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

Part 62 FEB 15 2024

THE PEOPLE OF THE STATE OF NEW YORK

-against-

STEVEN MCENANEY,

Defendant.

AFFIRMATION
IN SUPPORT OF
SERVICE BY MAIL

Indictment No.
70297/2022

The undersigned, being the attorney of record for the People of the State of New York in this matter, affirms under penalties of perjury that on February 15, 2024, he served a copy of the People's response to defendant's motion papers upon defendant's attorney, Lawrence Lebrew, by emailing same to the attorney's designated email address, which is labrewlaw@gmail.com. A copy of the motions was also filed in Part 62 and emailed to the Court.

Dated: New York, New York
February 15, 2024


Keith Savino
Assistant District Attorney
(212) 335-9581

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

THE PEOPLE OF THE STATE OF NEW YORK

-against-

STEVEN MCENANEY,

Defendant.

AFFIRMATION &
MEMORANDUM OF
LAW IN RESPONSE TO
DEFENDANT'S
MOTION TO
WITHDRAW GUILTY
PLEA

Ind. No. 70297/2022

KEITH SAVINO, an attorney admitted to practice before the courts of this State,
affirms under penalty of perjury that:

1. I am an Assistant District Attorney in the New York County District Attorney's Office and am assigned to the prosecution of the above-captioned case. I submit this affirmation and memorandum of law in opposition to defendant's motion to withdraw his guilty plea to Promoting Prostitution in the Third Degree, PL § 230.25(1), under indictment 70297/2022, pursuant to Criminal Procedure Law § 220.60(3), on grounds that the defendant received ineffective assistance of counsel during the pendency of the case.
2. Defendant's motion to withdraw his guilty plea should be denied because the defendant's contention that he received ineffective assistance of counsel does not provide a legal basis for withdrawal and is not supported by the record. Furthermore, the defendant's statements and admissions during the plea allocution on October 12, 2023, clearly indicate that the plea was knowing, voluntary and intelligent.

3. This affirmation is made upon information and belief, the sources of which are the Court records, the files maintained by the District Attorney's Office, and conversations with defendant's defense counsels throughout this case, Glenn Hardy, James Nemia, Richard Southard and Lawrence LaBrew.

FACTUAL & PROCEDURAL HISTORY

4. The defendant was arrested on March 9, 2022, and arraigned in Part 62 on an NA indictment, charging him with one count of Promoting Prostitution in the Third Degree, Penal Law § 230.25(1). At his arraignment, the defendant was assigned 18(b) counsel, Glenn Hardy. Since the sole count on the indictment was not bail-eligible, the defendant was released on his own recognizance and ordered to surrender his passport.

5. The indictment was the result of a long-term investigation conducted by the New York County District Attorney's Office into the defendant's prostitution enterprise, which spanned from on or about May 1, 2012, to on or about January 19, 2018. The defendant operated a lucrative, high-end prostitution service whereby he managed and profited from the sexual services of women that worked for him. The defendant kept an exclusive list of clients, primarily wealthy businessmen, and charged thousands of dollars per 'date.'

6. The defendant recruited women primarily through the websites Backpage and Craigslist and groomed them to work as prostitutes. During the recruitment process, the defendant photographed the women to create personalized websites and online advertisements for sexual services. The defendant had exclusive access to the websites and ads.

7. Initially, the women kept 75% of the hourly fees, with the other 25% retained by the defendant. However, over time, the defendant would decrease the women's earnings until some of the women became totally dependent upon him.

8. Over the years, most of the women cycled through a client, Joseph DiMenna, a wealthy hedge fund manager, who maintained a monthly retainer with the defendant's organization. This retainer allowed DiMenna exclusive, unlimited access to the defendant's women. The defendant rented an apartment in Midtown East, located at 1026 2nd Avenue, that served as the primary 'work apartment,' where the sex dates would occur. DiMenna, among other clients, was a frequent visitor at the apartment, so much so that the defendant built him a 'sex dungeon,' complete with a crucifix-style structure and human-size cage for DiMenna to act out his BDSM sexual proclivities.

9. Throughout the course of the investigation, hundreds of thousands of emails were obtained, through search warrants, which detailed the control and power the defendant wielded over the women. The defendant created email addresses for the women and communicated with clients, pretending to be the women who would then go on 'dates.' The defendant managed the 'date' schedules and directed them on how to transfer him his percentage of the money. Payments were always in cash and the women either gave the defendant his percentage directly or deposited the money into the defendant's bank account.

10. During sessions with Joseph DiMenna, multiple women complained to the defendant about DiMenna's rough behavior including flogging, nipple clamps, and use of painful sex toys. The defendant brushed these concerns off as part of the business.

11. The investigation uncovered over a dozen women that worked for the defendant in his prostitution organization from approximately May 2012 to January 2018. The defendant was NA indicted and on March 9, 2022, investigators from the New York County District Attorney's Office arrested the defendant at his home in Dutchess County, NY. A search warrant was executed at the defendant's home. Investigators recovered two large travel trunks that contained numerous sex toys, including dildos, anal probes, nipple clamps, and other paraphernalia.

12. Soon after his arraignment, the defendant retained James Nemia, a close family friend, to represent him. On July 12, 2022, the defendant and Mr. Nemia came to the District Attorney's Office for a proffer. The defendant and his attorney signed a proffer agreement, and the defendant was questioned by the assigned Assistant District Attorney and investigators. During the proffer, oftentimes without direct questioning, the defendant admitted to all the conduct underlying the charge of Promoting Prostitution in the Third Degree. The defendant admitted to recruiting and photographing women, creating sex advertisements and websites, taking a percentage of the money the women earned during sex dates, and managing their email addresses. He also admitted to knowing Joseph DiMenna, but denied ever meeting him.

13. While the defendant refused to admit that his conduct constituted that of a pimp, he otherwise admitted to the elements of Promoting Prostitution in the Third Degree, including knowingly advancing and profiting from prostitution by managing, supervising, controlling, and owning a prostitution business involving two or more persons for prostitution. The proffer amounted to a full admission of all the charged conduct in the indictment.

14. On December 15, 2023, the defendant retained Richard Southard to represent him in this case and Mr. Southard appeared with the defendant in Part 62. In January 2023, Mr. Southard filed detailed omnibus motions, which were decided by this Court in a decision issued on February 23, 2023. The People provided Mr. Southard with voluminous discovery, which included financial records, hundreds of thousands of emails obtained through search warrants, redacted versions of those search warrants, property records, and various other evidence. The People also informed Mr. Southard of a Protective Order application that had been served on prior counsel, James Nemia, and provided Mr. Southard with a partially redacted version of that Protective Order.

15. On April 12, 2023, this Court conducted a Protective Order hearing that addressed the application filed by the People. After hearing additional oral arguments by the People and Mr. Southard, this Court granted the People's application for the Protection Order. As part of the Order, the Court ruled that disclosure of the names and adequate contact information, as well as other discoverable information and material that identified those witnesses, would be delayed until the commencement of jury selection. Since testimony and evidence presented during the grand jury proceeding would identify the names of those witnesses, the grand jury minutes were not disclosed to Mr. Southard, but would have been turned over prior to the commencement of jury selection, per the Order.

