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Hon. James Burke  
New York County Supreme Court  
100 Centre Street, Part 99  
New York, NY 10013

January 9, 2020  
Re: *People v. Weinstein*  
Ind.Nos. 2673/2019, 2335/2018

Dear Judge Burke:

I am writing in response to the letter of Mr. Aidala, dated January 8, 2020, requesting that Your Honor recuse himself and, in the alternative, seeking various forms of relief.

Because there is no legal basis for disqualification of the Court in this case, the Court is the "sole arbiter of recusal" and the discretionary decision to recuse "is within the personal conscience of the Court." *People v. Moreno*, 70 N.Y.2d 403, 405 (1987); Judiciary Law § 14. As stated by the Court on January 6, 2020, the defendant has repeatedly either ignored or purposefully disobeyed the Court's orders and now, after being reprimanded for doing so, cries prejudice. A courtroom rule of no cellular phone use by defendants and audience members is not unique to this case or this courtroom. In fact, that is the rule in every courtroom in this courthouse. A judge admonishing a defendant for repeatedly not following the rules of the courtroom does not show bias, but rather is simply a judge maintaining order and decorum in his courtroom.

Defendant's additional arguments are equally frivolous. His claims of prejudicial publicity have been repeatedly raised and renewed and properly rejected. A panel of the Appellate Division, unanimously, denied defendant's change of venue motion "in its entirety," implicitly agreeing with this Court that the defendant can receive a fair trial in this courtroom. *People v. Weinstein*, M-6835 (1st Dept. Oct. 3, 2019). Furthermore, the coverage of the Los Angeles charges has not increased the publicity this trial is already receiving in the media, much of it generated by the defense. In fact, this Court disregarded the Los Angeles charges as a change in circumstances and has maintained the same bail conditions in this case.

With respect to defendant's request for additional time to voir dire prospective jurors, the People simply note that it is within the discretion of the Court to determine the length of time the parties can voir dire a given panel and 15 minutes, given the way voir dire is being conducted, is certainly not unusual or unreasonable. Should the conversation with any one or a group of prospective jurors necessitate more time, we are confident the Court will take appropriate measures to ensure that both sides explore the issues.

Finally, as to the last-minute addition of a jury consultant, defendant has not been prejudiced by his consultant not being allowed to essentially sit at an empty defense table while the parties question jurors in private about their scheduling concerns. The Court did not bar the jury consultant from sitting at the defense table or in the front row during live voir dire, or from advising the defense team at any point in the proceedings.

Sincerely,

A handwritten signature in black ink, appearing to read 'Meghan Hast', written over a horizontal line.

Meghan Hast  
Assistant District Attorney  
(212) 335-4172

Cc: Nina Keller, Esq.  
Arthur Aidala, Esq.