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

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|---|---|
| THE PEOPLE OF THE STATE OF NEW YORK<br><br>-against-<br><br>DONALD J. TRUMP,<br><br>Defendant. | PEOPLE'S MEMORANDUM OF LAW IN RESPONSE TO DEFENDANT'S MOTION TO TERMINATE THE COURT'S ORDERS RESTRICTING EXTRAJUDICIAL STATEMENTS<br><br>Ind. No. 71543-23 |

## INTRODUCTION

The People oppose defendant's motion to immediately and entirely terminate this Court's orders restricting his extrajudicial statements. This Court entered those orders to protect three narrowly defined categories of participants in this criminal proceeding from defendant's inflammatory public attacks. The Appellate Division agreed that these narrow restrictions were appropriate to protect the "fair administration of justice in criminal cases" and to ensure that participants to the criminal proceeding remained "free from threats, intimidation, harassment, and harm." *Matter of Trump v. Merchan*, 2024 N.Y. Slip Op. 02680, at *2 (1st Dep't 2024). And just two days ago, the Court of Appeals dismissed defendant's attempt to appeal from the Appellate Division order "upon the ground that no substantial constitutional question is directly involved." *Matter of Trump v. Merchan*, 2024 N.Y. Slip Op. 69661 (N.Y. Ct. App. June 18, 2024). Defendant's demand that this Court precipitously end these protections, even before the sentencing hearing on July 11, is overstated and largely unfounded.

As a preliminary matter, many of defendant's complaints simply ignore the narrowness of this Court's orders. As the People have previously explained, nothing in the orders prohibits defendant from broadly criticizing the verdict, the criminal proceeding, the District Attorney, this Court, and more—and, indeed, defendant has engaged in a flood of such criticisms both during the

trial and after the guilty verdict. Defendant thus incontestably retains ample leeway to engage in a significant amount of speech to respond to defendant's "opponents and adversaries," including "President Biden, his campaign staff, . . . his surrogates," the White House Press Secretary, and Robert De Niro. Mot. 2, 7-8. Instead, the limited purpose of the orders was to protect certain participants in this criminal proceeding from "threatening, inflammatory, [and] denigrating" statements by defendant that this Court found would "risk impeding the orderly administration of this Court." March Order 2. Thus, the relevant question is not whether the orders prevent defendant from speaking freely about this case—they never have—but instead whether there is reason to preserve the orders' narrowly tailored protections on specific participants in this criminal proceeding. As explained below, those reasons still exist for several of the orders' protections, though not all.

Before turning to those arguments, the People note that defendant's motion once again includes a number of categorically false accusations. For example, defendant claims that the District Attorney is acting in concert with defendant's electoral opponent and an unspecified "cast of associates" in an effort to restrict defendant's speech at an upcoming presidential debate. Mot. 2-3, 14. Defendant offers no factual basis for this assertion, and there is none: the claim is a lie. Defendant likewise asserts that "the District Attorney's efforts to delay filing an opposition to this motion are transparently political and shameful" and suggests that the motive for any "delay" was to defer "the Court's consideration of the motion until just after the presidential debate." Mot. 2-3. But defendant never objected to the briefing schedule proposed by the People, and it is again false that the People were motivated in any way by defendant's campaign schedule—as explained in our letter response, the People simply proposed adopting the existing schedule that the Court had already decided was appropriate for all other post-trial motions. Tr. 4959.

These knowing falsehoods are just the latest examples of defendant's patent disrespect for the rule of law and the impartial administration of justice.[1] Similarly irresponsible attacks by defendant led this Court to issue the orders restricting defendant's extrajudicial statements, and to find the defendant in criminal contempt for willfully violating those orders *ten times* during the trial. Decision & Order 4 (May 6, 2024); Decision & Order 4-7 (Apr. 30, 2024). As defendant's continued conduct makes clear, the need to protect participants in this criminal proceeding and the integrity of the criminal justice process from defendant's attacks remains critically important.

