



STATE OF NEW YORK
OFFICE OF THE ATTORNEY GENERAL

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November 15, 2016

Hon. Thomas A. Breslin
Supreme Court, Albany County
Albany County Courthouse, Room 102
16 Eagle Street
Albany, NY 12207

Re: *People v. Viviani*,
Indictment No. 6-6976

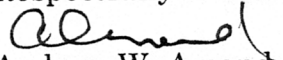
Dear Justice Breslin:

This Office has received notice pursuant to Executive Law § 71 that defendant is raising a constitutional challenge to Executive Law § 552 in this proceeding. We have determined that the challenge warrants a response from this Office and hereby provide notice to the Court and the parties of our appearance herein pursuant to Executive Law § 71.

We understand that defendant's challenge was raised by omnibus motion returnable November 9, 2016, and that the Special Prosecutor has submitted an opposition. In accordance with instructions from your chambers, we respectfully request a copy of the Special Prosecutor's opposition, which can be sent to the e-mail address below. In addition, due to the significance of the constitutional question involved, we respectfully request a period of thirty days, to and including December 15, 2016, to prepare and submit a brief in intervention.

Thank you very much for your attention to these matters.

Respectfully submitted,


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