

AGNIFILO INTRATER

June 3, 2025

The Honorable Gregory Carro
 Supreme Court of the State of New York
 100 Centre Street – Part 32
 New York, NY 10013

Re: People v. Luigi Mangione, Ind. No. 75657/2024

Dear Judge Carro:

We respectfully request that during the next court appearance on June 26, 2025, Mr. Mangione be permitted to have his hands unshackled while seated at the defense table and he be permitted to wear court appropriate clothing without a bulletproof vest.

The authorities—both state and federal—have already prejudiced Mr. Mangione in the media more than virtually any defendant in recent memory. This commenced with the NYC Mayor-led staged perp walk, and it continues until today. These same authorities should not use Your Honor’s courtroom and Mr. Mangione’s court appearances to perpetuate a false narrative that Mr. Mangione is an unusual danger requiring extraordinary security measures. There is no disputing that he has been a model prisoner, a model defendant in court, and has treated everyone in the court and prison system with cooperation and respect. These deeply prejudicial security measures, which are invariably photographed and circulated to the public, including potential jurors, are unnecessary and should not continue as they are damaging to Mr. Mangione’s right to a fair trial.

Our narrowly tailored request, which is in the Court’s discretion, is that Your Honor permit Mr. Mangione, when seated at counsel table, to be treated like other defendants and have his arms unshackled and no bulletproof vest, which is how he appeared in federal court in December 2024 and April 2025 without the need for counsel to request these conditions.¹ Wearing handcuffs and a visible bulletproof vest in court unfairly prejudices Mr. Mangione and impedes his right to effectively defend himself for no justifiable reason.

Notably, when counsel made a request to unshackle Mr. Mangione at the February 21, 2025, court appearance, this Court initially responded, “Go ahead and uncuff him.” (2/21/25 Tr. at 2.) After a court officer approached the bench and had an off-the-record conversation with the Court without counsel present, Your Honor stated, “for security reasons, they want him cuffed” (*id.*), without elaborating what the security issues were. The Court then allowed counsel to make the following record:

[T]his is a highly publicized and covered and photographed court proceeding with strong public interest, and when my client comes to court, because he’s in federal

¹ To provide a reasonable compromise, we are not requesting that his legs be unshackled for the court appearance. This in no way, however, indicates that we believe there is a need for his legs to be shackled as we do not believe him to be a flight or safety risk.

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custody, they bring him, they walk him in leg shackles, arm shackles. They have him sitting here, and there is no presumption of innocence.

I'd also like to let you know that I go visit him regularly at MDC where we sit in a room, he's completely unshackled. He is a model prisoner at MDC. There has not been an issue. He has not given the police one single problem. There is no reason for him to be this way in court with all these officers here standing here.

(*Id.* at 3.) In response, the Court noted as follows: "I understand that, but for security reasons and for the security people here, they would prefer him to remain cuffed." (*Id.*)

Courts have long recognized that visibly shackling a defendant in front of a jury is prejudicial and thus they should not be physically restrained unless it is justified by a special need specific to the defendant, such as a defendant's behavior or risk of escape—neither of which are present in this case. In *Deck v. Missouri*, the Supreme Court noted that the "law has long forbidden routine use of visible shackles during the guilt phase." *Deck v. Missouri*, 544 U.S 622, 626 (2005). Rather, the Constitution requires that a defendant can only be shackled "in the presence of a special need." *Id.*

The Supreme Court stated three reasons for its decision. First, "the criminal process presumes that the defendant is innocent until proven guilty." *Id.* at 630. This bedrock of criminal justice is undermined by shackling because it suggests to the jury "that the justice system itself sees a need to separate a defendant from the community at large." *Id.* (quotations omitted). Second, shackling a defendant "can interfere with the accused's ability to communicate with his lawyer" and his "ability to participate in his own defense," both rights guaranteed by the Constitution. *Id.* Third, "judges must seek to maintain a judicial process that is a dignified process." As the Court noted:

The courtroom's formal dignity, which includes the respectful treatment of defendants, reflects the importance of the matter at issue, guilt or innocence, and the gravity with which Americans consider any deprivation of an individual's liberty through criminal punishment. And it reflects a seriousness of purpose that helps to explain the judicial system's power to inspire the confidence and to affect the behavior of a general public whose demands for justice our courts seek to serve. The routine use of shackles in the presence of juries would undermine these symbolic yet concrete objectives.

Id. at 631. For these three reasons, the Court ruled that "due process does not permit the use of visible restraints if the trial court has not taken account of the circumstances of the particular case." *Id.* at 632.

