

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

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THE PEOPLE OF THE STATE OF NEW YORK,

DEMAND FOR DISCOVERY

- against -

Indictment #70297-2022

STEVEN MCENANEY

Defendant.  
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DISCOVERY

I. PLEASE TAKE FURTHER NOTICE that pursuant to CPL 240.20 the defendant hereby demands that the District Attorney disclose and make available for inspection, photographing, copying or testing the following property:

a. Any written, recorded or oral statement of the defendant and of any codefendant to be tried jointly, made other than in the course of the criminal transaction to a public servant engaged in law enforcement activity or to a person then acting under his direction or in cooperation with him. This encompasses all statements made by defendant regardless of whether the People intend to offer such statement at trial in their direct case or on cross examination of defendant. Such statements should include but are not limited to any form signed by the defendant concerning: 1) statements made by the defendant to police officers about the physical condition of the defendant while in custody, and 2)

information orally given by the defendant to police officers who have recorded it. This demand also encompasses any writing containing the substance of information given by the defendant to police officers.

b. Any police property voucher and police receipts for property containing a list of property that the defendant either had in his possession when arrested and/or containing a list of property that the police removed from the defendant upon arrest, including records held by the Department of Correction dealing with their taking custody of defendant's person on the date of arrest.

c. Any written, recorded or oral statement of the defendant made to a private citizen that the People intend to offer at trial either on their direct case or on cross-examination of defendant.

d. Any transcript of testimony relating to the criminal action or proceeding pending against the defendant, given by the defendant or by a co-defendant to be tried jointly, before any Grand Jury.

e. Any written report or document or portion thereof concerning a physical or mental examination, or scientific test or experiment, relating to the criminal action or proceeding and which was made by, or at the request or direction of a public servant engaged in law enforcement activity or which was made by a person whom the prosecutor intends to call as a witness at trial, or which the People intend to introduce at trial.

f. Any photograph or drawing relating to the criminal action or proceeding which was made or completed by a public servant engaged in law enforcement activity, or which was made by a person whom the prosecutor intends to call as a witness at trial, or which the People intend to introduce at trial. This includes but is not limited to:

1. Crime scene photographs and drawings.

2. Any arrest photograph of the defendant or other photograph of the defendant which came into police custody.

3. Photographs of any lineups involving the pending case.

4. Any photographs exhibited to witnesses including that of the defendant and or other persons involved in any photo identification proceeding, whether or not an identification was made by a witness.

5. Any composite sketch or drawing attempting to depict any of the alleged perpetrators of the crime.

6. Photographs of any witnesses or alleged victims showing the physical condition of that person.

7. Photographs of police department flyers which attempt to depict any property involved in the pending case which would include but is not limited to property alleged to have been stolen during the commission of the crime or property seized from the defendant or a codefendant.

h. Any other property obtained from the defendant or codefendant to be tried jointly.

i. Any tape or other electronic recordings which the prosecutor intends to introduce at trial irrespective of whether such recording was made during the course of the criminal action.

j. Anything required to be disclosed, prior to trial to the defendant by the prosecutor, pursuant to the constitution of this state or of the United States.

k. Any audio or video tapes, computer printouts or entries, or other electronic recordings made in the course of the investigation or preparation of this case, including but not limited to communications of any kind received, sent or monitored the Office of Emergency Communications, copy of any E-mail, voice mail, answering machine tapes or messages, dictation tapes, computer disks, CD ROMs, or any other computer records or electronic media in which such records are stored, as well as copies of any documents, tapes or other media of any nature concerning any electronic surveillance, "trap and trace"



devices, alpha or numeric pager messages, telephonic or other electronic communications of any type;

III. PLEASE TAKE FURTHER NOTICE that pursuant to CPL 240.20 and 240.40 the defendant hereby demands that the District Attorney present and make available for inspection and copying any audio, visual or other electrical recordings, *inter alia*, any and all police radio transmissions made on any radio frequency relating to this case, and any 911 tapes that contain communications by any witness that the District Attorney intends to call as a witness at trial.

IV. PLEASE TAKE FURTHER NOTICE that pursuant to CPL 240.35 and 240.80(2), any refusal by the District Attorney to disclose information upon the grounds that it is reasonably believed to be not discoverable by this demand or that a protective order would be warranted must be made and served upon defense counsel and filed with the court within fifteen (15) days of the service of this demand, must be in writing, and must set forth the grounds of such belief as fully as possible.

VII. PLEASE TAKE FURTHER NOTICE that, pursuant to CPL 240.80(3), absent a refusal by the district attorney to comply with this demand, compliance with this demand must be made within fifteen (15) days of the service of this demand.

Yours,

A handwritten signature in black ink, appearing to read 'Richard C. Southard', written over a horizontal line.

Richard C. Southard  
*Attorney for Defendant*  
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