



To: Paul Cassell <cassellp@law.utah.edu>

Subject: Prosecution of Alfredo Rodriguez

Date: Tue, 02 Feb 2010 17:08:19 +0000

Importance: Normal

Dear Mr. Cassell:

I apologize for the delay in getting back to you. I have conferred with members of my office regarding the issues that you have raised.

First, with respect to your request that your clients be considered victims in the case against Mr. Rodriguez, as I stated to you in our earlier discussion, our office does not routinely investigate or prosecute cases based upon a person's failure to obey a civil subpoena for two reasons: the office would be overwhelmed with such referrals, and it would raise allegations that the government was interfering with civil litigation and/or using its law enforcement powers to assist a particular attorney or civil litigant. Accordingly, Mr. Rodriguez is being prosecuted for obstructing the federal grand jury investigation of Mr. Epstein and the victim of that crime is the United States.

Second, with respect to your request as to how best to proceed to obtain a copy of the items seized from Mr. Rodriguez, those items remain in the custody of the FBI, which is where they would have been if Mr. Rodriguez had turned them over to law enforcement during the federal grand jury investigation. Since your discovery period is still open, you can issue a subpoena to the FBI, and their counsel will respond accordingly, including addressing the privacy concerns and "rape shield law" concerns that we discussed over the telephone.

In case you need the number for your records, the Court File No. for U.S. █ Alfredo Rodriguez is 10-CR-80015-MARRA/HOPKINS.

