

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK: PART 32

THE PEOPLE OF THE STATE OF NEW YORK

-against-

LUIGI MANGIONE,

Defendant.

AFFIRMATION IN
RESPONSE TO
DEFENDANT'S
OMNIBUS MOTION

IND-75657-24

Joel J. Seidemann, an attorney admitted to practice before the Courts of this State, affirms under penalty of perjury that:

1. I am the Assistant District Attorney and Senior Trial Counsel in New York County assigned to this case and am familiar with its facts.
2. This affirmation is submitted in response to defendant's omnibus motion in which defendant seeks suppression of statements, suppression of physical evidence, preclusion of non-eyewitness identification testimony, dismissal of the indictment, and other relief.
3. The People's response, as keyed to the paragraphs in defendant's motion papers, is as follows:

**THE PEOPLE'S RESPONSE TO DEFENDANT'S
MOTION TO SUPPRESS STATEMENTS TO LAW
ENFORCEMENT (Answering Defendant's Motion,
pp. 4-9 at ¶¶ 10-21 & pp. 15-18 at ¶¶ 39-48)**

4. As the Automatic Discovery Form ("ADF") indicates, the People intend to offer in their direct case at trial statements that defendant made to law enforcement officers.

Defendant asserts that these statements were the product of custodial interrogation without *Miranda* warnings. The People deny the factual allegations underlying those claims and consent to a *Huntley* hearing regarding them.

**THE PEOPLE'S RESPONSE TO DEFENDANT'S
MOTION TO SUPPRESS PHYSICAL EVIDENCE
(Answering Defendant's Motion, pp. 4-12 at ¶¶ 10-30)**

5. As the ADF indicates, the People intend to offer at trial certain tangible evidence. Defendant moves to suppress evidence recovered from his backpack, alleging that the People violated his constitutional rights by their failure to obtain a search warrant. The People deny the factual allegations underlying those claims and consent to a *Mapp* hearing regarding them.

**THE PEOPLE'S RESPONSE TO DEFENDANT'S
MOTION TO PRECLUDE INTRODUCTION OF
“NON-EYEWITNESS IDENTIFICATION
TESTIMONY” AT TRIAL (Answering Defendant's
Motion, pp. 29-33 at ¶¶ 73-77)**

6. Defendant moves to preclude the People from calling witnesses who are sufficiently familiar with him to assist the jury in identifying him in certain video footage collected by NYPD. In *People v. Mosley*, 41 NY3d 640 (2024), the Court of Appeals indicated that one of the factors for determining the admissibility of lay non-eyewitness identification testimony is whether the defendant's appearance changed between the time of the crime and the time of the trial. *Id.* at 646-47. This factor is unknowable at this time. The admissibility of such testimony therefore cannot be properly assessed until the time of the trial.

FACTUAL AND PROCEDURAL BACKGROUND¹

7. In December 2024, Mr. Brian Thompson was the CEO of UnitedHealthcare (“UHC”), a company that provides health services to tens of millions of Americans (Grand Jury minutes [“GJ”]: 56, 58, 378). UHC has approximately 400,000 employees and, although headquartered in Minneapolis, has offices throughout the United States (GJ: 386). It is the largest health insurance company in the United States and the fourth largest company by market cap behind Amazon, Google, and Walmart (GJ: 69). In addition to providing insurance to individuals and companies, UHC provides government-sponsored insurance to citizens in the form of Medicare and Medicaid (GJ: 380).

8. Mr. Thompson came to New York the first week of December 2024 to attend UHC’s “Investor Conference,” which was to be held at the Hilton Hotel in midtown Manhattan on December 4, 2024 (GJ: 61-65, 377-78).

9. The yearly investor conference was announced on UHC’s public website and was attended by approximately three hundred institutional investors, UHC’s board members, and fifty of UHC’s executives (GJ: 63-65; GJ Exhibit 5b).

¹ The facts and circumstances of this case are summarized for the specific purpose of addressing defendant’s motion to dismiss the indictment based upon alleged defects in the grand jury presentation. This factual background does not constitute a comprehensive summary of all facts gathered during the investigation and prosecution of the case.

10. Mr. Thompson—who was one of the presenters at the conference—was set to arrive at the Hilton Hotel before 7:00 a.m. on December 4, 2024 to prepare for his presentation (GJ: 68-69).

11. He arrived in front of the Hilton Hotel at approximately 6:45 a.m. Defendant, dressed entirely in black and wearing a backpack, quickly crossed the street and approached Mr. Thompson from behind. Defendant drew a homemade ghost gun, which was equipped with a homemade silencer, and shot Mr. Thompson once in the back and once in the leg from point blank range, thereby killing him. Following the shooting, defendant ran from the scene and, during his flight, dropped a blue Motorola cellphone that was later recovered and examined by law enforcement. Video surveillance from before the shooting showed defendant drinking from an Ethos water bottle and then discarding the bottle in a trash can near the shooting location. A canvass of defendant's path of flight after the shooting revealed that he had discarded the backpack he was wearing during the shooting in Central Park, which contained a black jacket and a piece of chewed gum, among other items.

12. Mr. Thompson had been shot with a 9-millimeter semi-automatic pistol. The bullet that killed him entered the left side of the back before piercing his liver, going through his heart, and exiting the front of the left side of the chest.

13. Although NYPD arrived within minutes and immediately summoned Emergency Medical Services, Mr. Thompson was dead prior to EMS's arrival. Efforts to resuscitate the fifty-year-old guest to our city were to no avail.

14. Defendant did not say a word to Mr. Thompson before assassinating him. Nor did defendant take any property from Mr. Thompson—who was wearing a Rolex watch—after shooting him (GJ: 41).

15. For several days, numerous NYPD detectives and police officers worked around the clock to trace the shooter's movements in New York City, from his arrival at Port Authority Bus Terminal on November 24, 2024, until his flight on December 4, 2024.²

16. The investigation showed that, at 7:47 p.m. on December 3, 2024, the night before the execution, defendant was walking on West 54th Street and Sixth Avenue adjacent to the Hilton Hotel. He appeared to be talking on a cellphone, and as he walked down the street, Mr. Thompson walked past him in the opposite direction (GJ Exhibit 21C.2).

17. The next day, December 4, 2024, defendant left the hostel where he was staying very early in the morning, arriving by bicycle at the Hilton Hotel at around 5:50 a.m. At 5:52 a.m., defendant entered the hotel, only to exit around 6:00 a.m. (GJ Exhibit 21C.5).

18. By approximately 6:22 a.m., defendant was lying in wait across the street from the Hilton in a plaza next to the Ziegfeld Theatre (GJ Exhibit 21C.7).

19. Defendant waited at that location until 6:45 a.m., when he saw Mr. Thompson walking across the street near the hotel. Defendant quickly crossed the street and

² NYPD also gathered evidence that defendant went to Penn Station in Newark and took a train to Philadelphia after the murder.

approached Mr. Thompson from behind, shooting him in the back from a distance of approximately three to six feet (GJ Exhibit 21C.7).

20. The police recovered ballistics evidence from the crime scene. On one shell casing, “den” had been written in black marker; on another, “depose” had been written in black marker; and on a live cartridge, “delay” had been written in black marker (GJ Exhibit 3.20).³

21. NYPD conducted an extensive video canvass, entailing review of hundreds of hours of footage from cameras all over the city. The relevant footage revealed that starting on November 24, 2024, defendant had been staying at the HI New York City Hostel on the Upper West Side. When he checked in, he used a fake New Jersey driver’s license bearing the name Mark Rosario (GJ:287).

22. Selected portions of the video and still photos compiled by NYPD were released to the media in order to help locate the shooter, and reports of the homicide received extensive media coverage nationwide.

23. On December 9, 2024, defendant was arrested in Altoona, Pennsylvania, after being spotted at a local McDonald’s by a McDonald’s employee who recognized him from television coverage about the case. When defendant was arrested, police recovered a 9-millimeter handgun with a 3D-printed receiver, (the housing for the gun’s main components), two ammunition magazines, multiple live cartridges, a homemade

³ The word “den” is likely meant to be “deny.”

silencer, and a fake New Jersey ID in the name of Mark Rosario—just like the fake ID that was used at the hostel.

24. Altoona Police also recovered approximately \$7,800 in cash along with some foreign currency and a passport from defendant at the time of his arrest (GJ: 118).

25. In addition, at the time of his arrest in Altoona, Pennsylvania, the Altoona Police Department recovered a red notebook that defendant used as his diary.

26. The diary contained several entries including two entries on separate dates that explained in unambiguous terms defendant's intent and motive in deliberately assassinating the CEO of the country's largest health insurance company.

27. The entry dated August 15, 2024 reads in pertinent part as follows: "I finally feel confident about what I will do. The details are coming together. And I don't feel any doubt about whether it's right/justified. I'm glad-in a way-that I've procrastinated bc it allowed me to learn more about UHC. KMD would've been an unjustified catastrophe that would be perceived mostly as sick, but more importantly unhelpful. Would do nothing to spread awareness/improve people's lives. The target is insurance. It checks every box."

28. On October 22, 2024, approximately one and one-half months before Brian Thompson's assassination, defendant again stated his motives for the assassination. Defendant wrote: "1.5 months. The investor conference is a true windfall. It embodies everything wrong with our health system, and—most importantly—the message becomes self-evident. The problem with most revolutionary acts is that the

message is lost on normies. For example, Ted K makes some good points on the future of humanity, but to make his point he indiscriminately mailbombs innocents.^[4] Normies categorize him as an insane serial killer, focus on the act/atrocities themselves, and dismiss his ideas. And most importantly---- by committing indiscriminate atrocities—he becomes a monster, which makes his ideas those of a monster, no matter how true. He crosses the line from revolutionary anarchist to terrorist—the worst thing a person can be.”

29. Defendant continued, “This is the problem with most militants that rebel against—often real—injustices: they commit an atrocity whose horror either outweighs the impact of their message, or whose distance from their message prevents normies from connecting the dots. Consequently, the revolutionary idea becomes associated with extremism, incoherence or evil—an idea that no reasonable member of society could approve of. Rather than win public support, they lose it. The revolutionary actions are actively counter-productive.”

30. Defendant went on to ask himself, “So say you want to rebel against the deadly, greed fueled health insurance cartel. Do you bomb the HQ? No.

⁴ Defendant appears to be referring to Ted Kaczynski, the Unabomber. On January 31, 2024, defendant reviewed Kaczynski’s book on Goodreads. He gave the book, entitled “Industrial Society and Its Future,” a good review, noting that that “it’s simply impossible to ignore how prescient many of (the Unabomber’s) predictions about modern society turned out.” Defendant cites as “interesting” an online take that notes that “(t)hese companies don’t care about you, your kids, or your grandkids. They have zero qualms about burning down the planet for a buck, so why should we have any qualms about burning them down to survive.... ‘Violence never solved anything’ is a statement uttered by cowards and predators.”

Bombs=terrorism. Such actions appear the unjustified anger of someone who simply got sick/had bad luck and took their frustration out on the insurance industry, while recklessly endangering countless employees.”

31. Defendant decided that, instead of carrying out a bombing, one should “wack [sic] the CEO at the annual parasitic bean-counter convention. It’s targeted, precise and doesn’t risk innocents. Most importantly, the point is self-evident. The point is made in the news headline ‘Insurance CEO killed at annual investors conference.’ It brings to light the event itself. A bunch of suits from JP Morgan and Morgan Stanley meeting at a fancy NYC conference to discuss growth ratios and ‘MLR’^[5] of a company that literally extracts human life force for money. It conveys a greedy bastard that had it coming. Members of the public can focus on greed, on the event through reasonable acceptable discussion. Finally, the hit is a real blow to the company financials. All those analysts and institutional investors who came to be wooed by insurance execs? That opportunity is snuffed in an instant. Instead, the company becomes a hot topic—perhaps best to invest elsewhere and let that one cool off.”

