

September 14, 2018

Attorney Grievance Committee
State of New York
Supreme Court Appellate Division
First Judicial Department
61 Broadway-2nd Floor
New York, New York 10006

Ref: Matter of Norman Williams, Esq.
Docket No. 2018.0583

Please note the following:

01. Mr. Norman Williams permitted the prosecution proceed to trial without defendant committed any crime, without the court obtained subject matter jurisdiction, Mr. Williams failed to review the statutory definition of the offenses charges, that are missing most of the elements of the statute of the offense kidnapping in the first degree (1) count three of the alleged indictment and counts four and five Unlawfull imprisonment in the first degree, and not constitute a crime and not meet the Constitutional requirement CPL § 70.10, (See Exhibit A) [Accusatory instrument]. Showing that defendant did not committed any crime.

02. Also the court lacking personal jurisdiction on June 13, 2002. The prosecution presented the case to the grand jury without court authorization and unauthorized presentment have to remain sealed that alleged indictment was never sealed that's why a warrant of arrest was never issued against defendant. (See Exhibit B) [Correspondence from court]. The court can not proceed against defendant on June 13, 2002 when that alleged indictment was allegedly filed, without a sealed indictment since defendant was arrested on May 30, 2013, 11 years after that alleged indictment was allegedly filed. The grand jury never vote to indict to the defendant that's why the indictment was never sealed because the accusatory instrument was insufficient CPL § 70.10 to issued a warrant of arrest CPL § 120.20 that's why that alleged indictment do not contain the grand jury foreman signature in violation of CPL § 200.50 (8). Mr. Williams did anything to dismiss that insufficient indictment even though the Voluntary Disclosure Form stated no acts, no facts, no crime.

(See Exhibit A) [Accusatory instrument last page for the Date the accusatory instrument was allegedly filed] and (Exhibit C) [The Voluntary Disclosure Form for arrest Date] to show that not crime was committed.

03. Also Mr. Williams permitted that defendant Due Process were violated defendant was extradited from North Carolina without defendant committed any crime, without New York Governor Cuomo warrant of extradition. (See Exhibit D) [North Carolina warrant and extradition Date.

04. Even though the trial was illegal an unconstitutional Mr. Williams not even tried to reduce the indictment counts, defendant went to trial with nine charges without any evidence, The facts alleged by the prosecution do not constitute a crime, and the prosecution theory are and were out of context and was not proven, the prosecution's key witness Wilson Ganzalez totally contradicted prosecution's theory and Mr. Williams failed to make a good motion trial order dismiss (See Exhibit E) [Trial transcript pages 236,237,239 and 431-433] Showing that element number five wasn't proven, and Mr. Williams failed to preserve that the verdict was repugnant.

05. Also Judge and prosecution usurped the position and power of the grand jury when judge instructed on the prosecution's theory a theory that was not placed in alleged indictment, and Mr. Williams did not objected to prevent all these miscarry of justice. (See Exhibit A) [Accusatory instrument counts 3,4 and 5] and (Exhibit E) [Trial transcript pages 431-436 for the prosecution's theory].

06. In the independent source hearing the case should be ended since that hearing require that, the witness and the accused to know each others before the incident and that a third person to take the stand for the confirmation that the witness and the accused know each others. Angelly Ortiz was lying under oath, and Mr. Williams failed to call Wilson Gonzalez to take the stand since Angelly Ortiz testified that Wilson Gonzalez introduced defendant to her, Wilson Gonzalez would testified as he did in trial that, never introduced defendant to Angelly Ortiz. (See Exhibit E) [Trial transcript pages 61 and 238]. And Mr. Williams did not cross-examine Angelly Ortiz to prove that she was lying under oath even though he know that she was lying.

07. Defendant was illegally arrested and extradited on May 30, 2013 and the people failed to bring defendant to court during the law of 24 hours, in violation of CPL § 120.90, right to prompt arraignment, because the court doesn't has any documents to show that defendant was formally accused in court, then defendant was arraigned for the first time, four days later on June 3, 2013 and anyways on that date, as well the court could not produce any documents no felony complaint in court, no grand jury sealed indictment in court, and there was no hold, no warrant of arrest against defendant, and judge Bruce Allen stated that, I'd like to find out what's going on with this case, because any documents in court. (See Exhibit B) [Correspondence from the court] and (Exhibit F) [June 03, 2013 arraignment transcript] Mr. was lying when he stated that he gave the documents to my family, because most of the documents that I requested from him do not exist in court as you can see in Exhibit B Correspondence from the court.

