

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.

AFFIRMATION IN SUPPORT OF
PEOPLE’S OPPOSITION TO
DEFENDANT’S MOTION TO
DISMISS AND FOR
ADJOURNMENT

Ind. No. 71543-23

Susan Hoffinger, 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 office of the District Attorney of the County of New York (the “Office” or the “People”). I am one of the Assistant District Attorneys assigned to the prosecution of the above-captioned case and am authorized to make this affirmation.

2. I make this affirmation on information and belief, the sources of which are my involvement in the investigation, a review of documents within the files of the Office, conversations with knowledgeable individuals, and other sources as noted herein. Dates and times in this affirmation are approximate, unless stated otherwise. Statements attributed to individuals are summaries of portions of such statements unless otherwise indicated.

People’s Production of [REDACTED]

3. On March 13, 2024, [REDACTED], provided us with [REDACTED]

[REDACTED] The total number of [REDACTED] provided was 12, though some do not contain discoverable material. The People promptly produced those [REDACTED] to the defense the very same day we received them, March 13, 2024. Attached hereto as Exhibit 1 is a

true and correct copy of [REDACTED]. The single redaction applied references [REDACTED]
[REDACTED] and is therefore not discoverable.

4. On March 15, 2023, I spoke by telephone with [REDACTED] to [REDACTED]
[REDACTED]
[REDACTED]

5. [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

6. [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

7. [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

8. [REDACTED]
[REDACTED]

9. [REDACTED]

[REDACTED]

People's Production of [REDACTED]

10. On December 19, 2023, members of our Office [REDACTED]

[REDACTED] She informed us that day, for the first time, that [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED] *See* DANYDJT00201882-99.

11. In telephone calls in December 2023 and January 2024, I made several follow-up inquiries of her attorney in an effort to acquire additional information [REDACTED]

12. On January 31, 2024, [REDACTED]

[REDACTED]. I renewed our request that [REDACTED]

[REDACTED] On February 13, 2024, [REDACTED]
[REDACTED].

13. On February 14, 2024, I emailed [REDACTED]

[REDACTED]
[REDACTED].

14. On February 15, 2024, I received an email response from [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED].

15. On February 16, 2024, I spoke by telephone with an attorney for NBCUniversal. I told him in substance that [REDACTED]
[REDACTED] He informed me that [REDACTED]
[REDACTED]. He also stated unequivocally that [REDACTED]
[REDACTED] Further, he informed me that [REDACTED]
[REDACTED] I informed him that our Office would need to produce to the defense [REDACTED]. Finally, he [REDACTED]
[REDACTED].

16. On February 16, 2024, I emailed the attorney for NBCUniversal a subpoena for production of [REDACTED]
[REDACTED] with a return date of March 1, 2024. Attached hereto as Exhibit 2 is a true and correct copy of the subpoena.

17. On Friday March 1, 2024, the attorney for NBCUniversal [REDACTED] [REDACTED]
[REDACTED]. Attached as Exhibit 3 are true and correct copies of [REDACTED] (which we provided to defense counsel at their request, although [REDACTED], was not required to be disclosed). Shortly after

receiving [REDACTED] I, along with other members of the prosecution team, viewed [REDACTED]; this was our first opportunity to truly know the nature, extent, and substance of [REDACTED].

18. The next business day, Monday March 4, 2024, along with a supplemental discovery production, we produced to the defense [REDACTED]. Attached as Exhibit 4 is a true and correct copy of our March 4, 2024 supplemental production letter to defense counsel.

19. After receiving the defense counsel's motion for discovery sanctions on March 8, 2024, and defense counsel's letter on March 11, 2024 requesting information about compensation to [REDACTED] relating to [REDACTED], on Monday March 11, 2024, I spoke again with [REDACTED]. He reiterated what I understood him to have said previously, that [REDACTED].

20. The following day, on March 12, 2024, I spoke again with [REDACTED] who provided additional information. That same day, March 12, 2024, we provided a letter to counsel containing the following additional information: "[We] were informed today by [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] Attached as Exhibit 5 is a true and correct copy of our March 12, 2024 letter to defense counsel. This disclosure was undertaken immediately to amplify the notes of the December 19 interview so as not to leave the erroneous impression that [REDACTED] [REDACTED].

