

August 11, 2025

Attorney Grievance Committee
Supreme Court, Appellate Division
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Attorney Grievance Committee
Supreme Court, Appellate Division
Departmental Disciplinary Committee for the Third Judicial Department
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Re: Disciplinary complaint against attorney John A. Sarcone III (Registration No. 2776755)

The undersigned nonpartisan, nonprofit organizations, dedicated to protecting press freedom and the rule of law, respectfully submit this complaint against John A. Sarcone III (Registration No. 2776755), an attorney admitted to practice in New York and currently serving as Acting U.S. Attorney for the Northern District of New York.¹ As discussed below, Sarcone may have not only engaged in dishonest and unethical conduct warranting discipline, but also may have unconstitutionally retaliated against a news outlet that reported on his activities.

Sarcone recently made headlines for listing a boarded up, uninhabitable Albany property in a sworn affidavit that he provided to local law enforcement, which also conveniently appears intended to prove his compliance with residency requirements for U.S. Attorneys provided by federal law.² Sarcone had also told the Times Union, "That's the residence that I have — that I established when I got here." He later admitted he had never entered the home, but claimed it was under renovation and that he intended to live there.³ Last year, Sarcone unsuccessfully ran for district attorney for Westchester County,⁴ which is more than 100 miles from Albany and where his primary residence of the town of Cortlandt is located.

But Albany's Times Union newspaper reported that no permits had been issued for the purported renovation, and neighbors said they had not seen any recent work on the home. The newspaper

¹ Santul Nerkar et al., [Spurned U.S. Attorney Clings to Job by Being Appointed His Own Assistant](#), New York Times, July 16, 2025. Sarcone's New York Bar registration indicates that the Second Judicial Department was his Appellate Division Department for bar admission but his current "business address" is located in Albany, NY.

² 28 U.S.C. § 545. This federal statute requires the U.S. Attorney for the Northern District of New York to reside in that district.

³ Brendan J. Lyons, [U.S. attorney lists boarded-up Albany building as his residence](#), Times Union, June 27, 2025.

⁴ Brendan J. Lyons, [Westchester County lawyer selected US attorney for NY Northern District](#), Times Union, March 4, 2025.

also confirmed complaints had been filed about squatters in the home.⁵ Sarcone and his affiliates said they would provide pictures of the renovations, but reportedly never did.⁶

The director of Albany's Department of Buildings & Regulatory Compliance also told the Times Union that Sarcone's supposed home's residential occupancy permit expired in 2024, which he said is a code violation. The property's owner, the newspaper reported, was subsequently issued a citation for failing to register it as a vacant building.⁷

This is not the only reported instance of alleged egregious dishonesty by Sarcone. He reportedly falsely told the press that a panel of federal judges had voted to extend his interim tenure as U.S. Attorney for the Northern District of New York beyond its 120-day term.⁸ He also appears to have significantly exaggerated an incident where a man allegedly brandished a knife in his direction, even reportedly pressing for the man to be charged with attempted murder despite being told by the sheriff that the man could only be charged with menacing.⁹ The suspect was charged with attempted murder pursuant to Sarcone's wishes, but, after the Albany County District Attorney watched the surveillance video showing that those charges were not justified, the charges were reduced to second degree menacing.¹⁰

As one local attorney explained, there is a "huge difference" between these criminal charges and their penalties: "attempted murder charges you're looking at up to 25 years in prison versus a misdemeanor."¹¹ A United States Attorney who is professionally and ethically obligated to pursue only those criminal charges supported by probable cause certainly should know the difference.¹² He should also know to refrain from making prejudicial public statements about an ongoing investigation and criminal case.¹³ Yet Sarcone used his embellished account of the incident not only to push for overcharging the suspect but to drive attention to himself.¹⁴

⁵ Brendan J. Lyons, [U.S. attorney lists boarded-up Albany building as his residence](#), Times Union, June 27, 2025.

⁶ *Id.*

⁷ Brendan J. Lyons, [Interim U.S. attorney orders Times Union removed from media list](#), Times Union, July 9, 2025.

⁸ Brendan J. Lyons, [U.S. Attorney says panel voted to extend his tenure; panel says no](#), Times Union, July 11, 2025; Jeongyoon Han, [Federal judges decline to appoint Sarcone as prosecutor for Upstate New York](#), WXXI News, July 15, 2025.

