

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

West Palm Beach, FL 33401

Facsimile: [REDACTED]
September 14, 2006

DELIVERY BY ELECTRONIC MAIL

James Eisenberg, Esq.

West Palm Beach Florida 33401-5007

Re: [REDACTED]

Dear Mr. Eisenberg,

I am writing to clarify the ground rules for the debriefing with your client, [REDACTED] (“your client”), to occur September ____, 2006. Please be advised that 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(e) of the Federal Rules of Criminal Procedure and U.S.S.G. § 1B1.8(a). To guard against any misunderstandings concerning the debriefing of your client, this letter sets forth the terms of the debriefing agreement.

Your client agrees to be fully debriefed, 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.

Your client also understands that this Office remains free to use information derived from the debriefing directly or indirectly for the purpose of obtaining leads to other evidence, which may be used against your client in this case or any other prosecution or proceeding. Your client expressly waives any right to claim that such evidence should not be introduced because it was obtained as a result of the debriefing. This provision is necessary to avoid the necessity for a Kastigar hearing.

Furthermore, under this agreement, no information disclosed by your client during the debriefing 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, or has otherwise violated any provision of this agreement, then this Office may use such information in any matter or proceeding and your client is subject to prosecution for any and all criminal violations known to the United States, including, but not limited to, 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 debriefing, and such information, including your client’s statements, will be admissible against your client in any grand jury or other proceeding.

This Office may also use statements and information provided in the debriefing and all evidence derived directly or indirectly therefrom for the purpose of cross-examination and/or in any rebuttal case against your client in this case if your client testifies at trial. Furthermore, if at any stage of any proceeding or criminal prosecution, your client testifies as a defendant or as a witness, or suborns or offers any other testimony, evidence, or argument materially different from any statements or information your client provides during the debriefing, then this Office may cross-examine your client or others concerning the statements and information your client provided during the debriefing, and/or use such statements and information to rebut any testimony, evidence, or argument offered by or on behalf of your client at any stage of a proceeding or criminal prosecution. 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.

In addition, if your client complies with every provision of this agreement, then pursuant to § 1B1.8 of the Sentencing Guidelines, none of the information provided to this Office during said proffer shall be used against your client in determining the applicable guideline range. Such treatment will apply even though an attorney for the government may not be present. However, as set forth in the preceding paragraph, if during the sentencing stage of any proceeding or criminal prosecution, your client testifies as a defendant or as a witness, or suborns or offers any other testimony, evidence, or argument materially different from any statements or information your client provides during the debriefing, then the United States may cross-examine your client or others concerning the statements and information your client provided during the debriefing, and/or use such statements and information to rebut any testimony, evidence, or argument offered by or on behalf of your client at that stage.

Furthermore, your client agrees and acknowledges that if your client fails to comply with every provision of this agreement or provides any statements or other evidence falling outside the scope of this agreement's protection, then such statements or evidence may be used in any manner.

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.

No additional promises, agreements or conditions have been entered into other than those set forth in this letter, and none will be entered into unless in writing and signed by all parties. Nothing in this letter should be construed as suggesting that this Office will take any action or make any recommendations regarding any charges against, or the sentence to be imposed upon, your client or any other person.

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: /s/

Assistant United States Attorney

I have received this letter from my attorney, James Eisenberg, 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: _____

Witnessed by: _____

James Eisenberg, Esquire