

PART 32 MAR 21 2025

RECEIVED
MOTIONS UNIT

2025 MAR 21 P 3: 36

DISTRICT ATTORNEY
NEW YORK COUNTY

NOTICE OF MOTION

Ind. No. 75657/2024

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK: PART 32

THE PEOPLE OF THE STATE OF NEW YORK

v.

LUIGI MANGIONE,

Defendant.

X

PLEASE TAKE NOTICE that, along with the attached affirmation of KAREN FRIEDMAN AGNIFILO, Esq., sworn and affirmed to on March 21, 2025, upon the indictment, supporting papers and all proceedings herein, defendant LUIGI MANGIONE will move this Court for the following Orders:

1. Requiring the District Attorney's Office to provide defense counsel and the defendant with the full discovery in their possession;
2. Precluding the District Attorney's Office from filing a late request for a protective order for the remaining discovery;
3. Granting permission for Mr. Mangione to use a laptop while in federal custody to facilitate his review of discovery once it is provided; and
4. Extending the current motion schedule to allow defense counsel and the defendant necessary time to obtain and review the voluminous discovery once it is received from the District Attorney's Office and then make the necessary and substantive defense motions; and
5. Granting such other relief as the Court deems appropriate.

PLEASE TAKE FURTHER NOTICE, that defendant LUIGI MANGIONE reserves the right to file such additional motions as may be necessitated by the Court's decision on the within motions and by further developments which, even by the exercise of due diligence, the defendant could not now be aware of.

Dated: March 21, 2025
New York, NY

Respectfully submitted,



Karen Friedman Agnifilo
Marc Agnifilo
Jacob Kaplan

Counsel for Luigi Mangione

cc: District Attorney's Office

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK: PART 32

THE PEOPLE OF THE STATE OF NEW YORK

v.

LUIGI MANGIONE,

Defendant.

**AFFIRMATION IN
IN SUPPORT OF
MOTION**
Ind. No. 75657/2024

STATE OF NEW YORK)
COUNTY OF NEW YORK) ss:

KAREN FRIEDMAN AGNIFILO, an attorney at law duly admitted to practice in the courts of New York State, affirms the following to be true under the penalty of perjury:

1. I am an attorney and Of Counsel at Agnifilo Intrater LLP, a law firm located in New York City, and I am the attorney for defendant Luigi Mangione. I make this affirmation in support of a motion dated March 21, 2025, seeking Orders pursuant to CPL § 245.80 and other relevant statutes (1) requiring the District Attorney's Office to provide defense counsel and the defendant with the full discovery in their possession; (2) precluding the District Attorney's Office from filing a late request for a protective order for the remaining discovery; (3) granting permission for Mr. Mangione to use a laptop while in federal custody to facilitate his review of discovery once it is provided; (4) extending the motion schedule to allow defense counsel and the defendant necessary time to obtain and review the voluminous discovery once it is received from the District Attorney's Office and then make the necessary and substantive defense motions; and (5) granting such other and further relief as the Court deems just and proper.¹

2. This affirmation is made upon information and belief. The basis for such

¹ On March 19, 2025, Counsel filed a letter motion via the Court's Electronic Document Delivery System seeking the same relief requested here. This current motion is meant to substitute the March 19, 2025, letter motion.

information and the grounds for such belief are the indictment, prior court proceedings, materials previously disclosed by the District Attorney's Office, information disclosed in court by the District Attorney's Office, applicable legal authorities and those other records and materials constituting counsel's file herein.

I. Discovery Update and Demand for Discovery

3. As the Court is well aware, CPL § 245.20 pointedly titled "Automatic Discovery" states that the "prosecution shall disclose to the defendant, and permit the defendant to discover, inspect, copy, photograph and test, all items and information that relate to the subject matter of the case and are in the possession, custody or control of the prosecution or persons under the prosecution's direction or control." *See* CPL § 245.20(1). This automatic requirement includes civilian witnesses' statements, testimony, names and contact information for all persons whom the prosecutor intends to call as a witness or who may have relevant information about the case, within 20 days after the defendant's arraignment on indictment which occurred on December 23, 2024, 88 days as of the date of this writing.

