

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF
OKLAHOMA

UNITED STATES OF AMERICA,

Plaintiff,

v.

JOSEPH MALDONADO,

Defendant.

Case No. 5:18-227-SLP

DEFENDANT'S SECOND MOTION FOR NEW TRIAL

COMES NOW the Defendant, JOSEPH MALDONADO, by and through the undersigned counsel, pursuant to Rule 33 of the Federal Rules of Criminal Procedure, and hereby files this Second Motion for New Trial and in support thereof presents the following evidence:

1. On April 1, 2022, Defendant submitted a Motion for New Trial, seeking an Order vacating the judgment of his convictions and sentence and ordering a new trial [DE 232]. The basis for the new trial was, in part, that Alan Glover, James Garretson, Jeff Lowe and Lauren Lowe conspired alongside federal investigators and prosecutors to convict Defendant JOSEPH MALDONADO (hereafter, "MALDONADO") by withholding evidence from trial defense counsel and altering or manufacturing evidence in efforts to secure the wrongful

conviction of MALDONDO, together with intentional acts of misconduct by the prosecuting and investigating agencies. At present, the Motion for New Trial remains pending before this Court.

2. Recently, post-conviction defense counsel has learned of additional evidence that supports the Defendant's claims for a new trial. In fact, Mr. Lowe and Mr. Garretson are doing the same, or similar, harassment of MALDONADO, his counsel and others by releasing lies and doctored or faked voice recordings and pretending to be members of the media to further perpetuate the false narrative and to intimidate.

3. Additionally, over the past few weeks, Carole Baskin, the alleged victim, has released a series of video diary entries with information about federal witnesses, the confidential informants and the federal investigator from the criminal investigation and trial. The videos not only contain relevant information, but they also show that Mrs. Baskin had relationships with key government witnesses and that she used these relationships to obtain recordings of Ashley Webster and Alan Glover, two key witnesses from the investigation and trial. Additionally, Mrs. Baskin developed a relationship with MALDONADO's cell mate who logged their communications with him and turned those logs over to Mrs. Baskin. Mrs. Baskin then forwarded this information to Federal Fish and Wildlife Agent Matthew Bryant.

4. The video diary entries are posted on Carole Baskin's for-profit personal vlog on YouTube. In Court filings for a pending matter in the Thirteenth Judicial Circuit in Hillsborough County, Florida (22-CA-002296 and 2D22-1482 McQueen vs. Baskin), Mrs. Baskin has claimed to be a media defendant and that she uses the vlog to inform the public about information she deems newsworthy, and specifically as it relates to this matter, to refute or rebut false claims made in *Tiger King*. The Court recently disagreed and rebuked Mrs. Baskin.

Carole Baskin Video Diary

5. On November 5, 2023, Mrs. Baskin uploaded a video titled, "2021 08 21 Carole Baskin's Diary" to her YouTube Channel at <https://www.youtube.com/watch?v=AEnBeM1mnuc>. (See Exhibit 173¹ - 8.21.21 Carole Baskin's Diary)². In this diary entry, Mrs. Baskin talks about the email communication between Howard Baskin and Federal Fish and Wildlife Agent Matthew Bryant that concerned MALDONADO. Agent Bryant was the lead federal investigator during the criminal investigation. From the diary entry, it is clear Mr. and Mrs. Baskin remain confidential informants for the federal government or otherwise have a relationship which was never disclosed to

¹ Exhibit numbers continue from the pending Motion for New Trial.

² Concurrently filed is a Notice of Conventional Filing of a thumb drive with the videos referenced throughout this Motion. A copy of the Notice of Conventional Filing and thumb drive have been overnighted to the Court along with a copy of this Motion with the paper exhibits.

MALDONADO's trial counsel. A relationship that has continued long past MALDONADO's conviction.

6. On November 8, 2023, Mrs. Baskin uploaded a video titled, "2021 09 05 Carole Baskin's Diary" to her YouTube Channel at <https://www.youtube.com/watch?v=FC3w0IuDYuM&t=2688s>. (See Exhibit 174 - 9.5.21 Carole Baskin's Diary). Mrs. Baskin's video diary entry includes an audio clip of phone call between Ashley Webster and Alan Glover. For reference, Ashley Webster was the alleged "initial whistleblower" on the murder for hire allegations and Alan Glover was the alleged hitman. Defendant MALDONADO's Motion for New Trial outlined how the nature of their personal (and even intimate) relationship was known to federal officials, but intentionally not disclosed to trial defense counsel during pretrial proceedings.

