

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORK: PART 59

PART 59 NOV 14 2023

THE PEOPLE OF THE STATE OF NEW YORK

-against-

DONALD J. TRUMP,

Defendant.

NOTICE OF MOTION TO COMPEL  
DEFENDANT TO PROVIDE  
RECIPROCAL DISCOVERY  
PURSUANT TO CPL §§ 245.20(4) &  
245.50(2)

Ind. No. 71543-23

PLEASE TAKE NOTICE that the People will move this Court, located at 100 Centre Street, New York, New York, on a date and time to be determined by the Court, to compel defendant to provide reciprocal discovery and file a defense certificate of compliance as required by CPL §§ 245.20(4) and 245.50(2) within seven days, by November 16, 2023, and for such other and further relief as the Court may deem just and proper. A supporting affirmation, memorandum of law, and accompanying exhibits are attached to this notice of motion.

DATED: November 9, 2023

Respectfully submitted,

ALVIN L. BRAGG, JR.  
*District Attorney, New York County*

By: /s/ Matthew Colangelo

Matthew Colangelo

Christopher Conroy

Katherine Ellis

Susan Hoffinger

Becky Mangold

*Assistant District Attorneys*

New York County District Attorney's Office

1 Hogan Place

New York, NY 10013

212-335-9000

PART 59 NOV 4 2023

THE PEOPLE OF THE STATE OF NEW YORK

-against-

DONALD J. TRUMP,

Defendant.

AFFIRMATION AND  
MEMORANDUM OF LAW IN  
SUPPORT OF MOTION TO  
COMPEL DEFENDANT TO  
PROVIDE RECIPROCAL  
DISCOVERY PURSUANT TO CPL  
§§ 245.20(4) & 245.50(2)

Ind. No. 71543-23

### AFFIRMATION

Matthew Colangelo, an attorney admitted to practice before the courts of this state, affirms under penalty of perjury that:

1. I am an Assistant District Attorney in the New York County District Attorney's Office. I am assigned to the prosecution of the above-captioned case and am familiar with the facts and circumstances underlying the case.

2. I submit this affirmation in support of the People's motion to compel defendant to provide reciprocal discovery pursuant to CPL §§ 245.20(4) & 245.50(2).

3. Defendant is charged with thirty-four counts of falsifying business records in the first degree, PL § 175.10. These charges arise from defendant's efforts to conceal an illegal scheme to influence the 2016 presidential election. As part of this scheme, defendant requested that an attorney who worked for his company pay \$130,000 to an adult film actress shortly before the election to prevent her from publicizing an alleged sexual encounter with defendant. Defendant then reimbursed the attorney for the illegal payment through a series of monthly checks. Defendant caused business records associated with the repayments to be falsified to disguise his and others' criminal conduct.

4. Defendant was arraigned on April 4, 2023. On June 23, 2023, the Court entered a protective order altering the time periods for discovery and extending to July 24, 2023 the People's time period to complete its discovery obligations pursuant to CPL § 245.20.

5. The People made discovery productions to defendant in this case on May 23, June 8, June 9, June 15, and July 24, 2023.

6. On July 24, 2023, the People served on defendant and filed with the Court a certificate of compliance ("COC") pursuant to CPL § 245.50(1).

7. Consistent with the People's continuing duty to disclose pursuant to CPL § 245.60, the People have made supplemental discovery productions to defendant regularly since July 24, and have served on defendant and filed with the Court supplemental COCs pursuant to CPL § 245.50(1) following each supplemental production.

8. CPL § 245.10(2), entitled "Defendant's performance of obligations," provides: "The defendant shall perform his or her discovery obligations under subdivision four of section 245.20 of this article not later than thirty calendar days after being served with the prosecution's certificate of compliance pursuant to subdivision one of section 245.50 of this article, except that portions of materials claimed to be non-discoverable may be withheld pending a determination and ruling of the court under section 245.70 of this article; but the prosecution must be notified in writing that information has not been disclosed under a particular section."

9. Defendant did not comply with the discovery obligations required under CPL § 245.20 by August 23, 2023—thirty calendar days after the People served their July 24 COC. Nor did defendant seek a ruling from this Court pursuant to CPL § 245.70 regarding any claimed non-discoverable materials, or notify the People of information that was not disclosed.

10. On August 24, 2023, the People advised defense counsel in writing of defendant's August 23 deadline to comply with his reciprocal discovery obligations, and requested that defendant comply with all of his obligations pursuant to CPL § 245.20(4), including the filing of a defense COC pursuant to CPL § 240.50(2). Ex. 1.