16. On October 12, 2023, after lengthy plea negotiations, including a Microsoft Teams conference between Judge Mennin, Mr. Southard, and the assigned Assistant District Attorney, the defendant indicated he wished to plead guilty in this case with a promised sentence of a four-

month jail, followed by five-years of probation. During the plea allocution, the defendant answered a litany of questions from Judge Mennin, along with a factually specific allocution by the People. *See Exhibit 1.*

17. During the allocution with Judge Mennin, the defendant answered the following questions:

- a. "Have you had enough time to fully discuss your plea and sentence with your attorney?"
 - i. Answer: "Yes."
- b. "Are you satisfied with the representation you have received from him?"
 - i. Answer: "Yes."
- c. "And are you pleading guilty to this charge because you are in fact guilty?"
 - i. Answer: "Yes."
- d. "Has anyone forced or threatened you to plead guilty?"
 - i. Answer: "No."
- e. "Are you on any drugs, medication, or alcohol today?"
 - i. Answer: "No."
- f. "So you fully understand what is happening here, correct?"
 - i. Answer: "Yes."

See Exhibit 1 at pgs. 6-7.

18. The Court then asked the defendant, "Have any questions you may have had been answered to your satisfaction by your attorney?" to which the defendant replied, "Yes." *Id. at*

pg. 8:9-11. Additionally, the Court asked the defendant, "Did you discuss with Mr. Southard how you might defend the charges in this case?" and the defendant answered, "Yes." *Id. at pg. 9:18-20.* Finally, the defendant legally allocuted to the elements of Promoting Prostitution in the Third Degree. *Id. at pg. 13:8-19.*

19. Following the legal allocution, the People factually allocuted the defendant to specific facts about the case, all of which the defendant answered, "Yes." *See Exhibit 1 at pgs. 13-15.*

20. Following the allocutions, the case was adjourned to January 11, 2024, for sentencing, where the defendant would be transferred to the custody of the New York City Department of Corrections for the jail portion of his sentence.

21. On December 22, 2023, attorney Lawrence LaBrew contacted the assigned Assistant District Attorney to inform him that the defendant had retained Mr. LaBrew to represent him, and he intended to file a motion to withdraw the defendant's plea of guilty. On January 11, 2024, Mr. LaBrew appeared in Part 62 with the defendant and a motion schedule was set. On February 2, 2024, Mr. LaBrew filed his motion on behalf of the defendant to withdraw the defendant's plea of guilty. The sole argument in the motion to withdraw is that the defendant received ineffective assistance of counsel. The People's response was due on February 15, 2024, and a decision date in Part 62 was scheduled for February 29, 2024.

MEMORANDUM OF LAW

The defendant's motion to withdraw his guilty plea should be denied because the plea was knowing, voluntary, and intelligent, and there is no legal basis to support the defendant's position. If the minutes of a plea show that the plea was sufficient, no further hearing is

necessary. “When a motion to withdraw a plea is patently insufficient on its face, a court may simply deny the motion without making any inquiry,” *People v. Mitchell*, 21 N.Y.3d 964 (2013).

See also People v. Frederick, 45 N.Y.2d 520 (1978) (“A defendant will not be heard to challenge his guilty plea when the minutes of the plea are unequivocal and refuse any contention of an off-the-record promise.”).

The Defendant’s Motion Should Be Denied Because the Plea Minutes and Record Do Not Support Defendant’s Claim that He Received Ineffective Assistance of Counsel

A motion to withdraw a guilty plea should be denied when the record establishes that the plea was knowing, voluntary, and intelligent, and when the court properly determines that the defendant’s attacks on his plea lack merit. *See People v. Veras*, 50 A.D.3d 355 (1st Dept. 2008). *See also People v. Fiumefreddo*, 82 N.Y.2d 536, 544 (1st Dept. 1993) (“[T]he nature and extent of the fact-finding procedures on such motions rest largely in the discretion of the court.”). A defendant’s attack on his assigned counsel’s performance is without merit when they are completely unsubstantiated and refuted by the record of the plea allocution. *See People v. Henry*, 30 A.D.3d 199, 200 (1st Dept. 2006).

In the context of a guilty plea, “a defendant has been afforded meaningful representation when he or she received an advantageous plea and nothing in the record casts doubt on the apparent effectiveness of counsel.” *People v. Ford*, 86 N.Y.2d 397, 404 (1995) (*citing People v. Modica*, 64 N.Y.2d 828, 829 (1985)). In *People v. Ford*, the Court of Appeals found that the defendant did not receive ineffective assistance of counsel when the defendant’s attorney successfully negotiated a plea wherein the defendant pleaded guilty to only the top count in

the indictment, was not subjected to consecutive state prison time on the remaining counts, and received an indeterminate sentence of two to six years in prison, when the maximum sentence was 15 years in prison. *See Ford*, 86 N.Y.2d at 404.

While the defendant claims he suffered ineffective assistance of counsel from Richard Southard, the holding in *Ford* completely belies his argument and actually proves that he, in fact, received *effective* and diligent advocacy from Mr. Southard. During the plea-bargaining process between the defense, the People, and the Court, Mr. Southard successfully negotiated a plea where the defendant could plead guilty to a D non-violent felony with a promised sentence of four months in jail, followed by five years of probation. The plea and terms agreed to were completely advantageous to the defendant. Had he gone to trial, the defendant faced a maximum indeterminate sentence of 2 1/3 to 7 years in state prison. Despite disparaging Mr. Southard's representation in his motion, Mr. Southard thoroughly advocated for the defendant and negotiated a generous plea that kept the defendant out of state prison and subject to a favorable jail/probation split sentence.

The majority of the defendant's motion to withdraw his guilty plea focuses on his displeasure with Mr. Southard for not obtaining the grand jury minutes, which were withheld pursuant to a Protective Order issued by this Court on April 12, 2023. During the Protective Order hearing, Mr. Southard argued for a full disclosure of the grand jury minutes and made a substantial record for why the defendant should be entitled to reviewing them. Ultimately, the Court ruled against the defense and the minutes, among other discovery, was ordered withheld. Curiously, the defendant does not accuse his second attorney, James Nemia, a family

friend, of failing to obtain the grand jury minutes or fully investigate the case. Those charges are only levied at Mr. Southard, who zealously advocated for the defendant in motion practice, on the record at numerous court appearances, in conferences with the Judge and People, and during plea bargaining.

Notably, while the defendant alleges ineffective assistance of counsel, primarily for prior counsel failing to obtain the grand jury minutes and an overall lack of a defense investigation, the defendant never asserted that such failure led to an uninformed or involuntary guilty plea. Furthermore, the defendant's assertion that he was uninformed of the basis of the charges and had no information related to the evidence presented to the grand jury is undermined by his own proffer at the District Attorney's Office on July 12, 2022. Importantly, the proffer was initiated by the defendant's second attorney, James Nemia, who suggested that the Assistant District Attorney meet with the defendant to, "hear his side of the story."

During the proffer, the defendant described the facts of the case in great detail. He explained his role, how he recruited women, managed the websites, money, and clients, and although he refused to say the word, admitted to being a pimp. The defendant named numerous women who worked for him and admitted to having sexual relationships with several of them. The defendant discussed the 'sex dungeon' he built in the 2nd Avenue apartment and the various sexual toys and instruments used by Joseph DiMenna.

The details and facts of the investigation that were discussed in the proffer did not come as a surprise to the defendant at all. He anticipated what was going to be discussed and

spoke coherently and in detail about all the conduct charged in the indictment. Now, after having pled guilty and facing time on Riker's Island, the defendant's assertion that he was deprived of effective assistance of counsel and did not have a meaningful understanding of the case against him is simply impossible to believe and a weak attempt to default on his acceptance of responsibility in this case.

It is also worth mentioning that prior to hiring Lawrence LaBrew to file the instant motion to withdraw the guilty plea, the defendant was interviewed by the Department of Probation for the purposes of his sentencing report. In the report, the defendant gave a lengthy statement to the probation officer, admitting his guilt. *See Exhibit 2 at pg. 3.* The admissions were consistent with everything the defendant covered in the July 12, 2022 proffer. The defendant even admitted that "there were about 12" women in total that worked for him. *Id.* This is but another example of how well-informed the defendant was about the indictment and underlying investigation. His probation interview further contradicts his claim that he received ineffective assistance of counsel and was uninformed about the charges against him.

