



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*

January 9, 2014

BY EMAIL AND HAND DELIVERY

The Honorable Shira A. Scheindlin
United States District Judge
Southern District of New York
Thurgood Marshall Courthouse
40 Foley Square
New York, New York 10007

**Re: United States v. Devyani Khobragade
14 Cr. 008 (SAS)**

Dear Judge Scheindlin:

The Government respectfully writes to advise the Court that earlier today, the grand jury voted on and returned the enclosed Indictment charging Devyani Khobragade, the defendant, in two counts with visa fraud and making false statements in violation of Title 18, United States Code, Sections 1546, 1001, and 2.

There will not need to be an arraignment on the Indictment scheduled at this time. We understand that the defendant was very recently accorded diplomatic immunity status and that she departed the United States today. Therefore, the charges will remain pending until such time as she can be brought to Court to face the charges, either through a waiver of immunity or the defendant's return to the United States in a non-immune status. The time between now and the time that she is able to be brought before the Court is excluded automatically under the Speedy Trial Act, pursuant to Title 18, United States Code, Section 3161(h)(3)(A), which provides for the exclusion of any period of delay resulting from the unavailability of the defendant. In this case, the defendant is unavailable because her "whereabouts are known but [her] presence for trial cannot be obtained by due diligence or [she] resists appearing at or being returned for trial." 18 U.S.C. § 3161(h)(3)(B).

Hon. Shira A. Scheindlin, U.S.D.J.

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We will alert the Court promptly if we learn that the defendant returns to the United States in a non-immune capacity, at which time the Government will proceed to prosecute this case and prove the charges in the Indictment.

Respectfully submitted,

PREET BHARARA
United States Attorney

by: _____/s/
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Assistant United States Attorneys
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cc: Daniel Arshack, Esq. (by email)

Enclosure