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

DISTRICT ATTORNEY
NEW YORK COUNTY

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

Dear Judge Carro:

Please accept this reply in support of Mr. Mangione's Omnibus motion where we will address four points. First, the prosecution has intentionally violated Mr. Mangione's right to a fair trial by unnecessarily publicly releasing his alleged journal. The prosecution did so even though they have already consented to a Mapp hearing and even though the Court already has these materials as a grand jury exhibit. Second, the prosecution has failed to provide legal support for its terrorism-related charges—charges that are both legally and factually unfounded. Third, the prosecution is violating Mr. Mangione's constitutional and statutory rights by attempting to start the state trial before the federal death penalty trial. Fourth, the defense requests the court set a motion schedule for the defense to fully brief the prosecution's demand pursuant to CPL 250.10.

1. The Prosecution Fails to Defend the Warrantless Search of Mr. Mangione's Backpack Yet Publicly and Selectively Releases Mr. Mangione's Alleged Journal Knowing that the Journal May be Suppressed

The defense has provided irrefutable evidence that the search of Mr. Mangione's alleged backpack may be illegal, and its fruits may therefore be suppressed. In response, the prosecution pre-emptively released his alleged journal¹ to the public. The prosecution's actions further no legitimate objective. First, the Court is in possession of these materials as they were included among the grand jury evidence. Second, the prosecution consented to hearings to determine the legality of the searches. If the searches were not lawful, their fruits are not admissible. Nonetheless, the prosecution has cherrypicked the most facially prejudicial information from materials that may never see the light of the courtroom. Why? The only rationale that makes sense is that the prosecution hopes to bias the public against Mr. Mangione and undermine his right to a fair trial. This would be wrong in any case. But it is especially so where, as here, the defendant faces a potential death sentence in federal court for the same exact offense.

It is worth noting, and the District Attorney should be on notice, that Local Rule 23.1 of the Southern and Eastern Districts of New York provides that releasing information to the public that a lawyer knows is likely to be inadmissible at trial and which would create a substantial

¹ In paragraphs 25 and 26 of the prosecution's response to defendant's omnibus motion, the prosecution twice admits that the red notebook is a "diary" which is self-evident by its contents. Despite admitting this undeniable fact, and knowing that it may be suppressed, they continue to intentionally prejudice Mr. Mangione by then referring to the diary as a "manifesto" 17 times throughout their response.

likelihood of prejudicing an impartial trial presumptively violates the local rule and can result in appropriate consequences. See Local Rule 23.1(d)(6). At the federal court arraignment on April 25, 2025, Mr. Mangione invoked Local Rule 23.1 to prevent parties, including the United States Attorney General, from violating his right to a fair trial in the federal death penalty case. As officers of the court, regardless of whether they formally appear in the federal case, the District Attorney's representatives should abide by the rules of all Courts presiding over cases involving this defendant, especially the rule protecting a defendant's constitutional right to an impartial jury in a death penalty case. Even setting aside Local Rule 23.1, the prosecution should seek to stop, rather than perpetuate, the strategic release of information solely to prejudice Mr. Mangione's right to a fair trial.

2. The Prosecution Fails to Adequately Defend the Terrorism Charges in the Indictment

The prosecution makes multiple arguments in defense of its terrorism charges: A) that intent can be inferred by the alleged actions alone; B) that private journal entries confirm intent; and C) the charge of terrorism does not require the intention to harm multiple people. They all fail.

A. Terroristic Intent Cannot Be Inferred from the Alleged Act Alone

The prosecution argues that Mr. Mangione's terroristic intent can be inferred from his alleged actions alone. To reach this conclusion about Mr. Mangione's alleged state of mind, the prosecution speculates that Mr. Mangione's lack of prior contact with the victim or contractual relationship with UnitedHealthcare demonstrate that he had no "personal vendetta." (Response at 16). To support its inflated charge of Murder in the First Degree as an act of terrorism, the prosecution also argues that the alleged murder was "not a typical street crime," i.e., a Murder in the Second Degree, because the shooter did not allegedly steal the victim's Rolex watch. But this argument fails to consider other alternatives. As just one example, the alleged shooter could have selected the victim because of his individual role in setting policies and priorities at UnitedHealthcare, such as manipulating denial rates to increase revenue, leading to denials in coverage for millions of Americans. In such a scenario, the alleged shooter would have targeted the victim to stop his actions and not "to violently broadcast a social and political message to the public at large" (Response at 16). Accordingly, the facts surrounding the alleged shooting fail to establish that the conduct was intended as terrorism.

B. The Private Writings Attributed to Mr. Mangione Do Not Confirm Terroristic Intent

The prosecution next argues that the private journal entries it attributes to Mr. Mangione prove terroristic intent. This is wrong for three reasons. First, the prosecution conflates the concept of a private "ideological motivation" with the specific intent to intimidate, coerce, or influence a civilian population required to sustain a terrorism count. Second, the charged crime is indistinguishable from the over one-hundred firearm homicides that occur each year in New York City absent law enforcement's public broadcasting of the writings. Third, the public response that the prosecution claims is the "natural and probable result" of the alleged act is a

consequence of law enforcement's premature and improper disclosures, not the perpetrator's actions.

i. The Writings That the Prosecution Claims Are Evidence of Terroristic Intent Show Only a Private Motive

The prosecution claims that the writings it attributes to Mr. Mangione are evidence of terroristic intent, citing only statements of the author's disdain for the insurance industry. A showing of terroristic intent requires more.

Penal Law Section 490.05 provides three ways that someone can commit an "act of terrorism."

1. With intent to "(i) intimidate or coerce a civilian population";
2. With intent to "(ii) influence the policy of a unit of government by intimidation or coercion"; or
3. With intent to "(iii) affect the conduct of a unit of government by murder, assassination or kidnapping."

The statute makes clear that the fundamental characteristic of what makes an act a terrorist act, by any common-sense definition, is the forward-looking nature of the crime. A terrorist seeks to affect the future. He looks to either cow a civilian population or government unit into hewing to certain standards of behavior based on a fear of future violence taking place. Terrorist organizations, for example, intimidate civilians by blowing up buses because people need to take the bus the next day and have to worry about being the next victim. That is the harm that PL § 490.05(i) is directed at preventing.

