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ATT: Honorable David R. Homer

REF: McGinn, Smith & Co. case# 1:10_cv_00457_GLS_DRH

Honorable David R. Homer
U.S. District Court of Northern
445 Broadway, Room 441
Albany, NY 12207

Your Honor:

We understand, according to the Sixth (6th) Amendment, that a person/s on trial for a criminal offense are afforded rights to an attorney. However, what we are strongly in objection to as victims of the McGinn, Smith fraud case is the unfreezing of assets in excess of six hundred thousand dollars (\$600,00.00) to pay very expensive law firms to defend them. These assets should be set aside safely and divided amongst the defrauded investors, not to be picked apart for the benefit of these two (2) unscrupulous people or their family members as they see fit. As an example, one of the defendants, David Smith, states "he has no current source of income". Well what about the investors who were defrauded and have lost their source of income because their investments were lost due to McGinn, Smiths fraudulent activities.

If these two (2) individuals and anyone else associated with this case are so innocent and, as their attorneys claim, are "very successful, good and decent people" then certainly a public defender would certainly be able to suit their needs for a proper defense.

We now appeal to whomever this plea would fall upon that they do not release the funds requested by McGinn and or Smith.

Respectfully yours,

Vincent R. & Diana S. Gentile

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