Richard Southard, the defendant's third attorney, did far and away more legal advocacy than James Nemia, who admitted to the People that he did not practice criminal law, did not know how to file motions, and was representing the defendant because they were friends. In contrast, Mr. Southard filed lengthy omnibus motions, argued at the Protective Order hearing, communicated with the Court and Assistant District Attorney countless times, and effectively negotiated a favorable plea deal for the defendant.

The defendant's argument that his constitutional rights were violated, under *Strickland v. Washington*, is completely without merit. 466 U.S. 688 (1984). Nothing in the record supports a finding that Mr. Southard's representation "fell below an objective standard of reasonableness ... under prevailing professional norms." *Id.* Mr. Southard's representation was zealous and professional. Classifying his counsel in this case as "below an objective standard of reasonableness" is a completely baseless characterization that totally ignores the record and work Mr. Southard accomplished for the defendant. Further, the defendant has not provided an iota of evidence that "there [was] a reasonable probability that, but for counsel's unprofessional errors, there result of the proceeding would have been different." *Id.* The defendant provided what amounted to a full admission during the July 12, 2022 proffer. It became abundantly clear that the defendant had no defense and could not testify differently at trial now that he had provided a detailed admission to the People. A plea, which spared the defendant state prison time, was the most likely outcome in this case and the defendant cannot explain how his review of the sealed grand jury minutes would have altered that outcome or provided him with a defense or changed the outcome at all. The defendant's argument that Mr. Southard was ineffective is nothing more than buyer's remorse and an attempt to further prolong his case, with a fourth attorney.

There is nothing in the record to suggest ineffective assistance by Richard Southard. Furthermore, the defendant's plea on October 12, 2023 was knowing, voluntary, and intelligent, which is evident in the plea colloquy minutes. **See Exhibit 1.** The Court conducted a detailed colloquy with the defendant where the defendant acknowledged and stated on the

record that he understood the proceedings and the rights he was giving up by pleading guilty. The defendant stated that he had a full opportunity to discuss the matter and possible defenses with his attorney, Mr. Southard. The record and allocution are devoid of any statement that the defendant had concerns or questions about why he was pleading guilty, or that he was unsatisfied or displeased with the representation by Mr. Southard.

If the allegations of ineffective assistance levied in his motion to withdraw the guilty plea were true, the defendant had ample opportunity to express those concerns to the Court and he would not have pleaded guilty. *See People v. Mitchell*, 89 A.D.3d 628 (1st Dept. 2001) (finding defendant's plea was knowing, voluntary, and intelligent and defendant's claims of ineffective assistance during allocution were conclusory and unsubstantiated); *see also People v. Savinon*, 52 A.D.3d 422 (1st Dept. 2008) (finding that the court properly exercised its discretion in denying defendant's motion to withdraw his plea and that the record established sufficient information upon which to conclude that his claims of ineffective assistance were without merit). The defendant's plea allocution indicates a knowing, voluntary, and intelligent plea and the defendant's motion to withdraw his plea should be denied.

Conclusion

EXHIBIT 1

The defendant's argument that he suffered ineffective assistance of counsel is without merit and contradicted by his own statements and conduct throughout the pendency of this case. There is nothing in the record to substantiate any of the defendant's claims made in support of his motion to withdraw his guilty plea.

The defendant's plea on October 12, 2018, was knowing, voluntary, and intelligent, and his Motion to Withdraw the Guilty Plea should be denied.

Dated: February 15, 2024
New York, NY

Alvin L. Bragg, Jr.
District Attorney
New York County

By:



Keith Savino
Assistant District Attorney
Of Counsel

EXHIBIT 1

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SUFFRAG. COURT
TRIAL TERM: PART 62

THE PEOPLE OF THE STATE OF NEW YORK

INTENTION #
123456

-against-

STEVEN MCENANEY,

CHARGE:
PROM. PROS.

Defendant.

PROCEEDINGS:
PLEA

100 Centre Street
New York, New York 10013

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October 12, 2023

B E F O R E H E R E, HONORABLE FELICIA A. MENNIN
Justice of the Supreme Court

A P P E A R A N C E S:

FOR THE PEOPLE: ALVIN L. BRAGG, JR., ESQ.

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ALVIN L. BRAGG, JR., ESQ.
New York County District Attorney
One Hogan Place
New York, New York 10013
BY: KEITH SAVINO, ESQ.
Assistant District Attorney

FOR THE DEFENDANT:

RICHARD SOUTHPARD
Attorney at Law
291 Broadway
New York, NY 10007

Sati Singh, RPR
Senior Court Reporter

1 SUPREME COURT: NEW YORK COUNTY
2 TRIAL TERM: PART 62

3 THE PEOPLE OF THE STATE OF NEW YORK

4 INDICTMENT #
5 70297-22

6 -against-

7 STEVEN MCENANEY,

8 CHARGE:
9 PROM. PROS.

10 Defendant.

11 PROCEEDINGS:
12 PLEA

13 100 Centre Street
14 New York, New York 10013

15 October 12, 2023

16 B E F O R E: HONORABLE FELICIA A. MENNIN
17 Justice of the Supreme Court

18 A P P E A R A N C E S:

19 FOR THE PEOPLE:

20 ALVIN L. BRAGG, JR., ESQ.
21 New York County District Attorney
22 One Hogan Place
23 New York, New York 10013
24 BY: KEITH SAVINO, ESQ.
25 Assistant District Attorney

FOR THE DEFENDANT:

RICHARD SOUTHARD
Attorney at Law
291 Broadway
New York, NY 10007

1 THE CLERK: Number 21 on the calendar in the
2 matter of Steven McEnaney, indictment 70297 of 2022.

3 Parties step up, give your appearances, please.

4 MR. SOUTHARD: On behalf of Mr. McEnaney, attorney
5 of record Richard Southard, S-O-U-T-H-A-R-D, 291 Broadway,
6 New York, New York.

7 Good morning, your Honor. Good morning, People.

8 THE COURT: Good morning.

9 MR. SAVINO: For the People, Keith Savino,
10 S-A-V-I-N-O.

11 Good morning.

12 THE COURT: All right.

13 So when we conferred the case, we had discussed
14 a disposition of six months city time concurrent with five
15 years probation.

16 MR. SAVINO: That's correct, your Honor. I did
17 speak to defense counsel today and I would extend a
18 one-time recommendation of a three-month split with an
19 allocution by the People and a Waiver of Appeal, given some
20 personal matters for the defendant that defense counsel
21 brought up today.

22 THE COURT: And how long do you propose the
23 sentence be deferred? Sorry, what -- it was noisy. What's
24 the last part of your recommendation, repeat it please.

25 MR. SAVINO: It would be three months jail,

1 five-year probation split, a Waiver of Appeal, and then an
2 allocution from the People.

3 THE COURT: All right. And tell me on the record
4 why you think that such a low disposition or low
5 recommendation is appropriate.

6 MR. SAVINO: Yes, Judge.

7 I think what differed from when we had our
8 conference a few weeks ago, what I'm taking into
9 consideration now is if we could have a disposition today
10 and avoid having multiple victims come in and testify in
11 court, which they are more than willing to do, but to spare
12 them having to come in, discuss their personal lives,
13 discuss the facts of these cases and be subject to
14 cross-examination, if we can have a disposition today, I
15 would be comfortable with the proposed disposition.

16 THE COURT: Okay. And with respect to any of the
17 allegations involving violence, is it true that they --
18 those individual acts are beyond the Statute of
19 Limitations?

