

# KING & SPALDING

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March 5, 2020

**VIA ECF**

Honorable Richard M. Berman, U.S.D.J.  
Daniel Patrick Moynihan U.S. Courthouse  
500 Pearl Street  
New York, New York 10007

**Re: United States v. Türkiye Halk Bankasi A.S., a/k/a/ "Halkbank"**  
**U.S. District Court for the Southern District of New York**  
**No. 1:15-cr-00867-RMB**

Dear Judge Berman:

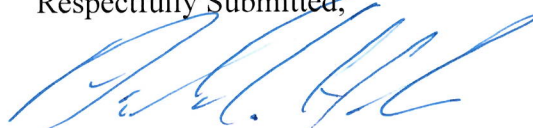
We write regarding the Court's direction at the February 25, 2020 conference that Halkbank and the prosecution meet and confer regarding the arraignment colloquy. We propose the arraignment follow the requirements of Federal Rule of Criminal Procedure 10, but the prosecution has proposed additional elements that are not relevant to an arraignment under Rule 10 and, in some instances, are based on an apparent mistake of law.

Halkbank is ready to proceed with an arraignment that adheres to Rule 10.

We have, therefore, been unable to reach an agreement with the prosecution on the content of the colloquy and attach our own proposed colloquy. FRCP 10 requires that an arraignment consist of three points: (1) ensuring that the defendant has a copy of the indictment; (2) reading the indictment to the defendant; and then (3) asking the defendant to plead to the indictment.

The prosecution requests that the court inquire into issues that are irrelevant to this Rule and unnecessary to proceed with the arraignment. We respectfully request that the Court perform Halkbank's submitted proposed colloquy.

Respectfully Submitted,



Andrew C. Hruska

**UNITED STATES DISTRICT COURT FOR THE  
SOUTHERN DISTRICT OF NEW YORK**

UNITED STATES OF AMERICA,

v.

TÜRKIYE HALK BANKASI A.Ş.,

Defendant.

**PROPOSED ARRAIGNMENT  
COLLOQUY**

S6 15 Cr. 867 (RMB)

Pursuant to this Court's order dated February 28, 2020, Defendant TÜRKIYE HALK BANKASI A.Ş. ("Halkbank") submits this proposed colloquy for its arraignment:

1. Counsel from King & Spalding have submitted written authorization from Halkbank, which authorizes King & Spalding to represent the Bank, and that King & Spalding is authorized to enter a plea of not guilty on behalf of the Bank. Is that correct?
2. Has Halkbank received a copy of the indictment?
3. Has Halkbank been informed of the charges in the indictment?
4. Having been informed of the charges in the indictment, does your client waive a formal reading of the indictment?
5. How does your client plead?

Dated: New York, New York  
March 5, 2020

KING & SPALDING LLP

/s/ Andrew Hruska

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