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1 UNITED STATES DISTRICT COURT
2 SOUTHERN DISTRICT OF NEW YORK
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3 UNITED STATES OF AMERICA,

4 v. 25 Cr. 176 (MMG)

5 LUIGI NICHOLAS MANGIONE,

6 Arraignment
7 Defendant.

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8 New York, N.Y.
9 April 25, 2025
10 1:00 p.m.

11 Before:

12 HON. MARGARET M. GARNETT,

13 District Judge

14 APPEARANCES

15 JAY CLAYTON
16 United States Attorney for the
17 Southern District of New York
18 DOMINIC A. GENTILE
19 JUN XIANG
20 ALEXANDRA S. MESSITER
21 THOMAS JOHN WRIGHT
22 Assistant United States Attorneys

23 AGNIFILO INTRATER LLP
24 Attorneys for Defendant
25 BY: KAREN FRIEDMAN AGNIFILO
26 MARC ANTONY AGNIFILO
27 JACOB KAPLAN
28 -and-

29 MOSKOWITZ COLSON GINSBURG & SCHULMAN
30 BY: AVRAHAM C. MOSKOWITZ

31 Also Present:

32 Sofia Agnifilo, Paralegal
33 Thomas Ford, FBI

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(Case called)

MR. GENTILE: Good afternoon, your Honor.

Dominic Gentile, Jun Xiang, Alexander Messiter, and Thomas John Wright for the United States. Seated at the end of our table is Special Agent Thomas Ford with the FBI.

THE COURT: Good afternoon.

MS. FRIEDMAN AGNIFILO: Good afternoon, your Honor.

Karen Friedman Agnifilo, Marc Agnifilo, Mr. Mangione, Avi Moskowitz, Jacob Kaplan, and Sofia Agnifilo, our paralegal, for Mr. Mangione. Good afternoon.

THE COURT: Good afternoon. Everyone can be seated.

Before we begin, I just want to make a record about my prior employment and my knowledge of the lawyers in this case. From July of 2005 to October of 2017, I was an assistant United States attorney in the United States Attorney's Office for the Southern District of New York. I returned to the office in November 2021 as a deputy United States attorney and remained in that role until May of 2023. During that time, I was the ultimate supervisor of every case in the criminal and civil divisions of the U.S. Attorney's Office.

From May of 2023 to December of 2023, I was special counsel to the U.S. attorney, and in that capacity supervised all cases in the criminal division and certain cases in the civil division. During the time I was deputy U.S. attorney, I participated in the interview process that resulted in

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1 Ms. Messiter's hiring as an assistant United States attorney.
2 And other than that, I am only generally acquainted with these
3 four AUSAs, and I never worked with any of them directly on any
4 particular case or matter.

5 I also know Ms. Friedman Agnifilo as a law enforcement
6 partner on various issues and matters when she was at the
7 Manhattan District Attorney's Office, and I was variously at
8 the U.S. Attorney's Office and then chief of the criminal
9 division at the New York Attorney General's Office, and also
10 when I was commissioner of the New York City Department of
11 Investigation from 2018 to 2021. We don't have a personal
12 relationship beyond our past professional work together.

13 I also know Mr. Moskowitz very well, both as a former
14 adversary in criminal cases and as a professional colleague in
15 the criminal bar of this court. I don't believe that I know
16 Mr. Agnifilo or Mr. Kaplan.

17 I have rules specifically regarding my recusal from
18 U.S. Attorney's Office's matters which are posted on my public
19 website. Mr. Gentile, have you reviewed those rules and have
20 you reviewed the files at the U.S. Attorney's Office related to
21 this matter?

22 MR. GENTILE: We have, your Honor.

23 THE COURT: And to the best of your knowledge, are you
24 aware of any reason why I should recuse from this matter?

25 MR. GENTILE: We are not aware of any reason, your

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1 Honor.

2 THE COURT: Ms. Friedman Agnifilo, let me turn to you.
3 Are you aware of any reason why I should recuse from this
4 matter?

5 MS. FRIEDMAN AGNIFILO: No, your Honor.

6 THE COURT: Okay. Based on my own knowledge of the
7 case and the representations of the government, I also don't
8 see any basis for recusal. But Ms. Friedman Agnifilo, if you'd
9 like time to consult with your client, just send me a letter
10 within seven days of today if you change your mind or if you
11 have any issue you'd like to raise. Obviously should facts
12 develop as the case proceeds that bear on anything related to
13 recusal, anyone should feel free to bring that to my attention.

