



17 Academy Street, Suite 305
Newark, New Jersey 07102
Phone: (973) 242-4700
Fax: (973) 242-4701
www.figginslaw.com
BRANCH OFFICES:

140 East Ridgewood Avenue
Paramus, NJ 07640
Reply to Newark Office [X]

30 Wall Street 8th Floor
New York, NY 10005

Of Counsel
Douglas Mitchell, Esq.
Linda Childs, Esq.

SENT VIA ECF

Honorable Analisa Torres
U.S. Southern District of NY
500 Pearl Street
New York, NY 10007

Re: USA v Michael Thomas, et al.
Docket No.: 1:19-cr-00830
Addendum to Letter Brief in Support of Deferred Prosecution

Your Honor,

Please accept this addendum as a supplement to my letter brief, in support of Mr. Michael Thomas' Application for Deferred Prosecution.

1. Additional Adverse Impacts

Mr. Thomas' life has spiraled down-hill ever since losing his livelihood and reputation after being charged in this case. Most notably Mr. Thomas this prosecution has caused Mr. Thomas to suffer extreme anxiety and depression. Prior to the events in this case, Mr. Thomas was in precarious financial situation, that required him to work as much overtime as possible to

meet his financial obligations. Subsequently, Mr. Thomas has no money to support himself. His bills are all past-due and he sees his family, including his children, less than before. He feels a tremendous amount of guilt and embarrassment because of his actions. This had led him to rarely going out in public and distancing himself from friends and family. Prior to this incident, Mr. Thomas was well liked and popular among his co-workers at MCC. Many have reached out to show support and check on his well-being however, Mr. Thomas's depression has prevented him from strengthening those relationships.

Additionally, Mr. Thomas is deeply affected by the publicity this case has created. This has made it virtually impossible for him to secure another job to support himself and his children. Moreover, in almost all the instances wherein he has tried to get another job he has been recognized. Once he fills out an application with work history wherein, he includes working at MCC, employers recognize him as "the guard who fell asleep on the job." Alternatively, if he attempts to hide his previous employment, he has nothing to put on the application for the last 16 years as to his recent employment which also becomes a huge red flag to potential employers. As a result, Mr. Thomas has not been able to secure any employment since losing his job at the MCC.

2. Factors that merit leniency

There are several factors that militate toward the government showing leniency in this case. Most notably, as previously mentioned, Mr. Thomas has strong record of service to his country in the armed services. Anyone who serves our country deserves our thanks and praise; however, Mr. Thomas' experience was different than many others. Mr. Thomas' military service entailed being involved in live action combat where he saw people killed and severely injured.

Mr. Thomas knows what dead bodies smell and look like. This experience has had lasting mental effects on Mr. Thomas that he has not shared with anyone.

3. Events in Question

Prior to being charged in this case, Mr. Thomas immediately revealed what happened the night Mr. Epstein died to prosecutors via his attorney. On August 10, 2019, Mr. Thomas reported to the midnight shift to work overtime after working multiple overtime shifts in addition to his regular full time shifts in the days and hours preceding this time. He checked in, signed onto the computer system, and handled some preliminary paperwork for the upcoming shift. He remembers briefly going online to check some sports scores and look at some classifieds. He believes that he was on the internet for well under one hour's time. The next thing he remembers is being awakened around 5:00am by the arrival of the morning food cart. Commotion ensued and he immediately rushed to check on the inmates, at which time he found Mr. Epstein hanging in his cell.

Mr. Thomas has always maintained that he worked himself too hard and that he was too tired when he showed up to that midnight shift. He had worked an excessive number of shifts without adequate sleep and rest. As previously discussed, Mr. Thomas was not working the multiple over-time shifts out of greed or to save for a boat. He worked the additional shifts to pay his rent and child support which required the overtime income. It bears noting to any lay person looking at the schedule worked by Mr. Thomas, that it would be impossible for him effectively discharge his employment duties. Nonetheless, the administration and the culture of the MCC not only allowed this behavior but in many instances encouraged and required it.

4. Acceptance of responsibility

At approximately 6:00am in the morning immediately following Mr. Thomas attempting lifesaving CPR on Jeffrey Epstein, it has been reported that Mr. Thomas immediately accepted responsibility for his actions. He has never wavered from acknowledging his wrongdoing and the mistakes that he has made. Indeed, from all accounts, it appears that Mr. Thomas alone has stood up and acknowledged his failure. This incident could not have happened unless many others also failed in the duties but there seems to be little information of anyone other than Mr. Thomas accepting responsibility for this tragedy.

5. Cooperation

Mr. Thomas is the only person who saw Jeffrey Epstein hanging in his cell. Mr. Thomas is one of a very few people to have lengthy conversations with Jeffrey Epstein prior to his death. Mr. Thomas will cooperate with all government agencies if this case is resolved with a deferred prosecution.

LAW OFFICES OF MONTELL FIGGINS, LLC

Montell Figgins, Esq.
Attorneys for Defendant Michael Thomas