7. In her diary entry, Mrs. Baskin explained that she received a recording from Ashley Webster on September 5, 2021. However, Mrs. Baskin did not upload her video to YouTube until November 8, 2023, which is well after the Defendant's April 1, 2022 Motion for New Trial was submitted to this Court. As such, this evidence and the alleged victim's continued manipulation of witnesses was hidden for two years.

8. In this entry, Mrs. Baskin plays a recording she described as, "Alan Glover talking to Ashley Webster," and states it was Ms. Webster who provided

her with the recording. Mrs. Baskin also admits she received the audio “today,” being September 5, 2021 and that she edited the recording for “the pertinent quotes.”

9. The recording proffered by Mrs. Baskin includes statements by Mrs. Webster and Mr. Glover that support the Defendant’s claims for a new trial and also corroborate the information Mr. Glover supplied in his Affidavit [DE 232.112]. Mr. Glover admits again that he committed perjury and that he, “lied to the federal court. I lied to a lot of people just to keep Jeff (Lowe) out of trouble.” He confirmed that Defendant MALDONADO, “never gave me no money” to murder Carole Baskin. Mr. Glover explained, “Yeah, Jeff had already gone to Vegas and shit like that and I was like fuck this place. Nobody likes me here. Fuck off. I’m gone.”

10. In the recording, Mr. Glover stated Jeff and Lauren Lowe were involved in human trafficking and they used that information as a means of manipulation and extortion.

11. Ms. Webster stated that she did not have consensual sex with anyone at GW Zoo; what “they” (Jeff and Lauren Lowe) did to Ms. Webster “was horrible;” and that Jeff and Lauren Lowe had “been bragging to people that they raped” her, but Ms. Webster was “really glad [she] can't remember it because it makes it a little easier to deal with.” Ms. Webster wondered if she had been

drugged and questioned whether marijuana supplied by Jeff and Lauren Lowe was laced with Ketamine.

12. On November 12, 2023, Mrs. Baskin uploaded a video titled, “2021 09 15 Carole Baskin’s Diary” to her YouTube Channel at <https://www.youtube.com/watch?v=dUfmNS868G0>. (See Exhibit 175 – 9.15.21 Carole Baskin’s Diary). In the alleged victim’s narrative, Mrs. Baskin says, “September 15, 2021. Alan Glover says he buried something in Oklahoma that will convict him and Jeff Lowe and he's digging it up. Ashley (Webster) sent me a long file today that I cut down to 20 minutes.” Mrs. Basking goes on to explain,

“Alan Glover is going with Rebecca and Joe, Joe's Texas lawyer to dig something up in Oklahoma to prove that he and Jeff both belong in prison with Joe. Listen carefully to him at the 6.45 mark. And I think he told her, that Joe (MALDONADO) was the other target for a hit. Later, on September 29, 2021, Ashley confirmed that Joe was their second target and that they plan to strangle him with an extension cord. Why an extension cord? Who plans a murder and thinks to themselves that an extension cord is the perfect garrot?”

13. Once again, this is the alleged victim now admitting – and, in fact, profiting from, the fact that MALDONADO’s criminal trial was corrupted with misinformation, witness manipulation, coercion and perjury. As noted in the first Motion for New Trial, there was an ongoing murder plot to strangle or decapitate MALDONADO by Mr. Lowe and Mr. Glover, according to Glover and his sworn affidavit [DE 232.112]. Before releasing the diary entry to her **for profit** YouTube,

she noted, "I cut the file down to just the most important parts which I'll play at the end of this."

14. Mrs. Baskin then plays another recording she obtained from Ashley Webster. In this recording, Ashley solicits information from Mr. Glover regarding an interview he had with current post conviction defense counsel; an interview that was conducted at the undersigned's law office just days before on September 9 and 10, 2021.

