

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  
IN SUPPORT OF  
SERVICE BY  
ELECTRONIC  
DELIVERY

IND-70297-22

Indictment No.  
IND-70297-22

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 6, 2023, he served a copy of the People's response to defendant's motion papers upon defendant's attorney, Richard Southard, by electronic delivery to the attorney's designated electronic mail address, which is southardlaw@gmail.com.

Dated: New York, New York  
February 6, 2023

*Keith Savino*

Keith Savino  
Assistant District Attorney  
(212) 335-9581

PEOPLE'S RESPONSE TO THE DEFENDANT'S  
MOTION TO INTERPRET THE GRAND JURY  
MINUTE- AND TO DISMISS THE INDICTMENT

The People consent to the Court's review of the grand jury minute of the grand jury minute has been presented to the Court on February 6, 2023 for its consideration. The People further certify that the evidence before the grand jury supports the indictment, that the indictment is proper under the law, and that it

SUPREME COURT OF THE STATE OF NEW YORK  
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STEVEN MCENANEY,

Defendant.

AFFIRMATION IN  
RESPONSE TO THE  
DEFENDANT'S  
OMNIBUS MOTION

IND-70297-22

Keith Savino, an attorney admitted to practice before the Courts of this State, affirms under penalty of perjury that:

1. I am the Assistant District Attorney in New York County assigned to this case and am familiar with its facts.
2. This affirmation is submitted in response to the defendant's omnibus motion in which the defendant seeks inspection of the grand jury minutes and the dismissal of the indictment, a bill of particulars, pretrial discovery, suppression of physical evidence recovered pursuant to a search warrant, a *Sandoval* hearing, and in support of the People's request for reciprocal discovery.

**PEOPLE'S RESPONSE TO THE DEFENDANT'S  
MOTION TO INSPECT THE GRAND JURY  
MINUTES AND TO DISMISS THE INDICTMENT**

3. The People consent to the Court's in camera review of the grand jury minutes. A copy of the grand jury minutes has been provided to the court on February 6, 2023 for in camera review. Inspection will reveal that the evidence before the grand jury amply supports the offense(s) charged, that the grand jury was properly instructed on the law, and that the

integrity of the proceedings was unimpaired. The People deny all allegations to the contrary and oppose disclosure all non-testimonial portions of the instruction portions of the grand jury minutes to the defense. The issues raised in the defendant's motion are straightforward, and disclosure is not necessary to their resolution. CPL §210.30(3).

**PEOPLE'S RESPONSE TO THE DEFENDANT'S  
REQUEST FOR A BILL OF PARTICULARS**

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4. The facts set forth in the indictment, the discovery provided pursuant to CPL Article 245, and the Automatic Discovery Form ("ADF"), which was previously served upon defendant, provide all the particulars to which the defendant is entitled. *See* CPL §200.95. They specify "the substance of defendant's conduct ... which the People intend to prove at trial on their direct case ...." The other information requested is evidentiary detail beyond the scope of a bill of particulars. *See, People v Davis*, 41 NY2d 678, 680 (1977) ("[a] bill of particulars serves to clarify the pleading; it is not a discovery device"). Accordingly, defendant's motion for further particulars should be denied.

**PEOPLE'S RESPONSE TO THE DEFENDANT'S  
MOTION FOR PRETRIAL DISCOVERY**

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5. The People have provided all the discovery to which the defendant is entitled under Article 245. The additional items that the defendant seeks are not in the People's possession, custody or control, or persons under the People's direction or control. The People are aware of our obligation, under CPL § 245.20(2) to "make a diligent good faith effort to ascertain the existence of material or information discoverable under CPL § 245.20(1) where it exists but is not within" our control, and will provide such discovery under the timelines established in CPL § 245.20(1).

6. The defendant requests exculpatory material within the meaning of *Brady v Maryland*, 373 US 83 (1963). The People are aware of their continuing duty under *Brady* and CPL § 245.20(1)(k) to disclose exculpatory evidence to the defense and will continue to honor that obligation.

**PEOPLE'S RESPONSE TO THE DEFENDANT'S  
MOTION TO SUPPRESS DEFENDANT'S  
STATEMENTS**

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7. The People do not intend to offer in their direct case at trial statements that the defendant made to a law enforcement officer. A *Huntley* hearing is therefore unnecessary.

