

before Your Honor. Their roles will not require any appearance in Court...." (Defendant's Letter to Court, filed Mar. 27, 2017, at 2.) The Government wrote in reply, asserting, among other things, that "[p]reparation for trial and participation at trial... are not the only stages of representation that implicate the defendant's right to conflict-free counsel.... In this case, the Government has been expressly advised that Mr. Giuliani and Mr. Mukasey have been retained by the defendant and are involved in, and will continue to be involved in, efforts to explore a potential disposition of the criminal charges in this matter. To the extent that the defendant relies on the advice and efforts of these attorneys, and to the extent that there exist potential conflicts of interest that could impair the defendant's right to conflict-free representation, Curcio proceedings are appropriate...." (Government's Reply Letter to Court, filed Mar. 27, 2017, at 1-2.)(See Footnote 2 on this Decision & Order). The Court has made clear, and does so here, that nothing it may have said having to do with the Government's request for a Curcio hearing in any way is meant to suggest or imply that Mr. Zarbab is guilty of any of the crimes he is charged with in the Indictment. (See H'rg Tr., dated Apr. 4, 2017, at 5-6.) Mr. Zarbab is presumed to be innocent of those charges and that presumption applies unless and until he were to be found guilty in proceedings in this Court. In that connection, trial of these criminal charges will begin on August 21, 2017. The Court also makes clear that nothing it says or does is intended to disparage esteemed counsel) including: Mr. Brafman and his team of co-counsel; the acting United States Attorney Joon Kim and his team; former United States Attorney Preet Bharara, during whose tenure the case was commenced; or Rudolph Giuliani and Michael Mukasey, who have served our City and Country over many years as dedicated public servants and attorneys....[See this Decision & Order]... IV. Conclusion & Order: Based upon the record herein, including the parties' written submissions and oral arguments, and bearing firmly in mind the Court's responsibilities to ensure that Mr. Zarbab is treated fairly and has (or knowingly waives) conflict-free counsel, and to safeguard and ensure the integrity of these proceedings, see Wheat, 486 U.S. at 160, the Court confirms that these matters are unquestionably the Court's "business." And, the Court orders and directs as follows: 1. The Court will conduct a Curcio hearing on April 24, 2017, beginning at 9:30 a.m.(See Footnote 5 on this Decision & Order). The Government and the defense have acknowledged or agreed that a Curcio hearing is appropriate, and that the work of Messrs. Giuliani and Mukasey and their firms may impact the outcome of these criminal proceedings. (See Defendant's Letter to Court, dated Mar. 31, 2017, at 2.) It is incumbent upon the Court, among other things, to investigate any conflicts or potential conflicts and, thereafter, to determine whether Mr. Zarbab is fully aware of any (actual or potential) conflicts of interest which may exist as a result of Messrs. Giuliam and Mukasey's representation of him. See Cain, 671 F.3d at 293-94. The Court will also determine whether any conflicts are of such a nature as can be knowingly and voluntarily waived by Mr. Zarbab, and whether he, in fact, chooses to do so. See United States v. Lussier, 71 F.3d 456, 461 (2d Cir. 1995) ("[T]he court must follow the procedures set out in [Curcio] to secure a knowing, voluntary, and intelligent waiver from the defendant of his right to a non-conflicted attorney."). 2. The alleged conflicts to be considered relate to: (a) Greenberg Traurig s and Debevoise & Plimpton's representation of "victim banks," and (b) Greenberg Traurig's status and work as agent of the Republic of Turkey. See United States v. Isaacson, 853 F. Supp. 83, 88 (E.D.N.Y. 1994).(See Footnote 7 on this Decision & Order). 3. Mr. Brafman is requested forthwith to meet and confer with Messrs. Giuliani and Mukasey and thereafter to submit to the Court by affidavit/affirmation, along with supporting exhibits, the information described below. Such affidavit(s) may be filed under seal and presented for the Court's in camera review, particularly if they contain privileged information. Such affidavit(s) shall be submitted to the Court on or before April 14, 2017 (noon) and shall include the following:...[See this Decision & Order]... 4. On an ongoing basis, the parties are directed promptly to advise the Court if they are or become aware of other actual or potential conflicts of interest. 5. The parties shall meet and confer in good faith to develop a joint