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March 25, 2025

Hon. Gregory Carro
New York State Supreme Court
Part 32
100 Centre Street,
New York, NY 10013

PART 32 MAR 25 2025

Re: People v. Luigi Mangione
Indictment No. IND-75657-24

Dear Honorable Gregory Carro:

We are writing in response to counsel's letter to the Court dated March 19, 2025. Defendant draws the Court's attention to several matters, including 1) requesting a 78-day extension from April 9, 2025 until June 26, 2025 to file his omnibus; 2) seeking to preclude the People from filing a protective order; 3) seeking the Court's position on defendant being provided a personal laptop while in federal custody; and 4) updating the Court regarding discovery disclosures to this point in the case and demanding further discovery. The People address these matters in turn. Specifically, for the reasons set forth below, the People oppose an extension of defendant's time to file motions, ask that the Court reject defendant's meritless motion to preclude the People from filing a protective order, and request that the Court deny defendant's application for provision of a laptop for use in custody. The People further make the Court aware of an incident that occurred prior to the last court appearance on February 21, 2025.

I. The Court's Motion Schedule Should Remain the Same

The Court's motion schedule should not be extended, as defendant fails to provide a legitimate basis for needing additional time. The Court ordered defendant to file motions by April 9, 2025, for the People to respond by May 14, 2025, and adjourned the case to June 26, 2025 for the Court's decision on defendant's motions. In seeking a "brief" extension of the motion schedule, defendant asks for an additional 78 days until June 26, 2025, the date that the Court set on February 21, 2025 for its decision.

Counsel's primary reason for asking the Court for another two and a half months to file motions rests on a conclusory, unsubstantiated claim that the defense has not received enough of the discovery necessary to be able to prepare motions.

We have set out in the attached discovery list, Exhibit 1, a list of materials provided to date with the relevant dates they were provided. In summary, the People had served on defense counsel the following by February 21, 2025, the date the motion schedule was set:

- Between January 6, 2025 and January 8, 2025, the People served on defense counsel statement and identification notice pursuant to CPL §§ 710.30(1)(a) and (b), as well as several body worn camera videos, transcriptions of body worn camera, dash camera videos, interrogation video, and video surveillance containing known statements of defendant to law enforcement.
- On January 22, 2025, the People served on the defendant virtually all raw video surveillance footage collected by New York City Police Department ("NYPD") during the course of its investigation,¹ certain lab reports for forensic testing done by the NYPD lab (including latent print development, trace evidence analysis, and ballistic testing), the NYPD Latent Print Section case file, a data extraction of the cellphone defendant dropped as he fled the crime scene, and certain phone records obtained by warrant.
- On February 21, 2025, the People served on the defense all police reports and other discoverable material, including photographs and body worn camera footage, received thus far from Pennsylvania law enforcement authorities, the NYPD Crime Scene Unit reports and photographs, the forensic files from the Office of the Chief Medical Examiner for the DNA testing conducted for the case, all NYPD lab reports, notes, photographs, and the underlying scientific testing data, the autopsy report and photographs, the Grand Jury Testimony of all non-civilian witnesses, and all Grand Jury exhibits.

Certainly, as of the date the Court set the motion schedule, defendant was in possession of sufficient items of discovery necessary to file motions, including: 1) All statements of defendant to law enforcement the People intend to introduce at trial, as well as all related

¹ Notably, the video surveillance footage provided excluded certain video surveillance being reviewed for potential redactions and video surveillance obtained from certain locations in bulk, presently being reviewed to determine whether contains footage related to the subject matter of the case.

police reports and body worn camera recording the circumstances of any given statement, to the extent it exists; 2) Photographs and written recordings of all physical evidence recovered from both defendant as well as locations of interest during the course of the investigation, as well as all related police reports and body worn camera recording the circumstances of the recovery of the property, to the extent it exists; 3) identification notice, pursuant to CPL § 710.30(1)(b) and *People v. Perdue*, as well as police reports reflecting the circumstances of any identifications of defendant, whether subject to the aforementioned notice provisions or not; and 4) the Grand Jury testimony of all non-civilian witnesses, and all Grand Jury exhibits subject to limited redactions. Clearly, defendant had access to the forms of discovery needed to assess the validity of and/or file any suppression motions and motions challenging the sufficiency of the evidence before the Grand Jury—as Your Honor agreed.

During the February 21, 2025 court appearance, upon the People updating the Court on the status of discovery, the Court noted that counsel had received enough discovery to be able to file omnibus motions. *See* Exhibit 2 (Feb. 21, 2025 Minutes p. 7 (“It appears you have enough”)). The Court was absolutely correct in finding that the materials the defense had in its possession were indeed sufficient to allow the defense to prepare motions. Nothing has changed since the Court’s finding to reverse its decision. In fact, the defense is in a far better position today to make motions than it was on February 21, 2025. On March 7, 2025, the defense provided the People with a hard drive and the People provided the defense with the next batch of discovery by the following business day, March 10, 2025. As delineated in Exhibit 1, this batch of discovery contained all NYPD detective case reports (“DD5s”) and their corresponding attachments received to this point in the investigation, NYPD arrest paperwork, including the voucher paperwork associated with the physical evidence recovered during the course of the investigation, and copies of the search warrants, court orders, and their corresponding affidavits made as of that date. In addition, on March 11, 2025, the People furnished a copy of the People’s Automatic Discovery Form (“ADF”), outlining particulars, including a list of scientific and medical reports, a list of electronic recordings, a list of certain electronic information obtained by subpoena and search warrant, and an accounting of the tangible objects obtained from or possessed by defendant. All told, the People have provided counsel with over a terabyte of materials.

Despite the concededly “voluminous”² discovery production, the defense dubiously claims that they are not in a position to even “decide which motions to file.” Def. Letter at 6. In support of this assertion, the defense continually refers to a lack of civilian witness discovery, or civilian witness records. *See* Def. Letter at 1 (“[T]he defense has yet to receive any civilian witness discovery” and “[T]he prosecution has yet to provide the defense with any non-law enforcement discovery, including civilian Grand Jury testimony and NYPD DD-5s”); *See also* Def. Letter at 2, 7. However, quite the opposite is true. First, defendant has access to the vast majority of police reports documenting interviews of civilian witnesses, including all police reports obtained from Pennsylvania law enforcement, NYPD detective DD5s, the NYPD complaint report, and the memo books of responding NYPD officers. The only

² *See* Def. Letter at 1, 5, and 6.

information redacted from these disclosures are the names and identifying information for certain civilians—reasonable redactions to address valid concerns for witness safety. Contrary to defense counsel’s misleading characterization of the discovery provided, this is not an utter absence of “any civilian witness discovery” or even an absence of civilian witness statements from the NYPD DD5s. Defendant has access to information and evidence provided by civilian witnesses to members of the Altoona Police Department, members of the Pennsylvania State Police, and members of the NYPD, both patrol officers and detectives.

To be sure, the People have not provided the testimony of civilian witnesses before the Grand Jury, however civilian witnesses constituted a fraction of the testimony before the Grand Jury. To clarify this for the Court, the civilian witness Grand Jury testimony made up a grand total of 4 of the 23 witnesses called before the Grand Jury, one of whom was called to authenticate certain video surveillance. Additionally, the People have provided copies of every exhibit entered during the presentation, including those entered through civilian witnesses. Upon the Court’s request, the People can furnish the unredacted Grand Jury testimony for *in camera* review. As the Court would see, the presentation primarily rested on the testimony of non-civilian witnesses and other independent evidence.