08. Mr. Williams never give it to me or my family the jury note or the exhibit with the jury note that defendant request, at page 449, because when the jury requested to reiterate the instruction on kidnapping in the first degree (1) CPL § 135.25 (1) count three of the alleged indictment when the judge heard that kidnapping in the first degree (1) wasn't proven, the judge changed the meaning and context of the jury note, judge instructed on kidnapping in the second degree without objection, even though judge and Mr. Williams know that kidnapping in the second degree is not an underline crime of felony murder (3) because the assistant District Attorney Mr. Drucker tell them, Mr. Drucker stated, one legal point on your charge the first count is kidnapping in the first degree to prove the felony murder and judge stated that she know, as well Mr. Williams know too, that the charge to the jury was wrong, and all of them know that the underline crime of felony murder must be in another separate count on the indictment, and the only kidnapping charge of the alleged indictment, is kidnapping in the first degree (1) count three of the alleged indictment CPL § 135.25 (1). the charge to the jury was wrong and Mr. Williams did anything to prevent all these miscarry of justice. (See Exhibit E) [Trial transcript pages 408,409,431-433 and 449-451].

09. Defendant was arrested illegally upon a fake warrant of arrest that warrant was issued out of the jurisdiction of the court, that warrant was illegally issued in the District Attorney's office. (See Exhibit G) [Correspondence from the court]. Flora Duffy committed a crime she usurped the position as a justice judge of the Supreme Court (See Exhibit H) [warrant of arrest signed by Flora Duffy who was not a judge]. Flora Duffy illegally signed the warrant of arrest without a judge authorization, without being neutral, without probable cause CPL § 70.10, without any capacity to issued a warrant of arrest. Flora Duffy was not a judge she only was an associate court clerk in 2002. (See Exhibit I) [Correspondence from the Chief Administrative judge office]. The accusatory instrument is insufficient to issued a warrant of arrest CPL § 120.20 and Mr. Williams did anything to release the defendant, even though defendant has a right to immediate release base on 2018 update law reviewed by Honorable judge Robert G. Bogle § 120:4.

I trust the information provided herein may assist you in evaluating the ineffective legal representation I endured from Mr. Williams during my illegal and unconstitutional trial, is clear a violation of the public trust, is clear that Mr. Williams participate in a fix trial, please check Those videos on youtube that my family have made under titles. Court Corruption in Manhattan New York. and the other An innocent man in New York Jail. But if my family have to stand before the court claiming that justice to be properly served they don't going to stop untill then.

Respectfully

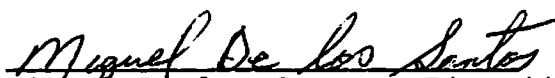

Miguel De los Santos, Din: 14A5516
Shawangunk Correctional Facility
200 Quick Road
P.O. Box 700
Wallkill, New York 12589

EXHIBIT A

CITY OF NEW YORK
COUNTY OF NEW YORK
CRIMINAL TERM: SPECIAL NARCOTICS PARTS
THE PEOPLE OF THE STATE OF NEW YORK

-against-

[REDACTED]
a/k/a CACHIE,
RAFAEL DE LOS SANTOS,
JUAN PILNE a/k/a PUNALADA,
and
ELLERMAN VALVERDE,

Defendants.

THE GRAND JURY OF THE SPECIAL NARCOTICS COURTS OF THE CITY
OF NEW YORK, by this indictment, accuses the defendants [REDACTED]

[REDACTED], RAFAEL DE LOS SANTOS,
JUAN PILNE a/k/a PUNALADA and ELLERMAN VALVERDE of the crime of
MURDER IN THE SECOND DEGREE, P.L. §125.25(3), committed as
follows:

The defendants, in the County of New York, City of New
York, on or about October 8, 1999, engaged in the attempted
commission and commission of the crime of burglary, and, in the
course of such crime, and in furtherance thereof, and of the
immediate flight therefrom, a participant in the crime caused
the death of Manuel Gonzalez, not a participant in the crime.

SECOND COUNT

AND THE GRAND JURY AFORESAID, by this indictment, accuses
the defendants [REDACTED]

VALVERDE of the crime of MURDER IN THE SECOND DEGREE, P.L.
§125.25(3), committed as follows:

The defendants, in the County of New York, City of New York, on or about October 8, 1999, engaged in the attempted commission and commission of the crime of kidnapping, and, in the course of such crime, and in furtherance thereof, and of the immediate flight therefrom, a participant in the crime caused the death of Manuel Gonzalez, not a participant in the crime.

