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November 4, 2021

Hon. Holly A. Trexler  
Albany City Court  
1 Morton Avenue  
Albany, NY 12202

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ALBANY CITY COURT  
CRIMINAL PART

Re: People v. Cuomo

Dear Judge Trexler:

I write in reference to the summons and complaint filed in your Court on October 28, 2021. While this Court would have had no reason to know, my Office has been investigating this matter for several months. We were in the middle of that investigation when the Sheriff unilaterally and inexplicably filed a complaint in this Court. Unfortunately the filings in this matter are potentially defective in that the police-officer-complainant failed to include a sworn statement by the victim such that the People could proceed with a prosecution on these papers. What was included with the complaint was a portion of a transcript of the victim's statement given in a separate proceeding, but that portion excluded an oath, and, even more troubling, excluded other portions of her testimony where she described the very same acts described in the complaint.<sup>1</sup> Furthermore, the *To-Wit* portion of the complaint misstates the relevant law.

In addition to these issues, the speedy trial clock began running on this case the day the Sheriff filed the charges. This means that my Office is required to certify discovery and announce readiness within 90 days or risk having the charges dismissed. While we are accustomed to meeting those obligations in the ordinary course, the facts of this case are much more complicated in that this matter was investigated for several months by the Attorney General's Office, a law enforcement agency whose voluminous records and materials we are arguably deemed to be in possession of under CPL Article 245. While we previously received some materials from the AG's Office, since the filing in this case we have received hundreds of hours of videotaped testimony that must be reviewed and provided to the defendant. We anticipate receiving many other materials that are not yet in our actual possession.

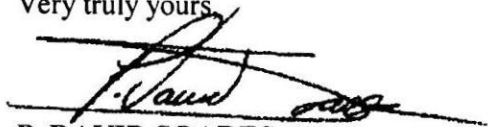
Therefore, in order to reduce the risk of a procedural dismissal of this case, and with the understanding that the defendant is in agreement, the People are asking for an adjournment of the arraignment for 60 days. This request

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<sup>1</sup> This portion of the transcript has now been provided to defense counsel due to its exculpatory nature.

is contingent upon the defendant waiving all speedy trial rights. The purpose of this adjournment is to give my office time to continue with our independent and unbiased review of the facts in this case.

Very truly yours,

A handwritten signature in black ink, appearing to read "P. David Soares", is written over a horizontal line.

**P. DAVID SOARES**  
**DISTRICT ATTORNEY**  
**Albany County, New York**

cc: Rita Glavin Esq.  
Via email at [rglavin@glavinpllc.com](mailto:rglavin@glavinpllc.com)

Michael P. McDermott, Esq.  
Via email at [mmcdermott@oalaw.com](mailto:mmcdermott@oalaw.com)

**O****A**  
**O'CONNELL ARONOWITZ**  
**ATTORNEYS AT LAW**

November 4, 2021

**VIA ELECTRONIC MAIL**

Albany City Criminal Court  
Hon. Holly Trexler  
Public Safety Building  
1 Morton Avenue  
Albany, NY 12202

**Re: People v. Andrew M. Cuomo**  
**Docket No.: CR-02517-21**

Dear Judge Trexler:

We join in the People's request that the arraignment in this matter be adjourned for a period of 60 days to enable the District Attorney to continue his investigation.

Should the Court approve this request, our client agrees to waive his constitutional and statutory speedy trial rights for the duration of the adjournment.

If the Court requires anything further, kindly advise.

Respectfully,

O'CONNELL AND ARONOWITZ

By:

  
Michael P. McDermott, Esq.

MPM/mh

EDWARD J. O'CONNELL  
1925-1939  
SAMUEL E. ARONOWITZ  
1925-1973  
LEWIS A. ARONOWITZ  
1951-1979

STEPHEN R. COFFEY  
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PAMELA A. NICHOLS  
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November 4, 2021

cc: Albany County District Attorney's Office  
Attn: ADA David Rossi, Esq.

Rita Glavin, Esq.