

August 10, 2020

New York State Office of Court Administration  
25 Beaver St., 11<sup>th</sup> Floor  
New York, NY 10004

Dear Chief Judge DiFiore, Judge Marks and Mr. Blaha:

Between June 1 and June 6, hundreds of peaceful protestors in New York City were arrested for being out after curfew and were given tickets charging them with violating an emergency order, a Class B misdemeanor. My colleague, Justin Maffett, was among those issued a summons for violating curfew on June 5, and I am representing him in connection with this charge. His summons number is 4442199294.

Justin and I are writing together not just to advocate for Justin, but for all of the other peaceful protestors who were issued a summons for violating curfew and have not yet had their charges dismissed. **Your office should dismiss all of these charges against these protestors.**

The purpose of the recent protests is to fight racial injustice, the same racial injustice that has historically infected the criminal justice system. Dismissing these charges is a concrete action you can take that will help remedy this history and make the criminal justice system more fair.

**Peaceful protestors who broke curfew should not face more severe consequences than other peaceful protestors.**

- The DA's Office has already agreed not to prosecute peaceful protestors who were arrested for low-level offenses like Disorderly Conduct and Unlawful Assembly. In order to be consistent and fair, the OCA should also dismiss charges against peaceful protestors who were arrested for violating the curfew order.
- Violating curfew in itself is a non-violent offense, and both groups of protestors were exercising their First Amendment rights in a peaceful manner.

**The curfew was lifted.**

- Protestors should not face different legal consequences just because they were out protesting during the one week the curfew was in place. This is arbitrary and does not inspire confidence in our legal system.

**Prosecuting these curfew violations is a waste of resources.**

- It is expensive, in terms of both time and money, for protestors to defend against these charges and it is unfair to place this burden on peaceful protestors whose

only alleged crime was being out after 8 PM. Our court system should not be clogged with cases involving these non-violent, low-level issues, and the City should focus its limited resources towards more urgent needs.

**The curfew was enacted to maintain order and to facilitate peaceful protests, not to punish peaceful protestors.**

- When Mayor De Blasio issued the curfew order, he indicated support for the peaceful demonstrations protesting the unjust death of George Floyd and explained the curfew was necessary to protect the City from violence. Using the curfew to punish non-violent protestors – who were not the intended target of the curfew order – is contrary to the purpose of the emergency order.

**Most protestors who are prosecuted for violating curfew will have difficulty responding to these charges.**

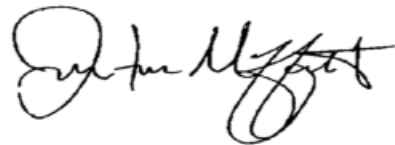
- It may be difficult or prohibitively expensive for some protestors to obtain counsel, and if they choose to defend themselves, they may be uninformed and have a difficult time adequately defending themselves. It is likely many will plead guilty to these charges for the sake of expediency and lack of information about the potential negative consequences of their choice.

Sincerely,



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Helen Cantwell  
Partner  
Debevoise & Plimpton LLP



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Justin Maffett  
Associate  
Debevoise & Plimpton LLP





**NEW YORK STATE**  
**Unified Court System**

**JUSTIN A. BARRY**  
CHIEF CLERK

CRIMINAL COURT OF THE CITY OF NEW YORK

August 12, 2020

Helen Cantwell, Esq.  
Debevoise & Plimpton  
919 Third Avenue  
New York, NY 10022

Dear Ms. Cantwell:

Your August 10, 2020 letter to Chief Judge DiFiore, Chief Administrative Judge Marks and Charles Blaha was forwarded to my attention. In the letter you request that Chief Judge DiFiore and Chief Administrative Judge Marks exercise an administrative determination dismissing your client's filed and pending matter in New York City Criminal Court.

As an accusatory instrument filed with the Criminal Court, this matter, and the others that you mention, will be adjudicated pursuant to the criminal procedure law and administrative intervention of the type you request is neither available nor appropriate.

We are currently in the process of reviewing all outstanding summons matters issued during the course of the current public health crisis, including those issued during the protests that you reference. This process includes our normal defect and legal sufficiency review. Because of the public health crisis and our desire to obviate in-person court appearances, when possible, we are currently including an additional pre-arraignment judicial (not administrative) review that will include communicating possible dispositions to counsel and defendants prior to arraignment that can be accomplished without an in-person appearance. Where appropriate, these dispositions may include dismissal, adjournment in contemplation of dismissal or plea-by-affidavit.

