

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,

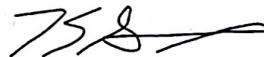
Defendant.

AFFIRMATION
IN SUPPORT OF
SERVICE BY MAIL

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 October 7, 2022, he served a Certificate of Compliance and Certificate of Readiness upon defendant's attorney, James Nemia, by mailing same to the attorney's designated address, which is 370 Lexington Avenue, Suite 505, New York, NY 10017.

Dated: New York, New York
October 7, 2022



Keith Savino
Assistant District Attorney
(212) 335-9581

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OCT 07 2022

SUPREME COURT
CRIMINAL TERM
NEW YORK COUNTY

Part 62 MAR 09 2022

NOTICE OF IMMIGRATION CONSEQUENCES

If you are not a United States citizen, a plea of guilty to any offense, a conviction by trial verdict, or a youthful offender adjudication subjects you to a risk that adverse consequences will be imposed on you by the United States immigration authorities, including, but not limited to, removal from the United States, exclusion from admission to the United States, and/or denial of naturalization. Because the immigration consequences applicable in your particular case may depend on factors such as your current immigration status, your length of residence in the United States, and your previous criminal history, you should consult with your attorney for advice specific to your circumstances.

The following are designated as deportable offenses under 8 U.S.C. § 1227(a)(2), and any non-citizen convicted of such an offense (within the meaning of 8 U.S.C. § 1101[a][48]) "shall, upon order of the Attorney General, be removed" (8 U.S.C. § 1227[a]), regardless of whether the offense is a felony, a misdemeanor, or any other offense under State law:

- any controlled substance or marihuana offense (other than a first offense involving possession for one's own use of 30 grams or less of marihuana);
- any offense involving a firearm, any domestic violence offense or violation of an order of protection, any stalking offense or crime of child abuse, and failure to register as a sex offender;
- any offense designated an "aggravated felony" under 8 U.S.C. § 1101(a)(43), including, but not limited to: murder; rape; any controlled substance or firearm trafficking offense; bail jumping; burglary, robbery, receipt of stolen property, or any other theft-related offense or crime of violence for which a sentence of one year or more is imposed; or any offense involving money laundering of more than \$10,000 or fraud, deceit or tax evasion in which the loss to the victim(s) is more than \$10,000; and
- many other offenses described in 8 U.S.C. § 1227(a)(2).

In addition, if the offense constitutes an "aggravated felony," or if you are not a lawful permanent resident of the United States (or have not been such for at least five years with at least seven years' continuous residency) and the offense is any deportable offense, there will be additional consequences, including, but not limited to, your ineligibility for discretionary cancellation of removal by the Attorney General.

ORDERED that, once disclosed, defendant may review the information and material subject to this protective order only in the presence of counsel or another person employed by or assigned to assist counsel, and that defendant is not permitted to copy, photograph, transcribe or otherwise independently possess or disseminate such material; it is further

ORDERED that any person who receives any information or material subject to this protective order is prohibited from posting any of that information or material to any social media platforms, including, but not limited to, Facebook, Instagram, WhatsApp, Twitter, TikTok, and YouTube, without prior approval from the Court; it is further

ORDERED that, in the event the defendant seeks expedited review of this protective order under CPL § 245.70(6)(a), any obligation that would exist on the part of the People to produce the information and materials that are the subject of this order is held in abeyance pending the determination of the intermediate appellate court; and it is further

ORDERED, that the People's Motion in Support of a Protective Order dated June 30, 2022, and any accompanying documents, exhibits, or transcripts, are sealed pursuant to CPL § 245.70(1).

DATED: New York, New York
April 12, 2023

Part 62 APR 12 2023

So Ordered:

FAM HON. FELICIA A. MENNN
Justice of the Supreme Court

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

THE PEOPLE OF THE STATE OF NEW YORK PROTECTIVE ORDER

-against-

IND-70102-21

STEVEN MCENANEY,

Defendant.

The Court, being satisfied based upon the application of Assistant District Attorney Keith Savino, dated July 7, 2022, that good cause exists for an order to deny, restrict, condition, defer, and make such other order as is appropriate with respect to disclosure and inspection of discoverable material and information, pursuant to Section 245.70 of the Criminal Procedure Law, it is hereby:

ORDERED that disclosure to the defense of the names and adequate contact information of the witnesses listed in Paragraph 5(a) of the People's affirmation, as well as other discoverable information and material that identifies or tends to identify those witnesses is delayed until "the commencement of jury selection"; it is further

ORDERED that, once disclosed, the information and material subject to this protective order shall be kept in the sole possession of defense counsel and shall not be copied, disseminated, or disclosed in any form, or by any means, by defense counsel, except to those employed by counsel or appointed to assist in the defense of the above-captioned criminal proceeding, or otherwise by court order, and shall not be used for any purpose other than in connection with preparing a defense in this matter; it is further

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.

WAIVER OF RIGHT
TO APPEAL

Indictment No. IND-70297-22

I hereby waive my right to appeal from this judgment of conviction. I understand that the right to appeal is separate and distinct from other rights automatically forfeited upon a plea of guilty, such as the right to remain silent, the right to confront one's accusers and the right to a jury trial.

I understand that I would ordinarily retain my right to appeal even after pleading guilty, but in this case, in exchange for the disposition I have been offered, I agree to give up this right. I also understand that by waiving my right to appeal, I am giving up the right to raise on appeal a number of claims that I could otherwise raise even after a guilty plea. In particular, I understand that I am waiving my right to ask the Appellate Division to review the terms of the plea and to reduce my sentence on the ground that, although legal, the sentence is unduly harsh or severe. I also understand that I am waiving my right to appeal the denial of any motion I made to suppress evidence or to dismiss the case because the People were not ready for trial within the time period set forth by statute (CPL 30.30).

I understand that this waiver does not apply to any of the four following issues: a constitutional speedy trial claim; a challenge to the legality of the sentence promised by the judge; an issue as to my competency to stand trial; or the voluntariness of this waiver.

I execute and sign this waiver knowingly, intelligently and voluntarily after being advised by the Court and after consulting with my attorney, Richard Southard, standing beside me. I have had a full opportunity to discuss these matters with my attorney and any questions I may have had have been answered to my satisfaction. I have agreed to give up my appellate rights in exchange for a favorable disposition of this case.



Attorney for Defendant

10/12/23
Date



Defendant

Make three copies of this document: give original to Court, one copy to Assistant District Attorney, one copy to Defendant, and one copy to Defense Counsel