Much like the charged act itself, the alleged writings could just as easily be interpreted as a personal vendetta, and not an intent to change the behavior of others through fear. The prosecution spills much ink reciting alleged statements characterizing the health insurance industry as a "deadly greed-fueled health insurance cartel" and the conference as an "annual parasitic bean-counter convention" without explaining how these amount to anything more than a privately held viewpoint—a viewpoint also held by thousands of people who have since publicly shared their stories of anger and frustration with private health insurance. The conclusory argument that these alleged journal entries demonstrate an intent to "intimidate all employees of the health insurance business" (Response at 17) is purely speculative and makes no attempt to reconcile the author's past-looking statements with the forward-looking intent that the terrorism statute requires. Contrast this with the defendant in the case cited by the prosecution, Ali Hassan Abu Kamal, who spoke about his hatred for Americans, British People, French People and Zionists, saying they were "responsible for turning our people, the Palestinians homeless" and continued that his "restless aspiration is to murder as many of them as possible" (Response at 27). But in Abu Kamal, the intent was clear because the defendant explicitly declared an intent to threaten a civilian population by inspiring other killings. Indeed, the claim that Mr. Mangione sought "to bring about revolutionary change in the healthcare industry and to abolish health insurance companies" is wholly fabricated by the prosecution and appears nowhere in any of the writings. The prosecution

completely ignores other journal writings that explicitly state that a terrorist “is the worst thing a person can be.”

ii. Without Public Broadcasting, the Alleged Homicide is Indistinguishable from the Hundreds of Murders that Occur Each Year in New York City

That the private writings cited by the prosecution were never publicly disseminated by the perpetrator demonstrates a lack of intent to intimidate, coerce, or influence a protected population. Nor has the prosecution pointed to any public writings attributable to Mr. Mangione despite an extensive history of public expression on social media. The prosecution has not alleged that Mr. Mangione has publicly broadcast any of the messages law enforcement attempts to attribute to him. Mr. Mangione has not posted any such messages on his social media pages. He has not encouraged others to participate in similar acts. Indeed, nothing Mr. Mangione has allegedly done is evidence that he “intended to bring about revolutionary change to the healthcare industry.” (Response at 18).

Without public statements, this particular murder is indistinguishable from others and therefore cannot satisfy the precise definition of an “act of terrorism” under the statute. It does not meet the statutory requirements because there is no forward-looking motivation alleged. Though the prosecution claims that the alleged factual pattern is not a “typical street crime,” it shares with those crimes one fundamental characteristic (as alleged): It was completed once the act was carried out. It was not motivated by seeking to change the future in some way, as the terrorism statute requires.²

iii. Any Public Response is a Consequence of Law Enforcement’s Actions and is Not a “Natural and Probable Consequence” of the Charged Act

The prosecution claims that Mr. Mangione’s intent is obvious from the “natural and probable consequences of his act.” (Response at 18). This argument is purely speculative and relies on the false premise that Mr. Mangione must have intended to inspire threats against insurance workers simply because such threats occurred after the alleged murder. But the public response to the charged crime demonstrates more about the frustrations many Americans harbor against the medical insurance industry than it does about Mr. Mangione’s alleged intent to inspire others.³ The threats against insurance workers can hardly be considered a “natural and probable consequence” of the alleged act. After indicting Mr. Mangione, the prosecution released a public statement

² Nor can the prosecution rely on the public servant sections of PL § 125.27, as in the United States, unlike any other industrialized nation, the top leaders of the largest health system in the country, who makes more than \$10 million per year, is not considered a public servant.

³ Because the District Attorney’s Office claims that the subsequent threatening conduct by others is an intended consequence of Mr. Mangione’s alleged actions, we request, pursuant to *Brady v. Maryland*, 373 U.S. 83 (1963), that the District Attorney’s Office promptly disclose any evidence in the prosecution’s possession or custody of threats to UnitedHealthcare or of expenditures on the part of UnitedHealthcare for the protection of its employees prior to December 4, 2024. In fact, as has been widely reported, UnitedHealthcare and the alleged victim had been subject to numerous threats prior to December 4, 2024, and many UnitedHealthcare executives had private security details as a result.

characterizing the public response, including threats, as “shocking.”⁴ If they were shocking to the prosecution, why would they not be shocking to Mr. Mangione too?

Public threats to UnitedHealthcare are hardly the natural consequence of the shooting, as such threats existed prior to December 4, 2024. For example, on page 398 of the Grand Jury minutes, after the prosecution had finished questioning the witness, a grand juror asked about prior threats received by UnitedHealthcare. In response, the witness testified that “someone from northern Minnesota made a threat and it was about a denial by UnitedHealthcare … this was in the beginning of November … we looked into it … specifically it involved a denial for a couple hundred dollars for an MRI.” The prosecution’s theory is disproven by its own allegations. As stated above, the prosecution has never alleged that Mr. Mangione ever released a single statement encouraging others to act out against or threaten insurance company employees. Indeed, after listening to dozens of Mr. Mangione’s recorded phone calls (including an 11-minute attorney-client call), the District Attorney has not alleged a single instance when Mr. Mangione attempted to inspire anyone to commit any violence whatsoever.⁵

Law enforcement has only itself to blame for the situation that it has created by releasing private journal writings and other information that would not have otherwise become public.⁶ To illustrate this point, the specific threats referenced in the Grand Jury mirrored the language publicly released by law enforcement and which differed from the actual words written on the bullets. According to the prosecution, the bullets they recovered said “delay, den[y], depose..” But initially, law enforcement stated that they said “deny, defend, depose.”⁷ On December 17, 2024, a

⁴ Manhattan District Attorney’s Office, “WATCH: D.A. Bragg and NYPD Commissioner Tisch Announce Murder Indictment of Luigi Mangione” (Dec. 17, 2024), <https://manhattanda.org/watch-d-a-bragg-to-make-law-enforcement-announcement-with-nypd-commissioner/>, at 9:15.

⁵ It is unclear why the prosecution’s motion twice references a GiveSendGo fundraising website created by people wholly unconnected to Mr. Mangione. It is worth noting that despite law enforcement’s attempts to portray Mr. Mangione as a “terrorist” and “revolutionary anarchist” intending to inspire violence, over 30,000 different people have donated to his fund leaving positive messages. In fact, the top five words left in the comments section of the fund are “love,” “hope,” “support,” “people,” and “free.” See https://lookerstudio.google.com/u/0/reporting/f8ea035e-9a51-498e-b77c-ec1b971ead0/page/p_2s6w0zgerd?s=lf88E-353f0.