The redactions at issue were narrowly tailored to shield certain information or material that identifies or tends to identify civilian witnesses and the extent of their cooperation, based on very real concerns for witness safety—as discussed *infra*. Rather than writing motions as ordered by the Court, defendant exaggerates the extent of common-sense redactions to further defendant’s aim to delay these proceedings.

The defense further protests that they must have access to a copy of the electronic devices seized from defendant in order to file motions to controvert. As an initial matter, the People are not withholding this discovery, but rather, as outlined for the Court on the last calendar date, have focused our review, redaction, and disclosure of discovery on the items needed for defendant to file motions—which we have. It is uncontested that the People served on the defendant the search warrants and search warrant affidavits related to the seized devices. Thus, defendant has all that is necessary to move to controvert the search warrants. Defendant’s application is devoid of any explanation as to how the content of the devices bear on any potential motion to controvert. In addition, nothing on these devices was introduced in the Grand Jury.

Even if defendant determines that materials in future disclosures bear on a suppression issue or a motion to controvert, the defendant may supplement his motions at a later time. The Court made this clear to the defense when the defense sought a delay with very similar arguments on February 21, 2025. *See* Exhibit 2 (Feb. 21, 2025 Minutes p. 11).

In sum, the defense’s application to further delay motion practice must be denied, since their letter does not make out the necessity for such a delay.

II. Defendant's Baseless Request to Preclude the People from Filing a Protective Order Should be Denied

Counsel's request to preclude motions for protective orders as "late" is without a basis in law or logic. In fact, the explicit language of CPL § 245.70 provides that "[u]pon a showing of good cause by either party, the court may *at any time* order that discovery or inspection of any kind of material or information under the article be denied, restricted, conditioned or deferred . . ." CPL § 245.70(1). The defense does not offer any contrary statutory or case law authority for the remedy they seek. Instead, the defense makes a generalized claim that this should be the "consequence" for a violation of the discovery statute.

As the People informed the Court and counsel at arraignment, the volume of discovery materials is extensive and there are time-consuming redactions to be made in these materials. Thus, the People alerted the Court and counsel at the earliest possible time of the necessity for redactions and the voluminous nature of the discovery, something that the statute specifically contemplates when setting out the timelines for disclosures of discoverable items. *See* CPL §§ 245.10(1)(a), (1)(a)(iv)(B). The People do not believe that providing one terabyte of data constitutes a discovery violation. The alleged violation is that the discovery production has extended beyond the statutory timetable, an unavoidable reality in this case that has been known since the case's arraignment. The statutory timetable, of course, was written for the average case. Simply put, it does not contemplate a case of this magnitude and discovery of this volume. Even so, Article 245 leaves to the Court the discretion and responsibility to adjust timetables, in light of the realities of the case. *See* CPL § 245.70(2). The Court has done just that, requiring status updates from the People and deferring the motion schedule in the first place to ensure the defense had adequate discovery. That appropriately balances the unique challenge of discovery in this case that the People brought to the Court's attention at arraignment.

Moreover, even if the Court finds that the People have exceeded the statutory timetable, a sanction is utterly inappropriate in this context. While the defense does not cite to it, the discovery laws contain specific provisions for sanctions related to any claimed discovery violation. Art. 245 explicitly provides that any sanction imposed by the court for belatedly disclosed discovery must be "appropriate and proportionate to the prejudice suffered" by the defendant. CPL § 245.80(1)(a). A showing of prejudice is a required consideration—the level of prejudice the defense establishes, if any, speaks to the severity of the sanction, or lack thereof, that must be imposed. If the defendant fails to establish any prejudice at all, then any sanction imposed would be inappropriate and disproportionate.

Here, if we are to read defendant's request as a proposed sanction, the proposal is far from "appropriate and proportionate" to any claimed prejudice. In fact, defendant fails to claim any cognizable prejudice as the defense has gotten what they asked for. As the Court may recall, at defendant's arraignment on December 23, 2024, defense counsel requested "immediate expedited discovery." *See* Exhibit 3 (Dec. 23, 2024 Minutes p. 5). The Court indicated that the People "should expedite discovery." *Id.* at 8. The People put the Court on

notice of the volume of discovery at issue, spanning multiple jurisdictions, and the need to review and redact, and the Court noted when adjourning the matter that the People should give “more rather than less” discovery by the next date. *Id.* at 8-9.

As a result, the People’s initial focus was on reviewing and providing large swaths of discovery to the defense as soon as practicable, rather than filing a motion for a protective order, which would trigger hearings. Because of legitimate concerns for witness safety, the People reviewed materials before turning them over to defense, making necessary redactions. The preparation for the production was extremely time-consuming. Nonetheless, the People kept our promise to the Court and counsel to do our best to expedite as much material as possible.

Moreover, even assuming *arguendo* that defendant was able to show prejudice related to a discovery violation, defendant seeks an inappropriate and extreme sanction. While defendant’s attempted litigation of the merits of a protective order are premature, even a skimming of the news media, which defendant often cites to, highlight the concern for the safety of individuals who cooperate with the People’s investigation. Defendant’s conduct has directly led to several instances of harassment, backlash, and death threats against both individuals who have cooperated with the investigation as well as prospective witnesses, including employees of the Altoona McDonald’s where defendant was arrested,³ members of the Altoona Police Department who simply did their duty,⁴ and healthcare professionals both associated with UnitedHealthcare and others in the industry generally.⁵ The acts of those who sympathize with defendant show that nobody associated with the case is off limits to acts intended to intimidate and coerce. As a result, the People will seek to protect the identities of all civilian witnesses and the extent of their cooperation with the instant investigation.

Despite defendant’s blanket claim that “no basis exists for any protective order,” counsel is well-aware of the concern for witness safety, witness intimidation online and via social

³ See Taylor Herzlich, *Google removes 1-star McDonald's reviews after worker turns in Luigi Mangione, UnitedHealthcare CEO Brian Thompson's alleged killer*, N.Y. POST (Dec. 10, 2024), <https://nypost.com/2024/12/10/business/google-removes-bad-mcdonalds-reviews-after-worker-reports-luigi-mangione/> (reporting online reviews calling McDonald’s employees rats and a protestor at the Altoona McDonald’s); Jessica Botelho, ‘Rats everywhere’: Backlash hits McDonald’s after arrest of CEO shooting suspect, KFOX14 (Dec. 9, 2024), <https://kfoxtv.com/news/offbeat/rats-everywhere-backlash-hits-mcdonalds-after-arrest-of-ceo-shooting-suspect-fast-food-rodents-allegations-altoona-pennsylvania-new-york-police-department-luigi-mangione>.

⁴ See Bill Shannon et al., Altoona police say they’re being threatened after arresting Luigi Mangione, WTAJ, <https://www.wtaj.com/news/local-news/altoona-police-say-theyre-being-threatened-after-arresting-luigi-mangione/>; Khaleda Rahman et al., *McDonald's Workers Who Identified Luigi Mangione Get Private Security*, NEWSWEEK (Dec. 12, 2024), <https://www.newsweek.com/mcdonalds-worker-luigi-mangione-private-security-1999217>.

