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Re: United States v. Alfredo Rodriguez, No. 9:09-MJ-08308-LRJ-1



I am writing to assert the rights of my clients as victims in the above-captioned case.

It have tried to reach you several times by telephone, but have thus far been unsuccessful. You may already be treating my clients as victims. But in the interests of avoiding any confusion and to make sure that they don't miss notice of any future events in this criminal case, I am writing to formally notify you that my three clients (whose names are known to the government and who are identified in court pleadings as L.M., E.W. and Jane Doe) are all asserting their rights under the Crime Victims Rights Act, 18 U.S.C. § 3771. As you know from another case we have worked on together, the CVRA protects all those who have been "directly and proximately harmed" as the result of the commission of a federal offense. 18 U.S.C. § 3771(e). My three clients were all pursuing civil discovery in the civil cases that Mr. Rodriguez obstructed by corruptly concealing a document with extremely important information in it that would help them prove their case (the so-called "black book").

My clients would like to exercise all of their rights under the Crime Victims' Rights Act, 18 U.S.C. § 3771, including the right to be notified of court events, to confer with the prosecutor as necessary, to be treated with fairness, and (if there is a conviction in this matter) to be heard at sentencing. As you know, the relevant case law gives crime victims the right to confer with prosecutors regarding any plea bargain that might be reached in cases such as this, even before an indictment has been filed. *See, e.g., In re Dean*, 527 F.3d 391 (5th Cir. 2008) (finding the Government violated the CVRA in not conferring with victims in case before filing a complaint and related plea agreement).

I would like to speak with you about their rights as soon as possible. My clients have a right to "confer" with you under the CVRA. In particular, my clients are concerned about their right to be treated with fairness protected under the CVRA. 18 U.S.C. § 3771(a)(8). As you know, the Government currently has in its possession the black book, which contains vital information for my clients in

connection with their civil suits. According to the criminal complaint in this matter, Mr. Rodriguez has described this information as the "Holy Grail" or "Golden Nugget" regarding their cases. If Mr. Rodriguez had not obstructed justice and had properly complied with their lawful deposition and document requests properly made in the course of civil discovery, they would now have that black book. They need a copy of this "Holy Grail" so that they can effectively pursue their efforts to obtain civil justice. They trust that, as part of protecting their right to fairness, the Government will do everything reasonably in its power to get it to them.

Time is of the essence. The discovery deadlines for my clients begin closing on April 2, 2010. If they do not get the black book substantially before then, other attorneys and I may well be blocked from following up all of the hundreds of discovery leads that the black book apparently contains.

My clients would also ask you to reach any plea agreement in this case that takes account of the seriousness of the offenses committed by Mr. Rodriguez. If things continue to stand the way they do today – with my clients unable to see the black book – it is quite clear that Mr. Rodriguez has committed an obstruction of justice offense that involves "substantial interference with the administration of justice." U.S.S.G. § 2J1.2(2). As things stand today, the April 2 discovery cutoff is apparently going to pass without giving them access to the names hundreds of victims who could corroborate their claims and, more important, provide ironclad proof that they have been the victims of a RICO enterprise. Motions to dismiss all of the RICO claim filed by my clients are currently pending in state and federal court. If these motions are granted, it could potentially result in my clients losing millions of dollars in damages and costs which they would have otherwise been able to obtain.

If the case proceeds to a sentencing phase, I would request your office's help in communicating to the court the above mentioned victim impact information.

Thanks in advance for adding my client's names into your victim notification system. I will be happy to receive the notifications on their behalf at the above address. And thank you in advance for calling me quickly to confer so that we can discuss how to treat these victims fairly and minimize any effects of the defendant's crimes. I know your office's great reputation (as well as your own) for working closely with victims. I look forward to working with you to see how best to protect my clients' rights in this case.

Sincerely,

/s/ Paul G. Cassell

Paul G. Cassell, Esq.

cc: David B. Brannon, Esq. (via e-mail Dave_Brannon@fd.org)