14 Okay. The next issue I'd like to address is the
15 appointment of Mr. Moskowitz. On February 4 of this year,
16 Mr. Moskowitz was appointed as learned counsel under 18, United
17 States Code, Section 3005 by Magistrate Judge Parker upon
18 recommendation of the federal defender for this district.

19 I want to affirm and continue that appointment today,
20 as I agree with Ms. Brown and Judge Parker that Mr. Moskowitz
21 has the requisite criminal practice experience in this district
22 and in the law governing capital cases and in addition my own
23 observation, is both highly skilled and highly represented by
24 the Court and the criminal bar in this district.

25 So our primary purpose today is for the arraignment of

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1 Mr. Mangione on the federal indictment which was returned
2 April 17 of this year and charges the defendant with one count
3 of stalking through travel in interstate commerce, one count of
4 stalking through the use of interstate facilities, one count of
5 murder through the use of a firearm, and one count of the use
6 of a firearm in relation to a crime of violence, including
7 brandishing and discharging that firearm and equipping the
8 firearm with a silencer.

9 Mr. Mangione, will you please stand.

10 Sir, have you seen a copy of the federal indictment
11 against you?

12 THE DEFENDANT: I have.

13 THE COURT: And have you had enough time to discuss it
14 with your lawyers?

15 THE DEFENDANT: Yes.

16 THE COURT: Would you like me to read the indictment
17 out loud, or do you waive its public reading?

18 THE DEFENDANT: I waive.

19 THE COURT: And how do you wish to plead today?

20 THE DEFENDANT: Not guilty.

21 THE COURT: All right. Thank you, sir. You can be
22 seated.

23 Mr. Gentile, I understand the defendant first appeared
24 in this district pursuant to a *prosequendum* writ on December 19
25 of 2024; is that correct?

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1 MR. GENTILE: That's correct, Judge.

2 THE COURT: He was presented in magistrate's court the
3 same day and ordered detained on consent without prejudice by
4 Judge Parker; is that right?

5 MR. GENTILE: That's correct, Judge.

6 THE COURT: Ms. Friedman Agnifilo, if in the future
7 you see any reason to make a renewed bail application, just
8 send that directly to me. And I have rules on my public
9 website about how that should be presented.

10 MS. FRIEDMAN AGNIFILO: Thank you, Judge.

11 THE COURT: Okay. Mr. Gentile, back to you.

12 Does the government anticipate filing any superseding
13 indictments, either adding defendants or additional charges in
14 this case?

15 MR. GENTILE: Not at this time, Judge, no.

16 THE COURT: I know there are identifiable victims in
17 the case, but is the government treating anyone other than
18 Mr. Thompson's family as victims entitled to statutory notice
19 in this case?

20 MR. GENTILE: We are not, Judge.

21 THE COURT: Do you have a process in place to ensure
22 that Mr. Thompson's family is notified of events and court
23 dates in this matter?

24 MR. GENTILE: We do, your Honor. We have our victim
25 witness coordinator in contact with the family, as is the

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1 prosecution team.

2 THE COURT: While I have you on your feet,
3 Mr. Gentile, why don't you describe for me and for the defense
4 what is the nature and status of the discovery in this case.

5 MR. GENTILE: Your Honor, the government is in
6 possession of approximately one terabyte of data. It
7 essentially boils down to about four tranches of information.
8 I can go through some of those tranches for the Court. The
9 first tranche are returns from grand jury subpoenas that were
10 issued by the government to various social media companies,
11 financial companies, phone companies of the like. That
12 approximates to about 110 gigabytes.

13 The second tranche are search warrant returns for
14 Google drive, historical cell site, iCloud. That amounts to
15 about a gigabyte of materials. The third tranche are from law
16 enforcement, basically NYPD files, videos, FBI files, social
17 media, and information obtained from the Pennsylvania
18 prosecutor's office.

19 And then the fourth tranche of information, which is
20 the largest, is one terabyte or approximately one terabyte from
21 the Manhattan District Attorney's Office, much of which
22 overlaps with the discovery materials I just recited for the
23 Court.

24 THE COURT: What's the status of producing these
25 various categories of materials to the defense?

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1 MR. GENTILE: We're prepared to start producing to the
2 defense within the next two to three weeks. We could probably
3 finish all the discovery in that timeframe.