11. In the same August 24, 2023 correspondence, the People also advised defendant that "if you intend to call expert witnesses, we direct you, in particular, to CPL §§ 245.20(4)(a) and 245.20(1)(f), which collectively require Defendant to identify all such expert witnesses and provide, among other items, 'all reports prepared by the expert that pertain to the case, or if no report is prepared, a written statement of the facts and opinions to which the expert is expected to testify and a summary of the grounds for each opinion.'" Ex. 1. The People's August 24 correspondence referenced defendant's obligations with regard to potential expert testimony because defense counsel had previously indicated that expert testimony may be part of the defense case in this matter. Specifically, during a meeting held on March 3, 2023 at defense counsel's request, defense counsel indicated that if the grand jury indicted defendant on charges related to the 2016 hush money scheme, expert testimony on campaign finance requirements would support defendant's expected defenses.

12. Defendant did not respond to the People's August 24, 2023 correspondence.

13. On September 22, September 28, and October 13, 2023, the People again advised defense counsel in writing that defendant was in violation of his statutory obligations to provide reciprocal discovery, including expert witness disclosures.

14. On September 29, 2023, defendant filed his omnibus motions. Among other relief, defendant moved to strike the People's COC on the basis of two claimed discovery violations: (a) the purported failure to produce copies of published books that the People had identified for

defendant on an addendum to the People's Automatic Discovery Form; and (b) the purported failure to designate exhibits that the People intended to introduce in our case-in-chief at trial. *See* Def.'s Omnibus Mem. 46-48. (As set out in more detail in the People's November 9, 2023 opposition to defendant's omnibus motions, the People had in fact fully complied with both of those obligations. *See* People's Opp. to Omnibus Motions 80-81.)

15. On October 20, 2023, defense counsel responded for the first time to the People's repeated requests for reciprocal discovery, stating: "Regarding the defense certificate of compliance, as you know, we asked the Court to strike the People's Certificate of Compliance, because the People failed to comply with their discovery obligations. Thus, as the defense obligation only kicks in once the People have completed their discovery obligations, we do not believe the Defense is yet required to file a defense COC." Ex. 2.

16. The People responded that same day, stating: "Regarding your position on defendant's obligation to provide the People with reciprocal discovery and file a COC, we believe your view of the law is incorrect. CPL 245.10(2) clearly provides: 'The defendant shall perform his or her discovery obligations under subdivision four of section 245.20 of this article *not later than thirty calendar days after being served* with the prosecution's certificate of compliance pursuant to subdivision one of section 245.50 of this article' (emphasis added)." Ex. 2.

17. On October 27, 2023, the People once again requested defendant's immediate compliance with his reciprocal discovery obligations, noting that several months had passed since his August 23 deadline; that there was no authority for defendant's argument that his deadline was stayed by defendant's motion to strike the People's COC; and that his motion to strike was in any event not made until September 29, 2023, more than a month after his discovery deadline. Ex. 3.

18. To date, defense counsel has not responded in any way to the People's October 20 and October 27 correspondence; has not provided any reciprocal discovery to the People; has not sought leave to withhold materials pending a ruling from this Court pursuant to CPL § 245.70; and has not notified the People of any information that has not been disclosed under any section of the CPL. *See* CPL § 245.10(2).

#### MEMORANDUM OF LAW

Defendant's reciprocal discovery is more than eleven weeks overdue, and defendant's contention that his motion to strike the People's COC automatically stays his reciprocal discovery deadline is meritless. Because continued delay in defendant's compliance with his discovery obligations will interfere with the People's ability to prepare for trial, the People respectfully request that the Court order defendant to produce reciprocal discovery and file a defense COC pursuant to CPL §§ 245.20(4) and 245.50(2).

CPL § 245.20(4) requires defendant to disclose and make available to the People enumerated categories of discovery, including but not limited to material that defendant intends to introduce at trial or a pre-trial hearing and that is discoverable under CPL §§ 245.20(1)(f) (expert opinion evidence); 245.20(1)(g) (tapes or other electronic recordings); 245.20(1)(l) (a summary of any documents relevant to promises, rewards, or inducements made to people who may be called as witnesses); and 245.20(1)(o) (tangible property). Defendant must also disclose "the names, addresses, birth dates, and all statements, written or recorded or summarized in any writing or recording, of those persons other than the defendant whom the defendant intends to call as witnesses at trial or a pre-trial hearing." CPL § 245.20(4)(a).

