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January 4, 2022

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

Re: *People v. Andrew M. Cuomo*

Dear Judge Trexler:

On October 28, 2021, the Albany County Sheriff's Office filed a criminal complaint in this Court against Andrew M. Cuomo, and the Court issued a summons at that agency's request. As the Court is aware, this action was taken unilaterally without consultation with my Office. By letter dated November 4, 2021, the People requested a sixty-day adjournment of the matter to conduct an independent review of the case and to determine how to proceed. This Court granted that request, on consent of the defense, on November 5, 2021. The matter is currently scheduled for a next appearance on January 7, 2022.

We have now completed our review of all the available evidence, and we have concluded that we cannot successfully prosecute this case. Our conclusion is based on two factors.

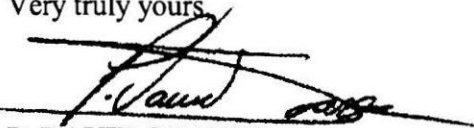
First, although we found the complaining witness and her allegations credible and supported by the available evidence, we have concluded that we would be unable to secure a conviction at a criminal trial, taking into account all the facts of this case. To be clear, the People do not approve of the alleged conduct of the former Governor. Such behavior has no place in a workplace or in government. Nevertheless, the statutory elements of New York law make this case impossible to prove in a criminal court beyond a reasonable doubt, the highest standard in our law. In addition, we have considered other potential criminal charges and concluded that none fit the allegations. We make no determination regarding any potential civil liability, which is beyond our jurisdiction.

Second, in this matter, we are faced with an unusual situation: multiple, concurrent governmental inquiries into the circumstances underlying this case. This presents significant technical and

procedural hurdles related to discoverable materials, many of them matters of first impression. These issues present a further legal impediment to prosecution.

We thank the Court for its courtesy in granting the adjournment to allow for time for our independent review of this matter, one of great interest and importance to the People of the State of New York. My Office has followed the facts, and we have concluded that we cannot meet our burden at trial. We therefore must decline to prosecute the accusatory instrument filed by the Albany County Sheriff on October 28 and request that the Court dismiss it pursuant to CPL 170.30(1)(f).

Very truly yours,

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

P. DAVID SOARES
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Albany County, New York

cc: Rita Glavin Esq.
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