

From: "[REDACTED]" <[REDACTED]>
To: "[REDACTED]" <[REDACTED]>
Subject: RE: Follow Up on July 23 Incident Sensitive Disclosure Materials
Date: Tue, 17 Dec 2019 14:17:29 +0000

Sounds good!

From: [REDACTED] <[REDACTED]>
Sent: Tuesday, December 17, 2019 9:17 AM
To: [REDACTED] <[REDACTED]>
Subject: RE: Follow Up on July 23 Incident Sensitive Disclosure Materials

Ok, sounds good. We have 10:30 sonogram tomorrow so I'll meet you up there after.

[REDACTED]
Co-Chief, Narcotics Unit
[REDACTED]

From: [REDACTED] <[REDACTED]>
Sent: Tuesday, December 17, 2019 9:15 AM
To: [REDACTED] <[REDACTED]>
Subject: RE: Follow Up on July 23 Incident Sensitive Disclosure Materials

Thanks again for taking the lead on this stuff. I'll be in a meeting from about 10:30am to 3pm today, but otherwise am available if there's anything you want to discuss before tomorrow's conference. I have a 10am plea in White Plains tomorrow, so I'm planning to take the train up.

From: Swergold, Jason (USANYS) <[REDACTED]>
Sent: Tuesday, December 17, 2019 6:47 AM
To: Aida Leisenring <aleisenring@barketepstein.com>
Cc: [REDACTED] <[REDACTED]>; Bruce Barket <bbarket@barketepstein.com>
Subject: Re: Follow Up on July 23 Incident Sensitive Disclosure Materials

Aida,

To confirm, we are looking into whether video of the hallway, and videos and/or photos of the cell exist. We likely would make those available for review in the same manner as the report. We are also looking into whether the orange rope was preserved and if it was, we will let you know our position on whether it can be made available for inspection. As discussed briefly, since you have reviewed a photograph of the rope, we are not sure the basis for a physical inspection and would ask you to articulate one for our consideration.

[REDACTED]
Co-Chief, Narcotics Unit
[REDACTED]

On Dec 16, 2019, at 16:52, Aida Leisenring <aleisenring@barketepstein.com> wrote:

Hello Jason and Maurene,

Thank you for taking the time to let us review sensitive disclosure materials in your office on Friday. We appreciate it. I just wanted to memorialize a few follow-up questions we had.

1. It is our understanding that there is video surveillance in the hallway in or near the tier that was preserved in reference to the July 23 incident. We would like to see a copy of it.
2. It is our understanding that there may be photographs or a video recording of cell 124 that would have been taken shortly after the incident. If so, we would like to see them.
3. If the orange rope was preserved, we would like to view it in person.

Jason, I understand that you were not aware of the availability of the above and that you would look into this additional discovery. I just wanted to memorialize our follow up inquiries for your records.

Lastly, if the items above are available, does your office take a position with respect to our request to view them? We just need to know so we can plan our next course of action.

See you in Court, and thank you again for your time.

Aida Ferrer Leisenring, Esq.
Barket, Epstein, Kearon, Aldea & LoTurco LLP
666 Old Country Road, Ste 700
Garden City, NY 11530

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Please note that my email has changed to:

aleisenring@barketepstein.com

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