



U.S. Department of Justice

Ronald A. Parsons, Jr.
United States Attorney
District of South Dakota

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May 29, 2018

Robert Driscoll, Attorney at Law
McGlinchey and Stafford
1725 Pennsylvania Avenue NW, Ste. 420
Washington, DC 20004

Re: Maria Butina

Dear Attorney Driscoll:

This letter is being sent in the hope that your client, Maria Butina, may be willing to make a proffer of possible information and testimony regarding her knowledge of the illegal activities of others. This letter sets forth the ground rules covering any proffer of information by your client to the government, should she decide to cooperate.

1. Purpose: The purpose of your client making a proffer is to provide the government with an opportunity to assess the value, extent, and truthfulness of your client's information about her criminal liability and that of others.

2. Truth: Your client's proffer must be completely truthful with no material misstatements or omissions of fact.

3. No Promises: While your client hopes to receive some benefit by cooperating with the government, she expressly understands that the government is making no promise of any kind at this time.

4. No Direct Use: No statements made by your client or other information provided by her during proffer will be used directly against her in any criminal proceeding.

5. Impeachment: If your client should testify contrary to the substance of the proffer, or otherwise present in a legal proceeding a position materially inconsistent with the proffer, the proffer may be used against your client as impeachment or rebuttal evidence, or as the basis for a prosecution for perjury or false statement. This provision is necessary in order to assure that your client does not abuse the opportunity for an "off-the-record" proffer or discussion, does not make materially false statements to a government agency, and does not commit perjury while testifying at trial.

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6. Derivative Use: The government may make derivative use of, and may pursue investigative leads suggested by, any statements or information provided by your client's proffer. This provision is necessary to eliminate the necessity of a *Kastigar* hearing wherein the government would need to prove that the evidence it sought to introduce at trial or in a related legal proceeding is derived from "a legitimate source wholly independent" of statements or information from the proffer.

7. Sentencing Information: Your client understands that should she become an indicted defendant, the government, pursuant to 18 U.S.C. § 3661, must provide to your client's sentencing judge the contents of the proffer. Pursuant to U.S.S.G. § 1B1.8, however, the proffer may not be used to determine the appropriate guideline sentence, except as stated in the "Impeachment" paragraph above.

8. Brady Discovery: Your client understands that *Brady v. Maryland* requires that the government provide any other indicted defendant all information known to the government, which tends to mitigate or negate such defendant's guilt. Should your client's proffer contain *Brady* material, the government will be required to disclose this information to the appropriate defendant(s).

9. Other Statements: It is further understood that this agreement is limited to the statements or other information provided at the time of the proffer and does not apply to any statements made by your client at any other time, whether oral, written, or recorded.

10. Full Agreement: This document constitutes the full and complete agreement of the parties. The agreement does not obligate the United States Attorney's Office to make any plea offer to your client as a result of her willingness to discuss matters within her knowledge.

If you and your client are willing to provide a proffer to this office pursuant to these conditions, sign below where indicated and contact me to make the arrangements.

Sincerely,

RONALD A. PARSONS, JR.
United States Attorney



Jeffrey C. Clapper
Assistant United States Attorney

JCC:amt

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I have read this proffer agreement carefully and reviewed every part of it with my attorney. I understand and voluntarily agree to it.

Date

Maria Butina

I represent Maria Butina as legal counsel. I have carefully reviewed every part of this proffer agreement with her. To my knowledge, the decision to make this proffer agreement is informed and voluntary.

Date

Robert Driscoll
Attorney for Maria Butina