

Supreme Court of the State of New York
Appellate Division: Third Department

_____	x	
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In the Matter of the Application of CAMPAIGN	:	
FOR ACCOUNTABILITY,	:	
	:	
<i>Petitioner,</i>	:	
	:	Docket No. _____
For a Judgment Pursuant to Judiciary Law	:	
§ 90(10) to Unseal an Attorney Disciplinary	:	<u>VERIFIED PETITION TO UNSEAL</u>
Proceeding,	:	<u>DISCIPLINARY PROCEEDING</u>
	:	
- against -	:	
	:	
GRIEVANCE COMMITTEE FOR THE THIRD	:	
JUDICIAL DEPARTMENT, JOHN A.	:	
SARCONE III,	:	
	:	
<i>Respondents.</i>	:	
_____	x	

Petitioner Campaign for Accountability (“CfA”), by its undersigned attorneys, petitions and alleges as follows:

Preliminary Statement

1. Petitioner brings this proceeding under Judiciary Law § 90(10) against the Grievance Committee for the Third Judicial Department (the “Grievance Committee”) and John A. Sarcone III to unseal all records, papers and documents concerning the disciplinary proceeding against Mr. Sarcone.

2. Mr. Sarcone is currently serving as the First Assistant U.S. Attorney for the United States Attorney’s Office for the Northern District of New York (“NDNY USAO”).

3. On June 17, 2025, surveillance video taken outside the Hilton Hotel in Albany, New York captured an incident involving Mr. Sarcone and Saul-Morales Garcia (“Morales-Garcia”), who yelled and gestured at Mr. Sarcone while brandishing a knife. Shortly thereafter,

Morales-Garcia was arrested by Albany law enforcement. Despite Morales-Garcia not coming anywhere near Mr. Sarcone during the incident, Mr. Sarcone submitted a sworn statement claiming that Morales-Garcia caused him to fear for his life and tried to kill him. These false statements resulted in Morales-Garcia's pending charges being increased to include attempted murder, despite murder charges being unwarranted and unsupported by the available evidence. Mr. Sarcone further caused the NDNY USAO to put out a press release maligning Morales-Garcia, baselessly claiming that he may have gone on to kill others and suggesting that he was affiliated with "gangs, drug, human traffickers, and sexual predators," despite there being no evidence that Morales-Garcia was involved in any such activity.

4. Further, the Albany address Mr. Sarcone provided as his residence in connection with his sworn statement concerning Morales-Garcia was later discovered to be a vacant and boarded-up building. When presented with evidence of the building's condition and questioned about his alleged residence by the *Albany Times Union*, Mr. Sarcone offered a variety of conflicting explanations. But none of those explanations justified Mr. Sarcone's provision of a false residential address in a sworn statement, seemingly in violation of federal law requiring that he reside in the Northern District while serving as the United States Attorney in that district.

5. Finally, Mr. Sarcone retaliated against the *Times Union* in connection its reporting raising questions about his Albany residence. Specifically, he directed NDNY USAO staff to remove the paper and its reporters off the office's media distribution list, and sent an email to all NDNY assistant United States Attorneys confirming that removal.

6. Given the serious ethical concerns raised by Mr. Sarcone's actions, CfA filed a ten-page complaint alleging that he may have violated several of the New York Rules of Professional Conduct ("Rules"). First, the complaint alleged that the press release Mr. Sarcone directed his

office to put out concerning Morales Garcia violated Rule 3.6, which prohibits attorneys from making extrajudicial statements they know or should know will be publicly disseminated and will have a substantial likelihood of materially prejudicing an adjudicative proceeding. Second, the complaint noted that Mr. Sarcone may have violated Rule 3.8, which prohibits a prosecutor from causing the institution of a criminal charge when he knows that the charge is not supported by probable cause, in connection with Mr. Sarcone's demands that Morales-Garcia's charges be increased to attempted murder despite there being no evidence whatsoever to that effect. Finally, the complaint said that Mr. Sarcone may have violated Rule 8.4's prohibition on public officials abusing their power, given that Mr. Sarcone submitted a sworn deposition containing false testimony in connection with the Morales-Garcia incident, made false statements about his residential address, demanded that unwarranted, increased charges be filed against Morales-Garcia, and blacklisted the *Times Union* from the NDNY USAO's media distribution list in retaliation for the paper's truthful reporting.

