



**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*

January 30, 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*, 22 Cr. 673 (LAK)

Dear Judge Kaplan:

The Government writes in reply to the defendant's opposition to the Government's motion to impose two new conditions of pretrial release, and its request to remove the existing condition prohibiting the defendant from accessing or transferring any FTX or Alameda assets or cryptocurrency. For the reasons below, and those in the Government's motion filed on January 27, 2023 (*see* Dkt. 50), the Court should impose the Government's proposed conditions of pretrial release and maintain the already-imposed conditions.

**1. The Proposed No-Contact Condition Is Warranted**

The first proposed condition—that the defendant shall not contact or communicate with current or former employees of FTX or Alameda (other than immediate family members), except in the presence of counsel or as approved by the Government—is necessary to prevent witness tampering and obstruction of justice. *See* 18 U.S.C. § 3142(c)(1)(B)(iv) & (v) (providing that a court may impose conditions of bail that restrict personal association and avoid contact with victims and potential witnesses).

The defendant's messages to Witness-1, attached as Exhibit 1, illustrate why such a condition is appropriate. The defense argues that these messages were merely an "innocuous attempt to offer assistance in FTX's bankruptcy process," similar to the defendant's earlier outreach to John Ray, the CEO of the FTX Debtor entities. Dkt. 51 ("Def. Letter") at 5; *see also* Ex. 2 (January 2, 2023 email from the defendant to John Ray). Putting aside that the defendant is trying to participate in FTX asset recovery despite being charged with crimes related to the misuse of FTX customer assets that precipitated FTX's bankruptcy, the defendant's messages to Witness-1 cannot bear his interpretation.