4. Despite this clear requirement, the defense has yet to receive any civilian witness discovery. The defense has received the following: On February 21, 2025, the District Attorney's Office informed the Court that it had produced a total of over 800 GB of discovery in two batches: the first batch on January 22, 2025, and the second batch minutes before the court appearance. The District Attorney's Office stated that it was preparing a third batch of discovery to provide within two weeks of the court appearance that would include ECMS files, all NYPD DD-5s and the search warrants and court orders, which they subsequently provided on March 10, 2025. The Court then set a motion schedule, with the defense motions due on April 9, 2025, which is 48 days from the February 21st court appearance. While discovery provided thus far is voluminous, it is far from

complete and, most notably, it is missing essential records that are in the prosecution's possession and are necessary for defense motions. For example, the prosecution has yet to provide the defense with any non-law enforcement discovery, including civilian Grand Jury testimony and NYPD DD-5s. In addition to civilian witness records, the defense has also not been provided with access to, or copies of, the information contained in the electronic devices alleged to have been recovered from Mr. Mangione. As of the date of this writing, we have yet to receive these additional materials, nor has the prosecution requested the protective order they stated that they will be seeking. There is no good reason why Mr. Mangione has not been provided with complete discovery, all of which is entirely in law enforcement's possession. Not only is there no legitimate basis for a protective order to withhold this information from the defense, but there is also no connection between Mr. Mangione and any purported threats to anyone.

5. Moreover, the People should not be permitted to seek a protective order at this late date, as they have already violated the discovery statute by failing to turn over statutorily required discovery, and the case investigators have repeatedly and consistently leaked discovery to the press. The time for the People to seek a protective order—to the extent one is even remotely appropriate, and we contend it is not—came and went months ago. At this point, the People are simply in plain violation of a discovery statute that carries consequences for being violated. The consequence we seek at this point is that the People, through a knowing, willful, statutory violation, have waived the ability to seek a protective order. Additionally, the People should provide discovery of all outstanding material, including the civilian witness discovery, immediately so that Mr. Mangione can file the motions he is entitled to file in a timely manner.

6. To make matters worse, while the prosecution is deliberately withholding discovery from the defense, law enforcement is routinely providing information to the public, including

confidential Grand Jury information, in clear violation of Mr. Mangione's constitutional rights. Since the inception of this case, the defense has learned a great deal about the discovery in the People's possession from leaks and interviews given by law enforcement, even as recently as 11 days ago in a *New York* magazine profile of the police commissioner.² The prosecution's purported basis for a protective order is claims of alleged threats to witnesses. However, not only is there no connection to Mr. Mangione for any of said alleged threats, but all public statements about this case have come from law enforcement and the Mayor of the City of New York,³ who have been leaking sensitive information and appearing in interviews on television, newspapers, and magazines, all prejudicing Mr. Mangione's right to a fair trial.⁴

² See Noah Shachtman, *Commish Tisch to the Rescue*, NEW YORK MAGAZINE (March 8, 2025), <https://nymag.com/intelligencer/article/nypd-commissioner-jessica-tisch-eric-adams.html>.

³ Ironically, as Mayor Adams has been appearing on television prejudicing Mr. Mangione's case, he has himself complained about being prejudiced in his own prosecution. See *United States of America vs. Eric Adams*, 1:24-cr-556 (S.D.N.Y. Oct. 1, 2024), Declaration of Avi Perry in Support of Defendant Eric Adams's Motion for Evidentiary Hearing and for Sanctions, (ECF Doc. No. 20), <https://ecf.nysd.uscourts.gov/doc1/127036241434?caseid=628915>.

