



U.S. Department of Justice

*United States Attorney
Southern District of New York*

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February 27, 2025

BY ECF

The Honorable Paul A. Engelmayer
United States District Court
Southern District of New York
40 Foley Square
New York, New York 10007

Re: *United States v. Do Hyeong Kwon, 23 Cr. 151 (PAE)*

Dear Judge Engelmayer:

The Government writes to provide a status update to the Court in advance of the next conference in this matter, currently scheduled for March 6, 2025 at 11 a.m.

Discovery

The Government anticipates that its Rule 16 production to the defense will be substantially complete within approximately 30 days.

On January 24, 2025, the Court issued a protective order in this matter. That day, the Government made an initial production to the defense principally consisting of the search warrant affidavits and related warrants obtained in this case. Those affidavits detail, among other things, the facts surrounding how the Government obtained four cellphones believed to have been used by the defendant.

The Government is producing the majority of discovery in this matter through an external vendor that is processing, imaging, stamping, and providing materials in a database-loadable, searchable format for the defense. The Government made a substantial production of such load-ready files today, along with other materials, and several additional rounds of load-ready productions are currently being processed and run through quality-control procedures.

The materials produced to the defense today include: (1) documents containing statements made by the defendant to the U.S. Securities and Exchange Commission; (2) a copy of all data that the Government was able to extract from the defendant's cellphones (limited to a subset of data from two out of four devices in light of encryption and password barriers); (3) a complete copy of all data from the defendant's personal and business email accounts; (4) documents relating to Kwon's extradition into U.S. custody and the Federal Bureau of Investigation's receipt of certain evidence in Montenegro; (5) records produced by various third-party entities and individuals, such as electronic communications and cryptocurrency trading data; and (6) certain statements by

various individuals and their counsel to the Government. In total, that production consisted of over 600 gigabytes of data.

The Government anticipates producing an additional 4 terabytes of discovery to the defense by the end of next week, including materials deemed responsive to warrants on various electronic accounts, and productions from various third-party entities and individuals.

The Government proposes providing another discovery update to the Court by letter on or before March 31, 2025, by which time the Government anticipates its Rule 16 production will be substantially complete.

Proposed Schedule

The parties jointly propose the following schedule in this matter, which accounts for the substantial volume and expected timing of discovery in this matter:

July 1, 2025:	Pretrial motions
August 11, 2025:	Responses to pretrial motions
August 25, 2025:	Replies in support of pretrial motions
October 31, 2025:	Expert and 404(b) notice
November 17, 2025:	Motions <i>in Limine</i> , Requests to Charge, Proposed <i>Voir Dire</i>
December 17, 2025:	Responses to Motions <i>in Limine</i>
January 9, 2026:	Replies in support of motions <i>in limine</i>
January 26, 2026:	Trial

Foreign Seizures and Interviews

At the initial conference in this matter, the Court inquired about (1) evidence in the Government's possession that was the product of seizures by foreign law enforcement; and (2) witness interviews conducted by foreign authorities.

The Government is in possession of four cellphones, as well as some other personal items belonging to Kwon, that the Government understands were seized from Kwon in Montenegro. The circumstances surrounding the seizure of those items is discussed in various law enforcement documents that have been produced to the defense. The Government has not identified any other evidence in its possession that was seized by foreign authorities.

The Government has not identified any witness interview notes, transcripts, or recordings in its possession that were the product of interviews by foreign authorities.¹ The Government understands from the defense that Singaporean authorities conducted an interview of Kwon at the request of the U.S. Securities and Exchange Commission (the “SEC”), and has requested any notes or transcripts of that interview from the SEC. The Government has identified and produced to the defense records of two separate instances in which the defendant was interviewed by the SEC: (1) notes of a July 8, 2021 interview of Kwon, with the notes providing no indication of Kwon’s location at the time of the interview, and (2) transcripts of an August 24-25, 2022 videoconference deposition that the SEC conducted of Kwon, who was located in Singapore at the time.

The Upcoming Status Conference

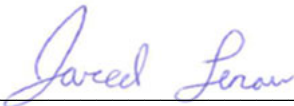
The parties have conferred, and neither has any matters to raise with the Court at this time apart from those outlined above. In light of that, and the expected discovery timeline, the parties respectfully propose that the Court adjourn the upcoming status conference by 30 days, to the week of March 30, 2025.

To the extent the Court adjourns the next status conference, the Government respectfully requests that it exclude Speedy Trial time to allow the defense time to review discovery, consider potential motions, and prepare for trial. The defendant, through counsel, consents to this request.

¹ One foreign authority has provided the Government a document that summarizes certain evidence obtained by that authority, and appears to include short and general summaries of statements made to that authority by others apart from the defendant.

Respectfully submitted,

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