The statute setting defendant's deadline to provide reciprocal discovery is clear: "The defendant shall perform his or her discovery obligations under subdivision four of section 245.20 of this article *not later than thirty calendar days after being served* with the prosecution's

certificate of compliance pursuant to subdivision one of section 245.50 of this article . . . .” CPL § 245.10(2) (emphasis added). The People served their COC on July 24, 2023. Defendant was therefore required to comply with his obligations under CPL § 245.20(4) thirty calendar days later, by August 23, 2023.

After the People wrote defense counsel four times between August 24 and October 13 requesting that defendant comply with the law, defense counsel responded for the first time on October 20 by contending that defendant’s reciprocal discovery obligations were stayed by defendant’s motion to strike the People’s COC. *See supra* Aff. ¶¶ 10-15. Setting aside that that motion was not even filed until September 29—after defendant had already missed his deadline by more than five weeks—there is no support for defendant’s argument. The statute sets defendant’s deadline at thirty days after service of the People’s COC, with no exception or extension in cases where defendant claims (or may in the future claim) that the People’s COC is deficient. *See* CPL § 245.10(2). Courts have interpreted the defense discovery deadline in accord with this plain text. *See People v. Venticinque*, 2021 N.Y. Misc. LEXIS 18510, at \*7 (Sup. Ct. N.Y. Cnty. 2021) (“The defendant’s COC responsibilities are plainly independent of whether they seek to challenge the validity of the People’s COC.”); *People v. Gadiyev*, 2021 N.Y. Misc. LEXIS 4261, at \*23 (Sup. Ct. Kings Cnty. 2021) (“There is no provision in Article 245 of the C.P.L., or related common law, that conditions the filing of the defendant’s certificate of compliance on the outcome of a motion to controvert the People’s certificate of compliance.”).<sup>1</sup>

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<sup>1</sup> Defendant’s motion to strike the People’s COC is meritless for the reasons described in the People’s November 9, 2023 opposition to defendant’s omnibus motions. *See* People’s Opp. to Omnibus Motions 80-81. But the Court need not reach that issue here because defendant’s reciprocal discovery obligation is “plainly independent of whether [defendant] seek[s] to challenge the validity of the People’s COC.” *Venticinque*, 2021 N.Y. Misc. LEXIS 18510, at \*7.

Defendant's delay will prejudice the People and burden the Court. Defense counsel indicated eight months ago that defendant may seek to rely on expert testimony as part of his defense in this matter. *See supra* Aff. ¶ 11. Article 245 therefore requires that defendant disclose to the People all "[e]xpert opinion evidence, including the name, business address, current curriculum vitae, a list of publications, and a list of proficiency tests and results administered or taken within the past ten years of each expert witness" he intends to call, as well as "all reports prepared by the expert that pertain to the case, or if no report is prepared, a written statement of the facts and opinions to which the expert is expected to testify and a summary of the grounds for each opinion." CPL § 245.20(1)(f); *see also* CPL 245.20(4)(a). Further delaying the required disclosures will hinder the People's ability to prepare for trial. In addition, because the People currently anticipate filing motions *in limine* to exclude expert testimony of the kind defense counsel has previewed, delaying defendant's expert disclosures risks burdening the Court with late motions *in limine* to exclude expert testimony. And the People are entitled without further delay to the remaining categories of mandatory defense discovery, including the names and written statements of any expected defense witnesses, CPL § 245.20(4)(a); a summary of rewards or inducements offered to any witnesses, *id.* § 245.20(1)(l); and defendant's expected exhibit list, *id.* § 245.20(1)(o).

As noted above (Aff. ¶¶ 10-17), the People diligently sought to obtain defendant's voluntary compliance on six occasions starting on August 24, 2023, *cf.* CPL § 245.35(1), but defendant's insistence that his discovery obligations do not apply while his challenge to the People's COC is pending makes clear that Court intervention is necessary to compel his compliance.

The People therefore respectfully request that the Court grant this motion and order defendant to produce reciprocal discovery and file a defense COC within seven days, by November 16, 2023.



Dated: November 9, 2023

Respectfully submitted,

*/s/ Matthew Colangelo*  
Matthew Colangelo  
Assistant District Attorney

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORK: PART 59

THE PEOPLE OF THE STATE OF NEW  
YORK

-against-

DONALD J. TRUMP,

Defendant.

