

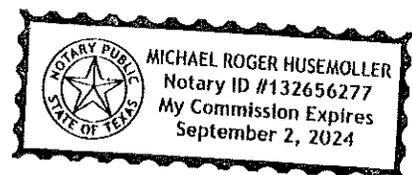
DATE 2/24/2023
AFFIDAVIT [Signature]

I am Sean Sessel and **I am offering testimony on behalf of Dr. Ariel Fernandez.** I got my Bachelor of Science in Bioengineering at Rice University in Houston, Texas, on May 2011, with the following statistics: GPA: 4.02 SAT: 2400 ACT: 36 MCAT: 41 GMAT: 790. Currently I am an entrepreneur with business in coaching and financial services. I am coauthor with Dr. Fernandez in the paper TIPS09 (R. Ex. 16, C. L. Ex. 33). This is an opinion piece with no primary data, and one which I resolutely defend. The concept and theory was mostly developed by Dr. Fernandez, while I played a more minor role but significant enough to be included in the paper. **The experiments cursorily described in the opinion piece were from Lilly provenance (done with “unrestricted grant from Eli Lilly”), as acknowledged by Dr. Fernandez in the paper (page 409 in R. Ex. 16 (C. L. Ex. 33)).**

I was an undergraduate student working under Dr. Fernandez’s guidance at Rice University in 2008 and 2009 in the project “Therapeutic Editor”. This project included only three participants: the complainant/“whistleblower” Abhinav Tiwari (graduate student), myself (undergraduate student) and Dr. Fernandez. In fulfillment of my obligation as coauthor, I examined and confirmed the validity of the data as the manuscript was being assembled for publication. My statements material to the case are contained in two affidavits in R. Ex. 8 and R. Ex.22. My testimony is crucial to delineate the role of Tiwari in the project where fraudulent experimental data were found. **Tiwari was in charge of performing the experimental work for the project, as I have attested in my two affidavits (R. Ex. 8, R. Ex. 22) that I now reaffirm and corroborate.**

State of Texas
County of Travis

This Instrument was acknowledged
before me on 02/24/2023
By Sean Sessel
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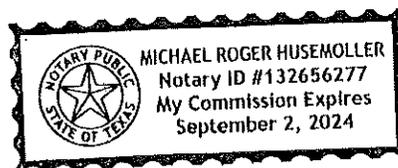
Sessel

I am appalled by this investigation, which I find to be an act of corruption of the worst kind, surely the most unsavory experience I had to endure in my short academic life (and the reason I left academia). In an attempt to make me change my testimony, I was even subject to coercion, as it can be attested by reading my interview with the Rice Investigatory Panel (R. Ex. 32, C. L. Ex. 108) or my subsequent follow-up letters after my meetings with various Rice officials where I was witness to corruption involving a former ORI official.

It should also be noted that even where I made statements supporting the innocence of Dr. Fernandez, people are trying to distort those statements by switching referential index away from what I originally intended and then claiming that I contradicted myself – I didn't, as the contradiction arises from their attempts to change who I refer to with a particular pronoun when my statement doesn't fit their story. Another distortion occurred when I was forced by the sake of honesty in the face of extremely biased questioning (far closer to a prosecutor trying to manipulate a witness than an objective investigator) to admit that I could not prove a negative (doing so is a logical impossibility), and this was somehow taken as a means to exclude the evidence I was providing.

It is a totally absurd investigation. Dr. Fernandez developed the concept of therapeutic editor and Tiwari had to do the experimental work to corroborate the concept. I witnessed firsthand when Dr. Fernandez assigned Tiwari his role right in front of both of us, as I declared numerous times in my interview. Moreover, I witnessed Tiwari claim repeatedly that he was in fact doing said experimental work and that Dr. Fernandez was not doing experimental, as I noted in my interview in the first paragraph of page 35, where I referenced emails Abhinav sent conveying that Dr. Fernandez was not doing experimental work. In my subsequent follow up, I noted that the exact date of these emails

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(which did not match my original memory during the testimony, which I admitted at the time was unclear). There were emails where Abhinav claimed to be doing experimental work at the time that the interviewers claimed it would be incriminating for him to do so. Those emails may still be on the rice.edu server, which would offer hard proof!

