

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

UNITED STATES OF AMERICA,	)	Cr. No. 06-00250 JMS
	)	
Plaintiff,	)	DECLARATION OF COUNSEL
	)	
vs.	)	
	)	
RAJDATTA PATKAR,	)	
	)	
Defendant.	)	
_____	)	

DECLARATION OF COUNSEL

I, PAMELA J. BYRNE, hereby declare as follows:

1. I am counsel for defendant, Rajdatta Patkar, having been appointed pursuant to the Criminal Justice Act.
2. On April 27, 2006, Mr. Patkar was indicted for five counts of violation of 18 U.S.C. § 875 (threat to injure reputation). In March, 2007, Mr. Patkar, a citizen of India who lived and worked in Japan, was extradited to the United States to answer to the five-count indictment. Mr. Patkar opposed the extradition.

The April 27, 2006, indictment used the initials “R.A.”, rather than the given name of the alleged victim in the instant case. The allegations in the

case involve Mr. Patkar's allegedly requesting payment in exchange for not exposing or publishing the purported victim's unseemly e-mails to another person.

3. To its credit, the government promptly provided several hundred pages of discovery to Mr. Patkar. However, upon review of the discovery, Mr. Patkar discovered several items were missing, including the content of the e-mails that form the basis of the charge. The discovery issues are complicated, in part because the case involves the use of three languages: English, Japanese, and a dialect of Filipino unknown to counsel; and in part because the discovery involves the law of three jurisdictions: Japan, India, and the United States.

4. In requesting the government provide the additional items, including the content of the e-mails, Mr. Patkar indicated that were it "absolutely necessary," the parties could draft a "limited agreement" not to reveal the contents of the e-mails until trial. However, upon receipt of the government's proposed draft agreement, in which the government excluded itself from being a signatory, Mr. Patkar requested modifications. The government declined accept Mr. Patkar's proposed modifications except for an agreement in principle that translators could be allowed to see the e-mails. Mr. Patkar informed the government that he was troubled by the proposed order and, in the end, he did not sign it.

5. That status remained the same for several weeks. However,

this week undersigned counsel has received three telephone calls from the media indicating they know who “R.A.” is, and wishing to discuss the details of the case with Mr. Patkar and/or his counsel. Evidently, Mr. Patkar’s situation is being vigorously discussed in the English language newspapers in India.

Undersigned counsel has declined to discuss the case with the media and has declined to confirm the identity of “R.A.”, but the time has come to clarify what the parameters are, and what, if any, statutes or case law the government relies upon to support its position that Mr. Patkar cannot discuss the details of his case with anyone other than his counsel. This motion has been filed to seek clarity from the Court.

I DECLARE UNDER PENALTY OF PERJURY THAT THE
FOREGOING IS TRUE AND CORRECT TO THE BEST OF MY
KNOWLEDGE AND BELIEF.

DATED: Honolulu, Hawaii, June 12, 2007.

/s/ Pamela J. Byrne
PAMELA J. BYRNE
Attorney for Defendant
RAJDATTA PATKAR