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PART 59 AUG 02 2024



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August 1, 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:

This letter responds to defendant's July 31, 2024 motion to renew his two prior motions for recusal. The People do not oppose defendant's request for leave to file and ask that this letter be considered our opposition to his motion.

Defendant's motion to renew is a vexatious and frivolous attempt to relitigate an issue that was twice addressed by this Court in orders that the First Department then refused to disturb. *See People v. Trump*, 82 Misc. 3d 1233(A), at *2-4 (Sup. Ct. N.Y. Cnty. 2023) (denying defendant's first motion for recusal); Trial Tr. 2-7 (Apr. 15, 2024) (denying motion to renew or reargue); *Trump v. Merchan*, 227 A.D.3d 569, 570 (1st Dep't 2024) (dismissing article 78 challenge).

Defendant identifies no new facts or changes in the law that warrant a different outcome. CPLR § 2221(e)(2). He appears to base his motion on the fact that Vice President Harris is now a candidate for President, rather than Vice President. But defendant's earlier motions already argued that the Vice President was his political opponent and that the Court's family member would therefore purportedly benefit somehow from rulings in this case. *See* Def.'s Mot. to Reargue 1-4, 6-8, 19-22, 24-25, 31-32 (Apr. 3, 2024); Blanche Aff. ¶¶ 2, 38, 53-54, 65, 68, 73 (Apr. 3, 2024); Def.'s Mot. for Recusal 5-6, 8, 12-13 n.8 (May 31, 2023). Indeed, defendant rests his latest motion on the same affirmation he presented in support of his April 3 motion. This regurgitated showing does not come close to meeting the standard to renew. *See People v. Cordes*, 270 A.D.2d 430, 430 (2d Dep't 2000); *William P. Pahl Equip. Corp. v. Kassis*, 182 A.D.2d 22, 27 (1st Dep't 1992).

On the merits, the Court already correctly held that the speculative series of claims in defendant's April 3 motion and affirmation do not remotely establish that the Court has "a direct, personal, substantial or pecuniary interest in reaching a particular conclusion." Trial Tr. 6 (quoting *People v. Alomar*, 93 N.Y.2d 239, 246 (1999)); *see also* Opinion of the Advisory Committee on Judicial Ethics, Op. 23-54 (May 4, 2023) ("A relative's independent political activities do not provide a reasonable basis to question the judge's impartiality."). The First Department dismissed defendant's CPLR article 78 challenge to those orders, holding that he had not established a "clear right to recusal" or that this Court "acted in excess of its jurisdiction by denying his motion." *Trump*, 227 A.D.3d at 570. No amount of overheated, hyperbolic rhetoric can cure the fatal defects in defendant's ongoing effort to impugn the fairness of these proceedings and the impartiality of this Court. The motion for recusal should be denied for a third time.

Respectfully Submitted,

/s/ Matthew Colangelo

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