

From: "[REDACTED] (USANYS)" <[REDACTED]>
To: "[REDACTED] (USANYS)" <[REDACTED]>, "[REDACTED] (USANYS)" <[REDACTED]>, "[REDACTED] (USANYS)" <[REDACTED]>, "Potter, [REDACTED] (USANYS)" <[REDACTED]>
Cc: "[REDACTED] (USANYS)" <[REDACTED]>, "[REDACTED] (USANYS)" <[REDACTED]>, "[REDACTED] (USANYS) 2" <[REDACTED]>, "[REDACTED] (USANYS)" <[REDACTED]>, "[REDACTED] (USANYS) 1" <[REDACTED]>

Subject: FW: MLA Request: Material Witness PA 182-73090

Date: Tue, 07 Apr 2020 18:52:06 +0000

Attachments: Cover_Letter_73090_Witness_PA.pdf; Material_Witness_PA_Final.pdf

See below and attached. The MLA request regarding Prince Andrew has officially been delivered to the UK.

From: [REDACTED] (London) <[REDACTED]>
Sent: Tuesday, April 7, 2020 10:53 AM
To: [REDACTED] (USANYS) <[REDACTED]>; [REDACTED] (USANYS) <[REDACTED]>; [REDACTED] (USANYS) <[REDACTED]>
Cc: [REDACTED] (CRM) <[REDACTED]>; [REDACTED] (London) <[REDACTED]>; [REDACTED] (CRM) <[REDACTED]>
Subject: MLA Request: Material Witness PA 182-73090

[REDACTED] -

The MLA request was forwarded this morning to the UK Central Authority at the Home Office. Each person to whom it was sent is noted on the cover letter. I also swapped emails with Philomena Creffield (she is head of the MLA unit at the UKCA) this morning regarding our request to keep a written record of each person who sees the MLA request.

Their initial reaction was one of surprise regarding its timing. The pandemic in London is expected to peak in the next week or two and the UKCA is operating at emergency staffing levels. We talked it through, and I explained that while this is an important case, we understood that everyone is operating at reduced capacity, and we would adjust our expectations regarding response time accordingly. I also noted that we have been regularly forwarding new MLA requests to the UK throughout this period (just not requests with such high-profile subjects). I also pointed out that while the timing is very unfortunate, it did not have to be this way. I explained that the case team had been trying to contact the witness's representatives to obtain a voluntary interview for months without any success.

Here is some general information about the MLA process:

The cover letter and mutual legal assistance request were sent to the UK Central Authority (UKCA) on April 7, 2020, via email. Lawyers at the UKCA will conduct an initial review of the request for compliance with the MLA Treaty, and then assign it out to one or more law enforcement agencies to gather the requested evidence. The UKCA review can take anywhere from 7-30 days. In complex cases, it can take longer. We will provide notice to you when the request is assigned to a law enforcement agency for execution. (Our operating assumption is that it will be assigned to the London Metropolitan Police to execute -- and likely to the same unit which responded to [REDACTED] initial complaint.)

It usually takes several months for the UK law enforcement agency to assess the request, obtain the legal process, gather the evidence, provide that evidence to the UKCA, which will in turn provide the evidence to our office. In this case, the law enforcement agency will make another assessment of the legal basis for the request and determine whether legal

process (such as a judicial order) is necessary to execute the request. If the witness agrees to an interview and agrees to turn over documents, then legal process will not be required. If he declines, then they will need to obtain legal process.

A decision by the UKCA to approve an MLA request, and a decision by the law enforcement agency to execute the MLA request can be challenged in a process called "Judicial Review" or "JR". If a witness seeks to resist the production of evidence or an interview, the first reaction is typically delay. The second reaction is to file a JR action. If that happens, I can walk you through that lengthy process.

Our practice is to let the UK execution process run for 90 days before making a status inquiry. After that, we will typically inquire every 30 days unless the UKCA has informed us that it is a particularly difficult matter and inquiring every 30 days would be fruitless. This is a unique case, so we will likely inquire at least monthly going forward.

In the event that we receive partial results from the UKCA (such as in cases where multiple law enforcement agencies have been assigned to execute your request), we will typically provide those partial results to you shortly after we receive them from the UKCA.

A few requests:

Critical Evidence: If a limited portion of your request is critical to your case and a prompt response would substantially assist your case preparation, please let us know. Please identify the specific requested evidence and the date by which it would particularly assist. We assume that everything you ask for is important, so there is no need to reiterate that.

Trial Dates: If you have a trial or other specific deadline, please let us know so we can inform the UKCA and track your matter with an eye to that deadline.

Filing MLA Requests: Please do not file with a court a copy of the attached completed MLA request. This has backfired in a number of cases in the past and poses substantial risks. (Please call if you are considering such a filing.) By contrast, if you file a motion pursuant to 18 U.S.C. §3292 you may file the cover letter transmitting the request (but not the request itself).

Withdrawal of your request: Should you no longer need the evidence requested, such as in the event of a plea, please notify our office as soon as possible so that we may withdraw the request and close our file.

[REDACTED]
U.S. Department of Justice Attaché
U.S. Embassy London
Mobile: [REDACTED]
[REDACTED]