## ARGUMENT

### I. Jurors.

The Court should leave undisturbed the provision in its April Order prohibiting defendant from "[m]aking or directing others to make public statements about any prospective juror or any juror in this criminal proceeding." April Order 4. Defendant is wrong to claim that any public interest in protecting jurors expires with the end of the trial. This Court already recognized a broader interest in shielding jurors from "'physical injury or harassment'" when it issued a protective order prohibiting disclosure of juror names and addresses—an order that defendant agreed was justified and that remains in effect. *See* Decision & Order 6-7 (Mar. 7, 2024) (quoting CPL § 270.15(1-a)). That interest survives the jurors' discharge from service, since "even after completing their duty, [jurors] are entitled to privacy and to protection against harassment." *In re Express-News Corp.*, 695 F.2d 807, 810 (5th Cir. 1982). As a result, a "judge's power to prevent

[1] *See, e.g.*, Decision & Order on Def.'s Mot. for Further Adjournment 3 (Apr. 12, 2024) (noting the Court's "continuing and growing alarm over counsel's practice of making serious allegations and representations that have no apparent basis in fact"); Decision & Order on Def.'s Mot. to Vacate 4 (Mar. 26, 2024) (admonishing counsel to "demonstrate the proper respect and decorum that is owed to the courts and its judicial officers and to never forget that they are officers of the court").

harassment and protect juror privacy does not cease when the case ends." *United States v. Brown*, 250 F.3d 907, 918-19 (5th Cir. 2001). This Court should exercise the same protective power here and preserve the juror provision of the April Order as part of its continuing "duty to protect those citizens of the State" from "unnecessary personal risk." *People v. Lavender*, 117 A.D.2d 253, 256 (1st Dep't 1986).

Against this compelling interest, defendant has articulated no interest whatsoever in making public statements about the jurors in this proceeding. To the contrary, defendant asserts through his counsel that he "has no intention of making extrajudicial comments regarding the service of individual jurors," thereby disclaiming any expressive interest in the types of statements covered by this Court's order. Mot. 19. Notwithstanding defendant's current disavowal of any intent to attack jurors, this Court should maintain the juror provision of the April Order. In a related context, courts have found that injunctive relief may still be warranted even when a defendant claims to have halted unlawful behavior "because a voluntary discontinuance provides no guaranty that such practices will not recommence." *People v. Network Assocs., Inc.*, 195 Misc. 2d 384, 388 (Sup. Ct. N.Y. Cnty. 2003); *cf. Am. Freedom Def. Initiative v. Metro. Transp. Auth.*, 815 F.3d 105, 109 (2d Cir. 2016) ("in such cases, an injunction provides 'effectual relief' because it precludes the defendant from reviving the challenged conduct").

Here too, there is good reason to question whether, absent judicial oversight, defendant will adhere to his counsel's representation that he will not attack the jurors in this case. *Cf.* Tr. 603 (declining to accept defense counsel's commitment that defendant would not publicly disclose prosecution witnesses); Tr. 3051 (declining to accept defense counsel's representation that defendant's public comments would merely identify factual disagreements instead of "vitriol" and "very real, very threatening attacks on potential witnesses"). As the People have explained in their

earlier filings, defendant's singular history of inflammatory and threatening public statements includes attacks on jurors in other proceedings. *See* People's Mot. for an Order Restricting Extrajudicial Statements 14-18 (Feb. 22, 2024); People's Mot. for a Protective Order Regulating Juror Addresses & Names 2-5 (Feb. 22, 2024). Moreover, since the verdict in this case, defendant has not exempted the jurors from his alarming rhetoric that he would have "every right" to seek retribution as president against the participants in this trial as a consequence of his conviction because "sometimes revenge can be justified." *E.g.*, Chris Cameron, *Trump Defends Vow to Prosecute Rivals, Saying 'Sometimes Revenge Can Be Justified'*, N.Y. Times, June 6, 2024 (online). Defendant's supporters, following his lead, have attempted to identify jurors and threatened violence against them. *See* Donie O'Sullivan & Sean Lyngaas, *After Trump's Guilty Verdict, Threats and Attempts to Dox Trump Jurors Proliferate Online*, CNN, May 31, 2024 (online); Ryan J. Reilly, *Trump Supporters Try to Dox Jurors and Post Violent Threats After His Conviction*, NBC News, May 31, 2024 (online). There thus remains a critical need to protect the jurors in this case from attacks by defendant and those he inspires to action.[2]

