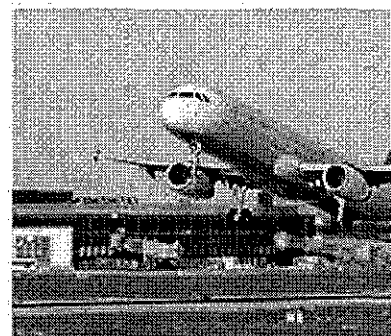
Local Weather > MONTHLY WEATHER for Sedona, AZ

Yesterday	Today	Tomorrow	Radar Map	Hour-by-Hour	Weekend	10-Day
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Weather @ 30,000 ft. | Calorie Burn Count | Flu Outbreak | Travel Forecast

Monthly Planner for Sedona, AZ				Weather for your life		
[ English   Metric ]				Weather Related to... <input type="text"/>		
October				Next Month ▶		
Sun	Mon	Tue	Wed	Thu 1	Fri 2	Sat 3
				OBSERVED Hi 73°F Lo 41°F Precip (in) 0in.	OBSERVED Hi 76°F Lo 36°F Precip (in) 0in.	OBSERVED Hi 71°F Lo 53°F Precip (in) 0in.
4 ○	5	6	7	8	9	10
OBSERVED Hi 68°F Lo 53°F Precip (in) 0in.	OBSERVED Hi 64°F Lo 41°F Precip (in) 0in.	OBSERVED Hi 69°F Lo 34°F Precip (in) 0.03in.	OBSERVED Hi 63°F Lo 41°F Precip (in) 0.03in.	OBSERVED Hi 67°F Lo 35°F Precip (in) 0in.	OBSERVED Hi 72°F Lo 40°F Precip (in) 0in.	OBSERVED Hi 74°F Lo 43°F Precip (in) 0in.
11 ☁	12	13	14	15	16	17
OBSERVED Hi 68°F Lo 45°F Precip (in) 0in.	OBSERVED Hi 68°F Lo 43°F Precip (in) 0in.	OBSERVED Hi 66°F Lo 47°F Precip (in) 0in.	OBSERVED Hi 73°F Lo 45°F Precip (in) 0in.	OBSERVED Hi 80°F Lo 45°F Precip (in) 0in.	OBSERVED Hi 83°F Lo 44°F Precip (in) 0in.	OBSERVED Hi 85°F Lo 45°F Precip (in) 0in.
18 ☁	19	20	21	22	23	24
OBSERVED	OBSERVED	OBSERVED	OBSERVED	OBSERVED	OBSERVED	OBSERVED

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A major airline just slashed fares to 60+ U.S. Travel is valid into February 2010.

As s

**Today's Top Picks**

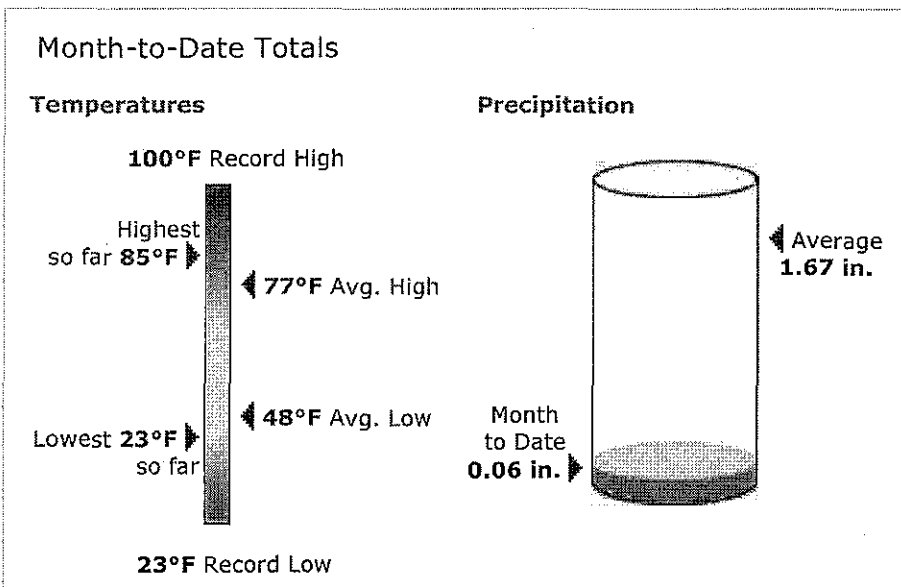
- 25 ways to make Thanksgiving
- Slideshow: The beauty and spl. Canada
- Will it rain on Thanksgiving?
- Follow the torch as it heads to
- Road trip? Check weather along
- See if weather is impacting air
- Statisticians reject global coolin
- weather.com en Español