If you have filed a notice of appearance on Mr. Maffett's matter, you will be notified by court staff shortly with an indication of one of these possible dispositions or that Mr. Maffett must appear for arraignment. If the judge determines, after the aforementioned additional review, that the matter will be dismissed, the defendant will be notified by letter directly as well.

Very truly yours,

  
Justin Barry

cc: Charles Blaha

August 31, 2020

New York State Office of Court Administration  
25 Beaver St., 11th Floor  
New York, NY 10004

Dear Mr. Barry,

Thank you for your response to our letter. We would like to clarify a few of our points and address any misunderstanding regarding the intention behind our request to dismiss Mr. Maffett's charges.

We do not believe we are making, or intend to make, any request that is inappropriate or in any way outside of the bounds of what is proper and permissible for your office, and we do not intend to bypass any procedural requirements. The court has the power and discretion to dismiss charges in the interest of justice, per CPL 210.40, and our purpose in writing our previous letter was to highlight how adopting such a policy of dismissal would enable your office to align its policies with those of the city's District Attorney's Offices when it comes to minor charges brought against peaceful protestors (as opposed to those charged with more serious crimes).

The OCA has already adjudicated some of these cases and deemed it appropriate to dismiss charges against individuals who were accused solely of violating curfew. Our request is that you categorically dismiss the charges against peaceful protestors who were not accused of committing other crimes and were charged with a misdemeanor for being out after curfew. Because these cases are alike in their salient facts, they should be similarly adjudicated in order to ensure fairness and consistency.

Thank you again for your response and consideration. As suggested, I filed a notice of appearance in this matter. We have attached a copy of this notice, which has been served. We look forward to a response and further conversation on this matter.

Kind regards,



Helen Cantwell

cc: Charles Blaha  
Chief Judge DiFiore  
Judge Marks

NEW YORK CITY CRIMINAL COURT  
NEW YORK COUNTY

People of the State of New York

-against-

Justin Maffett,

Defendant.


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)  
) Case No. 2020SN013392  
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)  
) NOTICE OF APPEARANCE  
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)  
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PLEASE TAKE NOTICE that Helen Cantwell of Debevoise & Plimpton LLP  
hereby appears on behalf of claimant Justin Maffett in the above captioned case.

We respectfully request that a copy of all papers in this action be served on me at  
the address below.

Dated: New York, New York  
August 13, 2020

DEBEVOISE & PLIMPTON LLP

By:   
Helen Cantwell  
hcantwell@debevoise.com  
919 Third Avenue  
New York, New York 10022  
(212) 909-6000

*Attorney for Justin Maffett*

TO: The Clerk of Court and all parties of record



NEW YORK CITY CRIMINAL COURT  
NEW YORK COUNTY

People of the State of New York

-against-

Justin Maffett,

Defendant.

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PLEASE TAKE NOTICE that Helen Cantwell of Debevoise & Plimpton LLP hereby appears on behalf of claimant Justin Maffett in the above captioned case.

We respectfully request that a copy of all papers in this action be served on me at the address below.

Dated: New York, New York  
August 13, 2020

DEBEVOISE & PLIMPTON LLP

CRIMINAL COURT OF THE CITY OF N.Y.  
SUMMONS PART COUNTY OF N.Y.  
1 CENTRE ST., 16TH FLOOR  
NEW YORK, N.Y. 10007

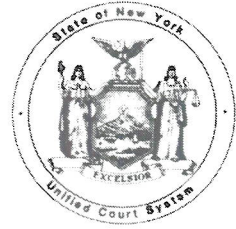
By:   
Helen Cantwell  
hcantwell@debevoise.com  
919 Third Avenue  
New York, New York 10022  
(212) 909-6000

AUG 24 2020

Attorney for Justin Maffett

TO: The Clerk of Court and all parties of record

CRIMINAL COURT OF THE CITY OF NEW YORK  
COUNTY OF NEW YORK



The case referenced below was dismissed on September 9, 2020, in Part SAP-D and was sealed pursuant to Section 160.50 CPL.

No appearance in court is required regarding this matter. Retain this notice for your records.

Summons Number	Date Issued	Docket Number
4442199294	6/5/2020	2020SN013392

CRIMINAL COURT CITY OF NEW YORK  
1 CENTRE STREET 16TH FLOOR  
NEW YORK, NY 10007

JUSTIN MAFFETT

[REDACTED]  
[REDACTED]  
NEW YORK, NY [REDACTED]