32. Photocopies of defendant’s manifesto (GJ Exhibits 26A and 26B) as contained in his red notebook are attached hereto as Exhibit A.

⁵ “What is ‘medical loss ratio’ or ‘MLR’ and why does it matter? The MLR is a comparison of how much of your premium goes towards paying medical claims compared to how much the insurer pays for administrative costs and keeps as profits.” Department of Financial Services, New York State. <https://www.dfs.ny.gov/faqs/consumer-health/what-medical-loss-ratio-or-mlr-and-why-does-it-matter>.

33. At the time of defendant's arrest by Altoona Police Department, his possessions also included a note addressed to the FBI that read as follows: "To the Feds, I'll keep this short because I do respect what you do for our country. To save you a lengthy investigation, I state plainly I wasn't working with anyone. This was fairly trivial, some elementary social engineering, basic CAD,^[6] a lot of patience. The spiral notebook, if present, has some straggling notes and TODO lists that illuminate the gist of it. My tech is pretty locked down because I work in engineering so probably not much info there. I do apologize for any strife or trauma, but it had to be done. Frankly, these parasites simply had it coming. A reminder: the US has the #1 most expensive healthcare system in the world, yet we rank roughly #42 in life expectancy.^[7] UHC is the 5th largest company in the US by market cap, behind only Apple, Google, Walmart. It has grown and grown, but has our life expectancy? No. The reality is these mafiosi have simply gotten too powerful, and they continue to abuse our country for immense profit because the American public has allowed them to get away with it. Obviously, the problem is more complex, but I do not have space, and frankly I do not pretend to

⁶ "CAD (computer-aided design) is the use of computer-based software to aid in design processes by creating simulations of real-world objects." www.techtarget.com//whatis/definition/CAD-computer-aided-design. CAD can be instrumental in making "ghost guns" by use of a 3D printer. Detective Almeida of the Ballistics Section of NYPD discussed the downloading of files to assist in the manufacture of 3D guns in his grand jury testimony (GJ: 324).

⁷ Ironically, defendant, an Ivy League graduate from the University of Pennsylvania, failed to comprehend that one of the causes of America's lower life expectancy is gunshot deaths. In killing Brian Thompson, the fifty-year old father of two, defendant contributed to the problem he laments. See National Institute of Health, "The Effect of Drugs and Guns On Life Expectancy in the United States," 2000-2020 at <https://pubmed.ncbi.nih.gov39442343>; "The Cost of Firearm Deaths in the United States: Reduced Life Expectancies and Increased Insurance Costs," The Journal of Risk and Insurance, 2005, Vol. 72, No. 3, 359-374.

be the most qualified person to lay out the full argument. But many have illuminated the corruption and greed (e.g. Rosenthal, Moore^[8]) decades ago; and the problem simply remains. It is not an issue of awareness at this point, but clearly power games at play. Evidently, I am the first to face it with such brutal honesty. PS You can check serial numbers to verify this is all self-funded. My own ATM withdrawals.”

34. A photocopy of defendant's confession to the FBI (GJ Exhibits 25A and 25B) is attached as Exhibit B.

35. Microscopic analysis of the ballistic evidence revealed that the shell casings recovered at the scene were fired by the gun that was in defendant's possession at the time of his arrest. Additionally, DNA analysis showed that defendant's DNA was on the cellphone, Ethos water bottle, knapsack, gum, and gun wrapper discarded by the shooter during his flight from the assassination (GJ: 206-216). NYPD's Latent Print Unit identified defendant's fingerprints on the Ethos water bottle and a Kind candy bar wrapper that defendant discarded in a garbage can in the plaza adjacent to the Ziegfeld Theatre prior to the shooting.

36. Defendant did not have health insurance with UHC during the period of time from 2014 to 2024 (GJ: 70-71, 382).⁹

⁸ Apparently, defendant is referring to Elizabeth Rosenthal, the author of “*An American Sickness*,” a book discussing the root of American healthcare problems and Michael Moore, whose 2007 documentary entitled “*Sicko*” provided his views on America’s healthcare crisis.

⁹ UHC’s computer system only allowed searches of customers for a ten-year period.

37. On December 17, 2024, a New York County Grand Jury voted to indict defendant for one count of Murder in the First Degree under PL § 125.27(1)(a)(xiii) and (b), one count of Murder in the Second Degree as a Crime of Terrorism under PL §§ 125.25(1) and 490.25, one count of Murder in the Second Degree under PL § 125.25(1), two counts of Criminal Possession of a Weapon in the Second Degree under PL § 265.03(1)(b) and (3), one count of Criminal Possession of a Weapon in the Third Degree under PL § 265.02(7), two counts of Criminal Possession of a Weapon in the Third Degree under PL § 265.02(8), one count of Criminal Possession of a Weapon in the Third Degree under PL § 265.02(2), one count of Criminal Possession of a Weapon in the Fourth Degree under PL § 265.01(9), and one count of Criminal Possession of a Forged Instrument in the Second Degree under PL § 170.25.

**DEFENDANT'S MOTION TO DISMISS THE
TERRORISM-RELATED CHARGES IN THE
INDICTMENT SHOULD BE DENIED (Answering
Defendant's Motion, pp. 31-40 at ¶¶ 78-99).**

The Identity of Brian Thompson's Assassin Is No Mystery.

The grand jury presentation thoroughly established defendant's identity as the man who plotted for months to assassinate Brian Thompson before following through on that plot in the early morning hours of December 4, 2024 by shooting the father of two in the back at point blank range.

Defendant's written words—both in a manifesto and in a confession letter addressed to the FBI—establish his responsibility for this vicious crime. Both of those writings were in defendant's possession at the time of his arrest.

The Altoona Police also recovered a homemade ghost gun from defendant, and sure enough, ballistics analysis revealed that it was the gun that had fired the bullets that killed Mr. Thompson.

Additional forensic evidence, recovered by the NYPD in the form of items discarded by defendant at the crime scene and during his flight were all tied to him through DNA comparisons and fingerprints.

And hundreds of hours of video footage retrieved by NYPD Detectives tracked the shooter's movements, further establishing that it was defendant who murdered fifty-year-old Brian Thompson as he strolled down a midtown street in Manhattan.

If ever there were an open and shut case pointing to defendant's guilt, this case is that case. Simply put, one would be hard pressed to find a case with such overwhelming evidence of guilt as to the identity of the murderer and the premeditated nature of the assassination.

Defendant's Murder of Brian Thompson Was an Act of Terrorism.

The evidence before the grand jury thoroughly supported the conclusion that there was reasonable cause to believe that defendant's murder of Mr. Thompson was an act of terrorism. PL § 125.27(1) states in relevant part that a person commits first-degree murder when, "(1) With intent to cause the death of another person, he causes the

death of such person” and “(xiii) the victim was killed in furtherance of an act of terrorism.” And PL § 490.05 explains that an “[a]ct of terrorism” means an act undertaken to “(i) intimidate or coerce a civilian population; (ii) influence the policy of a unit of government by intimidation or coercion; or (iii) affect the conduct of a unit of government by murder, assassination or kidnapping.” Similarly, PL §§ 125.25(1), 490.05, and 490.25 combine to provide that a person commits second-degree murder as an act of terrorism when he intentionally kills somebody with the intent to “(i) intimidate or coerce a civilian population; (ii) influence the policy of a unit of government by intimidation or coercion; or (iii) affect the conduct of a unit of government by murder, assassination or kidnapping.” The grand jury presentation overwhelmingly established reasonable cause to believe that defendant acted with the requisite terroristic intent.

As the statutory language makes clear, terroristic intent can be satisfied by proof of any one of—or any combination of—the three aforementioned “intents.” In this regard, this rule is similar to *People v. Watson*, 284 AD2d 212 (1st Dept. 2001), where the First Department held that “(a) conviction of larceny, whether by false promise or false pretense, constitutes only one offense (citations omitted). Thus, juror unanimity is not required as to the particular method by which the larceny was committed.” *Id.* at 213; *see also People v. Ponnnapula*, 229 AD2d 257 (1st Dept. 1997); *People v. Sullivan*, 173 NY 122 (1903). In any event, the evidence before the grand jury provided reasonable cause to believe that defendant had each of the three relevant intents.

“Intent can be inferred from the act itself or from the defendant’s conduct and the surrounding circumstances.” *People v. Douglas*, 291 AD2d 455, 455 (2d Dept. 2002); *see generally People v. Barnes*, 50 NY2d 375, 381 (1980). Additionally, the law permits a fact-finder to “infer that a person intends that which is the natural and necessary and probable consequences of the act done by him.” *People v. Getch*, 50 NY2d 456 (1980). The grand jury was instructed on the permissive inference regarding intent (GJ: 483-84, attached hereto as Exhibit C). New York’s standard Criminal Jury Instructions on intent reflect the case law discussed above. The expanded charge on intent reads as follows: “The question naturally arises as to how to determine whether or not a defendant had the intent required for the commission of a crime. To make that determination in this case, you must decide if the required intent can be inferred beyond a reasonable doubt from the proven facts. In doing so, you may consider the person’s conduct and all of the circumstances surrounding that conduct, including but not limited to: what if anything did the person do or say; what result, if any, followed the person’s conduct; and was the result the natural, necessary and probable consequence of that conduct.”

The Terroristic Intent Behind the Assassination of Brian Thompson Can Be Inferred from Defendant’s Acts Alone.

The shooting itself speaks volumes of defendant’s intent. Defendant chose to shoot the CEO of the United States’ largest health insurance company in front of the hotel where the company was about to conduct its annual investor conference. The

defendant chose to execute Brian Thompson in midtown Manhattan, a place widely recognized as the media capital of the world.

There was no evidence before the grand jury that defendant shot Brian Thompson in the back because of some personal vendetta. Nor was there any evidence that defendant knew Brian Thompson or had ever met him. There was not even any evidence that defendant had ever received insurance from UHC. Defendant's apparent goal in assassinating Mr. Thompson was thus to send a message.

The video of the crime establishes that this was not a typical street crime. Defendant did not say a word to Brian Thompson before shooting him in the back. After Mr. Thompson's body crumbled and he fell to the pavement *in extremis*, defendant casually walked over to the body, apparently to make certain that Mr. Thompson was dead. The fact that defendant left Mr. Thompson's Rolex watch on his dead body demonstrates that robbery was not the motivation behind the assassination. Finally, defendant communicated the motive behind the assassination by marking two shell casings with the words "den" and "depose" and marking "delay" on the live cartridge (*see ¶ 20 above*).

Thus, the particulars of the shooting itself—its target, its timing, its location, and the markings left on the ballistics—all made clear that defendant's intent was not to settle a personal vendetta or to steal something, but to violently broadcast a social and political message to the public at large.

Defendant's Writings Confirm the Political and Ideological Motivation behind His Assassination of Brian Thompson.

Defendant's intentions were obvious from his acts, but his writings serve to make those intentions explicit. Defendant made crystal clear in his manifesto that his "target [was] the insurance industry. It checks every box." And more specifically, his targets included "bean counters"—the "analysts and institutional investors" who defendant hoped to drive out of investing in the company and industry. Even prior to August 15, 2024, he researched UHC. Having no business relationship with them, he chose UHC solely because they were the largest health insurance company and one of the country's largest companies by market cap. UHC became the symbol of what defendant characterized as "the deadly greed-fueled health insurance cartel." Defendant's writings further show that he hoped the murder of another human being would trigger widespread action. His entry of October 22, 2024 also shows that he was seeking to reach the largest possible audience by "wack[ing] [sic] the CEO at the annual parasitic bean-counter convention." Defendant was hoping for a headline that read "INSURANCE CEO KILLED AT ANNUAL INVESTORS CONFERENCE." Defendant held out hope, as reflected in his writings in his manifesto, that the murder would achieve multiple purposes: it would intimidate all employees of the health insurance business; it would cause the members of the public to focus on the greed of the health insurance industry; and it would intimidate investors and financial analysts from investing in the industry. And in defendant's confession to the FBI, he expressed no remorse for the taking of a human

life, referring to Brian Thompson as a “parasite” and a “mafios[o].” He insisted that “it had to be done” because “these parasites had it coming.” He listed the deficiencies in the healthcare system, noting that Rosenthal and Moore had written about the corruption and greed decades ago but the problem remained. Having shot and killed a man in cold blood, he patted himself on the back for his evil act in saying “I am the first to face it [i.e., the problem] with such brutal honesty.”