⁵ See Erik Ortiz et al., ‘Wanted’ CEO posters and other threats emerge after Mangione arrest, NBC NEWS (Dec. 11, 2024), <https://www.nbcnews.com/news/us-news/wanted-posters-threats-mangione-arrest-unitedhealthcare-rcna183867> (discussing threats to healthcare professionals, including a call to blow up a UnitedHealthcare building, a call asking for details about an employee’s children, and a call to an employee stating “This is why y’all’s CEO was shot, and if you’re not careful, you’re going to be next”).

media, and the chilling effect that it would have on the cooperation of vital witnesses should their identities and contact information be disclosed to a defendant well in advance of trial, particularly in a case of this nature.⁶ It would be illogical and absurd for a court to endanger witnesses or victims by refusing to consider a prospective protective order due to an alleged failure of the prosecutor to provide discovery.

The People intend to file a motion for a protective order on limited items in the coming weeks. For the reasons stated above, the defendant's application must be denied.

III. Defendant's Request for a Specially Formulated Laptop Should be Denied

The defense further asks this Court to provide its position regarding providing defendant with a personal laptop to review state discovery, for subsequent litigation in federal court. The People submit that the Court should deny defendant's application for the laptop and reject defendant's assertions that he is being treated unfairly.

We acknowledge that counsel sought our approval of a "specially formulated laptop" and the People declined to consent to defendant being provided a personal laptop. Contrary to counsel's claim in the letter, the People's understanding upon conferral with the United States Attorney's Office for the Southern District of New York ("USAO SDNY"), is that they have not taken a position on whether they would consent to the specialized computer for review of discovery. In fact, the USAO SDNY has not provided discovery in their matter in any form. The USAO SDNY simply says they would not object if we agreed to this special laptop for review of state discovery.

However, we do object for the reasons set forth below. First, defendant fails to show a necessity for defendant to receive a laptop in order to review discovery. Upon conferral with the Metropolitan Detention Center ("MDC"), the People learned that MDC generally objects to the provision of laptops to inmates, and for that reason, very few have them. Notwithstanding that, the People were informed that the defense can petition a court to order the provision of a laptop arguing, among other things, that a defendant has inadequate access to discovery or a laptop is necessary for an imminent trial. However, these circumstances are not present here. MDC assured the People that this defendant has ample access to desktop computers where he is housed to review discovery, conduct legal research, send emails, and draft motions. They informed us that defendant further already has access to paper discovery, which he is allowed to keep on his person and review.

Moreover, the digital discovery is the exact type of discovery that is of concern in this case. Given the impossibility to review and redact all raw video surveillance obtained with respect to this case, there is a concern that should defendant have unfettered access to video

⁶ See *Testimony before City Council Committee on the Justice System by Executive Assistant Karen Friedman Agnifilo* (Feb. 27, 2018), <https://www.manhattanda.org/wp-content/uploads/2018/02/2.27.18-CC-Discovery-Written-Testimony.pdf>.

surveillance, he may disseminate images of civilians captured on said video surveillance. As the defense notes, the People are concerned about the sensitive nature of the materials at issue prior to the litigation of a protective order.

Meanwhile, counsel contorts the People's objection to defendant receiving a special laptop into yet another hollow excuse for delaying their filing of motions on the case. Yet, the defense does not indicate how defendant's review of hours of raw footage could assist counsel in motion preparation nor does counsel explain why counsel could not direct the defendant to relevant portions of the discovery materials. There is no reason to believe that defendant has any specialized legal training which would make his review of *all* discovery to this point in the investigation necessary in motion preparation. Furthermore, a review by the defendant of the entire discovery package in excess of one terabyte of data, discovery laptop or not, could very well delay the defendant's motion response beyond June 26th.

Ironically, the defense repeats at every opportunity that defendant is being treated differently than other defendants similarly situated. *See* Def. Letter at 6; *See also* Exhibit 2 (Feb. 21, 2025 Minutes p. 12-13 (claiming defendant is "being treated differently than other defendants who would be prosecuted in this court")). Yet, that's precisely what the defense seeks—special treatment for defendant, without circumstances that warrant it. And, in the face of understandable and heightened concern for the safety of the People's witnesses that emanates from lackluster control over the discovery and the computers being used to review it.

Though the People understand this Court's ruling would be advisory in nature, the People ask the Court to deny defendant's request for a specialized computer at this time. The People further request that the defense provide adequate notice to the People of any application of the sort they make in federal court.

IV. The People's Response to Defendant's Remaining Discovery Arguments

To be clear, the People will provide all discovery to which the defendant is entitled under Article 245. The People continue to review, redact, and disclose materials to the defense on a rolling basis as promised. Nothing about this response should be construed any differently. However, some of defendant's arguments either do not relate to or inaccurately portray the scope of People's discovery obligations.

A. Law Enforcement Leaks

For one, despite fashioning the initial portion of the letter as a "Discovery Update and Demand for Discovery", the defense devotes much space in its letter to the Court outlining what it characterizes as law enforcement's prejudicial statements to the media about the evidence in the case. Certainly, this Court cannot be counsel's intended audience. Counsel made similar complaints of pretrial prejudice in both court appearances. On December 23,

2024, the Court responded to counsel's complaints about Mayor Adams' statements, noting that the Court has "very little control as to what happens outside of this courtroom." *See Exhibit 3* (Dec. 23, 2024 Minutes p. 7-8). Then, on February 21, 2025, counsel raised the issue of pretrial prejudice in an HBO special. The Court responded, "I'm going to cut you off, because that has nothing to do with you moving to have the grand jury minutes inspected for sufficiency, that's definitely going to be an issue in this case, or moving to controvert any of the warrants, you could always supplement your motions, but it's got to start." *See Exhibit 2* (Feb. 21, 2025 Minutes p. 11-12). Publicity surrounding the case carries no greater relevance to defendant's demand for discovery or his ability to file motions than it did on February 21, 2025.

Though defendant continuously invites discussion regarding external statements in the media, the People note that there are only two parties in this criminal prosecution, who each must follow rules regarding pretrial publicity: The People and the defense. *See Rules of Professional Conduct* (22 NYCRR 1200.0) rule 3.6. The People's limited statements to the media have fully comported with Rule 3.6. The defense, however, has on the one hand cried foul when entities outside the People's control have made public statements or gestures, while on the other has itself fanned the flames of the public attention.⁷ Of note, the defense made public statements by setting up a website.⁸ That website contains statements made by counsel, both in court and out of court. To the extent defendant's application relates to actions on the part of the District Attorney's Office, we will continue to conform our behavior to the Rules of Professional Conduct and guard against any prejudicial extrajudicial statements, and controvert any allegations to the contrary. We expect the defense to do the same.

B. Federal Information or Documentation

Finally, defendant demands that the People disclose information and documentation from the federal government received as part of a "joint NYPD/FBI investigation." The People will disclose any federally generated information or documentation in our actual possession. However, the People oppose any assertion that the People are statutorily obligated to provide materials within the custody of federal law enforcement agencies.

