

[REDACTED]

Sent: Monday, July 16, 2007 12:01 PM

[REDACTED]

Subject: Roy Black Letter

[REDACTED] Here is the thumbnail version: At the time of the execution of the state search warrant on Epstein's house, they found printers, keyboards, and computer screens, but no CPU's. We thought that the property manager had destroyed the computers. He was interviewed pursuant to a Kastigar letter and said that he didn't do anything with them, [REDACTED] and a private investigator came and took them away. Based upon his description, we determined that the private investigator was Paul Lavery. We subpoenaed Paul Lavery, who tried to assert a blanket attorney-client privilege/work product immunity. I informed his attorney that he would need to file a Motion to Quash, so he backed down and we did a brief interview with Lavery. Lavery stated that he did get the equipment from Epstein's house and he gave it to William Riley, another private investigator.

We then subpoenaed Riley, both in his individual capacity and as custodian of records for Riley Kiraly (his private investigator firm). The subpoenas and attachment are attached. The subpoenas ask for the computer equipment removed from Epstein's house and information related to his employment by Epstein (billing records, etc.) so we know when the items were removed from the house.

Before I issued the subpoena to Lavery, I talked with the Duty Attorneys at OEO and at the Computer Crimes Section in DC. OEO advised that, as long as the private investigator had a separate office/business (i.e., was not housed within an attorney's office and did not work exclusively for a particular attorney), OEO approval wasn't required, it should be treated like any other subpoena. This morning I re-reviewed the U.S. Attorney's Manual and it is clearly applicable only to attorneys' offices. I asked Computer Crimes if there was any prohibition on subpoenaing computer equipment, and the duty attorney said that would be fine if we did not believe that the computer evidence would be tampered with.

Before the Fourth of July, Lilly Sanchez called to ask for an extension of time to respond to several subpoenas, including the one for Riley. I granted an extension to tomorrow, July 17th. After that, another attorney filed a notice of appearance representing Riley. Late on Friday, July 13th, Roy Black filed the attached letter, demanding to know which Deputy Attorney General approved the subpoena. Andy and I met this morning and crafted a response (attached), which we sent to Roy and Lilly. I also sent a letter directly to Riley's attorney of record (also attached).

Lilly faxed Andy asserting that my letter did not address their concerns. We just had a conference call and the end result is that they are going to file their motion to quash by 4:00 tomorrow afternoon.



Black letter.pdf



William Riley Personal.wpd



Riley Attachment A.wpd



Riley Kiraly Custodian of Reco.



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Tracking:

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