All of these writings convey one clear message: that the murder of Brian Thompson was intended to bring about revolutionary change to the healthcare industry. Defendant’s targeting of UHC had nothing to do with anything that the company had done to him personally. In fact, he had no business relationship with the company. Brian Thompson and UHC were simply symbols of the healthcare industry and what defendant considered a deadly greed-fueled cartel.

Defendant’s Intent Is Obvious from the Natural and Probable Consequences of his Acts.

To a limited extent, defendant achieved his dastardly goals by inspiring a vocal minority of individuals to engage in a broader campaign of threats of violence against UHC employees and other health insurance workers.

An executive of United Health Group testified before the grand jury on December 17, 2024, only two weeks after Brian Thompson had been assassinated, about threats aimed at other UHC executives in the aftermath of Brian Thompson’s execution. That executive detailed how posters featuring the words “deny, defend, depose”—words nearly

identical to those that appeared on the ammunition used to kill Brian Thompson—appeared in New York City with the pictures and names of two other UHC executives, alongside a picture of Brian Thompson with an X through it (GJ: 385).

UHC doctors and civilians who were assigned to send out denial letters to customers feared for their safety and requested that they not be required to sign their names to the denials (GJ: 381-82, 390). The company acceded to such requests even though certain state laws required that names appear on such letters.

Some UHC physicians quit their jobs out of fear of retribution (GJ: 391). The company advised its employees not to wear company branded clothing (GJ: 391-92).

UHC's call center specialists received death threats. The grand jury heard a small sampling of these calls. During one call, the call center specialist asked, "To whom do I have the pleasure of speaking with today?" and the caller responded, "You are gonna hang. That's you are going to hang. You know what that means. That means that the killing of Brian Thompson was just a start. There are a lot more that are gonna be taken out. The only question is whether you're gonna be their collateral damage when its done or not." There were several calls of similar tenor (GJ: Exhibit 5c).

Online threats prompted UHC to pull pictures of its senior executives from its website (GJ: 383).

Plainclothes policemen were hired to protect UHC's headquarters in Minnesota. There were threats made to employees at UHC's Penn Station Office in New York City (GJ: 386-87).

Forty of the company's executives received personal security. One executive who received threats dyed her hair and moved into a temporary home out of fear for her safety (GJ: 387-390).

UHC was not the only insurance company targeted. Posters threatening Emblem Health's CEO were posted outside the company's Manhattan headquarters on December 10, 2024 bearing the CEO's picture and stating, "Health Care CEOs should not feel safe. Deny, Defend Depose."¹⁰

In sum, defendant's intent was obvious from (1) his actions, (2) his writings, and (3) the natural and probable—and actual—consequences of his actions.

Murder as an Act of Terrorism Does Not Require the Murder of Multiple Victims.

Defendant nonetheless insists that the grand jury lacked reasonable cause to believe that he acted with terroristic intent. At the outset, defendant claims that the grand jury presentation was legally insufficient because the terrorism statutes require attacks on multiple civilians, and defendant only directed his premeditated murderous intent at a single individual (Defendant's Motion, p. 34 at ¶ 85). Defendant further claims that he did not intend to "intimidate or coerce a civilian population" on the

¹⁰ The Emblem Health threat was not presented to the grand jury. Numerous additional threats and acts of violence against UHC and other insurance companies occurred after the grand jury presentation. On April 14, 2025, Ian Wagner was arrested on the campus of UHC's corporate headquarters after having threatened the company by telephone. A police search of his vehicle revealed a loaded .38 caliber revolver and sixteen additional rounds. Should the Court sustain the legal sufficiency of the charges, the People intend to offer these threats and acts of violence against members of the civilian population in the upcoming trial.

ground that only certain kinds of “defined classes”—such as “gender, race, nationality, ethnicity, religion or the like”—count as “civilian populations” within the meaning of the relevant statutes (Defendant’s Motion, p. 36 at ¶ 88). He also claims that the grand jury presentation is deficient since his manifesto did not specifically express an intent to coerce or intimidate UHC employees and since defendant never released his manifesto to the public (Defendant’s Motion, pp. 37-38 at ¶¶ 91-94). Furthermore, defendant seeks to blame law enforcement for intimidating or coercing a civilian population, claiming that law enforcement should not have shared with the public information about the tragic circumstances of Mr. Thompson’s murder (Defendant’s Motion, pp. 39-40 at ¶¶ 95-98).

Defendant places much reliance on the legislative history of PL Article 490 and *People v. Morales*, 20 NY3d 240 (2012) in claiming that the premeditated murder of Brian Thompson in furtherance of a revolutionary anarchistic plan to target the health insurance industry falls outside the definition of “terrorism.” Simply put, defendant is wrong.

Both the legislative history of the statute and the Court of Appeals’ decision in *Morales* demonstrate with total clarity that the statute was specifically designed to punish as acts of terrorism the kinds of acts committed in this case. *Morales* explains that “[t]he definitional provisions of Penal Law article 490 were drawn from the federal definition of international terrorism.” *Id.* at 248 (internal quotation marks omitted). Those federal antiterrorism statutes were, in turn, “designed to criminalize acts such as ‘the detonation

of bombs in a metropolitan area' or 'the deliberate assassinations of persons to strike fear into others to deter them from exercising their rights.'" *Id.* (emphasis added). The bolded language clearly describes defendant's conduct here. Aside from defendant's obvious intent to intimidate the employees of UHC and other health insurance companies, it is abundantly clear that Brian Thompson's execution was designed to intimidate investors and analysts from advising their clients to invest in health insurance companies.

Defendant specifically stated as much in his writings: he explained that the best way "to rebel against the deadly, greed fueled health insurance cartel" was to "wack [sic] the CEO" (emphasis added). He expressly targeted the health insurance industry, lamenting that past efforts to raise the public's awareness about that industry were fruitless.

Defendant's choice of the occasion for the assassination—the investor conference—likewise demonstrated his concerted effort to broadcast his message of ideological intimidation as broadly and loudly as possible. He characterized the investor conference as a "true windfall" because assassinating the CEO "at the annual parasitic bean-counter convention" would make his point "self-evident" so that it would be understood from "the news headline 'Insurance CEO killed at annual investors conference.'" And he celebrated how the assassination at that particular time and place would "bring to light the event itself."

The three hundred analysts who attended the investor conference were due to convene in a ballroom at the Hilton Hotel next to where Brian Thompson was executed.

The message that defendant was so eager to broadcast was spelled out in his October 22, 2024 manifesto entry. In that entry, he wrote of revolutionary acts and how to achieve them while garnering the support of the public at large. Clearly, defendant was seeking to bring about a revolution in healthcare and to abolish health insurance companies.

While this is of no solace to Mr. Thompson, his family, or his friends, the assassination was not personal to Mr. Thompson but rather a necessary part of defendant's evil plan to usher revolutionary changes to the delivery of healthcare in the United States through the barrel of a gun.

Defendant's express ideological ambitions readily distinguish this case from the kind of "normal street crime" that the *Morales* Court said did not fall within the meaning of an "act of terrorism." The *Morales* decision explained that an analogous federal "statute extending federal jurisdiction to certain crimes committed against Americans abroad with the intent 'to coerce, intimidate, or retaliate against . . . a civilian population'" (18 USC § 2332[d]) was not meant to reach 'normal street crime'" such as drive-by shootings, robberies, or personal vendettas. 20 NY3d at 248-49. *Morales* therefore held that, when one gang commits crimes against another gang, this falls in the category of "normal street crime" that the terrorism statute did not intend to punish. *Id.* Another

fundamental difference between *Morales* and defendant's crime is that the gang's crimes had personal motives, separate and apart from the purported effect on the neighborhood. The murder in *Morales* was committed out of an animus towards the other gang. This is a far cry from defendant, who had no reason other than his terroristic purpose to kill Brian Thompson.

Defendant's sensational assassination of Brian Thompson at the annual investor conference was certainly not a "normal street crime." It was not a robbery, as defendant did not steal Brian Thompson's Rolex watch after calmly sauntering over to his body to make sure that the assassination was successful. Nor can it be said to be the product of a personal vendetta since there was no evidence that defendant knew Brian Thompson.

Defendant demonstrated in his manifesto that he was a revolutionary anarchist who would usher in a better healthcare system by killing the CEO of the fourth-largest company in the United States by market cap. This brutal, cowardly murder was the mechanism that defendant chose to bring on that revolution.

Defendant's revolutionary anarchist ambitions thus differentiate him from the gang members who were carrying out "ordinary street crime" in *Morales*.

Next, defendant claims that the New York legislature did not intend to apply the act of terrorism designation to cases where "a shooting was directed at a single individual" (Defendant's Motion, p. 34 at ¶ 85). But defendant does not—and, indeed, cannot—cite any authority for that claim. Indeed, the plain language of New York's terrorism statute

does not require that the defendant target more than one victim before being guilty of Murder As a Crime of Terrorism. It is black letter law that “[t]he governing rule of statutory construction is that courts are obliged to interpret a statute to effectuate the intent of the Legislature, and when the statutory language is clear and unambiguous, it should be construed so as to give effect to the plain meaning of the words used.” *People v. Finnegan*, 85 NY2d 53, 58 (1995) (internal quotation marks omitted); *People v. Williams*, 19 NY3d 100 (2012); *People v. Kisina*, 14 NY3d 153 (2010); *People v. Brown*, 115 AD3d 155 (2d Dept. 2014); *aff’d by* 25 NY3d 247 (2015).

The plain meaning of the relevant statutes encompasses single-victim murders. PL § 125.27 refers to a singular “person” when describing intentionally “caus[ing] the death of such person or of a third person.” And PL § 125.27(1)(a)(xiii) refers to a singular “victim” who is “killed in furtherance of an act of terrorism,” as defined in PL § 490.05(1)(b). The plain language of the statute thus refutes the suggestion that Murder As a Crime of Terrorism requires multiple victims.

Furthermore, a reading of PL § 125.27 in its entirety underscores the legislative intent to punish Murder As a Crime of Terrorism even if there is only one victim of that murder. PL § 125.27(1)(a)(ix) elevates what would otherwise constitute second-degree murder to first-degree murder if, “prior to committing the killing, the defendant had been convicted of [second-degree murder].” And PL § 125.27(1)(a)(xi) specifically applies to defendants who intentionally kill somebody after having intentionally killed two or more additional persons within the state in separate criminal transactions within a period of

twenty-four months when committed in a similar fashion or pursuant to a common scheme or plan.” Thus, PL § 125.27 has sections which reference multiple victims. The Legislature’s use of a singular “victim” in describing Murder as an Act of Terrorism thus demonstrates that, contrary to defendant’s claim, a person can commit Murder as an Act of Terrorism by assassinating a single person.

The legislative findings codified in PL § 490.00 reinforce that conclusion. Those findings cite the 1994 murder of Ari Halberstam on the Brooklyn Bridge and the 1997 shooting on the top of the Empire State Building as two examples of conduct that the terrorism statute was meant to prohibit. In both cases, there was only one murder victim. In the Halberstam shooting, three people were injured, and in the Empire State Building shooting, six people were injured.

