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January 29, 2020

[REDACTED]

US Attorney's Office - SDNY
One Saint Andrew's Plaza
New York, NY 10007

Re: US v. Tova Noel, et al
19 cr 830

Dear Counsel:

I acknowledge receipt of your January 24, 2020 correspondence regarding the surveillance system at the MCC. Based on the information provided in your correspondence and pursuant to Fed. R. Crim. P. 16, please provide the following information and materials:

1. Documents and information related to the initial installation of the video surveillance system at the MCC before and after August 10, 2019, including the entity that was contracted to install it, the date it was installed, and a description of how it operates at MCC;
2. The specific type and model of the video surveillance system before and after August 10, 2019;
3. Rules and regulations regarding the maintenance of the video surveillance systems before and after August 10, 2019;
4. All certifications, maintenance records and work orders, completed and outstanding, for the video surveillance system that was in place on and before August 10, 2019;
5. The work order and the contract with the entity that replaced the video surveillance system on or about August 12, 2019;
6. Please confirm whether there are any concealed cameras in the SHU and throughout MCC;
7. Whether any MCC corrections officers/employees were advised that the video

surveillance cameras were not operational or compromised in any way. If so, who are the corrections officers/employees, when were they advised, and how were they advised;

8. What is the difference between the new video surveillance system and the video surveillance system that was previously in use for over 10 years;
9. Under the current video surveillance system, are the cameras installed in the same locations as the cameras under the old video surveillance system? If not, please specify which camera locations have changed and provide their prior and current locations;
10. All reports, communications, and documentation related to the "system failure" on or about July 29, 2019 and on or about August 8, 2019;
11. The identity and contact information to the technician employed by the MCC, who was aware of the August 8th system failure on DVR-2 and attempted to fix the problem;
12. All FBI reports and notes as it relates to its investigation of the destruction of video surveillance evidence at the MCC;
13. Incident reports, maintenance records, and documentation for Camera-2, Camera-3, and the Tier Cameras recorded to DVR-2 that were not recording on August 9, 2019 and August 10, 2019;
14. The indictment alleges that the defendants spent substantial portions of their shifts sitting at their desk, browsing the internet and moving around the common area of the SHU. Which specific video files contain this alleged conduct? For each video file, provide the date and time stamp of the alleged conduct;
15. The file number with the date and time stamp of any video surveillance that captures Jeffrey Epstein on the MCC video surveillance system;
16. All video surveillance seized by the Government as part of their investigation into Jeffrey Epstein's alleged July 23, 2019 suicide attempt, including any footage of Epstein from before or after the alleged suicide attempt;
17. As per paragraph #17 of the indictment, which specific video and time stamp makes clear that defendant Noel and Officer -1 did not perform the 4pm count;
18. As per paragraph #19 of the indictment, which specific video and time stamp shows that defendant Noel did not perform the 10pm count;

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19. As per paragraph #20 of the indictment, which video surveillance file contains defendant Noel briefly walk up to and then walk back from the tier where Epstein was housed;
20. As per paragraph #21 of the indictment, which specific video and time stamp makes clear that defendant Noel did not perform the 12am count;
21. What video surveillance, if any, captures defendant Noel or defendant Thomas speaking with [REDACTED] on August 10, 2019 after the discovery of Epstein's body;
22. Advise which video surveillance files capture the defendants on the computer conducting the internet searches referenced in paragraph #24 of the indictment;
23. What is the two-hour period that allegedly shows defendant Noel and Thomas sitting at their desk without moving and appearing to be asleep? Please provide the video date and time stamp of the alleged conduct;

Given the volume of discovery, we are asking the Government to highlight where exactly on the video surveillance system the alleged incriminating evidence is contained. Doing so may assist in expediting the ability of the defense to be ready for trial.

If you have any questions or concerns about the foregoing, please give me a call. Thank you for your thoughtful consideration.

Sincerely,

FOY & SEPLOWITZ LLC

Jason E. Foy

JASON E. FOY
[REDACTED]

cc: Tova Noel