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October 2, 2025

VIA PACER

Honorable Karen M. Williams
United States District Judge
Mitchell H. Cohen Courthouse
One John F. Gerry Plaza
4th & Cooper Streets
Camden, New Jersey 08101

Re: United States v. Adrienne Ponzo
Crim. No. 24-267 (KMW)

Dear Judge Williams,

On behalf of Defendant Adrienne Ponzo, undersigned counsel writes to address the Court's inquiry regarding the ongoing litigation over the appointment of Acting United States Attorney Alina Habba, and to respectfully request that Ms. Ponzo's sentencing be postponed until the Third Circuit resolves these critical issues.

Ponzo's Position on the Habba Appointment

Recent rulings in the District of New Jersey have concluded that Ms. Habba was not lawfully serving as Acting United States Attorney and that her exercise of prosecutorial authority after July 1, 2025 was ultra vires. The court found she lacked authority to supervise ongoing prosecutions, raising substantial questions about the validity of actions taken under her purported leadership.

Further, the pending appeals in *United States v. Giraud* and *United States v. Pina* squarely place the legality of Ms. Habba's appointment before the Third Circuit. The Association

of Criminal Defense Lawyers of New Jersey has also entered as amicus to underscore the systemic impact of these issues on hundreds of pending prosecutions.

Because Ms. Ponzo's sentencing was prosecuted, supervised, and advanced under the authority of the Office during this contested period, proceeding now would risk entangling her case in the same legal uncertainties. Habba's appointment is not merely hypothetical, but under active appellate review.

Request for Postponement of Sentencing

Ms. Ponzo has acknowledged responsibility for her conduct and stands ready to proceed with sentencing once it can be conducted free from the uncertainty of this constitutional controversy and to avoid unnecessary collateral litigation.

Accordingly, Ms. Ponzo respectfully requests that sentencing be adjourned until after the Third Circuit issues its ruling on the Habba matter. This approach will ensure fairness, conserve judicial resources, and safeguard the integrity of these proceedings.

For the foregoing reasons, Defendant Adrienne Ponzo respectfully requests that her sentencing currently scheduled for October 2025 be postponed pending the Third Circuit's decision on the Habba appointment litigation.

Respectfully Submitted,

/s/ Troy A. Archie, Esq.