Defendant separately argues that "there is no basis for prohibiting criticism of the jury as an institution that rendered a contested decision in this case." Mot. 19. But defendant has taken an unjustifiably broad view of what it means to refer to "the jury as an institution." This Court has

[2] The Court should reject, again, defendant's argument regarding what he calls "speculation" about the actions of "independent third parties." Mot. 15-16. As the D.C. Circuit held, this argument "misunderstands the heckler's veto doctrine" and ignores that defendant's public statements demonstrably "pose a danger to the integrity of these criminal proceedings"; a danger that is "magnified by the predictable torrent of threats of retribution and violence that the district court found follows when Mr. Trump speaks out forcefully against individuals in connection with this case." *United States v. Trump*, 88 F.4th 990, 1014-16 (D.C. Cir. 2023). And as this Court has already found, defendant himself has boasted about the reach and impact of his invective, confessing that "when I put out a statement it is SPREAD all over the place, fast and furious. EVERYBODY SEEMS TO GET WHATEVER I HAVE TO SAY, AND QUICKLY." Decision & Order 5 (Apr. 30, 2024) (quoting defendant's social media post, Apr. 4, 2024, 7:21 AM).

twice held defendant in contempt for violating the juror provision: first for publishing a social media post accusing the jury of being composed of "undercover Liberal Activists lying to the Judge in order to get on the Trump jury," Decision & Order 5 (Apr. 30, 2024); and second for saying in an interview that the jurors were "95% democrats," Decision & Order 2 (May 6, 2024). Although these statements did not refer to jurors individually or by name, this Court nonetheless correctly found that these statements violated the juror provision because they directed public attention to the jurors and "raised the specter of fear for the safety of the jurors and their loved ones." Decision & Order 4 (May 6, 2024). It made no difference that defendant did so by referring to the jurors collectively: the point is that he was referring to the jury in this case, and not to the jury as an abstract institution. In other proceedings, defendant's collective references to the individuals serving on juries or grand juries has led his followers to understand that he was attacking the individual members of those bodies and has thus predictably resulted in those followers attempting to find and circulate individual jurors' personal identifying information. *See* People's Mot. for an Order Restricting Extrajudicial Statements 2-3, 15-16 (Feb. 22, 2024); *see also* Order Denying Mot. for Access to Juror Questionnaires 9 & n.6, *In re: Juror Questionnaires in United States v. Stone*, No. 1:20-mc-00016-ABJ (D.D.C. Nov. 23, 2022) (finding that because of defendant's persistent and public attacks on the jury in the Roger Stone prosecution, "[t]he foreperson and members of the jury faced a firestorm of outrage from supporters of the President and from the President himself"). The same concerns remain present here.

This Court should thus deny defendant's request to terminate the provision of the April Order prohibiting defendant from "[m]aking or directing others to make public statements about any prospective juror or any juror in this criminal proceeding"—whether he does so by referring to individual jurors, or by referring collectively to the jurors who actually sat during his trial.

## II. Prosecution and Court Staff and their Families.

The Court should also maintain the provisions of the order prohibiting defendant from making or directing others to make statements about counsel in the case (other than the District Attorney), court and District Attorney staff, or their families that are intended "to materially interfere with, or to cause others to materially interfere with, counsel's or staff's work in this criminal case, or with the knowledge that such interference is likely to result." April Order 4.

