

**From:** Ed <[REDACTED]>

**To:** "Epstein, Jeff" <jeevacation@gmail.com>

**Subject:** DSK

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**Attachments:** 2806\_KeyEntries(1).pdf

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Hi Jeff

Nice seeing you with your crew. John Solomon has a new book out on DSK affair. It is Sofitel/Diallo version. The interesting point in book is he says Diallo had to be persuaded to go to thje police. Here is a letter I wrote in reply, BELOW

Dear Bob

Thanks for sending me the book the DSK by John Solomon. The author relies on a technique of channeling himself inside the head of people he has never met and rendering thoughts they have not stated. Perhaps he acquired this technique when editor of the Moonie-owned newspaper in Washington DC, and it does serve to enliven stories with figments of his imagination. Consider, for example, his entry into DSK's mind on p.8. He writes omnisciently that when DSK met a police officer at JFK on May 14th. :Strauss-Kahn's mind was racing. Could his lover from the night before turned on him? Or maybe those rumors that he had been hearing in France had manifested themselves in some sort of Sarkozy-led conspiracy? Could something embarrassing have been found on his Blackberry or had it been used in a crime since he lost it." This interior dialogue, as other parts of the book, is the product of Solomon's mind-reading.

He devotes some 40 pages (Chapters Five and Six) to channel the "angst" in the minds of the prosecutors that he claims led them to dismiss all the charges against DSK. Whether or not he succeeds in this enterprise, he omits the central reason for their dismissal: The Grand Jury had indicted DSK based on the false testimony given under oath of single witness who claimed to have witness who claimed to what had happened in room 2806, the complainant Nafissatou Diallo. On page 15 of the Recommendation for Dismissal, the prosecutors state "The complainant had admitted to making false statements under oath in testimony before the grand jury that voted the present indictment." We do not know what falsehoods she told the grand jury since, by law, grand jury testimony is sealed, and not available to anyone except the prosecutors. who said (p.2) that "the complainant's credibility cannot withstand the most basic evaluation." If a grand jury renders an indictment bases on false or perjured testimony, it is per se a miscarriage of justice. So Solomon's psycho-babble about the prosecutors' mental processes in seeking a dismissal is not necessary.

Solomon also invents a conspiracy theory for me concerning DSK's missing Blackberry , even though he acknowledges "Epstein doesn't quite fully articulate the full-blown theory, instead leading the reader to the inevitable conclusion, through a series of facts and half-facts." He then goes on to conflate for me that Diallo stole the phone after Sarkozy's forces authorized it in Paris.

What I actually said in the New York Review of Books article he refers to was far more modest: "The records obtained from Blackberry show that the missing phone's GPS circuitry was disabled at 12:51. This stopped the phone from sending out signals identifying its location. Apart from the possibility of an accident, for a phone to be disabled in this way, according to a forensic expert, required technical knowledge about how the Blackberry worked. From electronic information that became available to investigators in November 2011, it appears the phone never left the Sofitel. If it was innocently lost, whoever found it never used it, raising the question of by whom and why it was disabled at 12:51." The conclusion I reached is that "All we know for sure is that someone, or possibly an accident, abruptly disabled it from signaling its location at 12:51 PM."

But Solomon need not read my mind on this point: The phone records show that the last call made or received on that phone was at 12:13 PM. DSK received a text message on another phone minutes at 12:31 pm, less than three minutes after checking out. It was from his daughter concerning a street fair on Sixth Avenue. So that spare phone, not the missing Blackberry, was what he used after he checked. Meanwhile, while he was in the taxi, the missing phone kept sending GPS signals from the Sofitel for 13 minutes. That phone, according to Blackberry's records, never left the Sofitel. It stopped sending signals at 12:51 PM, twenty-three minutes after DSK had left the hotel, and after at least 4 hotel staff members met in the room. Since the phone was not found in the police

search, I believe it likely that the phone was taken but I do not know who took it. The straw men Solomon attributes to me, and then attempts to shoot down, are merely figments of his own imagination.

One further point. One of Solomon's principal sources is Lanny Davis, a talented lawyer/PR, who retained to manage the crisis for the Sofitel hotel. Certainly, Davis had the correct times from the key card swipes for room 2806. Yet, Solomon repeatedly uses the erroneous time, 12:52 PM for the time that one hotel employee, Brian Yearwood, returned to the room (p.203), saying "Yearwood told his superiors he keyed the door one last time at 12:52 PM just to make sure the Sofitel workers hadn't left anything behind." Yes, the key records (enclosed) show that entry was one minute earlier at 12:51 PM, the phone stopped sending signals. The importance of Solomon's added minute is that it puts the entry after the phone went dead.

As ever,  
Ed Epstein

