

Hon 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,
53 17 cr. 548 (PAC)

Honorable Judge Crotty:

Attached as an exhibit is a copy of an envelope from a letter mailed to me by my attorneys. The postmarked date is 3/25/21. I did not receive this letter until 5/5/21 as indicated by both Unit Manager Reid's signature and my own. The letter was also opened as "general correspondence" and the attorney-client privileged information reviewed and mailed to the FBI. Judge Crotty, the MCC has done this for the past three years; it is an egregious assault on the Sixth Amendment—not only the opening and reading of attorney-client privileged material, but the consistent 42 day delay. I have letters dating back to 2018 with 42+ day delay in receipt and the illegal copying/opening of attorney-client privileged mail.

I outlined this meretricious behavior in my Motion for modification of conditions of confinement on January 15, 2021. You denied that motion, but I filed a Motion for reconsideration as I did not have a chance to file a Reply Brief (mainly due to the 42 day delay it took before I received the government's response). My Motion for reconsideration is still outstanding; in addition to the illegal opening and delay of my legal mail, I also ask for relief from torture including the ban of ALL books and the institution's library, the

P. 2/3

ban of looking outside, the ban of outside recreation, the ban of arbitrary commissary items such as Cheerios, sleep deprivation through constant cage lighting, toilets that do not flush, no heat or AC, filth, among countless others. These conditions of confinement are only applied to SAMs inmates, and the conditions violate both the Fifth and Eighth Amendments because the conditions are arbitrary, with no legitimate penological interest and impose cruel and unusual punishment. I detailed in my Motion for reconsideration that a Motion for modification of conditions of confinement is properly filed in the Criminal case and gave substantial case law from the Second Circuit to prove my argument.

I ask this Court for a ruling on that Motion, because otherwise it is essentially pocket-vetted with no way for me to appeal, and the MCC will continue to delay my legal mail for 40+ days and give it to the FBI, as well as torture me in unconstitutional conditions of confinement.

I also remind the Court that my Motion for the "Mirror" images of the CIA's ESXi and FSØ1 servers is still outstanding from July 28, 2020 — nearly a year now. The government claimed at trial that I used my CIA workstation to access the ESXi server to steal data from the FSØ1 server — these three servers are the digital crime scene, and were given to the government's expert who stated that it "very much informed [his] expert testimony" while simultaneously denying it to the defense's expert. The Due Process Clause of the Fifth Amendment clearly requires the government to provide the same forensic images to the defense as it did its own expert; otherwise, I will not have a fair trial or an ability to rebut the government's evidence at trial. If the Court does not rule on this Motion soon, the defense will not be prepared for trial by October.

P.3/3

Considering the critical nature of both these outstanding motions — the Motion for reconsideration of the Motion for Modification of conditions of confinement and the Motion for the same "Mirror" images the government provided to its own expert, I respectfully request the Court to issue rulings on these motions. Consistent with second circuit case law, if the Court does not rule on these critical motions soon, I will have no choice but to file a Petition for Writ of Mandamus with the Second Circuit to order you to issue rulings forthwith.

Finally, I note for the Court that my Motion to Suppress Evidence Seized from the MCC is also outstanding. The government chose not to file a response, so this motion is also pending a ruling. However, it does not reach the same critical threshold as the above two motions requiring a prompt ruling.

Respectfully Submitted,

Joshua Schulte

5/15/21 J. Schulte

Federal

of New York Inc.

52 Duane Street

New York, NY 10007

Deborah Colson

Sabrina Shroff

Edward Zas

Attorneys at Law

Notice: Opened As General Correspondence
For special Mail Requirements
See 28 CFR 540.19

*2 CUD
5/5/21
for fax*

Lawrence S. Zas

10 South SAMS

10S

APPROVED

**SPECIAL MAIL
OPEN ONLY IN THE
PRESENCE OF INMATE.**

Joshua Schulte
Reg. No.: 79471-054
NEW YORK MCC
METROPOLITAN CORRECTIONAL CENTER
150 PARK ROW
NEW YORK, NY 10007

Notice: Opened As General Correspondence
For special Mail Requirements
See 28 CFR 540.19