THIRD COUNT

AND THE GRAND JURY AFORESAID, by this indictment, accuses the defendants ~~_____~~

RAFAEL DE LOS SANTOS, JUAN PILNE a/k/a PUNALADA and ELLERMAN VALVERDE of the crime of KIDNAPPING IN THE FIRST DEGREE, P.L. §135.25(1) in that:

The defendants, in the County of New York, City of New York, on or about October 8, 1999, abducted Manuel Gonzalez with the intent to compel a third person to engage in particular conduct.

FOURTH COUNT

AND THE GRAND JURY AFORESAID, by this indictment, further accuses the defendants ~~_____~~

~~_____~~ RAFAEL DE LOS SANTOS, JUAN PILNE a/k/a PUNALADA and

FIRST DEGREE, P.L. §135.10, committed as follows:

Said defendants, in the County of New York, City of New York, on or about October 8, 1999, restrained Angelly Ortiz under circumstances which exposed the latter to a risk of serious physical injury.

FIFTH COUNT

AND THE GRAND JURY AFORESAID, by this indictment, further accuses the defendants [REDACTED]

[REDACTED], RAFAEL DE LOS SANTOS, JUAN PILNE a/k/a PUNALADA and ELLERMAN VALVERDE of the crime of UNLAWFUL IMPRISONMENT IN THE FIRST DEGREE, P.L. §135.10, committed as follows:

Said defendants, in the County of New York, City of New York, on or about October 8, 1999, restrained Carlos Ortiz under circumstances which exposed the latter to a risk of serious physical injury.

SIXTH COUNT

AND THE GRAND JURY AFORESAID, by this indictment, further accuses the defendants [REDACTED]

[REDACTED], RAFAEL DE LOS SANTOS, JUAN PILNE a/k/a PUNALADA and ELLERMAN VALVERDE of the crime of BURGLARY IN THE FIRST DEGREE, P.L. §140.30(1), an armed felony, committed as follows:

Said defendants, in the County of New York, City of New York, on or about October 8, 1999, knowingly entered or remained

unlawfully
145th Street, New York, New York, with intent to commit a crime therein, and when effecting entry and while in the dwelling and in immediate flight therefrom, while in the building, a participant in the crime was armed with a deadly weapon, to wit, a pistol.

SEVENTH COUNT

AND THE GRAND JURY AFORESAID, by this indictment, further accuses the defendant [REDACTED]

[REDACTED] of the crime of CRIMINAL SALE OF A CONTROLLED SUBSTANCE IN THE FIRST DEGREE, P.L. §220.43(1), committed as follows:

Said defendant, in the City of New York, on or about September 20, 1999, knowingly and unlawfully sold to Wilson Gonzalez and J.D. Rafael, one or more preparations, compounds, mixtures or substances containing a narcotic drug, to wit, cocaine, and the preparations, compounds, mixtures or substances were of an aggregate weight of two ounces or more.

EIGHTH COUNT

AND THE GRAND JURY AFORESAID, by this indictment, accuses the defendants [REDACTED],

RAFAEL DE LOS SANTOS, JUAN PILNE a/k/a PUNALADA and ELLERMAN VALVERDE of the crime of CONSPIRACY IN THE SECOND DEGREE, P.L. §105.15, committed as follows:

The defendants, in the Counties of New York, Queens, Kings,

1999 to on or about October 8, 1999, with intent that conduct constituting the crimes of CRIMINAL SALE and POSSESSION OF A CONTROLLED SUBSTANCE IN THE FIRST DEGREE, said crimes being class A felonies, be performed, did knowingly and intentionally agree with each other and others, including J.D. Chacal, to engage in and cause the performance of such conduct as would constitute the above-mentioned class A felonies.

PREAMBLE

It was part of the conspiracy for [REDACTED] to direct the activities of a narcotics-trafficking organization operating in the New York City metropolitan area (the "DE LOS SANTOS Organization").

It was also part of the conspiracy for the DE LOS SANTOS Organization to receive and distribute kilograms of cocaine, and to collect, store, transmit, deliver and transport proceeds generated from such distribution or narcotics.

It was also part of the conspiracy for [REDACTED] to obtain kilograms of cocaine and give them to RAFAEL DE LOS SANTOS, who in turn would remit the proceeds of the sale of the kilograms of cocaine to MIGUEL DE LOS SANTOS.

