

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK: PART 59

THE PEOPLE OF THE STATE OF NEW YORK

-against-

DONALD J. TRUMP,

Defendant.

AFFIRMATION

Ind. No. 71543-23

Mark F. Pomerantz, an attorney admitted to practice before the Courts of this State, affirms under penalty of perjury that:

1. On July 11, 2023, in response to a request from DANY, my counsel produced, on my behalf, documents, emails, and text messages created and maintained as part of my work as an Assistant District Attorney on the Trump investigation that may have not have already been preserved on the DANY system.

2. In early February, 2024, in response to a follow up request from DANY, I performed a search for text messages between myself and Lanny Davis, an attorney for Michael Cohen. Despite reviewing my phone for potentially discoverable texts in connection with my July 2023 search, I had inadvertently overlooked certain texts, and on February 8, 2024, my counsel produced the results of my follow up search, which included various text messages.

3. Also in early February, in connection with DANY's request, I checked my iPhone to see if I had any text messages between myself and Danya Perry, another lawyer for Michael Cohen who had been referenced in a text message that had been sent to me by Mr. Davis and called to my attention by DANY.

4. Though I did not have Ms. Perry saved as a contact on my phone, I knew her telephone number from the text message that Mr. Davis had sent me. I therefore entered her phone number in the search function of the texting application on my iPhone.

5. The result of that search yielded only the single text to me from Mr. Davis which contained the reference to Ms. Perry and her telephone number. I knew that DANY already had that text. I did not locate any other text messages with Ms. Perry as a result of that search.

6. DANY has now directed my attention to additional text messages that were exchanged between me and Ms. Perry. I was able to locate these messages on my iPhone by entering her phone number in the “Compose” screen (rather than the search screen) in the texting application of my iPhone. This brought up messages in the text chain with Ms. Perry, rather than the single message yielded by using the “search” function. The full text message conversation I had with Ms. Perry is attached as Exhibit A.

Dated: March 18, 2024
New York, New York

Respectfully submitted,

/s/ Mark F. Pomerantz

Mark F. Pomerantz

EXHIBIT A