4 THE COURT: Okay. And can you tell me, Mr. Gentile,
5 what is the state of your coordination with the Manhattan
6 District Attorney's Office, first in terms of discovery? Are
7 the processes in place to ensure that, to the extent the
8 District Attorney's Office has issued search warrants or taken
9 other steps to gather discovery that you are receiving,
10 everything that has already been produced to the defendant and
11 anything that may be producible under federal law even if it's
12 not under state law?

13 MR. GENTILE: Certainly, Judge. As I just mentioned,
14 our largest tranche of information comes from the District
15 Attorney's Office. We are in constant contact with them. We
16 have continued to receive on a rolling basis everything that
17 they have produced to the defense counsel. We have not gotten
18 everything. We are in the process of obtaining all of that
19 materials from them. I would say that I think it's fair to say
20 we have a majority of those materials from them, and we are
21 still waiting on certain extractions from electronic devices,
22 which has taken them some time to pull out.

23 THE COURT: Okay. And are there any post-arrest
24 statements by the defendant, either in Pennsylvania or after he
25 was brought to the district?

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1 MR. GENTILE: No, your Honor.

2 THE COURT: Okay. I'm going to order the government
3 to produce all discovery in their possession within 30 days of
4 today, which is - given the holiday, I'll say by Tuesday,
5 May 27.

6 MR. GENTILE: Certainly, Judge.

7 THE COURT: And Mr. Gentile, at this stage I'm not
8 going to hold you to it, but just so I have an understanding,
9 does the government have an expectation that expert testimony
10 will be needed at the guilt phase of this trial?

11 MR. GENTILE: Did you say in the penalty?

12 THE COURT: We have this beautiful space, but if we're
13 not all speaking in the microphones, the acoustics are not
14 great.

15 Whether the government presently expects expert
16 testimony to be necessary at the guilt phase of this trial.

17 MR. GENTILE: We do, your Honor. We expect at the
18 very least the medical examiner and possibly cell site experts
19 and phone company experts.

20 THE COURT: Okay. But nothing out of the ordinary for
21 a criminal case of this type?

22 MR. GENTILE: No, your Honor. Not at this time.

23 THE COURT: Okay. Let me just ask you briefly,
24 Ms. Friedman Agnifilo, whether at this point - again, I'm not
25 going to hold you to it, but just as we're thinking about the

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1 schedule – whether at this stage the defense has a sense of any
2 expert testimony needed at the guilt phase for a defense case?

3 MS. FRIEDMAN AGNIFILO: We're not prepared to address
4 that issue at this time, your Honor.

5 THE COURT: Okay. All right. We'll return to that at
6 an appropriate time.

7 I know that Judge Parker has already entered an order
8 pursuant to the Federal Rule of Criminal Procedure 5(f)
9 concerning the government's obligations under *Brady v. Maryland*
10 and its progeny to disclose to the defense all information,
11 whether admissible or not, that is favorable to the defendant,
12 material to guilt or punishment, and known to the prosecution.

13 Mr. Gentile, can you just confirm that you understand
14 the government's obligations and either you have fulfilled or
15 will fulfill them within the time I've set for discovery.

16 MR. GENTILE: Your Honor, the government is aware of
17 its obligations under *Brady* and its progeny, and we will comply
18 with those obligations as they arise. With respect to
19 discovery, I'm sorry, I didn't get the last part of what you
20 said.

21 THE COURT: To the extent any of that material is
22 currently in your possession, that you'll produce it to
23 Mr. Mangione within the time I've set for discovery.

24 MR. GENTILE: Absolutely, Judge. Yes.

25 THE COURT: Mr. Gentile, what can you tell me about

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1 your coordination with the District Attorney's Office regarding
2 a trial of this matter or anything else that relates to our
3 order of proceeding?

4 MR. GENTILE: Your Honor, the District Attorney's
5 Office, I believe they have a trial already set for the fall.
6 I believe that they will be proceeding on their normal course.
7 We respectfully submit that we would proceed in our normal
8 course. Given this is a capital case and there are issues that
9 need to be litigated beforehand, we would expect just the
10 nature of the two cases and the nature of the scheduling, that
11 the Manhattan District Attorney's Office will most likely
12 conduct their trial first, but we would not ask the Court to
13 make any special accommodations. We just ask the Court to
14 proceed during the normal course.