Hi 82°F Lo 52°F	Hi 76°F Lo 48°F	Hi 63°F Lo 47°F	Hi 68°F Lo 40°F	Hi 72°F Lo 40°F	Hi 73°F Lo 37°F	Hi 75°F Lo 41°F
Precip (in) 0in.	Precip (in) 0in.	Precip (in) 0in.	Precip (in) 0in.	Precip (in) 0in.	Precip (in) 0in.	Precip (in) 0in.
<b>25</b>	<b>26</b>	<b>27</b>	<b>28</b>	<b>29</b>	<b>30</b>	<b>31</b>
OBSERVED	OBSERVED	OBSERVED	OBSERVED	OBSERVED	OBSERVED	OBSERVED
Hi 70°F Lo 42°F	Hi 68°F Lo 30°F	Hi 62°F Lo 39°F	Hi 42°F Lo 27°F	Hi 49°F Lo 23°F	Hi 62°F Lo 25°F	Hi 72°F Lo 33°F
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FORECAST: Updated Nov 9 09:21 a.m. MT

Details	Video	Text	Averages
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### More Resources

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# **EXHIBIT I**

9/5/93 Dallas Morning News 46A  
1993 WLNR 4871802

Dallas Morning News  
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September 5, 1993

Section: TEXAS & SOUTHWEST

Death in sweat lodge analyzed: Some say non-Indians' use of religious structure is debasing

Sylvia Moreno

AUSTIN AUSTIN - Alive, Kelly Rice was a sincere woman looking for direction in her life by practicing certain American Indian ceremonies, say her friends and family.

But in death, the 35-year-old Austin housekeeper and masseuse has become a flashpoint for American Indian groups who uphold the traditions Ms. Rice embraced.

"I feel really bad about this lady. I feel really bad for her family and I feel really bad for her friends. But you can look at it like this: Her death has brought to light this problem, and if anything, her death means something," says Diana Ramos, a part Yaqui, part Cherokee Indian and co-founder of the American Indian Resource and Education Coalition in Austin.

"Maybe this will bring a lot of these fake people out and expose them for what they are."

On a recent early August morning, friends found Ms. Rice's body inside a sweat lodge on a wooded rural homestead outside Round Rock. She had entered the tent-like heated structure three hours earlier to pray and purify herself as part of a preliminary "vision quest" session.

Next spring she hoped to participate in a vision quest "to get some focus, center herself, get some guidance on what she should do next," said Joe Don Kotrla, on whose Central Texas property Ms. Rice died.

Instead she died of heatstroke, according to Williamson and Travis county authorities. Last week, her death was ruled accidental. Toxicology tests proved negative.

Authorities believe that Ms. Rice, who had participated in sweat ceremonies for three or four years, had fasted for at least two days, even rejecting water, in preparation for the ceremony. She entered the structure willingly at 11 p.m. Aug. 24, and

"unfortunately, she tried to stick it out," said Capt. Richard Elliott of the Williamson County Sheriff's Department.

Contrary to true religious tradition, say some American Indians, Ms. Rice was left alone inside the sweat lodge, a

round structure covered by canvas and blankets. Seven stones had been heated over an open fire on Mr. Kotrla's property, then placed inside the structure. Water was poured over the stones periodically to produce the steam that is crucial to the purification or period of prayer.

Inside the lodge, authorities found other religious items: a pipe filled with tobacco and sage, a bag of tobacco, several small flags of different colors and a sandbox engraved with several drawings.