There is no basis whatsoever to change the status quo prior to sentencing on July 11, 2024, since the Court and all of the counsel and staff protected by this provision continue to be directly involved in this criminal proceeding at least through sentencing. The legal rationale for this Court's approval of this provision thus remains unchanged. *See, e.g.*, *United States v. Trump*, 88 F.4th 990, 1014, 1016, 1025-26 (D.C. Cir. 2023) ("exposing counsel and members of the court's and counsel's staffs to fear and intimidating pressure" "impede[s] the administration of justice").

So too with the factual rationale, since the harms threatened by defendant's inflammatory remarks have continued. The Court's orders were based in part on factual evidence showing that the NYPD Threat Assessment and Protection Unit ("TAPU") logged an increase in threat cases against the District Attorney, his family, and staff of the District Attorney's Office from one such case in 2022 to 89 in 2023. *See* Feb. 22 Pistilli Aff. ¶¶ 3-6 (Ex. 1). Defendant again falsely claims that the People's "evidentiary showing was stale at best in February 2024," and that "there is no basis at all" to maintain the restrictions. Mot. 13. The Court has twice rejected this counterfactual assertion. April Order 2-3; March Order 3 & n.1. And the threat situation documented in detail in the People's earlier filings has only intensified in the intervening months; according to an updated affidavit from NYPD Sergeant Nicholas Pistilli, in 2024, TAPU has logged an additional 61 actionable threats against the District Attorney, his family, and staff of the District Attorney's Office, with 56 of those 61 threats (over 90 percent) having been received in the months of April,

May, and June 2024. *See* June 20 Pistilli Aff. ¶¶ 3-4 (Ex. 2). That number does not include the nearly 500 threatening emails and phone calls received by the District Attorney's office just since April 2024 that were forwarded for security review and that TAPU is not tracking as threat cases. *See* June 20 Pistilli Aff. ¶ 8 (Ex. 2).

The recent threat activity directly connected to defendant's dangerous rhetoric about this prosecution includes bomb threats at the homes of two people involved in this case on April 15, 2024—the first day of trial. *See* June 20 Pistilli Aff. ¶ 7. It includes a threatening post disclosing the home address of a DANY employee involved in this prosecution. *Id.* ¶ 6. It includes an online post depicting sniper sights on people involved in this case or a family member of such a person. *Id.* And it includes other recent online posts and communications directed to the District Attorney or DANY employees involved in this prosecution that "we will kill you all"; that "[. . .] should be in witness protection"; and that "Your life is done." *Id.*

Against this record from just the past several months, any expressive interest defendant purports to have in attacking DANY staff, their family members, or the Court's family members remains overwhelmingly outweighed by a sufficiently serious risk of prejudice to this ongoing criminal proceeding. *Trump*, 88 F.4th at 1007 (citing *Nebraska Press Ass'n v. Stuart*, 427 U.S. 539, 562 (1976), and *Gentile v. State Bar of Nevada*, 501 U.S. 1030, 1075-76 (1991)). To the extent defendant wishes to revisit this issue after sentencing, he is free to file another motion. The People reserve the right to respond to any argument defendant may choose to make at that time.[3]

[3] The justification for this provision may well continue after sentencing because the counsel and staff members of the District Attorney's Office who participated in this trial will continue to be engaged in any appeal, along with additional appellate staff; and this criminal proceeding will continue through the appeal that defendant has already announced he intends to pursue. *See* CPL § 1.20(18); William C. Donnino, *Practice Commentaries*, 11A McKinney's Consol. Laws of N.Y. 45, 51 (2018) ("[T]he term 'criminal proceeding' includes any appellate or other post-judgment

Based on current circumstances, however, the Court's orders as to prosecutors, court staff, and their families continue to strike the appropriate balance under the Constitution to mitigate the threat to the judicial process posed by defendant's dangerous attacks.