First off, defendant avers that the People have not provided any information or material from federal law enforcement. Defendant's assertion is simply inaccurate. On January 22, 2025, the People served on the defendant certain phone records received pursuant to a

⁷ Notably, the defense ensured that defendant was furnished with a green sweatshirt to wear, consistent with what his sympathizers were calling for supporters to wear at his calendar appearance. In addition, defense counsel addressed reporters outside the courthouse, before a group of Mangione supporters, ironically repeating and reinforcing the very acts of law enforcement she claimed to prejudice her client. *See Michael Ruiz, Luigi Mangione winks at supporters with green sweater under bulletproof vest*, YAHOO NEWS (Feb. 21, 2025), <https://www.foxnews.com/us/luigi-mangione-ceo-murder-case-raises-concerns-activist-jurors-may-ignore-evidence>; *Luigi Mangione's lawyer, Karen Friedman Agnifilo addresses press following court hearing*, ABC7 NEWS, YOUTUBE (Feb. 21, 2025), <https://www.youtube.com/watch?v=IYT985pEz5o>.

⁸ *See Luigi Mangione Legal Defense Information* (2025), <https://www.luigimangioneinfo.com/>.

search warrant obtained by the People, as well as the FBI analysis of said records provided after an offer of assistance. Additionally, on March 10, 2025, the People provided the detective DD5s to defendant. A review of the detective reports reveals, where, if at all, a given NYPD detective interacted with or was assisted by federal law enforcement—which were few. The fact that defense counsel's review of the discovery overlooked any reference to information provided by federal law enforcement is telling. It is because this was primarily investigated by the NYPD. As a matter of fact, not one of the witnesses who testified before the Grand Jury was a federal agent or individual with any connection to the FBI. Furthermore, none of the evidence presented to the Grand Jury was developed by the FBI.

Seemingly to advance the argument that the People are obligated to provide documentation in the possession of the federal government, the defense cites to *People v. Adams*, 226 N.Y.S.3d 533, 537 (Sup. Ct., Erie Co. 2025). However, defendant neglects to provide its holding. In *Adams*, the court found that that the People are not charged with providing items related to the subject matter of a state case within the federal government's possession, as the People "do not have control over federal law enforcement agencies for the purpose of CPL § 245." *Id.* at 538. Instead, the court noted that the People must disclose only the information from federal law enforcement that is in their *actual* possession. *Id.* at 539. Therefore, consistent with our obligations, the People will provide discovery related to the subject matter of the case that is in our actual possession. Moreover, the People will "make a diligent good faith effort to ascertain the existence of material or information discoverable under [CPL § 245.20(1)] where it exists but is not within" our control. CPL § 245.20(2).

V. Notes Found in Clothing for Defendant Provided by the Defense Team on February 21, 2025

While defendant continues his unsubstantiated complaints of unfair treatment, the People find it important to make the Court aware of how the special treatment to the defendant's benefit was violated when the People made accommodations for defendant's fashion needs during the last court appearance.

Whereas most incarcerated defendants must wear jail-issued clothing at their calendar appearances, the People have ensured that this defendant has had the opportunity to change into different clothing when producing him to court. Prior to the February 21, 2025 court appearance, Major Mike McKee, a New York State Court Officer assisting in defendant's transport, was given a bag of clothing for the defendant by members of the defense team. Investigator Sgt. Louis Capolupo was charged with searching the clothing. Among the items of clothing was a new pair of argyle socks wrapped around cardboard. Secreted in the cardboard were two personal heart-shaped notes, one addressed to an unknown person named "Joan" and the other to Luigi stating in part "know there are thousands of people wishing you luck." In spite of this, the defendant was permitted to wear the argyle socks, which he first changed into and later changed out of because he felt that "they did not look

good.” Fortunately, the items smuggled were handwritten notes and not contraband capable of harming the transporting officers.

Except as otherwise provided, the People ask the Court to deny defendant’s applications in their entirety.

Sincerely,

Joel Seidemann

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EXHIBIT 1

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

THE PEOPLE OF THE STATE OF NEW YORK

-against-

LUIGI MANGIONE,

Defendant.

PRELIMINARY
DISCOVERY/ROSARIO LIST

Indictment No. IND-75657-24

**THE FOLLOWING DOCUMENTS HAVE BEEN TURNED OVER TO
DEFENSE COUNSEL**

Discovery served on 1/6/2025 via eDiscovery (21.2 GB in data)

1. CPL §§ 710.30(1)(a), (b) Notice & *Perdue* Notice
2. BWC, Interrogation Video, Transcripts for CPL § 710.30(1)(a) Notice (41 folders, 275 files), including:
 - a. BWC & Metadata – Altoona PD
 - i. Detwiler (2 videos)
 - ii. Fox (1 video)
 - iii. Frye (2 videos)
 - iv. Snyder (4 videos)
 - v. BWC Transcripts (11 files)
 - b. Altoona Interview Room Videos
 - c. BWC & Metadata – Extradition (6 videos)
 - i. Tocco
 - ii. Pietanza
 - iii. Demarco
 - iv. Curcio
 - v. Brower
 - vi. Librizzi

Discovery served on 1/7/2025 via eDiscovery (4.55 GB in data)

3. Supplemental CPL §§ 710.30(1)(a), (b) Notice & *Perdue* Notice
4. Additional BWC for CPL § 710.30(1)(a) Notice (17 files, 4 videos), including:
 - a. BWC & Dash Camera Pennsylvania State Police

** All Disclosures were made with a corresponding table of contents delineating file names and/or bates stamps. The table of contents is included in file counts.

Updated: March 25, 2025

Discovery served on 1/8/2025 via eDiscovery (19.9 GB in data)

5. SCI Huntingdon Footage (63 folders, 179 files), including:
 - a. Surveillance & Camcorder Footage

Discovery served on 1/22/2025 via Hard Drive (735 GB in data)

6. HTAU Cellphone Extraction Motorola Phone at Scene ("CP-0001") (5 folders, 9 files)
7. DNA Testing Raw Data (84 folders, 291 files)
8. NYPD Latent Print Section File (2 files)
9. Mordechai and Troske Detective Reports (DD5s) (2 files)
10. Cell Tower Dump Returns & Analysis (9 folders, 655 files)
11. Raw Video Surveillance Footage Organized by Location (194 folders, 2,116 files)¹
12. NYPD Police Laboratory Reports for Forensic Testing (1 file)

Discovery served on 2/21/2025 via Hard Drive (105 GB in data)

13. Additional Altoona PD BWC & Metadata (56 folders, 236 files)
 - a. Homan (2 videos)
 - b. Miller (1 video)
 - c. Wasser (2 videos)
 - d. Detwiler (5 videos)
 - e. Yeager (1 video)
 - f. Mazzara (1 video)
 - g. Snyder (3 videos)
 - h. McCoy (1 video)
 - i. Fox (4 videos)
 - j. Frye (5 videos)
 - k. Hanelly (1 video)
14. Altoona PD Paperwork (20 files), including but not limited to:
 - a. Criminal Complaint Paperwork
 - b. Police Report
 - c. Arrest Reports
 - d. Incident Reports
 - e. Supplemental Reports
 - f. Voucher Paperwork
 - g. Search Warrant & Affidavit
 - h. Altoona PD City Docket
 - i. Confidential Information Form

¹ In an abundance of caution, the People disclosed video surveillance as received from the NYPD, therefore certain video files contained within the disclosure may be duplicative.

