March 26, 2025

Via EDDS and Email
Hon. Gregory Carro
Supreme Court of the State of New York
100 Centre Street
New York, NY 10013

Re: *People v. Luigi Mangione*, Ind. No. 75657/2024

Dear Judge Carro:

Thank you for your prompt response to our motion filed March 19th and 21st, requesting four things: (1) demanding the prosecution provide full discovery that is in their possession; (2) precluding the prosecution from requesting a late protective order; (3) facilitating Mr. Mangione's review of "non-sensitive" voluminous discovery via a laptop computer; and (4) requesting additional time to file motions due to incomplete discovery. Please accept this reply to clarify certain issues raised by the prosecution's response to these requests. Additionally, in light of the prosecution's wholesale rejection of the defendant's reasonable and standard requests, particularly for a laptop which would allow him to meaningfully participate in his defense, Mr. Mangione does not waive his right to be present at tomorrow's conference to the extent the appearance involves more than mere logistics and scheduling to resolve these important issues.

Mr. Mangione is compelled to seek more time to file omnibus motions due to the prosecution's failure to meet their statutory requirement to provide discovery that is in their possession. Our demand is not unreasonable; we are not demanding duplicative or non-substantive discovery such as a police officer memo book entry or duplicative body worn camera video in order to file motions.[1] We are demanding discovery regarding civilian witnesses,[2] any police identification of Mr. Mangione by San Francisco police officers,[3] discovery surrounding the prosecution's theory of terrorism, and the contents of any electronic devices recovered from Mr. Mangione. Moreover, we are seeking discovery that admittedly is already in their possession, and that they are deliberately withholding. For example, although we have been provided with over

[1] We will of course demand full discovery prior to any hearing or trial.

[2] The People have not stated why they cannot simply redact identifying information and provide the substance of their statements, nor have they filed a request for a protective order.

[3] *See* Lorena O'Neil, *The Life and Mystery of Luigi Mangione, How a well-liked Ivy Leage grad accused of the United Healthcare CEO shooting became one of the most debated murder suspects in recent history,* ROLLING STONE (Mar. 9, 2025), https://www.rollingstone.com/culture/culture-features/luigi-mangione-united-healthcare-ceo-shooting-suspect-1235290609/; and Jason Hall, *Luigi Mangione ID'd By Other Police Department Days before Arrest,* 3WS RADIO (Dec. 13, 2024), https://3wsradio.iheart.com/content/2024-12-13-luigi-mangione-idd-by-other-police-department-days-before-arrest-report/.

320 pages of Grand Jury minutes, it appears from missing page numbers that roughly 130 pages of Grand Jury testimony are being withheld, roughly one-fourth of the Grand Jury testimony. This is a far cry from the "common-sense redactions" the District Attorney's Office claims.

With respect to the prosecution's position regarding discovery and defendant's opportunity to review it and meaningfully participate in his defense, the defendant does not have to have any "special legal training" in order to participate in his own defense. Indeed, participating in one's own defense directly is a constitutional right, one the People have consistently failed to honor.

In a case such as this one, where the District Attorney is elevating a second-degree murder charge to a first-degree murder charge involving terrorism that carries life in prison, the defense should be given all information in the People's possession to show the People have not elicited legally sufficient evidence of terrorism in the Grand Jury and that the case has been overcharged. This is especially true where Mr. Mangione faces three separate prosecutions in three jurisdictions for one act. It is not a coincidence that of all the evidence the District Attorney could conceal from the defense it conceals the evidence of this supposed terrorism. How is the defendant supposed to defend against terrorism charges that require that his actions "were intended to intimidate or coerce a civilian population" when the prosecution refuses to provide the defense with both what community he allegedly intimidated or coerced and the discovery related to this theory? In the discovery and the redacted Grand Jury minutes provided thus far, their theory is not apparent.

The terrorism element of the first-degree murder charge has been created falsely by law enforcement, and its withholding of the evidence supposedly in support of that element is part of this effort. For instance, when the Police released Mr. Mangione's notes to the public and declared that they were his "manifesto," law enforcement was falsely creating the element of terrorism. When they "perp-walked" him in front of the world, law enforcement was falsely creating the element of terrorism. And, now, when the District Attorney's Office refuses to provide all the evidence it relied on to support its terrorism enhancement, law enforcement continues to falsely create the element of terrorism.

Mr. Mangione wants this case to proceed in a timely fashion, as delay does not benefit him while he languishes in custody at MDC. However, he is forced to request additional time due to the prosecution's repeated refusal to both give over the complete discovery that is in their possession and its refusal to facilitate the defendant's review of the discovery that has already been given over. As the prosecution admits, certain defendants at MDC are permitted specially configured laptops in order to facilitate their ability to review voluminous non-sensitive discovery, including video, which are present in this case. The prosecution's position is perplexing; it does not object to Mr. Mangione possessing tens of thousands of loose pages of discovery in his cell where it could be widely seen by other inmates at the MDC. Yet it objects to a laptop that is kept by MDC guards and only provided to him under their supervision while being watched by them in a public common area. Plainly, a laptop provides greater security and, at the same time, is a more feasible way for one to review thousands of pages of discovery.

