

Law Offices of

SALNICK, FUCHS & BERTISCH, P.A.

Michael Salnick*
Jack K. Fuchs
Flynn P. Bertisch

- * Board Certified Criminal Trial Lawyer
- * Member of Colorado, District of Columbia and New York Bars

Jennifer L. Shand
Certified Legal Assistant



Fax:
E-mail:



MEMO

(1) Page Fax: [Redacted] - AUSA

DATE: JANUARY 19, 2007

FROM: MICHAEL SALNICK

TO: [Redacted] - Assistant United States Attorney

RE: Our Client: Janusz Banasiak

Thank you for speaking with me this afternoon regarding this matter. I know that during our phone conversation you indicated that my client is not a target. In the spirit of being thorough, I want to confirm that he is a witness and nothing else.

When we got off the phone, I began to feel somewhat uneasy with the standard immunity letter. That is in no way a reflection on you, but more my discomfort with what protection that would really provide him. I would please request that you reconsider and offer my client a formal grant of immunity. I realize that requires a procedure within your office, but that would make the situation more comfortable. If this occurs, my client would certainly tell the truth to the extent of his knowledge.

Please give this some thought so that we can discuss this next week. Have a nice weekend.

With kindest regards,
Michael Salnick

SUBJECT TO PROTECTIVE ORDER PARAGRAPHS 7, 8, 9, 10, 15, and 17



U.S. Department of Justice

United States Attorney
Southern District of Florida

500 South Australian Ave., Suite 400
West Palm Beach, FL 33401
(561) 820-8711
Facsimile: (561) 820-8777

January 23, 2007

DELIVERY BY UNITED STATES MAIL

Michael Salnick



Re: Federal Grand Jury Subpoena

Dear Michael:

I am in receipt of your letter regarding Janusz Banasiak. As I mentioned earlier, Mr. Banasiak is not a target of the grand jury investigation and he has been subpoenaed solely as a witness. During our last conversation, you stated that Mr. Banasiak would be willing to speak with investigators pursuant to a *Kastigar* letter. Please let me know if that is the case and, if so, when you and Mr. Banasiak are available.

My office would rightly question why I would ask for immunity for a person who I feel faces no criminal exposure, so, if that remains your position, I would like to discuss the matter further.

I look forward to your response.

Sincerely,
R. Alexander Acosta
United States Attorney

By:



Assistant United States Attorney

United States Attorney's Office
Southern District of Florida
500 S. Australian Ave., Suite 400
West Palm Beach, FL 33401-6235



DATE: _____

TO: Michael Salerick

ORGANIZATION: _____

FAX #: _____

SUBJECT: Janusz Barasiak

FROM: _____

NUMBER OF PAGES, INCLUDING THIS PAGE: 4

COMMENTS: My letter and the "Kastigar" letter are attached.

Also my conflict on Wednesday was just canceled, so I am available Wednesday morning if that is better for you or your client.

Original document: _____ To follow via regular mail
_____ To follow via Federal Express
_____ To follow via hand-delivery
_____ Nothing to follow, FAX = original



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I look forward to your response.

Sincerely,
R. Alexander Acosta
United States Attorney

By:



Assistant United States Attorney



U.S. Department of Justice

United States Attorney
Southern District of Florida

500 South Australian Ave., Suite 400
West Palm Beach, FL 33401
(561) 820-8711
Facsimile: (561) 820-8777

January 24, 2007

DELIVERY BY FACSIMILE AND HAND

Michael Salnick



Re: Janusz Banasiak

Dear Mr. Salnick:

I am writing to clarify the ground rules for the interview with your client, Janusz Banasiak ("your client"), to occur January ____, 2007.

As I mentioned earlier, Mr. Banasiak is not a target of this investigation. However, to address your concern about criminal exposure, if your client complies with every provision of this agreement, then the United States Attorney's Office for the Southern District of Florida ("this Office") will treat all statements made by your client during said debriefing as statements made pursuant to Rule 11(f) of the Federal Rules of Criminal Procedure. This is not a grant of immunity, which can be given only with approval of the Justice Department, but protects your client from having the statements made by him during the interview from being used against him directly. To guard against any misunderstandings concerning the debriefing of your client, this letter sets forth the terms of this agreement.

Your client agrees to be fully interviewed, that is, to provide information concerning your client's knowledge of, and participation in criminal activity, including but not limited to the procurement of prostitutes. The protection of this letter applies to a debriefing that will be conducted by this Office, Special Agents of the Federal Bureau of Investigation, and any other law enforcement agency this Office may require. This agreement pertains only to the debriefing made on the date stated in the previous paragraph and to no other events.

