

DISTRICT OF COLUMBIA
COURT OF APPEALS

No. 04-CO-1239

ELENA R. SASSOWER,

Appellant,

v.

UNITED STATES OF AMERICA,

Appellee.

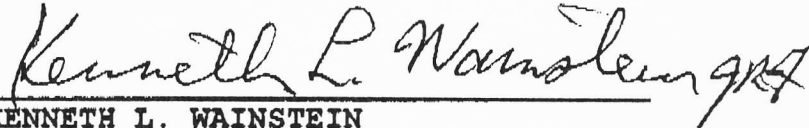
APPELLEE'S RESPONSE TO EMERGENCY APPEAL FROM THE SUPERIOR
COURT OF THE DISTRICT OF COLUMBIA CRIMINAL DIVISION

We disagree with most of the legal discussion in appellant's memorandum. However, on September 23, 2004, in response to appellant's previous motion for release pending appeal, we represented that the government did not oppose appellant's release, pending resolution of her appeal, in order to avoid mootng the issue of whether a sentence in excess of the 92 days initially announced is lawful. We adhere to that position, and do not oppose her release upon the following conditions:

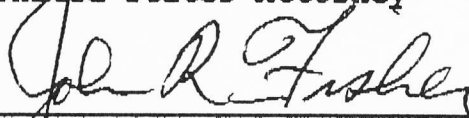
- (1) That appellant obey all laws, ordinances, and regulations, and that she incur no arrests for probable cause.
- (2) That appellant limit her travel to the States of New York, New Jersey, Florida, and the District of Columbia as well as travel directly in between such states and localities.

- (3) That appellant stay away from the United States Capitol complex and that appellant have no physical, verbal, or written contact with the senators, the senators' staff, or the United States Capitol Police officers involved in this case, with respect to the issues involved in this case or appellant's 1996 arrest in the District of Columbia.

Respectfully submitted,



KENNETH L. WAINSTEIN
United States Attorney



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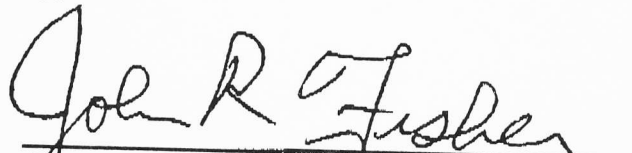
CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I have caused a copy of the foregoing Appellee's Response to Emergency Appeal from the Superior Court of the District of Columbia Criminal Division to be served by facsimile transmission and by first-class, postage-prepaid mail to appellant's counsel:

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on this 8th day of October, 2004.



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