



TODD BLANCHE  
ToddBlanche@blanchelaw.com  
(212) 716-1250

April 5, 2024

Via Email

Honorable Juan M. Merchan  
Acting Justice - Supreme Court, Criminal Term

**Re: People v. Trump, Ind. No. 71543/23**

Dear Justice Merchan:

We respectfully submit this pre-motion letter seeking leave to file a motion to enforce a subpoena served on former Supervising Rackets Investigator Jeremy Rosenberg, in Brooklyn, New York, on March 18, 2024, and to compel the production of responsive documents. The subpoena is attached as Exhibit A. An affidavit of service is attached as Exhibit B. Email correspondence with Mr. Rosenberg following service of the subpoena is attached as Exhibit C. The subpoena was returnable on March 29, 2024. Rosenberg has not responded to the subpoena or filed a motion to quash.

The subpoena is a valid demand for documents pursuant to CPL § 610.20(3). DANY [REDACTED]. DANY has disclosed [REDACTED], but the completeness and integrity of that collection is dubious at best because DANY relied on voluntary compliance from [REDACTED]. For example, DANY already found that [REDACTED]. The reliability of the phone evidence—or, as we see it, lack thereof—will be an important dispute at trial, as DANY seeks to persuade the jurors to accept the testimony of a perjurer with false-statements and fraud convictions.

President Trump agrees with DANY that [REDACTED]. Consistent with the foregoing [REDACTED], Exhibit C reflects the flippant and dismissive approach that Rosenberg took in response to the subpoena, despite ample experience with the criminal justice system that should have instilled in him respect for this process and a criminal defendant's rights. As a result, the subpoena is necessary and appropriate to ensure that President Trump has access to all responsive communications that still exist, and confirmation of any evidence spoliation that has occurred. This evidence is admissible to challenge the integrity of evidence DANY will seek to offer from Cohen's phones, for use in cross-examination of Cohen regarding the bias and hostility toward President Trump reflected in his [REDACTED], and to attack the lack of integrity of DANY's investigation under federal constitutional cases such as *Kyles v. Whitley*, 514 U.S. 419, 447 & n.13 (1995).

President Trump is entitled to this specific evidence of bias, motive, and hostility under the state and federal constitutions, and the evidence is appropriately subject to a defense subpoena pursuant to CPL § 610.20(3).

Respectfully Submitted,

/s/ Todd Blanche  
Todd Blanche  
Emil Bove  
Blanche Law PLLC

*Attorneys for President Donald J. Trump*

Enclosure

Cc: DANY attorneys of record

Clark Brewster, Esq.  
(Via Email)

# **EXHIBIT A**

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORK

----- x  
: THE PEOPLE OF THE STATE OF NEW :  
YORK, :  
: - against - : Indictment No. 71543-23  
: DONALD J. TRUMP, : **SUBPOENA DUCES TECUM**  
: Defendant. :  
: :  
----- x

**IN THE NAME OF THE PEOPLE OF THE STATE OF NEW YORK**

To: Jeremy Rosenberg

**YOU ARE HERBEY COMMANDED**, all business and excuses being laid aside, to produce, at the Supreme Court of the State of New York, of the County of New York, Part 59, 100 Centre Street, New York N.Y., 10013, on or before March 29, 2024, at 10:00 a.m., the Documents responsive to the Requests set forth below.

The requirements of this subpoena *duces tecum* may be met by delivery of the responsive Documents by email or overnight delivery service, provided that it is received on or before the return date set forth herein.

## **DEFINITIONS**

1. “Documents” means communications, electronically stored information, writings, drawings, graphs, charts, photographs, sound recordings, images, and other data or data compilations stored in any medium from which information can be obtained directly, or, if necessary, after translation by the responding party into a reasonably usable form. Documents also includes any draft or non-identical copy of any of the foregoing materials.

## **INSTRUCTIONS**

1. This subpoena covers all Documents in or subject to your possession, custody or control, including all Documents that are not in your immediate possession but that you have the effective ability to obtain, that are responsive, in whole or in part, to any of the individual requests set forth below.
2. To the extent there are no responsive Documents to a particular Request, please indicate that in your response. If a Document once existed and has been lost, destroyed, or is otherwise missing, please provide sufficient information to identify the Document and the details concerning its non-existence.
3. To the extent that a Document otherwise responsive to any of the Requests is withheld on the ground(s) that it is subject to a privilege, please provide a log that identifies each such document and the specific reason for which it is being withheld in sufficient detail to allow assessment of the validity of the withholding.
4. If you redact any portion of a Document, please provide the reason for the redaction in sufficient detail to allow assessment of the validity of the claimed need for redaction.

