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 DOC #: _____ U.S. Department of Justice
 DATE FILED: _____ United States Attorney
 Southern District of New York

United States Courthouse
 300 Quarropas Street
 White Plains, New York 10601

MEMO ENDORSED
 May 15, 2017

BY EMAIL & HAND

The Honorable Kenneth M. Karas
 United States District Judge
 Southern District of New York
 300 Quarropas Street
 White Plains, NY 10601

Re: *United States v. Nicholas Tartaglione, S1 16 Cr. 832 (KMK)*

Dear Judge Karas:

The Government writes to respectfully request that the Court schedule a conference in the above-referenced matter to resolve a dispute between the parties regarding the release of the victims' bodies to their families.

On March 22, 2017, the Government received autopsy reports from the Orange County Medical Examiner's Office regarding the four victims in this case. Three of the victims were found to have been killed by gunshot wounds to the head. A fourth victim was found to have been killed by homicidal violence of undetermined etiology. That same day, the Government sent the reports to defense counsel and informed counsel that, as to the three victims who had been shot in the head, the Government planned to release the bodies to their families by March 31. The Government asked defense counsel to raise any objections to releasing the bodies by that date. On March 28, the Government received the autopsy photographs related to this case from the Medical Examiner's Office. That same day, the Government produced those photographs to defense counsel.

On March 28, defense counsel informed the Government that they did not consent to the release of the victims' bodies for burial and inquired regarding conducting a second autopsy of the victims. In response, the Government inquired as to what reason, if any, the defense had for seeking additional examination of the victims' bodies. Defense counsel asked for an opportunity to consult with their expert, and the Government agreed to hold the bodies pending such consultation. On May 10, 2017, the Government again asked defense counsel to consent to the release of the bodies; defense counsel again indicated that they might wish to conduct secondary autopsies on all four bodies.

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This afternoon, defense counsel sent the Government a letter requesting the production of various items related to the autopsies of the victims. The parties then met in person this evening. During that meeting, defense counsel again declined to consent to the release of the victims' bodies. To date, defense counsel (1) has not provided a reason for seeking subsequent autopsies; (2) has not provided legal authority supporting such autopsies; and (3) has not proposed a protocol for conducting such autopsies.

The Government now seeks authorization from the Court to release all four victims' bodies to their families. Because this matter is of great sensitivity to the victims' families, and because the Medical Examiner's Office is no longer in a position to retain the bodies, the Government respectfully requests that the Court schedule a conference as soon as possible—preferably this Wednesday, May 17—to address this issue.

Respectfully submitted,

JOON H. KIM
Acting United States Attorney

By: /s/ Maurene Comey
Maurene Comey
Michael Gerber
Assistant United States Attorneys

Cc: Counsel of record (by email)

The Court will hold a conference on
May 17, 2017, at 2:45 PM.

So Ordered.

5/16/17