**PEOPLE'S RESPONSE TO THE DEFENDANT'S  
MOTION TO SUPPRESS IDENTIFICATION  
EVIDENCE**

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8. The People do not intend to introduce at trial testimony of any witness who previously identified the defendant. A *Wade* hearing is therefore unnecessary.

**PEOPLE'S RESPONSE TO THE DEFENDANT'S  
MOTION TO CONTROVERT A SEARCH WARRANT  
& SUPPRESS PHYSICAL EVIDENCE**

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9. The People intend to offer at trial certain tangible evidence that was recovered during a search warrant execution at the defendant's residence, 22 Molly's Way, Salt Point, New York 12578. During the search, a large trunk and banker's box was recovered from the defendant's home. The trunk contained numerous BDSM items, sex toys, lingerie, and other items used for sex work. The banker's box included similar items and also an envelope containing a letter and materials the defendant prepared to intimidate and threaten a witness in this case. Finally, a laptop was recovered that contained sexually explicit materials that



further support the charge that the defendant operated a high-end prostitution enterprise from 2012 through 2018. The People submit that this evidence was lawfully obtained and deny all allegations to the contrary.

10. On March 3, 2022, New York Supreme Court Justice Melissa Jackson authorized the search warrant to search the defendant's residence in Salt Point, New York. The defendant alleges that the search warrant executed during the investigation of this case was issued without reasonable cause. Examination of the warrant affidavit, which is provided for the Court's review, belies that claim. The warrant application provides reliable facts and circumstances that are collectively of such weight and persuasiveness as to convince a prudent person that it was reasonably likely that the evidence sought would be found at the designated location. CPL §§690.10, 70.10(2).

11. The defendant alleges that the search warrant was overbroad and based on stale, unreliable information. The warrant application is based on sound, detailed accounting from

14. The People respectfully request that this matter be deferred for consideration by the Complainant-1, as to why probable cause existed to believe the defendant's primary residence would contain evidence of his prostitution enterprise, which dated back to 2012. While certain portions of the application provided to the defendant were redacted, pursuant to a protective order, the Court will find that the application included more than sufficient

reasonable cause to believe the defendant maintained dominion and control over the residence during the period charged in the indictment. Importantly, the items detailed in the

15. Pursuant to CPL 62.02(1), the People hereby demand that the defendant supply the warrant application are not the type of possessions that the defendant would share, explain the place or places where the defendant claims to have been at the time of the commission or otherwise expose the complainant to when complainant visited the defendant's home.

12. The items sought in the warrant were of a nature that the defendant took great care in concealing from the women in his organization, including hidden camera footage, laptops and photographic evidence that could be used to extort or blackmail the women. The warrant application explained this in great detail and was based on probable cause and common-sense conclusions that can be drawn from the facts. It is important to note that many of the items the People sought to locate were indeed found in the defendant's residence, including the items listed in paragraph 9.

13. The warrant application was based on probable cause and accordingly, the defendant's motion to controvert and suppression of the physical evidence recovered should be denied.

**PEOPLE'S RESPONSE TO THE  
DEFENDANT'S REQUEST FOR A SANDOVAL  
HEARING**

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14. The People respectfully request that this matter be deferred for consideration by the trial judge. Within 15 days of trial, the People will provide notice of prior uncharged criminal, vicious, or immoral acts that the prosecutor intends to use at trial to impeach the credibility of the defendant. CPL § 245.20(1)(b).

**PEOPLE'S REQUEST FOR RECIPROCAL  
DISCOVERY**

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15. Pursuant to CPL §250.20, the People hereby demand that the defendant supply (a) the place or places where the defendant claims to have been at the time of the commission of the crime, and (b) the names, residential addresses, places of employment and addresses

thereof of every alibi witness upon whom the defendant intends to rely to establish the defendant's presence elsewhere than at the scene of the crime at the time of its commission.

Wherefore, it is respectfully requested that, except as consented to herein, the defendant's motion should be denied.

Dated: New York, New York  
February 6, 2023

Respectfully submitted,

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

By: Keith Savino  
Keith Savino  
Assistant District Attorney  
Of Counsel  
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