It was also part of the conspiracy for RAFAEL DE LOS SANTOS to give amounts of cocaine to ELLERMAN VALVERDE, JUAN PILNE a/k/a PUNALADA, and others, including J.D. Chacal, to sell to customers.

DE LOS

SANTOS, ELLERMAN VALVERDE, and JUAN PILNE a/k/a PUNALADA to assist [REDACTED] in the collection of narcotics debts.

OVERT ACTS

In furtherance of said conspiracy, and to achieve the objects thereof, the following overt acts, among others, were committed:

1. On or about September 20, 1999, [REDACTED] [REDACTED], drove to a grocery in Kings County to meet Wilson Gonzalez and J.D. Rafael.
2. On or about September 20, 1999, [REDACTED] [REDACTED] negotiated the sale of five kilograms of cocaine to Wilson Gonzalez and J.D. Rafael.
3. On or about September 20, 1999, in the City of New York, [REDACTED] [REDACTED] delivered five kilograms of cocaine to Wilson Gonzalez.
4. On or about October 1, 1999, [REDACTED] [REDACTED] telephoned Wilson Gonzalez's brother in order to locate Wilson Gonzalez.
5. On or about October 5, 1999, [REDACTED] [REDACTED] asked RAFAEL DE LOS SANTOS to assist him in finding Wilson Gonzalez in order to collect payment for five

6. On or about October 6, 1999, [REDACTED] [REDACTED] went to 478 W. 145th Street, New York, New York, to meet Manuel Gonzalez.

7. On or about October 6, 1999, [REDACTED] [REDACTED] asked Manuel Gonzalez if he knew the whereabouts of Wilson Gonzalez.

8. On or about October 7, 1999, [REDACTED] [REDACTED] DE LOS SANTOS, JUAN PILNE a/k/a PUNALADA, ELLERMAN VALVERDE, and J.D. Chacal met at an apartment at 514 West 135th Street, basement apartment.

9. On or about October 7, 1999, [REDACTED] [REDACTED], RAFAEL DE LOS SANTOS, JUAN PILNE a/k/a PUNALADA, ELLERMAN VALVERDE, and J.D. Chacal agreed to abduct Manuel Gonzalez.

10. On or about October 7, 1999, [REDACTED] [REDACTED], RAFAEL DE LOS SANTOS, JUAN PILNE a/k/a PUNALADA, ELLERMAN VALVERDE, and J.D. Chacal went to 478 W. 145th Street.

NINTH COUNT

AND THE GRAND JURY AFORESAID, by this indictment, accuses the defendants [REDACTED] RAFAEL DE LOS SANTOS, JUAN PILNE a/k/a PUNALADA and ELLERMAN VALVERDE of the crime of CONSPIRACY IN THE SECOND DEGREE, P.L. §105.15, committed as follows:

from on or about October 7, 1999 to on or about October 8, 1999, with intent that conduct constituting the crimes of KIDNAPPING IN THE FIRST DEGREE, said crime being a class A felony, be performed, did knowingly and intentionally agree with each other and others, including J.D. Chacal, to engage in and cause the performance of such conduct as would constitute the above-mentioned class A felony.

OVERT ACTS

In furtherance of said conspiracy, and to achieve the objects thereof, the following overt acts, among others, were committed:

1. On or about October 7, 1999, [REDACTED] a [REDACTED] RAFAEL DE LOS SANTOS, JUAN PILNE a/k/a PUNALADA, ELLERMAN VALVERDE, and J.D. Chacal discussed the logistics surrounding the abduction of Manuel Gonzalez.

2. On or about October 7, 1999, [REDACTED] a [REDACTED] RAFAEL DE LOS SANTOS, JUAN PILNE a/k/a PUNALADA, ELLERMAN VALVERDE, and J.D. Chacal went to 478 W. 145th Street.

3. On or about October 7, 1999, [REDACTED] a [REDACTED], entered apartment 33 inside 478 W. 145th Street, New York County.

4. On or about October 7, 1999, RAFAEL DE LOS SANTOS, entered apartment 33 inside 478 W. 145th Street.

5. On or about October 7, 1999, JUAN PILNE a/k/a PUNALADA

6. On or about October 7, 1999, ELLERMAN VALVERDE entered apartment 33 inside 478 W. 145th Street.
7. On or about October 7, 1999, J.D. Chacal entered apartment 33 inside 478 W. 145th Street.
8. On or about October 8, 1999, [REDACTED] a [REDACTED], RAFAEL DE LOS SANTOS, JUAN PILNE a/k/a PUNALADA, ELLERMAN VALVERDE, and J.D. Chacal directed Manuel Gonzalez to make telephone calls to locate Wilson Gonzalez.
9. On or about October 8, 1999, [REDACTED] a [REDACTED], RAFAEL DE LOS SANTOS, JUAN PILNE a/k/a PUNALADA, ELLERMAN VALVERDE, and J.D. Chacal directed Manuel Gonzalez to dress in order to leave the apartment with them.
10. On or about October 8, 1999, J.D. Chacal struck Manuel Gonzalez in the face.

