

Subject: Re: I'm available

Date: 1/5/2006, 7:01 AM

From: Jon Katz <jon@markskatz.com>

To: Elena Ruth Sassower <judgewatchers@aol.com>

Hi, Elena- Thanks for your message.

Unfortunately, under DC App. Rule 29(e) (attached): " An amicus curiae must file its brief, accompanied by a motion for filing when necessary, no later than 7 days after the principal brief of the party being supported is filed. An amicus curiae that does not support either party must file its brief no later than 7 days after the appellant's principal brief is filed. The court may grant leave for later filing, specifying the time within which an opposing party may answer."

Consequently, although your attached December 13 e-mail views January 2006 as my appropriate amicus brief filing deadline, the deadline has passed for me to file a brief in support of you, which, under the above rule, was due November 14, 2005. With the deadline having passed and with the government's brief due 22 days from now, unfortunately, I will not be filing an amicus brief. If the court changes any briefing deadlines, please let me know, so that I may revisit this.

I very much hope that the Court of Appeals reverses your conviction. If that doesn't happen, I hope your the court of appeals recognizes that the length of your sentence was not lawfully supportable.

If you would like me to return any of the material that you sent me, please let me know. Thanks, Elena. Jon

/D.C. Ct. App. Rule 29 /

DISTRICT OF COLUMBIA COURT RULES ANNOTATED
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*** THIS DOCUMENT REFLECTS CHANGES RECEIVED THROUGH 7/1/05 ***
*** Annotations are current through decisions posted as of 7/12/05 ***

RULES OF THE DISTRICT OF COLUMBIA COURT OF APPEALS
TITLE VI. GENERAL PROVISIONS

D.C. Ct. App. Rule 29 (2005)

Rule 29. Brief of An Amicus Curiae.

(a) When Permitted. The United States or the District of Columbia, or an officer or agency thereof, or a State, Territory, Commonwealth or

political subdivision thereof, may file an amicus curiae brief without the consent of the parties or leave of court. Any other amicus curiae may file a brief only by leave of court or if the brief states that all parties have consented to its filing.

(b) Motion for Leave to File. The motion must be accompanied by the proposed brief and state:

(1) the movant's interest; and

(2) the reason why an amicus brief is desirable and why the matters asserted are relevant to the disposition of the case.

(c) Contents and Form. An amicus brief must comply with Rule 28 (a)(1) and Rule 32. Additionally, the title page or cover must identify the party or parties supported and indicate whether the brief supports affirmance or reversal. If the amicus curiae is a corporation or partnership, the brief must include the disclosure statement required of the parties by Rule 28 (a)(2). An amicus brief need not otherwise comply with Rule 28, but must include the following:

(1) a table of contents, with page references;

(2) a table of authorities -- cases (alphabetically arranged), statutes, and other authorities -- with references to the pages of the brief where they are cited, and with an asterisk designating the cases chiefly relied upon;

(3) a concise statement of the identity of the amicus curiae, its interest in the case, and the source of its authority to file; and

(4) an argument, which may be preceded by a summary and need not include a statement of the applicable standard of review.

(d) Length. Except by the court's permission, an amicus brief may not exceed 25 pages.

(e) Time for Filing. An amicus curiae must file its brief, accompanied by a motion for filing when necessary, no later than 7 days after the principal brief of the party being supported is filed. An amicus curiae that does not support either party must file its brief no later than 7 days after the appellant's principal brief is filed. The court may grant leave for later filing, specifying the time within which an opposing party may answer.

(f) Reply. Except by the court's permission, an amicus curiae may not file a reply brief.

(g) Oral Argument. An amicus curiae may participate in oral argument only with the court's permission.

Elena Ruth Sassower wrote:

>Dear Jon,

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>Hope your holiday was restful and enjoyable.

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>I'm available to answer any questions you have as you work on the