

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA :
 :
 v. : S5 22 Cr. 673 (LAK)
 :
 SAMUEL BANKMAN-FRIED, : ORAL ARGUMENT REQUESTED
 :
 :
 Defendant. :
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**NOTICE OF SAMUEL BANKMAN-FRIED’S MOTIONS TO DISMISS
COUNTS 1-4, 7-10 AND 12-13 IN THE S5 INDICTMENT, OR IN THE ALTERNATIVE,
TO SEVER COUNTS 12 AND 13, FOR ADDITIONAL DISCOVERY,
A BILL OF PARTICULARS AND PRETRIAL DISCLOSURES**

PLEASE TAKE NOTICE that, upon the accompanying Declaration of Christian R. Everdell with Exhibits, Declaration of the Honourable James Lewis KC with Exhibits, and seven Memoranda of Law, Samuel Bankman-Fried hereby moves through his counsel as follows:

- Pretrial Motion No. 1: Motion to dismiss Counts 9, 10, 12 and 13 pursuant to the rule of specialty, or in the alternative, for disclosure of additional discovery from the Government pursuant to Fed. R. Crim. P. 16(a)(1)(E)(i);
- Pretrial Motion No. 2: Motion to dismiss Counts 7-9 and 1-2 pursuant to Fed. R. Crim. P. 12(b)(3)(B)(v) for failure to state an offense for failure to allege a valid property right;
- Pretrial Motion No. 3: Motion to dismiss Counts 3-4 and 10 pursuant to Fed. R. Crim. P. 12(b)(3)(B)(v) for failure to state an offense;
- Pretrial Motion No. 4: Motion to dismiss Counts 12-13 pursuant to Fed. R. Crim. P. 12(b)(3)(B)(v) for failure to state an offense, and to dismiss Count 13 pursuant to Fed. R. Crim. P. 12(b)(3)(A)(i) for improper venue or in the alternative, to sever Counts 12-13 pursuant to Fed. R. Crim. P. 12(b)(3)(B)(iv) & 12(b)(3)(D);

Pretrial Motion No. 5: Motion to compel additional discovery from FTX pursuant to Fed. R. Crim. P. 16, *Brady v. Maryland*, 373 U.S. 83 (1963), *Giglio v. United States*, 405 U.S. 150 (1972), and the Jencks Act on the basis that FTX is a member of the “prosecution team”;

Pretrial Motion No. 6: Motion for a bill of particulars pursuant to Fed. R. Crim P. 7(f) and pretrial disclosures; and

Pretrial Motion No. 7: Motion to dismiss multiplicitous counts pursuant to the Fifth Amendment and Fed. R. Crim P. 12(b)(3)(B)(ii).

Dated: May 8, 2023
New York, New York

Respectfully submitted,

/s/ Mark S. Cohen

Mark S. Cohen

Christian R. Everdell

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Sri K. Kuehnlenz

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