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Steven Z. Legon
Of Counsel

February 3, 2016

BY FAX DELIVERYHon. Margo K. Brodie
United States District Judge
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201**Re: *United States v. Fareed Mumuni*, Docket. No. 15 Cr. 393 (MKB)**

Dear Judge Brodie:

This letter is submitted to advise the court of my unavailability to attend the pre-trial conference scheduled for Thursday, February 4, 2015, and to request permission for attorney Steven Legon to appear in my stead.

I am presently engaged on trial in the matter of *People v. Dard Coaxum*, docket no. 2015NY041257, in Part Jury 13 of New York Criminal Court for New York County. Additionally, attorney Kenneth Montgomery is presently engaged on trial in a civil matter before the Hon. Paul A. Engelmayer in the United States District Court for the Southern District of New York.

With the Court's permission, attorney Steven Z. Legon, an associate with my office for the past 16 years, shall stand in for me at the pre-trial conference. Mr. Legon is fully familiar with the facts and circumstances of this matter, having been closely involved in the representation of Fareed Mumuni since the date of his arrest on June 17, 2015. Additionally, Mr. Legon has been present at all prior court conferences related to this case, and is familiar with the issues pertinent to the pre-trial conference.

Attorney Steven Z. Legon is in a position to comprehensibly address those matters related to the present status of Fareed Mumuni's defense, including but not limited to issues related to the government's production of discovery, as well as any scheduling issues which may arise.

In addition, if required, attorney Steven Z. Legon is well versed and prepared to address any matters related to: (1) the appointment of necessary defense services and the possibility of case budgeting pursuant to the Guidelines for the Administration of the Criminal Justice Act, vol. 7A, §230.26.10¹; (2) the need for an opportunity to receive, review and evaluate "*classified Rule 16 discovery*;" (3) additional time needed to consider the filing of Fed. R. Crim. P., Rule 12.2 (b) notice and/or reciprocal notice of experts as required under Fed. R. Crim. P., Rule 16(b)(1)[c] and Fed. R. Evid., Rules 702, 703 and 705; and (4) additional time needed to continue and further pursue plea negotiations, *inter alia*.

Fareed Mumuni has been advised of mine and Mr. Montgomery's unavailability to appear at the pre-trial conference, and consents to proceeding with attorney Steven Z. Legon, appearing on my behalf.

Finally, I apologize to the court for this late notice, however, I had anticipated that my present trial would have concluded by now.

Since it is expected that we will primarily address scheduling related to the *unclassified* and *classified* Rule 16 discovery and other administrative matters (i.e. FISA and/or DOJ security clearance status), this request is made so that the case may proceed without an unwarranted delay.

Thank you for your consideration of this matter.

Respectfully,

Anthony L. Ricco

Anthony L. Ricco

ALR/jh

cc:

AUSA Ian Richardson (By email)
AUSA Alexander Solomon (By email)
AUSA Doug Pravda (By email)

Deborah A. Colson, Esq. (By email)
Richard Willstatter, Esq. (By email)

¹ According to the Judicial Conference's resolution and CJA Guidelines § 230.26.10, courts are encouraged to budget any representation of a defendant anticipated to exceed 300 attorney hours or \$30,000 in fees and costs paid by CJA funds for appointed counsel and services other than counsel. This practice has been adopted by the 2nd Circuit Court of Appeals. See, *2nd Circuit Judicial Committee on Criminal Justice Act Representation Policy and Procedure Manual*, Part III, page 15.