- j. Handwritten Evidence List
 - k. Patrolman Frye Scanned Notepad
 - l. Post-Incident Reports
 - m. Request for Subpoenas
15. Altoona PD Photos (174 files)
16. Blair County Sheriff Report (1 file)
17. Blair County DA Discovery (2 folders, 180 files)²
18. Mail Sent to Blair County Courthouse (1 file)
19. PA Department of Corrections Paperwork (8 files), including:
- a. Inmate Cumulative Adjustment Records
 - b. Inmate Comprehensive Messages Report
 - c. Inmate Telephone Sheet
 - d. JPay Records
 - e. Inmate Assessment Records
 - f. Monitoring Forms
 - g. Medical Incident Report
 - h. Unacceptable Correspondence Form
20. PA State Police Disclosures (30 files), including but not limited to:
- a. BWC Transport (7 videos)
 - b. Pennsylvania State Police Report (1 file)
21. Office of Chief Medical Examiner (“OCME”) Autopsy Disclosures (8 Folders, 261 files), including:
- a. Autopsy Report
 - b. Autopsy Photographs
 - c. X-Rays
 - d. Forensic Toxicology Case File
22. OCME DNA Laboratory Case Files & Lab Reports (6 files)
23. Crime Scene Unit Reports, Photographs & Diagrams (13 folders, 1,263 Files), including the following Detective Case Files:
- a. 2024-0596 – Det. Katlyn Walsh
 - b. 2024-0596 A – Det. Edwin McBride
 - c. 2024-0596 B – Det. Sandra Carvajal
 - d. 2024-0596 D – Det. Amy Johnson
 - e. 2024-0596 E – Det. Brian Abuyen
24. Grand Jury Testimony for Non-Civilian Witnesses & Grand Jury Exhibits (74 folders, 725 Files)

² Certain items are duplicative of what the People received and disclosed from Altoona PD.

25. NYPD Police Laboratory Case Files, containing lab reports, underlying testing data, photographs, and expert disclosures (34 folders, 486 files), including but not limited to:

- a. Photographs of Defendant's Journal & Handwritten Notes
- b. Ballistic Evidence Examination/Analysis
- c. Latent Print, DNA, and Trace Evidence Examination/Analysis

Discovery served on 3/10/2025 via Hard Drive (158 GB in data)

26. ECMS File, containing Detective Reports (DD5s) and Attachments (64 folders, 2,195 files), including for the following Detective Case Files:

- a. 2024-0000 – Crime Scene Unit
- b. 2024-0008 – Det. Raymond McCann, Org. Crime Inv. Div.
- c. 2024-0038 – Det. Joseph Metsopoulos, Major Case Squad
- d. 2024-0052 – Det. Edward Stackpole, Narcotic Borough Man. North
- e. 2024-0078 – Det. Randy Mercado, Gun Violence Suppression Div.
- f. 2024-0596 C – Det. Errol Bhagan, Crime Scene Unit
- g. 2024-0681 – Det. Corey Gresko, Warrant Section
- h. 2024-2696 – Det. Christopher Contreras, Latent Print Unit
- i. 2024-2934 – Det. Gregory Green, Dep. Comm. Public Info.
- j. 2024-3368 – PO Mark Mitchell, PBMS Specialized Units
- k. 2024-3778 – Det. Stephen Keyes, Real Time Crime Center
- l. 2024-3793 – Det. Stephen Keyes, Real Time Crime Center
- m. 2024-4230 – Det. Kenya Clarke, Central Inv. & Resource Div.
- n. 2024-4230 A – Det. Keith Gonzalez, Central Inv. & Resource Div.
- o. 2024-4877 – Det. James Curcio, Midtown North Det. Squad
- p. 2024-8401 – Det. Leniece Akins, Real Time Crime Center
- q. 2024-8715 – Det. Leniece Akins, Real Time Crime Center
- r. 2024-17795 – Det. Marcello Gianquito, Real Time Crime Center

27. NYPD Arrest Paperwork (8 Folders, 229 Files), including:

- a. Responding Officer Memo Books (17 officers)
- b. Aided Report (1 file)
- c. Arrest Report (1 file)
- d. Complaint Report (1 file)
- e. Scratch Complaint Report (1 file)
- f. ICAD (2 files)
- g. Property Invoices and Chain of Custody Reports (204 files)
- h. Zolpa (1 file)

28. Search Warrants, Orders, and Affidavits (3 folders, 19 files)

EXHIBIT 2

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK - CRIMINAL TERM - PART 32

THE PEOPLE OF THE STATE OF NEW YORK

-against-

Indictment No.:
IND-75657-24

LUIGI MANGIONE

Defendant.

100 Centre Street
New York, New York 10013

February 21, 2025

B E F O R E:

THE HONORABLE GREGORY CARRO, J.S.C.

A P P E A R A N C E S:

FOR THE PEOPLE:

OFFICE OF ALVIN BRAGG, JR.
District Attorney New York County
One Hogan Place
New York, New York 10013

BY: ZACHARY KAPLAN, ESQ.
CHRISTOPHER PREVOST, ESQ.

FOR THE DEFENDANT:

AGNIFILO INTRATER, LLP.
Attorney for the Defendant
445 Park Avenue, 7th Floor
New York, New York 10022

BY: KAREN FRIEDMAN AGNIFILO, ESQ.
JACOB KAPLAN, ESO.

Proceeding

1 THE CLERK: Good afternoon. This is
2 calendar number 1, as to Luigi Mangione, indictment
3 number 75657-24. May I have your appearances,
4 please.

5 MR. Z. KAPLAN: Good afternoon, your
6 Honor. Zachary Kaplan for the People, and I'm
7 joined by ADA Christopher Prevost.

8 MS. FRIEDMAN AGNIFILO: Good afternoon,
9 your Honor. My name is Karen Friedman Agnifilo for
10 Luigi Mangione. I'm joined by Jacob Kaplan. I
11 would ask that your Honor please allow my client to
12 be unshackled for this court appearance, please.

13 THE COURT: Go ahead you can uncuff him.

14 (A pause in the proceeding.)

19 MS. FRIEDMAN AGNIFILO: I'd like to make a
20 record regarding that.

21 THE COURT: Sure.

22 MS. FRIEDMAN AGNIFILO: You'd let me know
23 is this an appropriate time to do that?

THE COURT: Sure, but there's no jury here, so.

Proceeding

1 MS. FRIEDMAN AGNIFILO: I understand, your
2 Honor. But this is a highly publicized and covered
3 and photographed court proceeding with strong public
4 interest, and when my client comes to court, because
5 he's in federal custody, they bring him, they walk
6 him in leg shackles, arm shackles. They have him
7 sitting here, and there is no presumption of
8 innocence.

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

16 THE COURT: I understand that, but for
17 security reasons and for the security people here,
18 they would prefer him to remain cuffed. Okay.

19 Good afternoon everyone. So, update on
20 discovery.

21 MR. Z. KAPLAN: Yes, your Honor. So as
22 your Honor knows, we're on for control today. If
23 your Honor would allow, I'll delineate what's been
24 served up to this point so far.

25 THE COURT: Sure.

Ivelisse Rodriguez
Senior Court Reporter

Proceeding

1 MR. Z. KAPLAN: First, your Honor, the
2 People have served statement and identification
3 notices on January 6th with amendments to that on
4 January 7th. These notices included relevant
5 footage captured by police body-worn camera and
6 other relevant video footage.

7 Second, the People have served discovery
8 in two separate batches amounting to over 800
9 gigabytes of discovery. The first batch was
10 provided to the defense on a hard drive on
11 January 22nd of this year, and then the second batch
12 was provided moments before this calendar
13 appearance.

