

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

THE PEOPLE OF THE STATE OF NEW YORK PROTECTIVE ORDER

-against-

Ind. No. 71543-23

DONALD J. TRUMP,

Defendant.

The Court, being satisfied based upon the application of Assistant District Attorney Catherine McCaw, dated April 24, 2023, and the opposition motion of Todd Blanche and Susan Necheles, counsel for Donald J. Trump, *and the hearing conducted on May 4, 2023,* that good cause exists for an order to restrict, defer, and make such other order as is appropriate with respect to disclosure and inspection of discoverable materials and information, pursuant to Section 245.70 of the Criminal Procedure Law, it is hereby:

ORDERED that any materials and information provided by the People to the Defense in accordance with their discovery obligations as well as any other documents, materials, or correspondence provided to or exchanged with defense counsel of record on the above-captioned matter ("Defense Counsel"), in any form or component part, with the exception of any materials provided to the People by Defendant, the Trump Organization, or any company owned in part or entirely by Defendant or the Donald J. Trust Revocable Trust (the "Covered Materials") shall be used solely for the purposes of preparing a defense in this matter; it is further

ORDERED that any person who receives the Covered Materials shall not copy, disseminate, or disclose the Covered Materials, in any form or by any means, to any third party

(except to those employed by counsel to assist in the defense of the above-captioned criminal proceeding) including, but not limited to, by disseminating or posting the Covered Materials to any news or social media platforms, including, but not limited, to Truth Social, Facebook, Instagram, WhatsApp, Twitter, Snapchat, or YouTube, without prior approval from the Court; it is further

ORDERED that disclosure of the names and identifying information of New York County District Attorney's Office personnel, other than sworn members of law enforcement, assistant district attorneys, and expert or fact witnesses (other than summary witnesses), shall be delayed until the commencement of jury selection and permitting the People to redact such names and identifying information from any of the Covered Materials; it is further

ORDERED that those of the Covered Materials that are designated by the People as limited dissemination (the "Limited Dissemination Materials"), whether in electronic or paper form, shall be kept in the sole possession and exclusive control of Defense Counsel and shall not be copied, disseminated, or disclosed in any form, or by any means, by Defense Counsel, except to those employed by Defense Counsel to assist in the defense of the above-captioned criminal proceeding; it is further

ORDERED that Defendant is permitted to review the Limited Dissemination Materials only in the presence of Defense Counsel, but Defendant shall not be permitted to copy, photograph, transcribe, or otherwise independently possess the Limited Dissemination Materials; it is further

ORDERED that Defendant is permitted to review the portions of forensic images of witness cell phones containing (1) material related to any of the events discussed in the indictment or the People's April 4, 2023 Statement of Facts; (2) material evidencing any prior criminal conduct of the owner of the phone or any person identified by the People as a witness in an Addendum to an Automatic Discovery Form (the "People's witness list"); (3) communications or notes referring to any person identified as a witness in the People's witness list; (4) communications or notes with any law enforcement officer or anyone in their office or prosecutor or anyone in their office, including, but not limited to, the New York City Police Department, federal law enforcement, the Southern District of New York, the New York County District Attorney's Office, Special Counsel, or the Department of Justice; and (5) information about Donald Trump; it is further

ORDERED that any other portion of the forensic images of witness cell phones shall be reviewed solely by Defense Counsel and those employed by Defense Counsel to assist in the defense of the above-captioned criminal proceeding, except that, after obtaining permission *ex parte* and *in camera* from the Court, Defense Counsel may show Defendant other Court-approved portions of the forensic images; it is further

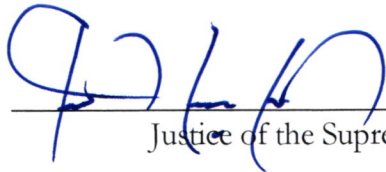
ORDERED that, in the event Defendant seeks expedited review of this protective order under CPL 245.70(6)(a), any obligation that would exist on the part of the People to produce the information and materials that are the subject of this order is held in abeyance pending the determination of the intermediate appellate court; and it is further

ORDERED, that the portions highlighted in green in People's Motion in Support of a Protective Order dated April 24, 2023, and any accompanying documents, exhibits, or transcripts, are sealed pursuant to CPL 245.70(1).

DATED: New York, New York
May 8, 2023

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So Ordered:



Justice of the Supreme Court

HON. J. MERCHAN

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DONALD J. TRUMP,

Defendant.

MOTION FOR PROTECTIVE ORDER

Indictment No. 71543-23

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