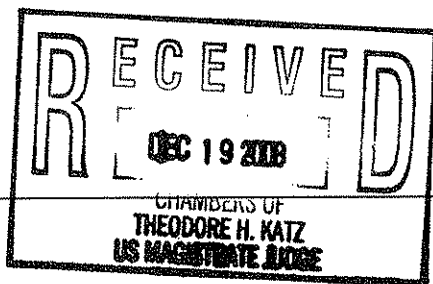




U.S. Department of Justice

United States Attorney  
Southern District of New York



The Silvio J. Mollo Building  
One Saint Andrew's Plaza  
New York, New York 10007

December 19, 2008

BY HAND

Hon. Gabriel W. Gorenstein  
U.S. Magistrate Judge  
Southern District of New York  
500 Pearl Street  
Room 510  
New York, New York 10007

Re: United States v. Bernard L. Madoff,  
08 Mag. 2735

Dear Judge Gorenstein:

The Government respectfully writes to request that the Court modify the bail conditions in the above-captioned case.

In an order dated December 17, 2008, the Court ordered certain modifications to the bail status of the defendant, Bernard L. Madoff. Since the entry of the Court's December 17, 2008 order, the Government and counsel for the defendant have conferred regarding the application of Title 18, United States Code, Section 3142, to this case. The Government and defendant jointly propose for the Court's consideration the following additional modifications to the bail conditions. The list of bail terms below includes all conditions, including such proposed additional conditions, that the parties propose for the defendant's bail:

- (1) a \$10 million personal recognizance bond to be secured by the defendant's Manhattan apartment, and the defendant's wife's properties in Montauk, New York and Palm Beach, Florida, and to be co-signed by two financially responsible persons, the defendant's wife and the defendant's brother;
- (2) the filing of confessions of judgment (by December 24, 2008) with respect to the defendant's Manhattan apartment and the defendant's wife's properties in Montauk, New York, and Palm Beach Florida;

(3) other than for scheduled court appearances, the defendant shall be subject to home detention at his Manhattan apartment, 24 hours per day, with electronic monitoring (this will eliminate the prior curfew condition);

(4) the defendant will employ, at his wife's expense, a security firm acceptable to the Government, to provide the following services to prevent harm or flight:

(a) the security firm will provide round-the-clock monitoring at the defendant's building, 24 hours per day, including video monitoring of the defendant's apartment door(s), and communications devices and services permitting it to send a direct signal from an observation post to the Federal Bureau of Investigation in the event of the appearance of harm or flight;

(b) the security firm will provide additional guards available on request if necessary to prevent harm or flight;

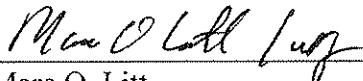
(5) the security firm procedures referenced in paragraph (4) above will be in place by the close of business on December 20, 2008; and

(6) the surrender of the defendant's passport and the surrender of his wife's passport.

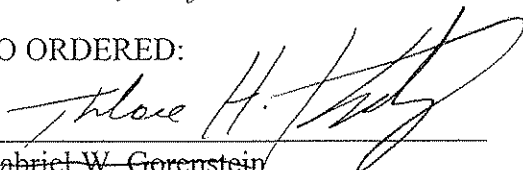
Of the foregoing conditions, we understand that confessions of judgment have been filed for the Manhattan and Montauk properties; the defendant's wife and brother have co-signed the bond; the defendant is currently in home detention with electronic monitoring in place; the defendant's wife has arranged to fund the services of the security firm referenced in paragraph (4) above; and the defendant and his wife have each surrendered their passports. The parties expect that the remaining conditions will be satisfied by the dates specified above.

Respectfully submitted,

LEV L. DASSIN  
Acting United States Attorney

By:   
Marc O. Litt  
Assistant U.S. Attorney  
(212) 637-2295

12/19/08  
SO ORDERED:

  
Gabriel W. Gorenstein  
U.S. Magistrate Judge

cc: Ira L. Sorkin, Esq.  
Leo Barrios