20 MR. SAVINO: That's correct, your Honor. We have
21 investigated those extensively, and anything involving
22 violence from clients of the enterprise would have been
23 outside the Statute of Limitations.

24 THE COURT: And you said the witnesses are willing
25 to come in?

MR. SAVINO: Yes. It would do four months.

THE COURT: You know the Court's position I made clear the last time is I thought six months, five years probation split was the appropriate disposition. Does he want that disposition, counsel?

MR. SOUTHARD: Not today, your Honor. He is interested in the 90-days split and would be prepared to move forward today on that if your Honor would grant it.

THE COURT: I'm not going to give the three-month split. I will agree to impose four months concurrent with five years probation split then if he takes it today.

MR. SOUTHARD: Can we have a second call so I may speak to him on that, Judge? *this time, counsel, does your*

THE COURT: Yes. MR. SOUTHARD: Thank you.

(Case recalled.)

THE CLERK: Recalling number 21 on the calendar in

the matter of Steven McEnaney, indictment number 70297 of 2022.

All parties are before the bench and remain the same. MS. SOUTHARD: He does, your Honor.

THE COURT: All right. So we had -- People had made an offer on the record of a three-month split with a Waiver of Appeal and specific allocution for purposes of disposing of the case today. I said that I was not

1 comfortable with three months, but would do four months,
2 five years probation split with a Waiver of Appeal and
3 specific allocution if he is interested in disposing of the
4 case today.

5 MR. SOUTHARD: Yes, your Honor.

6 THE COURT: He is. All right.

7 So, please give me a copy of the indictment, Mr.
8 Savino.

9 MR. SAVINO: And, Judge, I have already received
10 the signed Waiver of Appeal. ~~the signed Waiver of Appeal~~, and if you wish to
11 THE COURT: All right.

12 MR. SAVINO: And I have a copy for the Court.

13 THE COURT: Then at this time, counsel, does your
14 client wish to withdraw his previously entered plea of not
15 guilty, and enter a plea of guilty to the sole count in the
16 indictment of promoting prostitution in the third degree in
17 exchange for a promised sentence of four months jail ly
18 concurrent with five years probation split, subject to a
19 Waiver of Appeal and the specific allocution proposed by
20 the People?

21 MR. SOUTHARD: He does, your Honor.

22 THE COURT: All right.

23 Please swear Mr. McEnaney.

24 THE CLERK: Raise your right hand, sir.

25 Steven McEnaney, do you swear or affirm that the

1 evidence you shall give this Court will be the truth, the
2 whole truth and nothing but the truth so help you God or so
3 you affirm? *AFFIRMATION*

4 THE DEFENDANT: Yes.

5 THE COURT: State your full name for the record,
6 please. *STATEMENT OF NAME*

7 THE DEFENDANT: Stephen E. McEnaney.

8 THE COURT: Mr. McEnaney, listen to me carefully.
9 I will be asking you a series of questions. If at any time
10 you don't understand me, let me know, and if you need to
11 have time to speak to your attorney, I'm happy to let you
12 do that, understood? *to remain silent, the right to a*

13 trial. *THE DEFENDANT: Yes. the witnesses who testify*

14 *against you* THE COURT: And, for the record, is Mr. Richard
15 Southard who is seated next to you your attorney?

16 *behalf of the defendant, if that's* THE DEFENDANT: Yes.

17 *what you* THE COURT: Have you had enough time to fully and
18 discuss your plea and sentence with your attorney?

19 *you will* THE DEFENDANT: Yes.

20 *relinquish* THE COURT: Are you satisfied with the
21 representation you have received from him?

22 THE DEFENDANT: Yes.

23 *concerning* THE COURT: And are you pleading guilty to this
24 charge because you are in fact guilty?

25 THE DEFENDANT: Yes.

1 THE COURT: Has anyone forced or threatened you to
2 plead guilty?

3 THE DEFENDANT: No.

4 THE COURT: Are you on any drugs, medication or
5 alcohol today?

6 THE DEFENDANT: No.

7 THE COURT: So you fully understand what is
8 happening here, correct?

9 THE DEFENDANT: Yes.

10 THE COURT: When you plead guilty, you give up
11 certain valuable constitutional rights including but not
12 limited to the right to remain silent, the right to a
13 trial, the right to confront the witnesses who testify
14 against you at trial, to require the People to prove your
15 guilt beyond a reasonable doubt, to testify on your own
16 behalf and call witnesses on your own behalf, if that's
17 what you choose to do, as well as the right to contest any
18 search or seizure which may have occurred in this case. Do
19 you willingly and voluntarily give up each of those
20 valuable rights?

21 THE DEFENDANT: Yes.

22 THE COURT: And, People, is there a Certificate of
23 Compliance in the case?

24 MR. SAVINO: Yes, Judge.

25 THE COURT: So there is no need for a waiver of

1 discovery?

2 MR. SAVINO: No.

3 THE COURT: Additionally, as part of your plea
4 agreement you are giving up your generalized right of
5 appeal, being asked to sign a written waiver. Have you
6 gone over the written waiver line by line with your
7 attorney?

8 THE DEFENDANT: Yes.

9 THE COURT: Have any questions you may have had
10 been answered to your satisfaction by your attorney?

11 THE DEFENDANT: Yes.

12 THE COURT: You understand that what you're giving
13 up is your generalized right of appeal which means that
14 ordinarily had you chosen to go to trial and been
15 convicted, you could contest on appeal any mistakes that
16 you felt were made during the course of the trial on a
17 case. By signing the waiver, you give up that right, do
18 you understand?

19 THE DEFENDANT: Yes.

20 THE COURT: You also give up the right to contest
21 on appeal that the sentence imposed is excessive or that
22 the People have failed to meet their statutory speedy trial
23 obligation, do you understand that?

24 THE DEFENDANT: Yes.

25 THE COURT: You do however retain certain

1 appellate rights. So, for example, if any sentence I +
2 impose upon you would be an illegal sentence, or you would
3 be denied your constitutional speedy trial rights in this
4 case or you did not have the legal ability to stand trial,
5 to execute the Waiver of Appeal or the plea agreement, you
6 may still challenge those matters on appeal, do you his
7 understand?

8 THE DEFENDANT: Yes. it's right.

9 THE COURT: All right. the specific request for
10 an adjourn Do you also understand that while you are request
11 fincarcerated, your right to vote in any city, state or
12 federal election will be suspended? rstand that the normal
13 period for THE DEFENDANT: Yes. be six weeks. I would ask
14 that you THE COURT: And it will be restored to you
15 himmediately upon your release, understood?

16 THE DEFENDANT: Yes. body of his son, and he also
17 runs a volTHE COURT: All right. where he has over 120
18 animals and you discuss with Mr. Southard how you might
19 defend against the charges in this case? before he turns
20 himself in THE DEFENDANT: Yes.

21 THE COURT: And both sides agree that Mr. McEnaney
22 is not a predicate felon?

23 MR. SAVINO: Correct.

24 THE COURT: All right. Then let's figure out a
25 date. Now So the promised sentence in this case is four

1 months jail concurrent with five years probation subject to
2 the Waiver of Appeal and specific allocution. Have any
3 other promises been made to you?

