

From: "██████████)" <██████████>
To: Jennifer Richardson <██████████>, Gary Bloxsome <██████████>
Cc: Daniel Cundy <██████████>, "██████████)" <██████████>
Subject: RE: Sensitive Correspondence
Date: Mon, 03 Aug 2020 14:44:48 +0000
Inline-Images: image001.jpg; image002.jpg

Jen,
Confirmed, thank you – we look forward to speaking with you shortly.
Best,
████.

From: Jennifer Richardson
Sent: Monday, August 03, 2020 10:37
To: ██████████ ; Gary Bloxsome
Cc: Daniel Cundy ; ██████████ ; ██████████
Subject: RE: Sensitive Correspondence
Dear █████,
Just confirming dial in details for our 4pm teleconference as follows:
1. Dial-in number(s):
██████████
██████████
2. Enter Guest PIN: █████
Kind regards
Jen

Jennifer Richardson |Solicitor-Advocate
██████████
██████████
██████████
██████████ | www.blackfords.com



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 █████ where we will respond to the messages in the order they are received or by emailing your enquiry to █████

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From: █████ <██████████>
Sent: 31 July 2020 19:53
To: Gary Bloxsome <██████████>
Cc: Daniel Cundy <██████████>; Jennifer Richardson <██████████>; Moe,

Alison (USANYS) <[REDACTED]>; [REDACTED] <[REDACTED]>
Subject: RE: Sensitive Correspondence

External email: is it safe to open attachments and links?

Gary,
Thank you for your email below, which we have received. We will confer on these issues and we look forward to speaking again on Monday.

Regards,

[REDACTED]
[REDACTED]

Assistant U.S. Attorney
Southern District of New York
[REDACTED]

From: Gary Bloxsome <[REDACTED]>

Sent: Friday, July 31, 2020 12:14

To: [REDACTED] <[REDACTED]>

Cc: Daniel Cundy <[REDACTED]>; Jennifer Richardson <[REDACTED]>; [REDACTED]

Subject: Re: Sensitive Correspondence

Dear [REDACTED],

Thank you for your emails of 28th and 29th July 2020.

In relation to protections equivalent to those that would be available in any compelled MLAT interview, we would seek to secure the following from you;

[1] An undertaking that the evidence obtained from our client pursuant to the agreement will not be used for any purpose other than that specified in the agreement namely, the proceedings on indictment in US v Maxwell, without the consent of our client and;

[2] An undertaking that the answers to questions, statements, or information given by the client in a voluntary interview conducted with the DOJ, shall not be used in evidence against the client, except as against the client for possible prosecution in the UK for providing false or misleading statements or where the client, in giving evidence in a prosecution for some other offense, provides testimony inconsistent with his responses given in the voluntary interview, pursuant to the agreement.

Kind regards and speak on Monday.

Gary

Gary Bloxsome | Partner

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[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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On 29 Jul 2020, at 20:19, [REDACTED] <[REDACTED]> wrote:

External email: is it safe to open attachments and links?

Gary,

A brief update to the below information – I should have included the specific jury instruction elements for 18 U.S.C. 1001, subsection (2), which likely would be more applicable to a prosecution based on a proffer statement. Although the knowing and willful element in particular is identical, we nevertheless wanted to provide this to you as well. Pursuant to Sand, *Modern Federal Jury Instructions*, Instruction 36-9 (Elements of the Offense), those elements are:

First, on or about the date specified, the defendant made a statement or representation;

Second, that this statement or representation was material;

Third, the statement or representation was false, fictitious or fraudulent;

Fourth, the false, fictitious or fraudulent statement was made knowingly and willfully; and

Fifth, the statement or representation was made in a matter within the jurisdiction of the government of the United States (or federal funds were involved).

Regards,

[REDACTED].

Assistant U.S. Attorney
Southern District of New York
[REDACTED]

From: [REDACTED]

Sent: Tuesday, July 28, 2020 18:29

To: Gary Bloxsome <[REDACTED]>

Cc: Daniel Cundy <[REDACTED]>; Jennifer Richardson <[REDACTED]>; [REDACTED] <[REDACTED]>; [REDACTED] <[REDACTED]>; [REDACTED] <[REDACTED]>

Subject: RE: Sensitive Correspondence

Gary,

We write to follow up on our conversation yesterday, to confirm certain aspects of our discussion and to provide certain information you requested. First, thank you for conveying your questions, and I hope our initial responses were of some use. To provide additional information that may be helpful, attached please find a blank proffer agreement, which is our standard form agreement for proffer interviews, as you requested. Please note that in addition to the provisions I briefly described on our call, there are also provisions that may not be relevant to your client. We nevertheless send the complete agreement for your review.

Additionally, and also as requested, certain information relating to Title 18, United States Code, Section 1001, is provided below.

In relevant part, that statute states the following: "Except as otherwise provided in this section, whoever, in any matter within the jurisdiction of the executive, legislative, or judicial branch of the Government of the United States, knowingly and willfully—**(1)** falsifies, conceals, or covers up by any trick, scheme, or device a material fact; **(2)** makes any materially false, fictitious, or fraudulent statement or representation; or **(3)** makes or uses any false writing or document knowing the same to contain any materially false, fictitious, or fraudulent statement or entry [is guilty of an offense]. The full language of the statute is also available [here](#).

Regarding the elements required to prove such an offense, pursuant to Sand, *Modern Federal Jury Instructions*, Instruction 36-3 (Elements of the Offense), a conviction for this offense require that the following elements each must be proven beyond a reasonable doubt:

First, that on or about the date specified in the indictment, the defendant falsified (or concealed or covered up) a material fact;

Second, that the fact falsified (or concealed or covered up) was material;

Third, that defendant did so by trick, scheme or device;

Fourth, that defendant acted knowingly and willfully; and

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Fifth, that the falsification, concealment or coverup was with respect to a matter within the jurisdiction of the government of the United States (*if applicable*: or that federal funds were involved).

You may note in particular the inclusion of the "knowingly and willfully" requirement, as we discussed.

We also understand that you will send us, to the extent you believe it is relevant or helpful for our consideration, any particular provisions or protections contemplated under the MLAT process, and which of those, if any, you believe are relevant, or should be applicable, to a voluntary interview.

We look forward to speaking with you again this coming Monday, August 3, at 4:00 p.m. (LDN time), and we further confirm, as discussed, that our Office is prepared to extend the Negotiation Period, referenced in our email of July 14, 2020, for two weeks from our call yesterday, to August 10, 2020, under the terms previously mutually agreed upon.

Regards,

████████
████████
Assistant U.S. Attorney
Southern District of New York
████████