By contrast, in Tiwari's story, he never did any experimental data for his project with Dr. Fernandez. So, how was Tiwari planning to earn his doctorate? Only in a conspiracy can this story get credibility. Tiwari was evidently in some sort of conspiracy with the Rice Panel and with Dr. Jennifer West, the chair of Bioengineering who first spoke with Tiwari. Dr. West could have sorted out this case in minutes by summoning Fernandez's group to delineate each person's research role. If Tiwari said he had no role in the project, the obvious question for Dr. West to ask would have been: What are you doing at Rice then?

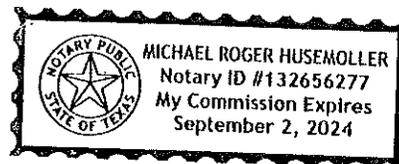
Since the whistleblower is lying, as everything indicates, there is no case to pursue. The case should be closed immediately and a transition made to prosecuting the conspirators.

I sign this affidavit under oath and hereby corroborate the validity of my previous affidavits (R. Ex. 8, R. Ex. 22) attached and notarized.



Sean Sessel
12601 Bee Cave Pkwy, Apt. 333
Bee Cave, TX 78738.
Phone: 251-609-1989
Email: seansessel@gmail.com

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County of Travis
This Instrument was acknowledged
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NOTARY 



Sessel

August 29, 2013

AFFIDAVIT

Statement by witness Sean Sessel

I, Sean Sessel, got my B.S. degree from Rice University in 2010 and pursued undergraduate research under the guidance of Prof. Ariel Fernandez. In regards to the provenance of the experimental data reported in my joint publication with Prof. Fernandez in Trends in Pharmacological Sciences 30, 403-410 (2009) [TIPS09], I state the following:

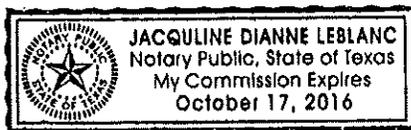
Dr. Fernandez did not keep a lab at Rice University, so the experimental results in his projects were obtained by collaborating with experimentalists at MD Anderson Cancer Center (MDACC), at Eli Lilly and Co., and probably other places. The third person in the project in which I was involved was Abhinav Tiwari, a graduate student who was supposed to run the experimental assays. According to his boss, Gabriel Lopez-Bernstein, he rarely showed up at the lab and stopped coming entirely without explanation. As far as I know, he never produced reliable results from said lab work.

The theoretical work in the paper under scrutiny was produced by Dr. Fernandez and myself, and the published experimental data were obtained from Eli Lilly in agreement with the collaborative goals described in Aim 8 and in the letter of collaboration by Eli Lilly and Co. dated October 12, 2004, to be found on page 63 of the grant R01GM072614 awarded to Dr. Fernandez in 2005. In the paper [TIPS09] that I coauthored with Dr. Fernandez, the reported experimental data were, to my knowledge, provided as indicated in the Lilly collaborative letter by Dr. Harry Harlow at the Integrative Biology Division directed at the time by Dr. Jude Onyia.

Sessel

Sean Sessel

Private Address: 2303 Louisiana Street, Houston TX 77006, Apt. 321
e-mail address: seansessel@gmail.com
Phone number: 251-609-1989



Jacqueline D. LeBlanc

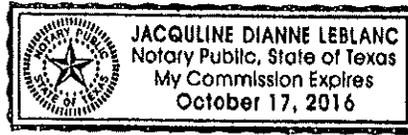
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I hereby certify that this document is authentic and that Sean Sessel, wrote the email on the upper half of the page.

Handwritten signature

James Coleman

From: Seansessel@aol.com
Sent: Saturday, July 11, 2009 11:54 AM
To: jsc2@rice.edu
Subject: Re: CONFIDENTIAL



Handwritten signature: Jacqueline D LeBlanc

Dr. Coleman,

I have no knowledge as to allegations 12 and 13, but I would like to state my opinion on allegations 1-11:

1. Dr. Fernandez has much less motive to falsify data than Abhinav. As I told you on the phone, Abhinav was responsible for generating the figures from the raw data with Dr. Fernandez as an editor. I was carbon copied on at least one email where Dr. Fernandez was putting pressure on Abhinav to quickly and correctly complete the paper for TIPS. This was part of Abhinav's progress towards a Ph.D.. Dr. Fernandez, on the other hand, would be quite foolish to risk his international reputation on a single paper.