⁶ In its response, the District Attorney’s Office twice listed Mr. Mangione’s Social Security number, as well as his driver’s license number and a previous home address where civilians reside who are not connected to this case whatsoever other than happen to currently live at this previous address. This is not the first time the District Attorney’s Office has listed private information in its public filings. On April 25, 2025, the District Attorney’s Office publicly listed defense counsel’s personal cellphone number in its letter to the Court attempting to defend its improper monitoring of a legal call between counsel and Mr. Mangione. After publicly filing these documents and disseminating them to the media, Although the District Attorney’s Office agreed (on counsel’s request) on both occasions to redact the sensitive information and refile. Unfortunately, after it had already been publicly filed and widely circulated by them (on counsel’s request), the damage was already done as the District Attorney’s Office had already sent the unredacted versions to major press outlets.

While we can appreciate that mistakes happen (after all, the District Attorney’s Office has previously failed to properly redact witness names in its discovery productions), we are concerned by the emerging pattern. We therefore request that this Court issue a prospective Order reminding the District Attorney’s Office to abide by 22 NYCRR § 205(e), which requires the redaction of social security numbers as confidential personal information. We also urge the District Attorney’s Office to be more cautious, use its common sense and refrain from divulging other personal identifying information in its public filings.

⁷ <https://apnews.com/article/unitedhealthcare-ceo-manhattan-shooting-death-7f6581ba6b0b520938d82c361e77a83c>

UnitedHealthcare executive testified before the grand jury, stating that there were social media posts quoted “deny, defend, depose” (Response at 18), the words law enforcement disseminated. Despite this language, the prosecution further eschews responsibility for the public response, arguing, “UHC was not the only insurance company targeted. Posters threatening Emblem Health’s CEO were posted” and that others stated, “Health Care CEOs should not feel safe. Deny, Defend Depose” on social media. (Response at 20). That these threats used the exact words that law enforcement publicly disseminated and not the words on the evidence itself shows what, exactly, caused any public reaction. The prosecution may not now use the consequences of its own actions to support charging Mr. Mangione with terrorism.

C. The Terrorist Statute Requires an Intent to Harm Multiple People.

The prosecution argues that Murder as an Act of Terrorism (Count One) does not require multiple victims. But this argument fails to address the defense’s argument that this charge requires the *intent* to harm multiple people. In People v. Morales, 20 N.Y. 3d 240 (2012), the Court of Appeals held:

The legislative history, and the context within which this law was passed demonstrate that it was only intended to apply to a very narrow category of the most serious offenses and only when they meet certain criteria similar to the following terrorist attacks:

- (1) the September 11, 2001 attacks on the World Trade Center and the Pentagon; (2) the bombings of American embassies in Kenya and Tanzania in 1998; (3) the destruction of the Oklahoma City federal office building in 1995; (4) the mid-air bombing of Pan Am Flight number 103 in Lockerbie, Scotland in 1988; (5) the 1997 shooting from atop the Empire State Building; (6) the 1994 murder of Ari Halberstam on the Brooklyn Bridge; and (7) the bombing at the World Trade Center in 1993.

(Omnibus Mot. at ¶¶ 84-85). In these examples, the alleged perpetrator(s) *targeted* numerous individuals. In other words, the defendants there *intended* to harm multiple people. Whether or not they succeeded is of no moment.

The prosecution’s argument that the 1994 shooting on the Brooklyn Bridge and the 1997 shooting at the Empire State building each resulted in just one victim entirely misses the point. The perpetrator in the 1994 case shot numerous bullets into a van filled with 15 Jewish students, killing 16-year-old Ari Halberstam and injuring three other students, *intending* to harm multiple people. Similarly, the perpetrator in the 1997 shooting atop the Empire State Building killed one person and shot six others. The fact that the prosecutions’ two cited examples involve injury to multiple people supports the argument that this charge requires the intent to harm multiple victims; in fact, the prosecution does not cite to a single case involving a terrorism charge where both the intent and act involved harm to a single individual. In both those cases, similar to the other terrorist attacks listed by the New York Legislature, the perpetrators’ conduct was directed at numerous individuals. In contrast, the prosecution here alleges a single target. That it was a wealthy CEO of an insurance company who wore a Rolex—a point the District Attorney’s Office raised several

times in its response—does not turn the alleged shooting of one individual into an act of terrorism under New York’s law.⁸ To maintain a charge of Murder as an Act of Terrorism, there must be an intent to harm numerous individuals, irrespective of the ultimate result. The prosecution has failed to sufficiently allege this requisite intent.

Pointing to portions of *Morales*, the prosecution claims that intent to harm a single person is sufficient. (Response at 21–22). But the cited language proves the opposite point. The decision notes refer to the “assassinations” of “persons”—i.e., conduct directed at *multiple* individuals and *not* the assassination of a single person. Furthermore, as the prosecution admits, the journal entries attributed to Mr. Mangione clearly and specifically denounce terrorism and indiscriminate killing of innocents, stating that a terrorist is “the worst thing a person can be.” (Response at 28).

Linde v. Arab Bank PLC, 882 F.3d 314, 326 (2d Cir. 2018) does not help the prosecution either. The prosecution argues that by allegedly targeting the CEO of an insurance company, Mr. Mangione sought to both influence government policy and intimidate or coerce a civilian population. But Linde involved a suicide bombing targeting civilians perpetrated by a member of Hamas and is readily distinguishable. There, the act was part of a terrorist organization’s publicly stated mission to influence the Israeli government’s position in the decades-long Israeli-Palestinian conflict. In contrast, Mr. Mangione’s alleged actions relate to a single, isolated event targeting one individual.

Notably, the U. S. Attorney’s Office did not charge Mr. Mangione with terrorism and New York State’s terrorism law was modeled after the federal terrorism statute. By continuing to refer to Mr. Mangione as a “terrorist” and a “revolutionary anarchist,” the prosecution ignores the evidence in its possession that directly refutes its theory.⁹

3. The District Attorney’s Office is Violating Mr. Mangione’s Constitutional Rights by Demanding the State Trial Proceed Before the Federal Trial

A federal prosecution seeking the death penalty raises constitutional concerns distinct from those in a typical case of dual prosecution. Mischaracterizing the defense’s position, the prosecution states that Mr. Mangione “raises the novel argument that this case should be delayed indefinitely because his concurrent state and federal prosecutions violate various constitutional rights.” (Response at 45). But the constitutional concerns arise from more than just concurrent prosecutions. The violations result from defending a non-capital state prosecution at the same time as a federal death penalty case with different charges that require different defenses for the identical set of facts. In fact, based on our research, there has never been a case anywhere in this country in

⁸ In support of its own strawman argument that New York’s terrorism laws do not require the murder of multiple victims, the District Attorney’s Office cites to PL § 125.27(1)(2)(xiii), which “refers to a singular ‘victim’ who is ‘killed in furtherance of an act of terrorism.’” (Response at p. 25). While accurate, this recitation of the statute is irrelevant because, as noted above, the issue here is not whether one or more people were killed in the alleged shooting but whether the shooting was “an act of terrorism.” As noted in *Morales*, the legislative intent was clear that the terrorism statutes were “only intended to apply to a very narrow category of the most serious offenses” similar to the seven listed above. *Morales*, 20 N.Y.3d at 249. The alleged shooting in this case does not meet that criteria.