The inclusion of these two examples in PL § 490.00 makes abundantly clear that a defendant can commit murder as a crime of terrorism without killing more than one person. Indeed, the First Department’s decision in *People v. Morales*, 86 AD3d 147 (1st Dept. 2011), *aff’d in part and rev’d in part* by 20 NY3d 240 (2012), emphasized that the statute focused on ideologically or politically motivated crimes that were intended to attract attention and intimidate a large public audience, regardless of the number of direct victims. It noted that “there were relatively few direct victims of the Empire State Building shooting and the murder on the Brooklyn Bridge,” but that those crimes still constituted acts of terrorism because they “were ideologically motivated and presumably were intended by the perpetrators to attract the attention of, and intimidate, a large public

audience.” *Morales*, 86 AD3d at 157 n.10. The First Department has thus recognized that murder as an act of terrorism does not require mass casualties and that the key question is whether the murder was intended by the perpetrator to intimidate a large population.

Examination of the particulars of the 1997 Empire State Building shooting and the 1994 Brooklyn Bridge shooting—both of which are cited as examples of acts of terrorism in PL § 490.00—confirms that understanding. On February 23, 1997, Ali Hassan Abu Kamal went to the Empire State Building’s observation deck, took out a .380 semi-automatic pistol, and started shooting bystanders.¹¹ He injured six and killed one before turning the gun on himself. The police later recovered papers entitled “Charter of Honour” in which Abu Kamal spoke about his hatred for Americans, British people, French people, and Zionists, saying that they were “responsible for turning our people, the Palestinians, homeless.” Abu Kamal continued that his “restless aspiration is to murder as many of them as possible, and I have decided to strike at their own den in New York, and at the very Empire State Building in particular.” The shooting generated extensive media coverage, including a news conference by Mayor Rudy Giuliani and FBI Special Agent In Charge John O’Neill. The media reported that Abu Kamal blamed the United States for using Israel as an instrument against the Palestinians (*see Exhibit D*).

¹¹ The investigation into this shooting was conducted by this office. The facts contained herein are based upon review of our case file and police reports.

The facts of the Empire State Building shooting demonstrate that Abu Kamal was trying to reach a broad audience. The choice of the Empire State Building as the venue evidenced his intent that this shooting be publicized all over the country. Abu Kamal must have assumed and intended that the note he had among his personal possessions would be discovered and publicized.

In many respects, this is similar to our case. Both cases involved only one homicide victim. Our defendant, like Abu Kamal, carefully chose his location in order to attract massive amounts of attention while conveying a particular message. Our defendant, like Abu Kamal, had in his possession various writings that set out his intent and motive. And our defendant, like Abu Kamal, had every reason to believe that his motivation would be publicized. Both murders were fueled by hatred. In the case of the Empire State Building, it was hatred of Zionists; in our case, it was that “these parasites simply had it coming.”

The 1994 Brooklyn Bridge shooting involved a similarly small number of victims. On March 1, 1994, a van carrying fifteen youngsters—all Hasidic Jewish students at a Brooklyn Yeshiva—was driving onto the Brooklyn Bridge when Rashid Baz, armed with multiple firearms, pulled his car alongside the van and opened fire, hitting Ari Halberstam in the head, thereby killing him.¹² Baz then continued following the van while firing at it. In total, he killed one and injured three. When arrested by the police, Baz said that the van had cut him off and that the driver had called him a “fucking Arab”—claims refuted by

¹² The prosecution was handled by our office. The facts set out in this motion are based upon our review of the case file, police reports, court filings, and the trial transcript.

other witnesses. Baz also falsely asserted that an occupant in the van fired at him with a gun. He eventually proceeded to trial and was convicted as charged. It was only in 2007, some thirteen years after he murdered Ari Halberstam and wounded three others, that he would admit that he shot at the van because the occupants were Jewish.

Despite the fact that only one person died as a result of Baz's attack, and despite the fact that Baz had not yet admitted his antisemitic motives for the attack, the Legislative Findings codified in 2001 cited the Brooklyn Bridge shooting as an example of a case that PL Article 490 was designed to punish. The case's inclusion in the Legislative Findings demonstrates the significance of context—there, targeting a van full of Yeshiva students in traditional Chasidic garb and the lack of any other precipitating event—in assessing the terroristic intent behind the attack. In the present case, the evidence of terroristic intent is significantly stronger because, among other things, defendant expressly declared his intent in his manifesto and on the ballistics evidence.

In sum, the plain language of the statute and the legislative intent behind it establish that the deliberate assassination of a single individual can constitute Murder As an Act of Terrorism.

Defendant's Acts Targeted Various “Civilian Populations” Within the Meaning of the Terrorism Statute.

PL § 490.05(1)(b) provides that, for purposes of PL § 125.27(a)(xiii), an “Act of terrorism” means “activities that involve a violent act or acts dangerous to human life that are in violation of the criminal laws of this state and are intended to: (i) intimidate or coerce

a civilian population; (ii) influence the policy of a unit of government by intimidation or coercion; or (iii) affect the conduct of a unit of government by murder, assassination or kidnapping.”

Defendant claims that the term “civilian population” as referenced in the terrorism act cannot encompass the 400,000 employees of UHC (Defendant’s Motion, p. 36 at ¶ 88). He cites the First Department decision in *Morales* without explanation as to why that decision precludes the law’s protection for UHC employees or other employees of health insurance companies. But in that decision, the First Department explained that

The direct legislative history of the Anti-Terrorism Act does not focus on the meaning of the term ‘a civilian population’ in article 490 (*see* Senate Mem in Support of Senate Bill S70002, 2001 McKinney’s Session Laws of NY, at 1492-1494), but it is clear from the legislative findings set out at Penal Law § 490.00 that the Legislature intended to address extraordinary criminal acts perpetrated for the purpose of intimidating a broad range of people, not a narrowly defined group of particular individuals whom the criminal actor happens to regard as adversaries.

Morales, 86 AD3d at 156. Nothing in this discussion would preclude protection for the 400,000 employees of UHC—or the hundreds of thousands of people employed by other health insurance companies in the United States. New York courts have not tried to “define the minimum size of ‘a civilian population.’” *Morales*, 86 AD3d at 157. But if they did, a group of hundreds of thousands of civilians would surely suffice. Defendant does not explain why hundreds of thousands of health insurance employees located all over the United States do not constitute a civilian population entitled to the statute’s protection.

Equally unavailing is defendant's attempt to limit the protection of the terrorism statute to civilian populations defined by gender, race, nationality, ethnicity, or religion. For starters, there is nothing in the plain language of the statute that would support such a narrow reading of "civilian population." Furthermore, the First Department explained in *Morales* that the statute punishes those with "an intention to create a pervasively terrorizing effect on people living in a given area, directed either to all residents of the area or to all residents of the area **who are members of some broadly defined class**, such as a gender, race, nationality, ethnicity, or religion." *Morales*, 86 AD3d at 157 (emphasis added). Thus, any broadly defined class deserves the protection of the terrorism statute. To be sure, *Morales* listed gender, race, nationality, ethnicity, and religion as examples of such classes, but it did not suggest that these were the only types of protected groups.

Nor would it make sense to so limit the types of protected groups. The legislature left the wording of the statute general, not wanting to have to predict what future movements may choose murder to intimidate a civilian population or influence government policy by coercion. In any event, the United States Court of Appeals for the Eleventh Circuit has recognized—at least implicitly—that certain categories of healthcare employees or healthcare recipients can constitute "civilian populations" for the purposes of anti-terrorism statutes. In *United States v. Jordi*, 418 F3d 1212 (11th Cir. 2005), that court held that a defendant's efforts to bomb abortion clinics were designed "to intimidate or coerce a civilian population." *Id.* at 1217.

Defendant's limited interpretation of the types of civilian populations that are deserving of protection cannot be squared with the legislative history indicating that the act seeks to punish those engaged in deliberate assassinations designed to prevent people from exercising their rights.

Next, defendant claims that, whether or not UHC workers can qualify as a civilian population, there was no intent on his part to intimidate or coerce them. To reach this absurd position, defendant suggests the Court to turn a blind eye to defendant's stated intentions in his manifesto, his deliberate assassination of UHC's CEO in front of the location of the annual investor conference, his markings on the ballistics, and the natural and probable consequences of his acts. The grand jury was in no way required to ignore all of those considerations when assessing whether there was reasonable cause to believe that defendant intended to intimidate that civilian population.

For starters, defendant states in his August 15, 2024 manifesto that his target is the health insurance industry as a whole. He also indicates that he has been researching UHC. His October 22, 2024 screed talks of his narcissistic rebellion "against a deadly greed fueled health insurance cartel," a broad threat against those deemed to be part of the so-called cartel. And in his letter to the FBI, defendant states that "these parasites simply had it coming" and that "these mafiosi have simply gotten too powerful." These attacks on UHC and the health insurance industry as a whole speak volumes about defendant's intent to intimidate those working in that industry.

Defendant's intent to intimidate UHC workers is further evidenced by the crime itself. He killed the CEO at the annual investor conference in broad daylight on a busy Manhattan street. Any UHC worker would reasonably worry that, if defendant could kill the CEO, he could do the same to an employee lower on the corporate rung.

And to make the point perfectly clear to his target audiences, defendant wrote words on the shell casings and cartridge: den, depose, delay as an attack on the health insurance industry and as a warning to anyone associated with it what their final fate would be.

Defendant may be presumed to intend the natural and probable consequences of his acts. And in the days after the assassination, those consequences predictably included doctors at UHC quitting out of fear, call specialists receiving death threats, and employees refusing to sign their names to denial letters out of fear of retribution. Defendant thus got what he sought: by deliberately assassinating the CEO in the name of revolutionary anarchism, he put innocent employees in the crosshairs of other revolutionary anarchists similarly disposed. But defendant is nevertheless seeking credit for not choosing to bomb the headquarters of UHC, thereby killing more innocents. You don't get a trophy or any kind of absolution under New York's anti-terrorism law because you only killed one innocent person and not others.

In sum, it is clear that defendant's intent—and one natural and probable consequence of his bloody cowardly act—was to intimidate and coerce UHC workers and other workers in the health insurance industry.

Furthermore, those were not the only “civilian populations” targeted by defendant. Defendant rejoiced that he could commit this assassination at the investor conference, calling it a “windfall.” As defendant put it, after “you wack the CEO” at such a conference, “[a]ll those analysts and institutional investors who came to be wooed by insurance execs? The opportunity is snuffed out in an instant. Instead, the company becomes hot topic—perhaps best to invest elsewhere and let that one cool off.” The investors referenced by defendant were about to convene inside the ballroom adjacent to where Brian Thompson was executed. Clearly, this assassination was designed to send a message to them that there is life-threatening danger in investing in a business whose CEO can be executed on a public street.

Thus, there were at least three groups of civilian populations defendant intended to intimidate: UHC employees, other workers in the health insurance industry, and investors and institutional analysts. The testimony of the United Health Group executive in the grand jury only two weeks after the murder demonstrates the tidal wave of hatred unleashed by defendant’s assassination of Brian Thompson. There has been more of the same coercion and intimidation since then, and if the Court permits, the People will provide evidence of such subsequent intimidation at trial to demonstrate the results of defendant’s despicable crime.

Defendant's Terroristic Intent Need Not Be Posted Or Advertised (Answering Defendant's Motion, pp. 38-40 at ¶¶ 94-99).

Defendant claims that, even if some of his writings expressed a desire to generate massive amounts of publicity and to intimidate large swaths of the population, he cannot be charged with an act of terrorism because he did not publish those writings. If this were indeed the law, then many if not most of acts of terrorism could not be prosecuted. Under this unusual theory, 9/11 could not have been prosecuted absent Osama Bin Laden's public announcement of his motive. In so claiming, defendant appears to conflate the definition of an act of terrorism with the definition of Making A Terroristic Threat under PL § 490.20. The latter crime punishes a defendant who "threatens to commit or cause to be committed a specified offense and thereby causes a reasonable expectation or fear of the imminent commission of such offense." In that crime, the threat itself is the actus reus. Without the threat being made known to others, there can be no reasonable expectation or fear of the imminent commission of such offense.

