

**Federal Defenders
OF NEW YORK, INC.**

Southern District
52 Duane Street-10th Floor, New York, NY 10007
Tel: (212) 417-8700 Fax: (212) 571-0392

David E. Patton
Executive Director
and Attorney-in-Chief

Southern District of New York
Jennifer L. Brown
Attorney-in-Charge

August 14, 2020

By ECF and Email

Honorable Paul A. Crotty
United States District Judge
Southern District of New York
500 Pearl Street
New York, New York 10007

Re: *United States v. Joshua Adam Schulte*, 17 Cr. 548 (PAC)

Dear Judge Crotty:

On July 28, 2020 (Dkt. 420), Mr. Schulte renewed his motion for production of the mirror images of the ESXi and FSO1 servers. The government filed its response on August 12, 2020 (Dkt. 423). We write to request that the Court allow us until September 15, 2020, to file a reply. We make this request because Mr. Zas has three Second Circuit briefs due between now and September 3, 2020, and Dr. Bellovin is attending a virtual conference and is unavailable to assist us with the reply until after Labor Day weekend. Moreover, we recently learned that Mr. Schulte has not received any legal mail from us since the trial ended in March 2020; the mail at MCC seems to have a trajectory of its own. And telephonic communications with Mr. Schulte remain a technical challenge; indeed, Mr. Schulte could not be seen during our last virtual status conference and we could only hear his faint voice. We need both Dr. Bellovin's and Mr. Schulte's input in order to address the government's claims that access to the CIA servers will not meaningfully assist the defense.

The government consents to our request for a September 15 reply deadline, but believes that no reply is necessary given the extent of the parties' previous briefing regarding the servers. We disagree. As we will explain further in our reply, these servers are of the utmost importance to Mr. Schulte's defense. And it is unfair for the government to have provided full access to its outside expert while denying the same access to the defense.

We thank the Court for its time and consideration.

Respectfully submitted,

/s/

Deborah A. Colson, Sabrina P. Shroff, Edward S. Zas
Counsel for Joshua A. Schulte