



**U.S. Department of Justice**

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December 15, 2023

Honorable Lawrence J. Vilardo  
United States District Court Judge  
2 Niagara Square  
Buffalo, New York 14202

RE: United States v. Joseph Bongiovanni  
19-CR-227-LJV and 23-CR-37

Dear Judge Vilardo:

Please be advised that, following court on December 14, 2023, counsel for defendant Bongiovanni and the government engaged in additional discussions. Based upon those discussions, and representations by counsel for defendant Bongiovanni that they would like to proceed to trial 42 days after the Christmas holiday, the government writes to advise the Court that it intends to consent to a motion for severance, if one is filed, as long as the Court is amenable to scheduling a firm date for defendant Bongiovanni's trial to commence no later than the week of February 5, 2024. Alternatively, if the Court is not amenable to scheduling defendant Bongiovanni's trial to commence no later than the week of February 5, 2024, then the judicial economy and efficiency of a joint trial will continue to outweigh defendant Bongiovanni's desire for a separate trial, consistent with the exchange between the Court and Mr. Singer on September 6, 2023, as follows:

THE COURT: Okay. So you don't -- you don't want a separate trial, for instance, in October?

MR. SINGER: No, Judge. At this time, I think the delay is fair and, you know, logistically speaking, I don't know that can be pulled off even if we asked for it.

THE COURT: Okay.

MR. SINGER: So we'll withdraw that motion at this time.

*See*, Sept. 6, 2023, Tr. at 25.

The government believes that this proposal strikes the appropriate balance as it will enable the government and defendant Bongiovanni to complete trial while giving Mr. Foti and any potential new co-counsel for defendant Gerace time to prepare for defendant Gerace's trial, which the government believes can commence in or about April or early May 2024.

In the event that defendant Bongiovanni files a formal motion for severance, the government respectfully requests a status conference to discuss the foregoing before filing its formal response.

Very truly yours,

TRINI E. ROSS  
United States Attorney

BY: s/JOSEPH M. TRIPI  
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