BRIDGET G. BRENNAN
Special Assistant District Attorney

3444-02

Counsel FEDERAL NARCOTICS GRAND JURY
DATE SIGNED - FILED JUN 13 2002
PART 70

PM-1 #10
No. N/A

Filed day of , 2002

Pleads

Adjourn Date
THE PEOPLE OF THE STATE OF NEW YORK

-against-

Bail

[REDACTED]
[REDACTED],² RAFAEL DE LOS SANTOS, ³ JUAN PILNE
a/k/a PUNALADA and ⁴ ELLERMAN VALVERDE,

Defendants.

INDICTMENT

- MURDER IN THE SECOND DEGREE (2 counts)
- KIDNAPPING IN THE FIRST DEGREE
- UNLAWFUL IMPRISONMENT IN THE FIRST DEGREE
(2 counts)
- BURGLARY IN THE FIRST DEGREE (armed
felony)
- CONSPIRACY IN THE SECOND DEGREE (2 counts)
- CRIMINAL SALE OF A CONTROLLED SUBSTANCE IN
THE FIRST DEGREE (1 COUNT
MIGUEL DE LOS SANTOS)

ADA SCHELLHAMMER/PART SIB
15/02

P.L. \$125.25(3), P.L. \$135.25(1), P.L.
\$135.10, P.L. \$140.30(1), P.L. \$105.15,
P.L. \$220.43(1)

BRIDGET G. BRENNAN
Special Assistant District Attorney

A TRUE BILL

EXHIBIT B

Supreme Court
of the
State of New York



100 CENTRE STREET
New York, N.Y. 10013

Mr. Miguel de los Santos 14A5516
Auburn Correctional Facility
P.O. Box 618
Auburn, New York 13024

October 6, 2017

Re: Court Documents
Ind.# 03444-2002

Dear Mr. De los Santos:

I strongly suggest that you seek legal advise at the facility where you are housed so that if I have not been clear with you, they can better answer your questions. I have tried several times to explain to you and your family members that there is only one file in existence related to your case. Your family members already copied **ALL** the public documents in that file. I have also many times explained to you and your family that your case was not heard in Criminal Court. Your case started directly in Supreme Court. **There are no Criminal Court papers.** In your latest letter you refer to the "sealing" of your indictment. **Your Indictment is not sealed.** As far as different copies of the Indictment: we did not provide you with copies, your family members made the copies themselves. There is only one Indictment. **We have no other documents to provide you with.**

Respectfully yours,

A handwritten signature in black ink that reads "F. Parra".

Fernando Parra, SCC
Court Action Processing Unit
Supreme Court, Criminal Term

Encl.

EXHIBIT C

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK: PART 45

THE PEOPLE OF THE STATE OF NEW YORK

-against-

MIGUEL DELLOSSANTOS,

Defendant.

PEOPLE'S
VOLUNTARY
DISCLOSURE FORM

Ind. No. 3334/2002

The People of the State of New York hereby voluntarily disclose to the defendant the following factual information pertaining to the above-captioned case:

A. BILL OF PARTICULARS

1. OCCURRENCE

Date: October 8, 1999
App. Time: 12:25 am
Place: 478 West 145th St., Apt 33

2. ARREST

Date: May 30, 2013
App. Time:
Place: 30th pct

B. NOTICES

1. STATEMENTS

If checked, notice is hereby served, pursuant to CPL §710.30(1)(a), that the People intend to offer at trial evidence of a statement made by defendant to a public servant. (Where a statement has been recorded on video, counsel should contact the assigned assistant district attorney to arrange a mutually convenient time for viewing the recording or should provide a blank DVD for copying.)

Statement Number: 1
Date: May 30, 2013
Approximate Time:
Location: Laguardia Airport
Individual Made To: Det Hall and Det Morales

Substance of Statement

At Laguardia airport, after having been transported from North Carolina, defendant said, in substance, that in the past he had been thinking of turning himself in, but his friends talked him out of it. He said he was relieved, that now he could sleep at night, and that he could now use his true name. He also asked if he would be allowed to put his son Christian's name on his list of prison visitors, that he wanted to start relations with him.