But when it comes to murder as an act of terrorism, the actus reus is an actual murder. Thus, the issue of intent to coerce a civilian population or to influence government policy by murder is solely an issue of proof that can be established by inferring intent from the act alone, by identifying statements—whether made publicly or privately—revealing the actor's intent, or by assessing the act's natural and probable consequences. In any event, even assuming—likely counterfactually—that defendant did not intend for his manifesto to become public, his manifesto makes clear that he still

intended for his actions to convey his message. He boasted that, by carrying out the assassination of Brian Thompson at the investor conference, his “point” would be “made in the news headline ‘Insurance CEO killed at annual investors conference,’ and his “message [would] become self-evident.” If defendant now claims that those messages somehow did not capture his intent, then he can make that argument to the jury at trial.

Similarly, it is absurd for defendant to try to shift all responsibility for intimidating civilian populations onto law enforcement on the theory that law enforcement publicized certain aspects of the circumstances surrounding the murder. That argument ignores the elephant in the room: acts of terror are specifically designed to draw public attention to the act. When you write about the beauty of whacking the CEO at the investor conference and what the headlines would be, you are hardly in a position to complain about the press coverage and fear you generated by deliberately gunning down a father of two as he walked down a midtown street. When you write in your manifesto that the shooting “brings to light the event itself,” you make clear that you yourself are seeking the publicity your attorney now complains about.

In his letter to the FBI that was recovered by Altoona police, defendant wrote that “[t]he spiral notebook, if present, has some straggling notes and TODO lists that illuminate the gist of it.” The same person who told the FBI that he had locked down his technology thus encouraged investigators to consult his manifesto in a calculated move to spread his bloody plan near and far.

Anyone who works in the health insurance industry had to have been intimidated by the three words “den,” “delay,” “depose” discovered by the police on the ballistics evidence. They could rightly fear copycat killers who, reading about the case, would follow in the footsteps of defendant in executing individuals because they didn’t like the company they worked for.

Defendant wrote these words for the specific purpose of spreading violence and hate.

Defendant Intended to Influence Governmental Policy or to Affect the Conduct of a Unit of Government (Answering Defendant’s Motion, pp. 35-40 at ¶¶ 87-99).

As to defendant’s intent to influence governmental policy or to affect the conduct of a unit of government, defendant states that the deliberate assassination of Brian Thompson cannot be the basis of governmental influence since Brian Thompson is not “part of any governmental unit” (Defendant’s Motion, p. 35 at ¶ 87). Defendant’s claim is contrary to law and logic.

Logically, the assassination of the CEO of the largest health insurance company in the United States, a company with millions of subscribers and 400,000 employees, is certainly likely to influence the policies of government by intimidation or coercion and affect the conduct of government by murder.

Defendant, in planning this assassination, described it as an act of “revolutionary anarchism.” The plain meaning of those words connotes challenge to government and authority. Thus, defendant’s self-described intent was to influence government by murder

in order to effect change to the healthcare system in the United States. He need not target a public official if the assassination of his chosen target results in intimidation or coercion of government by murder.

Furthermore, the plain words of the statute do not require that the victim of the homicide be a government official. Application of the rules of statutory construction that the plain words of the statute govern and also that a statute must be read as a whole demonstrate that the legislature did not intend to limit the class of protected victims to governmental officials. Both PL § 125.27 and PL § 125.25 specifically reference intentionally causing the death of a “person.” Thus, the plain words of the statute do not require the murder to be of a governmental official. Furthermore, PL § 125.27 has specific provisions charging Murder in the First Degree for public servants including police officers, peace officers, firefighters, first responders, and employees of correctional facilities. PL § 125.27(1)(a)(i), (ii), (ii-a), (iii). The legislature could have chosen to require that the People prove that the victim of murder as a crime of terrorism be an employee of a governmental unit. It did not. For that reason, the grand jury was in no way precluded from finding reasonable cause to believe that Brian Thompson’s assassination was done to coerce governmental action on health insurance.

The Second Circuit, in *Linde v. Arab Bank PLC*, 882 F3d 314 (2d Cir. 2018), found that the targeting of civilians by three suicide bombings could constitute coercion of both a civilian population and a governmental unit at the same time. *Id.* at 326 (“The suicide bombing is unquestionably a violent act whose apparent intent is to intimidate civilians or

to influence governments.”). The deliberate assassination of Brian Thompson is no different. It is clear from defendant’s stated intent of ushering in revolutionary change to healthcare that the assassination of the CEO of the country’s fourth-largest company by market cap—which does business with the government by providing insurance in the form of Medicare and Medicaid—was committed to affect government policy.

Defendant’s own words in his manifesto make clear that he was trying to coerce and intimidate government officials by this assassination. He used the words “revolutionary anarchist” to excuse the targeted killing of a civilian. An anarchist is (1) “A person who rebels against any authority, established order, or ruling power, (2) A person who believes in, advocates or promotes anarchism or anarchy *especially*: one who uses violent means to overthrow the established order.” Merriam-Webster Dictionary. Anarchism is defined as “a political theory holding all forms of governmental authority to be unnecessary and undesirable and advocating a society based on voluntary cooperation and free association of individuals and groups.” Merriam-Webster Dictionary. Defendant’s description of himself as a “revolutionary anarchist” while plotting Mr. Thompson’s assassination thus demonstrates his intent to affect government policy or conduct.

**DEFENDANT'S DOUBLE JEOPARDY CLAIMS
ARE PREMATURE AND IN ANY CASE
WITHOUT MERIT (Answering Defendant's Motion,
pp. 40-51 at ¶¶ 100-120).**

Relevant Investigative Background

38. Defendant assassinated Brian Thompson on December 4, 2024 at around 6:45 a.m.
39. The call of shots fired came through very quickly and, within minutes, Police Officers Michael Ball and Jose Leslie were trying to save Brian Thompson's life.
40. NYPD presence at the scene of this deliberate execution was soon extensive.
41. From that point through the present, NYPD has conducted an extensive, highly professional investigation into the assassination of Brian Thompson.
42. Numerous uniformed police officers, detectives, and civilians worked around the clock from December 4, 2024 until defendant's arrest on December 9 with one goal in mind: to identify the person who viciously shot Brian Thompson in the back as he walked in midtown Manhattan.
43. Specialized NYPD units actively participated in the investigation, including ballistics analysts, latent print analysts, and the crime scene unit.
44. NYPD has received assistance in the investigation from the New York County District Attorney's Office ("DANY").

45. Within hours of the shooting, two assistant district attorneys were interviewing potential witnesses at the Midtown North Precinct.

46. Several prosecutors have assisted on this investigation and prosecution. DANY's own High Tech Analysis Unit has worked extensively to extract, filter, and analyze the electronic devices and evidence recovered during the investigation.

47. The New York City Office of Chief Medical Examiner ("OCME") provided indispensable evidence in the form of DNA profiles and comparisons.

48. Defendant was arrested by Altoona Police Department officers on December 9, 2024.

49. On that day, three DANY prosecutors and several NYPD officers traveled to Altoona, Pennsylvania to interview the local officers involved in defendant's apprehension.

50. While in Altoona, one DANY ADA drafted an affirmation in support of a warrant for defendant's arrest which provided legal authority for the State of Pennsylvania to hold defendant on the behalf of the State of New York. The Honorable Michael Ryan of the Criminal Court of the City of New York signed the arrest warrant (Exhibit F).

51. After the ADAs returned to New York, DANY prepared for a presentation of the evidence to the grand jury.

52. Initially, defendant refused to waive extradition. But after a few days, he had a change of heart and agreed to return to New York.

53. A total of twenty-five witnesses testified before the New York County grand jury. Six of them came in from Altoona to testify. The remaining nineteen witnesses were civilians and members of the New York City Police Department, New York County District Attorney's Office, and New York City Office of Chief Medical Examiner.

54. All of the evidence presented to the grand jury was developed by NYPD, DANY, OCME, and the Altoona Police Department.

55. The New York County grand jury indicted defendant on December 17, 2024—just 13 days after the assassination.

56. Once the indictment was filed, the New York State Supreme Court issued a second arrest warrant for defendant, as is customary after indictments where the defendant has yet to be arrested (*see* Exhibit G).

57. Defendant was arraigned in State Supreme Court before the Honorable Gregory Carro on December 23, 2024.

58. Meanwhile, the federal role in the instant case began on December 18, 2024, when a writ was served on NYPD to produce defendant into federal custody. Defendant was taken into custody on December 19, 2024 after having been returned from Altoona to New York City by NYPD helicopter.

59. Defendant was arraigned in Federal District Court before Magistrate Judge Katharine Parker on December 19, 2024 on a federal complaint. The Court adjourned the case until January 18, 2025 for preliminary hearing.

60. As a result of the writ, defendant was lodged in the Metropolitan Detention Center (“MDC”), a federal facility.

61. At defendant’s State Supreme Court arraignment on December 23, 2024, defense counsel—while evidently taking into account upcoming federal litigation—urged that this litigation proceed as expeditiously as possible: “First we request immediate expedited discovery in this case. The People have had this case for about almost three weeks and that’s more than enough time to gather as much information as they can give to us, especially now that we have to answer to, one of them being death-eligible. So we are requesting that we get immediate discovery of all the New York City Police Department and FBI and State documents.”

62. On the next court date, February 21, 2025, defense counsel objected to the court’s setting of a motion schedule, claiming that they could not make motions until they received all of the discovery, and that, in any case, the need for them to file mitigation papers to federal prosecutors regarding the potential death penalty prevented them from filing motions.

63. Justice Carro set a motion schedule requiring the defense to file the omnibus motion by April 9.

64. Defense counsel wrote the Court prior to the April 9, 2025 deadline requesting that they be able to file their omnibus motion on June 26, approximately eight months after defendant’s Supreme Court arraignment.

65. The Court granted defendant an additional two-week adjournment until April 23.

66. Defendant requested an additional week to file the omnibus motion. The Court granted defendant's request, and the defense filed its omnibus motion on the evening of April 30, 2025.

67. The Court has previously indicated that it anticipates scheduling hearings to take place in the Fall of 2025.

68. The Federal Court case against this defendant proceeded slowly. Despite Magistrate Judge Parker's scheduling efforts, there was no preliminary hearing on January 18, 2025. The case was again adjourned—one of several adjournments while awaiting presentation of evidence to a federal grand jury.

69. Finally, the federal indictment was handed down on April 17, 2025—exactly four months after the state indictment, and nearly four months after defendant's arraignment before Magistrate Judge Parker.

70. Defense counsel has asked this Court to defer the state trial until the federal trial is completed.

71. In making this request, defense counsel states that, because the federal prosecutors have indicated that they will be seeking the death penalty against defendant, defense counsel will be filing a series of motions that will delay the federal trial date for several years (Defendant's Motion, pp. 46-49 at ¶¶ 113-117).

72. Every scheduling consideration—the timing of the indictment, the progress of the case thus far, and the anticipated motion practice—demonstrates that the state prosecution is well ahead of the federal prosecution.

Defendant's Constitutional Rights Will Not Be Violated If the State Case Proceeds to Trial before the Federal Case.