2. It is likely, in my opinion, that computer analysis will show that the figures in question were created on Abhinav's computer.

3. If I was Abhinav and Dr. Fernandez had presented me with figures, I would have been immediately suspicious, as the concept of Dr. Fernandez actually generating them in a lab is preposterous. Why would Abhinav not say anything then?

Also, as a matter of clarification, I have not yet graduated; I have one more year.

Thank you for interfacing with me during the investigation. I felt that you did so in a professional and competent manner.

All the best,
Sean Sessel

In a message dated 7/10/2009 12:15:02 P.M. Central Daylight Time, jsc2@rice.edu writes:

Sean, attached is a letter describing the Inquiry report and a copy of the inquiry report. The report does NOT recommend that you should be a respondent to an investigation. But, the letter also describes the deadline for you to provide comments, should you wish to even though you are not recommended to be a respondent.

Please let me know that you received this correspondence.

Jim Coleman, Ph.D.

Vice Provost for Research and Professor of Ecology and Evolutionary Biology

713-348-2702(phone); 713-348-4806(FAX)

james.s.coleman@rice.edu

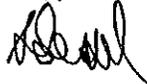
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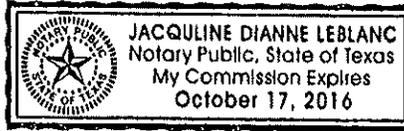
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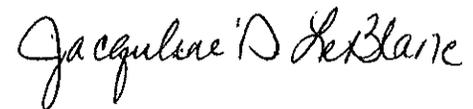
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7/17/2009

I, Sean Sessel, hereby certify that this document is authentic and was composed by me. 





To the Provost of the University,

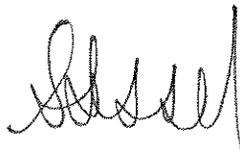
I would like to make a written statement concerning the Fernandez-Tiwari research misconduct investigation. I wish this to be part of the official record. I feel that as the only co-author not under investigation; I am the only unbiased observer of the dynamics and responsibilities of both parties under investigation. Thus, I feel that my testimony has great value.

I initially told Dr. Coleman during the inquiry (phone interviews on June 2 and June 23) that Abhinav was responsible for the primary experimental data. This was done in the context of explaining my role (applications, some literature search, and a little editing), which required an explanation of Fernandez's role (concept development) and Abhinav's role (experiments). I do not know why this was not made part of the official record. I also do not know why I was not further deposed. My testimony was ignored, discounted, or forgotten. At best, there was a misunderstanding where my statement that "I was in no way responsible for the development of any figures" was misinterpreted as "I have no knowledge of who was responsible for the development of the figures." Also, Dr. Coleman voiced to me today that he came into our second phone conversation (date: June 23) already intending not to recommend me as a witness for the investigation, before hearing what I had to say. This seems to me an improper and reckless method of conducting an inquiry.

This brings me to my testimony today. As stated earlier today in my testimony, it was my perception from the time I became involved until the time of the inquiry that Abhinav was primarily responsible for the generation of the experimental data. When Dr. Fernandez introduced me to Abhinav, I was told in Abhinav's presence that he was going to be conducting the experiments. I was also present at a meeting where Abhinav presented experimental data for the Trends in Pharmacological Sciences paper that he claimed he was doing at M.D. Anderson. The dates of these events were the matter of critical discussion during my testimony, and, as I voiced then, I was unsure and needed to check my mail for clarification. I went back and checked my emails, allowing me to ascertain the date. I must now state that any dates I gave or agreed to are incorrect and are a result of errors in my memory. This is proven by the attached email, which indicates that the critically important meeting in question occurred on February 9, 2009.

LET ME REITERATE: I WAS PRESENT AT A MEETING ON FEBRUARY 9, 2009, IN WHICH ABHINAV TIWARI PRESENTED "EXPERIMENTAL DATA" HE HAD SUPPOSEDLY GATHERED AT M.D. ANDERSON.