4 THE DEFENDANT: No.

5 THE COURT: All right. Is there an agreement or a
6 request that he remain out pending the imposition of his
7 sentence? *Mr. McEnaney has custody of his son, and he also runs a volunteer animal sanctuary where he has over 120 animals and he needs time to place as many of those animals as he can during the next couple of months before he turns himself in.*

8 MR. SAVINO: Yes, that's right. *on the condition that he would be available to appear in court if called*
9 THE COURT: And what is the specific request for
10 an adjournment for remaining out, and is there any request
11 for a specific sentence date? *ilt, say you didn't want to go to jail*

12 MR. SOUTHARD: Well, I understand that the normal
13 period for an out I and S would be six weeks. I would ask
14 that you extend that period to beyond the Christmas
15 holiday. *he places that is being ensured here today, but I will not* Mr. McEnaney has custody of his son, and he also runs a volunteer animal sanctuary where he has over 120 animals and he needs time to place as many of those animals as he can during the next couple of months before he turns himself in.

16 THE COURT: All right. In addition to adjournment
17 after the THE COURT: Do the People have any objection to an
18 adjournment for after the holidays? *a date that we would agree on*

19 MR. SAVINO: No, Judge. *on the date that we would agree on*

20 THE COURT: All right. Then let's figure out a
21 date. How is January 11? *those conditions, so I don't need to*

MR. SOUTHARD: That's fine, Judge.

THE COURT: All right. Was there an Order of Protection in this case?

MR. SAVINO: No.

THE COURT: All right. So you must be interviewed by the Department of Probation, and you must answer all of their questions completely and truthfully. After admitting your guilt to the very specific allocution here today, and fully admitting your guilt as to the one charge that you are pleading to, you cannot turn around to the Department of Probation and deny your guilt, say you did nothing wrong or that you're innocent, do you understand that?

THE DEFENDANT: Yes.

THE COURT: Because if you do that, you will be bound by the plea that is being entered here today, but I will not be bound to impose the promised sentence, and I could theoretically sentence you to a term of up to two and a third to seven years state prison, understood?

THE DEFENDANT: Yes.

THE COURT: All right. In addition to cooperating with the Department of Probation, you must have no new arrests between today's date and the date that we select for sentencing, and you must show up on the date that we have selected for your sentence, that is January 11. If you violate either one of those conditions, again you will

1 be bound by your plea, but I will not be bound to impose
2 the promised sentence, and I could sentence you to that
3 maximum that we just discussed, do you understand?

4 THE DEFENDANT: Yes.

5 THE COURT: And furthermore, if you fail to appear
6 on the date of your sentence, I can impose that sentence
7 even though you're not physically present, understood?

8 THE DEFENDANT: Yes.

9 THE COURT: "That sentence" meaning two and a
10 third to seven, all right?

11 THE DEFENDANT: Yes.

12 THE COURT: All right. Now, in the future, if you commit another felony
13 and are convicted under New York State Law you may be
14 deemed a predicate felon which means upon conviction of
15 that second felony you will be facing substantial and
16 mandatory state prison time, and substantial and mandatory
17 post-release supervision, do you understand?

18 THE DEFENDANT: Yes.

19 THE COURT: And if you are not a United States citizen, upon your plea to this charge you will be deported
20 or suffer some other significant immigration consequence,
21 do you understand?

22 THE DEFENDANT: Yes.

23 THE COURT: Mr. Southard, have you had a

24

discussion with your client as to whether there are any potential immigration consequences?

MR. SOUTHARD: I have, your Honor.

THE COURT: And understanding you're not a United States citizen, such consequences exist, do you still wish to plead guilty, Mr. McEnaney?

THE DEFENDANT: Yes.

THE COURT: All right. So you're pleading guilty to the charge of promoting prostitution in the third degree committed as follows:

That during the period from on or about May 1, 2012 to on or about January 19, 2018, in New York County, you knowingly advanced and profited by prostitution by managing, supervising, controlling and owning alone, and in association with others, a house of prostitution, and a prostitution business and enterprise involving prostitution activity by two or more persons for prostitution; is that true, sir?

THE DEFENDANT: Yes.

THE COURT: All right. People, why don't you take him through your specific plea allocution.

MR. SAVINO: Yes, Judge.

Steven McEnaney, is it true that from on or about May 12 -- May 2012 to January 2018, you managed and operated a prostitution business where women you recruited

1 had sex with clients for money?

2 THE DEFENDANT: Yes.

3 MR. SAVINO: Is it true that during this period,
4 you recruited women to work for you as sex workers through
5 websites such as Craig's List?

6 THE DEFENDANT: Yes.

7 MR. SAVINO: Is it true that you had photographed
8 these women and you built websites for them advertising
9 sexual services which you had access to and would monitor?

10 THE DEFENDANT: Yes.

11 MR. SAVINO: Is it true that you facilitated dates
12 and appointments between the women that work for you and
13 the clients?

14 THE DEFENDANT: Yes.

15 MR. SAVINO: Is it true that there was an agreed
16 upon percentage regarding how much money you would receive
17 from a sexual service performed by these women?

18 THE DEFENDANT: Yes.

19 MR. SAVINO: Is it true that payments were often
20 made in the form of cash, and you would receive your
21 percentage after a date was completed?

22 THE DEFENDANT: Yes.

23 MR. SAVINO: Is it true that you maintained an
24 apartment on East 54th Street and Second Avenue in
25 Manhattan that was used primarily for dates between the

1 women and clients?

2 THE DEFENDANT: Yes.

3 MR. SAVINO: Is it true that you would access the
4 women's e-mail addresses to impersonate them and to
5 communicate with clients?

6 THE DEFENDANT: Yes. *if that was true, you went to or not, that's up to you.*
7 THE COURT: You left one out, was that on purpose?

8 MR. SAVINO: I'm withdrawing that one, Judge.

9 THE COURT: All right. *knowing and voluntary, and for the record.*
10 MR. SAVINO: And, finally is it true that during
11 the period from about May 2012 to January 2018, you
12 advanced and profited from the prostitution of at least ten
13 women? *Probation, no new arrest, and cooperation with probation.*
14 THE DEFENDANT: Yes.

15 MR. SAVINO: The allocution is sufficient to the
16 People, Judge.

17 CERTIFIED TO BE
18 TRUE AND CORRECT
19 *Sati Singh, RPR*
SENIOR COURT R
Please enter his plea and arraign him on the plea.

20 THE CLERK: Yes, Judge.

21 Steven McEnaney, do you now withdraw any
22 previously entered plea of not guilty, and now plead guilty
23 to Penal Law 230.25(01), promotion of prostitution in the
24 third degree covering indictment 70297 of 2022, is that now
25 what you wish to do, sir?

Sati Singh, RPR
Senior Court Reporter

1 THE DEFENDANT: Yes.

2 THE CLERK: Thank you.

3 THE COURT: So then we are adjourned for sentence.

4 MR. SOUTHARD: Judge, we just have to swear him to
5 his signature on the Waiver of Appeal. You didn't ask him
6 if that was his signature, if you want to or not, that's up
7 to you.

8 THE COURT: I find that the allocution to the
9 terms of the Waiver of Appeal is knowing and voluntary, and
10 for the record he has signed it in open court. Thank you.

11 MR. SOUTHARD: Thank you, Judge.

12 THE COURT: The promise is subject to the three
13 conditions: Probation, no new arrest, and cooperation with
14 probation.

