

SUPREME COURT OF THE STATE OF NEW YORK
NEW YORK COUNTY: CRIMINAL TERM PART 62

THE PEOPLE OF THE STATE OF NEW YORK,

Plaintiff

v.

AFFIDAVIT OF SERVICE
Indictment No. 70297-2022

STEVEN MCENANEY

Defendant

I, Lawrence P. LaBrew, an attorney admitted to practice in all New York State Courts, do hereby swear under the penalty of perjury, pursuant to N.Y. C.P.L.R. 2106, that the following facts are true:

1. I am not a party to the action, and I am over 18 years of age. My office is located at 30 Wall Street 8th Floor, New York, New York 10005.
2. I am the attorney for Defendant Steven McEnaney.
3. On 8 January 2024, at 3:00 p.m., I served the Defendant's Motion for the Court to allow the substitution of Counsel – and for a reasonable amount of time to file a motion – on the New York County District Attorney's Office. A true copy of the above-referenced document was e-mailed to the e-mail address designated for service by the New York County District Attorney's Office.
4. All parties have consented to service by e-mail. A true copy of the above-referenced document was e-mailed to the New York County District Attorney's Office at the

following e-mail addresses:

- a. New York County District Attorney's Office, 1 Hogan Place, New York, New York 10013-4311, motions@dany.nyc.gov, savinok@dany.nyc.gov.

DATE: 8 January 2024
New York, New York

Respectfully,

Lawrence P LaBrew

Lawrence P. LaBrew, Esq.
Attorney & Counselor-at-Law
Law Office of Lawrence LaBrew
Attorney for Defendant Steven McEnaney
30 Wall Street FL 8
New York, New York 10005
Tel: (212) 385-7500
Fax: (212) 385-7501
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E-mail: labrewlaw@gmail.com

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SUPREME COURT OF THE STATE OF NEW YORK
NEW YORK COUNTY: CRIMINAL TERM PART 62

THE PEOPLE OF THE STATE OF NEW YORK,

**ADDENDUM TO ATTORNEY
AFFIDAVIT REGARDING NEW
RETAINED COUNSEL**
Indictment Number: 70297-2022

STEVEN MCENANEY

Lawrence P. LaBrew Esq., an attorney duly admitted to practice in the Courts of this State, hereby swear under the penalty of perjury, pursuant to N.Y. C.P.L.R. § 2106, that the following statements are true, and as to those made upon information and belief that he believes them to be true:

1. I am the attorney for the Defendant Steven McEnaney.
2. The following addendum is being submitted to supplement the attorney affidavit that was submitted in support of the motion after receiving the attached e-mail. See attached e-mail.
3. Mr. McEnaney's prior attorney was terminated by the client. Teichner v. W & J Holsteins, 64 N.Y.2d 977, 979, 489 N.Y.S.2d 36, 37 (1985) ("A client has an absolute right to discharge an attorney at any time.").
4. The Defense also cites Powell v. Alabama, 287 U.S. 45, 53 S. Ct. 55, 57 (1932). The facts in Powell v. Alabama – as stated by the Court are as follows:

The petitioners, hereinafter referred to as defendants, are negroes charged with the crime of rape, committed upon the persons of two white girls. The crime is said to have been committed on March 25, 1931. The indictment was returned in a state court of first instance on March 31, and the record

. Indictment Number 70297-2022

recites that on the same day the defendants were arraigned and entered pleas of not guilty. There is a further recital to the effect that upon the arraignment they were represented by counsel. But no counsel had been employed, and aside from a statement made by the trial judge several days later during a colloquy immediately preceding the trial, the record does not disclose when, or under what circumstances, an appointment of counsel was made, or who was appointed. During the colloquy referred to, the trial judge, in response to a question, said that he had appointed all the members of the bar for the purpose of arraigning the defendants and then of course anticipated that the members of the bar would continue to help the defendants if no counsel appeared. Upon the argument here both sides accepted that as a correct statement of the facts concerning the matter.

Powell v. Alabama, 287 U.S. 45, 49, 53 S. Ct. 55, 57 (1932).

"It is hardly necessary to say that, the right to counsel being conceded, a defendant should be afforded a fair opportunity to secure counsel of his own choice." Powell v. Alabama, 287 U.S. 45, 53, 53 S. Ct. 55, 58 (1932).

5. In *Powell v. Alabama* the Court went on to say that "If in any case, civil or criminal, a state or federal court were arbitrarily to refuse to hear a party by counsel, employed by and appearing for him, it reasonably may not be doubted that such a refusal would be a denial of a hearing, and, therefore, of due process in the constitutional sense." Powell v. Alabama, 287 U.S. 45, 69, 53 S. Ct. 55, 64 (1932).