⁹ In the context of the journal writings, it is clear that the writer refers to another person, not themselves.

the modern era where a non-capital state prosecution proceeded before a concurrent federal death penalty case.¹⁰

Opposing the defense's request for the federal case to proceed first, the prosecution argues that "it is disingenuous for defendant to claim that he is required to defend both cases at the same time" because trial on the state charges is imminent and will "be completed several years before any federal trial begins." (Response at 46). This explanation is misguided for three reasons.

First, in its drive to bring the State case to trial before the federal trial, the prosecution seeks to artificially accelerate pre-trial proceedings beyond what is typical in similar murder cases. People v. Pedro Hernandez, which involved the murder and kidnapping of Etan Patz, took over two and a half years before proceeding to trial. In People v. Pamela Buchbinder, the case proceeded for nearly five years before a guilty plea was entered. In People v. Nicholas Brooks, which involved the Soho House murder of Sylvie Cachay, the prosecution took over two and a half years before the case proceeded to trial. And in People v. Alex Ray Scott, nearly four years passed before the defendant pleaded guilty to the alleged dating-app murder.

Second, the prosecution's argument demonstrates a complete lack of understanding of how federal death penalty cases proceed. While a trial in the federal death penalty case might not happen quickly, there is considerable work that must be done by a defendant challenging a federal death penalty case. As defense counsel noted in Mr. Mangione's omnibus motion, significant motion practice is required in federal death penalty cases (on top of the usual motions filed in every other federal criminal case). In addition, counsel *is required* to conduct a significant mitigation investigation into the defendant's life. This investigation takes considerable time and effort.

If the state case proceeds first, all the work required in a federal death penalty case—including the extensive motion practice and mitigation investigation—would be forced to take place **at the same time** as the state court proceedings. Although the District Attorney's Office makes light of this situation by stating that Mr. Mangione can hire a different attorney to handle one of his cases (Response at 56), the prosecution conveniently forgets that Mr. Mangione has a constitutional right to participate in his own defense.¹¹ By having both cases proceed at the same time, Mr. Mangione will not be able to participate in reviewing discovery and preparing for trial in the state case while simultaneously assisting counsel in its mitigation investigation and motion practice against the death penalty. This is particularly true in this case where the state has provided approximately 9.7 terabytes of information, which Mr. Mangione must review with counsel to meaningfully defend himself.¹²

Even if counsel could be ready to try this case in the prosecution's proposed timeline, which it cannot, it would violate Mr. Mangione's right to testify in his own defense. The District Attorney

¹⁰ The District Attorney's Office cites People v. Matar as an example of a case where the state's attempted murder prosecution proceeded before the defendant's federal terrorism case. However, Matar was not facing the death penalty in federal court. Accordingly, Matar is irrelevant.

¹¹ The District Attorney's Office also ignores that Mr. Mangione is entitled to counsel of his choice.

¹² ChatGPT estimates that the estimated time to review 9.7 terabytes of data at a "typical rate" is: 337-675 days for text documents; 156-260 hours for images; and, 2000-3000 hours for videos.

once again misstates our position by claiming that the defense would commit perjury and “testify differently” (Response at 51). Again, the prosecution misses the point: Should Mr. Mangione testify in the state case, that testimony could then be used as evidence against him in a capital case. One testimony, used twice, one of which could be used to execute him. The Supremacy Clause of the United States Constitution precludes New York from infringing on rights afforded to Mr. Mangione when the death penalty is on the table, even where, as here, the prosecutors may have once agreed the state case would proceed first.¹³

We attach to this response as “Exhibit A,” a sworn affirmation by learned counsel Avraham Moskowitz, who has been assigned to represent Mr. Mangione as co-counsel in his capital prosecution, for this court’s consideration. We respectfully offer this information to supplement the court’s understanding of what defending a death-eligible case entails, and to inform the court of the life-or-death implications of these parallel prosecutions.

Third, there should be no harm to the District Attorney’s case should the federal case proceed first since, according to the District Attorney, the state case would proceed even after the conclusion of the federal case and would not implicate Mr. Mangione’s protections against double jeopardy. (Response at 48 (“[T]he federal and state statutes are directed to different evils and involve targeting different victims.”)). Given the District Attorney’s position that the state and federal trials do not affect each other, there is no downside for state prosecutors to try their case after the federal prosecution. This would prevent any prejudice to Mr. Mangione in the death-penalty case and afford him the rights to which he is entitled.

Despite these legitimate concerns, the prosecution continues its breathless demands to move this case at an atypically fast pace given its complexity. In recent correspondence with the Court, the prosecution continues to rush for no reason. They ignore the fact that the defense is conducting its own investigation. They seek to hold virtual hearings, even where the Court has not set an appearance, notwithstanding that Mr. Mangione will not consent to any virtual appearances and insists on being present. The prosecution’s stated reasons for fast-tracking this case are a thinly veiled attempt to hide its actual motivation—to bestow upon itself the opportunity to try a highly public and closely followed trial before its Federal counterpart.¹⁴

The prosecution reiterates these unreasonable demands in its response, suggesting that Mr. Mangione forego his constitutional rights and instead give way the state’s preferences by using the more than 30,000 individual donations he has received to hire different counsel, not of his choosing. Mr. Mangione declines this suggestion. The prosecution’s fixation with Mr. Mangione’s legal fund—mentioned twice in its response—ignores the defense’s stated concerns, which relate

¹³ District Attorney incorrectly states that “[t]he agreement between the federal prosecutor and this office that the state case proceed first.” (Response at p. 49). However, the statement, made by then-acting United States Attorney Ed Kim, was that the state case is “currently expected” to proceed to trial prior to the federal case. That statement was made by the prior Department of Justice administration, and prior to its filing a Notice of Intention to Seek the Death Penalty. According to the current federal prosecutors, there is no such agreement that the state case proceeds first.

