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## 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.

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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

## 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!

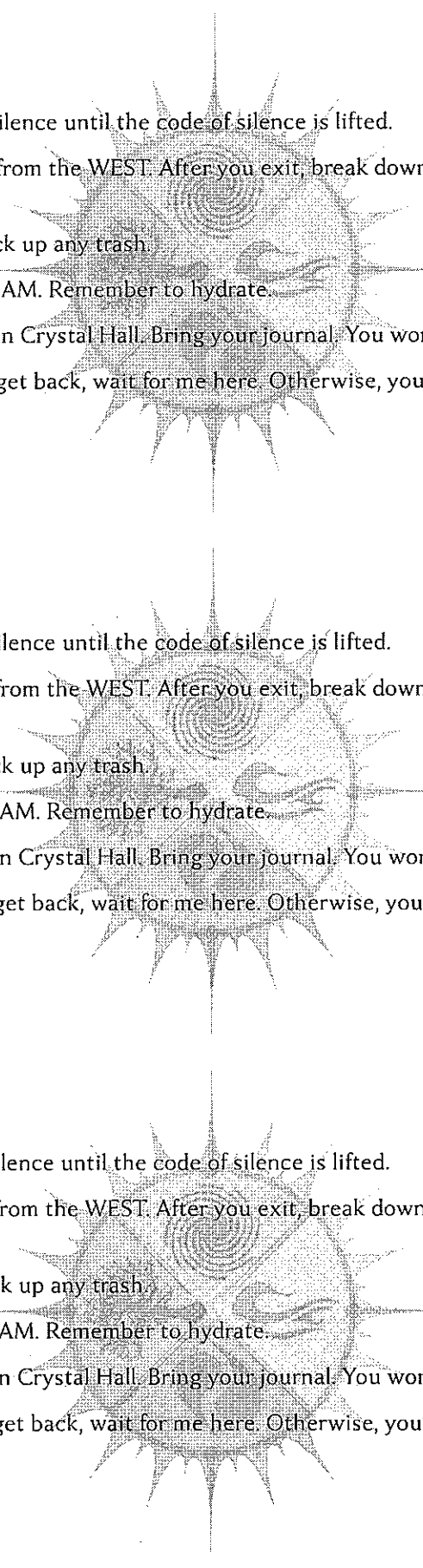
To your continued wealth and fulfillment,



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

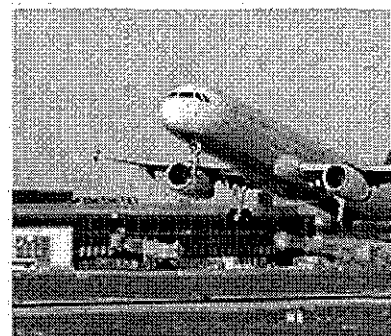
Local Weather > **MONTHLY WEATHER for Sedona, AZ**

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**

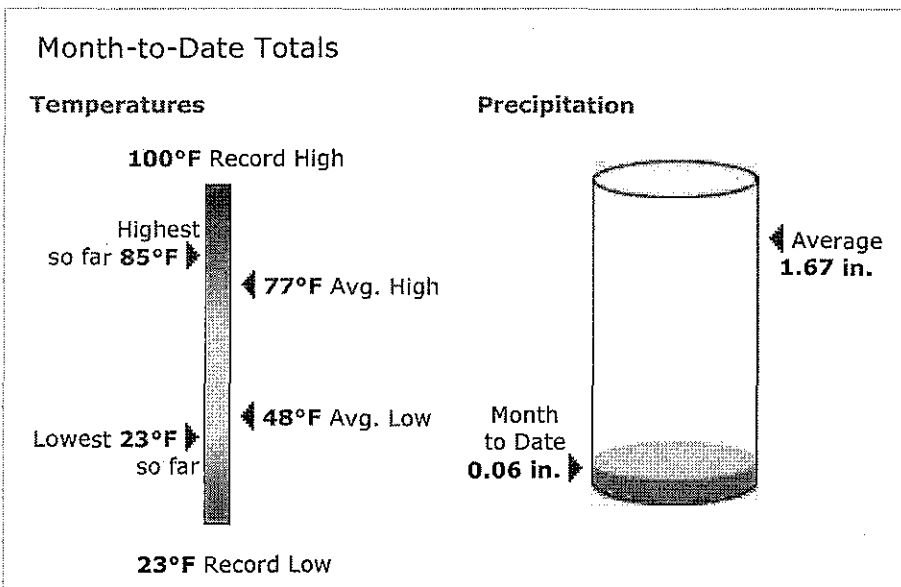
- 25 ways to make Thanksgiving
- Slideshow: The beauty and spl. Canada
- Will it rain on Thanksgiving?
- Follow the torch as it heads to
- Road trip? Check weather along
- See if weather is impacting air
- Statisticians reject global coolin
- weather.com en Español

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
Precip (in) 0in.	Precip (in) 0in.	Precip (in) 0in.	Precip (in) 0in.	Precip (in) 0in.	Precip (in) 0in.	Precip (in) 0in.

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  
Copyright 1993 The Dallas Morning News Company

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 Australian  
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