21. To minimize the risk of pretrial publicity, we have periodically requested, both directly and through her attorney, that [REDACTED] not discuss the case publicly. At no time did I, or anyone else on the prosecution team, instruct her to conceal the upcoming release of the [REDACTED] from anyone.

WHEREFORE, for the reasons set forth in the accompanying Memorandum of Law, the People respectfully request that the Court deny defendant's motions.

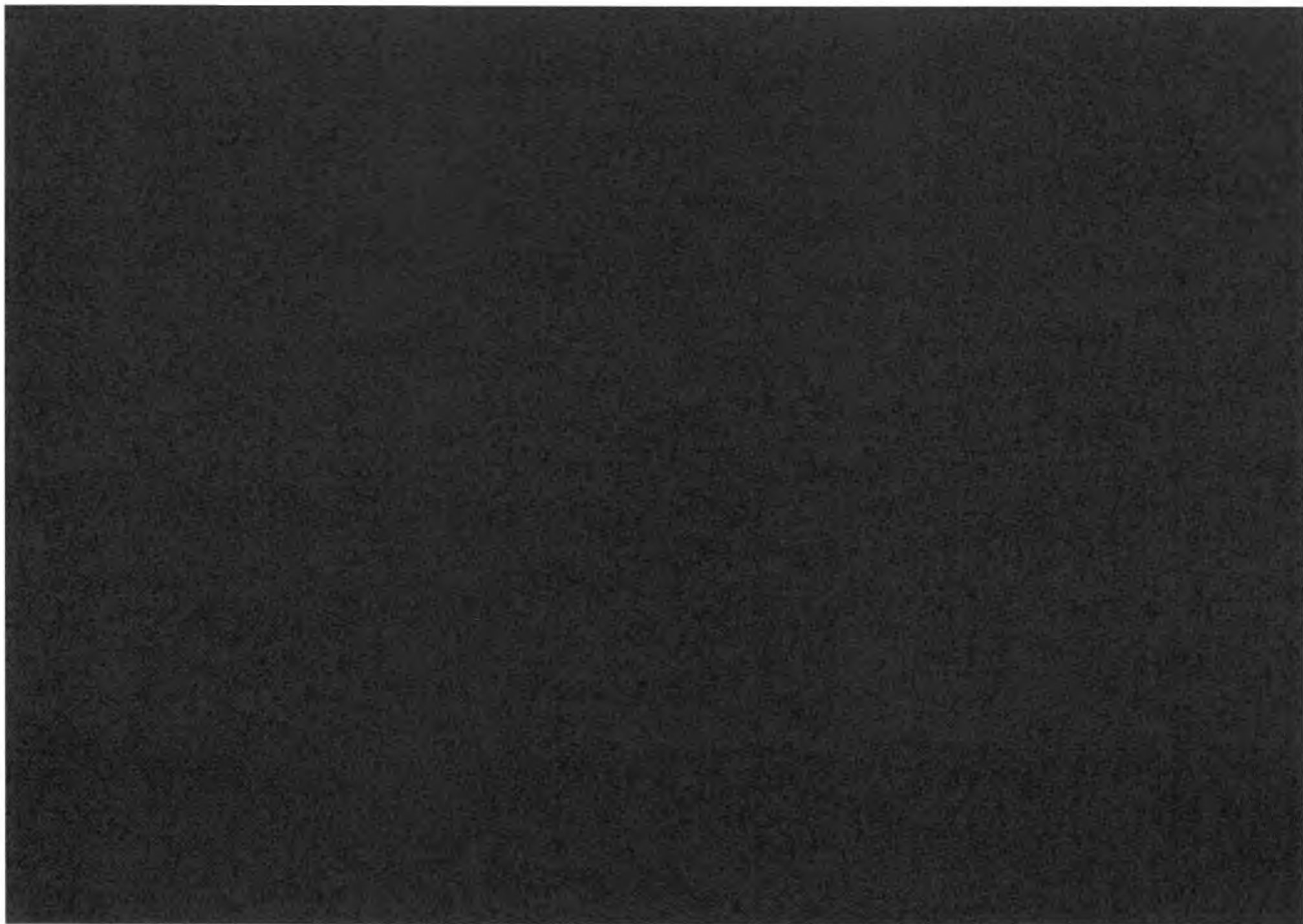
Dated: March 18, 2024
New York, New York

