

From: "[REDACTED]" <[REDACTED]>

To: "[REDACTED] (USANYS)" <[REDACTED]>

Subject: RE: conditions in SHU

Date: Fri, 05 Jul 2019 18:09:03 +0000

Importance: Normal

Ok great thanks.

From: [REDACTED] (USANYS) <[REDACTED]>

Sent: Friday, July 5, 2019 2:08 PM

To: [REDACTED] <[REDACTED]>

Subject: Re: conditions in SHU

Yeah whole day is free. I just have to drop [REDACTED] so that's why 915 is usually earliest I can do. So pick time that works for you and I'll be free.

[REDACTED]
Assistant U.S. Attorney
[REDACTED]

On Jul 5, 2019, at 14:05, [REDACTED] <[REDACTED]> wrote:

I was actually thinking earlier because I have to start prep for GJ at 9. If that won't work, how's your afternoon?

From: [REDACTED] (USANYS) <[REDACTED]>

Sent: Friday, July 5, 2019 2:02 PM

To: [REDACTED] <[REDACTED]>

Subject: Re: conditions in SHU

9:15?

[REDACTED]
Assistant U.S. Attorney
[REDACTED]

On Jul 5, 2019, at 13:50, [REDACTED] <[REDACTED]> wrote:

Would you be available for a call first thing in the morning?

From: [REDACTED] <[REDACTED]>

Sent: Friday, July 5, 2019 1:38 PM

To: [REDACTED] <[REDACTED]>; [REDACTED] (USANYS) <[REDACTED]>; [REDACTED]
[REDACTED] <[REDACTED]>; [REDACTED] (USANYS) <[REDACTED]>

Subject: Re: FW: conditions in SHU

Hi [REDACTED],

[REDACTED] is out today and I'm not sure what his schedule is for Monday. Is there a particular time that works (or doesn't work) for you?

Thanks,

EFTA00028384

[REDACTED]
[REDACTED]
Staff Attorney
CLC New York
Metropolitan Correctional Center
150 Park Row
New York, NY 10007
p: [REDACTED]
f: [REDACTED]

>>> "[REDACTED]" <[REDACTED]> 7/5/2019 1:24 PM >>>

We should discuss this issue as well as the cellphone on a call on Monday. [REDACTED], what times would work for you on Monday?

Thanks,
[REDACTED]

[REDACTED]
Assistant United States Attorney
Southern District of New York
1 St. Andrew's Plaza
New York, NY 10007
[REDACTED]
[REDACTED]

From: Bruce Barket <[REDACTED]>

Sent: Friday, July 5, 2019 1:02 PM

To: [REDACTED] <[REDACTED]> ([REDACTED]) <[REDACTED]>; [REDACTED]
<[REDACTED]>

Cc: [REDACTED] <[REDACTED]>; [REDACTED] (USANYS) <[REDACTED]>;
tonyricco ([REDACTED]) <[REDACTED]>; Aida Leisenring <[REDACTED]>

Subject: conditions in SHU

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.

Barket Epstein Kearon Aldea & LoTurco, LLP

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Garden City, NY 11530

██████████ [P] ██████████ [F]

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