

From:

To:

Cc:

Subject: RE: New mcc problems

Date: Fri, 17 Jan 2020 16:27:31 +0000

Bruce,

Thanks for raising these issues with us in advance of the conference. We appreciate the opportunity to try and address them with MCC in advance. Below are responses based on our conversation with [REDACTED], and we have copied all counsel because until Judge Karas instructs us otherwise, we intend to communicate with all counsel of record.

1 – [REDACTED] has advised us that allowing a tour of this kind is a security risk for the institution because, among other things, you have asked to tour areas where many inmates will be, and the institution cannot be locked down for purposes of an outside person taking a tour absent a very specific and pressing reason. [REDACTED] also advised that were the Court to order such a tour, MCC would set very specific conditions and ask that the Government also be present.

2 – [REDACTED] has advised that she is working with SIS to get a date and time for the inspection of physical evidence, and hopefully will be reaching out today to schedule the inspection.

3 – [REDACTED] has advised that upon receiving your email, she had her staff speak with [REDACTED] about the heat. The staff took heat reports in the unit and found the temperature was high. The staff made adjustments and there have not been complaints since. We have asked for another temperature reading to be taken in the unit before Wednesday's conference to ensure the temperature is at an acceptable level.

4 – [REDACTED] has advised that she asked you for additional information that she can discuss with the Warden in order to assess the request for a family visit, but has not heard back from you. As previously discussed, in order for the MCC to make an exception for your client, a social visit must be necessary for preparation of the defense. The Government is not trying to, nor does it want to be, in the middle of that assessment, but we understand from the MCC that your most recent request was conclusory and they need more detail to make an assessment of this new request.

[REDACTED]
Co-Chief, Narcotics Unit
[REDACTED]

-----Original Message-----

From: Bruce Barket [REDACTED]

Sent: Thursday, January 16, 2020 11:43 AM

To: [REDACTED]

Cc: Aida Leisenring [REDACTED]

Subject: New mcc problems

In case we don't have enough to do on the 22nd, I intend to raise several issues about the jail. In no particular order;

EFTA00017026

1. They are refusing to allow us to view the cells and common areas where Nick has been held for nearly 3 years. Initially, we were told we would be permitted and that photographs would be taken and reviewed by the staff. We are going to file a motion to compel before the 22nd.

2. I have written multiple emails to [REDACTED] asking for an opportunity to view the physical evidence for the July 23rd suicide attempt. She has thus not responded at all

3. We wrote complaining about multiple reports of extreme heat on the tier. One or two inmates had to be hospitalized. We have not been given an update.

4. We asked for a family visit after next week's court appearance and gave the same reasons we have been giving. This time we were asked for more detail. I sense a change in the mcc approach. My inclination is to ask the judge to help here.

I was hoping the new administration would improve the conditions while maintaining [REDACTED] responsiveness.

Bruce Barket
Barket, Epstein, Kearon, Aldea & LoTurco
666 Old Country road
Garden City, NY 11530
[REDACTED]
[REDACTED]
Barket Epstein.com