¹⁴ Despite the prosecution’s work on this case, detailed at length in its response, under the prosecution’s logic, the Pennsylvania prosecution should go to trial first; after all, it was the McDonald’s worker and Pennsylvania law enforcement who arrested Mr. Mangione, not law enforcement personnel from this jurisdiction.

to process, not funding. The prosecution fails to grasp that Mr. Mangione might be foreclosed from raising certain defenses should the state case proceed first, with execution as a potential consequence. There is no greater prejudice. After all, death is different.

4. The Defense Requests the Court set a Motion Schedule for the Defense to Fully Brief the Prosecution's Demand Pursuant to CPL 250.10.

The prosecution continues to attempt to rush this Court's process. This is improper and invites error. It is also contrary to the Court's prior statements. At the February 21, 2025 conference, the Court discussed explicitly how motions would be made, set a date for initial motions, and made clear to the parties that "You could always supplement your motions, but it's got to start." (Feb. 21, 2025 Tr. at 11-12).

Pursuant to the Court's directions, the defense has made its initial motions, but additional topics must be briefed. For example, the prosecution continues to push the issue of CPL 250.10 notice. But the prosecution's demands ignore the serious issues raised by the procedural posture of this case – a posture that, for decades, has been held to be unconstitutional, as "the Double Jeopardy Clause of the Fifth Amendment [i]s an insurmountable barrier to" two prosecutions arising out of the same events. Petite v. United States, 361 U.S. 529, 533 (1960) (Brennan, J., concurring); see also, e.g., Rinaldi v. United States, 434 U.S. 22, 28–29 (1977) (observing that in response to the "[Supreme] Court's continuing sensitivity to the fairness implications of the multiple prosecution power, the Justice Department adopted the policy of refusing to bring a federal prosecution following a state prosecution except when necessary to advance compelling interests of federal law enforcement," and holding that the Petite policy "was designed to limit the exercise of the power to bring successive prosecutions for the same offense to situations comporting with the rationale for the existence of that power," and "serves to protect interests which, but for the 'dual sovereignty' principle inherent in our federal system, would be embraced by the Double Jeopardy Clause.").

For reasons that should be obvious, the defense is not going to serve notice under CPL 250.10, but maintains its right to serve such notice at a time that will not prejudice any of Mr. Mangione's rights. The defense will set forth its reasons for this in a separate motion. We anticipate that such a motion might, among other things, raise the profound Fifth Amendment problems with the prosecution's apparent position on various issues in this case. But the time for such a motion has not yet ripened. Our point is simply that the Court, and not the prosecution, will dictate the schedule in this matter, and we ask, respectfully, that this schedule reflect consideration for the profound Constitutional issues that the prosecution's actions have created.

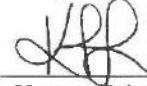
When, as here, the government refuses to follow its own policies, issues arise such as the CPL 250.10 issue here. They must be briefed fully and carefully—for if the government is willing to trample on Mr. Mangione's rights, the Court must be able to restrain it.

Hon. Gregory Carro
June 18, 2025

5. Conclusion

For the reasons set forth in this reply and in our omnibus motion, we respectfully request that this court grant the requested relief.

Very truly yours,



Karen Friedman Agnifilo
Marc Agnifilo
Jacob Kaplan

Counsel for Luigi Mangione

EXHIBIT A

AVRAHAM C. MOSKOWITZ, under penalties of perjury, affirms and states:

1. I am a partner in the law firm of Moskowitz, Colson, Ginsberg & Schulman, LLP.
2. Chapter 6, Section 620.30 of the Judicial Conference of the United States

Criminal Justice Act Guidelines and 18 U.S.C. § 3005 provide for the assignment of “learned counsel” to assist in the representation of federal criminal defendants who are charged with capital crimes. I have been appointed as “learned counsel” to represent Luigi Mangione, in *U.S. v. Mangione*, 25 Cr. 176 (MMG), currently pending in the United States District Court for the Southern District of New York (hereinafter “the federal case or the “capital case”) pursuant to those authorities. In that capacity, I am serving as co-counsel to the firm Agnifilo Intrater LLP, which has been retained to represent Mr. Mangione in the federal case and in the parallel state prosecution, *People v. Luigi Mangione*, 75657/24, pending in the New York State Supreme Court, New York County (hereinafter the “state case”).

3. A copy of my resume is attached hereto as Exhibit 1. Briefly summarized, I received a bachelor’s degree from Yeshiva University in 1977 and a J.D. from Columbia University in 1980. After graduating law school, I spent five years in private practice at two different law firms in New York City before being appointed an Assistant United States Attorney in the Southern District of New York, a position I held from October 1985-March 1991, during which time I tried twenty-four cases to verdict. After leaving the U.S. Attorney’s Office, I rejoined my prior firm, Anderson Kill & Olick for five years before starting my own firm, a litigation boutique, where I specialized in criminal defense work. From 1991 until today, I have been a member of the Criminal Justice Act panel in both the Southern and Eastern Districts of New York. Since 1991, I have tried more than two dozen criminal cases to verdict in federal and state courts.

4. I have been a member of the Capital Panels in both the Southern and Eastern Districts of New York since 1998. In that capacity, I have represented more than fifty defendants facing murder charges that were death eligible, either as lead trial counsel or as learned counsel. In each of those cases, I have been involved in conducting mitigation investigations on behalf of my clients. Of the numerous clients I have represented in death eligible cases, only three were authorized for capital prosecutions. In two of those authorized cases, my client ultimately was allowed to plead guilty before trial. In the one capital case that went to trial, my client received a life sentence from the jury.

5. I submit this affirmation in support of Mr. Mangione's motion to stay the trial of the state charges filed against him in this court, pending resolution of the federal prosecution against him, and to provide the Court with information concerning federal procedures in capital cases and the constitutional concerns that give rise to those procedures.

6. Because the federal case alleges a capital offense, and because the Government has given notice that it intends to seek the death penalty, the federal case gives rise to heightened constitutional concerns. To be constitutionally effective, Mr. Mangione's federal counsel are required to conduct an extensive and thorough mitigation investigation to develop all possible reasons why he should not be executed, and that investigation must be completed in advance of other strategic decisions. Because making strategic decisions before receiving and analyzing the information developed during the mitigation investigation might compromise the defendant's ability to present his best mitigation defenses at the sentencing phase of his capital case, making such decisions before completion of the mitigation investigation would constitute ineffective assistance of counsel and would violate Mr. Mangione's constitutional rights in the federal case.

