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CHERYL K. FOWLER
DEPUTY CHIEF ASSISTANT
DISTRICT ATTORNEY

November 4, 2021

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

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.¹ 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

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

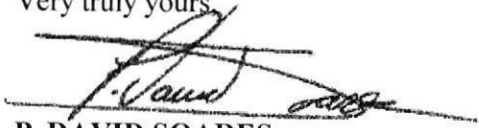
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ALBANY CITY COURT
CRIMINAL PART

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. Soares", is written over a horizontal line. The signature is somewhat stylized and includes a date "2/28" at the end.

P. DAVID SOARES
DISTRICT ATTORNEY
Albany County, New York

cc: Rita Glavin Esq.
Via email at

Michael P. McDermott, Esq.
Via email at


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
JEFFREY J. SHERRIN
THOMAS J. DiNOVO
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.



**STATE OF NEW YORK
CITY COURT OF ALBANY
Morton Avenue & Broad Street
Albany, New York 12202
(518) 453-5520**

**HOLLY A. TREXLER
JUDGE**

November 5, 2021

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O'Connell & Aronowitz
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New York, New York 100254

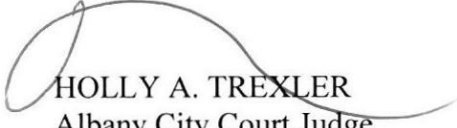
Re: **People v. Andrew Cuomo**
File No. CR-2517-21

Dear Counselors:

Please be advised that, upon request of the Albany County District Attorney, and upon defense counsels' consent, the District Attorney's application for adjournment of the defendant's arraignment for 60 days is hereby granted

Please note that the new date for arraignment will be, **January 7, 2022 at 1:30 p.m.**

Sincerely,


HOLLY A. TREXLER
Albany City Court Judge

HAT:cpe