Consistent with *Deck*, the New York Court of Appeals has held that, as a matter of both federal and state constitutional law, a trial defendant "has the right to be free of visible shackles, unless there has been a case-specific, on-the-record finding of necessity." *People v. Best*, 19 N.Y.3d 742, 743 (2012); *see also People v. Sanders*, 39 N.Y.3d 216, 220 (2023) ("The Due Process Clause of the Fourteenth Amendment to the United States Constitution prohibits states from physically restraining a defendant during a criminal trial without an on-the-record, individualized assessment of the "state interest specific to a particular trial." (quoting *Deck*)). As part of its

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decision, the Court of Appeals noted that it could not “ignore the way the image of a handcuffed or shackled defendant affects the public’s perception of that person and of criminal proceedings generally.” *Best*, 19 N.Y.3d at 744. In doing so, New York’s highest court in *Best* extended *Deck* to consider the effect that shackles will have on the “public’s perception” of a defendant, exactly the concern that Mr. Mangione is voicing in this motion.

Although *Deck* and *Best* refer to cases in trial and sentencing postures, the rationale underlying these decisions equally applies in Mr. Mangione’s case given the high-profile nature of the three concurrent prosecutions. While there is obviously no jury in the courtroom for the prejudicial restraining of Mr. Mangione, because of the unprecedented public interest in these cases, *Deck* and *Best* still apply. Every court appearance is widely covered by the news and social media—providing video footage, still images, court sketches, online content and multiple purported “documentaries” where actors attempt to recreate every alleged aspect of this case. In fact, after the February 21, 2025, court appearance, images of Mr. Mangione in handcuffs and a bulletproof vest were featured in major news organizations such as *Reuters*, *The Washington Post*, *The New York Times*, *The New York Daily News*, *The New York Post*, *BBC* and *NBC*, as well on social media platforms such as X and Reddit, to name only a few. These news and social media articles attract millions of views. For example, one photograph of Mr. Mangione’s shackled ankles while seated in this Court was posted on X and has garnered more than 36 million views. Consequently, given that Mr. Mangione will be photographed and sketched at the next appearance in court and potentially video recorded,² the repeated imagery of Mr. Mangione in shackles with a bulletproof vest unjustifiably prejudices Mr. Mangione in the eyes of future jurors by portraying him as a dangerous person who requires special security treatment in court.

In addition to pretrial prejudice concerns, shackling Mr. Mangione’s hands will limit his ability to meaningfully participate in his defense by preventing him from accessing his legal papers, taking notes and providing notes to counsel during the appearance. Such interference with a defendant’s ability to communicate with his lawyer was part of the Supreme Court’s analysis in *Deck* and applies equally in Mr. Mangione’s case.

Furthermore, there is no reasonable security justification to physically restrain Mr. Mangione differently in state court than in federal court. Since Mr. Mangione was first arrested in Altoona, Pennsylvania, he has been respectful and cooperative and has not been either a flight or security risk. As has been widely reported and is captured on multiple police body worn camera videos, at the time of Mr. Mangione’s arrest he was calm and compliant and did not attempt to flee or disobey the police officers’ instructions in any way. Not only was he respectful with law enforcement, but his first reaction while being arrested was to express concern for the safety of the McDonald’s worker who called the police, again demonstrating his sympathy for others and lack of a need for heightened security measures. Since most of Mr. Mangione’s actions were captured on law enforcement cameras the day of his arrest, the Court can independently verify this information.

² Mr. Mangione’s initial arraignment was broadcast via video; only still camera photos were present for his subsequent court appearance. For the sake of transparency and the media’s and public’s First Amendment rights, Mr. Mangione consents to future court appearances being both photographed and broadcast via video.

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Additionally, by all accounts, Mr. Mangione's cooperative and compliant behavior continued throughout his ten days while in custody in the Commonwealth of Pennsylvania. On December 19, 2024, Mr. Mangione was transported without incident from Pennsylvania to New York, after waiving extradition. Again, most of this transportation via a fifteen-car police caravan, an airplane, and a helicopter was captured on video—including the now infamous perp walk where authorities staged Mr. Mangione surrounded by heavily armed police officers with automatic rifles visibly on display and at the ready. As a result, Mr. Mangione's actions demonstrating cooperation and compliance have been documented in great detail, from multiple angles and multiple cameras, and have been widely viewed around the world. Counsel has now viewed hundreds of hours of said video recordings, and there is not a single instance where Mr. Mangione is disruptive, uncooperative, disobedient or non-compliant.³