7. In response to the serious allegations in CfA's complaint, the Grievance Committee determined that there was a sufficient basis for a finding of professional misconduct and the taking of "appropriate action" against Mr. Sarcone. But it provided no indication as to what resulted in that finding or what the appropriate action taken was.

8. Mr. Sarcone, however, continues to hold immense responsibility while wielding sweeping prosecutorial authority as the most senior federal attorney at the NDNY USAO. His misconduct therefore remains a matter of vital public interest to the courts of the Northern District and the community he serves, both of which place significant trust in his office. Accordingly, Petitioner brings this action seeking to unseal all records, documents and papers concerning Mr. Sarcone's proceeding before the Grievance Committee.

Parties

Campaign for Accountability

9. CfA is a 501(c)(3) national nonpartisan ethics watchdog organization based in Washington, D.C.

10. Founded 2015 by Anne Weismann, CfA leverages research, litigation, and communications to address various forms of misconduct and malfeasance in public life. CfA routinely files legal complaints and public records requests with an eye towards providing federal oversight bodies with the materials information they need to pursue appropriate disciplinary action in connection with corruption, negligence, and/or unethical behavior.

11. In that capacity, CfA has filed ethics complaints against Acting Attorney General Todd Blanche in connection with his prosecution of Kilmar Armando Abrego Garcia, Interim United States Attorney Lindsey Halligan, in connection with her prosecution of former FBI Director James Comey and New York Attorney General Letitia James despite insufficient evidence that either had committed any crimes, and against Douglas Troutman, the Assistant Administrator of the Environmental Protection Agency's Office of Chemical Safety and Pollution Prevention.¹

12. While much of CfA's work is focused on the federal government, it also monitors state and local officials for potential abuses of power and has launched the Tech Transparency

¹ See Press Release, Campaign for Accountability, *Watchdog Files New York Bar Complaint Against Acting Attorney General Todd Blanche* (May 27, 2026), <https://campaignforaccountability.org/watchdog-files-new-york-bar-complaint-against-acting-attorney-general-todd-blanche/>; Press Release, Campaign for Accountability, *Watchdog Files Bar Complaint Against Interim US Attorney Lindsey Halligan* (Nov. 11, 2025), <https://campaignforaccountability.org/watchdog-files-bar-complaint-against-interim-us-attorney-lindsey-halligan/>; Dave Leventhal, *Top EPA Official Bought Oil, Gas and Power Plant Stocks — Then Quickly Dumped Them*, NOTUS (May 12, 2026), <https://www.notus.org/money/epa-official-energy-stocks>.

Project to call attention to efforts by major technology platforms like Google to build massive influence operations.

13. Through all these efforts, CfA aims to promote federal accountability, state oversight, corporate responsibility, and consumer protection.

The Grievance Committee for the Third Judicial Department

14. The Grievance Committee is a body created by the Appellate Division for the Third Judicial Department. *See* <https://www.nycourts.gov/ad3/agc/>. It is authorized to review and determine complaints of professional misconduct involving attorneys admitted to practice in the Third Judicial Department. *Id.*

15. The stated purpose of the Grievance Committee is to “protect[] the public, maintain[] the honor and integrity of the legal profession, and deter[] attorneys from committing professional misconduct.” *Id.*; *see also* 22 N.Y.C.R.R. Part 806.

