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November 25, 2025

VIA HAND DELIVERY

Hon. Gregory Carro
Supreme Court of the State of New York
100 Centre Street
New York, NY 10001

Re: *People v. Mangione*, Ind. No. 75657-24

Dear Judge Carro:

We write to the Court to resolve several matters in advance of Monday's suppression hearings so that the proceedings may move forward efficiently and without unnecessary delay. As discussed below, Mr. Mangione respectfully requests that the Court preclude the prosecution from introducing into evidence the contents of the red notebook allegedly recovered from his backpack on December 9, 2024, along with the contents of two notes and any other writings from the backpack, his person, or any other container. We further request an offer of proof regarding certain witnesses the prosecution has indicated it intends to call at the hearing, as well as clarification on the additional matters set forth below.

Background

Mr. Mangione moved on April 30, 2025, to suppress items alleged to have been in his possession at the time of his arrest, along with numerous statements the prosecution intends to introduce during its case-in-chief, and requested *Mapp*, *Huntley*, and *Mosley* hearings. The prosecution consented to *Mapp* and *Huntley*, and the Court granted all three. The prosecution has since taken the position that the *Mosley* hearing is premature because they are unsure of their trial strategy. Accordingly, we expect that only the *Mapp* and *Huntley* hearings will proceed on December 1, 2025.

Limitations on Evidence at the *Mapp* Hearing

The defense has inspected the property that is the subject of the *Mapp* hearing, including several writings the prosecution alleges were recovered from the backpack that we contend was searched in violation of Mr. Mangione's Fourth Amendment rights. We ask that the Court bar the prosecution from introducing the contents of the notebook or any writings into evidence at the hearing, as doing so would make their contents public and would irreparably prejudice Mr. Mangione at his multiple upcoming trials.

The prosecution should be limited to using photographs of the exterior of the notebook and other writings that do **not** reveal their contents. For purposes of a *Mapp* hearing, the prosecution will not be prejudiced: its burden is only to prove that the Altoona Police Department acted lawfully under New York law when it seized property without a warrant. The actual content of the writings are irrelevant to that inquiry.

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We further request that witnesses not be permitted to testify regarding the contents of the writings or characterize them in any way, including referring to any item as a “manifesto”—a prejudicial, invented law-enforcement label.

There is no prejudice to the prosecution from these limitations, but the prejudice to Mr. Mangione would be profound. As the Court is aware, this case has drawn unprecedented media attention. Any statement, document, or allegation—true or not—is rapidly disseminated by traditional media, social media, and law enforcement sources. If the contents of these writings become public, they are virtually certain to reach potential jurors in this and in the parallel federal prosecution, including prospective federal jurors who will ultimately decide whether to impose the death penalty.

Moreover, as detailed at length in our suppression motion, we have made a good faith showing that this warrantless search violated the Fourth Amendment. If the writings are publicly revealed at the hearing but ultimately suppressed, the harm cannot be undone. The prejudice would be insurmountable—at both the state and federal levels—where the stakes for Mr. Mangione could not be higher.

The defense’s proposal is a reasonable and narrowly tailored compromise. It allows the prosecution to meet its burden while avoiding the transformation of a limited suppression hearing into a public mini trial that would severely prejudice Mr. Mangione.

Witnesses for the Hearings

On January 7, 2025, the District Attorney’s Office served counsel with CPL § 710.30(a) notice listing 35 statements attributable to Mr. Mangione. In preparation for the *Huntley* hearing, counsel noticed that there are more than ten statements in the § 710.30 notice that did not have a corresponding witness on the District Attorney’s witness list. On Saturday, November 22, 2025, counsel emailed the prosecution to determine whether there were statements in the § 710.30 notice that the District Attorney’s Office would no longer be offering at trial. The District Attorney has not responded to counsel’s email. Accordingly, we respectfully request that this Court direct the District Attorney’s Office to inform the Court and counsel whether there are any statements in the CPL § 710.30 notice that the District Attorney’s Office no longer intends to be the subject of the *Huntley* hearing. Moreover, to the extent the prosecution intends to pursue statements listed in the CPL § 710.30 notice that do not have corresponding witnesses on the proposed witness list, the Court should direct the District Attorney’s Office to inform the Court and counsel as to how the prosecution intends to admit those statements at the *Huntley* hearing.

In the same email, counsel also noted that there were several potential witnesses that did not appear relevant to the *Huntley* or *Mapp* hearings. These witnesses include the following:

- Emily States, Blair County 911 Coordinator
- First Assistant District Attorney Nichole Smith, Blair Co. District Attorney’s Office
- Sergeant Christopher McLaughlin, NYPD DCPI
- Detective Amy Johnson, NYPD CSU
- McDonald’s Video Custodian

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- Anissa Weisel, DANY Senior Investigative Analyst

Counsel requested an offer of proof as to what relevance these witnesses had to the hearings; the District Attorney's Office has not responded to counsel's request. Counsel requests that this Court direct the prosecution to provide an offer of proof as to the relevance of these witnesses to the hearings.

Exhibits for the Hearing

We request that the prosecution provide any exhibits it intends to introduce at the hearing in advance, so the defense may determine whether objections are warranted. This will ensure the hearing proceeds efficiently and avoids unnecessary pauses to review evidence or litigate admissibility.

Redaction of Personal Identifying Information

We request that Mr. Mangione's address, emergency contact information, Social Security number, and any other personal identifying information be redacted from all paperwork, body-worn camera footage, and any other material to be used at the hearings.

Restraints During the Hearings

We renew our request that Mr. Mangione be unshackled during the multi-day hearings so that he may meaningfully participate, take notes, and consult with counsel. If complete removal of restraints is not feasible, we respectfully request that at least one hand be unshackled to allow him to write.

Defense Request to Call Witnesses

The defense seeks to call the following two employees of the Altoona Police Department as part of the *Mapp* hearing: Cpl. Garrett Trent and Patrolman Randy Miller. To avoid unnecessary delay, we request that the District Attorney's Office assist counsel in arranging for these two witnesses to be available for the hearing.

Respectfully submitted,



Karen Friedman Agnifilo
Marc Agnifilo
Jacob Kaplan

Counsel for Luigi Mangione

cc: District Attorney's Office (via email)