## UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA : CRIMINAL NO.: 08-CR-371 (JR)

:

**v.** 

STEWART D. NOZETTE,

Case 1:08-cr-00371-JR

:

Defendant.

## STATUS REPORT OF THE PARTIES ON THE DEFENDANT'S SENTENCING DATE

The United States of America, by and through its attorney, the United States Attorney for the District of Columbia, hereby submits the following status report on the defendant's sentencing date:

- 1. The defendant, Stewart D. Nozette, is currently scheduled to be sentenced by this Court on November 18, 2009 at 9:15 a.m. The sentencing date was complicated by the defendant's arrest on October 19, 2009 on charges that he violated Title 18, United States Code, Section 794. On October 21, 2009, a grand jury in the District of Columbia returned a two count Indictment charging the defendant with violations of Title 18, United States Code, Section 794(a) (Attempted Espionage).
- 2. The offenses of conviction before this Court arose on December 12, 2008, when the government filed a two count Information charging the defendant with conspiracy to defraud the government and tax evasion.
- 3. On January 30, 2009, the defendant entered a plea of guilty to the Information. At the parties' request, the defendant's sentencing has been postponed once and, as stated above, is currently scheduled for November 18, 2009 at 9:15 a.m.

- 4. The government's position on the defendant's sentencing date is that it may go forward on November 18, 2009. The Probation Office has prepared a presentence report and there is sufficient time for the parties to prepare and submit sentencing memorandums in advance of the sentencing date of November 18, 2009.
- 5. The undersigned Assistant United States Attorney has conferred with the defendant's counsel, Bradford A. Berenson, concerning this issue. The defense position is that the sentencing should be postponed in light of the recent indictment filed against the defendant and that a hearing for a status report should be set to address, among other things, an appropriate date for sentencing. The defense intends to file a motion seeking such relief on or before October 30, 2009 if this issue is not resolved by that date.

Respectfully submitted,

CHANNING D. PHILLIPS
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ACTING ATTORNEY OF THE UNITED STATES
IN AND FOR THE DISTRICT OF COLUMBIA

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DATED: October 27, 2009 Michael. Atkinson 2@usdoj.gov