



U.S. Department of Justice

United States Attorney
District of Hawaii

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November 8, 2011

Alexander Silvert
First Assistant Federal Public Defender
Room 7-104, PJJK Federal Building
300 Ala Moana Blvd.
Honolulu, HI 96850

Re: United States vs. Roger Christie
and Sherryanne St. Cyr, et. al.,
Cr. No. 10-0384LEK, USDC-Hawaii

Dear Mr. Silvert:

I have reviewed your letter dated November 4, 2011, in which you have requested, as appointed defense counsel for Christie, a meeting between Ms. Monica Wallach and Professor Richard Miller, on the one hand, and AUSA Michael Kawahara and myself, on the other hand. The stated purpose of this meeting (quoting from your letter) is ". . . to discuss whether there is any further room to alter some of the terms of the plea agreements [for Christie and St. Cyr] and hope to convey their opinion and thoughts to you in such a meeting."

It is my understanding that both Dana Ishibashi, Esq. (CJA-appointed counsel for co-defendant St. Cyr) and you have had numerous and extensive discussions over the past many months with Mr. Kawahara concerning pleas for both defendants. Given that both Mr. Ishibashi and you are highly experienced trial attorneys and well-versed in Federal criminal law and procedure, I believe that everything that could and should be considered has already been discussed thoroughly and taken into account. Consequently, even if one assumes for the sake of argument only that Ms. Wallach and Professor Miller may be treated as attorneys for these defendants in the above-captioned criminal case, there really, as a practical matter, is nothing further to consider or discuss.

Alexander Silvert
First Assistant Federal Public Defender
November 8, 2011

In addition, given my longtime association and friendship with Professor Miller and the University of Hawaii School of Law, I do not believe it appropriate to meet with him in connection with this pending criminal case.

If the defendants are seriously considering pleading in accordance with the current plea agreements, they should do so immediately. These plea agreements would obviate the need for a superseding indictment with additional charges being asserted. Given the approaching February 2012 trial date, time is becoming of the essence and further delay on your respective clients' part may nullify your and Mr. Ishibashi's efforts to resolve the instant case.

Very truly yours,



FLORENCE T. NAKAKUNI
United States Attorney
District of Hawaii

cc: Dana Ishibashi, Esq.