

From: [REDACTED]

To: [REDACTED]

Subject: RE: 2422(b) based upon telephone contact

Date: Tue, 18 Dec 2007 17:03:49 +0000

Importance: Normal

Thank you, Laurel. I agree, but they seem to shout this out louder and louder every time (as though that makes their arguments more convincing).

[REDACTED]
Assistant U.S. Attorney

[REDACTED]
West Palm Beach, FL 33401

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

From: [REDACTED]

Sent: Tuesday, December 18, 2007 11:17 AM

To: [REDACTED]

Subject: RE: 2422(b) based upon telephone contact

The first question I have is what difference does it make? Either you have a facility of interstate commerce or you don't. The fact that it is a phone, or that it is the ONLY facility of interstate commerce you have in your case, is irrelevant. While we did not go to trial in one case on a phone, we did prosecute a 2422(b) case where the only facility we had was the internet -- AOL Instant Messaging -- on intrastate communications (in other words, the communications were from one California computer to another California computer). Your defense attorney is ill-informed.

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

From: [REDACTED]

Sent: Tuesday, December 18, 2007 6:07 AM

To: USAEO-PSC-Coordinators

Subject: 2422(b) based upon telephone contact

Hi everyone -- Sorry to trouble you, but I have a defense attorney who is claiming that NO ONE has ever been prosecuted anywhere in the United States for a violation of 2422(b) based exclusively on the use of a telephone as the facility of interstate commerce. I know that is false because I have prosecuted two of these, but it would be really helpful if you could provide me with examples of other cases throughout the country.

Thank you so much.

[REDACTED]
Assistant U.S. Attorney

[REDACTED]
West Palm Beach, FL 33401