15
16 CERTIFIED TO BE
17 TRUE AND CORRECT

18 *Sati Singh*
19 SATI SINGH, RPR
SENIOR COURT REPORTER

EXHIBIT 2

New York City Department Of Probation
Pre-Sentence Investigation: Face Sheet

PC	Court New York Supreme	NYC DOB 10/17/1983	Case # CCR-2021-A828	
Officer	FBI-S-RHLP/M3	CCS Service, Inc.	Contingent Probation Officer From agency Correctional Rep	
CS Date	05/16/2023	Certified/Health OK CS 112023	Community Status, Inc.	
			USP/DOJ/DOJ/DOJ/DOJ	
4. Where are you living?	115-18 N. 1st Street, Brooklyn, NY 11201			
Address	Meeting Address		Residing with	
Why, Salt Point, NY 12378	22 Myra Way, Salt Point, NY 12378		Kesenia Dickson, Friend	
Name (F-15) 716-1828	Sex	DOB-02-0512	Sex Assigned at Birth	Male
1200-17-0-150	Other Name	USA	Race	White
1200-17-0-150	Alt. Suffix	A-1200-17-0-150	Ethnicity	Not Hispanic
USA	Age		Height	60"
New York	Residence		Weight	180
United States	Visa		Eyes	Blue
English	Marital Status	Single (never married)	Hair	Blonde
Yes			Glasses	Yes
17 No			Contacts	No
18 Right shoulder front; Tail, etc., Left shoulder front; Tattoos				
19 DNA				
20 Previous Date 1/20/2023				
PRESENT COURT RECORDING				
21	Court Control	Offense Date	Arrest Date	Final Charge(s)
22 17-17 803857023		05/01/2012	03/06/2022	PL 230.26 01 D F 3 - Promote Prostitution Two Or More Prostitutes/Travel Facilitate Prostitution - 1 yr(s)
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New York City Department Of Probation
Pre-Sentence Investigation Face Sheet

Report Type: PSI	Court: New York Supreme	NYSID #: 15190336J	Case #: CCI-NS202314925
County: Manhattan	FBI: 5PRHLPJW3	PO: Stanley Isaac	Sentence Promise: Split Sentence
Conviction Dt.: 10/12/2023	Sentence/Return Dt.: 01/11/2024	Custody Status: Bail	Conviction: Plea

PERSONAL INFORMATION

Last Name:	McEnaney	First Name:	Steven		
True Name (if different)					
Current Address		Mailing Address		Resides with	
22 Mollys Way, Salt Point, NY 12578		22 Mollys Way, Salt Point, NY 12578		Ksenia Dickson, friend	
Primary Phone	(845)718-1393	SSN	097-62-0512	Sex Assigned at Birth	Male
Cell Phone	(845)718-1393	Citizenship	USA	Race	White
Birth Date	12/16/1976	Alien Status		Ethnicity	Not Hispanic
Country of Birth	USA	Alien #		Height	6'0"
State if US	New York	Visa Type	No	Weight	180
City of Birth	Mineola	Visa #		Eyes	Blue
Primary Language	English	Marital Status	Single (never married)	Hair	Blonde
Speaks English?	Yes			Glasses	Yes
Interpreter?	No			Contacts	No
Identifiable Marks	Right shoulder front: Tattoos; Left shoulder front: Tattoos				
Law Actions	DNA				
Defendant Interview Date	10/30/2023				

PRESENT COURT PROCEEDING

#	DKT/IND #	Court Control #	Offense Date	Arrest Date	Final Charge(s)
1	IND-70297-22	69885782J	05/01/2012	03/09/2022	PL 230.25 01 D F 3 - Promote Prost-3:Two Or More Prostitutes/Travel Facilitate Prostitution - 1 ct(s)
Indict. Arrest Charges					
#	Charge Description	Count	VO	JO	Covers Indict.
1	PL 230.25 01 D F 3 Promote Prost-3:Two Or More Prostitutes/Travel Facilitate Prostitution	1	False	False	

Conviction Charge Code		Court Details		Additional Information	
Law	PL	Judge	Hon. F. MENNIN	ADA	Savino, Keith
Section	230.25	Part	NEW YORK SUPREME - 62	Phone #	(212)335-9581
SubDiv	01	Co-Defendants	No	Defense Counsel	Southard, Richard
Class/Offense	F	YO Eligible	Not Applicable	Phone #	(212)385-8600
Attempted	0	Pending Charges	No	Address	291 Broadway Room 800, New York, NY 10007
Degree	3	COR Eligible	Yes		

DETAILS SENTENCE PROMISE (cont. from Facesheet)

Sentence Type	Split Sentence	Duration	5 Years
Details of Promise	4 Months Jail + 5 Years Probation Split with Specific Allocations. WOA.		

PRESENT OFFENSE

Circumstances of Arrest

Offense Date(s)	05/01/2012	Arresting Officer	Officer Unknown
Offense/Arrest Location	New York County, NY	Arrest Number	M22608529
Arrest Date	03/09/2022	Shield	0000
The defendant was arrested	Yes		
Defendant influenced by substance at time of offense	No		

Description of Present Offense

The account which follows is based upon information obtained from court papers and files of the Manhattan's District Attorney's Office.

The defendant, in the County of New York, during the period from on or about May 1, 2012, to on or about January 19, 2018, knowingly advanced and profited from prostitution by managing, supervising, controlling, and owning, alone and in association with others, a house of prostitution and a prostitution business and enterprise involving prostitution activity by two or more persons for prostitution.

The defendant was arrested on March 9, 2022. He is at liberty awaiting sentence.

CO-DEFENDANTS

There are no co-defendants indicated.

SUMMARY OF DEFENDANT'S STATEMENT

The defendant was interviewed on 10/30/23 at the NYC Dept. of Probation.

He gave the following statement regarding the present offense: "I built websites for friends who were escorts at the time, around the time of 2012. Some of them had photos ...no nudes. I took some of the photos or friends that had photo studios had taken some of the photos. They posted the pictures on Eros, an escort website. As time went by, I was asked to do more like post reviews and write emails. Some of the women that I was associated with were friends. One of them, Kim Corazzini, is actually my son's mom. I helped her build a website. We later became friends then we ended up dating, around the end of 2012. She moved in and we decided to have a child. Then we moved upstate. Then in November of 2020, she moved out. I kept my son literally up until a little while ago. She received physical custody, not legal custody. So as time went on, I am still very close friends with 7 of the women. There were about 12 in total. One of the women had an apartment in Manhattan where she saw people (customers). She would also let other women use the apartment. She then got a boyfriend who was her 'sugar daddy.' She wanted to be close to him so I ended up signing the apartment for her because she had bad credit. The other girls networked and were also using the apartment to see clients. My name is on the apartment that they were using. My attorney presented me with what charges I was facing. I admit my role in the offense. I did help the girls and I had the apartment in my name."

VICTIM INFORMATION / STATEMENT

The undersigned officer contacted the Manhattan's District Attorney's Office on 10/12/23 to request the complainant's (if any) contact information. As of this writing, the undersigned officer has not received the requested information.

ANALYSIS OF OFFENSE AND LEGAL HISTORY

The defendant Steven McEnaney is before the court following a conviction of Promote Prost-3: Two Or More Prostitutes/Travel Facilitate Prostitution.

The present offense represents the defendant's first felony conviction.

He had a prior arrest on March 27, 2021, in Dutchess County, NY for Driving While Intoxicated- 1st Offense and Operate Motor Veh With .08 of 1% Alcohol Or More In Blood- 1st Offense. There was "No Court Reported Information" concerning this matter.

According to his e-Justice criminal history sheet, the defendant does not have any multi-state offenses.

The defendant does not have any Orders of Protection issued against him.

FAMILY AND ENVIRONMENT

Name	Relation	Age	Residence	Profession
Sibersky, Alex	Friend		185 Lenox Avenue Garden Apt., New York, NY 10027	Unknown
Dickson, Ksenia	Friend		22 Mollys Way, Salt Point, NY 12578	Unemployed
Corazzini, Kim	Ex-Girlfriend		, Wappingers Falls, NY	Unknown
Cooperman, Leo	Child		22 Mollys Way, Salt Point, NY 12578	3 months old infant

SM sister and parents aren't sighted as family

CURRENT EDUCATION

Corazzini, Reed	Son	10	, Wappingers Falls, NY	Student
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The defendant Steven McEnaney reported that he was born on 12/16/1976 in Mineola, New York from the union of Alice McEnaney, age 72, and Edward McEnaney, age 73. He explained that he raised in Hicksville, Long Island. His parents were childhood sweethearts and have been married for over 50 years. They remain in Hicksville, Long Island.

