



U.S. Department of Justice

United States Attorney
Southern District of New York

The Silvio J. Mollo Building
One Saint Andrew's Plaza
New York, New York 10007

February 6, 2020

BY ECF

The Honorable Denny Chin
United States Circuit Judge
United States Court of Appeals for the Second Circuit
40 Foley Square
New York, New York 10007

Re: *United States v. Bernard L. Madoff*, 09 Cr. 213 (DC)

Dear Judge Chin:

The Government writes in connection with the motion of Bernard L. Madoff, the defendant in the above-captioned case, for a sentence reduction pursuant to 18 U.S.C. § 3582, as amended by the First Step Act. The Government proposes to respond to the motion by March 4, 2020, with any reply by Madoff due by March 11, 2020. Counsel for Madoff agrees with the proposed schedule.

Additionally, the Government proposes to provide notice to Madoff's victims of his motion in the form of the attached Exhibit A, to be posted on the website of the U.S. Attorney's Office and distributed to Madoff's victims through coordination with the Special Master to the Department of Justice's Madoff Victim Fund. If it is amenable to the Court, the Government proposes that February 28, 2020 be established as a deadline by which comments from victims should be received by the U.S. Attorney's Office. The Government will produce any comments it receives from victims to the Court and counsel for the defendant on a rolling basis.

Respectfully submitted,

Geoffrey S. Berman
United States Attorney

By: _____/s/

Drew Skinner
Assistant United States Attorney
Southern District of New York
(212) 637-1587

Attachment: Exhibit A
cc: Brandon Sample, Esq. (counsel for Madoff)

Exhibit A: Proposed Notice

NOTICE TO FORMER BERNARD L. MADOFF INVESTORS

Title 18, United States Code, Section 3771(a) sets forth certain rights for crime victims and establishes certain requirements concerning victim notification by the Government. Among other rights, Section 3771(a) provides the following rights for crime victims:

1. The right to reasonable, accurate, and timely notice of any public court proceeding, or any parole proceeding, involving the crime or of any release or escape of the accused.
2. The right to be reasonably heard at any public proceeding in the district court involving release, plea, sentencing, or any parole proceeding.

On June 29, 2009, defendant Bernard L. Madoff was sentenced to a term of imprisonment of 150 years. Madoff has served approximately 10 years of his sentence.

On February 5, 2020, Madoff filed a motion with the Court for a sentencing reduction pursuant to 18 U.S.C. § 3582 and the First Step Act. The motion, which seeks Madoff's immediate release from prison, is based primarily on his various medical conditions. The Government will file a response to Madoff's motion. The Court may also order a public hearing on the motion. A copy of the briefs relating to Madoff's motion for a sentence reduction can be found at:

[xxx]

As a victim of Madoff's crimes, should you wish to provide your views to the presiding judge in this matter, the Honorable Denny Chin, U.S. Circuit Judge, with respect to Madoff's motion for a sentence reduction, you may do so. Please address any such correspondence to the Court, but send the correspondence to the Victim/Witness coordinator for the U.S. Attorney's Office for the Southern District of New York **by email** as follows:

Ms. Wendy Olsen-Clancy
Victim/Witness Coordinator
United States Attorney's Office Southern District of New York
email: Wendy.Olsen@usdoj.gov

The U.S. Attorney's Office will then provide a copy of any correspondence received to the Court and counsel for Madoff. The Court has set a deadline of February 28, 2020 for the U.S. Attorney's Office to receive any correspondence from victims. The U.S. Attorney's Office will also provide notice on the above-noted website of any public hearing date set by the Court.