



U.S. Department of Justice

*United States Attorney
Southern District of New York*

*United State Courthouse
300 Quarropas Street
White Plains, New York 10601*

December 6, 2017

Hon. Cathy Seibel
United States District Judge
300 Quarropas Street
White Plains, NY 10601

Re: United States v. St. Lawrence
16 Cr. 259 (CS)

Dear Judge Seibel:

The Government called Jonathan Wilcox, an employee of the Securities and Exchange Commission, as a witness at the sentencing hearing in the above-referenced case held on November 29. He was still on cross-examination when that hearing was continued to December 11. Yesterday, we and the defense received an email from an attorney at the SEC advising in part that he had:

been advised indirectly that Jonathan Wilcox has undertaken additional calculations concerning certain questions put to him at the hearing on November 29, 2017, that may cause him to wish to supplement his prior testimony. I am contacting both sides to obtain guidance as to when and in what manner you think he should convey any additional information to you and the Court regarding his calculations. I am available for a conference call at your earliest convenience.

The defense responded by email stating in part that the SEC attorney's

'indirect' advisement (whatever that means) from Mr. Wilcox that he wishes to change his prior testimony is [in] direct conflict with the court's order.

The Government spoke with the SEC attorney after receiving his email. Our understanding from that conversation is that Mr. Wilcox's supervisor indicated to SEC counsel that

Mr. Wilcox has done some additional calculations relevant to his testimony in this case. The SEC attorney also told us that his email to the Government and the defense was intended to avoid the potential for delay resulting from a situation in which both sides learn for the first time during Mr. Wilcox's continued testimony on December 11 that he has conducted additional calculations.

To avoid or minimize any such delay, we ask the Court's permission to contact Mr. Wilcox through SEC counsel for the sole purpose of asking him to send to the Government and the defense simultaneously any documents he may have created since November 29 that are relevant to his testimony. Consistent with our usual practice with respect to such Rule 26.2 material, we will provide the Court with copies of any documents we receive.

Respectfully submitted,

JOON H. KIM
Acting United States Attorney

/s

By:

James McMahon
Stephen J. Ritchin
Daniel Loss
Assistant United States Attorneys
(914) 993-1936

cc: Defense counsel (by email and ECF)
Kevin McGrath, Esq. (SEC)(by email)