2. IDENTIFICATION

If checked, notice is hereby served, pursuant to CPL §710.30(1)(b), that the People intend to offer at trial testimony regarding an observation of defendant either at the time or place of the commission of the offense or upon some other occasion relevant to the indictment, to be given by a witness who has previously identified defendant.

Identification Number: 1
Type of ID: photo array
Date: October 12, 1999
Approximate Time:
Location: 30th pct
Number of Identifying Witnesses: 1

Although section 710.30(1)(b) notice has been given above, the People submit that the 'identification' was confirmatory and therefore a *Wade* hearing should be unnecessary.

Identification Number: 2
Type of ID: photo array
Date: March 29, 2002
Approximate Time:
Location: 80 Centre St.
Number of Identifying Witnesses: 1

Although section 710.30(1)(b) notice has been given above, the People submit that the 'identification' was confirmatory and therefore a *Wade* hearing should be unnecessary.

Identification Number: 3
Type of ID: photo array
Date: May 30, 2002
Approximate Time:
Location: 80 Centre St.
Number of Identifying Witnesses: 1

Although section 710.30(1)(b) notice has been given above, the People submit that the 'identification' was confirmatory and therefore a *Wade* hearing should be unnecessary.

C. DISCOVERY

1. ADDITIONAL STATEMENTS

If checked, the People hereby disclose written, oral or recorded statements of a defendant or of a co-defendant to be jointly tried, made, other than in the course of the criminal transaction, to a public servant engaged in law enforcement activity or to a person then acting under his direction or in cooperation with him, and which statements are not given in section B(1) above. CPL §240.20(1)(a).

2. GRAND JURY TESTIMONY

If checked, defendant or a co-defendant to be tried jointly testified before the Grand Jury relating to this criminal action. CPL §240.20(1)(b). *Such testimony is available upon payment of a stenographic fee.*

3. SCIENTIFIC AND MEDICAL REPORTS

If checked, the People hereby disclose written reports or documents or portions thereof, concerning a physical or mental examination or scientific test or experiment, relating to this criminal action, which were made by, or at the request or direction of a public servant engaged in law enforcement, or by a person whom the People intend to call as a witness of a trial, or which the People intend to introduce at trial. CPL §240.20(1)(c).

| | Already Served | Attached | Will Be Provided |
|-------------------|--------------------------|--------------------------|-------------------------------------|
| Autopsy | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| Ballistic reports | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

4. PHOTOGRAPHS AND DRAWINGS

If checked, there exist photographs or drawings relating to this criminal action which were made or completed by a public servant engaged in law enforcement, or which were made by a person whom the People intend to call as a witness at trial, or which the People intend to introduce at trial. CPL §240.20(1)(d). *(Counsel should contact the assigned assistant district attorney to arrange a mutually convenient time to examine this material.)*

5. INSPECTION OF PROPERTY

If checked, there exist photographs, photocopies or other reproductions made by or at the direction of a police officer, peace officer or prosecutor of property prior to its release pursuant to the provisions of Penal Law Section 450.10, irrespective of whether the People intend to introduce at trial the property or the photograph, photocopy or other reproduction. CPL §240.20(1)(e). *(Counsel should contact the assigned assistant district attorney to arrange a mutually convenient time to examine this property.)*

6.

OTHER PROPERTY

If checked, there exist other property obtained from the defendant, or a co-defendant to be tried jointly, CPL §240.20(1)(f), or from another source. *(Counsel should contact the assigned assistant district attorney to arrange a mutually convenient time to examine this property.)*

7.

TAPES AND ELECTRONIC RECORDINGS

If checked, there exist tapes or other electronic recordings which the People intend to introduce at trial, irrespective of whether any such recording was made during the course of the criminal transaction. CPL §240.20(1)(g). *(Counsel should contact the assigned assistant district attorney to arrange a mutually convenient time to listen to the tapes or provide a blank tape for copying.)*

8.

BRADY MATERIAL

If checked, there is material appended which the People are required to turn over pursuant to the United States or the New York State Constitution. The People are aware of their continuing obligation to disclose material exculpatory information to defendant and intend to satisfy that obligation as required by law. CPL §240.20(1)(h).

9.

COMPUTER OFFENSES

If checked, discovery is hereby served pursuant to CPL §240.20(1)(j) of the time, place and manner of notice given pursuant to Penal Law §156.00(6), which governs offenses for Unauthorized Use of a Computer (Penal Law §156.05) and Computer Trespass (Penal Law §156.10).

