



MICHAEL A. MONTESANO  
Assemblyman 15<sup>th</sup> District  
Nassau County

THE ASSEMBLY  
STATE OF NEW YORK  
ALBANY

MINORITY WHIP  
Ranker - Judiciary  
  
COMMITTEES  
Ways and Means  
Codes  
Ethics and Guidance  
Oversight, Analysis and Investigation  
Rules

January 13, 2022

Honorable Governor Hochul  
Governor of the State of New York  
Executive Chamber  
New York State Capitol  
Albany, New York 12224

Dear Governor Hochul:

As the Minority Conference members of the Assembly Judiciary Committee we write to call on you to remove Alvin Bragg from the public office of District Attorney, County of New York, effective immediately.

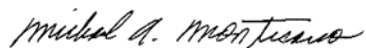
As you are aware, under the New York State Constitution at Article XIII, § 13(b), “the governor may remove any district attorney within the term for which he or she shall have been elected.” Accordingly, we ask that you exercise your constitutional authority, and initiate a proceeding for the prompt removal of Mr. Bragg pursuant to the procedures found in Public Officers Law Section 34.

District Attorney Bragg recently released a “Policy & Procedure Memorandum” (a copy is attached for your convenience) that reflects his intentional dereliction of duty. The Memorandum provides, in relevant part, that the Office of the District Attorney will ignore the bail laws of this State by exercising a “presumption of pre-trial non-incarceration” for most serious felony offenses. Mr. Bragg further published that his office will not prosecute a host of other criminal offenses. When Mr. Bragg was sworn in, he took an oath of office to enforce the laws of this State, but subsequently rescinded that pledge.

Mr. Bragg’s conduct further rises to the level of criminal culpability. For example, there have already been two instances where he has downgraded armed robberies to misdemeanor offenses and disregarded the fact that a deadly weapon was involved. Consequently, Mr. Bragg has committed the misdemeanor offense of official misconduct under Penal Law Section 195.00 by knowingly refraining from performing a duty which is imposed upon him by law and is clearly inherent in the nature of his office. Further, Mr. Bragg has violated Chapter 49, Section 1116, of the New York City Charter, as he willfully violated and/or evaded numerous provisions of law relating to his employment with the City of New York.

As such, we respectfully request that you initiate the proper proceedings for his removal from office.

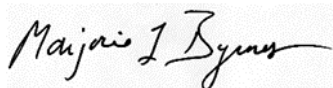
Best regards,



Michael A. Montesano  
15<sup>th</sup> Assembly District  
Ranking Republican Member



Keith P. Brown  
12<sup>th</sup> Assembly District



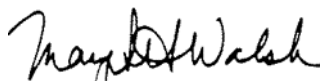
Marjorie L. Byrnes  
133<sup>rd</sup> Assembly District



Michael J. Norris  
144<sup>th</sup> Assembly District



Michael Tannousis  
64<sup>th</sup> Assembly District



Mary Beth Walsh  
112<sup>th</sup> Assembly District

Enc.

Cc:

Departmental Disciplinary Committee for the First Department  
180 Maiden Lane  
17th Floor  
New York, New York 10038