7. Because they arise out of the same facts and will involve the same witnesses and other evidence, the federal case and the state case are interlinked, such that strategic decisions made in one case will necessarily dictate the defense strategies available in the other case. Accordingly, if Mr. Mangione proceeds to trial in the state case before the federal mitigation investigation is complete, counsel will necessarily be required to make strategic decisions that will be controlling in the capital case without benefit of the information that will be developed over the course of the mitigation investigation. Should trial of the state case proceed before completion of the mitigation investigation and the trial of the federal case, Mr. Mangione's counsel may make decisions in the state case that would not be made if the mitigation evidence was known and the penalty phase of the capital case completed. Because of the linkage between the two cases, those decisions will foreclose counsel from making different choices in the federal case, thereby prejudicing Mr. Mangione's defense in the capital case and depriving him of his Sixth Amendment right to the effective assistance of counsel.

8. This Court should not risk compromising Mr. Mangione's constitutional rights by requiring counsel to make possible life or death decisions without the benefit of the critical information that will be developed by the mitigation investigation.

The Mitigation Process in Federal Death Penalty Cases

9. Counsel's duty to conduct a thorough mitigation investigation before making strategic decisions in a capital case is well established. Five decisions of the Supreme Court of the United States have confirmed trial counsel's duty to conduct a thorough mitigation investigation in a death penalty case: *Williams v. Taylor*, 529 U.S. 362 (2000); *Wiggins v. Smith*, 539 U.S. 510 (2003); *Rompilla v. Beard*, 545 U.S. 374 (2005); *Porter v. McCollum*, 558 U.S. 30 (2009) (per curiam); and *Sears v. Upton*, 561 U.S. 945 (2010) (per curiam).

10. In 2003, the same year as the Supreme Court's decision in *Wiggins*, the American Bar Association issued its revised Guidelines for the Appointment and Performance of Defense Counsel in Death Penalty Cases. Those Guidelines, which summarize the prevailing professional norms in capital defense, have been widely circulated and discussed at capital training seminars ever since. Supplementary Guidelines for the Mitigation Function of Defense Counsel in Death Penalty Cases, published in 2008, elaborate on these duties. The ABA Death Penalty Guidelines and Supplementary Mitigation Guidelines have received particular recognition in federal court, both for federal defender organizations and counsel appointed under the Criminal Justice Act. The Defender Services Program adopted a specific strategy for capital representation, stating that appointed counsel should comply with the 2003 ABA Guidelines for the Appointment and Performance of Defense Counsel in Death Penalty Cases and the 2008 Supplementary Guidelines for the Mitigation Function of Defense Teams in Death Penalty Cases. The Judicial Conference of the United States endorsed similar language in its October 2016 Model CJA Plan.

11. The twenty-first century editions of the ABA Guidelines and the Supplementary Guidelines for the Mitigation Function highlighted what capital defenders have long recognized: a team should be assembled to begin the mitigation investigation at the earliest opportunity. The need to establish the team as early as possible stems from the complexity of capital defense representation. A mitigation investigation must begin early if it is to be effective; it is a slow, time-intensive process involving the interaction between documentary records and witness interviews. Indeed, mitigation interviewing is itself a lengthy, cyclical process that requires building trust and rapport with the client and witnesses. Earning trust takes time, and a mitigation investigation is built on trust between the investigators and those they interview. Without trust,

interviewees are not likely to share the kinds of sensitive information that is often most critical in mitigation.

12. The cyclical process of rapport building applies to clients and potential mitigation witnesses. Only through patience, attention and the rigorous practice of building trust and rapport through multiple, in-person, one-on-one interviews can an investigator elicit a full and candid picture of the client's developmental years, social influences, and mental vulnerabilities. As Russell Stetler, the recently retired "dean" of mitigation specialists, and his colleague Professor W. Bradley Wendel have explained, the mitigation process is counter-intuitive for both defendants and witnesses.¹ "Fact witnesses" understand why they are being interviewed: they are percipient witnesses to an event (e.g., the light was green or the light was red). Mitigation witnesses, by contrast, are "slice of life" witnesses "who observed the client over a period of months or even years and may have shared traumatic experiences."² They do not even think of themselves as witnesses: they know nothing about the capital offense, and everything about the mitigation investigation is as counter- intuitive for witnesses as it is for the client.

13. In a declaration recently filed in a capital case pending in the District of Maryland, Mr. Stetler, the National Mitigation Coordinator for the Federal Death Penalty projects from 2005 until 2020, explained the purpose and nature of capital mitigation investigations as follows:

The purpose of a thorough mitigation investigation is to develop social history evidence that will humanize the defendant, help jurors to understand why he may have committed the capital offense, and evoke compassion and empathy by identifying the client's individual frailties that at once establish human kinship and

¹ Russell Stetler & W. Bradley Wendel, *Mitigation Reports in Capital Cases: Legal & Ethical Issues*, 13 ST. MARY'S J. ON LEGAL MALPRACTICE & ETHICS 48 (2023). The paper was originally presented at the Journal's 22nd Annual Symposium on Legal Malpractice & Ethics on Jan. 27, 2023, in San Antonio, Texas.

² *Id.* at 102.

expose vulnerabilities and disadvantage. Moreover, a thorough social-history investigation provides the foundation for reliable mental health evidence and enables counsel to make informed decisions about what kinds of mental health experts to consult and what questions they should address. Mental health experts, in turn, require social history information to conduct a complete and reliable evaluation in the wide spectrum of areas that they may address in a capital case, which range from the statutorily defined issues of competency and criminal responsibility to the broadest varieties of statutory and non-statutory mitigation that have mental health aspects. *The fruits of a thorough mitigation investigation not only provide capital defendants with the effective representation to which they are entitled under the Sixth Amendment but assure jurors of the opportunity to consider all the evidence relevant to the reasoned moral judgment they are asked to render, thereby also assuring the courts of an outcome that is reliable and just.* (Emphasis added).