The defendant informed that he was raised alongside his sister, Kristen McEnaney, age 40, residing in Mineola, NY and his brother, Jason McEnaney, age 48, residing in Winston-Salem, North Carolina. His sister is reportedly employed as a CFO of a mortgage company and his brother is reportedly employed as a schoolteacher.

The defendant mentioned that his family is not aware of his current legal circumstances. However, he insisted that he has a good relationship with his family. The defendant described his childhood as fine until the age of 8 or 9. However, he disclosed that he was sexually molested by his maternal grandfather "for several years" until the age of 11.

The defendant stated that he has never participated in any therapy for the childhood ordeal. He claimed that he later found out that the person he and his mother thought was his grandfather was actually not related to him. He feels that there was a connection for him being targeted for sexual molestation by the grandfather based on his unrelated ties. The defendant stated that he actually did not recall anything about his childhood trauma until he was about 30 years old. His mother was informed at that time and the defendant stated that she was devastated and that she actually participated in therapy once she learned about what transpired. The defendant informed that he immersed himself in music. He mentioned that he played the drums, guitar and the piano. He added that this helped him to cope with the molestation ordeal.

The defendant denied that he was ever in a gang. He is single and he indicated that he resides at 22 Mollys Way, Salt Point, NY 12578 located in Dutchess County, NY. The defendant explained that he purchased the home in 2016 and that he currently resides at the aforementioned location with his friend, Ksenia Dickson, age 40, and her three months old son, Leo Cooperman.

The defendant reported that there are 2 dogs ("mutts"); 10 cats; and 146 other animals (including horses, cows, pigs, birds and alpacas). The defendant further reported that he has a not for profit animal sanctuary, Hunks and Hunnies Animal Sanctuary, located at 83 Wood Street, Mahopac, NY. He stated that his animal sanctuary was incorporated in 2019.

The defendant explained that he has a son, Reed Corazzini, age 10, from a prior relationship with his ex-girlfriend, Kim Corazzini, age 40. His son was residing with him until Sept. 2023. His son, Reed, now resides temporarily with his mother in Wappingers Falls, NY. The defendant reported that he and Ms. Corazzini are in the middle of a custody battle. The next hearing is scheduled for 11/14/23. The defendant provided his friend, Alex Sibersky, age 80, as his emergency contact at tel. # (917)710-5448. Mr. Sibersky reportedly resides at 185 Lenox Avenue, New York, NY 10027. Defendant McEnaney stated that he and Mr. Sibersky have been friends since 2008. He further stated that Mr. Sibersky suffers from Parkinson's Disease.

*A check of the Worker Connect database did not result in any verification documentation found pertaining to the defendant.

Collateral Contact:

Attempts were made to contact the defendant's friend, Alex Sibersky, at tel. # (917)710-5448. Voicemail messages were left and as of this writing no response has been received.

CURRENT RESIDENCE

Address	Apt #	City	State	Zip
22 Mollys Way		Salt Point	NY	12578
Type of Residence				
Residential				

CURRENT EDUCATION

High School Diploma

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

THE PEOPLE OF THE STATE OF NEW YORK, Plaintiff,

EDUCATION, EMPLOYMENT, AND MILITARY

The defendant informed that he attended Bethpage High School, located in Bethpage, NY from 1991 until he graduated in 1995 (unverified). He denied that he had any prior learning disabilities or prior placement in special education.

The defendant also informed that he later attended Nassau Community College, located in Garden City, NY in 1996. The defendant explained that he only attended the college for 1 year and that he studied Studio Recording Technology. The defendant did not earn a certificate or diploma.

The defendant reported that he has been self-employed as a contractor, performing home renovations, since 2015. He further reported that he works with subcontractors and that he earns a profit of \$60,000 to \$80,000/year. The defendant supplied this officer with a bank statement documenting some deposits into his bank account which he maintained are from payments for jobs. The defendant informed that he does not have a name for his contracting business. He added that the contracting business is based from his home. The defendant denied that he is a recipient of any government benefits.

He does not have a record of military service.

PHYSICAL HEALTH

The defendant denied that he had any physical health ailments. He also denied that he had any medical insurance.

The defendant denied using drugs. He informed that has occasionally used alcohol, primarily wine, since the age of 21. He denied that he has ever participated in substance treatment.

Sex Assigned at Birth	Height	Weight	Race	Ethnicity	Hair	Eyes
Male	6'0"	180	White	Not Hispanic	Blonde	Blue

Scar/Mark/Tattoo

Location	Description
Right shoulder front	Tattoos
Left shoulder front	Tattoos

SUBSTANCE ABUSE

Defendant reported use of controlled substances and/or alcohol.

Substance Used	Age At First Use	Frequency of Use	Currently Using	Amount/Quantity Used	Length of Present Use	Method Of Use
Alcohol	21 - 25	Occasionally	True	1 -2 glasses of wine	5+ years	Oral Intake

Last time used: Oct. 2023

Longest period of abstinence: Less than 1 year

Defendant reported being drug free since: Less than 1 year

Defendant was enrolled in a treatment program at time of offense: No

Defendant has been in an inpatient or outpatient substance abuse program within past five years: No

MENTAL HEALTH

The defendant denied that he had any mental health ailments. He informed this officer that he never sought a therapist or psychiatrist to cope with the childhood trauma he endured. The defendant denied that he has received psychiatric care, was ever prescribed psychotropic medication, had any psychiatric hospitalizations, or had any suicidal ideations.

The defendant was screened for both mental health and substance use needs; results of the screenings indicate further assessment may be needed at this time.

EVALUATIVE ANALYSIS

The defendant Steven McEnaney, age 46, was convicted of Promote Prost-3: Two Or More Prostitutes/Travel Facilitate Prostitution in the present offense.

He does not have any prior convictions.

The defendant indicated that he resides at the case address with his friend and her infant child. He reported that he earned a High School Diploma and that he is currently self-employed as a contractor. He denied that he had any physical or mental health issues. He admitted to current alcohol use. The defendant has denied using drugs.

The defendant is impaired by his actions in the present offense. The judicial promise of a split sentence is appropriate. He may benefit from counseling, documented employment and an evaluation for alcohol treatment during his probation supervision.

Attested By:	Stanley Isaac
PROBATION OFFICER - Stanley Isaac	
Reviewed By:	Sally Desimone-Ledson
SUPERVISING PROBATION OFFICER - Sally Desimone-Ledson	

Submitted By:

SUPERVISING PROBATION OFFICER - Sally Desimone-Ledson

VERIFICATION GRID

	Verification Type	Verified?	Method/Source	By Whom	Date
1	Legal History	Yes	Viewed e-Justice	Isaac, Stanley	10/13/2023
2	Present Offense	Yes	Viewed e-Justice; NYS UCMS; COI	Isaac, Stanley	10/16/2023
3	Victim Impact Statement	No			
4	Date of Birth	Yes	Interviewed NYS Driver Lic	Isaac, Stanley	10/30/2023
5	Current Address	Yes	Interviewed Mail and Bank Statements	Isaac, Stanley	10/30/2023
6	Current or Most Recent School / Training Program	No			
7	Source of Other Income	Yes	Interviewed Bank Statements	Isaac, Stanley	10/30/2023
8	Military Service	No			
9	Current of Most Recent Treatment for Physical Illness/Disability	No			
10	Current of Most Recent Treatment for Psychiatric/Psychological	No			
11	Current of Most Recent Treatment for Alcohol/Drug Abuse	No			



New York City Department Of Probation
Departmental Sentence Recommendation
County Investigation Branch

Date	01/10/2024	Probation Case Number	NS202314925
To: Judge	Hon. F. MENNIN	Court/Part	New York Supreme/NEW YORK SUPREME - 62
Case Name	McEnaney, Steven	County	Manhattan

Sentence Details
Recommendations

The defendant is before the Court for sentencing after his conviction by plea of Promote Prost-3:
Two Or More Prostitutes/Travel Facilitate Prostitution in the present offense.