John A. Sarcone III

16. John A. Sarcone III is an attorney who was admitted in the Appellate Division, Second Department on January 8, 1997. *See* New York State Unified Court System, Attorney Detail for John A. Sarcone III (attached hereto as Ex. 1). He is currently registered to practice law in New York. *Id.*

17. On March 4, 2025, then-United States Attorney General Pamela Bondi appointed Mr. Sarcone as the Interim United States Attorney for the NDNY USAO for a 120-day term, to take effect on March 17, 2025. *See* Press Release, U.S. Attorney’s Office, N.D.N.Y., *Attorney general Pamela Bondi Appoints John A. Sarcone III as U.S. Attorney* (Mar. 4, 2025), <https://www.justice.gov/usao-ndny/pr/attorney-general-pamela-bondi-appoints-john-sarcone-iii-us-attorney> (attached hereto as Ex. 2); *In re Grand Jury Subpoenas to the Off. of the N.Y. State*

Att’y Gen., 814 F. Supp. 3d 284, 289 (N.D.N.Y. 2026) (citing 28 U.S.C. § 546(d)) (attached hereto as Ex. 3).

18. By statute, because no successor was in place when Mr. Sarcone’s 120-day term expired, the Judges for the U.S. District Court for the Northern District of New York may appoint a United States Attorney for the district. *See* Ex. 3. When Mr. Sarcone’s 120-day term expired, the Judges chose not to appoint Mr. Sarcone to continue as U.S. Attorney and instead appointed a veteran prosecutor, Donald Kinsella, to serve as the U.S. Attorney. *See* Kyla Guilfoil, *White House immediately fires U.S. attorney chosen by judges to replace Trump’s pick*, NBC NEWS (Feb. 12, 2026), <https://www.nbcnews.com/politics/justice-department/white-house-fires-us-attorney-donald-kinsella-judges-replace-trump-pic-rcna258833> (attached hereto as Ex. 4). Mr. Kinsella, however, was fired by the Department of Justice shortly after he was appointed.

19. That same day, Mr. Sarcone sent a letter to N.D.N.Y. Chief Judge Brenda K. Sannes, stating that he had been appointed “Special Attorney to the United States Attorney General,” that he had “been designated the First Assistant United States Attorney for the Northern District of New York,” and that he was therefore “serving as Acting United States Attorney for the Northern District of New York indefinitely.” *See* Letter from John A. Sarcone III to the Honorable Brenda K. Sannes, Chief U.S. District Judge, Northern District of New York (July 14, 2025) (attached hereto as Ex. 5).

20. As of the filing of the instant Petition, Mr. Sarcone remains serving as the First Assistant U.S. Attorney for NDNY USAO. *See* Staff Profile, First Assistant U.S. Attorney John A. Sarcone II, U.S. Dept. of Justice, <https://www.justice.gov/usao-ndny/staff-profile/us-attorney> (attached hereto as Ex. 6).

Venue and Jurisdiction

21. This Court has jurisdiction under the Judiciary Law § 90(10).

22. Venue is proper in the Appellate Division, Third Department.

Mr. Sarcone's Interactions with Saul Morales-Garcia

23. On June 17, 2025, shortly before 9:00 p.m., a surveillance video taken at the Hilton Hotel in Albany, New York captured Mr. Sarcone standing just outside the hotel while smoking a cigar and looking at his cellphone when Morales-Garcia, an undocumented El Salvadoran immigrant began yelling at him, while holding a knife. *See* TIMES UNION, *Surveillance video shows US attorney's encounter with knife-wielding man* (YouTube, June 17, 2025, 8:55-8:59 pm), available at https://www.youtube.com/watch?v=Ya_5rteYt3g ("Video").

24. In response, Mr. Sarcone appears to walk towards the hotel lobby, while Morales-Garcia, seemingly continuing to yell and gesture, knife in hand, begins to leave the area. *See id.* Out of the frame, Morales-Garcia appears to throw a traffic cone in Mr. Sarcone's general direction, but it lands far from Mr. Sarcone. *See id.* Cigar still in hand, Mr. Sarcone then walks back towards Morales-Garcia and can be seen gesturing, speaking, and continuing to smoke. *See id.*

25. At that point, Mr. Sarcone dashes back to the lobby, stops, and turns around to walk in Morales-Garcia's direction. *See id.* Nowhere in the Video is Morales-Garcia seen anywhere near Mr. Sarcone; instead, he only appears to yell at Mr. Sarcone from a distance. *See id.*

26. Mr. Sarcone says that at some point during the incident, he called Albany County Sheriff Craig Apple's personal cellphone. *See* FOX AND FRIENDS, *US attorney speaks out after migrant 'charged at' him with knife: 'I sensed danger'*, (YouTube, June 20, 2025), available at <https://www.foxnews.com/video/6374613322112> ("Fox and Friends Video"). Law enforcement then arrived and arrested Morales-Garcia on the scene.