Mr. Kotrla, a part Oglala Lakota Indian who has conducted sweats on his property for almost 20 years and follows other American Indian religious traditions, says he knows of at least eight to 10 other sweat lodges dotting the Central Texas countryside. In recent years, makeshift sweat lodges have sprung up on the grounds of the Kerrville Folk Festival, and New Age sweat lodge seminars are held throughout the area for non-Indians.

Critics say some entrepreneurs have further debased the American Indian religious tradition by charging for prayer ceremonies and use of their sweat lodges or by adding

wine-and-cheese receptions to the event.

"I find this extremely rude and disrespectful of the American Indian," said Ms. Ramos.

Simply put, non-Indians should not be involved in American Indian traditions, says David Alcoze, a Cherokee who teaches art in the Dallas Independent School District and is an adjunct adviser to the Dallas Museum of Art on its American Indian artifact collection.

"A lot of white people are drawn to the Indian theology or religion because they don't have a sense of tradition," he said. "But they shouldn't be involved in a lot of our traditions."

In response, Mr. Kotrla accuses Ms. Ramos' organization of trying to exploit the tragedy of Ms. Rice's death by using it to make a political statement.

Ms. Rice's mother, who traveled to Austin from California upon learning of her daughter's death, declined to be interviewed at length. She said she wanted to dim the spotlight on Ms. Rice, who she said died in "an unfortunate accident."

"She is dead, but the issue is not dead and the issue probably is not solved," said Helen Rice.

Staff writer Sylvia Moreno is based in the Austin Bureau of The Dallas Morning News

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--- INDEX REFERENCES ---

REGION: (USA (1US73); Americas (1AM92); North America (1NO39); Texas (1TE14))

Language: EN

OTHER INDEXING: (AMERICAN INDIAN; AMERICAN INDIAN RESOURCE AND EDUCATION COALITION; AMERICAN INDIANS; AMERICAN INIAN; AUSTIN BUREAU; CENTRAL TEXAS; CHEROKEE; INDIAN; INDIANS; KERRVILLE FOLK FESTIVAL; OGLALA LAKOTA INDIAN; WILLIAMSON; WILLIAMSON COUNTY SHERIFFS DEPARTMENT) (Contrary; Critics; David Alcoze; Diana Ramos; Helen Rice;

Kelly Rice; Kotrla; Ramos; Rice; Richard Elliott; Staff; Sylvia Moreno; Toxicology; Travis)

EDITION: HOME FINAL

Word Count: 836  
9/5/93 DALLASMN 46A  
END OF DOCUMENT



EXHIBIT J



1 of 10 DOCUMENTS

Copyright 1996 Scottish Daily Record & Sunday Mail Ltd.  
Daily Record

November 22, 1996, Friday

**SECTION:** Page 12

**LENGTH:** 83 words

**HEADLINE:** SWEATED TO DEATH IN A TEPEE;  
Scientist Gordon Reynolds sweated to death during a Red Indian ritual in a tepee

**BODY:**

A scientist sweated to death during a Red Indian ritual in a tepee, an inquest heard yesterday.

In August, dad-of-two Gordon Reynolds, 43, took part in a native American tribal custom called a "sweat lodge".

He sat semi-naked for 90 minutes and chanted prayers while water was poured on stones to create a sauna effect.

But the heat became too much and Gordon collapsed and died of hyperthermia.

The coroner recorded a verdict of accidental death at the inquest in Wells, Somerset.

**LOAD-DATE:** November 22, 1996

**EXHIBIT K**

6/9/07 Australian (Newspaper) 10  
2007 WLNR 10705525

The AustralianAustralian  
Copyright 2007 News Limited

June 9, 2007

Section: LocalSection: 6 - NSW Country

Partner wants police action after 'new age' death finding

Verity Edwards

THE partner of a man who died during a bizarre spiritual ritual wants police action after a coroner found yesterday his "new age" healers denied him a proper chance to survive.

As Rowan Cooke lay dying from dehydration after taking part in a Native American sweat lodge ceremony on a remote station in South Australia's north in November 2004, his companions beat drums, chanted and wrapped him in blankets, believing he was "astral travelling".

