

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

EDWARD G. MCDONOUGH,
Plaintiff,

v.

1:15-CV-1505
(MAD/DJS)

YOUEL C. SMITH, III,
Defendant.

APPEARANCES:

PREMO LAW FIRM, PLLC
Attorney for Plaintiff
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Albany, NY 12211

NAPIERSKI, VANDENBURGH,
NAPIERSKI & O'CONNOR, LLP
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NEW YORK STATE POLICE
COUNSEL'S OFFICE
1220 Washington Avenue
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DANIEL J. STEWART
United States Magistrate Judge

OF COUNSEL:

BRIAN D. PREMO, ESQ.

THOMAS J. O'CONNOR, ESQ.

AMANDA NISSEN, ESQ.

ORDER

Pursuant to this Court's March 25, 2021 Order, Dkt. No. 206, the New York State Police was directed to supply the Court with both redacted and unredacted documents responsive to a subpoena issued by Defendant Smith on December 10, 2020, for an *in*

camera review. Counsel for the New York State Police has complied with that directive and provided the relevant documents to the Court. After review, the Court concludes that only the following additional unredacted documents should be provided to defense counsel pursuant to the subpoena:

1. The New York State Police Level I Investigative Form, dated September 9, 2012 (5 pages).
2. The To/From Memorandum dated November 1, 2011 (2 pages).
3. The Interview Transcript of Senior Investigator Christopher O'Brien dated December 8, 2011 (12 pages).
4. The Typed Statement of Alexander McDonald dated February 27, 2012 (8 pages, unsigned).

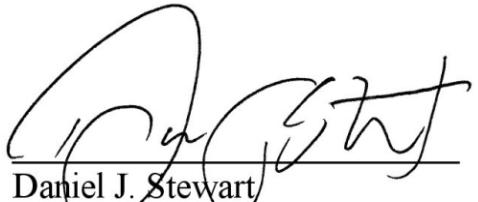
The Court concludes that there is information contained in these documents that is proportionally relevant to the needs of this case, and directly relates to issues that were the subject of a lengthy deposition of former Investigator O'Brien. In connection with the *in camera* submission, counsel for the New York State Police requested permission to submit further objections in the event that the Court were to order the release of additional documents. Since the Court is proposing to do so, the Court will grant the New York State Police counsel's office until **June 11th, 2021** to submit any additional arguments.

The Clerk of the Court is hereby ordered to serve a copy of this Order upon the

State Police Counsel's Office.

IT IS SO ORDERED.

Dated: June 2, 2021
Albany, New York



Daniel J. Stewart
U.S. Magistrate Judge