
From: James B. Barnes
Sent: Thursday, September 23, 2021 4:47 PM
To: Samuel Wilson
Subject: USA v. Maximoff
Attachments: caselawmemo-maximoff.pdf

Sam,

It was great seeing you today. Please give my best to Sarah.

Statute of Limitations – I will be filing our memo shortly. I think you will find that there are compelling interpretive arguments for the district court to hold that the Government’s filing of an information without a waiver of an indictment is insufficient to institute that information for prosecution. As for the historical context, you’ll see that one judge stated plainly: “The idea that an information could be instituted to toll the limitations period, but not to prosecute the accused, was not salient at the statute’s inception, nor at the time § 3288 or its predecessor were enacted.” Please advise after you have looked at our memo whether your office would be willing to drop the charges.

Detention Hearing – If you are going forward, would you be willing to let me know who you plan on calling as witnesses so I can take the weekend to prepare for the hearing? If you tell me, I will get back to you with who we plan on calling. Wanda is not going to testify. I may even work on getting you some declarations or reports in advance.

Regards,
Bucky

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