15 THE COURT: Ms. Friedman Agnifilo, what is the date
16 set in the state for Mr. Mangione's state trial?

17 MS. FRIEDMAN AGNIFILO: Your Honor, we haven't
18 discussed a trial date in the state yet with Judge Carro. What
19 we've been talking about is potentially having hearings in the
20 fall, suppression hearings, for example, but we have not talked
21 about that.

22 We understand that there was a handshake deal between
23 the prior administration and the Manhattan DA's Office that
24 their case would go first. But now that the death penalty is
25 being sought here, we are going to make a request that that no

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1 longer be the case and that this case proceed, your Honor, and
2 not the state court case. So that's going to be our official
3 position. We plan on writing on that and making more official
4 requests, but we just wanted to let your Honor know that that's
5 what our position is.

6 THE COURT: That's very helpful. Thank you.

7 I mean, I think I agree with Mr. Gentile that we
8 will -- barring some request otherwise, my intention is that we
9 will set a schedule for this case as if it's the only case.
10 And should an issue arise involving a conflict between the
11 scheduling that either party wants to bring to my attention,
12 you can certainly do that. But I think in terms of our
13 management of this case, we ought to proceed as if it's the
14 only case until circumstances suggest otherwise.

15 MS. FRIEDMAN AGNIFILO: Yes. It's partly scheduling,
16 your Honor. As you know, there's a lengthy mitigation process
17 that's going to occur in this particular case. It's partly
18 scheduling, but it's also constitutional issues are going to be
19 impacted if we are forced to try that case first and then
20 before your Honor. But we plan on briefing that for your
21 Honor, but I just wanted to let your Honor know that that's
22 coming down the pike.

23 THE COURT: Okay. And so the next scheduling issue
24 that I think we should address is I know that the defense filed
25 a motion before Judge Parker on April 11 related to the death

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1 penalty issues in this case. Of course events have overtaken
2 us in terms of what the posture of that motion was.

3 What I would propose is that now that Mr. Mangione has
4 been indicted and the government has filed its notice of intent
5 as of last evening, it seems to me that the best course is
6 either to deem the prior motion withdrawn without prejudice, or
7 if the defense prefers, I can deny the motion as moot without
8 prejudice to renewing those arguments and set a schedule that
9 allows you to brief in a single motion all the issues that you
10 want to raise regarding any actions of the government prior to
11 indictment and any issues raised by the notice of intent.

12 MS. FRIEDMAN AGNIFILO: If your Honor is referring to
13 the motion that we filed before Judge Ramos, the Part One
14 judge?

15 THE COURT: Right. I think it initially went to Judge
16 Parker, then it got sent to Judge Ramos in his capacity as Part
17 One judge. We're talking about the same motion.

18 MS. FRIEDMAN AGNIFILO: Yes, your Honor. We would
19 request an opportunity to renew that, set a motion schedule and
20 renew that because we're obviously in a different procedural
21 posture.

22 THE COURT: Yes. So I think in terms of just the
23 docket, I'll reflect that the motion's been denied as moot
24 without prejudice.

25 And how much time, Ms. Friedman Agnifilo, are you

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1 requesting to file a unified motion that might renew whatever
2 arguments from the prior one you want to renew, as well as
3 anything raised by the notice of intent?

4 MS. FRIEDMAN AGNIFILO: If we could have -- excuse me
5 one second.

6 (Counsel and defendant conferred)

7 MS. FRIEDMAN AGNIFILO: Mr. Agnifilo is about to start
8 another trial, your Honor.

9 THE COURT: Sure. Take a minute to confer.

10 (Counsel and defendant conferred)

11 MS. FRIEDMAN AGNIFILO: If we may have until the end
12 of June, we'd appreciate that.

13 THE COURT: Sure. That is consistent with what I had
14 in mind, approximately 60 days. Why don't we say Friday,
15 June 27.

16 Mr. Gentile, how much time would the government like
17 to respond?

18 MR. GENTILE: We request 45 days to respond, your
19 Honor.

20 And we would also request some clarification on the
21 relief that will be sought in this motion. Is this just
22 regarding the death penalty? Is this a motion to dismiss? Is
23 there any other issues in this motion that we're speaking
24 about?

25 THE COURT: So what I would like to do is to have the

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1 motion that I'm anticipating is the renewal by the defense of
2 any arguments from their prior motion that they wish to renew
3 in terms of any pre-indictment conduct by the government, as
4 well as any issues that relate to the notice of intent – in
5 other words, arguments directly going to whether I should
6 preclude the government from seeking the possibility of capital
7 punishment as a punishment in this case.