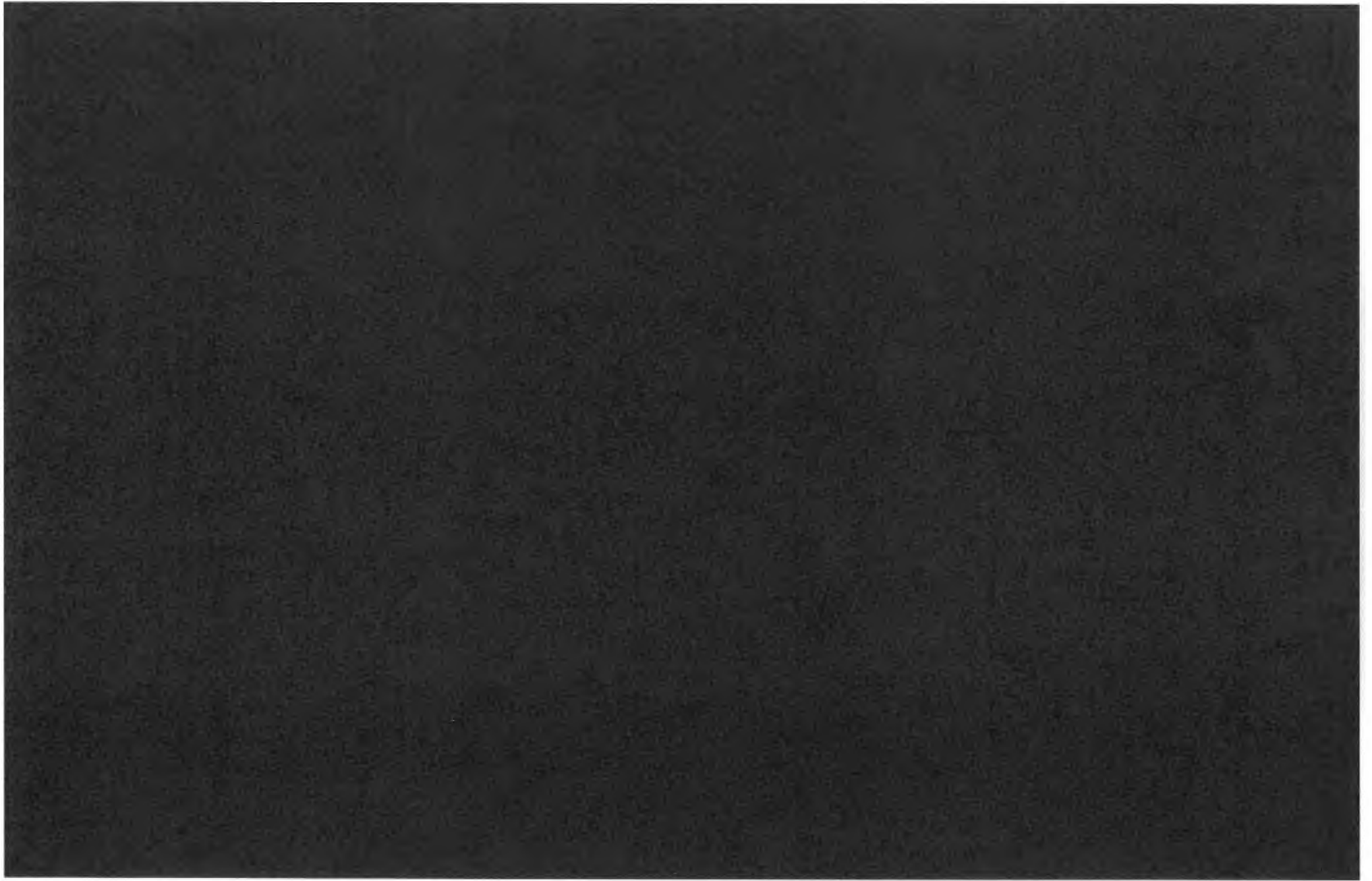
Respectfully submitted,

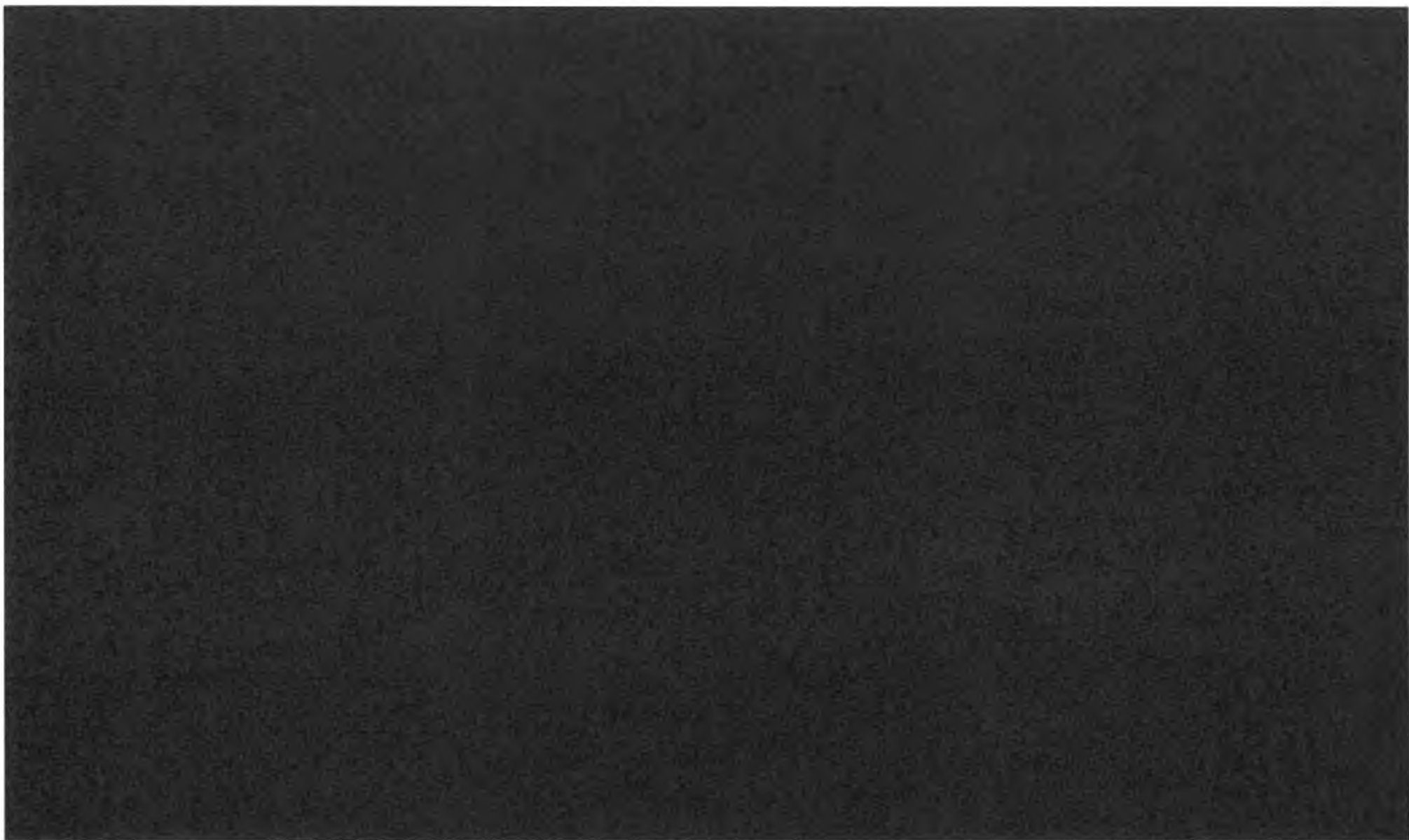
Susan Hoffinger

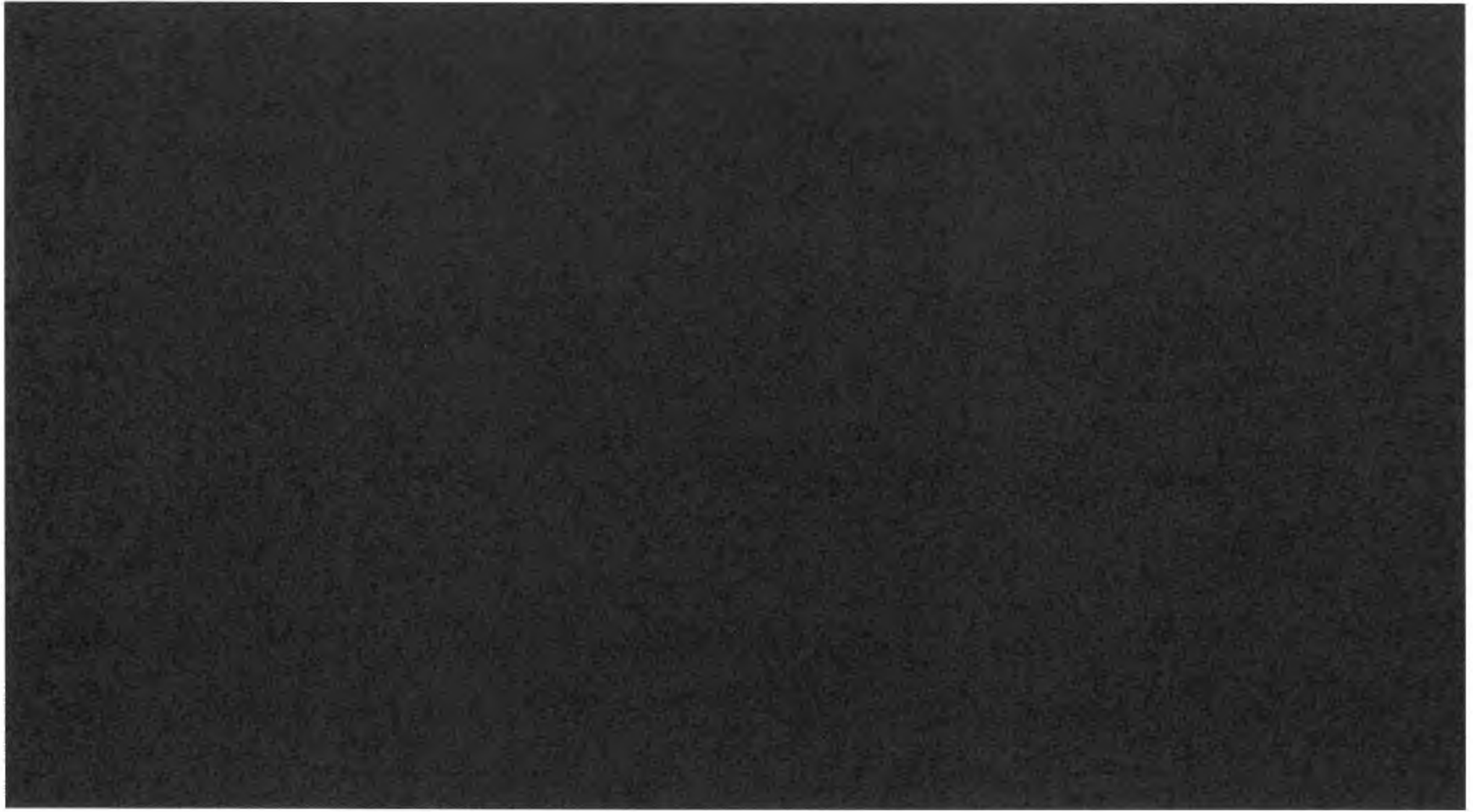
Susan Hoffinger
Assistant District Attorney

Ex. 1









Ex. 2

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



ALVIN L. BRAGG, JR.
DISTRICT ATTORNEY

February 16, 2024

VIA EMAIL (Michael.Sofia@NBCUni.com)

Michael Sofia, Esq.
Vice President NBC Universal
30 Rockefeller Plaza
New York, NY 10112

**Re: People v. Donald J. Trump
Indictment Number: 71543-23**

To Whom It May Concern,

Enclosed please find a subpoena seeking records with a return date of **March 1, 2024**. In lieu of appearing personally with the requested documents, you may mail or deliver them to the New York County Supreme Court, Part 59, 100 Centre Street, New York, NY 10013.