Defendant now raises the novel argument that this case should be delayed indefinitely because his concurrent state and federal prosecutions violate various constitutional rights. He points to three cases that were prosecuted both by the state and federal authorities, alleging that this limited sample proves that the state must hold its prosecution in abeyance until the federal case is resolved. In two of the three cases, the state agreed to hold its case in abeyance. The circumstances surrounding the states' decision to defer to the federal prosecutor are absent from defendant's motion.¹³

Nor does defendant cite any case law for the proposition that when the federal government seeks to impose the death penalty, the state must defer trying its case until the federal death penalty case is completed. Thus, defendant's allegation of legal impediment lacks factual and legal basis.

Defendant complains that "Mr. Mangione will be forced to defend his federal death penalty case while, at the same time, defending against the state prosecution seeking life imprisonment—a truly unprecedented and untenable situation"

¹³ Defendant fails to cite *People v. Matar*, the state case convicting Hadi Matar of the attempted murder of Salman Rushdie. Matar was tried first in New York State courts, convicted in February 2025, and sentenced to twenty-five years in prison on May 16, 2025. Matar still faces federal terrorism charges.

(Defendant's Motion, p. 42 at ¶ 105). Defendant himself provides the facts that refute this allegation.

As defendant is well aware, once the court renders its decision on defendant's omnibus motion in July, 2025, the state case may be adjourned for hearings and trial. Thus, a trial date on state charges is imminent.

By contrast, due to the extensive litigation attendant to any death penalty case, defendant does not anticipate the federal case going to trial for several years (Defendant's Motion, p. 49 at ¶ 117). Two of the cases cited by the defense involved delays of five to six years before the federal case went to trial.

It thus appears that the state trial will be completed several years before any federal trial begins. As such, it is disingenuous for defendant to claim that he is required to defend both cases at the same time.

Next, defendant claims that the Double Jeopardy Clause of the Fifth Amendment is violated by concurrent state and federal prosecutions. Defendant, apparently aware of controlling United States Supreme Court law permitting the two prosecutions, asks this court not to rely upon majority opinions of the highest court in the land but to rely upon dissenting opinions of Justice Ginsburg and Justice Gorsuch in *Gamble v. United States*, 587 US 678 (2019) (Defendant's Motion, p. 43 at ¶ 107).

Defendant, rather than conceding that seventy years of court decisions have held that the United States Constitution permits the state and federal government to try him without violating the double jeopardy clause, invites this Court to depart from

firmly established constitutional law by adopting the reasoning of two dissenting justices in *Gamble*. The majority decision did not establish new constitutional law. *Gamble* stands for the proposition that “where there are two sovereigns, there are two laws, and two offences.” *Id.* at 683 (internal quotation marks omitted). As the *Gamble* Court explained, “a crime against two sovereigns constitutes two offenses because each sovereign has an interest to vindicate.” *Id.* at 687. The Court stressed that it had laid that “foundation” to its double jeopardy jurisprudence before the Civil War, and that that foundation remained intact through the present. *Id.* That foundational principle of constitutional double jeopardy jurisprudence disposes of defendant’s present claim.

New York’s statutory bar to a second prosecution—CPL 40.20(2)—grants greater protection than that “afforded by the State or Federal Constitution.” *Matter of Polito v. Walsh*, 8 NY3d 683, 690 (2007); *Booth v. Clary*, 83 NY2d 675 (1994); *Matter of Wiley v. Altman*, 52 NY2d 410 (1981); *People v. Abbamonte*, 43 NY2d 74 (1977). The statute states that “[a] person may not be separately prosecuted for two offenses based upon the same act or criminal transaction,” subject to a list of statutory exceptions. *Id.*

The bar to a second prosecution is triggered only when a prior prosecution “in a court of this state or of any jurisdiction within the United States” “[t]erminates in a conviction upon a plea of guilty,” “[p]roceeds to the trial stage and a jury has been impaneled and sworn,” or “in the case of a trial by the court without a jury, a witness is sworn.” CPL 40.30(1). In other words, the mere filing of federal charges alone does not preclude the state from proceeding with state charges. Rather, the state would be legally

precluded only if defendant were to plead guilty prior to a state trial or would go to jury and have a jury impaneled and sworn.

Thus, because defendant has not pleaded guilty in federal court and has not proceeded to trial, any motion to dismiss based upon CPL 40.20(2) is premature.

It should be noted that if the state case were to proceed to trial prior to the federal case, there is no scenario that would implicate New York's statutory double jeopardy protections under CPL 40.20(2). Furthermore, even if the federal case proceeded first, defendant's own arguments support the conclusion that there would be no state double jeopardy bar in any event, because the federal and state statutes are directed to different evils and involve targeting different victims. CPL 40.20(2)(b); CPL 40.20(e). Defendant claims that the concurrent prosecutions involve conflicting theories, the state focusing on terrorism-related charges and the federal focusing on conduct targeting a single individual (Defendant's Motion, p. 44 at ¶ 109). Thus, defendant appears to agree that the two statutes punish different evils and involve different victims, thereby falling outside the ambit of New York's statutory double jeopardy. In any event, there is no reason to assume that the federal case will proceed to trial before the state case. To the contrary, as defendant acknowledges, the state and the federal prosecutors agree that the state case will proceed before the federal case (Defendant's Motion, p. 44 at ¶ 110).

Defendant is in essence asking this court to adjourn the state case for years so that the federal prosecution can proceed at the expense of the state prosecution. But

there is nothing in the CPL—or in New York law more generally—that provides that someone in defendant’s position gets to choose which of his prosecutions proceeds first. Furthermore, such a request is unreasonable given the particulars of the two prosecutions in question. This trial court is charged with ensuring the efficient administration of justice and entitled to deny requests for unnecessary and dilatory adjournments. *People v. Arroyave*, 49 NY2d 264 (1980).

The effect, if not purpose, of defendant’s motion to this court is to delay the trial in the state case so as to make it more difficult for the prosecution to pursue the charges for which defendant was indicted by a New York County grand jury. What is fresh in a witness’s mind today will fade with time. Police officers may retire and move to new locations, calling into question their availability.

The evidence in this case was developed by NYPD, DANY, OCME, and the Altoona Police Department. The state indictment preceded the federal indictment by four months. Two arrest warrants were issued for this defendant by state authorities prior to the filing of the federal complaint.

The agreement between the federal prosecutor and this office that the state case proceed first is merely a reflection of the law governing determination of priority. In *United States v. Warren*, 610 F2d 680 (9th Cir. 1980), the Court stated that “[n]ormally, the sovereign which first arrests an individual acquires priority of jurisdiction for purposes of trial, sentencing, and incarceration.” *Id.* at 684-85. That sovereign was New York State. The federal prosecutors appeared later in the process.

Any stall or delay of the state case as proposed in these circumstances appears to be a defense effort seeking the decay and eventual death of a prosecution case via disfavored “calendar control” on a de facto reserve docket when the prosecution is ready. *See People v. Douglass*, 60 NY2d 194 (1983).

Counsel for defendant demanded expeditious delivery of the terabytes of discovery on December 23, 2024 at defendant’s State Supreme Court arraignment. Now that defense counsel has received terabytes of discovery, she pivots from her insistence on proceeding expeditiously to asking this Court to disregard its duty to assure the efficient administration of justice for a period of years.

Defendant’s desire for the federal prosecution to proceed first is motivated by a hope that the federal prosecution will prevent the state from prosecuting him because of statutory double jeopardy under CPL 40.20 (Defendant’s Motion, p. 43 at ¶ 108). As mentioned above, determinations regarding whether double jeopardy applies are not to be made at this juncture of the proceeding. The Court can only rule once jeopardy attaches.

Defendant’s hope to impede the state prosecution by asking for an adjournment of several years does not provide a legal basis for this Court to delay the efficient administration of justice solely to satisfy defendant’s parochial interests. Defendant has cited no authority for the proposition that a court should delay a state trial by several years on such grounds.

Defendant Has Failed to Make a Convincing Showing of Antagonistic Defenses Depriving Him of His Right to Defend Himself.

Next, defendant claims that were he to proceed first on New York State's terrorism-related charges, he "could not argue that his alleged conduct was targeted toward one individual, rather than a civilian population, without then incriminating himself in the federal case charging him with stalking that one individual" (Defendant's Motion, p. 44 at ¶ 109). According to defendant, "This scenario would preclude [him] from the ability to waive his Fifth Amendment rights and testify on his own behalf as by doing so, [he] could be providing the federal government with evidence that would be used against him in their prosecution" (Defendant's Motion, p. 44 at ¶ 109).

Defendant fails to cite any authority for the proposition that his interest in testifying differently in the two proceedings somehow provides him with a basis to ask this Court to delay the state trial for several years. To apply such a rule would be an open invitation for perjury. Moreover, contrary to defendant's apparent view, a defendant has no right to avoid criminal responsibility altogether by tailoring his defense so as to maneuver around the precise elements of a crime. *See generally People v. Spann*, 56 NY2d 469 (1982) (where defendant was indicted for robbery for stealing jewelry and money, but testified that he instead stole drugs, court properly instructed jury that defendant could be convicted of robbery if it found that he stole drugs).

There is only one situation under New York law where a defendant's desire to avoid providing testimony that might incriminate himself can affect the structure of

trial proceedings. A defendant can obtain severance of consolidated charges if he can make a “convincing” showing that he has important testimony to give on one count and a genuine need to refrain from testifying on the other. CPL 200.20(3)(b); *see, e.g.*, *People v. Lane*, 56 NY2d 1 (1982). Here, defendant does not indicate that he wishes to testify at one trial but not the other. Instead, he indicates that he wishes to testify at both inconsistently. More fundamentally, though, defendant is already obtaining the relief he would receive under that statute: he is being tried separately on the state and federal charges. And nothing in the CPL, or any other authority defendant cites, entitles him to choose which trial should take place first.

The cases that are most analogous to this case involve federal courts’ accepting into evidence at trial defendant’s guilty plea in state proceedings. In *United States v. Dabney*, 498 F3d 455 (7th Cir. 2007), the defendant was charged federally with being a felon in possession of a firearm. Prior to his federal trial, the defendant pleaded guilty in state court to possessing the same firearm that was the subject of the federal charges. The defendant’s admission in state court was received into evidence in his federal trial. On appeal, the defendant argued that it was error to admit the state evidence because it caused unfair prejudice or confusion of the issues. The Seventh Circuit disagreed, finding that “[t]he admission was certainly compelling evidence of [the defendant’s] guilt, but there was nothing unfairly prejudicial about it.” *Id.* at 458. The court explained that “[u]nfair prejudice refers to the capacity of some concededly relevant evidence to lure the fact finder into declaring guilt on a ground different from proof specific to the

offense charged.” *Id.* (internal quotation marks omitted). And there was no such unfairness when the defendant’s own admission under oath was used against him at trial because, “It is hard to imagine proof more specific to the offense charged than the defendant’s own admission under oath to the essential facts constituting the offense.”

Id.

In *United States v. Schluter*, 690 Fed. Appx. 752 (2d Cir. 2017), the defendant had admitted during a plea allocution in state court to his sexual involvement with a particular child, and that admission was admitted at his subsequent federal trial for production and possession of child pornography as well as transportation of a minor with intent to engage in criminal sexual activity. The Second Circuit found that the relevant portion of the state court plea allocution was properly admitted because any prejudice that the defendant suffered “was not *unfair*.” *Id.* at 755 (emphasis in original); see also *United States v. Frederick*, 702 F. Supp. 2d 32 (EDNY 2009) (finding that the defendant’s state court plea allocution could be admitted in his subsequent federal trial involving the same acts).

Defendant is free to testify at his state trial. He might prefer that his state court testimony not be introduced against him at any subsequent federal trial, but nothing in federal case law suggests that there would be any unfairness in the introduction of such testimony.