**III. Trial Witnesses.**

Finally, defendant seeks termination of the provision restricting his statements about "known or reasonably foreseeable witnesses concerning their potential participation in the investigation or in this criminal proceeding." April Order 4. The People agree that this provision no longer needs to be enforced. The Court issued this provision to protect prospective witnesses' "willingness to participate fully and candidly." *Matter of Trump*, 2024 N.Y. Slip Op. 02680 at *2. The need for such protection persisted throughout the trial, since this Court could at any time have allowed the People to recall witnesses. *See* CPL § 260.30(7). Now that the jury has delivered a verdict, however, the compelling interest in protecting the witnesses' ability to testify without interference is no longer present. The relevant balancing of interests has thus shifted from the time that this Court issued the orders restricting defendant's extrajudicial statements. *See Trump*, 88 F.4th at 1007.

This change of circumstance does not mean that defendant has carte blanche to resume his reprehensible practice of publicly attacking individuals involved in litigation against him. But

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proceeding challenging a judgment or sentence." (quotation marks omitted)). The need to protect prosecutors, staff, and their families from defendant's violent rhetoric and inflammatory public attacks may thus remain acute after sentencing, particularly given that the District Attorney's Office continues to face persistent threats arising from this criminal proceeding. *See* June 20 Pistilli Aff. ¶¶ 3-8 (Ex. 2). In view of the constitutional obligation to balance the threat to the judicial process against the need for unfettered expression, however, the Court need not reach that question now; it suffices to determine that defendant has not shown sufficient basis to modify the Court's orders as to prosecution and Court staff and family members before sentencing, without prejudice to evaluating anew any motion defendant may choose to file based on changed circumstances after the sentencing hearing.

protections against such attacks will now derive from separate criminal-law protections against harassment or similar misconduct, *see, e.g.*, Penal Law §§ 120.20, 240.26(3), as well as the prospect of civil liability for defamation, intentional infliction of emotional distress, or similar claims, *see, e.g.*, *Carroll v. Trump*, No. 20-cv-7311 (LAK), 2024 WL 1786366, at *1 (S.D.N.Y. Apr. 25, 2024); *Freeman v. Giuliani*, No. 21-3354, 2023 WL 9783148, at *1 (D.D.C. Dec. 18, 2023); *Carroll v. Trump*, No. 22-cv-10016 (LAK), ECF No. 174 (S.D.N.Y. May 9, 2023).

**CONCLUSION**

Defendant's motion should be denied in part for the reasons stated above.

DATED: June 20, 2024

Respectfully submitted,

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

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Exhibits to People's Response to Defendant's
Motion to Terminate (June 20, 2024)

# Ex. 1

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

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|---|---|
| THE PEOPLE OF THE STATE OF NEW YORK<br><br>-against-<br><br>DONALD J. TRUMP,<br><br>Defendant. | AFFIDAVIT OF NICHOLAS PISTILLI<br><br>Ind. No. 71543-23 |

**AFFIDAVIT**

Nicholas Pistilli, a person not a party to this action, states under penalty of perjury that:

1. I am a Sergeant in the New York Police Department ("NYPD"). Since January of 2022, I have served as the commanding officer of the security detail for New York County District Attorney Alvin Bragg. In that role, I am responsible for, among other things, monitoring threats of violence against the District Attorney, his family, and his Office.

2. I am familiar with the facts and circumstances stated herein. This affidavit is based upon my personal knowledge, as well as upon information and belief based on information providing by other employees of the NYPD or the DA's Office, and on records maintained by the NYPD or the DA's Office in the ordinary course of business, which I believe to be true and correct.

3. I monitor threats in coordination with the NYPD's Threat Assessment & Protection Unit ("TAPU"), a unit within NYPD's Intelligence Bureau. NYPD's Intelligence Bureau gathers and analyzes information to assist in the detection and prevention of unlawful activity, including acts of terror. Within the Intelligence Bureau, TAPU's purview includes monitoring and investigating threats against public officials, including the District Attorney. TAPU monitors social media posts, including activity on the "dark web", as well as any threats

reported to TAPU by public officials, including threats received by phone call, text message, social media direct message, voicemail, email, and mail.