⁴ See *Who is Luigi Mangione* (HBO Max 2025), <https://play.max.com/movie/36ebed84-81e5-43a5-9a4d-d7c69c880ff8>; *TMZ Investigates: Luigi Mangione: The Mind of a Killer* (Hulu 2025), <https://www.hulu.com/series/tmz-investigates-luigi-mangione-the-mind-of-a-killer-07b06ff8-fae3-406c-9755-bbedfea40688>; Lorena O'Neil, *The Life and Mystery of Luigi Mangione, How a well-liked Ivy League 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/>; Alex Sundby et al., *What we know about Luigi Mangione, suspect charged in United Healthcare CEO's Killing*, CBS NEWS (Dec. 20, 2024), <https://www.cbsnews.com/news/luigi-mangione-healthcare-ceo-shooting-what-we-know/>; Emma G. Fitzsimmons, *At Luigi Mangione's Perp Walk, Mayor Eric Adams Appeared Stage Right*, N.Y. TIMES (Dec. 20, 2024), <https://www.nytimes.com/2024/12/20/nyregion/luigi-mangione-eric-adams.html>; Aaron Katersky et al., *FBI received tip from SFPD about Luigi Mangione being possible suspect, passed it along to NYPD*, ABC NEWS, <https://abc7news.com/post/fbi-sfpd-luigi-mangione-suspect-unitedhealthcare-ceo-murder-brian-thompson/15652862/>; Dan Mangan, *Luigi Mangione wrote 'these parasites had it coming' in note found with UnitedHealthcare murder suspect*, NBC NEWS (Dec 10, 2024), <https://www.nbcnewyork.com/news/business/money-report/luigi-mangione-wrote-these-parasites-had-it-coming-in-note-found-with-unitedhealthcare-murder-suspect/6057299/?os=fuzzscan2o&ref=app>; Corey Kilgannon et al., *Suspect in C.E.O. Killing Withdrew From a Life of Privilege and Promise*, NEW YORK TIMES (Dec. 9, 2024),

7. Since the inception of this case, law enforcement has consistently leaked writings purported to be written by Mr. Mangione, while also prejudicially labeling these writings a “manifesto” to the media. By releasing these writings to the public and calling them a manifesto, law enforcement is responsible for causing the very public alarm that they are now trying to attribute to Mr. Mangione, which is the basis for charging him with the enhanced charge of Murder in the First Degree as an act of terrorism. It is worth noting that “manifesto” is defined by *Merriam-Webster* as “a written statement declaring *publicly* the intentions, motives, or views of its issuer.”⁵ (Emphasis added). There is absolutely no evidence that Mr. Mangione ever released the writings that law enforcement is attributing to him publicly; any publishing was done by law enforcement. By painting Mr. Mangione as a “terrorist” and releasing a purported “manifesto,” law enforcement is intending to prejudice Mr. Mangione and cause the public alarm and fear that they now attribute to him. This is problematic and fatal to the government’s charge of Murder in the First Degree, which requires said murder to be in furtherance of an act of terrorism “intended to intimidate or coerce a civilian population” (*see* Penal Law §§ 125.27(1)(a)(xiii), (b), and 490.05(1)(b)(i)), insofar as it is law enforcement that is responsible for said intimidation. This behavior by law enforcement is wildly irresponsible, as they are spreading a message to the public intended to incite individuals who may as a result believe Mr. Mangione held purported viewpoints.

8. The District Attorney’s Office produced a journal as part of its second batch of

<https://www.nytimes.com/2024/12/09/nyregion/united-healthcare-ceo-shooting-luigi-mangione.html>; Joe Marino et al., Luigi Mangione, person of interest in fatal shooting of UnitedHealthcare CEO Brian Thompson, caught with manifesto, ghost gun and fake ID at McDonald’s, NEW YORK POST (Dec. 9, 2024), <https://nypost.com/2024/12/09/us-news/person-of-interest-nabbed-in-fatal-shooting-of-unitedhealthcare-ceo-brian-thompson-outside-nyc-hotel/>.