DATE: 10 January 2024
New York, New York

Yours,

Lawrence P LaBrew

Lawrence P. LaBrew, Esq.
Attorney for Mr. Steven McEnaney
30 Wall Street 8th Floor
New York, New York 10005-2205
Tel: (212) 385-7500
Fax: (212) 385-7501
Cell: (917) 280-6239
e-mail: labrewlaw@gmail.com

Indictment Number 70297-2022

Lawrence LaBrew <labrewl@gmail.com>

TO: District Attorney Alvin Bragg
New York County District Attorney's Office
1 Hogan Place ~~tomorrow's appearance~~
New York, New York 10013
by: ADA Keith Savino
Tel: 212-335-9581
e-mail: savinok@dany.nyc.gov

Wed, Jan 10, 2024 at 12:38 PM

Good Afternoon ADA,

Attached is defendant's motion for substitute counsel. Please be prepared to discuss/argue the motion tomorrow.
In addition, both counsel should be aware that the PSR is anticipated in the courtroom for your to review.

Sincerely,
Lawrence LaBrew

cc: substitute counsel D.A.
100K

labrewl@comcast.net <labrewl@gmail.com>
To: Steven M. Kroll <krollst@nycda.nyc.gov>
Cc: "Keith Savino" <savinok@dany.nyc.gov>, "Hon. Felicia A. Mannin" <fmennin@nycda.nyc.gov>, "Amy Jonathan"
<jonathaa@dany.nyc.gov>

Wed, Jan 10, 2024 at 12:52 PM

The People were already served. An affidavit of service was filed with the court.

LL

Sent from my Phone

On Jan 10, 2024, at 12:37 PM, Steven M. Kroll <krollst@nycda.nyc.gov> wrote:

[Deleted text block]

substitute counsel.pdf
100K



Lawrence LaBrew <labrewlaw@gmail.com>

Steven McEnenaney - tomorrow's appearance

2 messages

Megan McHugh <mmchugh@nycourts.gov>
To: "Savino, Keith" <SavinoK@dany.nyc.gov>, "Hon. Felicia A. Mennin" <fmennin@nycourts.gov>, Lawrence LaBrew <labrewlaw@gmail.com>
Cc: "Junig, Jonathon" <JunigJ@dany.nyc.gov>

Wed, Jan 10, 2024 at 12:36 PM

Good Afternoon ADA:

Attached is defendant's motion for substitute counsel. Please be prepared to discuss/argue the motion tomorrow.
In addition, both counsel should be aware that the PSR is available in the courtroom for your to review.

Best, Megan McHugh

substitute counsel.pdf
109K

labrewlaw@gmail.com <labrewlaw@gmail.com>
To: Megan McHugh <mmchugh@nycourts.gov>
Cc: "Savino, Keith" <SavinoK@dany.nyc.gov>, "Hon. Felicia A. Mennin" <fmennin@nycourts.gov>, "Junig, Jonathon" <JunigJ@dany.nyc.gov>

Wed, Jan 10, 2024 at 12:52 PM

The People were already served. An affidavit of service was filed with the court.

LL

Sent from my iPhone

On Jan 10, 2024, at 12:37 PM, Megan McHugh <mmchugh@nycourts.gov> wrote:

[Quoted text hidden]

substitute counsel.pdf
109K

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STEVEN MCENANEY

Defendant

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1. I am not a party to the action, and I am over 18 years of age. My office is located at 30 Wall Street 8th Floor, New York, New York 10005.
2. I am the attorney for Defendant Steven McEnaney.
3. On 10 January 2024, at 1:48 p.m., I served an Addendum to the Motion regarding the substitution of Counsel – and for a reasonable amount of time to file a motion – on the New York County District Attorney's Office. A true copy of the above-referenced document was e-mailed to the e-mail address designated for service by the New York County District Attorney's Office.
4. All parties have consented to service by e-mail. A true copy of the above-referenced document was e-mailed to the New York County District Attorney's Office at the

following e-mail addresses:

- a. New York County District Attorney's Office, 1 Hogan Place, New York, New York 10013-4311, motions@dany.nyc.gov, savinok@dany.nyc.gov.

DATE: 10 January 2024
New York, New York

Respectfully,

Lawrence P LaBrew

Lawrence P. LaBrew, Esq.
Attorney & Counselor-at-Law
Law Office of Lawrence LaBrew
Attorney for Defendant Steven McEnaney
30 Wall Street FL 8
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