Deputy State Coroner Anthony Schapel yesterday found the camp organisers could have prevented the Melbourne man's death.

"In my view the delay in seeking professional assistance ... meant that the deceased was denied a proper chance at survival," Mr Schapel said.

Cooke's partner, Theare, who did not want her surname used, told The Weekend Australian she was disappointed Mr Schapel had not recommended charges.

"I was certainly hoping there would be some kind of slap in the face for them." Police would not comment on further action.

Cooke entered a sweat lodge -- an improvised steam tent -- with two people in an initiation ceremony in the early hours of November 3.

The trio sat around 39 heated volcanic rocks for more than 30 minutes when Maureen Collier asked to be pulled out.

Camp organiser David Jarvis told the inquest he noticed an "energy" coming from the lodge when Cooke and Adrian Asfar stopped speaking, believing them to be having an "out-of-body experience".

Campers pulled the men out of the insulated tent but it was at least three hours before Mr Jarvis raised the alarm with the manager of the nearby homestead.

An ambulance crew arrived from Leigh Creek an hour later at 9am and Cooke was pronounced dead just after 11am.

--- INDEX REFERENCES ---

REGION: (Australasia (1AU56); Oceania (1OC40); Australia (1AU55))

Language: EN

OTHER INDEXING: (Adrian Asfar; Anthony Schapel; Cooke; David Jarvis; Jarvis; Schapel; Theare)

Word Count: 341  
6/9/07 THEAUSTR 10  
END OF DOCUMENT

MUNGER, TOLLES & OLSON LLP

355 SOUTH GRAND AVENUE  
THIRTY-FIFTH FLOOR  
LOS ANGELES, CALIFORNIA 90071-1560  
TELEPHONE (213) 683-9100  
FACSIMILE (213) 687-3702

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BY E-MAIL AND FEDERAL EXPRESS

Bill Hughes, Esq.  
Supervising Deputy County Attorney  
Yavapai County Attorney's Office  
255 East Gurley Street  
Prescott, AZ 86301

Re: James Arthur Ray

Dear Bill:

Thank you for the continued opportunity to discuss this case with you.<sup>1</sup> We greatly appreciate your willingness to engage in a dialogue about this matter and hope that you too find it useful.

Recent media stories motivate this letter. While we recognize that your office does not – and will not – base any charging decision on media concerns, we believe that recent media reports have been so filled with inaccuracies and poisonous innuendo that we must

<sup>1</sup> As with our letter of December 1, 2009, this letter is a protected confidential communication pursuant to Ariz. Evid. Code §§ 408, 410 and Ariz. R. of Crim. P. 17.4(f). Likewise, this letter does not purport to present what every witness would say about every fact or event. Rather, it describes what we believe the key evidence would show based on an assessment of that evidence and the inferences to be drawn from the evidence.

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respond. Like your office, we do not wish to try this case in the media, and thus choose to address our comments directly to you.

**Mr. Ray's Legal Medical Treatments Are Irrelevant to this Case.**<sup>2</sup> Recent reports suggesting that Mr. Ray's use of certain medication somehow contributed to the three deaths at issue in this case are irresponsible and ill-founded. Normally, such character assassination would not merit a response but the media's effort to tie the tragedy to Mr. Ray's medical treatments are so reckless that we are compelled to react.

Over the last decade, Mr. Ray has spent over 200 days a year on the road teaching his courses. This is a demanding schedule and it began to take its toll. Years ago, Mr. Ray sought out responsible medical help and he got it. These doctors and medical professionals diagnosed him as having a hormone deficiency.

Most recently, Mr. Ray has been treated by Dr. Andre Berger, a respected medical professional. See <http://www.rejuvalife.md/about-doctor-berger.php>. Dr. Berger prescribed these medications for good and sound medical reasons and are part of a treatment plan. The medications are prescribed in extremely low dosages to deal with the hormone deficiency and any potential side effects related to the medication. Dr. Berger carefully monitors these small dosages, along with Mr. Ray's medical condition, on a regular basis. Mr. Ray took the medication, as prescribed, every Sunday and did not take any of the medication on the day of the incident (Thursday). Mr. Ray has never reacted adversely to these medications, and there is absolutely no scientific evidence that such low dosages can produce the adverse effects speculated upon in the media accounts.