Defendant claims that “allowing the state prosecution to proceed to trial first would violate Mr. Mangione’s constitutional right to defend himself and would force

him, despite his presumption of innocence, to choose between the Scylla of life imprisonment and the Charybdis of the death penalty of [sic] in order to meaningfully defend himself' (Defendant's Motion, p. 45 at ¶ 111). The unpleasant options facing this defendant arise not out of a Greek myth but out of his own depraved actions. It is defendant's myth that, having made a ghost gun which he cowardly used to shoot an innocent man in the back, he is somehow the victim whose rights are being violated when the state seeks to hold him accountable for his dastardly deed.

Defendant's Feigned Concern About Publicity

Defendant expresses concern that publicity surrounding his state proceedings could make it impossible for him to find a fair and impartial jury in federal court. But this newly found aversion to publicity is curious. At defendant's arraignment, defense counsel consented to television coverage while alleging that Mayor Adams had violated defendant's rights. Defense counsel also wrote the court on March 26, 2025 requesting that all court proceedings be televised. The motivation behind this request is obvious: rather than using these proceedings as a way to litigate his guilt or innocence, defendant is seeking to use these proceedings to attract media attention and broadcast his ideological views to the public.

The defense team put together a website for defendant that contains statements made by Ms. Friedman Agnifilo both inside and outside court as well as a statement made by defendant. In a February 21, 2025 statement, Ms. Friedman Agnifilo accused NYPD's Chief of Detectives of prejudicing defendant's rights to a fair trial by appearing

on an HBO special while discussing the evidence (*see* luigimangioneinfo.com). Thus, Ms. Friedman Agnifilo once again publicized the alleged prejudicial information she complained about, alerting everybody who accessed defendant's website that there was an HBO special on the case.

That website links to a GiveSendGo fundraising website on which the defense also seeks to attract media attention by publicizing defendant's revolutionary message and complaining of mistreatment: "The fund is irrefutable evidence of the public's support for Luigi and their consciousness that he is being treated in an unprecedented and unfair fashion by the state acting out of cowardice and fear to make a spectacle of his case to intimidate us all into submission to state and corporate power" (*see* Exhibit H). Defendant, the self-described "revolutionary anarchist" of his manifesto, once again advertises his terroristic intent in his appeal for funds to fight "state and corporate power."

To the extent that defendant complains about pretrial publicity, suffice it to say that the defense team has shown a greater interest in trying the case in the court of public opinion than in the trial court.

As to the real challenges of picking a fair and impartial jury, it should be noted that since the state trial could be completed years before the federal trial is to begin, the mere passage of time will help minimize influence of the state trial on the federal prosecution. In any event, both federal and state courts have dealt with high-profile cases before and have well-established remedies designed to assist in picking a fair and

impartial jury. There is every reason to believe that the federal district court will utilize those remedies to guarantee that a fair and impartial jury is chosen years from now when defendant's federal case proceeds to trial.

Defendant also claims that having a death penalty case concurrent with the state prosecution prevents him from focusing on the capital case. But according to defendant's own claims, it will take years until the federal death penalty case is ready for trial. As such, this permits him to work on the state case in the short term.

Defendant has a law firm—Agnifilo Intrater—representing him and is also assisted by Avraham Moskowitz, an attorney with expertise in death penalty cases. If the two prosecutions are too much for Agnifilo Intrater to manage, then it may be appropriate for defendant to hire a different attorney to handle one of them.

Defendant's GiveSendGo fundraising web page reports that the fund surpassed one million dollars on May 6, 2025. Certainly, these funds can be used to hire new counsel should the task of representing defendant in multiple proceedings be too onerous for Agnifilo Intrater.

Defense counsel's claims that deferring the state trial for several years is similar to the staying of civil matters pending completion of criminal cases is without merit. The People of the State of New York have an interest in the expeditious enforcement of laws against Murder As a Crime of Terrorism, including in this case where a guest of its largest city was intentionally executed on a public street. That interest is not outweighed by defendant's preference for an indefinite stay in this case.

Demand for Notice of Intent to Offer Psychiatric Evidence

CPL 250.10 requires the defense to serve upon the People and file with the court a written notice of intention to present psychiatric evidence. The notice must be served not more than thirty days after entry of the plea of not guilty to the indictment. The statute does permit later service “in the interest of justice and for good cause shown.”

Defendant was arraigned on December 23, 2024. Five months have passed since then, but no notice was served. As defense counsel claimed in her March 26, 2025 letter to this Court, “Mr. Mangione wants this case to proceed in a timely fashion, as delay does not benefit him as he languishes in custody at MDC.” Given the overwhelming nature of the evidence pointing to defendant’s guilt as the assassin of Brian Thompson, it would hardly be surprising if defendant filed notice of intent to introduce a psychiatric defense.

Consistent with defense counsel’s stated goal of proceeding expeditiously, we respectfully request that the Court order defense counsel to provide the requisite written CPL 250.10 or to state on the record that it does not intend to introduce psychiatric evidence.

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

Dated: New York, New York
 June 4, 2025

Respectfully submitted,

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

By: Joel J. Seidemann
Joel J. Seidemann
Assistant District Attorney
Senior Trial Counsel
Of Counsel

Exhibit A

8/15

1 month in SF... crazy slow, lack of energy.
Lack of routine / sleep schedule / exercise. See Spinal
re: catch-22

That said, I finally feel confident about what I will do. The details are finally coming together. And I don't feel any doubt about whether it's right / justifiable. I'm glad - in a way - that I've procrastinated, bc it allowed me to learn more about UNC.

KMD would've been an unjustified catastrophe that would be perceived mostly as sick, but more importantly unhelpful. Would do nothing to spread awareness / improve people's lives. I'm feeling (155), so I can't write w/ speed + clarity + confidence, b/c these ideas have been floating around for last few days and I want to write them down.

The target is insurance b/c checks won't be

10/22

1.5 months. This investor conference is a true windfall. It antades everything wrong with our health system, and - most importantly - the message becomes self evident

The problem with most revolutionary acts, is that the message is lost on normals. For example, Ted K makes some good points on the future of humanity, but to make his point he indiscriminately malbombs innocents. No one categorizes him as an insane serial killer, focus on the act / execution though, and dismiss his ideas.

And most importantly - by committing indiscriminate atrocities - he becomes a monster, which makes his ideas this or a monster, and makes him true. He crosses the line from revolutionary anarchist to fascist - the way things a prision can be.

This is the problem with most militants that rebel against - often real - injustices; they cannot see a strategy, either whose honor outweighs the impact of their message, or whose distance

From their message presents comes from connecting who dots. Consequently, the revolutionary idea becomes associated with extremism, incitement, or evil - an idea that no reasonable member of society could agree w/ it. Rather than win public support, they lose it.

The revolutionary actions are actively counter-productive.

So let's say you want to rebel against the deadly, greed-fueled health insurance cartel. Do you bomb the HQ? No. Bombs = terrorism. Such actions appear the most stupid anger of someone who simply got sick / had bad luck and took their frustration out on the insurance industry, while scaring off dangerous patients and/or

What do you do? You attack the CEO at the annual parasite ban - cancer convention. His targeted, precise, and doesn't risk innocents. Most importantly, the point becomes self-evident. The point is made in the news headline: "Insurance CEO KILLED at annual meeting, suicide". It brings up light the other itself - or burn off

Said from JPMorgan and Morgan Stanley

Exhibit B

To the Feds,

①

I'll keep this short, because I do respect what you do for our country.

To save you a lengthy investigation, I state plainly I wasn't working with anyone. This was fairly trivial : some elementary social engineering basic CAD, a lot of patience. The spiral notebook, if present, has some straggling notes and TODO lists that illuminate the gist of it. My tech is pretty locked down because I work in engineering so probably not much info there.

I do apologize for any strife or trauma, but it had to be done.

(Back) →

P.S.: You can check small numbers of visitors to your blog. My own blog has 116 visitors per day on average.

With billions of users of social media (Facebook, Twitter, LinkedIn, YouTube, etc.), it's hard to ignore the influence of these platforms on our society. It is important to understand the consequences of such powerful entities on our daily lives. For example, the rise of fake news and propaganda on platforms like Facebook and YouTube has led to significant political polarization and even violence. But what about the more subtle ways these companies manipulate us? One way is through the use of psychological techniques like social proof and scarcity. By creating a sense of FOMO (Fear Of Missing Out) or highlighting success stories of others, they encourage us to buy products or services we may not need.

② Frankly, these parasites simply had it coming. A reminder: the US has the ~~the~~ most expensive healthcare system in the world, yet we rank roughly #42 in life expectancy. United is

the 5th largest company in the US by market cap, behind only Apple, Google, Walmart. It has grown and grown, but has our life expectancy? No. The reality is, these massive have simply gotten too powerful, and they continue to abuse our country for immense profit, because the American public has allowed them to get away with it.

Obviously, the problem is more complex, but I do not have space, and frankly I do not pretend →

Exhibit C

1 PEOPLE OF THE STATE OF NEW YORK

2

3 VS

4

5 LUIGI MANGIONE

6

7 NEW YORK, NEW YORK

8 DECEMBER 17, 2024

9

10 BEFORE:

11 A QUORUM OF THE FIRST DECEMBER/JANUARY
12 2025 GRAND JURY

13

14

15 PRESENTED BY:

16 JOEL SEIDEMANN, ESQ.,

17 ZACHARY KAPLAN, ESQ.,

18 KRISTIN BAILEY, ESQ.,

19 ASSISTANT DISTRICT ATTORNEYS

20

21 VERONICA HEALEY

22 GABRIELLA AGNELLO

23 GRAND JURY REPORTERS

24 * * *

25 MR. SEIDEMANN: You're going to

1 another, causing the death of another has
2 no such requirement.

3 I should also tell you that with
4 respect to the issue of what's called
5 intent, which I spoke of generally as
6 before, intent of course is a secret
7 operation of an individual's mind. You
8 have to decide what the defendant
9 intended. You could determine intent
10 from all of the facts and circumstances
11 presented to you, you may consider
12 anything that the defendant said or did
13 before, during or after the event, as
14 well as all of the facts and
15 circumstances surrounding the event. You
16 may, although you're not required to,
17 infer that the defendant intended the
18 natural and probable consequences of his
19 or her actions if that inference seems
20 reasonable to you after all of the facts
21 and circumstances, as you find them.
22 Where intent is an element, and I told
23 you which times it is, you must be
24 satisfied the defendant had the necessary
25 intent at the time of the commission of

1 the offenses. In short, apply your
2 common sense and experience to all of the
3 evidence which has been presented, and
4 you must determine what the defendant
5 intended on those crimes for which intent
6 is an element.

7 (CONFERRING)

15

16

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Exhibit D

WEDNESDAY, FEBRUARY 26, 1997

Empire State Gunman's Note: Kill 'Zionists'

By MATTHEW PURDY

The gunman who opened fire on the observation deck of the Empire State Building on Sunday said in a letter found on his body that he planned his attack as revenge for the treatment of Palestinians by the United States, Israel and other countries.

"The Zionists are the paw that carried out their savage aggression," wrote Ali Abu Kamal, the 69-year-old English teacher from Gaza who shot seven people before killing himself Sunday afternoon. "My restless aspiration is to murder as many of them as possible, and I have decided to strike at their own den in New York, and at the very Empire State Building in particular."

Law enforcement officials said they have found no evidence to support the contention of Mr. Abu Kamal's family that he was distressed at having been swindled out of hundreds or thousands of dollars of his life's savings, and the officials said they doubted the money ever existed. They also said they had found no indication that Mr. Abu Kamal acted in concert with a terrorist group or any accomplices.

Instead, investigators are left to search for motivation in Mr. Abu Kamal's two-page letter, titled "Charter of Honour," which identifies four groups of "bitter enemies" who he said "must be annihilated & exterminated" for misdeeds both political and personal.

The "enemies" include a group of students who he said attacked him in 1993 because he "didn't agree to their command asking me to help them cheat in the final examination," students in the Ukraine who he said beat his son and stole \$250 from him and an Egyptian police officer who he said beat him for "pass-



Thomas Dallai for The New York Times

A VICTIM IS REMEMBERED As the 86th-floor observation deck reopened yesterday at the Empire State Building, flowers and a card honored a slain musician. Page B3.