15. Within days of the meeting, Ms. Webster provided the information to the alleged victim in this matter, Carole Baskin. Of course, this is similar to what happened during the first criminal investigation and trial when ASA Green asked a confidential informant, James Garretson, to covertly obtain trial defense counsel's planned defense strategy from a witness that just met with Defendant's former counsel during a pretrial conference. [DE 232, P. 10]. This case is one of the worst cases of collusion American jurisprudence has ever seen with Mrs. Baskin's money, *Tiger King's* kickbacks and government protection as the incentives.

16. Additionally, as outlined in the Motion for New Trial and Exhibit 173, the recordings demonstrate how Mrs. Baskin was consistently working with individuals to covertly record their interactions with Mr. MALDONADO and relaying selective cuts of illicitly obtained information / recordings directly to

federal officials. Again, Mr. and Mrs. Baskin's work as confidential informants was not disclosed to trial defense counsel.

17. The audio also goes into MALDONADO's role in the murder for hire plot. Mr. Glover says, when it comes to me or that "fake ass FBI agent," "no," MALDONADO didn't do what they said. Once again, Mr. Glover has admitted to perjury and collusion with a false narrative. This is additional evidence which has been provided by the victim herself.

18. In the audio recording presented by Mrs. Baskin, Mr. Glover says, "What Jeff and me came up with, is completely different." He notes MALDONADO was simply used because of his obsession with Carole Baskin. "Joe would not have had it done. It was a lot of bullshit," he says. This too is in line with Mr. Glover's Affidavit. "Nothing but two people should be in prison," he reiterates, Lowe and himself.

19. Mr. Glover discussed the fact that *Tiger King* producers paid him during the entirety of this matter. This is also in line with the Motion for New Trial in that all of the witnesses were paid and compromised by *Tiger King* producers before, during and after trial. Since our last Motion for New Trial, a video has also been released of *Tiger King* producer Eric Goode giving cash to Tim Stark. (See Exhibit 220 – Tim Stark Video).

20. “I just think it’s time to tell, it’s time to tell the truth,” Mr. Glover says in the recording; however, Mr. Glover did not know he was being recorded or that the communications were scripted by Ashley Webster and being given to the alleged victim. Again, Carole Baskin is the one who released these recordings.

21. On November 13, 2023, Mrs. Baskin uploaded a video titled, “2021 09 18 Carole Baskin’s Diary” to her YouTube Channel at <https://www.youtube.com/watch?v=WWntV-ENzBw>. (See Exhibit 176 – 9.18.21 Baskin Diary Entry). In this diary entry, Mrs. Baskin discusses the ongoing case the Department of Justice has against Jeff and Lauren Lowe. She said “Jeff and Lauren Lowe said they would surrender their US citizenship to evade” the law suit. Mrs. Baskin thought they were feeling, “the noose tightening regarding the sex trafficking that Alan Glover says he's reporting,” and that was why they were, “planning to flee the country.”

22. While these diary entries and recordings are dated in August and September of 2021, they were not uploaded to YouTube until November of 2023, over a year after the Motion for New Trial was submitted to this Court. Also of significance is that the recordings were obtained by Mrs. Baskin and Ms. Webster during the time immediately AFTER the Tenth Circuit remanded this matter for resentencing on July 14, 2021 and before the resentencing hearing in January of

2022. Therefore, it appears Mrs. Baskin was meddling and/or tampering with witnesses as this matter was pending before the Court.

23. It is also significant that Mrs. Baskin testified during the January 28, 2022 re-sentencing hearing that she was terrified for her life if MALDONADO was released, while simultaneously being in possession of evidence that it was actually Mr. Lowe who was planning to murder both her and MALDONADO so that he could take over the zoo.

24. These recordings, together with the evidence submitted in the Motion for New Trial, demonstrate the intricate web of relationships between two of the government's confidential informants: Ashley Weber and Alan Glover, who up until the trial, was known as Individual 1; the relationship between the victim and confidential informants Ashley Weber and James Garretson; and the relationship between Agent Bryant and confidential informants Howard and Carole Baskin. Also unknown is when or how these the relationships began or the nature of the relationships; or that there were recorded communications between these individuals discussing the matters at issue for the criminal investigation and trial; AND/OR that those communications were shared with Carole Baskin and not Defendant or his counsel.

25. The recordings proffered by the alleged victim in this matter reveal a host of new information including the fact that Mrs. Baskin has been aware that

the plot to kill her was actually orchestrated by Jeff Lowe and that she has known this for years.

