



U.S. Department of Justice

*United States Attorney
Eastern District of New York*

JLG:CPK
F. #2022R00347

*610 Federal Plaza
Central Islip, New York 11722*

July 15, 2026

By ECF

Honorable Nusrat J. Choudhury
United States District Judge
United States District Court
Eastern District of New York
100 Federal Plaza
Central Islip, New York 11722

Re: United States v. Carmine G. Agnello
Criminal Docket No. 24-366 (NJC)

Dear Judge Choudhury:

The government respectfully submits this letter in partial opposition to the most recent request for deferment of defendant Carmine G. Agnello (the “defendant”).

As this Court is aware, the defendant is scheduled to self-surrender for service of his 15-month incarceratory sentence on July 20, 2026. The defendant seeks a 60-day adjournment of that surrender date, allegedly in order to begin surgical clearance for his role as a donor in a kidney transplant surgery scheduled for early August. This is precisely the basis upon which the defendant sought an eve-of-sentencing adjournment in March; and, after obtaining that adjournment, no surgery actually occurred. Needless to say, the government is extremely skeptical of the instant request.

Nevertheless, at this time, the government consents to a brief deferment of the date by which the defendant is scheduled to self-surrender for service of his sentence, to August 10, 2026. If the surgery *does* take place by or before that date, as claimed in the defendant’s motion papers, the government does not oppose the balance of the relief requested, including the 60-day deferment of surrender to September 18, 2026. As noted in the government’s sentencing submission (ECF Dkt. No. 21), federal Bureau of Prisons (“BOP”) officials have advised that, if the surgery does take place, the BOP could and would accept the defendant once he is cleared by the surgeon who removes his kidney. On the other hand, if the surgery does *not* take place as scheduled, the government opposes additional deferments, particularly in light of the defendant’s local arrest last month, and respectfully submits that the defendant should be ordered to self-surrender on August 10, 2026.

Furthermore, in order to avoid any further delay or confusion, the government respectfully submits that the Court should order counsel for the defendant to file an affidavit on

or before August 10, 2026, attesting either to the fact that the surgery took place, or to the fact that the defendant self-surrendered for service of his sentence.

Respectfully submitted,

JOSEPH NOCELLA JR.
United States Attorney

By: /s/ Charles P. Kelly
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cc: All Counsel of Record (via ECF)