Ind. No. 71543-23

PART 59 NOV 14 2023

**AFFIRMATION OF SERVICE**

The undersigned affirms under penalty of perjury that on November 9, 2023, he served the People's Motion to Compel Defendant to Provide Reciprocal Discovery, and the accompanying Affirmation, Memorandum of Law, and exhibits on counsel for defendant (Todd Blanche, Susan Necheles, Emil Bove, Chad Seigel, Gedalia Stern, Joe Tacopina, and Stephen Weiss) by email with consent.

Dated: November 9, 2023  
New York, New York

Respectfully submitted,

/s/ Matthew Colangelo  
Matthew Colangelo  
Assistant District Attorney

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

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**THE PEOPLE OF THE STATE OF NEW YORK**

**-against-**

**DONALD J. TRUMP,**

**Defendant.**

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**MOTION TO COMPEL DEFENDANT TO PROVIDE RECIPROCAL DISCOVERY  
PURSUANT TO CPL §§ 245.20(4) & 245.50(2)**

**Indictment No. 71543-23**

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**Alvin L. Bragg, Jr.  
District Attorney  
New York County  
One Hogan Place  
New York, New York 10013  
(212) 335-9000**

Exhibits to People's Motion to Compel Defendant  
to Provide Reciprocal Discovery (Nov. 9, 2023)

# Exhibit 1



**DISTRICT ATTORNEY  
COUNTY OF NEW YORK  
ONE HOGAN PLACE  
New York, N. Y. 10013  
(212) 335-9000**

ALVIN L. BRAGG, JR.  
DISTRICT ATTORNEY

August 24, 2023  
PART 59 NOV 14 2023

**VIA EMAIL**

Todd Blanche  
99 Wall St., Ste. 4460  
New York, NY 10005

Susan R. Necheles  
1120 Sixth Ave., 4<sup>th</sup> Floor  
New York, NY 10036

Joseph Tacopina  
275 Madison Ave., 39<sup>th</sup> Floor  
New York, NY 10016

**Re: People v. Donald J. Trump, Ind. No. 71543-23**

Dear Mr. Blanche, Ms. Necheles, and Mr. Tacopina:

We are producing today an additional set of discovery materials for the above-referenced case pursuant to section 245.60 of the New York Criminal Procedure Law (“CPL”) (“Supplemental Discovery”). Please find attached to this letter an index that catalogs the materials provided.

As set forth in the index, this production consists of compliance received on August 21, 2023 from the Trump Organization, as well as additional public court filings, social media posts, public reporting, and publicly-available videos.

Today’s production may be accessed from a file transfer site via the following URL:



We will provide the username and password to enter the site in a separate email. Should you encounter any issues accessing the materials, please do not hesitate to reach out for assistance.

With respect to today’s supplemental production, please note the following:

- *First*, all of the materials provided to you are subject to the protective order issued on May 8, 2023:

- *Second*, the People’s disclosures may include documents, information, and materials that are not required to be disclosed under CPL § 245.20(1), but which have been disclosed in an exercise of the People’s discretion pursuant to the presumption of openness specified in CPL § 245.20(7). The production of any such material does not constitute a waiver of any of the People’s rights, including the People’s right to withhold work product under CPL § 245.65;
- *Third*, some materials or information may have been withheld in connection with protective orders issued pursuant to CPL § 245.70; and
- *Fourth*, where applicable, the materials provided have been Bates stamped to aid in the organization and digestion of the materials, and the Bates ranges have been noted on the attached index. Please note, however, that the numbering of the Bates stamps may not be sequential.
- *Finally*, in “Public Court Filings” we are producing the indictment that was filed in the case of the *State of Georgia v. Donald J. Trump, et al.*, Case No. 23SC188947. Please note that in light of public reporting regarding threats to grand jurors in that case, we have redacted the names of grand jurors from the indictment.

Pursuant to CPL §§ 245.10(1)(a) and 245.60, we will continue to make productions to you on a rolling basis and will produce additional discoverable materials and information we learn of or come into the possession of.

In addition, although the People are not required to provide an exhibit list as part of discovery, on May 23, 2023, we provided you with a list of all grand jury exhibits and their identifying Bates numbers, and we produced each of those exhibits in a clearly identified folder in our discovery production for your ease of reference. At present, the grand jury exhibits are the exhibits the People intend to introduce in our case-in-chief at trial. The People have not yet formed an intention as to other exhibits we will introduce in our case-in-chief at trial. We will update you as soon as practicable, subject to the continuing duty to disclose in CPL § 245.60, when we determine any additional exhibits that we will introduce.