27. That same evening, Mr. Sarcone completed an Albany County Sheriff's Office "Supporting Deposition," in which he represented that he was "standing in front of the Hilton

hotel” when a man “began yelling at [him] . . . in a threatening manner” and “pulled a knife out of his pocket and began to charge . . . in an aggressive manner.” See CFA Complaint, <https://www.documentcloud.org/documents/26041326-cfa-ny-bar-complaint-john-a-sarcone-iii/> (attached hereto as Ex. 7) at Ex. 1, John M. Sarcone, Albany County Sheriff’s Office Supporting Deposition, June 17, 2025. Mr. Sarcone further stated that he “became fearful for [his] life and . . . attempted to flee the area” and that the man “was making the motion as if he was going to attempt to cut my throat.” *Id.* Mr. Sarcone signed the deposition pursuant to a notice stating that “False Statements made herein are punishable as a class A misdemeanor pursuant to section 201.45 of the New York State Penal Law.” *Id.*

28. On July 18, 2025, Sheriff Apple appeared on television explaining that Mr. Sarcone had called him in the midst of the attack and said Morales-Garcia had “lunged at him again with a knife, and he’s making dragging the knife over his throat [*sic*], that he’s going to kill him.” See Jana DeCamilla, *Sheriff: Man Charged With Threatening US Attorney Was in the US Illegally*, WRGB (June 18, 2025), <https://cbs6albany.com/news/local/albany-man-charged-with-attempted-murder-following-reported-knife-threat>.

29. Approximately two days after the incident with Morales-Garcia, the NDNY USAO issued a news release stating that Mr. Sarcone was “the victim of a life-threatening incident,” and that the perpetrator was charged with attempted second-degree murder. See Press Release, United States Attorney’s Office, N.D.N.Y., *United States Attorney John A. Sarcone III Attacked by a Salvadorian National with a Knife in Downtown Albany: Saul Morales-Garcia, an Illegal Alien, Charged with Attempted Second-Degree Murder* (The Wayback Machine, June 19, 2025), available at <https://web.archive.org/web/20250805004048/https://www.justice.gov/usao->

ndny/pr/united-states-attorney-john-sarcone-iii-attacked-salvadorian-national-knife-downtown
("Press Release") (attached hereto as Ex. 8).

30. The Press Release further states that Morales-Garcia "lunged at Sarcone," and made a "slitting-the-throat gesture at Sarcone." *Id.* It further claimed that but-for Mr. Sarcone's actions, Morales-Garcia may have gone on to kill others, even though he had not physically harmed or killed anyone. Finally, the Press Release referenced Mr. Sarcone's efforts to "help combat the infiltration of gangs, drug, human traffickers, and sexual predators," thereby associating Morales-Garcia with such criminals despite there being no allegations that he was part of a gang or involved in any sort of drug or human trafficking or sexual misconduct. *Id.*

31. None of these allegations appears in the Video of the incident. *See* Video. Nevertheless, Mr. Sarcone is quoted in the Press Release stating that he "feared for my life, but . . . couldn't let this individual harm and potentially kill others." *See* Ex. 8. The Press Release also includes a quote from Sheriff Apple, stating that "U.S. Attorney John Sarcone's selfless actions likely saved lives." *See id.* The Press Release does not, however, state that Morales-Garcia should be presumed innocent until proven guilty. *See generally id.*

32. Around or about the same time the Press Release was put out, Mr. Sarcone appeared on the television show Fox and Friends and recounted the incident with Morales-Garcia. He claimed that he was "attacked by a maniac with a knife," who lunged at him twice and threatened his life. *See* Fox and Friends Video, *supra* at 7. Mr. Sarcone further noted that he told the Sheriff that Morales-Garcia's initial charges for menacing and weapons possession were insufficient because Morales-Garcia "threatened his life." *Id.* And following that intervention, Morales-Garcia was also charged with attempted murder. *See* Ex. 8.

