

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA,

v.

SCOTT J. BLOCH,

Defendant.

Criminal No. 1:10-mj-00215-DAR-1

**DEFENDANT’S REPLY IN SUPPORT OF HIS UNOPPOSED MOTION TO
RECONSIDER THE COURT’S DENIAL OF DEFENDANT’S
MOTION TO WITHDRAW HIS GUILTY PLEA**

Pursuant to the Court’s March 14, 2011 Minute Order (“Order”), Defendant Scott J. Bloch, by his attorneys, hereby files this Reply in Support of His Unopposed Motion to Reconsider the Court’s Denial of His Motion Withdraw His Guilty Plea and states as follows:

1. Undersigned counsel respectfully submits this Reply to note its agreement with the Government’s Response to Defendant’s Motion to Reconsider the Court’s Denial of Defendant’s Motion to Withdraw His Guilty Plea (“Gov’t’s Resp.”) [Dkt. No. 52]. Mr. Bloch was—and is—in complete accord with the Government’s views, including its ultimate conclusion that “because the Rule 11 omission at issue affected the defendant’s decision to plead guilty, withdrawal of the plea in this case is warranted based on applicable legal standards.” Gov’t’s Resp. at 3.

2. If Mr. Bloch’s and Mr. Sparacino’s affidavits somehow left uncertainty about the parties’ understanding when Mr. Bloch pled guilty, the government’s factual assertions remove any such doubt. In response to Mr. Bloch’s belief that probation was a possible outcome, the government declared that it “shared this same belief, in part because the U.S. Probation Office had concluded barely a year earlier that 2 U.S.C. § 192 allowed for a sentence of probation.”

Gov't's Resp. at 2. And to Mr. Bloch's statement that he relied on his probation-eligibility when he pled guilty, the government says it "has no reason to doubt the veracity of these statements because it also believed throughout the parties' plea negotiations that the charge was probation-eligible." *Id.* at 2-3. Because "[t]he record is . . . clear that at the time [Mr. Bloch] entered into his guilty plea, [he] believed that *it was possible* that he could receive a sentence of probation from this Court," the Court should now reconsider its erroneous ruling allow Mr. Bloch to withdraw his plea. *Id.* at 2.

CONCLUSION

In light of the foregoing, Mr. Bloch requests that this Court grant his motion to reconsider the Court's ruling denying his motion to withdraw his guilty plea to 2 U.S.C. § 192 pursuant to Rule 11(d)(2)(B).

Dated: March 23, 2011

Respectfully Submitted,

/s/

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CERTIFICATE OF SERVICE

I certify that on March 23, 2011, I have electronically filed the foregoing *Reply In Support Of His Unopposed Motion To Reconsider The Court's Denial Of Defendant's Motion To Withdraw His Guilty Plea* through the CM/ECF system, which will serve the document on all parties.

/s/

William M. Sullivan, Jr.