10.

VEHICLE AND TRAFFIC LAW OFFENSES

If checked, the People hereby disclose written reports or documents or portions thereof, concerning a physical examination, a scientific test or experiment, including the most recent record of inspection, or calibration or repair of machines or instruments utilized to perform such scientific tests or experiments and the certification certificate, if any, held by the operator of the machine or instrument, which tests or examinations were made by or at the request or direction of a public servant engaged in law enforcement activity, or which was made by a person whom the People intend to call as a witness at trial, or which the People intend to introduce at trial. CPL §240.20(1)(k).

11.

SEARCH WARRANTS

If checked, a search warrant was executed during the investigation of this case.

D. DEMAND FOR NOTICE OF ALIBI

Pursuant to CPL §250.20, the People hereby demand that defendant supply the District Attorney with (a) the place or places where the defendant claims to have been at the time of the commission of the crime(s) and (b) the names, residential addresses, places of employment and addresses thereof of every alibi witness upon whom defendant intends to rely to establish his presence elsewhere than at the scene of the crime at the time of its commission, and of every witness in support of such defense. Within a reasonable time after the receipt of the information specified above, the District Attorney will submit a list of any rebuttal witnesses, their addresses, and employers.

E. RECIPROCAL DISCOVERY

Pursuant to CPL §240.30(1), the People hereby demand that defendant supply the District Attorney with (a) any written report or document, or portion thereof, concerning a physical or mental examination, or scientific test, experiment, or comparisons, made by or at the request or direction of the defendant, if the defendant intends to introduce such report or document at trial, or if defendant has filed a notice of intent to proffer psychiatric evidence and such report or document which relates thereto or if such report or document was made by a person other than defendant, whom defendant intends to call as a witness at trial; and (b) any photograph, drawing, tape, or other electronic recording which the defendant intends to introduce at trial.

NOTE: Any defense motion or request addressed to the above-captioned case should be directed to the attention of the assistant district attorney named below, who is assigned to this case.

Dated: New York, New York
June 26, 2013

David Drucker
Assistant District Attorney
(212) 335-9224

EXHIBIT D

910 WAKE
DISPOSED
WARRANT

ICA INQUIRY 01 13CR 208560 FILM:
R S DOB/AGE CR FILING DATE: 041413
H M 11101957 DL#:

DELOSSANTOS, MIGUEL * CIT#: TRIAL DATE: 051513
LAKE WOODARD DR CSLR: CSLRC: AM
RALEIGH NC 27604 DEF ATTK: STROMBOTNE, ALEXIS TYP: P VRA:
CHG/ARRN OFFN: F EXTRADITION/FUGITIVE OTH STATE 15A-727;733;734
COMPLAINANT: MARK, R CPD ISSUED: 041413 SERVED: 041413
OFFN DATE: 041413 ARRN DATE: MOTIONS DATE: DISP DATE: 051513
CONT. D: 00 S: 00 C: 00 NR: 00 INT?: FRM: RSONCO: GANG REL: DV CV: N

| PLEA | VER | MOD | FINE | COSTS | WCC | REST | JUDGE | PAID | TO-BE-PAID |
|------|-----|-----|------|-------|-----|------|-------|------|------------|
| | WE | \$ | \$ | \$ | \$ | | MB | | |

CONV OFFN: CAB:
SENT LEN: - SENT TYPE: CONS F/JGMT:
PROB: WITHDRAWN: APPEALED TO SUPERIOR:
AREA CD: ACCD: HWY: V LIC: TRANS TO SUPERIOR:
CDL: N CMV: N HAZ: N TRP/DIST: V ST: V TYP: APPELLATE:
PER JAIL DEF PICKUP BY NEW YORK ON 053013

ARREST DATE: 041413 CHECK DIGIT: 7697HLA SID: NC0703417A LID:
NEXT#: PF2 - NAME INQUIRY ADDL CHARGES:

File No. 13CR 208560

**WARRANT FOR ARREST
FOR FUGITIVE**

Crime(s) In Demanding State
MURDER

Date Of Offense
04/14/2013

Name Of Demanding State And County Of Offense
NEW YORK NEW YORK

Name And Address Of Defendant
**THE STATE OF NORTH CAROLINA VS.
MIGUEL DELOSSANTOS**