This is not an illegal and secret performance-enhancing treatment plan such as those used by professional athletes. All treatments were approved by a doctor who openly discusses the advantages of hormone treatment. See <http://www.rejuvalife.md/hormone-replacement-therapy.php>. Mr. Ray even discusses such treatment plans in his most recent book, *Harmonic Wealth*: "If you start working with hormone-related supplements . . . I strongly recommend you do so under the guidance of a well-educated doctor in this field – emphasis on well-educated." *Id.* at 249; see also *id.* at 271 ("Every six months I work with a doctor who checks my blood, my hormones, my adrenals and everything else. He's a longevity or antiaging doctor.").

The doctors who have speculated on the relationship between the tragedy at issue in this case and Mr. Ray's treatments know none of this. They have never met Mr. Ray. They have never examined Mr. Ray's medical records. They have never tested Mr. Ray. They do not know what dosages have been prescribed. They do not know when the medication was to be taken or how often. They do not know in what combinations. That they disagree with the

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<sup>2</sup> We are still attempting to determine all the facts about how the media learned of Mr. Ray's private medical condition and treatment. We reserve all rights in this regard.

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benefits is irrelevant. These doctors lack any foundation to make any of the claims the reports imply.

We therefore urge you to reject the media's efforts to manufacture a link between the Sedona tragedy and Mr. Ray's medical condition.

**Mr. Ray's Comments About Death Have Been Taken Out of Context.** The media has made much about certain comments Mr. Ray may have made relating to death. Several stories have implied that Mr. Ray had some sort of God complex about death. This innuendo is malicious and false.

It is difficult to respond to each comment point-by-point because the context is never provided. But on the most basic level, even a brief perusing of Mr. Ray's work demonstrates that he does not subscribe to a philosophy that celebrates death. His most recent book, *Harmonic Wealth*, barely mentions it, and then only in a metaphoric sense. Mr. Ray instead consistently focuses on asking his readers to decide to improve their lives and then take action in concert with that intention. Part of this process involves ridding oneself of limiting factors, behaviors and beliefs.

Sometimes, as with many religions, this concept has been expressed metaphorically as letting these things "die" and being "reborn." That this is a common spiritual metaphor cannot be disputed. The New Testament contains numerous references to "death" and "rebirth." See e.g. 1 Corinthians 15:31; John 3:3; Romans 6:3-4. Other spiritual traditions contain similar ideas. None of these mainstream traditions mean for these ideas to be taken literally. All of these mainstream traditions discuss rebirth as a concept of letting the past go in order to reach for greater spirituality.<sup>3</sup>

During the Retreat, Mr. Ray's students worked very hard at this process. They spent countless hours examining painful experiences, childhood issues, and limiting beliefs. They wrote about these issues in journals which they then burnt minutes before the sweat lodge ceremony. This was meant as an obvious metaphor, an exercise to let the past "die" before entering the sweat lodge and to emerge cleansed and "reborn." The invitation to burn the journals might have been expressed as letting the past "die" but not a single witness will testify that it was understood literally as a deathwish.

The claim that Mr. Ray told a participant that "it's a good day to die" and that the statement should be taken literally is thus completely absurd. Yet the media has implied just that claim. Mr. Mercer's statement, found in the search warrant, has been parroted by numerous outlets, both in print and on television, without any context. These stories also fail to report that Mr. Mercer built the lodge, not Mr. Ray. At the time the Mercers were interviewed by the

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<sup>3</sup> In discussing this at this level of generality, we do not mean to conflate all religions or to disrespect any of their teachings. We only mean to point out the common metaphor of "death" and "rebirth" as a way to greater spirituality.



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police, no one knew whether a design or construction flaw caused the deaths. If there were something inherently dangerous about the sweat lodge's construction, Mr. Mercer bears the legal responsibility, not Mr. Ray. That Mr. Mercer may have had a motive to shift blame also has gone unreported. In any event, it seems highly unlikely that, if pressed, Mr. Mercer would suggest that the comment "it's a good day to die" was intended – or interpreted – literally.