With respect to that first batch, your Honor. The People provided the defense with surveillance video from locations that are too numerous to list, but it's essentially all video surveillance that was collected and retrieved by members of the NYPD, Manhattan South Homicide Squad and Midtown North Detective Squad.

Ivelisse Rodriguez
Senior Court Reporter

Proceeding

1 latent print development, trace evidence analysis as
2 well as ballistic testing.

3 The People also provided the latent print
4 section file including lab reports, notes and their
5 analysis as well as a data extraction of a cell
6 phone that was recovered in this case the defendant
7 dropped while fleeing the scene of the crime. And
8 finally, within that first batch were certain phone
9 records that were obtained pursuant to a search
10 warrant in this case.

11 With respect to what was turned over today
12 here in court, the People provided the defense with
13 all police reports and other discoverable material
14 including photographs, body-worn camera footage
15 received from Pennsylvania law enforcement
16 authorities in this case, the NYPD crime scene
17 reports and photographs. That's for five different
18 runs. There is a sixth run that's being finalized
19 and we'll provide in short order.

20 The complete forensic files for the Office
21 of the Chief Medical Examiner for the DNA testing
22 that was done in this case was provided today.
23 Regarding the forensic testing by the NYPD lab that
24 the People also provided photograph, notes and
25 underlying scientific testing data for the testing

Proceeding

1 that was conducted. The People also served the
2 autopsy report and photographs.

3 And finally, the grand jury testimony for
4 all non-civilian witnesses and each and every grand
5 jury exhibit for this case was provided today.

6 We are in the process of preparing the
7 disclosure of ECMS files which includes all New York
8 City Police Department detective DD5s attachments
9 and the search warrants and court orders that were
10 issued during the course of the investigation. We
11 intend to provide that within two weeks of today's
12 date.

13 Also by then or shortly thereafter, the
14 People will serve and file an Automatic Discovery
15 Form. We will need additional time for those
16 additional matters; however, we are asking that your
17 Honor adjourn this for a motion schedule given the
18 robust amount of discovery that's been turned over
19 to date. And of course, to the extent that defense
20 would need any additional time related to discovery
21 that's yet to be turned over, the People would have
22 no objection to that.

23 THE COURT: The warrants you turned over,
24 the search warrants, that's with the affidavits?

25 MR. Z. KAPLAN: Your Honor, the People are

Proceeding

1 in the process of redacting the search warrants and
2 affidavits in this case. We plan to have those
3 turned over to the defense within two weeks.

4 THE COURT: Okay. And you said what was
5 taken out of the grand jury minutes? You said all
6 non-civilian?

7 MR. Z. KAPLAN: Yes. So any civilian
8 testimony was redacted at this juncture and then the
9 People will be seeking a protective order or
10 discussing with the defense ways to disclose those
11 materials.

12 THE COURT: Okay.

13 MR. Z. KAPLAN: The majority of the
14 witnesses that were called were police witnesses in
15 this case or non-civilians.

16 THE COURT: Motion schedule?

17 MS. FRIEDMAN AGNIFILO: We object to a
18 motion schedule at this time, your Honor.

19 THE COURT: It appears you have enough.
20 Listen, if you don't get the affidavits for the
21 warrants, and I don't know exactly what they're
22 going to be redacting from the grand jury minutes,
23 but if we're just talking about identities, that
24 would be enough for you to do your motions.

25 MS. FRIEDMAN AGNIFILO: Well, we're

Proceeding

1 talking about there are three separate prosecutions
2 that are happening about one event, and there's a
3 Pennsylvania matter, there's a federal matter,
4 there's a New York matter, all three of which will
5 involve discovery.

6 We just today have been handed sounds like
7 a lot more discovery, but frankly, we haven't gotten
8 the bulk of the discovery. We haven't gotten a
9 single DD5. We haven't gotten any police paperwork.

10 I understand and appreciate Mr. Kaplan's
11 remarks that we are going to be getting that in two
12 weeks, but we have yet to receive any of that. We
13 have yet to receive copies of --

14 THE COURT: You got some of that today.
15 You got that today.

16 MS. FRIEDMAN AGNIFILO: No, we do not have
17 that today, your Honor. That's what he said. He
18 anticipates that they will provide in two weeks.
19 They're in the process of doing that.

20 MR. Z. KAPLAN: Just to make the record
21 clear, if I may. With respect to police paperwork,
22 the People did provide in today's disclosure police
23 paperwork from Altoona Police Department.

24 Obviously, the bulk of the physical
25 evidence in this case was recovered from the

Proceeding

1 defendant while he was in custody in Altoona; and so
2 there are police paperwork as well as all
3 photographs taken of the property that was recovered
4 from the defendant.

5 THE COURT: All right. You're going to
6 have the bulk of the discovery in this case. I
7 don't know about any other case in federal court or
8 anywhere else, but I'm dealing with this case. So
9 I'll go past 45 days from today 'cause two weeks,
10 you should be getting most, if not all, of the
11 discovery. So.

12 MS. FRIEDMAN AGNIFILO: Your Honor, we
13 also object to setting a motion schedule while we
14 are in the process of speaking to the federal
15 authorities about they're still deciding whether or
16 not to seek the death penalty against Mr. Mangione.
17 Obviously, that's an extremely serious matter that
18 we're in the process of providing mitigation for the
19 Feds for that purpose, and that is where our focus
20 is.

21 That is one of the reasons why this
22 discovery is so critical and why we need all of it
23 before we can even begin to anticipate exactly what
24 we are going to be putting in our motions.

25 As I alluded to in our court appearance

Proceeding

1 that we had previous to this appearance, your Honor,
2 one of the issues here is that the two theories of
3 prosecution are opposite and inconsistent with one
4 another, and by defending ourselves in state court,
5 we are potentially providing fodder for the federal
6 court appearance case and vice versa. And so it
7 really is critical in this case that we receive
8 literally everything, especially all of the
9 information and the police work that was done here.

10 And one more thing I just want to say
11 about Altoona, Pennsylvania, your Honor, if I may.
12 From the limited information that we have, I have
13 some police paperwork from Altoona already that I
14 received from Mr. Mangione's Pennsylvania counsel as
15 well as there was one body-worn camera despite there
16 being about a dozen police officers in the
17 McDonald's when Luigi was arrested. We have one
18 body-worn camera that was provided by the Manhattan
19 DA's office that shows an angle.

20 I think there's a very, very serious
21 search issue in this matter, and there might be
22 evidence that is suppressed in this case, which
23 brings me to another related issue that I'd like to
24 discuss, your Honor, if I may.

25 And I really appreciate you allowing me to

Ivelisse Rodriguez
Senior Court Reporter

Proceeding

1 make a record, but because there is a serious search
2 and seizure issue here, and because we think that
3 our client's constitutional rights were violated in
4 Pennsylvania, we want to be able to have the
5 opportunity to litigate that. However, we have been
6 afforded -- his right to a fair trial is
7 continuously being impacted.

8 And I want to just bring to your Honor's
9 attention my shock, frankly, that the chief of
10 detectives of the NYPD along with the New York City
11 mayor had time to sit down with HBO and put hair and
12 makeup on and provide information about the arrest,
13 the prosecution, their theory about the case, and
14 evidence about Mr. Mangione that we have not even
15 received.