## **REQUESTS**

1. For the period from February 2, 2021 through May 25, 2023, please provide all Documents reflecting communications—including communications using personal (non-DANY) electronic devices or personal (non-DANY) email and electronic messaging accounts—with Michael Cohen, Lanny Davis, Danya Perry, or Mark Pomerantz relating to:
  - a. Cohen’s recollection of interactions with President Trump, President Trump’s staff, Clifford, Karen McDougal, Dino Sajudin, Keith Davidson, American Media, Inc. (“AMI”), or AMI personnel;
  - b. Any form of bias or animosity toward President Trump; or

- c. Requests for benefits or other consideration, including requests for submissions to judges presiding over cases in which Cohen was a party or otherwise interested.

Dated: March 18, 2024

By: /s/ Todd Blanche

Todd Blanche

Emil Bove

Blanche Law PLLC

99 Wall Street, Suite 4460

New York, NY 10005

212-716-1260

toddblanche@blanchelaw.com

*Attorneys for President Donald J. Trump*

# **EXHIBIT B**

THE PEOPLE OF THE STATE OF NEW YORK

vs

DONALD J. TRUMP

Plaintiff

Defendant

**AFFIRMATION OF SERVICE**

**Assmet Abderrahman**, the undersigned, affirms and states that deponent is not a party to this action, is over 18 years of age and resides in the State of New York.

That on 3/20/2024, at 12:17 PM at [REDACTED] Deponent served the within **Subpoena Duces Tecum**. The authorized witness fee and / or traveling expenses were paid (tendered) to the recipient in the amount of \$15. On: JEREMY ROSENBERG, Witness therein named, ( hereinafter referred to as "subject").

By delivering thereat a true copy of each to **Gloria Doe** a person of **sutable age and discretion**.

Said premises is subject's **dwelling house (usual place of abode)** within the state. A description of **Gloria Doe** is as follows:


**Sex:** Female **Color of skin:** Brown **Color of hair:** Brown **Age:** 40-50  
**Height:** 5ft4in-5ft8in **Weight:** 131-160 Lbs. **Other :**

In addition, the recipient described above, would not provide her full name.

On **March 21, 2024**, service was completed by mailing a true copy of the above stated document(s) to the Witness at the above stated address, in a First Class postpaid properly addressed envelope marked "Personal and Confidential" in an official depository under the exclusive care and custody of the United States Post Office in the State of New York.

I asked the person spoken whether the subject was in active military service or financially dependent upon any one who is in the military service of the United States or of the State of NEW YORK in any capacity whatever and received a negative reply. The source of my information and belief are the conversations above narrated. Upon that information and belief I assert that the recipient is not in the military service of NEW YORK State or of the United States as that term is defined in either the State or in Federal statutes.

I affirm on this day March 21, 2024 , under the penalties of perjury under the law of New York, which may include a fine or imprisonment, that the foregoing is true, and I understand that this document may be filed in an action or proceeding in a court of law.

  
Assmet Abderrahman

Lic # 1115274  
JobID 2416332



Client's File No.:



SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORK

----- x  
THE PEOPLE OF THE STATE OF NEW YORK, :  
YORK, :  
- against - : Indictment No. 71543-23  
DONALD J. TRUMP, : **SUBPOENA DUCES TECUM**  
Defendant. :  
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Dated: March 18, 2024

By: /s/ Todd Blanche

Todd Blanche

Emil Bove

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New York, NY 10005

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toddblanche@blanchelaw.com

*Attorneys for President Donald J. Trump*

# **EXHIBIT C**

**From:** [jeremy r](#)  
**To:** [Todd Blanche](#)  
**Cc:** [Emil Bove](#)  
**Subject:** Re: Indictment 71543-23 SUBPOENA DUCES TECUM  
**Date:** Tuesday, March 26, 2024 7:45:43 PM

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i believe Alvin Bragg is representing the People of New York.

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**From:** Todd Blanche [REDACTED] >  
**Sent:** Tuesday, March 26, 2024 3:47 PM  
**To:** jeremy r [REDACTED] >  
**Cc:** Emil Bove [REDACTED] >  
**Subject:** RE: Indictment 71543-23 SUBPOENA DUCES TECUM

Mr. Rosenberg,

Thank you for the email. Confirming you do not have counsel representing you in response to the subpoena?

Also, I apologize that the number did not work. My cell phone number is [REDACTED]. You can use it to the extend we need to communicate going forward.

Todd

Todd Blanche

### **Blanche Law**

99 Wall Street  
Suite 4460  
New York NY, 10005  
212-716-1250

<https://www.BlancheLaw.com>

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**From:** jeremy r [REDACTED] >  
**Sent:** Tuesday, March 26, 2024 3:32 PM  
**To:** Todd Blanche [REDACTED] >  
**Subject:** Indictment 71543-23 SUBPOENA DUCES TECUM

I don't have any files for you.

Sincerely,  
jeremy

PS - The phone number you provided is disconnected

PPS - I'm keeping the fifteen dollars