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767 Third Avenue, 26<sup>th</sup> Floor  
New York, NY 10017

October 16, 2018

People v. Weinstein  
Indictment No. 2335/2018

Dear Mr. Brafman:

I am writing with an additional disclosure concerning information that was provided to my office last week, in the wake of last Tuesday's court appearance in this matter.

On Wednesday, October 10, I received a call from Attorney A, the lawyer for Complainant 2, who is the complaining witness in Counts 3-5 in the indictment in this case. Lawyer A indicated that Complainant 2 had certain information to convey to our office concerning Detective DiGaudio, the former lead detective in this case. In response to the call from Lawyer A, I and others from my office spoke by phone with Complainant 2 and Lawyer A on Friday, October 12. In that conversation, Complainant 2 related the following, in substance:

My office had asked Complainant 2 to produce any and all cell phones that she might have used during the time she interacted with the defendant. In response to this request, Complainant 2 had a discussion with Detective DiGaudio in which she expressed the concern that, while she had several such phones in her possession, they contained, in addition to communications with the defendant, data of a personal nature that she regarded as private.


According to Complainant 2, Detective DiGaudio's response was that Complainant 2 should delete anything she did not want anyone to see before providing the phones to our office. According to Complainant 2, Detective DiGaudio then added, "we just won't tell Joan".

Notwithstanding this communication with Detective DiGaudio, Complainant 2 did not delete anything from her cellphones, and instead retained Lawyer A for advice. Complainant 2 later produced the phones on consent to our office, again without any deletions. The phones remain in the custody of our office.

Complainant 2 indicates that at no time did Detective DiGaudio or anyone else influence her testimony or any evidence she provided.

The People will be filing a sealed version and this redacted version of this letter with the Court. The sealed version is attached. It includes the names of the civilians.

Sincerely,



Joan Illuzzi-Orbon  
Special Counsel to the DA

Cc: The Honorable James Burke