

From: "[REDACTED] (USANYS)" <[REDACTED]>
To: "[REDACTED] (USANYS)" <[REDACTED]>
Subject: RE: UMR
Date: Wed, 08 Jan 2020 22:33:02 +0000

thanks

From: [REDACTED] (USANYS) <[REDACTED]>
Sent: Wednesday, January 8, 2020 5:29 PM
To: [REDACTED] (USANYS) <[REDACTED]>; [REDACTED]
[REDACTED]
Cc: Berman, Geoffrey (USANYS) <[REDACTED]>; [REDACTED]
[REDACTED]
Subject: RE: UMR

Done. Urgent report filed 2020-01-49427

From: [REDACTED] (USANYS) <[REDACTED]>
Sent: Wednesday, January 8, 2020 5:21 PM
To: [REDACTED] (USANYS) <[REDACTED]>; [REDACTED]
[REDACTED]
Cc: Berman, Geoffrey (USANYS) <[REDACTED]>; [REDACTED]
[REDACTED]
Subject: UMR

[REDACTED]
Please file this UMR and copy this group when the filing is completed.

Thanks
[REDACTED]

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SOUTHERN DISTRICT OF NEW YORK
PHONE: 212-637-2200

DISTRICT POC: Geoffrey S. Berman, U.S. Attorney
Phone: [REDACTED]
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SYNOPSIS:

The USAO-SDNY will be filing a letter this week in *United States v. Tartaglione*, S4 16 Cr. 832 (KMK), informing the Court that as a result of errors in the Metropolitan Correctional Center's ("MCC") computer system, the MCC failed to preserve video outside of the cell shared by Tartaglione and Jeffrey Epstein on July 23, 2019, the night that Epstein attempted unsuccessfully to commit suicide. The letter will correct earlier statements made to the Court, in which USAO-SDNY represented, based on its conversations with MCC, that the requested video had in fact been preserved. The defense in *Tartaglione* has sought this video in order to argue during the penalty phase that Tartaglione alerted guards to Epstein's suicide attempt, and that this fact weighs against imposing the death penalty. We expect the letter will generate significant press attention, even

though it is ultimately irrelevant to the merits of the case in *Tartaglione*, and USAO-SDNY does not intend during the penalty phase to contest that Tartaglione called for help and was not responsible for any injury to Epstein.

DESCRIPTION:

Nicholas Tartaglione is currently awaiting trial in this District in connection with the kidnapping and quadruple murder of four men in April 2016. The Attorney General has authorized USAO-SDNY to seek the death penalty against Tartaglione. In preparation for a possible penalty phase, Tartaglione's counsel requested video from outside Tartaglione and Epstein's cell from July 23, 2019, the date that Epstein attempted suicide. USAO-SDNY initially advised the Court that the video did not exist, but later advised the Court that MCC had confirmed that the video was preserved.

On January 3, 2020, USAO-SDNY obtained a copy of the requested video and found that it did not show the tier outside of Tartaglione and Epstein's cell. Earlier today, the Government was informed by the MCC that it had preserved video from the wrong tier inside the facility. The failure to preserve the correct video was the result of an error in MCC's computer systems, which incorrectly identified Tartaglione's cell as being on a different tier from the one where the attempted suicide occurred. USAO-SDNY will also advise the Court that no other copies of the correct video exists, because in connection with USAO-SDNY's ongoing investigation into Epstein's suicide, USAO-SDNY learned that the video system that would have contained the correct video suffered a system failure approximately six days after the attempted suicide, and therefore, the video is not recoverable.

Tartaglione's counsel has sought the video in order to show guards rushing to Epstein's cell, which would corroborate Tartaglione's account that he called for help upon discovering Epstein on the floor with a noose around his neck. USAO-SDNY does not intend to dispute those facts were they presented at a penalty phase in *Tartaglione*. Nevertheless, Tartaglione's case has received significant media attention, especially following the Epstein suicide attempt, and we expect the letter to the Court will be widely reported in a potentially negative light.