⁹ Santul Nerkar, [In Rare Move, Judges Reject a Trump Pick for U.S. Attorney](#), New York Times, July 14, 2025.

¹⁰ James De La Fuente, [Video shows alleged knife attack on US attorney](#), News10, June 26, 2025.

¹¹ *Id.*

¹² Sarcone has also reportedly said he is hopeful he will be appointed to the federal judiciary, making his apparent lack of understanding of or disregard for basic criminal law all the more problematic. Brian Lee, [Interim US Attorney Speaks About Fateful Meeting With Judges, Recent Knife Attack](#), New York Law Journal, June 26, 2025.

¹³ N.Y. R.P.C. [Rule 3.8\(a\)](#), on the special responsibilities of prosecutors, states that a prosecutor "shall not institute, cause to be instituted or maintain a criminal charge when the prosecutor or other government lawyer knows or it is obvious that the charge is not supported by probable cause" (emphasis added). See also Rule 3.6 (restrictions on prejudicial extrajudicial statements).

¹⁴ Michael Dorgan et al., [Knife-wielding illegal migrant accused of threatening US Attorney on Albany, NY streets](#), Fox News, June 20, 2025; United States Attorney's Office, Northern District of New York, [United States Attorney John A. Sarcone III Attacked by a Salvadorian National with a Knife in Downtown Albany](#), Press Release, June 19, 2025. Although Sarcone's press release claimed he "likely saved lives" through his "selfless actions" in calling the local sheriff from inside a hotel lobby, the Albany Police Benevolent Association saw things quite differently, slamming Sarcone for "opting to call his friend for help" instead of calling 911, and then publicly criticizing the police's response time. The Association said Sarcone's statement about police was "not only false but appears to be

Of course, a licensed attorney and an officer of the court making misleading public statements and pressing for unwarranted criminal charges are all grounds for disciplinary action, as is filing false affidavits and making false statements to circumvent residency requirements to serve as a federal prosecutor. Sarcone should be disciplined for that misconduct if the Committee's investigation confirms the allegations, especially given the betrayal of trust reflected in any alleged attempts by Sarcone to mislead the public in order to serve in a position for which he arguably was not eligible.

But the reason the undersigned are particularly interested in this case involves Sarcone's retaliation against the journalists who exposed Sarcone's potentially false statements regarding his residency. The Times Union reported on July 9, 2025 that Sarcone directed his staff to remove the Times Union and its staff members from his U.S. Attorney's office's media distribution list following its June 27 reporting about the residency issue.¹⁵ He reportedly sent an email to all of his assistant U.S. attorneys seeking to confirm that the Times Union had been removed from the list.¹⁶

Sources close to Sarcone told the newspaper that he was "incensed" by its reporting on his potential residency violations.¹⁷ Maybe so, but it is a classic violation of the First Amendment for public officials to retaliate against media outlets that criticize or investigate them, including by removing them from press lists. It is well-established that the First Amendment "prohibits government officials from subjecting an individual to retaliatory actions for engaging in protected speech."¹⁸

Sarcone is the chief legal officer charged with enforcing federal law in a district that covers over 30,000 square miles and is home to 3.4 million people.¹⁹ And yet he either does not know or does not care about the "practically universal agreement that a major purpose of [the First]

an intentional misrepresentation of the facts for unknown reasons," adding that it is "truly appalling that a sitting U.S. Attorney would fail to use a system that provides the absolute fastest police response, especially under circumstances where he claims someone could have been seriously injured or killed. His failure to do so unnecessarily risked harm to innocent civilians." Jana DeCamilla, [Albany Police Benevolent Association responds to Attorney Sarcone's claims of lax patrols](#), Channel 6 News, June 24, 2025. See also Michael Mashburn, [Cops, US Attorney Clash Over Albany Knife Attack Response](#), Daily Voice, June 24, 2025.

¹⁵ Brendan J. Lyons, [Interim U.S. attorney orders Times Union removed from media list](#), Times Union, July 9, 2025.

