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PART 59 APR 08 2024



ALVIN L. BRAGG, JR.
DISTRICT ATTORNEY

April 8, 2024

Hon. Juan M. Merchan
New York State Supreme Court, Criminal Term, Part 59
100 Centre Street
New York, New York 10013

Dear Justice Merchan:

Pursuant to the Court's March 8, 2024 Order on the Filing of Future Motions, the People respectfully submit this response to defendant's request, submitted on April 5, 2024, to file a motion to enforce a subpoena *duces tecum* purportedly served by defendant on former Supervising Rackets Investigator Jeremy Rosenberg (the "subpoena") and to compel the production of responsive documents.

In the interest of conserving the Court's resources, we note that the People believe defendant has served the incorrect person and any motion to enforce would fail on that basis alone. The affidavit of service provided by defendant claims that service was effected on Mr. Rosenberg by delivering the subpoena to a "Gloria Doe" at an address in Brooklyn, followed by mailing the subpoena to the same address. Defendant also appended an email exchange between defense counsel and an unidentified person with a hotmail.com email address, who defense counsel claims was Mr. Rosenberg. After receiving defendant's pre-motion letter, the People spoke with Mr. Rosenberg's counsel, who informed the People that Mr. Rosenberg was not, in fact, served with the subpoena, that Mr. Rosenberg had not corresponded with defense counsel, and that Mr. Rosenberg does not have any connection to the Brooklyn address where the subpoena purportedly was served.

Nonetheless, the People do not oppose defendant's proposed filing, but should the Court grant leave to file, the People respectfully request that the Court (1) set a five-page motion limit, and (2) grant the People the opportunity to respond one week after defendant files his motion. The People will fully brief their objections to the enforcement of the subpoena in their opposition.

Respectfully Submitted,

/s/ Matthew Colangelo

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