33. On June 23, 2025, Mr. Sarcone gave a television interview in which he criticized the Albany Police Department, claiming that police never arrived on the scene and criticizing their failure to do so, despite his only calling Sheriff Apple's personal number, rather than 911, the night of the incident. See WRGB ALBANY, *Interview with John Sarcone*, (YouTube June 23, 2025), available at <https://www.youtube.com/watch?v=Jor0RtQnC9M>.

34. In response to Mr. Sarcone's statements, Michael C. Delano, the President of the Albany Police Benevolent Association issued a statement condemning Mr. Sarcone's actions, including his failure to use the 911 system to ensure a prompt police response, and noting that Albany Police were notified less than ten minutes after the incident, promptly responded, and would have responded even sooner had Mr. Sarcone called 911 as appropriate. See Press Release, Albany Police Benevolent Association, (June 23, 2025), available at <https://www.facebook.com/photo/?fbid=122118765254873859&set=a.122100816044873859>.

35. Ultimately, the Albany County District Attorney's office dropped the attempted murder charge against Morales-Garcia and reduced the weapons violation to a misdemeanor following a review of surveillance footage of the incident. In so doing, District Attorney Lee Kindlon explained that "[a] fair reading of the evidence and controlling case law informs that this incident did not rise to the level of attempted murder." Kristina Handy, *Charges Reduced for Man Accused of Pulling Knife on U.S. Attorney*, NEWS 10 (June 25, 2025), <https://www.news10.com/news/crime/charges-reduced-for-man-accused-of-pulling-knife-on-sarcone/>. Morales-Garcia then pleaded guilty to one charge of menacing in the second degree, a misdemeanor, and was sentenced to ninety days in jail. See Felix Day, *Man Pleads Guilty to Threatening U.S. Attorney*, WRGB ALBANY (July 3, 2025), <https://cbs6albany.com/news/local/man-pleads-guilty-to-threatening-us-attorney-cbs6-wrgb>.

Issues with Mr. Sarcone's Residence in the Northern District of New York

36. In the sworn supporting deposition Mr. Sarcone provided under penalty of New York criminal law regarding the incident with Morales-Garcia, he listed his address as “87 S. Orange Street Unit #2.” Ex. 7 at Ex. 1. That building, however was later discovered to be boarded-up, with “plywood boards covering its entrance and windows, and a ‘No Trespassing’ sign tacked to the plywood that covers the front door and prevents anyone from entering.” Michael Goot, *US Attorney Sarcone Answers Questions About Why He Listed a Boarded-Up Building as His Residence*, WNYT (June 27, 2025), <https://wnyt.com/top-stories/u-s-attorney-sarcone-answers-questions-about-why-he-listed-board-up-building-as-his-residence/>.

37. When questioned by the *Times Union* regarding his residence, Mr. Sarcone stated “[t]hat’s the residence that I have – that I established when I got here.” Brendan J. Lyons, *US Attorney Lists Boarded Up Albany Building as Residence*, TIMES UNION (June 27, 2025), <https://www.timesunion.com/capitol/article/u-s-attorney-albany-lists-boarded-up-building-20386848.php> (attached hereto as Ex. 9). When pressed by the *Times Union*, Mr. Sarcone claimed that he had been “spending 70% of my time in hotels . . . because I can’t get in there yet.” *Id.*