26. It is further alleged that another government informant, James Garretson, was also at these meetings related to trafficking or prostitution. The government was aware of Mr. Garretson's involvement with prostitution, as it used prostitutes (with the help of Mr. Garretson) to manipulate Alan Glover during their investigation. Was the government aware of the newly discovered trafficking element? Why did it ignore Mr. Garretson's connection to prostitutes?

Jeff and Lauren Lowe

27. In April of 2023, Jeff and Lauren Lowe created multiple accounts on Instagram for the sole purpose of publicizing false information relevant to Mr. MALDONADO, the criminal investigation and trial.³ In addition to the Instagram accounts, Jeff Lowe and Lauren Lowe created a web page for the same purpose. The webpage can be viewed at <https://tigertales.mx/>. However, this site also contains pornography so caution should be used when accessing this web page.

28. Included with the information publicized on these websites are confessions and/or admissions by Jeff Lowe, Lauren Lowe and James Garretson

See https://www.instagram.com/jefflowe_tigerking/ and <https://www.instagram.com/joexotictigerqueen/>

regarding their actions in setting up Mr. MALDONADO and the withholding of evidence relevant to the subject criminal investigation and trial. The sites also publicizes the personal information of those associated with Mr. MALDONADO, including images of Judge Palk and the undersigned's personal address. More importantly, the websites contain recordings and videos created by the Lowes using AI technology that depict images of Mr. MALDONADO, the undersigned and witnesses associated with the criminal investigation and trial. This is more evidence of fraud and a desperate attempt to continue extorting MALDONADO while showing their "do anything" relentlessness to punish him.

Evidence

29. On August 16, 2023, Mr. Lowe stated,

"Additionally, [MALDONADO is] not the only one that's claiming to have newly discovered evidence. We've spent two years combing through boxes of documents from the zoo and his home." (See Exhibit 177 - 8.16.23 Instagram Post.)

30. On September 18, 2023, Mr. Lowe wrote,

"The dumbasses of Joe's still don't understand we hold all the cards. We have the LaCie drive, we have the burned studio drives...I backed up his entire computer...We have James recordings, we have all Lauren's ORIGINAL un-altered recordings." (See Exhibit 178 - 9.18.23 Instagram Post.)

31. There were several points during the criminal investigation when Agent Bryant was presented with evidence central to the issues of this matter, that he purposefully did not collect it and/or altered it to fit the needs of his

investigation. [DE 232 P. 34-38]. Both of the above statements are confessions by the Lowes wherein they admit to having such evidence; evidence that was wholly available to Agent Bryant but purposefully not collected during the criminal investigation and trial.

32. On April 11, 2023, the Lowes bragged that they had finally been able to purchase a hard drive from Netflix. They thanked, “a certain former Royal Goode Productions employee for risking life and limb to get this in our hands.” (See Exhibit 179 – 4.11.23 IG.) Royal Goode Productions produced *Tiger King* and this drive is part of the evidence Royal Goode Production / Netflix refused to provide to investigators and attorneys for Mr. MALDONADO during the subject criminal trial. [DE 232 P. 31-32].

33. On April 18, 2023, the Lowe’s acknowledged it had taken them (Jeff Lowe, Lauren Lowe, and James Garretson), “almost two years to locate and procure the evidence...” (See Exhibit 180 – 4.18.23 IG.) On July 9, 2023, the Lowes stated, “We have the video from Kirkman’s hard drive to prove it.” (See Exhibit 181 – 7.9.23 IG.) They added the, “**Feds are already in the mix. They were the first ones we sought advice from before buying the hard drive.**” (Exhibit 180.)

34. All of these statements were made over the course of several months and all support the claims presented in Mr. MALDONADO’s request for a new trial for several reasons. Specifically, this information demonstrates how the

producers of Netflix are/were in possession of undisclosed evidence directly related to the subject matter of the investigation and trial.

35. In addition to the hard drive sold to Mr. Lowe, Mrs. Lowe and Mr. Garretson in 2023, Netflix / Royal Goode Productions remains in possession of video of Mr. MALDONADO and all participants of the *Tiger King* series in their entirety. The video contains footage of events that are the subject of this criminal trial and videos of witnesses who provided testimony. This is evidence that has yet to be provided to Mr. MALDONADO, his investigators and attorneys.

