

EXHIBIT -K-

**LETTER DATED JULY 11, 2017 & RESPONSE
LETTER DATED AUGUST 9, 2017; AND RESPONSE
LETTERS FROM DISTRICT ATTORNEY'S OFFICE
DATED SEPTEMBER 7, 2017 & OCTOBER 3, 2017.**

Miguel de los Santos Din 14-A-5516
Shawangunk Correctional Facility
P.O. Box 700
Wallkill, New York 12589

July 11, 2017

Clerk of the Court
New York County
Supreme Court Criminal Term
100 Centre Street
New York City, New York 10013

Re: REQUEST FOR CONTENTS IN COURT FILE
People v. DELLOS SANTOS Ind. No. #3444/02

Dear Sir/Madam:

Pursuant to Judicial Law, § 255 and Civil Practice Law and Rule, § 8019(f), I request to that county clerk of the supreme court to provide me with ALL the contents in the courts file under indictment number #3444/02 . People v. DELLOS SANTOS In addition, I respectfully requesting the following documents:

- ◆ Copy of any Warrants.
- ◆ Copy of the Supporting Information for the Warrant.
- ◆ Please provide me with the name and business contact information of the stenographer who recorded the Warrant proceeding
- ◆ Copy of any Extradition Order.
- ◆ Copy of the court order sealing the Indictment.
- ◆ Please provide me with the name and business contact information of the stenographer who recorded the proceedings where the Court issued order sealing indictment.
- ◆ Please provide a chronology list of all my court appearances. And
- ◆ People Respond to Defense's Omnibus Motion.

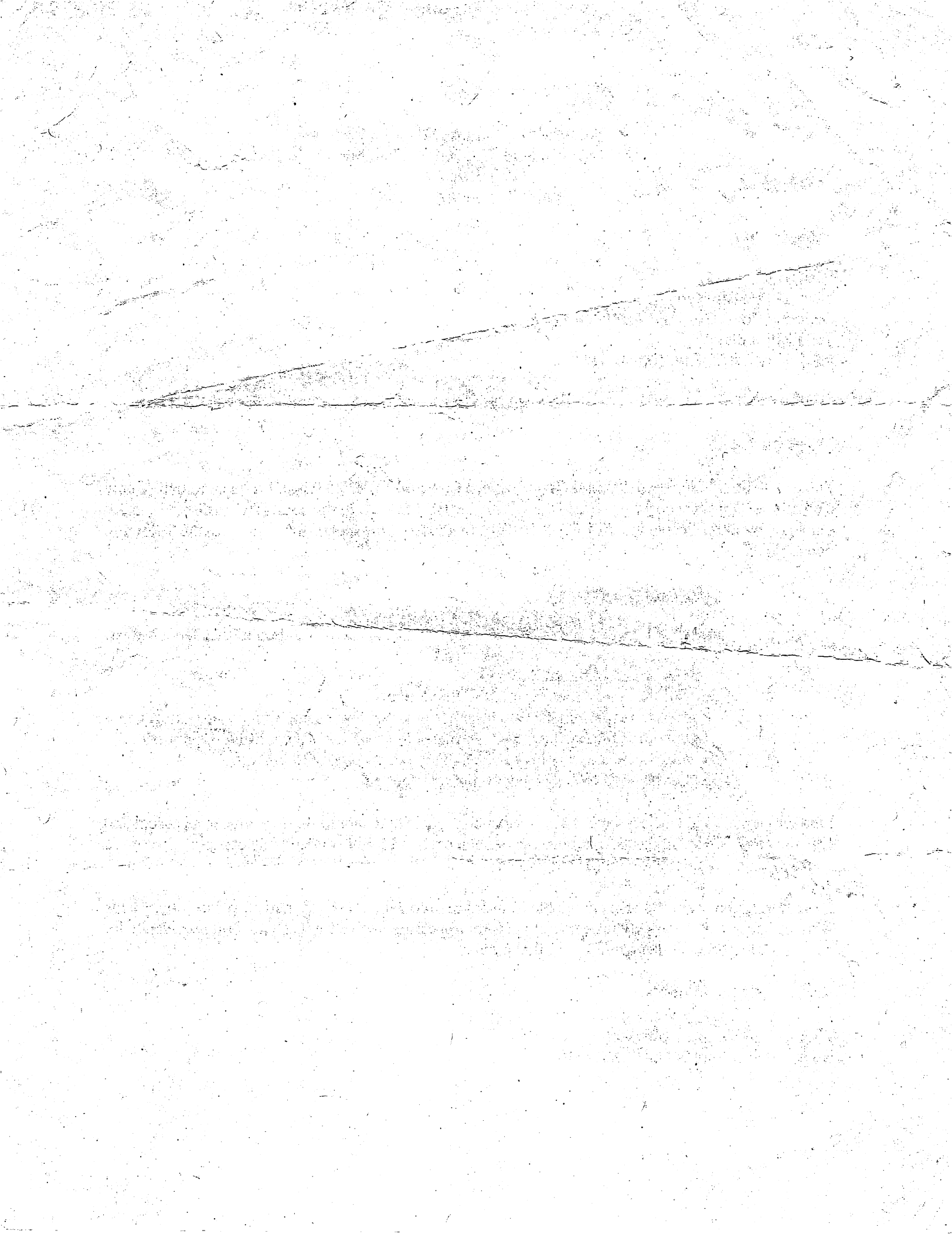
I further inquire as to whether there is a cost for such request and should there be any costs associated with the production of my request, advise me of such cost and I will immediately comply the court's instruction for the procurement of said papers.