I further wish to state my strong perception that this was and is not an unbiased investigation. It strongly appears that the panel members who deposed me were and are intent on finding Dr. Fernandez guilty regardless of the evidence. I was asked leading questions, which were partially responsible for my agreement to incorrect dates. The two panel members present, Dr. Matsuda and Dr. Stern, spent more time attempting to have me incriminate Dr. Fernandez than asking me relevant questions about my testimony. In fact, at one point they even tried to intimidate me. They tried to do this by bringing in a different but related paper on which Dr. Fernandez and I were the only authors and intimating that I had portrayed myself as doing more work than I had actually done. I resent this subtle, personal attempt at frightening me, which appeared designed specifically to get me off guard. In fact, the video will clearly show me asking Dr.



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I, Sean Sessel, hereby certify that this document is authentic and was composed by me. *Sessel*

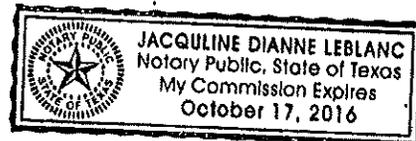
Matsuda what exactly he is trying to imply with certain questions that have no bearing whatsoever on the investigation. At this point, Dr. Matsuda tried to tie the *ad hominem* attack into the investigation with tangential speculation based on absolutely no evidence and a poorly constructed analogy. I was indeed less involved with that separate paper than most second authors, but I was also 19 at the time and working on my first ever journal publication. The two members of the panel seemed to take advantage of this to make me look not knowledgeable and then spent some time speculating that Dr. Fernandez had committed fraud in that paper as well. No evidence was presented concerning Mr. Tiwari whatsoever. This imbalance in itself is revealing.

In conclusion, my testimony stands that I have strong evidence that from the beginning of my involvement with the Trends in Pharmacological Sciences paper, Abhinav Tiwari was responsible for the generation of the experimental data. My initially given dates were tentative, as I consistently noted I needed to check my emails, and incorrect, as proven by the attached email. In fact, the true dates, as proven by email records, strengthen my claim: as late as February 9, 2009, Abhinav Tiwari was still claiming to do experiments at M.D. Anderson. I wish this statement to be part of the official record, untampered with, because I do not feel that this panel is impartial. I expect that these panel members may attempt to nullify my testimony. If they say that I am inconsistent, please check the email datestamp verifying my testimony. It is more accurate than my memory. If they say I am dishonest, I am willing to take any lie detector test available. My concern here is that the most just conclusion be reached, and I am willing to do anything in my power to achieve that.

Respectfully,
Sean Sessel

Sessel

June 15, 2010



Jacqueline D. LeBlanc

Sessel

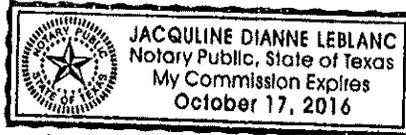
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I, Sean Sessel, hereby certify that this document is authentic and was composed by me. *Sessel*

To whom it may concern,



Jacqueline D LeBlanc

I presented my letter to the provost (please read attached) this morning. He stated that "an objective observer would disagree with my characterization of the testimony," which is his prerogative. He further stated that my name should not be on the separate publication (the same as the one referenced in the testimony) and that I obviously didn't know very much about the practice of science. He also told me that he did not feel I was objective, even appearing to infer that Dr. Fernandez had a hand in writing my letter to him (an accusation that is completely untrue and unfounded) with a comment that he recognized Dr. Fernandez's writing style in the letter. He then stated that my testimony was only as valuable as every other of the one thousand or so pieces of evidence, despite the fact that I am the only person who can corroborate either Dr. Fernandez's or Abhinav Tiwari's story. What concerns me most is described below.

Lying on the desk in front of me, turned away from me, there was an email from one Alan Price (a consultant) to Dr. Coleman and Carlos Garcia, the general counsel. The email had my name on it, so I read it. The email had 7 points, but it boiled down to three important questions:

1. Is there any way to avoid having Sessel testify?
2. Isn't this a ploy by Dr. Fernandez to stall the investigation until a new provost is in power?
3. [Said in almost exactly these words] Is there any way to make Sessel admit he is lying?

I asked the provost about this email and he refused to discuss it. Judging by the context, this email was sent before my testimony, when I had only briefly described my testimony in an email. I am deeply disturbed that I was assumed to be a liar (or at best, a fool) before my testimony was even heard. I swear that I testified to the best of my ability. I also swear that everything in this letter and my letter to the provost is true, and I am willing to take a polygraph to prove it. My only intention ever was to make sure the most just decision was reached.

Sean Sessel

Sessel

June 16, 2010

Sessel

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