Thus, under this agreement, no information disclosed by your client during the interview will be offered in evidence against your client in any criminal or civil proceeding,

MICHAEL SALNICK, ESQ.
RE: JANUSZ BANASIAK
JANUARY 24, 2007
PAGE 2

provided that your client complies with this agreement and that the information your client furnishes is truthful, complete, and accurate. If, however, this Office determines that your client has intentionally given materially false, incomplete, inaccurate, or misleading information, then this Office may use such information in any matter or proceeding and your client is subject to prosecution for perjury, obstruction of justice, and making false statements to government agencies. Any such prosecution may be based upon information provided by your client during the course of the interview, and such information, including your client's statements, will be admissible against your client in any grand jury or other proceeding.

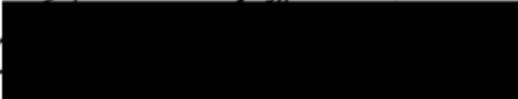
The government also may use statements made by your client in any debriefing and all evidence derived directly or indirectly therefrom for the purpose of impeachment or cross-examination if he testifies at any trial or hearing, and/or in any rebuttal case against your client in a criminal trial in which he is a defendant or a witness. This provision is necessary to ensure that your client does not make or offer any false representation or statement in any proceeding or to a government agency or commit perjury during any testimony.

Your client further agrees that attorneys for the United States may be present at the debriefing, and agrees not to seek disqualification of any such government attorney from any proceeding or trial because of their participation at the debriefing.

The entire agreement between the United States and your client is set forth in this letter. No additional promises, agreements, or conditions have been entered into and none will be entered into unless in writing and signed by all parties.

If the foregoing accurately reflects the understanding and agreement between this Office and your client, it is requested that you and your client execute this letter as provided below.

Sincerely,
R. Alexander Acosta
United States Attorney,

By: 

Assistant United States Attorney

MICHAEL SALNICK, ESQ.
RE: JANUSZ BANASIAK
JANUARY 24, 2007
PAGE 3

I have received this letter from my attorney, Michael Salnick, Esquire, have read it and discussed it with my attorney, and I hereby acknowledge that it fully sets forth my understanding and agreement with the Office of the United States Attorney for the Southern District of Florida. I state that there have been no additional promises or representations made to me by any official of the United States Government or by my attorney in connection with this matter.

Dated: _____

Janusz Banasiak

Witnessed by:

Michael Salnick, Esquire



U.S. Department of Justice

United States Attorney
Southern District of Florida

500 South Australian Ave., Suite 400
West Palm Beach, FL 33401
(561) 820-8711
Facsimile: (561) 820-8777

January 24, 2007

DELIVERY BY HAND

Michael Salnick



Re: Federal Grand Jury Subpoena

Dear Michael:

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I also am concerned about a potential conflict of interest in your representation of Mr. Banasiak. In case of future litigation regarding this issue, please provide me with information regarding who is paying (directly or indirectly) for your services on behalf of Mr. Banasiak, the scope of your representation, and whether you are taking direction on this matter from anyone other than Mr. Banasiak. If any formal or informal joint defense agreements exist, whether in writing or otherwise, please provide a copy of such agreements. If the agreement is purely oral, please provide a written summary of its terms.

3507-005
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SUBJECT TO PROTECTIVE ORDER PARAGRAPHS 7, 8, 9, 10, 15, and 17

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MICHAEL SALNICK, ESQ.
JANUARY 24, 2007
PAGE 2

I look forward to your response.

Sincerely,
R. Alexander Acosta
United States Attorney

By:



Assistant United States Attorney

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Jennifer L. Shand
Certified Legal Assistant



Fax:
E-mail:



MEMO

DATE: JANUARY 30, 2007

FROM: MICHAEL SALNICK

TO: [REDACTED] – Assistant United States Attorney

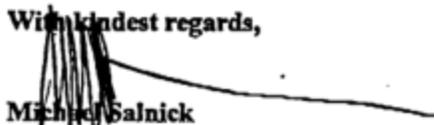
RE: Investigation: Janusz Banasiak

I hope you are well. In following up on the status of this matter, there is something still bothering me. While I realize in your letter of January 23, 2007 you indicated that your office would question why you would ask for immunity for someone who you feel faces no criminal exposure, it isn't your feelings that I take issue with. Historically, I have not been happy with the way the Town of Palm Beach has handled this matter. While that may not have impacted directly upon Mr. Banasiak, the fact remains that he is still involved in this matter through your office's investigation.

I am asking that you reconsider my request for immunity so that I can alleviate the concerns that are still bothering me. Alternatively, if you can send a letter indicating he will never be prosecuted for anything resulting out of this investigation (although I know he has committed no criminal conduct whatsoever) that might suffice. We have certainly acted in good faith by our promptly turning over the documents requested.

Please let me know how we can deal with this. I know we are scheduled for Friday, but I am sure you can also appreciate my desire to protect my client's interests.

With kindest regards,


Michael Salnick

SUBJECT TO PROTECTIVE ORDER PARAGRAPHS 7, 8, 9, 10, 15, and 17