Moreover, in the event the court is unable to fulfill my request, or should deny it, please provide me with the name and address of the person(s) I can for appealing such denial. Thank you in advance for your time, attention and cooperation in this matter.

Respectfully Submitted


Miguel dellos Santos Din 14-A-5516

cc: file/ms



August 9, 2017

Mr. Miguel de Los Santos 14A5516
Shawangunk Correctional Facility
P.O. Box 700
Walkill, NY 12589

Re: Court Documents
Ind.# 03444-2002

Dear Mr. De Los Santos:

In response to your request, we apologize that our response to your last letter went to Auburn by mistake. I am enclosing a copy of that letter.

Also, since we sent that letter, your relatives have been to the Clerk's Office in a couple of occasions and ordered the file and copied everything that was public in your file. One thing that we tried to make them understand and possibly you need to understand as well is that there is only one file in this court pertaining to your case. Your relatives were looking for documents from Criminal Court but your case never went to Criminal Court, therefore there are no Criminal Court documents.

We also explained to them that any document in your list that is not found among the documents that they copied in the Clerk's Office will have to be obtained from other agencies.

Warrants and information on warrants can only be obtained from the District Attorney's Office at One Hogan Place Room 732, New York, NY 10013. Your relatives were given the phone numbers for the Clerk's Office should they have any additional questions (646-386-4000), as well as the Reporter's Office (stenographer in your letter) (646-385-4400).

Respectfully yours,

Fernando Parra, SCC
Court Action Processing Unit
Supreme Court, Criminal Term

encl.

DISTRICT ATTORNEY
COUNTY OF NEW YORK
ONE HOGAN PLACE
New York, N. Y. 10013
(212) 335-9000



CYRUS R. VANCE, JR.
DISTRICT ATTORNEY

September 7, 2017

Miguel de los Santos
DIN 14-A-5516
Shawangunk Correctional Facility
PO Box 700
Wallkill, New York 12589

Re: F.O.I.L. Request
People v. de los Santos, Ind. 3444/2002

Dear Mr. de los Santos:

I am an Assistant District Attorney in New York County and have been assigned to be the Records Access Officer in connection with your request under the Freedom of Information Law (F.O.I.L.). The original request was received by this office on or about September 5, 2017. I have reviewed the file, and am prepared to render a decision upon your request with respect to this case file.

Specifically, you requested documents which was utilized to “convince a judge that enough cause exists to make an arrest and thus allow him to sign the warrants.” I will take notice that the records your are requesting relate to your August 10, 2017, request for warrants and the “Supporting Information for the warrant.” As I have granted you access to four pages of warrants, and as you have remitted payment, I have included the records herein.

The warrants themselves state “the defendant not having been arraigned upon the accusatory instrument by which this criminal action against him was commenced and this Court requiring his appearance before it for the purpose of arraignment.” The accusatory instrument is the Indictment. The “Supporting Information” to the Indictment is the Grand Jury proceeding. You are denied access to the Grand Jury minutes and any exhibits as Grand Jury proceedings are secret proceedings. As such, those records are inaccessible under F.O.I.L. Criminal Procedure Law § 190.25(4) specifically prohibits the disclosure of grand jury proceedings, which are secret and not subject to disclosure except by court order. *See Public Officers Law* § 87(2)(a); *see also Newton v. District Attorney of Bronx County*, 186 A.D.2d 57 (1st Dept. 1992); *Matter of Hall v. Bongiorno*, 305 A.D.2d 508, 509 (2d Dept. 2003).

DISTRICT ATTORNEY
COUNTY OF NEW YORK
ONE HOGAN PLACE
New York, N. Y. 10013
(212) 335-9000



CYRUS R. VANCE, JR.
DISTRICT ATTORNEY

October 3, 2017

Miguel de los Santos
DIN 14-A-5516
Shawangunk Correctional Facility
PO Box 700
Wallkill, New York 12589

Re: F.O.I.L. Request
People v. Miguel delos Santos, Ind. 3444/2002

Dear Mr. de los Santos:

I am an Assistant District Attorney in New York County and have been assigned to be the Records Access Officer in connection with your request under the Freedom of Information Law (F.O.I.L.). The original request was received by this office on or about September 25, 2017. I have reviewed the file, and am prepared to render a decision upon your request with respect to this case file.

You are granted access to "any Warrants issued by Hon. Flora Duffy against ... Rafael delos Santos." It consists of one page and answers your request you labeled as 1. You are also granted access to the Voluntary Disclosure Form (Bill of Particulars) for Rafael delos Santos. It consists of 5 pages.

There are 6 pages in total and I will provide you with copies upon receipt of a check or money order payable to the **New York County District Attorney's Office** in the amount of \$1.50 (based upon a .25 cents per page reproduction fee).

You are denied access to "the extradition [sic] warrant signed by the Governor of the State of New York for Rafael delos Santos," (your request 2) "the Plea agreements for Rafael delos Santos and Juan Rincon," (your request 3) DD-5 "(7)" (your request 6) and "all notes submitted by the jury," (your request 7) as no such records exist in the above referenced file. Under F.O.I.L., an agency cannot provide a record which it does not possess. *See* Public Officers Law § 89(3); *see also* *Matter of Franklin Schwartz*, 57 A.D.3d 338 (1st Dept. 2008), *lv. dismissed* 12 N.Y.3d 880 (2008).