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August 10, 2026

VIA EMAIL

The Honorable Gregory Carro
Justice of the Supreme Court of the State of New York
Part 32 – Room 1300
100 Centre Street
New York, NY 10013

Re: People v. Luigi Mangione
New York County IND-75657-24

Dear Judge Carro,

We write in advance of the August 11, 2026 court appearance in the above-referenced case to address issues related to courtroom access for the upcoming trial. The defense states that every trial should be “fully public” (7/31/2026 Agnifilo Letter at 1-2). But in high-profile cases like this one, it is not physically possible to permit unfettered courtroom access to every interested member of the press or the public.

We defer to the Court’s judgment as to the particular regulations on courtroom access that will be used at this trial. We take no position on the precise number of seats reserved for members of the press and members of the general public. Nor do we take any position on which members of the press should receive access or how they should be chosen. We do, however, recommend that the Court make a record of the efforts it has undertaken to provide access to the trial. As we understand it, the Court will keep the courtroom open to the press and public, but demand from the press and public is expected to outstrip the courtroom’s physical capacity. Under such circumstances, regulating courtroom access is not comparable to partially closing the courtroom because the courtroom is not in fact being closed. But, in order to address any potential appellate concerns about the regulations, we recommend that the Court make findings to justify its regulations. *Cf. People v. Reid*, 40 N.Y.3d 198, 203 (2023) (requiring trial court to make on-the-record findings as to courtroom-closure factors).

In this case, those findings could include: an account of the courtroom’s capacity; an explanation of the space needed to accommodate the large panels of potential jurors during voir dire; an explanation of the amount of space remaining for

the press and the public during voir dire; an explanation of the amount of space available to the press and the public during the rest of the trial; and an account of any overflow courtroom space being provided to accommodate more members of the press and the public.

Public reports indicate that the Office of Court Administration is considering providing an overflow courtroom for spectators during the upcoming trial. Although we take no position as to that decision, we would like to alert the Court to certain issues that can arise with overflow courtrooms. The Court's ability to observe spectator misconduct and to respond appropriately will necessarily be reduced as to spectators in an overflow courtroom. It will therefore be particularly important for the Court to warn spectators of applicable rules and of the consequences of violating them. We also urge the Court to ensure that any overflow courtroom is sufficiently staffed to strictly enforce courtroom rules, including regulations concerning the use of electronic devices. In the event of the need to remove a spectator or otherwise enforce this Court's rules in the overflow courtroom, the Court should collect any relevant information as quickly as possible and make a record of the need for the response.

We are particularly concerned about the possibility that a spectator in an overflow courtroom will clandestinely record the proceedings and share any such recordings with others. That concern will only be heightened if the overflow room includes a video feed as well as an audio feed. As we have detailed in other filings, the media attention surrounding this case – and the efforts of some of defendant's supporters both to intimidate witnesses and to interfere with the functioning of the jury – will place extraordinary pressure on witnesses and potential jurors alike. Civil Rights Law § 52 helps to protect against such pressure by prohibiting cameras in proceedings where “the testimony of witnesses by subpoena or other compulsory process is or may be taken.” See also 22 N.Y.C.R.R. § 131.1(b) (court rule repeating the prohibition of Civil Rights Law § 52). As the Court of Appeals has explained, Civil Rights Law § 52 effectively “bans audiovisual coverage of most courtroom proceedings” because “the presence of cameras” raises a number of concerns, “including the prejudicial impact of pretrial publicity on the jurors, the impact on the truthfulness of the witnesses, responsibilities placed on the trial judge to assure a fair trial and the impact on the [defendant].” *Courtroom Television Network LLC v. State of New York*, 5 N.Y.3d 222, 228-30 (2005); see also *Estes v. Texas*, 381 U.S. 532, 549 (1965). And as the Appellate Division, Third Department, has explained, Civil Rights Law § 52's prohibition on cameras applies throughout the entirety of a trial, not just during the testimony of subpoenaed witnesses. See *Matter of Heckstall v. McGrath*, 15 A.D.3d 824, 825-826 (3d Dep't 2005).

A spectator – whether in the courtroom where the trial is occurring or in an overflow courtroom – thus violates Civil Rights Law § 52 by recording any portion of the trial. We urge the Court to warn all spectators about the prohibition on such recordings and to strictly enforce that prohibition. Finally, although the reports about

a possible overflow courtroom do not specify whether that courtroom would include a video feed in addition to an audio feed, we recommend that it include only an audio feed so as to minimize the potential for witness intimidation and harassment.

Sincerely,

Joel J. Seidemann

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Cc: Karen Friedman Agnifilo