Finally, the People filed our first Certificate of Compliance on July 24, 2023. Therefore, under CPL § 245.10(2), Defendant’s thirty-day period to timely provide reciprocal discovery ended on August 23, 2023. As such, the People request that Defendant comply with his reciprocal discovery obligations pursuant to CPL § 245.20(4), including the filing of a Certificate of Compliance pursuant to CPL § 245.50(2). Please note that if you intend to call expert witnesses, we direct you, in particular, to CPL §§ 245.20(4)(a), and 245.20(1)(f), which collectively require Defendant to identify all such expert witnesses and provide, among other items, “all reports prepared by the expert that pertain to the case, or if no report is prepared, a written statement of the facts and opinions to which the expert is expected to testify and a summary of the grounds for each opinion.”

Sincerely,

/s/ Susan Hoffinger

Susan Hoffinger

Assistant District Attorney

Exhibits to People's Motion to Compel Defendant  
to Provide Reciprocal Discovery (Nov. 9, 2023)

# Exhibit 2

**From:** Hoffinger, Susan  
**To:** "Gedalia Stern"  
**Cc:** Todd Blanche; Susan Necheles; Stephen Weiss; Emil Bove; Colangelo, Matthew; Conroy, Christopher; Ellis, Katherine; Mangold, Rebecca; [REDACTED]  
**Subject:** RE: Motion for limited redactions - People's proposed redaction  
**Date:** Friday, October 20, 2023 4:55:01 PM  
**Attachments:** [2023.09.29 - DJT Omnibus Motions Redacted with P's Redactions 10.20.23.pdf](#)  
[2023.09.29 - DJT Omnibus Motion Aff. and Exhibits Redacted with P's Redactions 10. 20 2023.pdf](#)

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Gedalia,

Thanks for reaching out.

Unfortunately, we don't agree that your re-redacted version of your omnibus motion complies with Judge Merchan's order of October 16, 2023. Please see attached versions with our additional proposed redactions identified with red boxes. Please note that in Exhibit 1 to Todd's Affirmation we are also requesting redaction for the email address of paralegal [REDACTED] – although we seem to have inadvertently not requested it in our first set of redactions.

Please let us know if you wish to discuss.

Regarding your position on defendant's obligation to provide the People with reciprocal discovery and file a COC, we believe your view of the law is incorrect. CPL 245.10(2) clearly provides: "The defendant shall perform his or her discovery obligations under subdivision four of section 245.20 of this article **not later than thirty calendar days after being served** with the prosecution's certificate of compliance pursuant to subdivision one of section 245.50 of this article...." (emphasis added). The People served defendant with our COC on July 24, 2023; therefore, defendant's reciprocal discovery, including the filing of defendant's COC per CPL 245.50(2), was due August 23, 2023.

Best, Susan

Susan Hoffinger  
Executive Assistant DA  
New York County District Attorney's Office  
1 Hogan Place, [REDACTED]  
New York, NY 10013  
[REDACTED]

**From:** Gedalia Stern [REDACTED]  
**Sent:** Friday, October 20, 2023 12:18 PM  
**To:** Hoffinger, Susan [REDACTED]  
**Cc:** Todd Blanche [REDACTED]; Susan Necheles [REDACTED];



Stephen Weiss [REDACTED]; Emil Bove [REDACTED];  
Colangelo, Matthew [REDACTED]; Conroy, Christopher  
[REDACTED]; Ellis, Katherine [REDACTED]; Mangold, Rebecca  
[REDACTED]; [REDACTED]

**Subject:** [EXTERNAL] Re: Motion for limited redactions - People's proposed redaction

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe. Report suspected phishing emails with the Phish Alert Button or forward them to [REDACTED] as an attachment.

Susan et al,

We have attached a re-redacted version of our omnibus motion, in compliance with Judge Merchan's recent order. Please let us know whether you have any objections to this version, so that we can file it.

Regarding the defense certificate of compliance, as you know, we asked the Court to strike the People's Certificate of Compliance, because the People failed to comply with their discovery obligations. Thus, as the defense obligation only kicks in once the People have completed their discovery obligations, we do not believe the Defense is yet required to file a defense COC.

Have a good weekend.

Gedalia M. Stern  
Partner  
NechelesLaw LLP  
1120 6<sup>th</sup> Ave., 4<sup>th</sup> Floor  
New York, N.Y. 10036

Sent from my iPhone

On Oct 6, 2023, at 4:08 PM, Hoffinger, Susan [REDACTED] > wrote:

Thanks Todd.