36. The Lowes and Mr. Garretson also continue to lie about evidence which does not exist, which they have done since the beginning. They accuse MALDONADO of “child rape,” “bestiality,” ect., and claim the federal government investigation is ongoing, even including a post about a “hotline” to the FBI. (See Exhibit 217 - 10.6.23 IG).

37. The Lowe’s recently posted that he and others were independently investigating whether MALDONADO’s attorney, John Phillips, was involved in violent rape. (See Exhibit 218 – JMP Allegation). This is one of many crimes Mr. Lowe has falsely accused Mr. Phillips of in an attempt to get him to lose credibility, quit the case or otherwise promote Mr. Lowe’s false narrative. Mr. Lowe has used these lies in various media interviews. In posts, the Lowes reference the facts of People v. Phillips, a case out of the Appellate Court of Illinois

First District. The opinion was released in 1989 and the facts date back to 1985, when Mr. Phillips was ten (10) years old.

38. While not necessarily relevant to the investigation or conviction of MALDONADO, it is direct evidence the Mr. and Mrs. Lowe will engage in relentless lies. As noted in the Motion for New Trial, the Lowes have done similar to control and manipulate witness like John Finlay, who they are still harassing. (See Exhibit 219 – John Finlay IG)

39. *Tiger King* aired on Netflix after the criminal trial concluded. As such, during the trial, Mr. MALDONADO had no way to know (and still does not know) what video *Tiger King* had or what Alan Glover, Mr. Lowe, Mrs. Lowe and Mr. Garretson were doing and filming when he was not present. Footage that Mr. Garretson, Mr. Lowe and Mrs. Lowe set Mr. MALDONADO up for their own profit would have more than likely changed the outcome of the subject criminal trial. Much of it could have been altered, much like they are altering videos now. Royal Goode and Netflix refused to provide information to Mr. MALDONADO for use during his criminal trial. However, Mr. Lowe, Mrs. Lowe and Mr. Garretson have been able to purchase all or part of that evidence, or continue to lie in order to perpetuate the fraud that this was MALDONADO's crime instead of their own.

Identity Theft / Fraud

40. Lauren Lowe testified at trial that in November of 2017, she received a package from the zoo that contained a cell phone. The package was mailed from the zoo to her residence located at 6645 Natalia Court, Las Vegas, Nevada. (Trial Tr. 713:1-14.) Prosecutors used this testimony to establish the elements needed to prove the use of interstate commerce in the commission of a crime. [DE 232 P.15]. On August 6, 2021, Lauren Lowe recanted her testimony regarding the package and admitted what she received was actually a summons from PETA.

41. On May 2, 2023, the Lowe's stated, "James let me use his alias to sign a lease in Las Vegas. Who gives a shit? It was to hide from Peta." (See Exhibit 182 - 5.2.23 IG.) This confession confirms James Garretson, Jeff Lowe and Lauren Lowe were in fact actively involved in identity theft crimes and, more importantly, that James Garretson's testimony regarding Alan Glover's fake ID was perjury.

Fabricated Evidence

42. Since the submission of the Motion for New Trial, the Lowes have continued their efforts at manufacturing evidence of crimes and submitting the same to law enforcement and administrative agencies.

43. On April 20, 2023, the Lowes publicized a bar complaint that contained false and outrageous allegations regarding the Motion for New Trial. The complaint has since been dismissed. (See Exhibit 183 - 4.20.23 IG.)

Nevertheless, the Lowes had, “a new video” being produced and promised to make it available soon.

44. In April of 2023, in anticipation of a ruling on the Motion for New Trial, Mr. Lowe, Mrs. Lowe and Mr. Garretson created and publicized videos with AI technology that appear and sound like legal calls between the undersigned and Mr. MALDONADO discussing the case; calls which never happened and are entirely manufactured. The videos contain entirely false and misleading dialogue and appear to be conversations between principles of the criminal investigation and trial. (See Exhibits 184 - 210 - AI Videos 1 - 27). Again, all very similar to the fabricated text messages and scripted recorded calls the Lowes created during the criminal investigation and trial that were used to indict and convict Mr. MALDONADO; and also in line with Agent Bryant’s instructions to Mr. Garretson to alter evidence to fit his theory of the crime. [DE 232 P. 7-8 and 18].

