



U.S. Department of Justice

Criminal Division

Fraud Section

Washington, D.C. 20530

**United States v. Jeffrey K. Skilling
Court Docket Number: 4:04-cr-25-2**

United States District Court for the Southern District of Texas

NOTICE TO ENRON EMPLOYEES, STOCKHOLDERS, AND OTHER VICTIMS

On occasion, the United States Department of Justice enters into agreements with defendants to resolve certain disputed matters concerning sentencing. The Department of Justice is considering entering into a sentencing agreement with the defendant in this matter. Such a sentencing agreement could restrict the parties and the Court from recommending, arguing for, or imposing certain sentences or conditions of confinement. It could also restrict the parties from challenging certain issues on appeal, including the sentence ultimately imposed by the Court at a future sentencing hearing.

18 U.S.C. § 3771(a) affords crime victims the right to confer with the attorneys for the United States in the case and to be reasonably heard at public proceedings in the district court, including sentencing hearings. Section 3771(e) defines a “crime victim” as “a person directly and proximately harmed as a result of the commission of a Federal offense”

If you believe you are a victim of the crimes committed by the defendant and you wish to express your views to the Department of Justice about entering into a sentencing agreement, and/or to the Court about accepting such an agreement, please notify the Department of Justice and/or the Court by April 17, 2013, using the methods described below, briefly explaining why you are a crime victim, and summarizing your views.

If the Department of Justice enters into a sentencing agreement with the defendant, and if that sentencing agreement is accepted by the Court, the Court will schedule a resentencing hearing at a future date. The purpose of that resentencing hearing will be to impose a particular sentence on the defendant. Further important updates on any future resentencing hearing will be made available at: <http://www.justice.gov/criminal/vns/caseup/skillingjk.html>.

If you wish to be heard at any future resentencing hearing the Court may schedule, you will be asked to notify the Court by a certain date (which will be set forth on the website noted above), and to briefly explain why you are a crime victim and summarize what you wish to say at the hearing. If one or more victims wish to appear through counsel, their counsel will be responsible for submitting this notification. 18 U.S.C. § 3771(d)(2) states: “In a case where the court finds that the number of crime victims makes it impracticable to accord all of the crime victims the rights described in subsection (a), the court shall fashion a reasonable procedure to give effect to this chapter that does not unduly complicate or prolong the proceedings.” Because



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potential crime victims in this case include thousands of former Enron employees, owners of Enron securities, and other persons who were harmed as a result of the crimes for which the defendant will be sentenced, the Court may determine that allowing each victim to speak at the defendant's resentencing hearing could unduly prolong and complicate the resentencing of the defendant. If it appears that multiple victims wish to make the same points, the Court may limit the number of victims who speak in order not to unduly complicate or prolong the resentencing hearing. The Department of Justice cannot predict when in the course of the hearing the Court will permit victims to be heard. Victims who wish to speak should therefore plan on attending and being available when the opportunity to speak arises.

Please note that once a resentencing date is set, any victim who wishes to waive his or her right to be heard at the resentencing hearing and to submit instead a written victim impact statement may do so by submitting a written victim impact statement, which states in its caption: "This victim statement is submitted in lieu of the right to be heard at the resentencing hearing of Jeffrey K. Skilling." Victim statements will be made available to the Court, the probation officer, and to counsel for the parties. Again, the deadline for submitting such victim impact statements will be provided at <http://www.justice.gov/criminal/vns/caseup/skillingjk.html>.

Contact Information

If you wish to contact the Department of Justice about the possibility of a sentencing agreement, a future resentencing hearing, or both, you may do so by contacting Pam Washington at 1-888-549-3945, or by sending an email to victimassistance.fraud@usdoj.gov.

If you wish to contact the Court about the possibility of a sentencing agreement, a future resentencing hearing, or both, you may do so by mail to:

Clerk of the Court
Attention: Judge Lake's Case Manager
P.O. Box 61010
Houston, Texas 77208
Reference: Enron H-04-025

with copies mailed by the victim to:

United States Probation Office
Attention: Enron Case
P.O. Box 61207



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Houston, Texas 77208-1207

and to:

Pam Washington
Fraud Section, Criminal Division
United States Department of Justice
1400 New York Avenue, N.W.
Washington, D.C. 20530
Phone: 1-888-549-3945
Email: victimassistance.fraud@usdoj.gov

and to:

Daniel M. Petrocelli
O'Melveny & Myers LLP
1999 Avenue of the Stars, 7th Floor
Los Angeles, CA 90067

All notices must be received by the dates set forth above and, in the future, on the website described in this notice.