4. In 2022, TAPU logged 483 threat cases. Of the 483 threat cases, 1 involved threats to the District Attorney, his family, or his employees. The remaining cases were threats against other public officers or elected officials.

5. In 2023, TAPU logged 577 threat cases. Of the 577 threat cases, 89 involved threats to the District Attorney, his family, or his employees. The remaining cases were threats against other public officers or elected officials.

6. In 2023, the first threat case involving the District Attorney, his family, or his employees was logged on March 18, 2023.

7. Prior to March 20, 2023, the first review of threatening, harassing, or offensive calls and emails was conducted by DA investigators or NYPD detectives detailed to the DA's Office. The volume of such calls and emails was so low that initial review could be conducted by these investigators and detectives while they fulfilled their primary responsibility of assisting in the casework of the DA's Office. Additionally, because the volume of such calls and emails was low, the DA's Office did not have a system for tracking such calls and emails.

8. By March 20, 2023, the volume of threatening, harassing, or offensive calls and emails increased significantly, exceeding the capacity of the DA Office's investigators and NYPD detectives detailed to the DA's Office. Starting on March 20, 2023, all such calls and emails were forwarded directly to TAPU for review and assessment.

9. When TAPU reviews an item (e.g., social media post, phone call, text, email, etc.), TAPU makes an initial determination of whether the item warrants additional investigative steps. If it does, TAPU opens a "Threat Case." Depending on the results of additional

investigative steps, the item may be referred for further investigation in partnership with a prosecutor's office.

10. Since the DA took office on January 1, 2022, through mid-March of 2023, none of the threats received required referral for further investigation in partnership with a prosecutor's office. In the three weeks following March 18, 2023, several threats received that ultimately were referred for further investigation in partnership with a prosecutor's office.

11. One public example of a threat during that time-period is documented in the felony complaint in *People v. Craig Deleeuw Robertson* (D. Utah, 2003). The complaint details that:

> "On or about March 18, 2023 . . . [the defendant], did knowingly transmit in interstate commerce a communication containing a threat to injure the person of another, the New York County District Attorney, Alvin Bragg, to wit:
>
> ALVIN BRAGG
> Heading to New York to fulfill my dream of iradicating [sic] another of George Soros two-but political hach [sic] DAs.
> I'll be waiting in the courthouse parking garage with my suppressed Smith & Wesson M&P 9mm to smoke a radical fool prosecutor that should never have been elected.
> I want to stand over Bragg and put a nice hole in his forehead with my 9mm and watch him twitch as a drop of blood oozes from the hole as his life ebbs away to hell!!
> BYE, BYE, TO ANOTHER CORRUPT BASTARD!!!'
>
> all in violation of 18 § U.S.C. 875(c)."

12. According to the DA Office's IT systems, at its peak, in March 2023, more than 600 emails and phone calls received by the DA's office were forwarded for security review; this represents a small subset of the calls and emails received by the office relating to *People v.*

*Trump*. Around this time, the emails, calls, and text messages received were directed not just to the DA or to the Office generally, but also to senior members of the DA executive team and ADAs publicly associated with *People v. Trump*, via both Office email or phone and personal email and phone. The messages received in March of 2023 were the first time I was aware of threatening messages relating to the work of the DA's Office being directed at employees of the Office other than the DA.

13. Some of the specific threats that were recorded as a threat case include:

a. On March 19, 2023: "Leave Trump alone . . . or Bragg will get assassinated"

b. On March 19, 2023: "Just shoot Bragg in the head and he stops being a problem."

c. On March 21, 2023, "If you lay a hand on President Trump or his family, friends, supporters, or myself, my family or any patriot—instant death."

d. On March 22, 2023, "Just wanted to say I can't wait to watch you swing from a rope in your military tribunal, you disgusting George Soros puppet, fucking money will get you nowhere, you better get on your knees and pray to Jesus Christ your gonna find your maker soon."

e. On April 3, 2023, "When your fat fuck DA is more interested in a witch hunt on president Trump than prosecuting crime in you shit hole city, its time to get rid of both of you n*****" (modified with asterisks to obscure racial slur).

f. On April 4, 2023, "You want to go after Donald Trump because you have a crime ridden city, all that shit is racially and politically motivated. More so racial because Alvin Bragg is nothing but a racist n*****" (modified with asterisks to obscure racial slur).