16 This journal that they're calling his
17 manifesto, we have never have been provided copies.
18 They had actors playing Luigi on television -- it
19 didn't sound anything like him, by the way.

20 THE COURT: All right. I'm going to cut
21 you off, because that has nothing to do with you
22 moving to have the grand jury minutes inspected for
23 sufficiency, that's definitely going to be an issue
24 in this case, or moving to controvert any of the
25 warrants. You could always supplement your motions,

Proceeding

1 . . . but it's got to start.

2 So you should have your motions in by
3 April 9th. People to respond by May 14th.
4 June 26th. We'll see if I can have a decision by
5 then, but I hope to. And again, the sooner we order
6 the hearings, the sooner you'll have your
7 suppression hearing.

8 MS. FRIEDMAN AGNIFILO: Yes, your Honor.

9 THE COURT: We'll see you on June 26th.

10 MS. FRIEDMAN AGNIFILO: Your Honor, just
11 one logistical request. Because of the different
12 custody and court matters, we are unable to meet
13 with Luigi before or after alone, and we would just
14 request if we could just have a minute or two of
15 privacy with him, or at least to have a little space
16 so we can talk to him.

17 THE COURT: One second.

18 (A pause in the proceeding.)

19 THE COURT: You'd have to do it now.

20 Right here.

21 MS. FRIEDMAN AGNIFILO: Your Honor, if I
22 may just make one more record. Because of this
23 unusual circumstance of him being in federal custody
24 but proceeding first on the state case, we do just
25 want to make a record that I think Mr. Mangione is

Proceeding

1 being treated differently than other defendants who
2 would be prosecuted in this court who would be able
3 to have access to his attorneys, who could sit here
4 unshackled, who your Honor could make decisions --

5 THE COURT: You know, I don't have a
6 problem remanding him right here so he's here in the
7 city. I thought you guys, the People were working
8 on trying to get him so we have custody in that the
9 federal jurisdiction said we were going first,
10 meaning New York.

11 MR. Z. KAPLAN: Your Honor, the agreement
12 remains that we are to try this case first; however,
13 there's no agreement up to this point to transfer
14 custody from federal custody to state custody.

15 THE COURT: I mean, is there even an
16 indictment?

17 MS. FRIEDMAN AGNIFILO: No, your Honor.

18 THE COURT: In federal court? So they're
19 holding him on a complaint.

20 MR. Z. KAPLAN: On the consent of the
21 defense.

22 MS. FRIEDMAN AGNIFILO: When they're
23 hanging the death penalty over your head, you have
24 no choice but to consent.

25 THE COURT: I get it. Okay. Can you come

Proceeding

1 up for a second.

2 (Whereupon, an off-the-record discussion
3 was held at the bench.)

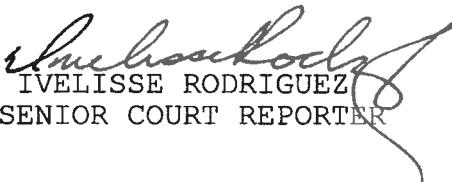
4 MS. FRIEDMAN AGNIFILO: (Conferring with
5 client.)

6 THE COURT: All right.

7 (Whereupon, the proceeding was adjourned
8 to June 26, 2025.)

9 * * * *

10 Certified to be a true and accurate transcript.

11 
12 IVELISSE RODRIGUEZ
13 SENIOR COURT REPORTER

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Ivelisse Rodriguez
Senior Court Reporter

EXHIBIT 3

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

2 -----X
3 THE PEOPLE OF THE STATE OF NEW YORK,

4 -against- INDICTMENT NO.
5 LUIGI MANGIONE, 75657-24

6 Defendant.
7 -----X

8
9
10 100 Centre Street
11 New York, New York 10013
12 December 23, 2024

13 B E F O R E:

14 THE HONORABLE GREGORY CARRO,
15 Justice of the Supreme Court

16 A P P E A R A N C E S:

17 FOR THE PEOPLE:

18
19 OFFICE OF ALVIN L. BRAGG, JR.
20 DISTRICT ATTORNEY - NEW YORK COUNTY
21 1 Hogan Place
22 New York, NY 10013
BY: JOEL SEIDEMANN, ESQ.
ZACHARY KAPLAN, ESQ.
Assistant District Attorney

23 FOR THE DEFENDANT:

24 AGNIFILO INTRATER
25 445 Park Avenue, 7th Floor
New York, NY 10022
BY: KAREN FRIEDMAN AGNIFILO, ESQ.
MARC AGNIFILO, ESQ.

Jamie L. Baratta, RPR
Senior Court Reporter

1 THE CLERK: Good morning, this is calendar number
2 one as to Luigi Mangione, indictment number 75657-24.

3 May I have your appearances, please.

4 MR. SEIDEMANN: Joel Seidemann and Zachary Kaplan
5 on behalf of the People.

6 Good morning, your Honor.

7 MS. AGNIFILO: Karen Friedman Agnifilo and Marc
8 Agnifilo on behalf of Mr. Mangione.

9 Good morning.

10 THE COURT: All right, good morning.

11 So, the press has made an application for both
12 audio and visual coverage of this proceeding, does either
13 side want to be heard on that?

14 MR. SEIDEMANN: The People take no position.

15 MS. AGNIFILO: May I have a moment to confer with
16 my client, your Honor?

17 THE COURT: Sure.

18 (Whereupon, an off-the-record discussion was held.)

19 MS. AGNIFILO: Your Honor, we take no position at
20 this time for this proceeding only. Not for all future
21 proceedings.

22 THE COURT: Okay. All right, is there any reason,
23 counsel, why this arraignment shouldn't go forward?

24 MS. AGNIFILO: No, your Honor.

25 THE COURT: Okay. The clerk will now arraign the

J. Baratta, SCR

1 defendant.

2 THE CLERK: Luigi Mangione, New York County Grand
3 Jury has filed indictment number 75657-24 charging you with
4 the crime of murder in the first degree and other related
5 charges. How do you plead to this indictment, sir; guilty
6 or not guilty?

7 LUIGI MANGIONE: Not guilty.

8 THE COURT: People?

9 MR. SEIDEMANN: Your Honor, we have copies of the
10 indictment, Notice of Immigration Consequences, as well as
11 rap sheet. I believe the Court has it. We give the Court
12 an extra copy and one to counsel.

13 Does the Court wish that we be heard with respect
14 to bail?

15 THE COURT: Well, what is the situation with the
16 Federal authorities? They have a securing order on this
17 defendant.

18 MR. SEIDEMANN: As we understand that, we have
19 primary jurisdiction and we have been informed by the U.S.
20 Attorney that they intend on allowing us to try our case
21 first, so with respect to whatever goes on there, as the
22 party with primary jurisdiction, the trial and the
23 sentencing will take place here prior to anything that takes
24 place in the Federal system.

25 THE COURT: So if -- what you just said, the answer

J. Baratta, SCR

1 is it's fine if we take custody today.

2 MR. SEIDEMANN: That I'm not sure of because your
3 Honor signed a Writ in which it says that we're going to
4 return the defendant to Federal custody, so I think, I
5 think, that that would be step two. I do think logically as
6 the party with primary jurisdiction, the custody should be
7 here, but I ask the Court in light of the Court signing the
8 Writ indicating that we would return him to Federal custody,
9 that that be done at a later time.