**From:** Todd Blanche [REDACTED]  
**Sent:** Friday, October 6, 2023 4:08 PM  
**To:** Hoffinger, Susan [REDACTED]; Susan Necheles  
[REDACTED]; Gedalia Stern [REDACTED]; Stephen Weiss  
[REDACTED]; Emil Bove [REDACTED]

Exhibits to People's Motion to Compel Defendant  
to Provide Reciprocal Discovery (Nov. 9, 2023)

# Exhibit 3



**DISTRICT ATTORNEY  
COUNTY OF NEW YORK  
ONE HOGAN PLACE  
New York, N. Y. 10013  
(212) 335-9000**

ALVIN L. BRAGG, JR.  
DISTRICT ATTORNEY

October 27, 2023

**VIA EMAIL**

Todd Blanche  
99 Wall St., Ste. 4460  
New York, NY 10005

Susan R. Necheles  
1120 Sixth Ave., 4<sup>th</sup> Floor  
New York, NY 10036

Joseph Tacopina  
275 Madison Ave., 39<sup>th</sup> Floor  
New York, NY 10016

**PART 59 NOV 14 2023**

**Re: People v. Donald J. Trump, Ind. No. 71543-23**

Dear Mr. Blanche, Ms. Necheles, and Mr. Tacopina:

We are producing today an additional set of discovery materials for the above-referenced case pursuant to section 245.60 of the New York Criminal Procedure Law (“CPL”) (“Supplemental Discovery”). Please find attached to this letter an index that catalogs the materials provided.

As set forth in the index, this production consists of witness meeting notes and additional publicly-available documents and videos, including court filings, social media posts, reporting, and congressional testimony.

Today’s production may be accessed from a file transfer site via the following URL:



We will provide the username and password to enter the site in a separate email. Should you encounter any issues accessing the materials, please do not hesitate to reach out for assistance.

With respect to today’s supplemental production, please note the following:

- *First*, all of the materials provided to you are subject to the protective order issued on May 8, 2023;

- *Second*, the People have designated certain of these materials “Limited Dissemination Materials” under the May 8 protective order, as indicated on the attached index;
- *Third*, the People’s disclosures may include documents, information, and materials that are not required to be disclosed under CPL § 245.20(1), but which have been disclosed in an exercise of the People’s discretion pursuant to the presumption of openness specified in CPL § 245.20(7). The production of any such material does not constitute a waiver of any of the People’s rights, including the People’s right to withhold work product under CPL § 245.65;
- *Fourth*, some materials or information may have been withheld in connection with protective orders issued pursuant to CPL § 245.70; and
- *Finally*, where applicable, the materials provided have been Bates stamped to aid in the organization and digestion of the materials, and the Bates ranges have been noted on the attached index. Please note, however, that the numbering of the Bates stamps may not be sequential.

Pursuant to CPL §§ 245.10(1)(a) and 245.60, we will continue to make productions to you on a rolling basis and will produce additional discoverable materials and information we learn of or come into the possession of.

Finally, we also request, again, Defendant’s immediate compliance with his reciprocal discovery obligations under Article 245. The People served and filed our certificate of compliance on July 24, 2023. Defendant was therefore required by law to comply with his reciprocal discovery obligations within thirty days, by August 23. CPL § 245.10(2). We advised you in writing on August 24, September 22, September 28, and October 13 of those obligations, and you responded for the first time on October 20 that, in your view, Defendant’s deadline was stayed by Defendant’s motion to strike the People’s certificate of compliance (a motion not made until September 29, more than a month after Defendant’s reciprocal discovery deadline). As we advised you in response on October 20, the law provides otherwise. CPL § 245.10(2) (Defendant’s deadline is “thirty days after being served with the prosecutor’s certificate of compliance”). We therefore reiterate once again our request that Defendant promptly comply with his reciprocal discovery obligations pursuant to CPL § 245.20(4), including the filing of a Certificate of Compliance pursuant to CPL § 245.50(2). Please note that if you intend to call expert witnesses, we direct you, in particular, to CPL §§ 245.20(4)(a), and 245.20(1)(f), which collectively require Defendant to identify all such expert witnesses and provide, among other items, “all reports prepared by the expert that pertain to the case, or if no report is prepared, a written statement of the facts and opinions to which the expert is expected to testify and a summary of the grounds for each opinion.” Again, we request that you remedy Defendant’s noncompliance with his statutory obligations and provide this information forthwith.

Sincerely,

/s/ Katherine Ellis

Katherine Ellis

Assistant District Attorney