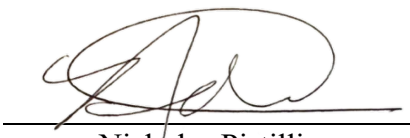
g. On April 6, 2023, "…Your going to get what you got coming. Your tearing the country apart, your going to get it. I'm not making threats…."

14. In addition to monitoring threats of violence received by the Office, my unit is also involved in responding to attacks on the Office. In the past year, the Office has twice received terroristic mailings. Last year, the Office twice received envelopes containing white powder. Both incidents disturbed normal operations at the DA's Office, although in both incidents the powder was determined not to be a dangerous substance.

a. On March 24, 2023, the Office received a letter addressed to the DA containing a small amount of white powder and a note stating: "Alvin: I'm going to kill you".

b. On April 12, 2023, the Office received a letter addressed to the DA containing a white powder and a note including images of the DA and of Donald Trump and the words "you will be sorry."

Dated: February 22, 2024



Nicholas Pistilli

Exhibits to People's Response to Defendant's
Motion to Terminate (June 20, 2024)

# Ex. 2

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

| | |
|---|---|
| THE PEOPLE OF THE STATE OF NEW YORK<br><br>-against-<br><br>DONALD J. TRUMP,<br><br>Defendant. | AFFIDAVIT OF NICHOLAS PISTILLI<br><br>Ind. No. 71543-23 |

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1. I am a Sergeant in the New York Police Department ("NYPD"). Since January of 2022, I have served as the commanding officer of the security detail for New York County District Attorney Alvin Bragg. In that role, I am responsible for, among other things, monitoring threats of violence against the District Attorney, his family, and his Office.

2. I am familiar with the facts and circumstances stated herein. This affidavit supplements my earlier affidavit dated February 22, 2024, and is based upon my personal knowledge, as well as upon information and belief based on information provided by other employees of the NYPD or the DA's Office, and on records maintained by the NYPD or the DA's Office in the ordinary course of business, which I believe to be true and correct.

3. In 2024, as of today, NYPD's Threat Assessment & Protection Unit ("TAPU"), a unit within NYPD's Intelligence Bureau, logged 289 threat cases. Of the 289 threat cases, 61 involved threats to the District Attorney, his family, or his employees. The remaining cases were threats against other public officers or elected officials.

4. Most of the 61 threat cases in 2024 that involve threats to the District Attorney, his family, or employees of the District Attorney's Office were made in the past few months, including 25 in April 2024, 24 in May 2024, and 7 in June to date.

5. In 2024, four threats regarding the District Attorney or the Office were referred for further investigation in partnership with a prosecutor's office.

6. For example, threat cases logged in 2024 included language: "we will kill you all"; "[…] should be in witness protection"; "you are dead [expletive]"; "Your life is done"; and "RIP". Threat cases were also logged for a post showing sniper sights on people involved in this case or a family member of such a person; and a post disclosing the home address of a DA Office employee.

7. Another of the threats logged, on April 15, 2024, was a bomb threat to the residences of two people involved in this case. April 15 was the first day of the trial in *People v. Trump*.

8. According to the DA Office's IT systems, from April 2024 to date, nearly 500 emails and phone calls received by the DA's office were forwarded for security review. As not all emails and calls received are forwarded for security review, this presumably represents only a subset of the calls and emails received by the office relating to *People v. Trump*.

Dated: June 20, 2024

Nicholas Pistilli