38. Mr. Sarcone then claimed that despite being boarded up, the property was fully renovated and the owner was simply waiting for new windows and a door. *Id.* He then reportedly set up a call with a *Times Union* editor and Steve Sabba, a Westchester County developer whose company, Symphony Holdings, holds the mortgage on the property, but is not the owner and is a former client of Mr. Sarcone’s private law practice. Sabba also claimed the property had been renovated and was supposed to be fully finished by April or May but that “between the supply chain issue, between the threat of tariffs” it had been “very difficult” to get the necessary building materials. *Id.* He also offered to supply photographs of the renovated interior, but then failed to

do, offering numerous excuses. Finally, Sabba threatened to write an op-ed in the New York Post accusing the *Times Union* of publishing a hit piece. *Id.*

39. The *Times Union* confirmed with an Albany building official who explained that any remodeling of the sort claimed by Sabba would have required a permit and that none had been issued for the property since its purchase two years earlier. *See id.* And in response to the *Times Union*'s inquiries, the director of Albany's Department of Buildings and Regulatory Compliance visited the building in question and issued the owner a citation for failing to register it as vacant. *Id.*

40. After the *Times Union* presented Mr. Sarcone with evidence that the building was vacant, he claimed that he had been provided photographs of the apartment's interior but could not locate them and would ask Sabba for more information. *Id.* The photographs were never provided. *Id.*

Mr. Sarcone's Retaliation Against the *Times Union*

41. Following the *Times Union*'s June 27, 2025 article concerning questions about Mr. Sarcone's residence in Albany, he ordered his staff to remove the paper and its reporters from the NDNY USAO's media distribution list. *See* Brendan J. Lyons, *Interim US Attorney Orders Times Union Removed from Media List*, TIMES UNION (July 9, 2025), <https://www.timesunion.com/capitol/article/interim-u-s-attorney-removes-times-union-media-20761206.php> (attached hereto as Ex. 10).

42. Mr. Sarcone then sent an email to all NDNY USAO assistant United States Attorneys stating that the "*Times Union* has been deleted from our distribution list." *Id.* Two weeks later, and following a request for comment from the *Times Union*, the directive was rescinded. *Id.*

Complaint and Grievance Committee Proceeding Against Mr. Sarcone

43. On August 6, 2025, CfA submitted a complaint detailing the above actions involving Mr. Sarcone, all of which the complaint alleged to represent potential violations of the Rules, and requesting that the Grievance Committee investigate him. *See generally* Ex. 7.

44. In particular, the complaint alleged that Mr. Sarcone's actions in connection with the Morales-Garcia incident, including issuing an extrajudicial press release, may have violated Rule 3.6(a) because the press release seemingly served no purpose other than to increase public opprobrium against Morales-Garcia. *Id.* Further, his actions may have violated Rule 3.8 by using his office to cause the Albany DA to increase Morales-Garcia's charges to include attempted murder, despite such a charge being unsupported by the relevant facts. *Id.*

45. The complaint also said that Mr. Sarcone's conduct may have violated Rule 8.4, including by submitting a sworn deposition misrepresenting his encounter with Morales-Garcia, demanding that the charges against Morales-Garcia be increased to attempted murder, falsely claiming a vacant building as his residential address to obscure the fact that he did not reside in the Northern District as required by federal law, and blacklisting the *Times Union* from the NDNY USAO's media distribution list in connection with its reporting about those residential misrepresentations. *Id.*

46. At the time it was submitted, CfA's complaint received significant news coverage, virtually all of which identified CfA as the complainant. *See, e.g.,* Mark Weiner, *Watchdog group files complaint against Acting U.S. Attorney John Sarcone*, SYRACUSE.COM (Aug. 6, 2025) <https://www.syracuse.com/politics/cny/2025/08/watchdog-group-files-complaint-against-acting-us-attorney-john-sarcone.html> (attached hereto as Ex. 11); Austin C. Jefferson, *Sarcone hit with ethics complaint after retaliating against Times Union*, CITY & STATE NY (August 18, 2025), <https://www.cityandstateny.com/politics/2025/08/sarcone-hit-ethics-complaint-after-retaliating->

against-times-union/407532/ (attached hereto as Ex. 12); Adam Klasfeld, *Prosecutor probing NYAG hit with bar complaint for potentially illegal conduct*, ALL RISE NEWS (August 8, 2025), <https://www.allrisenews.com/p/john-sarcone-bar-complaint> (attached hereto as Ex. 13).