Moreover, the People claim that "MDC assured the People that this defendant has ample access to desktop computers where he is housed to review discovery, conduct legal research, send

emails, and draft motions." Access to desktop computers is worthless without the discovery in an electronic format. By making this argument, the People are conceding that Mr. Mangione would need discovery in an electronic format to review it on the MDC's computers. Given this concession, the People's only objection seems to be to Mr. Mangione having a specially configured laptop dedicated to his own discovery (as many other MDC inmates have), and they prefer for him to have all of his discovery electronically on a hard drive that he can only access on the public desktop computers in the common area at the MDC while sitting in close proximity to other inmates using other desktop computers. If the People are truly concerned about safety—as opposed to simply trying to limit Mr. Mangione's access to his own discovery—they would support counsel's application for a specially configured laptop at the MDC to increase privacy, as the U.S. Attorney's Office has in countless other cases concerning inmates housed at the MDC, and as the U.S. Attorney's Office has in this case.

In addition, Mr. Mangione's access to these desktop computers is not "ample," as other inmates also need access to these shared desktops "to review discovery, conduct legal research, send emails, and draft motions." Given that these public desktops are shared, coupled with the extremely large amount of discovery in this case, it is not accurate for the District Attorney's Office to claim that Mr. Mangione has "ample" time to meaningfully review his discovery without a laptop. Furthermore, the thousands of hours of videos can only be viewed through specific video players, some of which need to be specifically loaded onto the reviewing computer. To the extent these video players are not loaded on the public desktops at the MDC, Mr. Mangione would not be able to view the discovery videos. In contrast, these necessary video players can be specifically downloaded on a specially configured laptop. We are therefore requesting permission from this Court, as it relates to discovery in this case, before seeking permission from a federal judge to allow Mr. Mangione to review discovery provided by the state while in federal custody.

The People's stated reason for not turning over discovery and for, at some unknown future time, seeking a protective order is that Mr. Mangione is somehow responsible for "harassment, backlash, and death threats" to certain people. However, there is simply no evidence that Mr. Mangione is responsible for any of these threats, directly, indirectly or in any manner. Mr. Mangione has been nothing but cooperative, peaceful and has shown concern for others. For example, when the defendant was arrested, and contained in the People's statement notice pursuant to CPL § 710.30(1)(a), on December 9, 2024, among the first words out of Mr. Mangione's mouth was an apology and a concern for the very McDonald's employee who they are saying is now receiving threats. Quoting from their notice: "I apologize for the inconvenience of the day." Followed by "They aren't going to put the cashier from McDonald's information out there are they? It wouldn't be good for her. A lot of people will be upset I was arrested." This is the very opposite of someone who is seeking to terrorize anyone or wishing harm or violence to anyone.

The People represent that they have given over one terabyte of discovery thus far, but it is the quality of the discovery, not the quantity of the discovery that form the basis of our request for more time to file our motions (that will not be charged to the People) and will allow Mr. Mangione to defend against these charges. The People reiterate their own need for more time to redact discovery in order to meet their statutory obligations, thus it is only fair that the defendant be given more time while we still await these items that we are deeming essential. Most respectfully, perhaps if the District Attorney's Office focused more on their statutory obligations and Mr.