The need to investigate mental disorders and impairments in the context of sentencing evidence is equally well established. See *Ake v. Oklahoma*, 470 U.S. 68, 80 (1985) (due process right to psychiatric assistance when mental condition is relevant to culpability or punishment). *Without the social history that results from a thorough mitigation investigation, trial counsel cannot make an informed and thoughtful decision about which experts to retain in order to gauge the nature and extent of a client's possible mental disorders or impairments.* Mental health experts, in turn, require social history information for complete and reliable assessments, so consultations without such background information are inevitably futile.(Emphasis added)

Declaration of Russell Stetler in *U.S. v Costanza Galdomez*, 22 Cr. 409 (SAG), D. Md. ECF Doc.

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14. Significantly, since 2000, the Supreme Court has overturned five death verdicts based on the failure of trial counsel to conduct a thorough mitigation investigation. *Williams v. Taylor*, 529 U.S. 362 (2000); *Wiggins v. Smith*, 539 U.S. 510 (2003); *Rompilla v. Beard*, 545 U.S. 374 (2005); *Porter v. McCollum*, 558 U.S. 30 (2009) (per curiam); and *Sears v. Upton*, 561 U.S. 945 (2010) (per curiam). In *Wiggins, supra*, the Supreme Court threw out a death verdict and found counsel's performance deficient, even though they had the defendant examined by a mental health professional, because they failed to complete a thorough social history investigation as required by the ABA Guidelines.

15. In language that resonates in this case, where the People are rushing to try Mr. Mangione before the defense has had an opportunity to complete its mitigation investigation, the Supreme Court criticized counsel's performance, noting that "Despite these well-defined norms, however, counsel abandoned their investigation of petitioner's background after having acquired only rudimentary knowledge of his history from a narrow set of sources." 539 U.S. at 524. In *Rompilla, supra*, trial counsel were found to be ineffective even though they were told by the defendant and his family members that there was no mitigating evidence available and despite the fact that they consulted three mental health experts. Finally, in *Porter, supra*, the Supreme Court found counsel's performance deficient, finding that the fact that the defendant was "fatalistic and uncooperative" did not obviate the need for defense counsel to conduct a mitigation investigation. Id. 558 U.S. at 40.

16. The parallel prosecutions of Mr. Mangione in state and federal court have placed defense counsel and Mr. Mangione in an untenable position, especially if the state court case proceeds to trial before the capital case. Although based on different legal theories, both cases are based on the identical facts surrounding the same incident. Obviously, defense counsel's primary obligation is to prevent Mr. Mangione's execution. Thus, counsel cannot make any decisions or offer any defenses in the state case that will adversely impact the defense in the capital case. Conversely, although the prosecution of Mr. Mangione in this court does not expose him to the death penalty, he is facing the potential of life in prison without the possibility of parole, the most severe punishment available in New York State.

17. Given the severity of the charges against Mr. Mangione in the state case, it is also incumbent on defense counsel to try to avoid making decisions in the federal case that will adversely impact the defense in the state case. Simply put, counsel must coordinate the defenses

offered in both cases so that positions taken and evidence offered by the defense in one case do not adversely affect the defense in the second case. Failure to coordinate the defenses offered in the two cases would be malpractice, especially if decisions made in defending the state case adversely affected the capital case and resulted in a death sentence for Mr. Mangione.

18. Finally, given the central role that the mitigation investigation plays in helping counsel formulate a defense against the capital charges, counsel for Mr. Mangione cannot decide on a trial strategy for either the state or federal case until the mitigation investigation has been completed and until counsel has consulted with any experts that they determine are necessary based upon the results of the mitigation investigation. Requiring counsel to proceed to trial in the state case before completion of the mitigation investigation in the capital case would force them to make strategic decisions without all the information they need to make reasoned decisions and thus, any such decisions are likely to prejudice the defense of the capital case. Most significantly, as recognized by the Supreme Court in the cases cited above, if counsel for Mr. Mangione made strategic decisions before they have completed the thorough mitigation investigation required by the ABA Guidelines, their performance will be considered ineffective and will deprive Mr. Mangione of his Sixth Amendment right to the effective assistance of counsel.

19. Even the Department of Justice recognizes the importance of conducting a fulsome defense mitigation investigation even as early as the charging phase. In virtually all death eligible cases charged in federal court, the defense is given an opportunity to conduct a mitigation investigation and make a mitigation submission to the Department of Justice *before* the decision is made on whether the Government will seek the death penalty. In my experience representing more than fifty death eligible clients, mitigation investigations usually take well

over a year to complete. In some cases, where obtaining records and finding and interviewing potential mitigation witnesses proved challenging, the mitigation investigation continued for more than two years before a charging decision was made. In cases where the Government decides to seek the death penalty, the mitigation investigation continues up to and through the trial. In this case, the Department of Justice departed from those usual practices. Attorney General Bondi announced that the Government would seek the death penalty against Mr. Mangione shortly after I was appointed as “learned counsel” and before I had an opportunity to retain mitigation specialists to begin the mitigation investigation.

20. A mitigation investigation cannot be completed in a predetermined amount of time. As Mr. Stetler eloquently explained in his declaration in the *Constanza-Galdomez* case,

A social history cannot be completed in a predetermined time frame. Several years ago, I noted, “The most recent scholarly estimate of the time required for thorough mitigation investigation is . . . that it often takes ‘*thousands of hours*’ to complete the extraordinarily difficult and time-consuming task.” In addition to the bureaucratic obstacles to the acquisition of essential documentation, it takes time to establish rapport with the client, his family, and others who may have important information to share about the client’s history. It is quite typical, in the first interview with clients or their family members, to obtain incomplete, superficial, and defensive responses to questions about family dynamics, socioeconomic status, religious and cultural practices, the existence of intra-familial abuse, and mentally ill family members. These inquiries invade the most shameful secrets of the client’s family, expose raw nerves, and often re-traumatize those being interviewed.

21. Counsel for Mr. Mangione and the mitigation specialists working with counsel are working diligently to collect all available records and conduct interviews of every person who may have information relevant to possible mitigation. At this early stage in the investigation process, it is impossible to predict how long it will take to conclude the investigation. What is clear however is that rushing the mitigation investigation to meet an arbitrary trial date or forcing counsel to make life and death decisions without the benefit of a thorough mitigation

investigation would render counsel ineffective and would violate Mr. Mangione's Sixth Amendment right to the effective assistance of counsel.