8 Once we have that schedule set, I then would like to
9 set today a schedule for what I would view as sort of the
10 ordinary pretrial motions in a criminal case, any motions to
11 dismiss the indictment, any suppression motions, and we'll set
12 a schedule for that. But for this motion, it really is only
13 the issues that relate specifically to whether the government
14 should be precluded in any way, for any reason from pursuing
15 capital punishment as a possible punishment in this case.

16 MR. GENTILE: That would be helpful. Thank you,
17 Judge.

18 THE COURT: Okay. All right. So I'll set the
19 government's date to respond for Friday, August 8, and
20 August 22 for a reply.

21 And as I just said, I'd also like to, while we're here
22 and have a schedule for discovery, set a schedule for the sort
23 of ordinary pretrial motions in a criminal case, any motions to
24 dismiss counts of the indictment, as well as any suppression
25 motions. And so bearing in mind that these things are going to

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1 be proceeding somewhat on two tracks, I would propose to the
2 defense sometime in late July or August for those motions. I
3 see Mr. Moskowitz is maybe not happy with that.

4 Assuming that you have received all of the discovery
5 by the end of May as I've directed the government to provide if
6 that's at all possible, how much time do you presently think
7 that you all would like to review that discovery and consider
8 what pretrial motions you might have?

9 (Counsel and defendant conferred)

10 MS. FRIEDMAN AGNIFILO: If it's okay with your Honor,
11 if we could have until the end of September since there's
12 approximately three terabytes worth of data that is going to be
13 produced. We're just getting started going through all of
14 that. We'd appreciate that time.

15 THE COURT: I think that that's reasonable given the
16 volume of the discovery and the other issues in this case.
17 I'll set September 26 for now, Friday, September 26, as a date
18 by which the defense will make any motions against the
19 indictment or related to suppression. And the government's
20 response on October 31, reply November 14. Okay.

21 I'd like to set then a next conference date which will
22 address the pretrial motions, set a hearing date if we need to
23 for suppression. Why don't we set that for Friday, December 5
24 at 11:00 a.m. My goal will be to set a trial date at that
25 conference. So all counsel should come prepared on December 5

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1 with their calendars, with any expected requests that you might
2 have, if necessary at that time, Ms. Agnifilo, regarding any
3 additional time you feel you need for mitigation investigation.

4 But my goal will be to leave that December 5
5 conference with a firm trial date set for 2026. Okay. And of
6 course if anyone thinks there's a need for a conference before
7 then because of issues related to the state case, because of
8 issues that arise in this case, just don't hesitate to reach
9 out, to send me a letter or reach out directly to Ms. Verneus
10 to request a conference, and we'll set that at a mutually
11 convenient time.

12 And likewise, the September -- the fall dates for the
13 motion practice are only outside dates. Sometimes it will
14 happen that early resolution of a particular issue would be
15 helpful to counsel, so if you want to file something before
16 then, don't feel you have to wait. But we'll expect those
17 motions in the fall.

18 Okay. The last thing before we turn to the speedy
19 trial clock and any other issues that counsel might like to
20 raise is that given the nature of this case, I would like to
21 just remind all counsel of the strictures of Local Criminal
22 Rule 23.1 about public commentary about this matter that could
23 impede or affect Mr. Mangione's ability to get a fair trial and
24 the Court's ability to select a fair jury in this case.

25 I'm specifically directing the government to convey my

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1 directive to Mr. Clayton and request that he convey the same to
2 Attorney General Bondi and any of her subordinates at Main
3 Justice.

4 Ms. Friedman Agnifilo, anything else you'd like to
5 raise before we talk about the speedy trial clock?

6 MS. FRIEDMAN AGNIFILO: I do want to make one record,
7 if that's okay with you, your Honor, regarding this
8 unprecedented dual prosecution, simultaneous dual prosecution
9 of Mr. Mangione for the exact same offense. It's created
10 numerous logistical and constitutional issues for us that, as I
11 said, we'll be addressing in future motions to you, but there
12 is one thing I'd like to put on the record.

13 We were just informed by the state court prosecutors
14 that they were eavesdropping on all of Mr. Mangione's calls.
15 They were listening to his attorney calls and his other calls
16 that are going on, and they said that it was inadvertent that
17 they listened to a call between Mr. Mangione and me, who I am
18 the lead counsel of record. And they know that, and obviously
19 the United States knows that as well.

