

STATE OF NEW YORK  
ERIE COUNTY COURT

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THE PEOPLE OF THE STATE  
OF NEW YORK

v.

**NOTICE OF MOTION**

IND: [REDACTED]

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YOUR HONOR:

Please take notice that upon the attached affirmation of [REDACTED] ESQ., the defendant will move, at a term of Erie County Court, Part 18, held at 9:30 a.m. on [REDACTED] 2023 or as soon thereafter as counsel can be heard, for an order directing the Erie County District Attorney's Office and/or the Buffalo Police Department to make the defendant's cell phone available for extraction (CPL 245.30[3]).

DATED: [REDACTED] 2023  
Buffalo, New York

Respectfully,

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

TO:

Hon. Susan Eagan  
Erie County District Attorney  
25 Delaware Ave.  
Buffalo, New York 14202

Buffalo Police Department  
68 Court St.  
Buffalo, New York 14202

STATE OF NEW YORK  
ERIE COUNTY COURT

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THE PEOPLE OF THE STATE  
OF NEW YORK

v.

**SUPPORTING AFFIRMATION**

IND: [REDACTED]

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STATE OF NEW YORK            )  
COUNTY OF ERIE            )        ss.  
CITY OF BUFFALO            )

[REDACTED], ESQ., an attorney licensed to practice in the courts of this State, affirms the truth of the following statements under penalties of perjury.

1. I am counsel to the defendant, [REDACTED], who is charged in this indictment with manslaughter in the first degree (Penal Law § 125.20[1]) for the [REDACTED], 2023 fatal stabbing of [REDACTED].
2. I make this affirmation in support of my motion for an order directing the Erie County District Attorney's Office and/or Buffalo Police Department to make [REDACTED] cell phone available for extraction. Unless otherwise stated, this affirmation is made upon information and belief, the sources of which are my conversations with my client and review of the case file and discovery.
3. When members of the Buffalo Police Department arrested [REDACTED], they seized her cell phone and have not returned it. The defense would like to extract the contents of the cell phone, which could then be authenticated by an expert in digital forensics.
4. I believe that the cell phone contains video recordings that will be relevant to the justification defense.
5. Upon a showing by the defendant that the request is reasonable, and that she is unable without undue hardship to obtain the substantial equivalent by other means, the court may "order the prosecution, or any individual, agency[,] or other entity subject to the jurisdiction of the court, to make available for disclosure to the defendant any material or information"

which (i) “relates to the subject matter of the case” and (ii) “is reasonably likely to be material” (CPL 245.30[3]).

6. The request is reasonable, and without a court order, the defense has no ability to extract the contents of the cell phone. The defense is willing to make whatever accommodations are necessary to facilitate this request.

For the reasons stated, the motion should be granted.

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