

From: "[REDACTED]" <[REDACTED]>
To: "[REDACTED] (USANYS)" <[REDACTED]>
Subject: RE: update on social visit?
Date: Fri, 30 Aug 2019 17:31:45 +0000

Agree.

From: [REDACTED] (USANYS) <[REDACTED]>
Sent: Friday, August 30, 2019 7:56 AM
To: [REDACTED] <[REDACTED]>
Subject: Fwd: update on social visit?

MCC's position below is exactly what we told him. He doesn't just get social visits for the sake of it but only for mitigation preparation. He's making it difficult for us to do anything by phone anymore because he "misunderstands" too often.

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

Begin forwarded message:

From: Bruce Barket <[REDACTED]>
Date: August 29, 2019 at 22:55:09 EDT
To: "[REDACTED] (USANYS)" <[REDACTED]>, "[REDACTED] Swergold (USANYS)" <[REDACTED]>
Subject: Fwd: update on social visit?

This is not the position I expected from my first request for Nick to see his parents. Apparently, I misunderstood our conversation from a few weeks ago.

We did not ask the court to intervene because of my understanding. We will be filing a request for intervention ahead of our next appearance.

Bruce Barket
Barket, Epstein, Kearon, Aldea & LoTurco
666 Old Country road
Garden City, NY 11530
[REDACTED] - O
[REDACTED] - M
Barket Epstein.com

Begin forwarded message:

From: Bruce Barket <[REDACTED]>
Date: August 29, 2019 at 5:30:15 PM EDT
To: [REDACTED] <[REDACTED]>
Cc: [REDACTED] <[REDACTED]>, [REDACTED] <[REDACTED]>
Subject: RE: update on social visit?

Thanks for getting back to me. Let me know as soon as you can about a visit for next week.

Bruce A. Barket, Esq.
Barket Epstein Kearon Aldea & LoTurco, LLP
666 Old Country Road , Ste. 700
Garden City, NY 11530
[REDACTED] [P] (516) 745 1245 [F]
www.barketepstein.com

This transmittal may be a confidential attorney client communication or may otherwise be privileged or confidential. If it is not clear that you are the intended recipient, you are hereby notified that you have received this transmittal in error; any review, dissemination, distribution or copying of this transmittal is strictly prohibited. If you suspect that you have received this communication in error, please notify us immediately by telephone or email and immediately delete this message and all its attachments

From: [REDACTED] [[mailto:\[REDACTED\]](mailto:[REDACTED])]
Sent: Thursday, August 29, 2019 5:28 PM
To: Bruce Barket
Cc: [REDACTED]; [REDACTED]
Subject: RE: update on social visit?

Hi Bruce,

MCC New York has permitted social visits despite disciplinary sanctions when the visit is specifically for mitigation purposes. Disciplinary sanctions notwithstanding, all pretrial inmates have the same access to family communications: monitored social visiting, monitored social phone calls, and monitored social mail. While I understand your client is a death penalty case, there are many inmates at MCC with very complex cases who have legal decisions they need to discuss with their families, and the methods available to them are the three methods I just mentioned. If a social phone call is insufficient, then we will raise the issue again with administrators to see if they will allow a social visit during your client's regular social visiting hours. However, please be advised that once your client returns to general population with regular phone access, I do not anticipate administrators will be amenable to social visit requests unless they are being used as mitigation evidence.

I am out of the office starting tomorrow, but Adam will let you know once he discusses it with Exec staff.

Thanks,
[REDACTED]

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

>>> Bruce Barket <[REDACTED]> 8/29/2019 5:15 PM >>>
I am sorry, but that won't be sufficient. We had a conversation with [REDACTED] and [REDACTED] a few weeks back and they told us that, in light of the particular needs for preparation for a capital case, MCC would permit periodic social visits as needed. I did not raise this issue with the court because of what we were told. Perhaps I misunderstood.

Bruce A. Barket, Esq.
Barket Epstein Kearon Aldea & LoTurco, LLP

EFTA00030716

666 Old Country Road , Ste. 700
Garden City, NY 11530
[REDACTED] [P] (516) 745 1245 [F]
www.barketepstein.com

This transmittal may be a confidential attorney client communication or may otherwise be privileged or confidential. If it is not clear that you are the intended recipient, you are hereby notified that you have received this transmittal in error; any review, dissemination, distribution or copying of this transmittal is strictly prohibited. If you suspect that you have received this communication in error, please notify us immediately by telephone or email and immediately delete this message and all its attachments

From: [REDACTED] [[mailto:\[REDACTED\]](mailto:[REDACTED])]
Sent: Thursday, August 29, 2019 3:03 PM
To: Bruce Barket
Cc: [REDACTED]; [REDACTED]
Subject: RE: update on social visit?

Hi Bruce,

After some discussion, MCC's administrators are prepared to offer your client a social phone call with his parents, which would be outside the normal phone schedule provided to inmates in Special Housing. If you felt that would be inadequate, please advise and Adam and I will take the issue back to our administrators.

Thank you,
[REDACTED]

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

>>> [REDACTED] 8/28/2019 4:23 PM >>>
Hi Bruce,

Our Exec staff are still discussing it. I should hopefully have an answer for you by tomorrow. In the meantime, can you give me any information about the "critical stage" in the case? I don't want to know anything that would violate privilege, but something very general (e.g. a plea is on the table, a cooperation agreement is on the table, etc.) might help our Exec staff evaluate the request.

Thanks,
[REDACTED]

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

>>> Bruce Barket <[REDACTED]> 8/28/2019 3:40 PM >>>
Is there any update on a visit with his parents this week?

Bruce A. Barket, Esq.
Barket Epstein Kearon Aldea & LoTurco, LLP
666 Old Country Road , Ste. 700
Garden City, NY 11530
[REDACTED] [P] (516) 745 1245 [F]
www.barketepstein.com

This transmittal may be a confidential attorney client communication or may otherwise be privileged or confidential. If it is not clear that you are the intended recipient, you are hereby notified that you have received this transmittal in error; any review, dissemination, distribution or copying of this transmittal is strictly prohibited. If you suspect that you have received this communication in error, please notify us immediately by telephone or email and immediately delete this message and all its attachments

From: [REDACTED] [mailto:[REDACTED]]
Sent: Wednesday, August 28, 2019 8:31 AM
To: Bruce Barket
Cc: [REDACTED]
Subject: Re: meeting with Tartaglione

No problem - I'll pull him down before the count.

Thanks,

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

>>> Bruce Barket <[REDACTED]> 8/28/2019 8:28 AM >>>
I know it is late notice but I am hoping to see Nick tonight at 5:00. Thank you

Bruce A. Barket, Esq.
Barket Epstein Kearon Aldea & LoTurco, LLP
666 Old Country Road , Ste. 700
Garden City, NY 11530
[REDACTED] [P] (516) 745 1245 [F]
www.barketepstein.com

This transmittal may be a confidential attorney client communication or may otherwise be privileged or confidential. If it is not clear that you are the intended recipient, you are hereby notified that you have received this transmittal in error; any review, dissemination, distribution or copying of this transmittal is strictly prohibited. If you suspect that you have received this

communication in error, please notify us immediately by telephone or email and immediately delete this message and all its attachments