

From: Bruce Barket <[REDACTED]>
To: [REDACTED] <[REDACTED]>
Cc: [REDACTED] <[REDACTED]>, "tonyricco([REDACTED])" <[REDACTED]>, Aida Leisenring <[REDACTED]>, " [REDACTED]" <[REDACTED]>, [REDACTED] <[REDACTED]>

Subject: Re: conditions in SHU

Date: Fri, 05 Jul 2019 21:34:14 +0000

Thank you for the update. Enjoy the weekend.

Bruce Barket
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On Jul 5, 2019, at 5:32 PM, [REDACTED] <[REDACTED]> wrote:

Hi Bruce,

I spoke with the Facilities Manager and relayed your message about the toilet. He told me one of his staff members would check it out.

With respect to the books and legal work, your client's property was packed the same day he went to SHU. The property was taken to the Lieutenant and then up to SHU. On Wednesday, staff gave your client some legal paperwork from his property at his request. However, he told staff there were documents missing that had been on his bed. Staff relayed that message to me, so that afternoon, I went to your client's cell on 5 North to see what, if anything, had been left behind. There was nothing on his bed or anywhere near his bed. There were about fifty paperback books piled on his locker and his cellmate's locker. There was also some paperwork laying on the books. I went through the paperwork (not reading it, but scanning it quickly to determine if the paperwork belonged to your client or his cellmate). Most of the paperwork had case captions so it was easily discernible. I found a few papers that belonged to your client, and I gave those to him. Based on my inspection, I don't believe there was any other paperwork in the cell that belonged to your client. Shortly after I left, one of the Lieutenants gathered all of the books and put them with the rest of your client's property.

We'll follow up next week to get your client the personal property items to which he is entitled in SHU. [REDACTED] or I will keep you updated once we get more information on Monday.

Thank you,
[REDACTED]

I didn't have a chance to follow-up about getting

[REDACTED]
Staff Attorney
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Metropolitan Correctional Center

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New York, NY 10007

p: [REDACTED]

f: [REDACTED]

>>> Bruce Barket <[REDACTED]> 7/5/2019 1:02 PM >>>

Good afternoon,

As I think you all know Nick has been placed in SHU based on an allegation that he was in possession of a cell phone. If true, I understand that some appropriate and proportional sanction may be in order.

Leaving that aside I want to address the conditions in his cell. The toilet is leaking and the floor is wet. As of Wednesday, he hasn't received his personal property, including his books. He has been sitting in the cell with literally nothing to read, listen to or watch. Can we please make an effort to get him reading material, his radio and the accompanying batteries.

Most troubling is that he tells me that the legal work he had out when he was removed from the cell has not been returned to him. This included documents prepared for him by my office which contained substantial and sensitive work product that falls squarely within the attorney client privilege. Nick made notes on some of these documents to prepare for our next meeting. When I saw him Wednesday, he had some of his legal paperwork but not the documents he was working with when he was taken from the cell. I am very concerned that these documents have been seized by the staff at MCC. Can you please take steps to see to that all of this material be returned to him immediately.

Lastly, I am hoping we can find time early next week to discuss the conditions of Nick's confinement going forward.

Bruce A. Barket, Esq.

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