

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NORTH CAROLINA

UNITED STATES OF AMERICA

v.

N O T I C E

JAMES J. ROSEMOND

CASE NUMBER: 7:94-CR-36-1-BR

TYPE OF CASE:

Civil

Criminal

TAKE NOTICE that a proceeding in this case has been set for the place, date and time set forth below:

PLACE Federal Building 310 New Bern Ave. Raleigh, North Carolina	ROOM NO. Courtroom No. 2 - 7th Floor
DATE AND TIME MONDAY, FEBRUARY 24, 1997 AT 9:00 A.M.	

TYPE OF PROCEEDING

SENTENCING

TAKE NOTICE that the proceeding in this case has been continued as indicated below:

PLACE	DATE AND TIME PREVIOUSLY SCHEDULED	CONTINUED TO DATE AND TIME

DAVID W. DANIEL  
Clerk of Court

February 8, 1997  
Date

W. S. Cannon  
By Deputy Clerk

TO: The Honorable W. Earl Britt  
U.S. Attorney Christine Dean  
Attorney Roy Black  
Attorney Scott Srebnick  
Attorney Robert Hurley  
U.S. Marshal  
U.S. Probation  
U.S. Pretrial Services  
Court Reporter  
Cookie Wells

AGREEMENT

With respect to the meeting of James Rosemond ("Client") and his attorneys, Scott Screblick, Esq., and Robert Fogelnest, Esq., with Diane Kiesel, Assistant District Attorney for the New York County District Attorney's Office (the "District Attorney"), the following understanding exists:

(1) Should any prosecutions be brought against Client by the District Attorney, the prosecution will not offer in evidence on its case-in-chief, or in connection with any sentencing proceeding for the purpose of determining an appropriate sentence, any statements made by Client at the meeting, except in a prosecution for hindering prosecution or perjury.

(2) Notwithstanding item (1) above: (a) the prosecution can use information derived from the meeting directly or indirectly for the purpose of obtaining leads to other evidence, which evidence may be used in any prosecution of Client by the District Attorney; and (b) the prosecution may use the statements of Client at the meeting and all evidence obtained directly or indirectly therefrom for the purpose of cross-examination should Client testify, or to rebut any evidence offered by or on behalf of Client in connection with the trial and/or sentencing, should any prosecution of Client be undertaken.

(3) It is further understood that this Agreement is limited to the statements made by Client at the meeting and do not apply to any oral, written or recorded statements made by Client at any other time. No understanding, promises, agreements and/or conditions have been entered into with respect to the meeting other than those set forth in this Agreement and none will be entered into unless in writing and signed by all parties.

Dated: New York, New York  
April 24, 1997

ROBERT M. MORGENTHAU  
District Attorney of  
New York County

By:

  
Diane Kiesel  
Assistant District Attorney

  
James Rosemond


  
Witness

EXHIBIT E

PROFFER FOR  
6/18/98

10/20/98

PROFFER AGREEMENT

With respect to the meeting of James Rosemond ("Client") and his/her attorney, Scott Srebnick, Esq., with Postal Inspector Stephen Korinka and Gavin Shea, SA FBI and USA Klem/Judy Phillips of the United States Attorney's Office, to be held at the offices of the United States Attorney for the Eastern District of New York ("the Office") on 10/20/98 ("the meeting"), the following understandings exist:

(1) In any prosecution brought against Client by the Office, the Office will not offer in evidence in its case-in-chief or at sentencing any statements made by Client at the meeting, except in a prosecution for false statements, obstruction of justice, or perjury.

(2) Notwithstanding item (1) above: (a) the Office may use information derived directly or indirectly from the meeting for the purpose of obtaining leads to other evidence, which evidence may be used in any prosecution and sentencing of Client by the Office; and (b) should any prosecution of Client be undertaken (i) the Office may use statements made by Client at the meeting and all evidence obtained directly or indirectly therefrom for the purpose of cross-examination should Client testify, or to rebut any evidence offered, or factual assertions made, by or on behalf of Client at any stage of the criminal prosecution (including but not limited to detention hearing, trial or sentencing), and (ii) the Office may disclose any statements made by Client at the meeting to the Probation Department and the Court, except that pursuant to Sentencing Guideline § 1B1.8 such statements will not be used to determine or to depart upwardly from the defendant's Sentencing Guideline range.

(3) It is further understood that this agreement is limited to the statements made by Client at the meeting and does not apply to any oral, written or recorded statements made by Client at any other time. No understandings, promises, or agreements have been entered into with respect to the meeting other

than those set forth in this agreement, and none will be entered into unless memorialized in writing and signed by all parties.

Dated: Brooklyn, New York  
10/20, 1998

ZACHARY W. CARTER  
United States Attorney  
Eastern District of New York

By:

Lisa J. Klem  
Lisa J. Klem  
Assistant U.S. Attorney

By:

Judy Philips  
Judy Philips  
Assistant U.S. Attorney

James Rosemond  
Client

u-20-98 Att. Amil  
Attorney for Client

SA Gavin T. DeFord  
Agent

SA Kounko Postal Inspector  
Agent