



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*

August 26, 2021

BY ECF/EMAIL

Honorable Edgardo Ramos
United States District Judge
Southern District of New York
40 Foley Square
New York, New York 10007

Re: *United States v. Mark S. Scott, S10 17 Cr. 630 (ER)*

Dear Judge Ramos:

The Government respectfully submits this letter to request an adjournment of tomorrow's deadline for its opposition to Scott's Supplemental Rule 33 Motion for a period of two weeks. Scott opposes the adjournment.¹ As the Court is aware, Scott's sentencing date was adjourned today until November 9, 2021. In light of the adjournment, and Scott's out-of-custody status, a brief adjournment of the Rule 33 schedule will not impact Scott's sentencing date. Furthermore, the adjournment will afford the Government sufficient time to adequately respond to Scott's motion, which seeks the drastic remedy of a new trial. Notably, Scott waited for six weeks after receiving the information that is the subject of his motion (i.e., [REDACTED]) before filing his motion. An adjournment of two weeks is therefore fair and appropriate, and would in no way prejudice the defense.

Respectfully submitted,

AUDREY STRAUSS
United States Attorney

By: /s/
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Cc: Defense counsel (ECF)

¹ Specifically, Scott's counsel informed the Government today that: "In light of the Government's recent disclosure that its cooperating witness committed perjury and the lack of prior disclosure to the defense, Mr. Scott believes that the Government should submit at least an initial response to Mr. Scott's application by August 27th as previously ordered and that the Court should set a conference to address this issue as soon as possible following that submission. Mr. Scott has no objection to the Government making a supplemental submission thereafter."