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December 1, 2009

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Mr. Bill Hughes
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 255 East Gurley Street
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Re: James Arthur Ray aka Death Ray

Dear Bill:

Thank you for the opportunity to discuss this case with you.¹ 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

¹ ~~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.~~

Too Boring!

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Of course, he said that James was taking a dump on his religion, and that the Crow god would have its beautiful vengeance ... but this probably isn't the place to mention that.

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.

Duh!!

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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Play full out, or fail at life! But it's all up to you.

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.²

II. FACTS - ISH

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.³ 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

² 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. ~~This 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.~~

³ 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

Are you a soccer mom who recently failed in business and crashed a motorcycle? James Ray can help!

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

Balance is Bogus

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.

Let's burn EVERYTHING that James Ray has ever touched. It's all got the taint of hopeless EVIL.

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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 subcontractors⁴, and three volunteers.⁵ 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.

So what?

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.

Fun with
MATH

⁴ Mr. Ray, Taylor Butler, Megan Fredrickson, Josh Fredrickson, and Michael Barber.

⁵ 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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The tent was not
made of stone.

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.⁶ 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

⁶ A man named Lou Caci later exited between rounds but, instead of going clockwise around the pit, went straight for the stone pit.

NOT APPROVED

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He knew death was possible :: but did it anyway.

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.*)⁷

yada yada yada

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.⁸

⁷ 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.)

⁸ 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.

Colleen is still just a footnote to James Arthur Ray

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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. And yet totally true.

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. Oh and also, give me all your money.

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~~ The God 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.

"Mantra" = hydrate, hydrate, hydrate
... or don't.

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hydrate, hydrate, hydrate

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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Big Fucking Deal

~~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.

Balance is Bogus

Sweat Lodges don't kill people.

James Arthur Ray kills people.

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; or (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.¹⁰

NOT APPROVED

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.

[REDACTED]

Shhhh ... be very ... very ... quite. Because I am good and fucking sick of listening to you yammer on and on.

¹⁰ [REDACTED]

¹¹ [REDACTED]

¹² [REDACTED]

The People demand justice.

The People demand justice.



We look forward to discussing these matters with you further.

The People demand justice.

Respectfully submitted,

MUNGER, TOLLES & OLSON, LLP

Brad D. Brian

Luis Li

Susan E. Nash

The People demand justice.

By Luis Li (by son)
Luis Li

The People demand justice.

The People demand justice.



The People demand justice.



The People demand justice.

The People demand justice.