Continued on Page B3, Column 5

Exhibit E

§ 2717. Terrorism.

- (a) **General rule.**--A person is guilty of terrorism if he commits a violent offense intending to do any of the following:
- (1) Intimidate or coerce a civilian population.
 - (2) Influence the policy of a government by intimidation or coercion.
 - (3) Affect the conduct of a government.
- (b) **Grading and penalty.**--
- (1) If the violent offense is a misdemeanor or a felony of the third or second degree, an offense under this section shall be classified one degree higher than the classification of the violent offense specified in section 106 (relating to classes of offenses).
 - (2) If the violent offense is a felony of the first degree, a person convicted of an offense under this section shall be sentenced to a term of imprisonment fixed by the court at not more than 40 years and may be sentenced to pay a fine of not more than \$100,000.
- (b.1) **Forfeiture.**--Each foreign or domestic asset related to terrorism, including the following, shall be subject to forfeiture under 42 Pa.C.S. §§ 5803 (relating to asset forfeiture), 5805 (relating to forfeiture procedure), 5806 (relating to motion for return of property), 5807 (relating to restrictions on use), 5807.1 (relating to prohibition on adoptive seizures) and 5808 (relating to exceptions) and no property right shall exist in the asset:
- (1) Each foreign or domestic asset:
 - (i) Of an individual, entity or organization engaged in planning or perpetrating an act in this Commonwealth which violates this section and each foreign or domestic asset affording a person a source of influence over the entity or organization.
 - (ii) Acquired or maintained by a person with the intent and for the purpose of supporting, planning, conducting or concealing an act in this Commonwealth which violates this section.
 - (iii) Derived from, involved in or used or intended to be used to commit an act in this Commonwealth which violates this section.
 - (2) Each asset within this Commonwealth:
 - (i) Of an individual, entity or organization engaged in planning or perpetrating an act which violates this section.
 - (ii) Acquired or maintained with the intent and for the purpose of supporting, planning, conducting or concealing an act which violates this section.
 - (iii) Derived from, involved in or used or intended to be used to commit an act which violates this section.

(c) **Definitions.**--As used in this section, the following words and phrases shall have the meanings given to them in this subsection:

"Dangerous to human life or property." A violent act or an act which is intended to or likely to cause death, serious bodily injury or mass destruction.

"Mass destruction." An act which is intended to or likely to destroy or cause serious damage to transportation-related infrastructure or facilities, energy-related infrastructure or facilities, public or private buildings, places of public accommodation or public works under circumstances evincing depraved indifference to human life or property.

"Violent offense." An offense under this part, including an attempt, conspiracy or solicitation to commit any such offense,

which is punishable by imprisonment of more than one year and involves an act dangerous to human life or property.

(July 7, 2006, P.L.342, No.71, eff. 60 days; June 29, 2017, P.L.247, No.13, eff. July 1, 2017)

2017 Amendment. Act 13 added subsec. (b.1).

2006 Amendment. Act 71 added section 2717.

Cross References. Section 2717 is referred to in sections 5803, 9714 of Title 42 (Judiciary and Judicial Procedure).

Exhibit F



Criminal

(Bold fields must conform with instruction)

CR-036031-24NY

Court of the City of New York
Warrant of Arrest



Defendant's Last Name Mangione

County New York Part A23

Defendant's First Name Luigi

Docket Number CR-036031-24NY

Offense Charged PL 125.25(1)

(Title, e.g. PL or VTL; Section, e.g. 120.00 or 1192.2; Sub-Section (if applicable), e.g. (1) or (2))

Warrant Date _____

Return Part _____

In the Name of the People of the State of New York. To any police officer whose geographical area of employment embraces either the place where the offense charged was allegedly committed or the locality of the court by which this warrant is issued.

A criminal action having been commenced in this court against the above-named defendant by the filing therewith of an accusatory instrument bearing the above docket number charging the defendant with the above named offense, and the defendant not having been arraigned upon such accusatory instrument and not having come under the control of the court with respect thereto, and a judge of this court, whose name is subscribed below, finding that such accusatory instrument is sufficient on its face and being satisfied that the defendant will not respond to a summons.

And pursuant to Criminal Procedure Law Article 120, the aforesaid judge of this court having ordered the issuance of a warrant of arrest,

Now therefore, you are directed to arrest the said defendant who is particularly described below and, except as otherwise prescribed in Criminal Procedure Law 120.90, following such arrest you must without unnecessary delay perform all fingerprinting and other preliminary police duties required in the particular case and bring the said defendant to this court for the purpose of arraignment upon the accusatory instrument by which said action was commenced.

 HON. MICHAEL E. RYAN

Subscription of the Issuing Judge

I certify that this instrument constitutes a true copy of the warrant of arrest issued and subscribed by the above-named judge of the Criminal Court of the City of New York.

Justin A. Barry, Chief Clerk
Criminal Court, City of New York

Description of Defendant

Defendant's Address 1 Buckley Ct. Towson, MD 21286

Defendant's Employer and Address _____

NYSID # _____ SSN # _____ Driver's Lic. _____

AKA _____ Eye Color Brown Age 26

DOB 05/06/1998 Sex Male (M) Female (F) Height 5'10" Weight 140

Race I - American Indian or Alaskan native A - Asian or Pacific Islander B - Black
 W - White U - Unknown

Hair Color Bald Black Blonde Blue Brown Gray
 Green Multi-colored Orange Other Pink
 Purple Red Sandy Unknown White

Exhibit G



NEW YORK SUPREME CRIMINAL COURT

100 Centre Street, New York, NY 10013
RETURN TO PART 32, ROOM 1300

UCS-120

The People of the State of New York

vs.

LUIGI N. MANGIONE

**IN THE NAME OF THE PEOPLE OF THE STATE OF NEW YORK,
TO: ANY SWORN POLICE OFFICER IN THE STATE OF NEW YORK:**

Whereas, an accusatory instrument having been filed in this Court charging the above-named defendant with the commission of the offense(s) of:

Warrant-Arrest

Docket Number:

IND-75657-24/001

Charge	Charge Weight	Charge Description	No. of Counts	Count	*FPO	Prints Already Taken
PL 125.27 (A)XIII	AI	Murder-1st:Act Of Terrorism	1	1	Y	N
PL 125.25 (1)T	AF	PL490.25/Crm Trorsm:Murder-2	1	2	Y	N
PL 125.25 (1)	AF	Murder: Intention	1	3	Y	N
PL 265.03 (1)B	CF	CPW-2nd: Loaded Firearm	1	4	Y	N
PL 265.03 (3)	CF	CPW-2nd: Loaded Firearm	1	5	Y	N
PL 265.02 (7)	DF	Crim Poss Weap 3rd-Asslt Rifle	1	6	Y	N
PL 265.02 (2)	DF	Crim Poss Weap-3rd:Bomb/Silent	1	7	Y	N
PL 265.02 (8)	DF	Crim Poss Weap 3rd-Ammo Clip	2	8-9	Y	N
PL 265.01 (9)	AM	Crim Poss Weap-4th Ghost Gun	1	10	Y	N
PL 170.25	DF	Possess Forged Instrument-2nd	1	11	Y	N

The above-named defendant not having been arraigned upon the accusatory instrument commencing this criminal action, and this court requiring said defendant's personal appearance for the purpose of arraignment upon the accusatory instrument;

YOU ARE, HEREBY, COMMANDED TO FORTHWITH ARREST THE ABOVE-NAMED DEFENDANT AND BRING THE DEFENDANT BEFORE THIS COURT, OR IF THIS COURT IS NOT IN SESSION, TO DELIVER THE DEFENDANT TO THE CUSTODY OF THE NEW YORK COUNTY SHERIFF OR DEPARTMENT OF CORRECTIONS, AS APPLICABLE, TO BE HELD IN CUSTODY AND PRODUCED IN THIS COURT ON THE NEXT BUSINESS DAY FOR ARRAIGNMENT ON THE ABOVE CHARGES.

AKA(s): Height: 5'10" Weight: 140. Eye Color: Brown. Hair Color: Brown Skin Tone: White/Light. Social Security Number: [REDACTED] Driver's License Number: [REDACTED], MD. License Expires: 05/06/2026 Address: 1 BUCKLEY CT. TOWSON, MD 21286			CJTN: NYSID: N/A
Address: 1 BUCKLEY CT. TOWSON, MD 21286			Arrest Number: Complaint Number:
Sex: Male	Race: White	DOB: 05/06/1998	EYO: N YO: N Gang Affiliation:

Issued: December 17, 2024

Dated: December 18, 2024

C. Fields / ACC

C. FIELDS / ACC
ASSOCIATE COURT CLERK

By virtue of the within warrant, I have arrested and have in my custody the above-named defendant.

Dated:

[Signature]
Arresting Officer

**ATTACH SUPREME COURT OR FAMILY COURT WARRANT
TO THIS SHEET**

Print/Type All Captions

Defendant's Last Name MANGIONE	First Name LUIGI	M.I. N.	Sex M	Race WHITE	Date of Birth 5/6/1998
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Height 5'10"	Weight 140	Eye Color BRN	Hair Color BRN	Skin Tone WHITE/LIGHT
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NYSID Number [REDACTED]	Social Security Number [REDACTED]	Driver's License Number [REDACTED]	State MD	License Expires 5/6/2026
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Additional Information (i.e., scars, marks, tattoos, FBI number, etc.)

[REDACTED]

Defendant's Home Address 1 BUCKLEY CT.	Apt.	Borough/City TOWSON	State MD	Zip Code 21256
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TOP Charge MURDER IN THE FIRST DEGREE	Penal Law § 125.27(1)(a)(XIII) & (b)	Crime Class F M <input type="checkbox"/> V <input type="checkbox"/> <input checked="" type="checkbox"/>
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Defendant's Alias (AKA)

[REDACTED]

Exhibit H



Luigi Mangione Official Legal Fund for all 3 Cases

Luigi and his team are accepting the funds which will be disbursed to Luigi's attorneys who will be handling the extensive expenses associated with the legal defense for three separate, unprecedented pending criminal cases:

- People of the state of New York V Luigi Mangione
- United States of America versus Luigi Nicholas Mangione
- Commonwealth of Pennsylvania versus Luigi Nicholas Mangione

Luigi and his legal team have officially accepted the funds and, while Tom Dickey is Luigi's attorney in one of the cases, Karen Friedman Agnifilo is representing Luigi, and the funds will be used across all three cases.

This fund is irrefutable evidence of the public's support for Luigi and their consciousness that he is being treated in an unprecedented and unfair fashion by a state acting out of cowardice and fear to make a spectacle of his case in an attempt to intimidate us all into submission to state and corporate power.

We believe in the constitutional right of fair legal representation. Luigi Mangione, a 26-year-old born and raised in Maryland, was taken into custody as a suspect in this case on December 9th. If Luigi chooses to reject any portion of the funds, that portion will instead be donated to legal funds for other U.S political prisoners and defendants facing politicized charges.

Please share in your networks and follow us on Twitter @d4legalcomm for updates. You can get in touch with us at d4legalcomm@gmail.com

DISCLAIMER

Please note that by choosing to donate money to his legal defense, you acknowledge that it does not give you any right or access to information or materials regarding the cases, nor will you be able to dictate how any donated monies are spent. Additionally, the tax deductibility of your contribution depends on applicable laws and regulations; please consult a tax professional to determine eligibility.

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

THE PEOPLE OF THE STATE OF NEW YORK

-against-

LUIGI MANGIONE,

Defendant.

**AFFIRMATION IN RESPONSE TO DEFENDANT'S
OMNIBUS MOTION**

IND-75657-24

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