45. On September 19, 2023, Jeff Lowe made the following statements,

“He’s such a stooge. It would be hilarious if Vince beat him. Vince emailed me today asking for the cocaine story in affidavit along with the crypto story I’m gonna give it to him just so it’s in the legal record. Lol.”

(See Exhibit 211 - 9.19.23 IG.)

46. Here, Mr. Lowe boasts about creating an affidavit with false information to be used by a defendant in an unrelated federal case the undersigned has pending in the Northern District of Florida - “just so it’s in the

legal record.” (See MALDONADO vs. Johnson Case No.: 3:22-cv-18229.)

47. This pattern of behavior has been consistent with Mr. Garretson and the Lowes. Just recently on September 27, 2023, the Lowes stated, Alan Glover “has already been recorded and now sent text messages exposing that Phillips paid him to change his story.” (See Exhibit 212 -9.27.23 IG.)

48. This matter is currently pending before this Court. Given the continued fabrication / altering of evidence outlined herein and the Motion for New Trial, it is impossible to determine what really happened verses what the Lowes and Mr. Garretson made up, and are making up, for primetime television.

The Tiger Excavation

49. The Motion for New Trial included an allegation that Agent Bryant and Agent Markley provided false reporting and false testimony during the criminal investigation and trial regarding the excavation of the tigers. [DE 232 P. 39-41]. In support of this claim, Mr. MALDONADO provided a 30 second video of the excavation taken by the Lowes.

50. On May 19, 2023, the Lowes posted this video of the tiger excavation - in its entirety. The video had previously undisclosed footage of the tiger excavation. (See Exhibit 213 - Tiger Dig Video.) This is entirely new evidence and was unavailable to Mr. MALDONADO during his first trial because it was not collected by Agent Bryant. As noted in the Motion for New Trial, in a February

13, 2019 recorded call, Mr. Lowe offered Agent Bryant a “bunch of pictures and video from that day.” However, Bryant refused stating, “I think we’re good.” [DE 232.128 – 2.13.19 Call].

51. In refusing to collect the photographs and videos from Lowe, Agent Bryant denied MALDONADO access to evidence directly related to the criminal investigation – video and photographs of the tiger exhumation that directly contradicts the testimony and reports of the federal agents.

The set up.

52. The Motion for New Trial outlines how Mr. Lowe, Mrs. Lowe and Mr. Garretson worked together with federal officials in setting up Mr. MALDONADO with false testimony and fabricated evidence. Their appearances and admissions in *Tiger King* support this claim. To this day, they continue to boast to anyone who will listen that they set Mr. MALDONADO up to steal his zoo.

53. On September 27, 2023, the Lowes confessed they,

“[a]lready owned the zoo, [Mr. MALDONADO’s] house, and [Mr. MALDONADO’s] animals. It was all mine and you aren’t tough enough to have it taken from me. What we wanted, we accomplished.” (Exhibit 215).

54. On September 29, 2023, the Lowes confessed again, this time addressing the undersigned, “Phillips, still think it was a good plan to fuck me and James over? We can do to you the same thing we did to your kid’s uncle Joe.” (See Exhibit 214 - 9.27.23 IG) Here, they are threatening to set the undersigned up

in the same way they set up Mr. MALDONADO. As outlined above, they are using similar methods of fabricating evidence of crimes and “turning it over” to law enforcement and administrative agencies.

Tiger King

55. As with the first criminal investigation and trial, *Tiger King* fame is the motivation behind Mr. Lowe, Mr. Garretson and Mrs. Lowe’s conduct. On August 12, 2023, Mr. Lowe states, “this is mudder & fodder for TK4. Lol.” (See Exhibit 188 - 8.12.23 IG.)

56. On August 28, 2023, the Lowes indicated, “[s]eason 4 of Tiger king, FILMING NOW.” Mr. Garretson added, “Plus our new characters are more entertaining.” (See Exhibit 216 - 8.28.23 IG and Exhibit 13 - 8.28.23 IG.)

MEMORANDUM OF LAW

The Tenth Circuit explains that to, “succeed on a motion based on newly discovered evidence pursuant to rule 33 Fed. R. Crim. P., the defendant must show that: (1) the evidence was discovered after trial; (2) the failure to learn of the evidence was not caused by his own lack of diligence; (3) the new evidence is not merely impeaching; (4) the new evidence is material to the principal issues involved; and (5) the new evidence is of such a nature that in a new trial it would probably produce an acquittal.” *United States v. Stevens*, 978 F. 2d 565 (10th Cir. 1992).

