

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



ALVIN L. BRAGG, JR.
DISTRICT ATTORNEY

CENTRAL CLERK'S OFFICE

SEP 03 2024

SUPREME COURT
CRIMINAL TERM
NEW YORK COUNTY

August 30, 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 August 29, 2024 letter advising the Court that he has filed a second notice of removal to the United States District Court for the Southern District of New York, and apparently requesting an accompanying stay of all state-court proceedings.

Federal law is clear that proceedings in this Court need not be stayed pending the district court's resolution of defendant's removal notice. *See* 28 U.S.C. § 1455(b)(3) ("The filing of a notice of removal of a criminal prosecution shall not prevent the State court in which such prosecution is pending from proceeding further, except that a judgment of conviction shall not be entered unless the prosecution is first remanded."). The federal court explicitly said the same when adjudicating defendant's first removal effort. *See* Order Regulating Proceedings, *People v. Trump*, No. 23 Civ. 3773 (S.D.N.Y. May 9, 2023), ECF No. 8 ("[P]roceedings may continue in the Supreme Court of the State of New York, New York County."). The Court therefore can and should determine defendant's pending CPL § 330.30 motion and his motion to adjust the post-trial schedule.

In addition, notwithstanding defendant's effort to mischaracterize the People's position on his pending motion to modify the post-trial schedule, our position remains exactly as we indicated in our August 16, 2024 letter: we defer to the Court on the appropriate post-trial schedule that allows for adequate time to adjudicate defendant's CPL § 330.30 motion while also pronouncing sentence "without unreasonable delay." CPL § 380.30(1). We note that the concerns defendant expresses about timing are a function of his own strategic and dilatory litigation tactics: This second notice of removal comes nearly ten months after defendant voluntarily abandoned his appeal from his first, unsuccessful effort to remove this case; three months after he was found guilty by a jury on thirty-four felony counts; and nearly two months after defendant asked this Court to consider his CPL § 330.30 motion for a new trial. Nor does the pre-trial schedule in defendant's federal prosecution for corruptly interfering with the peaceful transfer of power after the 2020 election have anything to do with the post-trial schedule in this case.

Respectfully Submitted,

/s/ Matthew Colangelo

Matthew Colangelo
Christopher Conroy

Susan Hoffinger
Becky Mangold
Joshua Steinglass
Assistant District Attorneys