

**Villafana, Ann Marie C. (USAFLS)**

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**From:** Villafana, Ann Marie C. (USAFLS)  
**Sent:** Thursday, September 20, 2007 5:33 PM  
**To:** Lourie, Andrew  
**Subject:** RE: Draft Plea Agreement

I usually start with, "If the case had gone to trial, the United States would prove the following facts beyond a reasonable doubt." I am just looking forward to hearing what Sarah and Nadia actually tell us.

A. Marie Villafaña  
Assistant U.S. Attorney  
500 S. Australian Ave, Suite 400  
West Palm Beach, FL 33401  
Phone 561 209-1047  
Fax 561 820-8777

-----Original Message-----

**From:** Lourie, Andrew  
**Sent:** Thursday, September 20, 2007 5:10 PM  
**To:** Villafana, Ann Marie C. (USAFLS)  
**Subject:** RE: Draft Plea Agreement

Can we say "this is what the evidence would show if this case went to trial"?

-----Original Message-----

**From:** Villafana, Ann Marie C. (USAFLS) [mailto:Ann.Marie.C.Villafana@usdoj.gov]  
**Sent:** Thursday, September 20, 2007 3:34 PM  
**To:** Lourie, Andrew  
**Subject:** RE: Draft Plea Agreement

This is what I wrote up, but it is based solely on what Jay has told me. The agents have to actually interview Kellen and Marcinkova before I can finalize this.

A. Marie Villafaña  
Assistant U.S. Attorney  
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-----Original Message-----

**From:** Lourie, Andrew  
**Sent:** Thursday, September 20, 2007 2:54 PM  
**To:** Villafana, Ann Marie C. (USAFLS)

3017

Subject: RE: Draft Plea Agreement

Pls send me your factual proffer

-----Original Message-----

From: Villafana, Ann Marie C. (USAFLS) [mailto:Ann.Marie.C.Villafana@usdoj.gov]  
Sent: Wednesday, September 19, 2007 4:06 PM  
To: Garcia, Rolando (USAFLS); Lourie, Andrew  
Subject: FW: Draft Plea Agreement

Here are their new versions.

A. Marie Villafaña  
Assistant U.S. Attorney  
561 209-1047

-----Original Message-----

From: Jay Lefkowitz [mailto:JLefkowitz@kirkland.com]  
Sent: Wednesday, September 19, 2007 3:44 PM  
To: Villafana, Ann Marie C. (USAFLS)  
Subject: Fw: Draft Plea Agreement

Confidential  
For settlement purposes only

Marie - I wanted to get this to you before I took off for nyc. I am landing at 7 and would like to speak shortly thereafter.

I am still considering which of the options you suggested Sunday. In this email, I am sending you a redline of your federal resolution. I am also working on a deferred prosecution agreement because it may well be that we cannot reach agreement here. I don't think there are that many issues left open, although clearly we still need to have further discussions. I also like your suggestion from Sunday that we consider a C plea.

I know that Alex would have to sign off on it and that he has not done so as of now.

Regarding my schedule, I am available tonight to speak, all afternoon tomorrow (I am in fed court in nyc on another criminal matter tomorrow am), and then all day Friday.

I will plan on seeing you Monday. I am confident that one of the approaches we have discussed will work out.

Jay

----- Original Message -----

3018

08-80736-CV-MARRA

P-014151

EFTA00189160

From: Jay Lefkowitz  
Sent: 09/19/2007 03:35 PM EDT  
To: Jay Lefkowitz  
Subject: Draft Plea Agreement

(See attached file: 9.19.07 Draft Plea Agreement  
(Clean).doc)

(See attached file: 9.19.07 Draft Plea Agreement  
(Redlined).doc)

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**Villafana, Ann Marie C. (USAFLS)**

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**From:** Villafana, Ann Marie C. (USAFLS)  
**Sent:** Thursday, September 20, 2007 3:35 PM  
**To:** Lourie, Andrew  
**Subject:** RE: small thoughts re agreement

Hi Andy – I haven't seen a new non-pros agreement, but the last one they sent had all the same problems that were in their plea agreement. If I get one, I will let you know.

*A. Marie Villafana*  
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**From:** Lourie, Andrew  
**Sent:** Thursday, September 20, 2007 2:52 PM  
**To:** Villafana, Ann Marie C. (USAFLS)  
**Subject:** RE: small thoughts re agreement

I don't like 10, esp the reference to the petite policy. I sent an email to Alex telling him my thoughts. He will let you know directly what he wants you to do. Sorry but I am out of pocket until about 6:00 so you will have to send it. But as I said, I think Jay wants to go with the nonpros, which I have not even reviewed yet.

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**From:** Villafana, Ann Marie C. (USAFLS) [mailto:Ann.Marie.C.Villafana@usdoj.gov]  
**Sent:** Thursday, September 20, 2007 1:56 PM  
**To:** Lourie, Andrew  
**Subject:** RE: small thoughts re agreement  
**Importance:** High

Hi Andy – Here is the latest plea agreement, incorporating your thoughts and Alex's thoughts (see my earlier e-mail about paragraph 10) and the proposed Information. Can you take one last look, and then send it off to Jay? [jlefkowitz@kirkland.com] And in your e-mail can you tell him that this is the agreement approved by the U.S. Attorney and I need to know by tomorrow at 2:00 or so, so I can file the Info, get a judicial assignment, and try to set up an arraignment and change of plea for Monday? You also might want to remind them that there is at least 70 days between the plea and sentencing (plus the post-sentencing time to self-surrender), so they will have plenty of time to do everything else and to get Jeffrey's businesses wrapped up.

Thank you!

P.S. Are you sure you don't want to review the indictment rather than making Rolando wade through everything?

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3027

08-80736-CV-MARRA

P-014153

EFTA00189162

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**From:** Lourie, Andrew  
**Sent:** Thursday, September 20, 2007 11:02 AM  
**To:** Villafana, Ann Marie C. (USAFLS)  
**Subject:** FW: small thoughts re agreement

Marie, I think Alex's changes are all good ones. Please try to incorporate his suggestions, change the signature block to your name and send as final to Jay. Thanks.

**Villafana, Ann Marie C. (USAFLS)**

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**From:** Villafana, Ann Marie C. (USAFLS)  
**Sent:** Thursday, September 20, 2007 1:56 PM  
**To:** Lourie, Andrew  
**Subject:** RE: small thoughts re agreement  
**Attachments:** 070919 Information charging 1512.wpd; 070920 10.05 am Plea Agreement 1512 counts.wpd

**Importance:** High

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Thank you!

P.S. Are you sure you don’t want to review the indictment rather than making Rolando wade through everything?

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**From:** Villafana, Ann Marie C. (USAFLS)  
**Sent:** Thursday, September 20, 2007 12:45 PM  
**To:** Lourie, Andrew  
**Subject:** RE: small thoughts re agreement

Hi Andy – Just one question about paragraph 10 [REDACTED] y. I now remember why that was added. That was Alex's suggestion in one of the previous versions. I am going to try to combine all of the thoughts in one paragraph, and can you look at it before it goes out? It should be ready in about 15 minutes.

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**Sent:** Thursday, September 20, 2007 11:02 AM  
**To:** Villafana, Ann Marie C. (USAFLS)  
**Subject:** FW: small thoughts re agreement

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