The present offense is the defendant's first felony conviction.

The defendant is residing at the case address with his friend and her infant child. He claims he is currently self-employed as a contractor. He denied any physical or mental health issues. He admitted to current alcohol use and denied the use of drugs.

This Department concurs with the Court's promise of a split sentence is appropriate.

Should your Honor sentence and place this defendant on probation, the Department of Probation urges that the court impose the additional conditions for Sex Offenders: to participate in and successfully complete a sex offender treatment program; to refrain from any contact with his victim; to refrain from contact with any other sex offenders; to refrain from engaging in any sexual activity with anyone under the age of 18; to consent to a search conducted by a Probation Officer and his/her agent, of his/her person, vehicle, computer, and computer files; to refrain from engaging in any computer activity or service that involves sexually explicit material or any computer contact for the purpose of establishing a sexual relationship with a minor; to refrain from living in a residence where anyone under the age of 18 resides without permission of the Court or the Department of Probation; to refrain from working or volunteering for any business or organization that provides services to or employees persons under the age of 18; and to refrain from being at locations predominantly frequented by persons under the age of 18.

Attached for the Court's consideration is the Certificate of Relief from Disabilities.

Sally Didurko-Locke

01/10/2024

STEVEN MCENANEY

DEFENDANT
Indictment

**STATE OF NEW YORK
CERTIFICATE OF RELIEF FROM DISABILITIES**

**FOR COURT OR
BOARD OF PAROLE**

Docket, File or other Identifying No.

IND-70297-22

Issued to the holder to grant relief from all or certain enumerated disabilities, forfeitures, or bars to his/her automatically imposed by law by reason of his conviction of the crime or of the offense specified herein

This certificate shall NOT be deemed nor construed to be a pardon.

SEE REVERSE SIDE FOR EXPLANATION OF THE LAW GOVERNING THIS CERTIFICATE.

Certificate is to be presented to the person to whom awarded. One copy is to be retained by the issuing one copy is to be filed with the NYS Division of Criminal Justice Services, 80 South Swan Street, Albany, NY 12210.

DCJS	HOLDER OF CERTIFICATE		
2. Last Name McEnaney	First Name Steven	M.I.	3. NYSID Number (If not known, supply fingerprints to DCJS. If fingerprints are unobtainable, complete item 15-18 below.) 15190336J
Offense for which Convicted 2.25 01 D F 3 Promote Prost-3:Two Or Prostitutes/Travel Facilitate itution	5. Date of Arrest 3/9/2022		6. Date of Sentence
Disposition (Court, Part, Term, Venue) New York Supreme NEW YORK SUPREME -	8. Certificate Issued by: <input checked="" type="checkbox"/> Court Indicated in No. 7 <input type="checkbox"/> State Board of Parole		
this Certificate Issued	10. If this Certificate replaces Certificate of Relief from Disabilities previously issued, give date of previous Certificate Date: Click here to enter a date. <input checked="" type="checkbox"/> Not Applicable		

CHECK ONE BOX ONLY

his certificate shall:

- Relieve the holder of all forfeitures, and of all disabilities and bars to employment, excluding the right to retain or to be eligible for public office, by virtue of the fact that this certificate is issued at the time of sentence. The Date of Sentence in this case must agree with the Date Certificate Issued.
 - Relieve the holder of all disabilities and bars to employment, excluding the right to be eligible for public office.
 - Relieve the holder of all forfeitures, disabilities and bars hereinafter enumerated all legal bars and disabilities to Employment, license and privilege except those enumerated sections related to weapons imposed under Sections 265.01(4) and 400.00 of the Penal Law.
2. This certificate shall be considered permanent.
 This certificate shall be considered temporary until Click here to enter a date. After this date, unless revoked earlier by the issuing court or parole, this certificate shall be considered permanent. A person who knowingly uses or attempts to use a revoked certificate in order to obtain or exercise any right or privilege that he/she would not be entitled to obtain or exercise without valid certificate shall be guilty of a misdemeanor.

13. Signature of Issuing Official(s)	Print or Type Name(s)	14. Title(s)
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COMPLETE THE FOLLOWING FOR DCJS, ONLY IF FINGERPRINTS ARE NOT OBTAINABLE

15. Sex <input type="checkbox"/> Male <input type="checkbox"/> Female	16. Race White	17. Height Choose an item. Ft. In.	18. Date of Birth (month, day, year) 12/16/1976
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LAWs GOVERNING THE ISSUANCE OF CERTIFICATE OF RELIEF FROM DISABILITIES

(The laws governing the issuance of certificate of relief from disabilities are set forth in Article 23 of the New York State Correction Law. The excerpts below summarize certain portions of those laws and are set forth merely for convenience. They are not intended as administrative interpretations and they do not relieve any party of full knowledge of and compliance with the applicable provisions of law.)

This certificate is issued to relieve the holder, an "eligible offender" as defined in §700 of the Correction Law, of all or of enumerated forfeitures, disabilities, or bars to employment automatically imposed by law by reason of his conviction of the crime or offense specified on the face of this certificate.

This certificate shall be considered a "temporary certificate" where (1) issued by the court to a holder who is under a "revocable sentence" as defined in §700 of the Correction Law and the court's authority to revoke such sentence has not expired, or (2) issued by the State Board of Prol and the holder is still under the supervision of the Board. Where the holder is under a revocable sentence, this certificate may be revoked by the court for violation of the conditions of such sentence and shall be revoked by the court if it revokes the sentence and commits the holder to an institution under the jurisdiction of the State Department of Correctional Services. Where the holder is subject to the supervision of the State Board of Parole, this certificate may be revoked by the Board for violation of the conditions of parole or release. Any such revocation shall be upon notice and after an opportunity to be heard. If this certificate is not so revoked, it shall become a permanent certificate upon expiration or termination of the court's authority to revoke the sentence or upon termination of the jurisdiction of the Board of Parole over the holder.

RIGHTS OF RELIEF FROM DISABILITIES

- A. Where the certificate is issued by the court at the time sentence is pronounced, it covers forfeitures as well as disabilities. In any other case the certificate applies only to disabilities.
- B. A conviction of the crime or the offense specified on the face of this certificate shall NOT cause automatic forfeiture of any license, permit, employment or franchise, including the right to register for or vote at an election, or automatic forfeiture of any other right or privilege, held by the eligible offender and covered by the certificate. Nor shall such conviction be deemed to be a conviction, a bar to any employment, a disability to exercise any right or a disability to apply for or to receive ant license, permit or other authority or privilege, covered by the certificate. Provided, however, that:
1. No such certificate shall apply, or be construed so as to apply, to the right of such person to retain or to be eligible for public office; and
 2. A conviction for a second or subsequent violation of any subdivision of section eleven hundred ninety-two of the Vehicle and Traffic Law committed within the preceding ten years shall impose a disability to apply for or receive an operator's license during the period in such law.
- C. A conviction of the crime or the offense specified on the face of this certificate shall NOT prevent any judicial, administrative, licensing or other body, board or authority from relying upon the conviction specified on the reverse side of this certificate as the basis for the exercise of its discretionary power to suspend, revoke, refuse to issue or renew ant license, permit or other authority or privilege.