

From: Daniel Cundy <[REDACTED]>
To: "[REDACTED]" <[REDACTED]>
Cc: "[REDACTED]" <[REDACTED]>, "[REDACTED]" <[REDACTED]>, Gary Bloxsome <[REDACTED]>, "Jennifer Richardson" <[REDACTED]>

Subject: Reference materials further to our call

Date: Sun, 09 Aug 2020 16:29:52 +0000

Attachments: Ormerod-Release-13-lleaf_A7_(002).pdf; DEPP_7.2_(003).pdf

Inline-Images: image854761.jpg; image532909.jpg; image421070.jpg; image733915.jpg

Dear [REDACTED],

Apologies for the slight delay.

Please find attached an extract from The Decision Procedure and Penalties manual (DEPP 7) from the Financial Conduct Authority handbook – drawing attention to 7.2.14. This practice and approach resonates with the law as set out in *United States v. Allen*, 864 F.3d (2d Cir.2017). We also attach an extract from the publication '*Montgomery and Ormerod on Fraud: Criminal Law and Procedure*' (2008) which summarises the approach taken by the Serious Fraud Office (see A7-327) to the limitations and protections on use when their compulsory powers are used in MLAT requests, an approach which reflects such cases as *Kastigar v. United States*, 406 U.S. 441 (1972) as well as decisions in UK domestic law. We reiterate the protection at Article 7 (2) of the MLAT treaty although there is no need to attach it.

Kind regards

Daniel Cundy | Partner

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COVID-19 – Please see our [website here](#) for our updated position in relation to Coronavirus.

In the meantime if you need to speak to one of our lawyers, please leave a voicemail by dialling [REDACTED] where we will respond to the messages in the order they are received or by emailing your enquiry to [REDACTED]

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