

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

Subject: RE: Sensitive Correspondence

Date: Mon, 10 Aug 2020 17:20:04 +0000

Inline-Images: image001.jpg; image002.jpg

Gary,

We write to follow up on our prior discussions. As discussed on our last call, our standard proffer agreement understandably has different provisions and protections than would result from a compelled interview pursuant to an MLAT request. It is often the case that individuals who want to voluntarily assist with our investigations do not require any protections, but nevertheless, when individuals we are seeking to interview do request certain protections as part of a voluntary interview, we ordinarily find that the proffer agreement language is appropriate and sufficient. Nevertheless, based on your queries, we would be prepared to include the following language in a proffer agreement governing a voluntary, live interview of your client:

- Absent a court order directing otherwise, the SDNY will not use or disclose the content of the witness's statements in an interview with law enforcement in any matter other than a criminal investigation, prosecution, or related civil action or asset forfeiture action initiated by the United States government.

We are not able to provide a broader grant of immunity with respect to statements made by your client during a voluntary interview. As we discussed on the phone, in a voluntary interview the individual being interviewed has the right to choose not to answer any particular question, has the right to consult with counsel at any time, and may explain the context or basis of answers to whatever extent necessary. Accordingly, and also considering the obvious problems with granting broad immunity to an interviewee for statements not yet made, we do not believe it would be necessary or appropriate to further diverge from our standard practice. We are also not aware of any treaty provision that would preclude prosecution for intentional and willful false or misleading statements.

Regarding your request that we provide subject areas of the interview in advance, we have generally described those subjects with you in our phone conversations, but we reiterate them here for your convenience. In a voluntary interview with your client, we would expect to ask questions (and follow-up questions, as appropriate), about topics including, and with the understanding that the answers to questions about these topics might naturally flow into additional topics, the following: the duration and nature of your client's relationships with Ghislaine Maxwell, Jeffrey Epstein, and their respective (or joint) employees or associates; communications your client has had relating to individuals associated with Ghislaine Maxwell or Jeffrey Epstein, including communications in person, via phone, via email, or via other means, and including but not limited to communications with Maxwell or Epstein themselves; any such communications your client had, or was aware of, with or about potential or actual contact with girls or women in connection with sexual activity or possible sexual activity; and information relating to any other individuals of whom your client is aware who might have information relating to these or other similar topics. These subjects would naturally include, but not be limited to, questions relating to any individuals who have made public accusations that relate to our investigation. This description is not meant to be exhaustive or exclusive, but rather to guide your understanding of the kind of information we believe your client may be able to provide to assist our investigation.

Finally, you previously have asked if we are able to state whether individuals have made accusations that your client committed a crime. To avoid any confusion or miscommunication, we want to reiterate that we are not able to convey any confidential information from our investigation, including any potential witness statements or other investigative results, as they relate to any particular individual, including your client, other than through judicial processes. As I have noted previously, we obviously are aware of certain accusations made publicly.

We look forward to speaking with you tomorrow.

Regards,

[REDACTED]
[REDACTED]

Assistant U.S. Attorney

EFTA00022201

Southern District of New York

From: [REDACTED]
Sent: Wednesday, August 05, 2020 16:38
To: Gary Bloxsome
Cc: Daniel Cundy ; Jennifer Richardson ; [REDACTED] ; [REDACTED]
Subject: RE: Sensitive Correspondence

Gary,
We've received the below, thank you. And we would like to briefly remind that it will be helpful for us to receive the documents you mentioned as soon as practicable, so we can review them in advance of the call.
Regards,
[REDACTED]

From: Gary Bloxsome <[REDACTED]>
Sent: Wednesday, August 05, 2020 16:23
To: [REDACTED] <[REDACTED]>
Cc: Daniel Cundy <[REDACTED]>; Jennifer Richardson <[REDACTED]>; [REDACTED]
[REDACTED] <[REDACTED]>; [REDACTED] <[REDACTED]>
Subject: Re: Sensitive Correspondence

[REDACTED]
Time and date fine.
Same dial in details as before.
Regards
Gary

Gary Bloxsome | Partner

[REDACTED]
Blackfords LLP | [REDACTED] | London | EC4M 7EF
[REDACTED] | 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 [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 4 Aug 2020, at 00:23, [REDACTED] <[REDACTED]> wrote:

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

Gary,
Briefly following up on our call earlier today, we would like to propose a follow-up call for this coming Tuesday, 11 August, at 5:00 p.m. London time (12:00 noon New York time). Will that work on your end? If so, please feel free to send an invitation and dial-in.
Regards,

EFTA00022202

From: Gary Bloxsome <[REDACTED]>

Sent: Friday, July 31, 2020 12:14

To: [REDACTED] <[REDACTED]>

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

Blackfords LLP | [REDACTED] | London | EC4M 7EF

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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;

EFTA00022203

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,

Assistant U.S. Attorney
Southern District of New York

From: [REDACTED]

Sent: Tuesday, July 28, 2020 18:29

To: Gary Bloxsome <[REDACTED]>

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

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