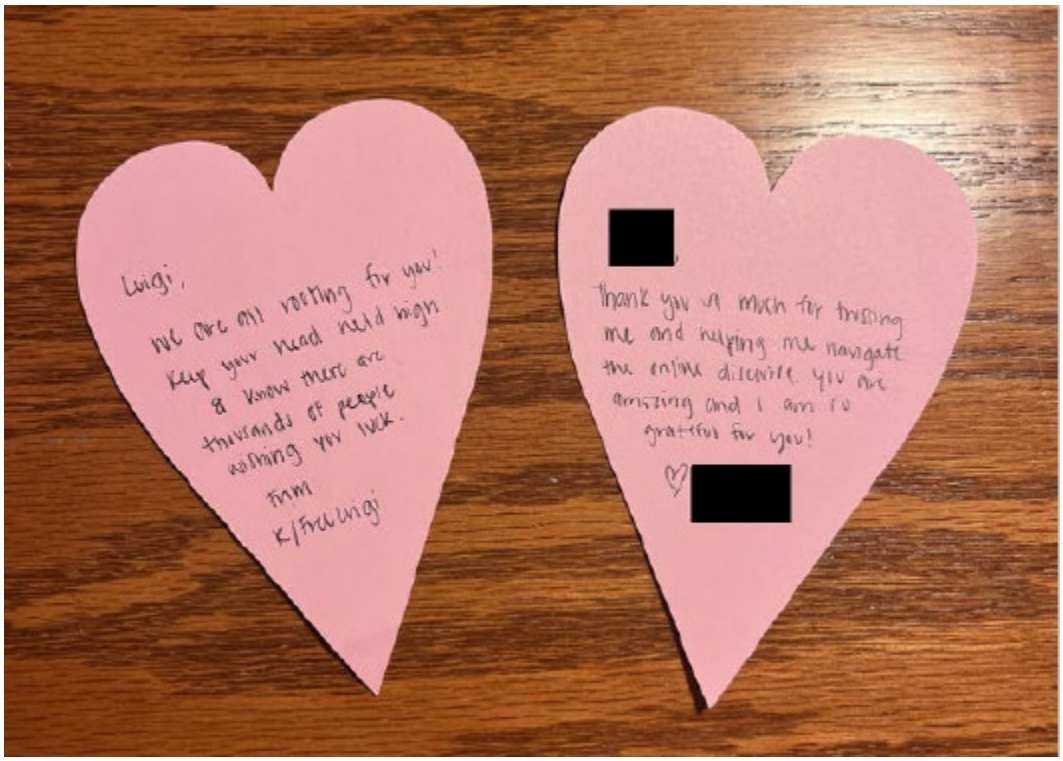
Mangione's constitutional rights—and less on the color of Mr. Mangione's sweater at the court appearance (notably, one of the prosecutors also wore green to court) and whether or not he chose not to wear socks—the prosecutors would have been able to timely meet their discovery obligations or at least move for a protective order. Instead, they still offer no excuse for why they have not moved for a protective order in the last three months while, at the same time, faulting the defense for asking for more time to file motions in a case that contains more than a terabyte of discovery and where the District Attorney's Office is still withholding evidence while seeking life imprisonment.

The People further insinuate that by creating a public informational website to facilitate the thousands of requests the defense receives and that was specifically designed to comply with Rule 3.6 that somehow the defense is "leaking" information. This is simply not true. There is a categorical difference between improperly leaking evidence to the media and sitting for interviews for a documentary (as law enforcement has done) and establishing a website that provides public information about the case. As the Court is well aware, the public has a strong interest in this case and a right to access under the First Amendment. The website, the defendant's position that all court proceedings should be televised, and a re-statement of a non-televised court appearance is the result of the repeated prejudicial public statements that the mayor and law enforcement have and continue to make. As even ADA Joel Seidemann recognized in his 2005 book:

> The first lesson herein is that events in the courtroom always differ from the media rendition. The courtroom's intense enclosed theater creates unparalleled moments of conflict and revelation, and what happens there is more human, more dramatic, more gritty than the media can convey. The truth always is.

Joel Seidemann, *In the Interest of Justice: Great Opening and Closing Arguments of the Last 100 Years* 1 (Paperback, Middle English Edition, October 1, 2005). This is why it is important for these appearances to be televised and for more court space to be afforded to members of the public, rather than members of the media.

We close with the "incident" referenced in the People's response. Because of the highly unusual and difficult circumstance that the defendant finds himself in—namely that we are denied access to him both before and after court appearances, he arrives to court wearing the prison clothing that is given to him at MDC. Out of respect to the Court, Mr. Mangione, like many other defendants, prefers to wear court appropriate clothing during his appearances because he has already been thoroughly prejudiced through the Altoona mugshot being released online, as well as the televised "perp walk" orchestrated by the mayor's office and the unnecessary shackles at the last appearance. We very much appreciate the prosecution's assistance and facilitation in allowing counsel to provide clothing for Mr. Mangione given our lack of access to him, and in the haste of the situation, the defense inadvertently did not see that there were two heart-shaped notes contained within the socks:



This was obviously inadvertent as one of the two heart-shaped notes was not even addressed to Mr. Mangione. The District Attorney's Office ostensibly realized the innocent nature of this event, and that it was not a genuine danger or concern, as they did not bother to alert the Court at the time. If this "incident" is the basis for the danger the prosecution is referencing, we submit that this does not meet the standard to allow them to deny our reasonable requests.

Instead, the District Attorney raises this "incident" now to "make the Court aware of how the special treatment to the defendant's benefit was violated when the People made accommodations for defendant's fashion needs during the last court appearance." As the District Attorney's Office well knows, allowing an incarcerated defendant to wear normal clothing at a court appearance is not "special treatment" or an "accommodation[] for defendant's fashion needs," as this accommodation is made to many incarcerated defendants. Rather, the prosecution raises it now simply to deflect attention from counsel's reasonable and standard requests for discovery the prosecutors are withholding, access to a laptop to meaningfully review the discovery and an extension of the motion schedule.

Respectfully submitted,

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