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October 4, 2023

**By ECF**

Hon. Kari A. Dooley  
United States District Court  
District of Connecticut  
915 Lafayette Boulevard  
Bridgeport, CT 06604

**Re: *United States v. Glenn Oztemel, et al.***  
**S1 23 Crim. 26 (KAD)**

Dear Judge Dooley,

On behalf of our client, Glenn Oztemel, we respectfully request that the Court order the government to provide a detailed update to the Court and counsel regarding the status of the extradition of co-defendant Eduardo Innecco by close of business tomorrow, October 5.

Mr. Innecco was arrested in France during the week of May 1, 2023, and on May 10 we were informed that the government would seek his extradition.<sup>1</sup> The Court and we have, on several occasions, asked the government for an update as to the status of Mr. Innecco's extradition; the government has never responded with anything of substance. *See, e.g.*, ECF No. 64 at 13:3-7 (July 6, 2023, Conf. Tr.) ("MR. McGARRY: ... we're happy to call Mr. McConnell and Mr. Boxer and go through that if that – and update everybody on the 26<sup>th</sup> or 27<sup>th</sup>, if that's helpful, rather than trying to do it off the top of our head right now."); ECF No. 71 at 16:20 (Aug. 10, 2023, Conf. Tr.) ("MR. BOXER: And Mr. Innecco seems to be a huge mystery. I'm amazed that the United States Government doesn't know from their French counterparts whether he's fighting or contesting and what's happening....").

Most recently, in court on September 26, AUSA Michael S. McGarry stated that an Innecco extradition "hearing ... [was] scheduled for the 28th, which is Thursday. And it's our understanding that we should have more information after Thursday, as to what – how that, the proceedings in

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<sup>1</sup> ECF No. 45 at 4:17-5:4 (May 10, 2023, Conf. Tr.).

<sup>2</sup> *See also id.* ("MR. BOXER: ... Is he going to be present in the district in the near future and part of the case going forward, or not? MR. McGARRY: Again, Your Honor. I'll direct my response to you. We're happy to give him a call and let him know what we know.")

France, will proceed.” ECF No. 107 at 5:8 (Sept. 26, 2023, Conf. Tr.). AUSA McGarry further informed the Court that “we’re working through OIA, and I believe they have – there’s a Government lawyer in France but ... we go through OIA and go through that lawyer.” *Id.* The Court then inquired and instructed as follows:

THE COURT: And have you been provided any information, in terms of Mr. Innecco’s position with respect to his extradition?

MR. MCGARRY: As of right now, no.

THE COURT: ... I would ask you to communicate, as you learn what’s going on, that you communicate to all of the parties so that everybody’s operating with the same font of information.

MR. MCGARRY: Definitely.

*Id.* at 5:23-6:15.

Mid-day on September 28 (late afternoon/early evening in France), we asked the government by e mail for “an update as to the status of the extradition proceedings of Eduardo Innecco....” Later that day, AUSA Clayton P. Solomon responded that, at “this time, we do not have an update from DOJ’s Office of International Affairs regarding today’s proceedings. As we indicated on Tuesday, we’ll advise you and the Court of any material developments.” This was the first time the adjective “material” was unilaterally inserted into the discussion (it was not a limitation to what the government orally promised to the Court on September 26); as we have never received any information about the extradition proceeding, any description or status or scheduling regarding it would be material. And, as of today, we still have not received an update from the government providing “any information, in terms of Mr. Innecco’s position with respect to his extradition.”

We remain astounded that the government secured an Indictment against Mr. Innecco, caused a provisional arrest warrant to issue out of this district for his arrest<sup>3</sup> (presumably in February), caused his arrest in early May,<sup>4</sup> and formally sought his extradition to the United States in May,<sup>5</sup> yet could not report a single substantive feature of the proceeding in France – will Mr. Innecco be contesting extradition? does France have a FCPA and money laundering analogs such that Mr. Innecco can be extradited on those charges? when will the extradition trial occur? when can a decision be anticipated? does Mr. Innecco have appellate rights concerning extradition? etc. We have also not been informed of the identity of Mr. Innecco’s counsel (we’ve previously

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<sup>3</sup> ECF No. 45 at 4:18 (May 10, 2023, Conf. Tr.).

<sup>4</sup> ECF No. 44 at 14:4 (March 8, 2023, Conf. Tr.) (“MR. MCGARRY: The second defendant [INNECCO] is not currently in custody and he is – we are making every effort to locate him. The case is not under seal, and there is a warrant out for him. I believe it’s been put in NCIC, and we’re working with some of our counterparts to get him and bring him before the Court.”)

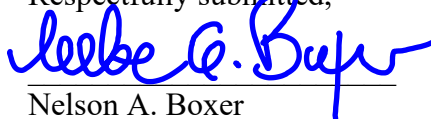
<sup>5</sup> ECF No. 45 at 4:17-5:4 (government informed the Court that AUSA McGarry and an agent had prepared affidavits in support of extradition that were in the process of being translated into French). On August 29, 2023, we received in discovery a May 18, 2023, eleven-page affidavit of AUSA McGarry that was submitted to the French authorities in support of Mr. Innecco’s extradition.

requested it).

This is far from an academic matter for Glenn Oztemel. Our severance motion prominently features the trial delay Mr. Innecco's extradition has caused and will cause, and the timing of his extradition is relevant to our request that Glenn Oztemel be severed from Mr. Innecco and Gary Oztemel (we will be submitting our reply papers on Friday). *See* Doc. 107, Tr. 09/26/23 at 10 ("THE COURT: So, hearing nothing from France and being unable to set a schedule, this is not going to be a productive meeting, I think.").

The government's dismissive behavior appears to be an effort to forestall Glenn Oztemel's severance and trial in January or February 2024 (which will be approximately 12 months since his arrest), by keeping the Court and the defense in the dark about Mr. Innecco's extradition, a strategy of delay that leaves the Court without information of facts relevant to adjudicate Glenn Oztemel's severance motion. The longer the Court does not learn information about Mr. Innecco's French proceeding, the greater the possibility that Glenn Oztemel's severance motion could become moot by the passage of time. The Court should not abide this strategy. Instead, it should order a substantive, detailed update of the status of Mr. Innecco's extradition proceeding by close of business tomorrow, so, if necessary, it can be addressed in our severance reply brief. Moreover, entry of a pre-trial scheduling order in the form submitted jointly by the parties by e mail on August 11 will require certain disclosure by the government (and the defense) within the next weeks and months, an obligation that not only will accommodate a January or February 2024 trial of Glenn Oztemel but may also encourage the government to act with some (or any) urgency regarding Mr. Innecco's extradition.

Respectfully submitted,



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