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September 6, 2024

New York State Commission on Judicial Conduct
61 Broadway, Suite 1200
New York, New York 10006

Members of the Commission:

I am writing to you concerning potential ethical issues with respect to Acting Manhattan Supreme Court Justice Juan Merchan. On May 21, 2024, I filed a complaint against Justice Merchan concerning his presiding over the pending criminal case of former President Donald J. Trump. The New York State Commission on Judicial Conduct (the Commission) rejected the complaint on July 3, 2024. As of today, President Trump is scheduled for sentencing on September 18, 2024, at which he faces up to 136 years' imprisonment. New information has come to light that merits a fresh look into Justice Merchan's conflict. Neither the Appellate Division nor the Advisory Committee on Judicial Ethics could have known about this material when they issued opinions as to Justice Merchan's continuing to preside over President Trump's case.

On July 21, 2024, President Joe Biden announced that he would not seek a second term. Within a few days, Vice President Kamala Harris was anointed to become the Democrat Party's nominee for the presidency. During his campaign, President Biden used one company, Amazon Web Services (AWS), for the campaign's web hosting services.¹ President Biden's campaign paid AWS throughout 2023 through the suspension of his campaign in July 2024. On August 20, 2024, Vice President Harris's campaign submitted its first Federal Election Commission (FEC) report that documented expenses and donations through July 31, 2024. In the report, specifically on Form 3P, line 23², a July 30, 2024, disbursement appears in the amount of \$468.00 from Vice President Harris's campaign to Authentic Campaigns Inc. (Authentic) for web hosting services. This indicates that one of the very first things that Harris did upon taking over the Biden campaign infrastructure is to hire this firm, Authentic.

Authentic is a digital consulting and marketing firm that services Democrat candidates. Loren Merchan, Justice Merchan's daughter, is its president. Vice President Harris changed web hosting companies from AWS to Authentic immediately after

¹Federal Election Commission, Disbursement Search, Harris for President, https://www.fec.gov/data/disbursements/?data_type=processed&committee_id=C00703975&two_year_transaction_period=2024&min_date=01%2F01%2F2023&max_date=12%2F31%2F2024&disbursement_description=Web (last visited 9/6/2024)

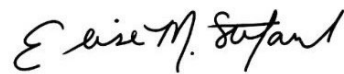
² Federal Election Commission, Itemized Disbursement Report, Harris for President, <https://docquery.fec.gov/cgi-bin/fecimg/?202408209675189812> (last visited 9/6/2024)

becoming the presumptive Democrat presidential nominee. As the FEC report's filing did not occur until August 20, nearly a month after the Harris campaign and Authentic had begun doing business, no one in the public, including the Commission, could have known of the relationship. This is merely the beginning of a new contract with a new campaign, regardless of the amount reimbursed. Sure, there's an immediate benefit, but this is a play at a potential larger benefit for Authentic and Merchan down the road.

The Code of Conduct, specifically § 100.3(E)(1)(d)(iii), dictates that a judge must recuse from a case where a relative up to and including the sixth degree has a financial interest in the outcome of the case. Ms. Merchan is related to Justice Merchan in the first degree. Authentic has a newly active financial relationship with Vice President Harris's campaign. President Trump's sentencing, an event which will garner worldwide media coverage, is imminent. This event, a month and a half prior to the November 5 election, could have a profound impact on that election; indeed, some states will have commenced mail voting by that date. Given this revelation of a brand-new conflict of interest for Judge Merchan, I respectfully request that the Commission engage in a fresh inquiry concerning Justice Merchan's conflict and take any appropriate action resulting from it.

Thank you for your attention to this matter.

Sincerely,

A handwritten signature in black ink that reads "Elise M. Stefanik". The signature is written in a cursive, flowing style.

Elise Stefanik