

## NEW YORK COUNCIL OF DEFENSE LAWYERS

c/o Alexandra A.E. Shapiro, Esq.  
Shapiro, Arato & Isserles LLP  
500 Fifth Avenue, 40th Floor, New York, New York 10110  
TELEPHONE: 212.257.4880 FAX: 212.202.6417  
E-MAIL: ashapiro@shapiroarato.com

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December 8, 2014

Hon. Reena Raggi  
United States Circuit Judge  
United States Court of Appeals,  
Second Circuit  
United States Courthouse  
225 Cadman Plaza East  
Brooklyn, NY 11201-1818

Re: Proposed Amendment to Fed. R. Crim. P. 35

Dear Judge Raggi:

I am writing regarding the New York Council of Defense Lawyers' proposal to amend Federal Rule of Criminal Procedure 35. It has come to our attention that some members of the Advisory Committee are concerned that sub-paragraph (d)(3) of our proposal would permit a judge to impose a sentence below an otherwise applicable statutory minimum and that such a change must be formally passed by Congress. In order to avoid an objection on this basis, we are willing to withdraw sub-paragraph (d)(3) of our proposal, and limit our proposal to the other changes to Rule 35 described in my letter of October 17, 2014.

Hon. Recna Raggi  
December 8, 2014

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Please let us know if you have any questions.

Very truly yours,

A handwritten signature in black ink, consisting of three distinct, stylized cursive marks.

Alexandra A.E. Shapiro

cc: Michael Grudberg, Esq.  
Roland Riopelle, Esq.