10 THE COURT: Well, I have been through this before
11 and if you do that, they will Writ him right out of here
12 pronto, so, I don't think I'm going to do that. But if you
13 work it out with them that we will take custody rather than
14 us bringing him back for any proceeding, that will be great.

15 MR. SEIDEMANN: We will make every effort to
16 accomplish that, your Honor.

17 THE COURT: But there should be some kind of
18 detainer and they know that. If case their securing order
19 changes, there should be some mechanism that he's brought
20 here.

21 MR. SEIDEMANN: Absolutely.

22 THE COURT: And then you can make a bail
23 application. All right, is there anything further?

24 MS. AGNIFILO: Yes, your Honor. We would like to
25 make a record, if that's okay.

J. Baratta, SCR

1 THE COURT: Sure.

2 MS. AGNIFILO: First we request immediate expedited
3 discovery in this case. The People have had this case for
4 about almost three weeks and that's more than enough time to
5 gather as much information as they can give to us,
6 especially now that we have two proceedings that we have to
7 answer to, one of them being death-eligible. So we are
8 requesting that we get immediate discovery of all the New
9 York City Police Department and FBI and Federal and State
10 documents.

11 And a second thing I want to make a record of, your
12 Honor, I'm very concerned about my client's right to a fair
13 trial in this case. He's being prejudiced by some
14 statements that are being made by government officials.

15 Like every other defendant, he's entitled to a
16 presumption of innocence, but unfortunately, the way this
17 has been handled so far, his rights are being violated. And
18 as you know, your Honor, there's a wealth of case law
19 guaranteeing his right to a fair trial, but none of the
20 safeguards have been put in place yet here. In fact, it's
21 just the opposite of what's been happening.

22 He's a young man and he is being treated like a
23 human ping-pong ball between two warring jurisdictions here.
24 The Federal and State prosecutors are coordinating with one
25 another at the expense of him. They have conflicting

1 theories in their indictments and they are literally
2 treating him like he is some sort of political fodder; like
3 some sort of spectacle.

4 He was on display for everyone to see in the
5 biggest staged perp walk I have ever seen in my career. It
6 was absolutely unnecessary. He's been cooperative of law
7 enforcement. He has been in custody for over a week. He
8 waived extradition, he was cooperative at all accounts.
9 There was no reason for the NYPD and everybody to have these
10 big assault rifles, that frankly I had no idea was in their
11 arsenal. And to have all of these the press there, the
12 media there, it was like perfectly choreographed. And what
13 was the New York City mayor doing at this press conference,
14 your Honor? That just made it utterly political.

15 And as your Honor knows, under Lauro V. Charles,
16 the Court of Appeals for the Second Circuit has held it to
17 be clearly established that the staged perp walks to the
18 media unrelated to a legitimate law enforcement objective is
19 unconstitutional, and I submit there was zero law
20 enforcement objective to do that sort of perp walk. There
21 was absolutely no need for that whatsoever.

22 And, frankly, your Honor, the mayor should know
23 more than anyone of the presumption of innocence that he too
24 is afforded when he dealing with his own issues. And
25 frankly, I submit that he was just trying to detract from

1 those issues by making a spectacle of Mr. Mangione. And
2 there are consequences to this. He has a right to a fair
3 trial.

4 And I just want to put on the record statements
5 that the mayor made publicly about my client. Nothing
6 saying "alleged", for example. And he said: "I wanted to
7 send a strong message with the police commissioner that
8 we're leading from the front and not going to just allow him
9 to come into our city. I wanted to look him in the eye and
10 state "you carried out this terrorist act in my city, the
11 City of New York that I love".

12 And he wanted to show symbolism. Your Honor, he's
13 not a symbol. He's somebody who is afforded the right to a
14 fair trial. He's innocent until proven guilty. And the
15 mayor was talking to jurors, future potential jurors, that
16 elected him, those are the people that elected him that he
17 is talking to and calling this man a terrorist.

18 So, your Honor, I just wanted to make a record of
19 this and put everyone on notice that this has to stop. My
20 client is it entitled to a fair trial and the presumption of
21 innocence. And we're going to fight these charges, whether
22 it's in the State or Federal, to the fullest extent.

23 Thank you, your Honor.

24 THE COURT: All right, well, as you know, I have
25 very little control as to what happens outside of this

J. Baratta, SCR

1 courtroom. But I can guarantee you, as I guarantee every
2 defendant that comes through these doors, that the defendant
3 will receive a fair trial. And we will carefully select a
4 jury if that time comes, or when that time comes. But, yes
5 you should expedite discovery.

With respect to statement and identification notice, we will be giving that notice within the next 15 days. We're preparing an ADF. We will do our best to expedite discovery, but I will say that with redactions and with the volume of it, we're hoping to do it as best we can under -- this is not a usual case in terms of the thousands of the hours of video tracking and the like, and the fact that we're not only responsible for discovery in this county but in Altoona where the arrest was made and where several officers were involved. And we're in touch with those people and we're going to get everything counsel's entitled to.

1 As to other issues, I think a 30 day adjournment to
2 see where we're at, and of course counsel's aware of the
3 various notices, we have notices as well, and I take it that
4 counsel will abide by the statutory limitations on their
5 notices with respect to any notices they believe to be
6 appropriate.

7 As to counsel's record on the mayor, basically
8 repeating what the mayor said, I don't know how that
9 advances the ball. We will comply with our ethical
10 obligations with respect to trying this defendant's guilt in
11 this courtroom and this courtroom alone. Thank you.

12 THE COURT: All right, so, I'm looking at like
13 February 10th for control. Hopefully you've gotten some
14 discovery; more rather than less.

15 MR. SEIDEMANN: I think that it will probably be
16 wiser to give discovery on a rolling basis rather than wait
17 until the end so counsel can get started --

18 THE COURT: Yes. Absolutely.

19 MR. SEIDEMANN: -- looking at the materials.

20 THE COURT: Absolutely.

21 MR. AGNIFILO: Can I confer for a second?

22 THE COURT: Sure.

23 If I haven't put this on the record already, I have
24 granted the press's application for coverage.

25 MS. AGNIFILO: Your Honor, would there be a Friday

J. Baratta, SCR

1 that's available just because my co-counsel is going to have
2 a trial and they have Fridays off. If possible.

3 THE COURT: The 6th, or, I mean, a lot of people
4 are away on the 17th. The 6th or the 20th?

5 MR. SEIDEMANN: I think, your Honor, if we could
6 have the 20th it will give us a little more opportunity to
7 get more materials.

8 MS. AGNIFILO: I think it's the 21st, the Friday.

9 THE COURT: I'm sorry, yes, the 21st.

10 MS. AGNIFILO: That's good, your Honor. Thank you
11 so much.

12 THE COURT: All right, February 21st, for control.

13 MR. AGNIFILO: May we approach?

14 THE COURT: Yes.

15 (Whereupon, an off-the-record discussion was held.)

16 THE COURT: Just so it's clear on the record that a
17 dollar bail has been set, which will go on his 299 card.

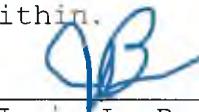
18 MR. SEIDEMANN: He's in remand federally.

19 THE COURT: Right.

20 For the record, the warrant is vacated.

21 * * * *

22 Certified to be a true and accurate transcript of
23 the stenographic minutes taken within.
24



24 _____
25 Jamie L. Baratta, RPR
Senior Court Reporter