47. On April 1, 2026, the Grievance Committee responded to CfA in a one-page letter, stating that it “determined there was a sufficient basis for a finding of professional misconduct” as to Mr. Sarcone and that the Committee “took appropriate action.” See Letter from Elena Jaffe Tastnsen, Attorney Grievance Committee to Michelle KupperSmith, Campaign for Accountability (April 1, 2026) (attached hereto as Ex. 14). The letter provided no further details on what violations the Committee found or what actions it took. See generally *id.*

48. Public interest in Mr. Sarcone’s misconduct and the activities of the Grievance Committee remains strong. For example, in May 2026, a *Times Union* op-ed stressed that the non-disclosure of Mr. Sarcone’s disciplinary proceeding prevents the public from being “able to fully trust [Mr. Sarcone’s] word” and “judges or opposing counsel [from] view[ing] him as an honest broker.” Editorial Board, *Sarcone sanctioned—but what for?*, TIMES UNION (May 21, 2026), <https://www.timesunion.com/opinion/article/editorial-sarcone-sanctioned-for-22264572.php> (attached hereto as Ex. 15); see also Erica Orden, *Top federal prosecutor in New York committed misconduct, watchdog says*, POLITICO (May 11, 2026), <https://www.politico.com/news/2026/05/11/john-sarcone-misconduct-complaint-00914644> (attached hereto as Ex. 16); Shirley Henderson, *Trump’s New York US attorney pick committed misconduct, disciplinary investigation finds*, ABA JOURNAL (May 12, 2026), <https://www.abajournal.com/news/article/trumps-pick-for-albany-us-attorney-committed-professional-misconduct-according-to-disciplinary-investigation> (attached hereto as Ex. 17); Jon Moss, *State panel finds top federal prosecutor in Upstate NY committed professional misconduct*,

SYRACUSE.COM (May 12, 2026), <https://www.syracuse.com/news/2026/05/state-panel-finds-top-federal-prosecutor-in-upstate-ny-committed-professional-misconduct.html> (attached hereto as Ex. 18); Celine Castronuovo, *Albany Prosecutor Hit With Professional Misconduct Finding*, BLOOMBERG LAW (May 11, 2026), <https://news.bloomberglaw.com/us-law-week/albany-prosecutor-hit-with-state-professional-misconduct-finding> (attached hereto as Ex. 19).

49. Beyond such news coverage, the legality of Mr. Sarcone's appointment is now pending before the Second Circuit, further confirming the significant public interest in his misconduct. *See In re Grand Jury Subpoenas to the Office of the New York State Attorney General v. United States*, Dkt. No. 26-156 (2d Cir.).

Request for Relief

WHEREFORE, Petitioner prays for a judgement and decree:

- (1) unsealing all records, papers and documents concerning the disciplinary proceeding against Mr. Sarcone; and
- (2) granting any further relief as the Court may deem necessary and proper.

Dated: New York, New York
July 29, 2026

A handwritten signature in blue ink, appearing to read 'Gregory L. Diskant', is written over a horizontal line.

Gregory L. Diskant
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Attorneys for Petitioner

VERIFICATION OF MICHELLE KUPPERSMITH

Michelle Kuppersmith affirms as follows:

I am the Executive Director of Campaign for Accountability, Petitioner in the above-captioned matter. I am over eighteen (18) years of age, of sound mind, and otherwise competent to make this verification.

I affirm this 27th day of July, 2026, under the penalties of perjury under the laws of New York, which may include a fine or imprisonment, that the foregoing petition is true, except as to matters alleged on information and belief and as to those matters I believe it to be true, and I understand that this document may be filed in an action or proceeding in a court of law.

Dated: New York, New York
July 27, 2026


Michelle Kuppersmith