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October 19, 2020

VIA E-MAIL ONLY to acelli@ccbawm.com

Andrew G. Celli, Jr.
Emery Celli Brinckerhoff Abady Ward & Maazel LLP
600 Fifth Ave., 10th Floor
New York NY 10020
E-mail: acelli@ccbawm.com

RE: Independent Investigation into the City of Rochester's Response to and Handling of the RPD's March 23, 2020 Use of Force Against Daniel Prude

Dear Mr. Celli:

I reply to your letter dated October 16, 2020. While it is addressed to me, it may be shared with many others as well. If this is accurate, please also make available to others all our written communication beginning with my letter to Council President Scott dated October 8, 2020.

You have repeatedly declined to provide what I have requested, namely:

...the sources of authority to compel production and testimony from an individual who is not employed by the City of Rochester. In other words, the statute, code or regulation that authorizes the judicial enforcement of the subpoena power authorized by City Council to your law firm.

The subpoena demands both production of documents on October 8, 2020 and the testimony of Mr. Singletary on November 6, 2020. The subpoena was received by mail on October 8th. The demand for production of documents encompasses mostly documents in the custody and control of the City of Rochester and the Rochester Police Department. Mr. Singletary shall preserve all evidence in his custody and control possibly relevant to your investigation and other collateral investigations, hearings, and actions.

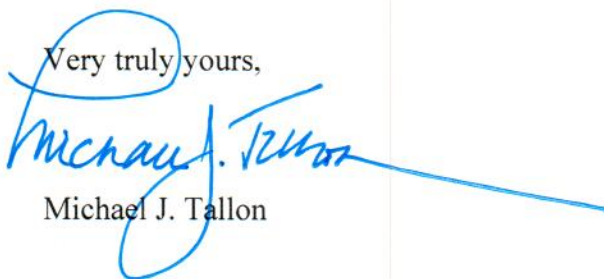
I address the testimonial component of the subpoena. I believe that back channel communications that compromise confidentiality and integrity are rife in many organizations and especially those under severe stress. That describes this administration now. I believe, too, that the disregard of fundamental ethical standards may be pervasive and this laxity has crippled the capacity of the City of Rochester to practice these standards now when they are most crucial to its wellbeing and to its service to all its citizens.

This stress is deepened when the leading investigative goal is to determine what are the facts and if there was an effort to conceal facts recognizing, too, the prospect that those who may have concealed facts will now endeavor to obstruct the investigation you are charged with conducting. I recognize that this may describe this administration now.

Acting on my stated concerns, I request that after you have concluded gathering and analyzing subpoenaed documents, and, if and when you have concluded the sworn testimony of principals including Mayor Warren, Deputy Mayor Smith, Communications Director Roj, and Corporation Counsel Curtin, that you advise me and we can then discuss the production of evidence that Mr. Singletary will preserve and his possible testimony to further your investigative mandate.

Thank you.

Very truly yours,

A handwritten signature in blue ink that reads "Michael J. Tallon". The signature is stylized and includes a long horizontal line extending to the right.

Michael J. Tallon

MJT/jgd

cc: La'Ron D. Singletary
Jon P. Getz, Partner (jgetz@vaheygetz.com)