20 And they said that these calls were given to them by
21 the Southern District and they're being recorded at MDC. So we
22 just want to make sure that something is put in place, your
23 Honor, that does not -- they said that they didn't -- that only
24 one person listened to it. They took steps to minimize any
25 encroachment into the attorney-client relationship and no one

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1 discussed with the one person who did listen, and that it was
2 inadvertent.

3 But we would just ask that the Southern District put
4 something in place to ensure that no calls to his legal team
5 and among the legal team are either recorded or listened to,
6 certainly not provided to the Manhattan DA's Office or the U.S.
7 Attorney's Office.

8 THE COURT: Mr. Gentile, what can you tell me about
9 this situation?

10 MR. GENTILE: Your Honor, this is the very first we've
11 heard of this situation. Of course that's not the normal
12 practice for the U.S. Attorney's Office or any office. All
13 jail calls are recorded, as the Court knows, but we do not pull
14 attorney-client calls. We will look into it, and we will make
15 sure we rectify it, your Honor.

16 THE COURT: Okay. I mean, recognizing that you've
17 just heard of this situation, I'd like a letter from the
18 government within seven days of today -- Friday, May 2, I
19 believe -- just updating the Court on, first, that Mr. Mangione
20 is being afforded appropriate access to a line that is reserved
21 for attorney calls. My understanding is the MDC still has such
22 a line; is that correct?

23 MR. GENTILE: I'm not -- I can't answer that, your
24 Honor.

25 THE COURT: So I would like to know what are the

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1 arrangements for Mr. Mangione to be able to speak to his
2 attorneys without -- I know those calls are typically recorded
3 by the Bureau of Prisons, but to ensure that he has access to a
4 line that is segregated from any calls that go to the
5 government, and to the extent there has been inadvertent
6 production, what the U.S. Attorney's Office is doing to ensure
7 that those calls have been segregated and aren't accessible to
8 any member of the prosecution team.

9 MR. GENTILE: Certainly, Judge.

10 THE COURT: Okay. Mr. Gentile, anything else the
11 government would like to raise before we talk about the speedy
12 trial clock?

13 MS. FRIEDMAN AGNIFILO: No, your Honor.

14 MR. GENTILE: No, your Honor.

15 Just briefly, with respect to Rule 16 discovery, we
16 anticipate producing that discovery pursuant to a protective
17 order. We conferred briefly with defense counsel prior to your
18 Honor taking the bench. We will meet and confer about the
19 terms of that protective order, but we just wanted to let the
20 Court know that a protective order will be forthcoming.

21 THE COURT: Okay. And obviously if you reach an
22 impasse on the terms of that and you need my involvement, just
23 let me know and we can arrange a conference if necessary.

24 MR. GENTILE: Certainly, Judge.

25 With respect to the Speedy Trial Act, the government

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1 moves to exclude the time between now and December 5 of 2025
2 from the provisions of the Speedy Trial Act to allow the
3 government time to produce discovery, allow defense counsel
4 time to review that discovery, and make whatever motions it
5 deems appropriate.

6 MS. FRIEDMAN AGNIFILO: We agree, your Honor.

7 THE COURT: Okay. I'll just note that the indictment
8 was returned on April 17. Recognizing the government's
9 position that time doesn't begin to run until arraignment, I'm
10 not sure that I agree with that position as a legal matter, but
11 in any event, at most seven days have elapsed on the speedy
12 trial clock. However, I will exclude the time from today until
13 December 5 of 2025.

14 I find that the ends of justice served by excluding
15 that time outweigh the interests of the public and the
16 defendant in a speedy trial because the time is needed for the
17 government to complete its production of discovery, for the
18 defendant and its lawyers to review that discovery, for the
19 filing of motions specifically related to the seeking of
20 capital punishment as well as motions related to the indictment
21 and any Fourth Amendment or Fifth Amendment suppression issues,
22 and, in addition, for all counsel to continue to discuss the
23 appropriate schedule and progress of this case.

24 Okay. Anything further, Mr. Gentile?

25 MR. GENTILE: Not from the government, Judge. Thank

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1 you.

2 THE COURT: Ms. Friedman Agnifilo?

3 MS. FRIEDMAN AGNIFILO: No, your Honor. Thank you
4 very much.

5 THE COURT: Okay. The defendant will remain in
6 custody, and I will see you all on December 5.

7 We're adjourned.

8 (Adjourned)