⁵ *Definition of MANIFESTO*, Merriam-Webster (Mar. 17, 2025), <https://www.merriam-webster.com/dictionary/manifesto>.

discovery on February 21, 2025. This journal, however, had been previously leaked to the media⁶ and even quoted by the NYPD Chief of Detectives in a documentary several weeks before the District Attorney's Office provided it to the defendant and counsel. Similarly, counsel learned for the first time last week via a *Rolling Stone* magazine article that a police sergeant in San Francisco had called the FBI's New York Office to inform them that the suspected shooter resembled the missing persons case he was working on relating to Mr. Mangione.⁷ Not only did we learn from a media report that this San Francisco detective proactively called the FBI, but he also leaked private information to the media regarding a bank withdrawal in August, as well as Mr. Mangione's confidential medical information. Once again, counsel received this information from the media and not the prosecutor's office pursuing first-degree murder charges against Mr. Mangione and also seeking life imprisonment while tainting public perception and future jurors.

9. Moreover, as Mr. Mangione is presumed innocent, these leaks are not harmless or information that future juries will inevitably learn, as there are significant Fourth and Fourteenth Amendment issues relating to Mr. Mangione's arrest and search. As previewed in a motion to suppress in Mr. Mangione's third pending criminal case related to these allegations, *Commonwealth of Pennsylvania vs. Luigi Nicholas Mangione*, filed by Mr. Mangione's local counsel, Thomas M. Dickey, there are significant issues regarding Mr. Mangione's arrest and the

⁶ See Ken Klippenstein, *Exclusive: Luigi's Manifesto Read the Manifesto the Media Refused to Publish*, December 10, 2024, <https://www.kenklippenstein.com/p/luigis-manifesto>; Alex Sundby et al., *What we know about Luigi Mangione, suspect charged in United Healthcare CEO's Killing*, CBS NEWS (Dec. 20, 2024), <https://www.cbsnews.com/news/luigi-mangione-healthcare-ceo-shooting-what-we-know/>.

⁷ See Lorena O'Neil, *The Life and Mystery of Luigi Mangione, How a well-liked Ivy League 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/>.

subsequent warrantless search of a backpack, which we will further discuss in our forthcoming motion to suppress.

10. While evidence has been turned over to the media by law enforcement, Mr. Mangione still does not have all of the necessary evidence against him. To date, the District Attorney's Office has not yet turned over the civilian witness testimony in the Grand Jury or a copy of the numerous electronic devices that law enforcement had seized from Mr. Mangione, including several USB flash drives, a computer chip, and a laptop. This has left the defense in an untenable position where it must challenge the sufficiency and appropriateness of the Grand Jury proceeding without having all the Grand Jury evidence and decide whether to challenge the warrants surrounding electronic devices without knowing the contents of these devices. Moreover, some of the withheld civilian testimony pertains specifically to the terrorism enhancement that is the basis for the indictment's first-degree murder charge and one of the second-degree murder charges. Without this testimony, counsel simply cannot challenge the sufficiency of the Grand Jury minutes as to these serious charges. While the District Attorney's Office has told counsel that it has withheld this information because they will be seeking a protective order for delayed disclosure, the prosecution has not explained why it has taken more than three months since the Grand Jury presentation to seek a protective order. In any event, we believe that no basis exists for any protective order, and the People have not advanced any reason for such a protective order. The District Attorney's Office has also not explained how counsel is supposed to challenge the sufficiency of the Grand Jury evidence without all the relevant Grand Jury minutes, nor have they provided their theory to support the terrorism charges, or which civilian population has allegedly been terrorized.

