

U.S. Department of Justice
United States Attorney
Southern District of Florida

500 South Australian Ave., Suite 400

West Palm Beach, FL 33401

Facsimile: (561) 820-8777

January 24, 2007

DELIVERY BY FACSIMILE AND HAND

Michael Salnick
One Clearlake Centre
250 South Australian Avenue
Suite 1203
West Palm Beach, FL 33401-5014

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, 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

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