22. Rushing the state court case to trial before the federal capital trial would also force the defendant to compromise his Fifth Amendment rights and the protections afforded to him by Fed. R. Crim. P. 12.2 ("Rule 12.2"). For example, in *Estelle v. Smith*, 451 U.S. 454, 101 S. Ct 1866 (1981), the court ordered the defendant to take part in a pre-trial competency hearing, and prosecutors used the statements he made during that hearing against him in the penalty phase of his capital trial. Because the defendant was not warned prior to the examination that his statement could be used against him in such fashion, the Court found that the use of his statements during the penalty phase violated the defendant's Fifth Amendment rights. *Id.*

23. Federal Rule of Criminal Procedure Rule 12.2 is intended to protect a defendant's Fifth Amendment rights in connection with mental health evaluations and to prevent Constitutional violations like that in *Estelle*. The Rule provides that if a defendant intends to offer expert testimony relating to any mental condition of the defendant bearing on the issue of punishment in a capital case, he must provide notice to the prosecution at a time set by the court. The Court, upon motion by the Government, may order the defendant to be examined pursuant to procedures set by the Court. Most significantly, the results of an examination of the defendant ordered by the Court "must be sealed and must not be disclosed to any attorney for the government or the defendant unless the defendant is found guilty of one or more capital crimes and the defendant confirms an intent to offer during sentencing proceedings expert evidence on mental condition." (Fed. R. Crim. P. 12.2 (c)(2).)

24. If a defendant facing charges in both state court and federal court is required to raise potential mental health defenses in his state court trial, as the People are demanding at this stage, the federal prosecutors will gain access to the mental health evaluations conducted by the defense and

prosecution experts well before they would otherwise be entitled to such evaluations pursuant to Rule 12.2. Accordingly, if Mr. Mangione's state case proceeds to trial before his federal capital trial, he may be forced to choose between violations of his constitutional rights in order to present a complete defense. If he chooses to raise a defense based on "extreme emotional disturbance" or capacity in his state trial, that choice will cause him to forfeit his Fifth Amendment privilege in his capital trial, along with the protections afforded capital defendants by Rule 12.2. On the other hand, if he chooses to preserve his Fifth Amendment and Rule 12.2 rights in the federal trial, he will, by necessity, forfeit his right to present mental health defenses that might otherwise be available in the state trial, because asserting those defenses will require him to undergo an evaluation that will be shared with federal prosecutors.

25. Forcing the defendant to choose between asserting a potential defense in the state court and giving the prosecution in his capital trial an unfair advantage presents the defense with an untenable choice with possibly fatal implications. Moreover, forcing the defendant and his counsel to make such a choice before completion of the mitigation investigation would require them to make a potentially life and death decision without all the information that they need to make a reasoned decision, thus violating Mr. Mangione's Sixth Amendment right to the effective assistance of counsel. This Court should not jeopardize Mr. Mangione's life in that fashion just for the sake of upholding the State's interest in prosecuting him. Rather, it is respectfully submitted that this Court should allow trial of the federal capital case to proceed before the state trial. By doing so, the Court would be protecting Mr. Mangione's Fifth and Sixth Amendment rights and would enable him to fight for his life with all of the constitutional and procedural rights afforded him by law.

Dated: New York, N.Y.
June 16, 2025

avraham moskowitz
Avraham C. Moskowitz

EXHIBIT 1

AVRAHAM C. MOSKOWITZ
Moskowitz Colson Ginsberg & Schulman LLP
80 Broad Street, Suite 1900
New York, New York 10004
Tel: 347-262-9875

CURRENT POSITION:

Managing Partner-Moskowitz Colson Ginsberg & Schulman- Jan 1, 2023-present

Founder of litigation boutique that specializes in handling all kinds of federal and state criminal cases, from securities and tax fraud to RICO and capital murder cases. Member of Criminal Justice Act and capital case panels in the Southern District and Eastern District of New York. Serve as lead or learned counsel in federal capital cases.

PRIOR EMPLOYMENT EXPERIENCE:

Partner - Moskowitz & Book, LLP June 1996 – December 31, 2022

Founder of firm which handled all types of criminal and civil litigation in federal and state courts, ranging from securities and tax fraud to racketeering and capital murder cases. Member of CJA panels in SDNY and EDNY. Member of Capital Panel in SDNY. Appointed as lead trial counsel or “learned counsel” in more than fifty death eligible cases. Lead trial lawyer in three authorized capital cases, two of which resulted in pleas before trial and the other resulted in a life verdict after trial.

Partner - Anderson Kill Olick & Oshinsky, P.C- March 1991 - May 31,1996

Duties included: handling all aspects of varied litigation practice with specialty in criminal defense and complex civil litigation.

Assistant United States Attorney

Southern District of New York Oct . 1985 - March, 1991

Duties included: serving as lead prosecutor on 24 trials including trials involving complex tax fraud, RICO, narcotics, money laundering and other sophisticated white-collar crimes; supervising and advising junior prosecutors on an additional 10 trials; writing 15 appellate briefs filed in the United States Court of Appeals for the Second Circuit; arguing numerous appeals in the Second Circuit; conducting investigations regarding tax-fraud, official corruption, RICO, narcotics, money laundering, and other sophisticated white-collar crimes. Twice nominated for Director's Award for Superior Performance as an Assistant U.S. Attorney.

Partner-Anderson Russell Kill & Olick, P.C. May 1983 - Oct. 1985

Duties included: handling all aspects of broad range of general commercial litigation including trials, depositions, motion practice and settlement negotiations. Specialized in toxic tort and environmental litigation.

Litigation Associate-Rosenman Colin Freund Lewis & Cohen- Sept. 1980 - May 1983

Duties included legal research, drafting briefs, pleadings and discovery requests, writing memoranda of law and detailed factual memoranda, interviewing clients and preparing clients for testifying.

ACADEMIC EXPERIENCE:

Adjunct Professor of Trial Advocacy, New York Law School 1991-present

Faculty Member, National Institute of Trial Advocacy, Northeast Regional Program, 1991-2010

EDUCATION:

Columbia University School of Law, J.D. - 1980

Honors: Harlan Fiske Stone Scholar - 1977-78, 1978-79;

Research Assistant to Professor H. Richard Uviller - Spring 1980

Yeshiva University, New York City

B.A., Summa Cum Laude, 1977: G.P.A . 3.9

Major: History

Honors: Dean's List 1974-1977

Senior History Award 1977

ADMISSIONS TO BAR:

New York State

Second Circuit Court of Appeals

Southern District of New York

Eastern District of New York

Eastern District of Michigan

Eastern District of Pennsylvania

HONORS:

AV Rated by Peers in Martindale-Hubbell

Fellow, American College of Trial Lawyers

Selected by peers as a "Super Lawyer"

Selected among "Best Lawyers in United States"