11. In addition, the prosecution has not provided counsel with any information or

documentation that it received from the federal government as part of the joint NYPD/FBI investigation into Mr. Mangione. This is not a parallel investigation nor prosecution, as this case involves one set of facts, and the state and federal cases rely on the same evidence. There were also multiple reports of a manhunt being conducted by the NYPD and the FBI in the days after December 4, 2024. Moreover, after Mr. Mangione waived extradition to New York, the FBI coordinated with the NYPD so that the FBI was able to take custody of Mr. Mangione when he landed in New York. Furthermore, the federal and state prosecutors are clearly and necessarily sharing information, because the federal complaint against Mr. Mangione relies on information from the NYPD investigation. Cooperation between the federal and state prosecutors is also evident from the agreement between the prosecutors that the state case against Mr. Mangione would proceed first. Despite the joint nature of the investigation and prosecution, the District Attorney's Office has not provided counsel with any information it received from federal law enforcement as required. *See People v. Adams*, 226 N.Y.S.3d 533, 537 (N.Y. Sup. Ct. 2025) (“If information from federal law enforcement exists and is known to the People, the People would have an obligation to disclose that material in a timely manner to the defendant (absent any protective order).”). This information is especially important in this case, as the state and federal prosecutions are based on conflicting theories—terrorism meant to intimidate or coerce a civilian population versus stalking a single individual—and the defense of the state prosecution (which carries a life sentence) might conflict with the defense of the federal prosecution (which potentially carries the death penalty).

II. Mr. Mangione's Access to Discovery While Detained at the MDC

12. Compounding matters, the District Attorney's Office is interfering with Mr. Mangione's access to the voluminous discovery to which he is entitled. Given the sheer volume

of discovery, the prosecution requested that the defense provide hard drives capable of storing three terabytes of data to facilitate their voluminous discovery production, which the defense promptly did. In order to efficiently provide this discovery to the defendant, the defense proposed to both the federal and state prosecutors that Mr. Mangione be provided with a specially formulated laptop while at MDC solely to be able to view this discovery, much of it being videos and photos, which can only be viewed on a computer. Since Mr. Mangione is in federal custody, we sought permission from the federal prosecutors in the first instance, who notably do not object to this reasonable request. However, inexplicably, the Manhattan District Attorney's Office objects to this request. The District Attorney has informed us that they object to counsel's request to provide the discovery to Mr. Mangione at the MDC on a laptop modified to the detention center's regulations. Without the laptop, which allows Mr. Mangione to review discovery outside the presence of counsel, there are not enough visiting hours that would allow the defense to view all discovery with the defendant (including thousands of hours of video) and also meet the Court's current motion schedule. To the extent the District Attorney's Office relied on surveillance videos in the Grand Jury and gave statement notice for statements captured on body-worn cameras, Mr. Mangione needs the opportunity to meaningfully review the videos in challenging the sufficiency of the Grand Jury evidence and deciding whether to seek to suppress his statements.

13. Additionally, without a laptop, counsel would have to print out more than 15,000 pages of discovery for Mr. Mangione to keep in his cell pending his trial. There is a good reason why the District Attorney's Office provides discovery to defense attorneys in an electronic format, as it aids in review by having discovery easily accessible and in a searchable format. The District Attorney's Office could never justify providing 15,000 pages of paper discovery to defense counsel without also providing it in an electronic format. But that is exactly what they are doing

to Mr. Mangione.

14. In objecting to providing a laptop, the District Attorney's Office notes that "[g]iven the sensitive nature of many of the documents and the threats that several witnesses have already received, we do not plan on consenting to a personal laptop at this time" (3/6/25 Email). Counsel notes that the District Attorney's Office has no basis to believe that Mr. Mangione has any connection to the alleged witness threats. This is particularly true given that the prosecution has not yet provided counsel with the names of any civilian witnesses or their information. Consequently, to the extent witnesses have received threats, this only shows that the witnesses' identities are already public, and that Mr. Mangione had no part in disseminating their names. Nevertheless, to address the District Attorney's Office's concerns, counsel proposes that the laptop be loaded only with non-sensitive and non-civilian-related discovery, including the Grand Jury minutes and exhibits relating to non-civilian witnesses, body-worn camera footage, surveillance videos, DNA and fingerprint reports and evidence, and non-sensitive police paperwork. This way, Mr. Mangione will be able to effectively review the 800 GB of discovery while also addressing the prosecutors' stated security concerns. Any civilian-related discovery would only be viewed by Mr. Mangione in counsel's presence.