Please mark the envelope containing the records as "Case #71543-23, Assistant District Attorney Susan Hoffinger, extension [REDACTED]"

To the extent you withhold or redact any documents responsive to this subpoena on a claim of privilege or other protection, please provide a log setting forth as to each withheld or redacted document the legal basis for the claim of privilege or protection, the type of document, its general subject matter, date, author, sender, and recipient where applicable, and such other information as is sufficient to determine the claim of privilege or protection.

If you have any questions concerning the subpoena, please call me at [REDACTED]. Your attention to this matter is greatly appreciated.

Sincerely,

A handwritten signature in blue ink, appearing to read "Susan Hoffinger", written over a horizontal line.

Susan Hoffinger
Assistant District Attorney

Enclosure

SUBPOENA

(*Duces Tecum*)

FOR A WITNESS TO ATTEND THE SUPREME COURT OF THE STATE OF NEW YORK

In the Name of the People of the State of New York

To: NBC Universal
Attn: Michael Sofia, Esq.

YOU ARE COMMANDED to appear before the **SUPREME COURT** of the County of New York, **Part 59**, at the Criminal Court Building, 100 Centre Street, in the Borough of Manhattan, of the City of New York, on **March 1, 2024 at 10:00 AM**, as a witness in a criminal action prosecuted by the People of the State of New York against:

Donald J. Trump

and to bring with you and produce to the Court the following records in the actual and constructive possession of NBC Universal and their related entities, agents, officers, employees and officials over which they have control, including without limitation their subsidiaries:

1. 

IF YOU FAIL TO ATTEND AND PRODUCE SAID ITEMS, you may be adjudged guilty of a Criminal Contempt of Court, and liable to a fine of one thousand dollars and imprisonment for one year.

Dated in the County of New York,
February 16, 2024

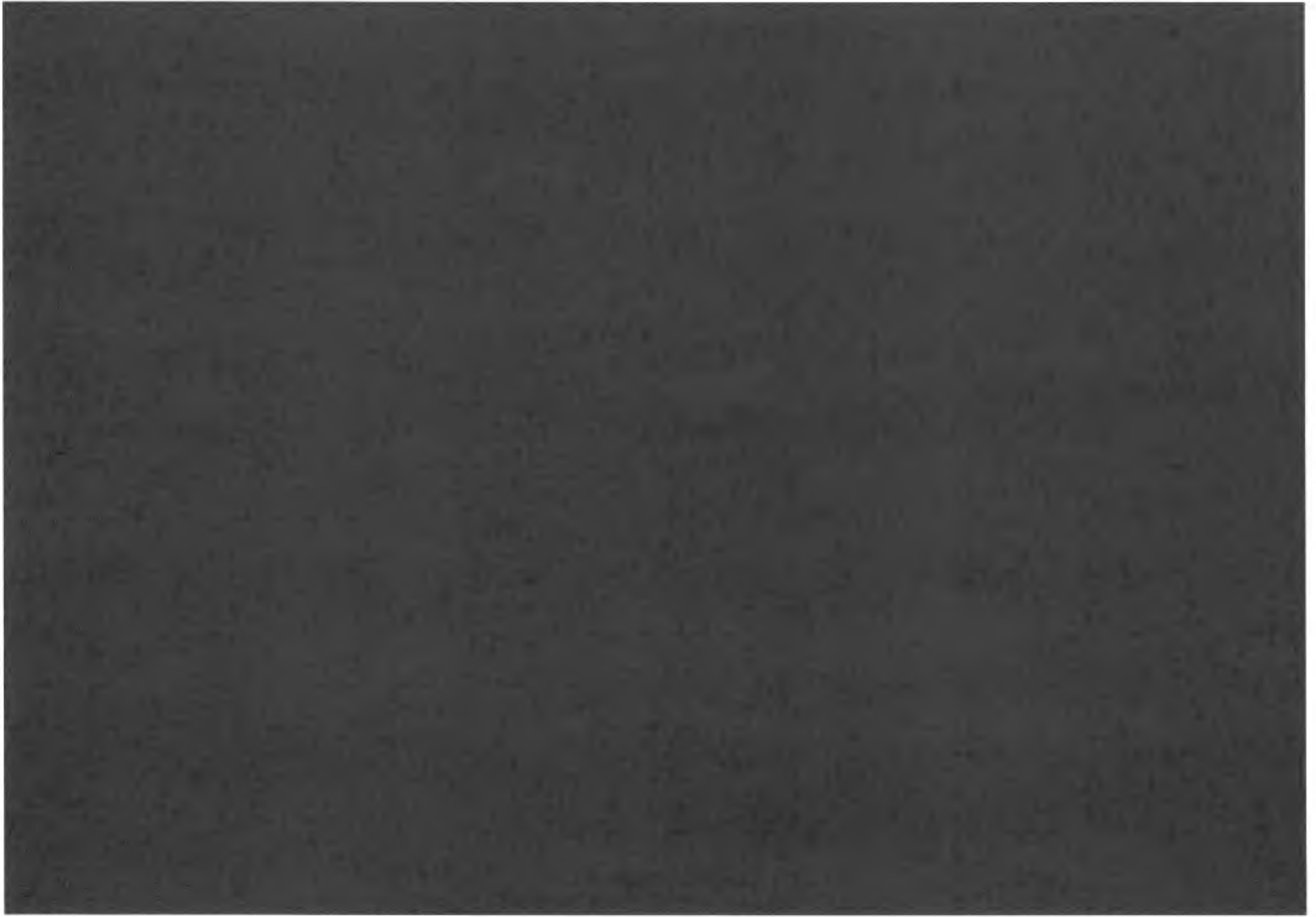
ALVIN L. BRAGG, JR.
District Attorney, New York County