¹⁶ *Id.*

¹⁷ *Id.*

¹⁸ *Nieves v. Bartlett*, 587 U.S. 391, 398 (2019). See also *Knight First Amendment Institute v. Trump*, 928 F.3d 226 (2nd Cir. 2019) (unconstitutional retaliation for president to block critics on social media); *Stevens v. N.Y. Racing Ass'n, Inc.*, 665 F. Supp. 164, 175 (E.D.N.Y. 1987) ("the first amendment prohibits government from restricting a journalist's access to areas otherwise open to the press based upon the content of the journalist's publications"). *Karem v. Trump*, 404 F. Supp. 3d 203, 218 (D.D.C. 2019), *aff'd*, 960 F.3d at 667-68; Hr'g Tr., *CNN v. Trump*, No. 18-cv-2610-TJK, 2018 WL 9436958 (D.D.C. Nov. 16, 2018) (enjoining Trump' administration's revocations of White House press passes); *CNN v. ABC*, 518 F. Supp. 1238, 1240-41 (N.D. Ga. 1981) (Reagan administration's denials of press pool access).

¹⁹ United States Attorney's Office, Northern District of New York, [About the District](#) (last accessed Aug. 4, 2025).

Amendment was to protect the free discussion of governmental affairs" and that the government may not punish that core constitutional function through content-based discrimination.²⁰

The New York Rules of Professional Conduct explain that "Lawyers holding public office assume legal responsibilities going beyond those of other citizens. A lawyer's abuse of public office can suggest an inability to fulfill the professional role of lawyers."²¹ Sarcone's reported alleged dishonesty with respect to his personal affairs alone warrants investigation and discipline if the allegations are confirmed, but his disregard for the First Amendment has far greater impact on the residents of his district. Like all Americans, they are entitled to hear and read criticism of local officials from a free press unrestrained by the threat of unconstitutional retaliation from government officials who should know better. We are also gravely concerned that allowing enormously powerful prosecutors to punish protected criticisms with impunity will ultimately intimidate those New York residents into silence.

Rules of Professional Conduct that may have been violated:

- **Rule 1.1** requires lawyers to provide competent representation. A lawyer with such little regard for the law and the U.S. Constitution that they would sign a false affidavit and retaliate against a news outlet that fulfilled its constitutional role by reporting it cannot be expected to provide competent representation. Sarcone's reported inability or refusal to distinguish menacing from attempted murder also does not bode well for his competence.
- **Rule 3.6** provides that a lawyer shall not make statements likely to cause material prejudice in a matter in which the lawyer is involved. Sarcone, at the time of his statements about his residency, sought an extension of his term as interim U.S. Attorney. His alleged false statements may have been intended to conceal his ineligibility for such positions and his retaliation against the press may have been intended to silence further reporting that might bring it to the attention of the panel of federal judges who would decide whether to extend his interim tenure. His public statements exaggerating the severity of the alleged knife attack may also violate Rule 3.6.
- **Rule 8.4(c)** prohibits attorneys from engaging in conduct involving dishonesty, fraud, deceit or misrepresentation. Sarcone's alleged dishonesty regarding his residency, particularly if he indeed filed a false affidavit, obviously violates this Rule if confirmed. So would his retaliation against journalists who investigate him, in furtherance of maintaining the alleged dishonesty and which would have the effect of preventing the public from learning the truth about his conduct as a public figure. His statements regarding the knife incident (as well as his public criticism of the police response despite reportedly having not called 911) may also constitute dishonesty.

²⁰ *Miami Herald Publ'g Co. v. Tornillo*, 418 U.S. 241, 257 (1974). See also *National Rifle Association of America v. Vullo*, 602 U.S. 175 (2024); *Reed v. Town of Gilbert*, 576 U.S. 155, 165 (2015); *Ashcroft v. ACLU*, 542 U.S. 656, 670-73 (2004).

²¹ N.Y. R.P.C. [Rule 8.4, Comment 5](#).

- **Rule 8.4(d)** prohibits conduct prejudicial to the administration of justice. Again, it goes without saying that reportedly lying about compliance with federal law is prejudicial to the administration of justice, but so is intentionally chilling the reporting of journalists who otherwise might reveal prosecutable offenses, like perjury by public officials. Reportedly pressing for unwarranted attempted murder charges patently unsupported by the facts as proven on video adds to the pattern of violations.

We respectfully request that the Committee open an investigation to determine whether Sarcone's conduct described above violates the Rules of Professional Conduct, and impose appropriate sanctions. Given the importance of Sarcone's role as U.S. Attorney, and the level of competence and integrity that the public is entitled to expect from someone in that position, complainants believe suspension or disbarment would be appropriate.

Please contact us if you require additional information.

Sincerely,

Demand Progress Education Fund
Freedom of the Press Foundation
Reinvent Albany