15. Counsel further notes that many other federal inmates at the MDC are provided laptops to review their discovery. In those cases, counsel obtains a laptop and provides it to an approved vendor to modify in compliance with the MDC's regulations by disabling the laptop's connections to the internet, printers, wireless networks, games, and entertainment programs. The vendor sends the modified laptop to the prosecutor's office, who loads the non-sensitive discovery materials on the laptop and then provides the laptop to the MDC pursuant to a court order. Counsel proposes following the same procedure here. There is no basis to treat Mr. Mangione differently

just because, unlike other MDC inmates, he is facing pending indictments in three different jurisdictions.

16. Of course, it is critical that Mr. Mangione be provided with an opportunity to review this voluminous discovery material so that he may meaningfully participate in his defense and assist in the determination of whether, for example, the defense seeks to move to suppress certain items. Similarly, in order for the defense to move to dismiss the charges in this matter and challenge the sufficiency of the evidence in the Grand Jury, the defense must be provided with the full Grand Jury testimony. CPL § 245.20 clearly states that discovery must be provided to “the defendant,” and the fact that the Legislature uses the phrase “counsel for defendant” at other points in CPL Article 245 suggests that the Legislature intended for the defendant to receive discovery, not just defense counsel. Once again, Mr. Mangione’s right to assist in his own defense is being impeded, just as it is with every court appearance thus far when he is not permitted to meet with his attorneys in private either before or after his court appearances, unlike every other similarly situated defendant that comes before this Court.

17. While we will continue to address the laptop issue with the District Attorney’s Office (the U.S. Attorney’s Office for the Southern District of New York has already stated that it does not object to Mr. Mangione having access to the state’s discovery materials on a laptop at the MDC), we raise it with Court now for two reasons. First, to emphasize how the current situation is preventing Mr. Mangione from meaningfully reviewing his discovery and why counsel needs additional time to review the discovery with him before filing motions. Second, counsel anticipates litigating the laptop issues in federal court, which has jurisdiction over the MDC. Before doing so, counsel is seeking this Court’s position on the matter so that counsel can relay the Court’s position to the judge hearing the matter in federal court.

III. Counsel Requests Additional Time to Obtain and Review Discovery Before Filing Motions

18. As detailed above, counsel has still not received vital discovery in this case, including the Grand Jury minutes. Without this information, counsel is not in a position to decide which motions to file and certainly not in a position to actually file the motions. Additionally, without a discovery laptop, Mr. Mangione cannot meaningfully assist in his own defense. We are putting the Court on notice that the People are violating the defendant's right to discovery under the statute, and that the defense objects to this violation. This violation has already impacted Mr. Mangione's right to defend himself, as well as his counsel's ability to make motions which we had hoped to make by this point. Accordingly, for the reasons stated above, counsel is constrained to request that the Court extend counsel's time to file motions until June 26, 2025, to allow time for the District Attorney's Office to produce the civilian discovery (including the remaining Grand Jury testimony) and to provide the defense with a copy of Mr. Mangione's seized electronic devices. This additional time will also allow counsel to resolve the discovery laptop issue with the District Attorney's Office or with the appropriate federal court.

IV. Conclusion

19. For the reasons stated above, counsel respectfully moves this Court to grant the requested relief.

Respectfully submitted,



Karen Friedman Agnifilo
Marc Agnifilo
Jacob Kaplan

Counsel for Luigi Mangione