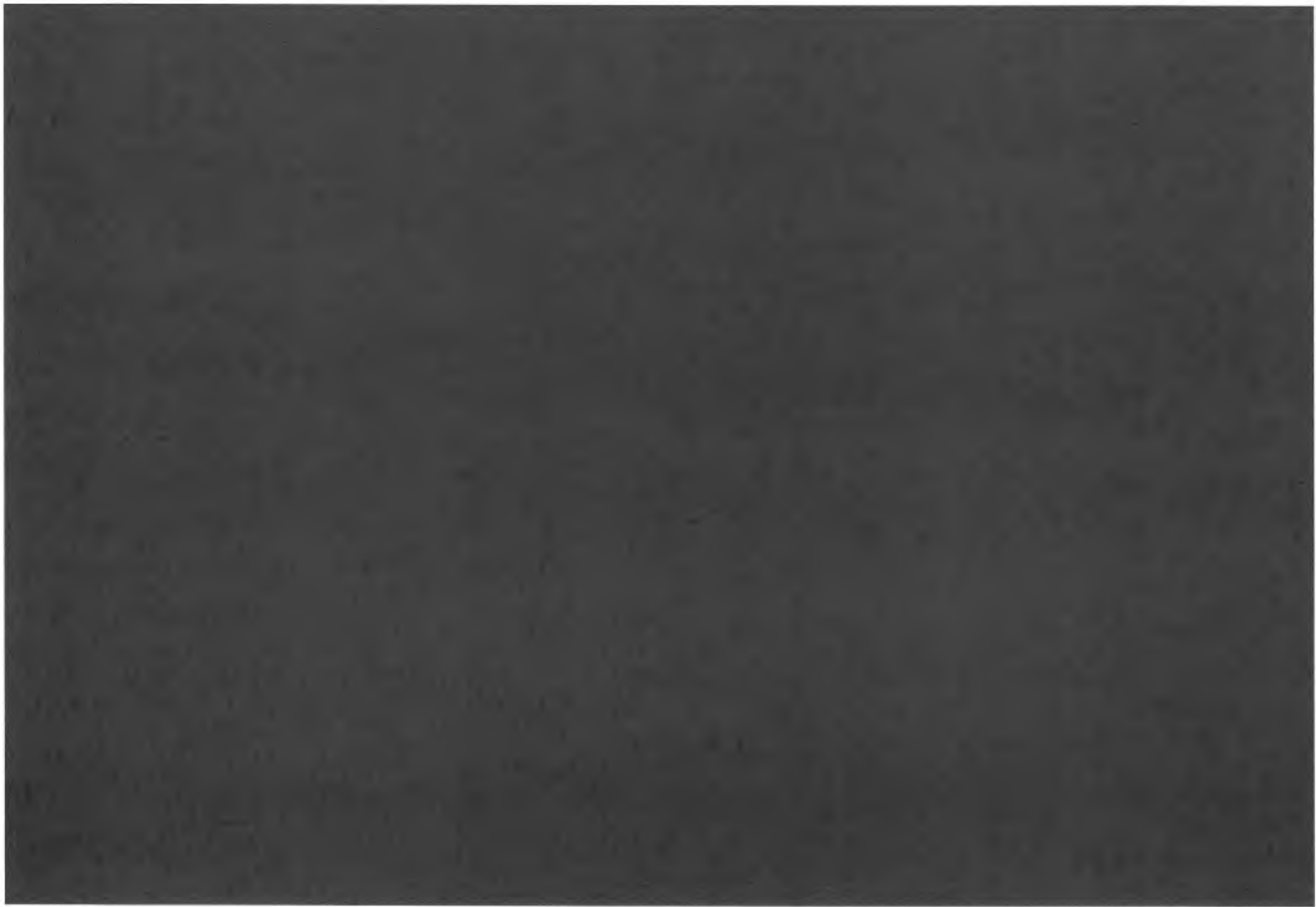
By:


Susan Hoffinger
Assistant District Attorney


Indictment Number: 71543-23

Ex. 3





Ex. 4



ALVIN L. BRAGG, JR.
DISTRICT ATTORNEY

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

March 4, 2024

VIA EMAIL

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

Susan R. Necheles
1120 Sixth Ave., 4th Floor
New York, NY 10036

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

Dear Mr. Blanche and Ms. Necheles:

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.

This production consists of intake received on March 4, 2024 [REDACTED] and additional publicly-available materials, including court filings, social media posts, and public reporting.

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

[REDACTED]

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.

In addition to the documents described above, we are producing, as [REDACTED] received on March 1, 2024 from NBCUniversal. [REDACTED] and was produced to DANY with the understanding that it would be kept confidential by all parties under any and all applicable court orders and confidentiality obligations, and treated as “Limited Dissemination Materials” pursuant to the May 8, 2023 protective order. NBCUniversal did not provide a copy of [REDACTED], but did provide unique links and passwords for DANY and defense counsel to access [REDACTED]. The link for defense counsel is below:

We will send the password for the defense counsel link in a separate email.

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;
- *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.

Sincerely,

/s/ Becky Mangold

Becky Mangold
Assistant District Attorney

Ex. 5



ALVIN L. BRAGG, JR.
DISTRICT ATTORNEY

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

March 12, 2024

VIA EMAIL

Todd Blanche
Emil Bove
Blanche Law
99 Wall Street, Suite 4460
New York, NY 10005

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

Dear Todd and Emil,

We write in response to your March 11, 2024 letter seeking further documents and information relating to [REDACTED] which we produced to you on March 4, 2024 after having received it from NBCUniversal pursuant to subpoena. In addition to producing [REDACTED] on March 6, 2024 we also produced to you [REDACTED] which we were not required to disclose under CPL § 245.20(1), but which we disclosed in an exercise of the People's discretion pursuant to the presumption of openness specified in CPL § 245.20(7).

We have produced all discoverable materials in our possession, custody or control relating to [REDACTED]. However, we were informed today by [REDACTED]

We are also informed that you have emailed trial subpoenas to both counsel for Ms. Daniels and counsel for NBCUniversal for a broad range of documents relating to [REDACTED]. We believe that in accordance with the Court's Order of March 1, 2024, you are required to advise the Court of these trial subpoenas and any others you have issued since December 18, 2023.

We remain, as always, committed to complying with our continuing discovery obligations in every respect, including by producing materials required to be disclosed pursuant to CPL § 245.20(1)(k) and CPL § 245.60. To the extent any such additional materials become available, we will provide them to you.

Sincerely,

Susan Hoffinger
Assistant District Attorney

cc: Susan Necheles, Esq.