“When deciding a motion for new trial, the court may weigh the evidence and consider the credibility of witnesses in determining whether the verdict is contrary to the weight of the evidence such that a miscarriage of justice may have occurred.” *United States v. Evans*, 42 F. 3d 586, 593 (10th Cir. 1994). “The touchstone of materiality is a ‘reasonable probability’ of a different result, and the adjective is important. The question is not whether the defendant would more likely than not have received a different verdict with the evidence, but whether in its absence he received a fair trial, understood as a trial resulting in a verdict worthy of confidence.” *Kyles v. Whitley*, 514 U.S. 419 (1995). The newly discovered evidence provided within this Motion demonstrates that the absence of this evidence prevented Mr. MALDONADO from receiving a fair trial.

ARGUMENT

Here, the evidence was discovered after trial. Mr. MALDONADO could not have known of the existence of the evidence as Mrs. Baskin, Mr. Garretson, Mr. Lowe and Mrs. Lowe did not make the admissions or disclose their actions as outlined in this motion until after the trial concluded. Thus, the failure to learn of the evidence was not caused by Mr. MALDONADO’s own lack of diligence but rather it was because of the concerted efforts of Mrs. Baskin, Mr. Garretson, Mr. Lowe and Mrs. Lowe to keep their actions and secret recordings just that - secret

during the criminal investigation and trial.

This new evidence is not merely impeaching. Throughout the last year, Jeff Lowe and James Garretson have continued their efforts at manufacturing evidence that implicates Mr. MALDONADO in crimes he did not commit, including using AI technology to create videos that appear to capture attorney / client protected communications.

Mr. Lowe and Mrs. Lowe have admitted to presenting false testimony to federal investigators and this Court. They have admitted to engaging in a criminal enterprise of identity theft with James Garretson, the government's lead witness.

Mrs. Baskin, Mr. Garretson, Mr. Lowe and Mrs. Lowe are manipulating and using the legal system for profit at the expense of this Court, my client and the undersigned. By their own admission, Mr. Garretson, Mr. Lowe and Mrs. Lowe are using this subject case as material for Tiger King 4; just as they did for Tiger King 1. Mrs. Baskin is using this information as click bait and/or for fundraising. This information is not only impeaching, it is so outrageous that it would have entirely affected the outcome of the trial.

Mrs. Baskin's recordings corroborate the information and evidence provided by Alan Glover, James Garretson, Jeff Lowe and Lauren Lowe. The new evidence together with the post-trial confessions / admission outlined herein are directly material to the principal issues involved. Further, the evidence is of such

a nature that in a new trial it would “probably produce an acquittal.” *United States v. Stevens*, 978 F. 2d 565 (10th Cir. 1992).

CONCLUSION

Since the filing of the April 1, 2022 Motion for New Trial, Carole Baskin, James Garretson, Jeff Lowe and Lauren Lowe have continued to use the same strategy they used to shape the criminal allegations against Mr. MALDONADO, to extort, defame, maliciously prosecute and defraud Mr. MALDONADO and everyone in his circle. This includes unauthorized recordings of conversations, publishing personal residential arrests, license plates, places of employment, photographs of children and spouses. While not related to this subject criminal matter, the behavior is indicative of what happened behind the scenes during the criminal investigation.

It is also evidence as to how they coerced testimony during the criminal trial. Mr. Garretson, Mr. Lowe and Mrs. Lowe continue to harass witnesses including John Finley, Alan Glover and John Reinke. Their attacks are relentless and could be construed as hate crime like behavior as they are based on sexuality, addiction issues and mental health. Since this matter is currently pending before this Court, their behavior is likely to influence any future testimony.

WHEREFORE, Mr. MALDONADO prays this Honorable Court consider this Second Motion for New Trial together with the April 2022 Motion for New

Trial and vacate the judgment of his convictions and sentence and order a new trial, order an evidentiary hearing on this matter and grant the relief requested herein.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on November 20, 2023, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF and a copy hereof has been furnished to those registered participants of the ECF system.

PHILLIPS, HUNT, WALKER & HANNA

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