

# MEMO ENDORSED

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JAN 23 2009

BENJAMIN BRAFMAN

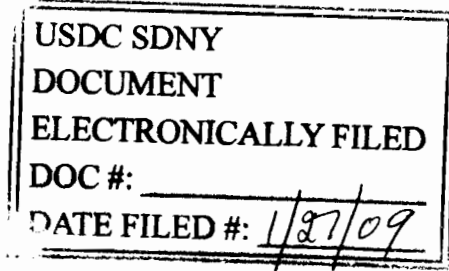
ANDREA ZELLAN

KAREN A. NEWIRTH

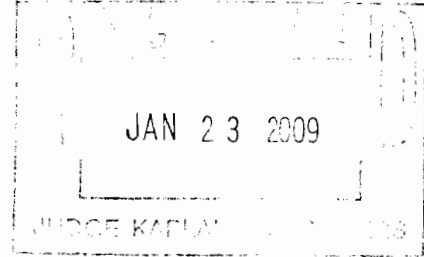
MARC AGNIFILO ADMITTED IN N.Y. AND N.J.

MARK M. BAKER

OF COUNSEL



January 22, 2009



**BY HAND**

Honorable Lewis A. Kaplan  
United States District Judge  
Southern District of New York  
500 Pearl Street, Room 1310  
New York, New York 10007

**Re: United States v. David A. Glass, 07-CR-159 (LAK)**

Dear Judge Kaplan:

We represent David Glass, who was sentenced to a five-year term of probation by this Court on December 8, 2008, in connection with the above-captioned action. We write, with the consent of the government and the Department of Probation, to request a modification to Mr. Glass's conditions of supervision, imposed in connection with his sentence.

As Your Honor is aware, one of the standard conditions of supervision for all defendants is that the defendant may not leave the judicial district without the permission of the Court or the defendant's probation officer. Mr. Glass is presently subject to this condition and is restricted to the Eastern and Southern District of New York. This is inconvenient to Mr. Glass because he has family and close friends elsewhere in the tri-state area, and also travels with his wife and son elsewhere in the United States from time to time.

As described in our sentencing materials, Mr. Glass was in contact with the government in connection with his case beginning in November 2007. In February 2007,

*Granted on consent*

LEWIS A. KAPLAN, USDJ

**BRAFMAN & ASSOCIATES, P.C.**

pursuant to a plea agreement, Mr. Glass pled guilty to the complaint filed against him. Upon the entry of his guilty plea, bail was set for Mr. Glass (by agreement with the government) at \$50,000 PRB and his travel was restricted to the 48 lower United States. Mr. Glass had no reporting or supervision requirement imposed in connection with his bail.

In view of the fact that, during the more than two years during which Mr. Glass's criminal case was pending and while he provided invaluable assistance to the government in the prosecution of various criminal cases, Mr. Glass was permitted to travel throughout the United States and did so without issue, we now write to ask that the travel restrictions imposed by the terms of his post-sentence supervision be consistent with the terms imposed pre-sentence as part of his agreed-to bail package. Mr. Glass has demonstrated through his conduct over a two year period that a broader travel restriction poses no risk of harm to the public and nor risk of flight and therefore, we respectfully submit, should be granted.

I have spoken to AUSA Andrew Fish who has no objection to the request. I have also spoke to U.S. Probation Officer Talia Katz, who is supervising Mr. Glass, and she likewise has no objection to the request, provided Mr. Glass informs her whenever he leaves the Eastern or Southern Districts of New York. We have no objection to this added requirement, should the Court deem it necessary.

Very truly yours,

A handwritten signature in black ink that reads "Ben Brafman". The signature is written in a cursive, flowing style with a long horizontal stroke at the end.

Benjamin Brafman

cc: AUSA Andrew Fish (by e-mail)  
U.S. Probation Officer Talia Katz (by e-mail)

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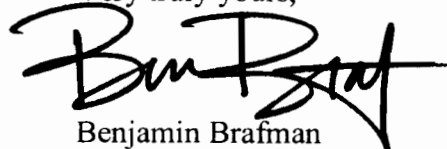
**Re: United States v. David A. Glass, 07-CR-159 (LAK)**

Dear Judge Kaplan:

We write to correct a misstatement in our letter of today, in which we seek a modification to the terms of Mr. Glass' supervision. On December 8, 2008, Mr. Glass was sentenced by this Court to a three-year term of probation (*not* five years, as we mistakenly wrote).

We apologize for any inconvenience we may have caused. We thank the Court for its continued courtesy.

Very truly yours,



Benjamin Brafman

cc: AUSA Andrew Fish (by e-mail)  
U.S. Probation Officer Talia Katz (by e-mail)



**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 23, 2009

Honorable Lewis A. Kaplan  
United States District Court  
Southern District of New York  
United States Courthouse  
500 Pearl Street  
New York, New York 10007


**Re: United States v. David Glass,  
07 Cr. 159 (LAK)**

Dear Judge Kaplan:

I write in response to defense counsel's January 22, 2009 letter. The Government has no objection to the requested modification to Glass's conditions of supervision.

Respectfully submitted,

LEV L. DASSIN  
Acting United States Attorney

By:   
Andrew L. Fish  
Assistant United States Attorney  
(212) 637-2548

cc: Benjamin Brafman, Esq.