Mr. Mangione has been held in federal custody at the Metropolitan Detention Center ("MDC") located in Brooklyn, New York, since December 19, 2024. During the 167 days in pre-trial detention, Mr. Mangione has not been a security or flight risk requiring special, restricted or different treatment than any other general MDC inmate. He has never been cited by officers for misconduct, nor has he ever been punished or restricted; he has not exhibited any uncooperative behavior and has not been placed in any specially restricted location such as the Special Housing Unit (also known as "the SHU"). In fact, he has been assigned to a work detail and is in the general population. To further illustrate this point, counsel visits Mr. Mangione nearly daily in the common visitor area at the MDC—a large open room with rows of small plastic chairs and no barriers between people or groups, where unshackled inmates meet with their families and where visitors and lawyers walk freely to buy food from vending machines and heat their food in a microwave. There are often dozens of people (including young children, babies, family members and others) sitting arms-length apart in the same large area as a completely unshackled Mr. Mangione. In other words, Mr. Mangione is treated just like any other pre-trial detainee, not like someone who is a heightened security or flight risk.

There is also no security justification for requiring Mr. Mangione to wear a bulletproof vest in a courthouse where all visitors are screened through a metal detector on arrival. Tellingly, Mr. Mangione was not required to wear a bulletproof vest at his December 23, 2024, arraignment

³ The single instance where Mr. Mangione's behavior could be misinterpreted as anything other than cooperative occurred outside the Pennsylvania courthouse on December 10, 2024, when he turned to the press to state, "Your coverage of this event is completely out of touch and an insult to the intelligence of the American people and their lived experience." Footage of this interaction has been widely viewed and repeatedly broadcast, typically as a partial clip or with audio strategically removed to portray Mr. Mangione as erratic. A careful look at this footage, however, clearly shows Mr. Mangione's calm demeanor both as he exits the police car and after he walks through the courthouse door. The only physical aggression is exercised by the multiple officers who physically slam him against the wall to silence him once he begins speaking. At no point in this clip does Mr. Mangione resist at all.

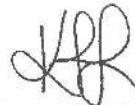
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before this Court, and there is no reason for him to be wearing one now. To counsel's knowledge, there have been no threats to Mr. Mangione's safety, and the only one wishing to execute him is the federal government. Wearing a bulletproof vest therefore serves no other purpose than to prejudice Mr. Mangione in the media and before future potential jurors.

Each time Mr. Mangione has appeared in federal court (both in December 2024 and more recently in April 2025), he was wearing neither a bulletproof vest nor arm restraints of any sort, only leg shackles—which is what we are requesting here. Notably, counsel did not even have to request that Mr. Mangione appear with his hands unrestrained, as the U.S. Marshals Service removed his restraints on their own as is standard. There is no justification to treat Mr. Mangione's security protocol differently in state court than in the more serious federal court case where he faces potential execution. That Mr. Mangione's state court appearances have cameras in the courtroom (as opposed to federal court) does not suddenly turn Mr. Mangione into more of a security threat that requires shackles and a bulletproof vest in the courtroom, especially given that the state and federal cases involve **identical allegations**.

To conclude, Mr. Mangione respectfully requests that he be permitted to sit in the courtroom without shackles on his hands and without wearing a bulletproof vest. Since the inception of this case, Mr. Mangione has been strategically portrayed to require heightened security measures and has endured unnecessary and prejudicial militaristic shows of force. Nevertheless, the holdings in *Deck* and *Best* inform Mr. Mangione's request today, as the photographs circulated of Mr. Mangione in Your Honor's courtroom are prejudicing future jurors against him—including some who may weigh the application of the death penalty to his federal case. Mr. Mangione is not a security threat. Since his arrest, he has been and remains cooperative, compliant and entirely non-violent. This has been the case in state court, federal court, Pennsylvania and while detained at the MDC, where he interacts nearly every day without physical restraints with attorneys, other prisoners and visitors in a large visiting room. Accordingly, there is no reason why the same security measures that apply in federal court should not apply in state court as well. Moreover, Mr. Mangione should also be allowed to wear court-appropriate civilian clothing during his court appearances.⁴ By allowing Mr. Mangione to appear with his hands unshackled, without a bulletproof vest, and wearing normal clothes, this Court will reinforce Mr. Mangione's presumption of innocence and limit the pretrial prejudice that Mr. Mangione faces given that images from the court appearance will undoubtedly be viewed millions of times and by potential jurors.

Respectfully submitted,



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Counsel for Luigi Mangione

⁴ While the District Attorney's Office has previously accommodated counsel requests that Mr. Mangione be allowed to wear civilian clothing at his court appearances, we are seeking a Court order to ensure that these accommodations continue throughout the pendency of this case.