



**U.S. Department of Justice**

*United States Attorney  
Southern District of New York*

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

March 28, 2023

**BY ECF**

Honorable Lewis A. Kaplan  
United States District Judge  
Daniel Patrick Moynihan  
United States Courthouse  
500 Pearl Street  
New York, NY 10007-1312

Re: *United States v. Samuel Bankman-Fried*, S5 22 Cr. 673 (LAK)

Dear Judge Kaplan:

The Government writes regarding the S5 Superseding Indictment and the scheduling of an in-person arraignment and conference.

On March 27, 2023, the grand jury returned a thirteen-count superseding indictment (the "S5 Indictment"), which is attached as Exhibit 1. The S5 Indictment, which was unsealed this morning, includes the twelve counts contained in the S3 Superseding Indictment, as well an additional count for conspiracy to violate the anti-bribery provisions of the Foreign Corrupt Practices Act ("FCPA"), in violation of 18 U.S.C. § 371 ("Count Thirteen"). The defendant has not yet been arraigned on five of the thirteen charges in the S5 Indictment.

The Government therefore requests a pretrial conference in order to arraign the defendant on the S5 Indictment and to resolve the outstanding issues pertaining to the defendant's conditions of release. The new charge does not change the Government's position with respect to the appropriate conditions of release.

Finally, while the FCPA charge in Count Thirteen will not necessitate the production of any new categories of discovery that were not already being produced to the defendant, the Government will be prepared at the proposed conference to provide the Court with a status update

regarding the Government's ongoing discovery productions.

Respectfully submitted,

DAMIAN WILLIAMS  
United States Attorney

by: /s/ Danielle Kudla  
Nicolas Roos  
Danielle R. Sassoon  
Samuel Raymond  
Thane Rehn  
Andrew Rohrbach  
Danielle Kudla  
Assistant United States Attorneys  
(212) 637-2421

Cc: Defense Counsel (by ECF)