



U.S. Department of Justice

United States Attorney  
Southern District of New York

The Silvio J. Mollo Building  
One Saint Andrew's Plaza  
New York, New York 10007

July 29, 2023

**By ECF**

The Honorable Ronnie Abrams  
United States District Judge  
Southern District of New York  
Thurgood Marshall United States Courthouse  
40 Foley Square  
New York, New York 10007

**Re: United States v. Devon Archer, 16 Cr. 371 (RA)**

Dear Judge Abrams:

The Government writes to apprise the Court of the status of defendant Devon Archer's appeal of his judgment of conviction, and to request that the Court set a surrender date for the defendant to report to a facility designated by the Bureau of Prisons to commence his term of imprisonment.

On April 11, 2022, this Court granted the defendant's motion for bail pending appeal of his judgment of conviction. Dkt. 1017. On June 7, 2023, the Second Circuit Court of Appeals affirmed the judgment of conviction. *United States v. Archer*, No. 22-539, Dkt. 75. On June 21, 2023, the defendant filed a petition for panel rehearing, or, in the alternative, rehearing *en banc*, *id.* Dkt. 81, which petition was denied on July 18, 2023, *id.* Dkt. 82. On July 25, 2023, the Second Circuit issued a mandate affirming the judgment of conviction. *See* Dkt. 1072.

In light of the foregoing, the Government respectfully requests that the defendant be ordered to surrender, at a date and time determined by the Court, to a facility designated by the Bureau of Prisons to commence his term of imprisonment. The Government has conferred with counsel for the defendant about this request and asked that counsel propose a date for the defendant's surrender. Counsel responded with the following position: "Mr. Archer believes it is premature to set a report date in light of his anticipated continuing appeal as well as the newly-discovered sentencing error that the government has now conceded. Counsel for Mr. Archer will put in a response to the Government's request by Wednesday." The Government disagrees with counsel's position that a report date should not be set, and respectfully requests permission to respond to any arguments made by the defendant.

Respectfully submitted,

DAMIAN WILLIAMS  
United States Attorney

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cc: Matthew Schwartz, Esq. (via ECF)  
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