

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF ONONDAGA

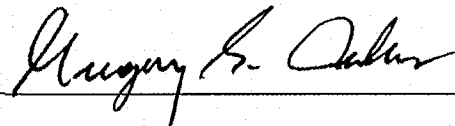
IN THE MATTER OF THE INVESTIGATION INTO
THE DEATH OF MESSIAH NANTWI
ON MARCH 1, 2025

NOTICE OF MOTION

PLEASE TAKE NOTICE that upon the affirmation of Assistant Attorney General Gregory S. Oakes, of the Office of Letitia James, Attorney General of the State of New York, sworn to this 5th day of March, 2025, the Attorney General will move this Court at a Regular Term thereof at the Courthouse located at 401 Montgomery Street, Syracuse, New York on the 6th day of March, 2025, at 9:00 am, or as soon thereafter as counsel may be heard, for an order pursuant to Section 701 of the County Law:

1. Disqualifying the Attorney General from investigating and, if warranted, from prosecuting offenses arising from this matter; and
2. Appointing the Hon. William J. Fitzpatrick, Onondaga County District Attorney, to be the Special Prosecutor pursuant to Section 701 of the County Law to investigate and, if warranted, to prosecute offenses arising from this matter.

Dated: March 5, 2025



Assistant Attorney General Gregory S. Oakes
Office of the New York State Attorney General
300 South State Street
Syracuse, NY, 13202
Tel. 315-448-4821

TO: Hon. Deborah Karalunas
Justice of the Supreme Court
Onondaga County Supreme Court
401 Montgomery Street
Syracuse, NY 13202

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COUNTY OF ONONDAGA

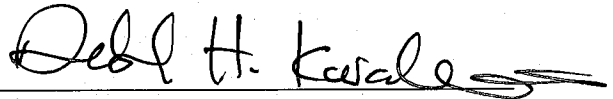
IN THE MATTER OF THE INVESTIGATION INTO
THE DEATH OF MESSIAH NANTWI
ON MARCH 1, 2025

The Court having heard the application of Assistant Attorney General Gregory S. Oakes, of the Office of Letitia James, Attorney General of the State of New York, requesting that the Attorney General be disqualified in this case and that a Special Prosecutor be appointed pursuant to Section 701 of the County Law to investigate and, if warranted, to prosecute offenses arising from this matter, it is hereby

ORDERED that the application is granted and that

1. The Attorney General is disqualified in this matter, and that
2. The Hon. William J. Fitzpatrick, Onondaga County District Attorney, is hereby appointed Special Prosecutor pursuant to Section 701 of the County Law to investigate and, if warranted, to prosecute offenses arising from this matter.

Signed



this ^{6th} day of March, 2025 at Syracuse, NY

ENTER:

Hon. Deborah Karalunas
Justice of the Supreme Court
Onondaga County Supreme Court
401 Montgomery Street
Syracuse, NY

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COUNTY OF ONONDAGA

IN THE MATTER OF THE INVESTIGATION INTO
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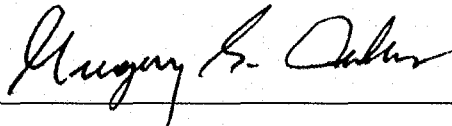
AFFIRMATION

GREGORY S. OAKES, being duly sworn, deposes and says:

1. I am an attorney licensed to practice law in the State of New York and serve as an Assistant Attorney General in the Office of the Attorney General of the State of New York. I affirm the following under the penalties of perjury, and I make the following statements based on my personal knowledge and upon information and belief, the sources of which are conversations and communications with members of the New York State Police, the New York State Department of Corrections and Community Supervision (DOCCS), the Onondaga County Medical Examiner's Office, and the Office of the Attorney General, and upon evidence in possession of law enforcement, including Body Worn Camera (BWC) video and reports and memoranda written by correction officers.
2. Section 70-b of the Executive Law (Section 70-b) authorizes the Attorney General to investigate and, if warranted, to prosecute offenses arising from any incident in which a peace officer, including a correction officer, causes a death. Section 70-b makes the Attorney General the exclusive prosecutor in cases in which, in causing a death, a correction officer has committed a crime. Therefore the Attorney General stands in the shoes of the district attorney for all purposes in a criminal case that arises under Section 70-b.
3. Pursuant to Executive Law Section 63(1) (Section 63(1)), the Attorney General's Office of State Counsel is required to represent the state, its officers, and its agencies in civil actions. This responsibility includes representing individual correction officers when they are defendants in lawsuits, such as lawsuits brought by people incarcerated in DOCCS facilities alleging unlawful uses of force.
4. Pursuant to Section 70-b, the Attorney General is investigating the death of Messiah Nantwi, who was incarcerated in a DOCCS facility in Oneida County known as the Midstate Correctional Facility, on March 1, 2025. Based upon a preliminary investigation, there is probable cause to believe that as many as nine corrections officers caused the death of Messiah Nantwi or committed acts that contributed thereto, and thereby committed a crime.

5. Pursuant to Section 63(1), the Attorney General has represented or is presently representing five of those nine corrections officers in civil lawsuits against them. Those civil lawsuits, and the Attorney General's representation of the named subjects in those lawsuits, arose prior to the death of Mr. Nantwi and do not relate to the death of Mr. Nantwi.
6. For these reasons, the Attorney General believes that under the New York Rules of Professional Conduct she is disqualified from this matter, and that in the interests of justice a special prosecutor ought to be appointed pursuant to County Law Section 701 to handle the investigation of, and, if warranted, the prosecution of offenses arising from the death of, Messiah Nantwi.
7. Of the district attorneys in the region near the correctional facility where this incident occurred, the Attorney General respectfully recommends that the Honorable William J. Fitzpatrick, Onondaga County District Attorney, be appointed because the Onondaga County District Attorney's Office has sufficient staff and expertise to prosecute this offense. The Hon. William J. Fitzpatrick, Onondaga County District Attorney, has indicated that he would agree to be appointed a special prosecutor in this case.

WHEREFORE, I respectfully request that the Attorney General of the State of New York be disqualified from this matter, and that the court appoint a special prosecutor pursuant to Section 701 of the County Law to investigate and, if warranted, to prosecute offenses arising from the death of Messiah Nantwi, and such other and further relief as this Court may deem just and proper.



Letitia James, Attorney General, by
Assistant Attorney General Gregory S. Oakes

Dated: March 5, 2025