Similarly, to the extent that Mr. Ray described the intense heat of the sweat lodge by telling participants that "you are not going to die, you might think you are, but you're not going to die," these words were never meant to be taken literally. And no witness can truthfully say they understood such words to be literal.

***JRI Had Medical Personnel Present at the Retreat.*** One witness, Melinda Martin, apparently believes that Mr. Ray "did not have anyone on staff to render medical aid," and that no arrangements were made for "any medical personnel to assist with any injuries or emergencies." Search Warrant Affidavit of Detective Russ Diskin at 9. Ms. Martin currently seeks a money settlement from JRI and has told her story to CNN and ABC. Her story – perhaps motivated by her current claim – is demonstrably false.

As we have previously discussed with you, after the single incident in 2005 in which a participant required medical attention, JRI took extensive safety precautions. These precautions included stationing a registered nurse (along with other personnel) outside the tent to handle emergencies. Staff members were trained in CPR at company expense – including Ms. Martin. The idea that there was no medical personnel present is therefore incorrect.

JRI set up a care station with water, electrolytes, lemons, oranges and watermelon; it had buckets of water and hoses available to cool people off; it conducted the ceremony in the daylight; and it shortened the number of rounds in the sweat lodge ceremony. Mr. Ray and JRI took additional precautions throughout the Retreat, constantly reminding people to prepare for the activities by hydrating. Prior to the sweat lodge, Mr. Ray informed Retreat participants that it would be very hot and very intense. No witness can credibly dispute these facts.

These precautions have been more than sufficient to care for sweat lodge participants in the past and exceed the care available in traditional lodges. Neither Mr. Ray nor JRI had any reason to think that more was required. Their past efforts make clear that, if Mr. Ray or JRI believed anything more was needed, they would have done it. Again, no witness can credibly dispute this.

Finally, the idea that Mr. Ray callously sat by knowing that people were dying is a vile falsehood. The state's own search warrant makes clear that the moment Mr. Ray and the JRI team learned of the emergency situation, 911 was immediately called, and the team took action. Team members (including Ms. Martin) and participants administered CPR, held IVs for paramedics, and did what they could to stabilize the emergency. Mr. Ray was part of this effort. The evidence would show that Mr. Ray comforted the victims and assisted in whatever way he

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could. The search warrant itself indicates that at one point, a participant who was an MD asked Mr. Ray to look for an Automatic External Defibrillator to help those participants who had gone into cardiac arrest. Mr. Ray, according to the warrant, left to look for one. No witness credibly disputes this.

In short, whatever the media reports claim, before, during and after the sweat lodge ceremony, the circumstances do not support charges of criminally negligent homicide.

\* \* \* \* \*

The media, as you know, often looks for the most sensational and simplistic way to describe a complex event. People with complicated motives pop out of the woodwork for their "15 minutes" of fame, and the media happily puts a microphone before them. This is particularly true where the story involves a provocative public figure like Mr. Ray, and this has been particularly true in this case.

We know that you will not consider the media reports in your decision-making process. Nothing in the reports have added any facts you did not already know. Nor do the reports alter any of the legal standards. They have only added innuendo, speculation and sensation.

We continue to believe that the three deaths were not the result of criminal conduct. Mr. Ray and his team relied on Angel Valley to provide a safe environment, warned people of the risks, did not force people to participate, did not prevent them from leaving, and did everything they could to prepare for any problems and to assist when problems arose. In these circumstances, criminal charges are unwarranted.

Finally, Mr. Ray cared deeply about the Retreat's participants. Many had worked with him before. They were his friends. Ms. Neuman had attended Mr. Ray's programs for approximately 7 years. She believed in his work so much that she volunteered to help at the Retreat. The idea perpetrated by the media that Mr. Ray was somehow intentionally callous about the victims of this tragedy is profoundly wrong and hurtful.

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We look forward to discussing these matters with you further.

Respectfully submitted,

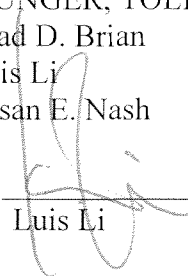
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