



CITIZENS FOR  
RESPONSIBILITY &  
ETHICS IN WASHINGTON

June 24, 2024

**VIA [openrecords.nyc.gov](https://openrecords.nyc.gov)**

New York Department of Probation  
Records Access Officer  
Office of the General Counsel  
33 Beaver Street, 21st Floor  
New York, NY 10004

**Re: Freedom of Information Law Request**

Dear Records Access Officer:

Citizens for Responsibility and Ethics in Washington ("CREW") makes this request for records pursuant to the Freedom of Information Law ("FOIL"), Article 6 (Sections 84-90) of the New York State Public Officers Law.

**Specifically, CREW requests records sufficient to identify the following:**

- 1. The number of defendants who were permitted to attend the pre-sentencing investigation interview virtually between June 2023 and June 2024, and**
- 2. The number of defendants permitted to have their attorneys present at the pre-sentencing investigation interview between June 2023 and June 2024.**

The above request excludes agency records consisting solely of court filings, news articles, press clippings, and other publicly-available material. Please search for responsive records regardless of format, medium, or physical characteristics. We seek records of any kind, including paper records, electronic records, audiotapes, videotapes, photographs, data, and graphical material. Our request includes without limitation all correspondence, letters, emails, text messages, facsimiles, telephone messages, voice mail messages, and transcripts, notes, or minutes of any meetings, telephone conversations, or discussions. Our request also includes any attachments to emails and other records, and anyone who was cc'ed or bcc'ed on any emails.

If it is your position any portion of the requested records is exempt from disclosure, CREW requests that you provide it with an index of those documents. If some portions of the requested records are properly exempt from disclosure, please disclose any reasonably

segregable non-exempt portions of the requested records. If it is your position that a document contains non-exempt segments, but that those non-exempt segments are so dispersed throughout the document as to make segregation impossible, please state what portion of the document is non-exempt, and how the material is dispersed throughout the document.

### **Background**

On June 10, 2024, former president Donald Trump sat for a routine pre-sentencing interview with the New York Department of Probation following his felony conviction of 34 counts of falsifying business records. Some glaringly non-routine aspects of this interview were that Trump's attorney, Todd Blanche, was present and that it was conducted virtually.<sup>1</sup> Following the news that Judge Juan Merchan had granted Trump an exception to have his attorney present at the pre-sentencing interview, several of the city's public defender offices issued a joint statement decrying Trump's alleged preferential treatment, stating that almost none of their clients are afforded similar exceptions.<sup>2</sup> The statement highlighted the positive impact an attorney's presence and legal counsel can have on their client's ability to appropriately answer the questions being asked of them during the interview so that the judge can make an informed assessment and render an appropriate sentence.<sup>3</sup> However, in response to these claims, a representative of Mayor Eric Adams' office denied that Trump received any "special treatment", stating that a FOIL request could be made to request data on how often defendants are afforded these conditions for the pre-sentencing interview.<sup>4</sup>

CREW is a non-profit corporation, organized under section 501(c)(3) of the Internal Revenue Code. CREW is committed to protecting the public's right to be aware of the activities of government officials, to ensuring the integrity of those officials, and to highlighting and working to reduce the influence of money on politics. CREW uses a combination of research, litigation, and advocacy to advance its mission. CREW intends to analyze the information responsive to this request and to share its analysis with the public through reports, press releases, or other means. In addition, CREW will disseminate any documents it acquires from this request to the public through its website, [www.citizensforethics.org](http://www.citizensforethics.org). The release of information obtained through this request is not in CREW's financial interest.

<sup>1</sup> <https://www.cnn.com/2024/06/10/politics/trump-probation-office-interview-hush-money/index.html>

<sup>2</sup> <https://www.law360.com/corporate/articles/1846346/nyc-probation-officer-interviews-trump-ahead-of-sentence>

<sup>3</sup> *Id.*

<sup>4</sup> *Id.*

### **Conclusion**

If you have any questions about this request or foresee any problems in fully releasing the requested records, please email me at [liheanachor@citizensforethics.org](mailto:liheanachor@citizensforethics.org) and [foia@citizensforethics.org](mailto:foia@citizensforethics.org) or call me at (202) 408-5565. Also, if CREW's request for a fee waiver is denied, please contact our office immediately upon making such a determination.

Where possible, please produce records in electronic format. Please send the requested records to [liheanachor@citizensforethics.org](mailto:liheanachor@citizensforethics.org) and [foia@citizensforethics.org](mailto:foia@citizensforethics.org) or by mail to Laura Iheanachor, Citizens for Responsibility and Ethics in Washington, 1331 F St. NW, Suite 900, Washington, D.C. 20004. Thank you for your assistance in the matter.

Sincerely,

A handwritten signature in black ink, appearing to read 'Laura Iheanachor', with a long horizontal flourish extending to the right.

Laura Iheanachor  
Senior Counsel