

J9gnfowc

1 UNITED STATES DISTRICT COURT  
2 SOUTHERN DISTRICT OF NEW YORK

3 UNITED STATES OF AMERICA,

4 v.

19 Cr. 254 (ALC)

5 REGINALD FOWLER,

6 Defendant.

Conference

7 -----x  
8 New York, N.Y.  
9 September 16, 2019  
10:15 a.m.

10 Before:

11 HON. ANDREW L. CARTER, JR.,

12 District Judge

13 APPEARANCES

14 GEOFFREY S. BERMAN

15 United States Attorney for the  
Southern District of New York

16 BY: SEBASTIAN A. SWETT

JESSICA K. FENDER

17 Assistant United States Attorneys

18 HOGAN LOVELLS

Attorneys for Defendant

19 BY: JAMES McGOVERN

MICHAEL HEFTER

J9gnfowc

1 (Case called)

2 THE DEPUTY CLERK: Counsel, please state your  
3 appearance.

4 For the government?

5 MR. SWETT: Good morning, your Honor. Sheb Swett and  
6 Jessica Fender, for the United States.

7 MS. FENDER: Good morning, your Honor.

8 THE DEPUTY CLERK: For the defendant?

9 MR. McGOVERN: Good morning, your Honor.  
10 Jim McGovern and Michael, Hefter for the defendant,  
11 Richard Fowler, who has waived his appearance for this status  
12 hearing. As you recall the Court was OK with that when we were  
13 last here because he lives in Chandler, Arizona.

14 THE COURT: OK. Thank you. What is the status of  
15 this matter?

16 MR. SWETT: Your Honor, the government has produced  
17 all discovery except for files that were seized from  
18 Mr. Fowler's businesses at the time of the arrest. Those had  
19 taken a while to get processed by the FBI. They have been  
20 recently been processed. We have a hard drive from defense  
21 counsel, and we are going to put all of those materials on that  
22 hard drive. At that point discovery will have been finally  
23 produced.

24 We have started preliminary plea negotiations. There  
25 is no formal offer, but we are anticipating that there will be

J9gnfowc

1 an offer at some point soon. We have told defense counsel  
2 that, notwithstanding the plea negotiations, we are still  
3 investigating this matter, and, should we not reach a  
4 resolution, we will likely supersede with additional charges.

5 Having said that, our request today -- and we  
6 discussed this with defense counsel -- would be to set a  
7 conference in early November. That would give the government  
8 time to make a plea offer and likely time for the defendant to  
9 consider that offer. That way when we are in front of the  
10 Court in November it could be either for a change of plea or at  
11 that point we can move forward with the case.

12 THE COURT: OK.

13 Anything else from the defense counsel?

14 MR. McGOVERN: No, your Honor. That all seems  
15 accurate.

16 THE COURT: All right.

17 One other thing: In mid-July in chambers we received  
18 a letter from an individual making statements about this case.  
19 We e-mailed a copy of that letter to defense counsel and the  
20 government to get their view as to what should be done with  
21 that, whether it should be docketed or not. We have a response  
22 from the government. We don't have a response from defense  
23 counsel.

24 Did defense counsel get that letter.

25 MR. McGOVERN: No, I never received that.

J9gnfowc

1 THE COURT: We have another copy.

2 MR. McGOVERN: OK. Great.

3 It sounds like something I would have found very  
4 interesting.

5 With the Court's permission, we will take this back to  
6 our office and take a closer look and then respond to the  
7 Court.

8 THE COURT: OK.

9 MR. McGOVERN: Copying the government obviously.

10 THE COURT: All right. Just so you are aware, the  
11 government has already responded to that and you can talk to  
12 the government about their response.

13 MR. McGOVERN: Sure.

14 THE COURT: I will await a response from defense  
15 counsel. In the interim, let's adjourn this matter.

16 I believe we have time on Wednesday, November 6, Tara?

17 THE DEPUTY CLERK: The parties have said the first  
18 week of November didn't work for them. The date I suggested  
19 was November 13 at 11:15.

20 THE COURT: That's fine. Does that work for everyone?

21 MR. McGOVERN: That does, your Honor.

22 MR. SWETT: Yes, your Honor.

23 THE COURT: So November 13 at 11 o'clock is the next  
24 date here. Based on the representations made by counsel in  
25 open court, I would exclude time under the Speedy Trial Act so

J9gnfowc

1 that defense counsel may have more time to review the discovery  
2 and prepare for trial and also so that the parties may continue  
3 to negotiate in plea negotiations. I find that the interests  
4 of justice and the interest of Mr. Fowler outweigh the public's  
5 interest in a speedy trial, and I will enter an order to that  
6 effect.

7 Anything else from the government?

8 MR. SWETT: No. Thank you, your Honor.

9 THE COURT: Anything else from the defense?

10 MR. McGOVERN: No. Thank you, your Honor.

11 THE COURT: OK. We are adjourned.

12 (Adjourned)

13

14

15

16

17

18

19

20

21

22

23

24

25