LAKE WOODARD DR

RALEIGH NC 27604

WAKE COUNTY

| | | | |
|----------------------------|-----------------|--|------------|
| <i>Race</i> W | <i>Sex</i> M | <i>Date Of Birth</i> 11/10/1957 | <i>Age</i> |
| <i>Social Security No.</i> | | <i>Drivers License No. & State</i> | |

Name Of Defendant's Employer

| | |
|--------------------------------|-------------------------------------|
| <i>Offense Code(s)</i> 9901 | <i>Arrest Under G.S.</i> 15A-733 |
|--------------------------------|-------------------------------------|

Date Of Arrest & Check Digit No. (As Shown On Fingerprint Card)

Arresting Officer (Name, Department, Phone No.)
RE MARK

RALEIGH POLICE DEPARTMENT

6716 SIX FORKS ROAD

RALEIGH NC 27615

Date Issued
04/14/2013

STATE OF NORTH CAROLINA
WAKE County

In The General Court Of Justice
District Court Division

To any officer with authority and jurisdiction to execute a warrant for arrest:

I, the undersigned, find that there is probable cause to believe that on or about the date of offense shown and in the demanding state and county named above the crime named above was committed and the defendant named above is now in the State of North Carolina and

- has been charged with the commission of that crime and has fled from justice.
- has been convicted of that crime and has escaped from confinement.
- has broken the terms of his/her bail, probation and parole.

This Warrant is issued pursuant to Section 15A-733 of the North Carolina General Statutes upon information furnished under oath by the complainant listed. You are DIRECTED to arrest the defendant and bring the defendant before a judicial official without unnecessary delay, to answer the charge above.

Signature

M P SMITH

- Magistrate
- Superior Court Judge
- District Court Judge

Location Of Court

Wake County Courthouse: 004D
316 FAYETTEVILLE STREET
RALEIGH, NC 27601

Court Date
04/15/2013

Court Time
09:00 AM PM

EXHIBIT E

1 THE COURT: Anything?

2 MR. WILLIAMS: No.

3 THE COURT: Okay. You're excused, ma'am.

4 (Witness is excused).

5 THE COURT: All right.

6 MR. DRUCKER: You want argument now, your Honor?

7 THE COURT: Yes.

8 MR. DRUCKER: We argue that there is truly an
9 independent source for the Court to allow the witness to
10 identify the defendant in court untainted by the photo
11 arrays she was shown.

12 Again, I know it is very difficult for the Court since
13 you were not there for the Wade hearing and what I will say
14 about it will not be contested and the minutes are
15 available if the Court--

16 THE COURT: I looked at them.

17 MR. DRUCKER: Okay. Great. Initially, the witness knew
18 the defendant prior to the incident. She saw him for an
19 extended time during the incident. She clearly knew of the
20 people during the crime which one was Pedro and in terms of
21 how much she was tainted by the photo arrays she viewed
22 photographs, the lineups from many years ago, and I think
23 it is common sense that she remembers today the incident
24 where her husband was killed over an extended period of
25 time, not one or two, among many photos, she was shown 12,

1 after.

2 Q. Before or after you went to the police?

3 A. That's what I don't remember.

4 Q. And did you speak to the police detectives in
5 Manhattan?

6 A. They went to get me in Connecticut.

7 Q. And did they tell you about what happened to Manuel,
8 your cousin Manuel?

9 A. Yes.

10 Q. And at any time before you went to the police were you
11 aware of the defendant trying to contact you either directly or
12 through people in your family?

13 MR. WILLIAMS: Objection. Asked and answered already,
14 your Honor.

15 THE COURT: I will allow it.

16 INTERPRETER: Could you repeat that last part, please.

17 Q. At any time before you went to the police were you
18 aware of the defendant trying to reach you?

19 A. No, because I didn't have a phone or anything.

20 Q. And you're not aware of any phone call to your brother
21 or to your father?

22 A. I don't remember. If I'm not mistaken I don't
23 remember. I was 20-years-old. That was 15 years ago.

24 Q. And, again, so it's clear, you first learned Manuel was
25 killed after you had gone, after you spoke to the police; is

1 that correct?

2 A. I don't remember. As I said, I can't remember.

3 Q. And soon after that did you leave the United States?

4 A. After I declared, I testified, I left the United
5 States. I went to Europe. Then I came back from Europe to
6 testify again. I testified again and here I am again
7 testifying.

8 Q. And you live in Europe now?

9 A. Yes.

10 Q. And you've been living there since 1999; is that
11 correct?

12 A. Yes, from '99.

13 MR. DRUCKER: No further questions.

14 CROSS-EXAMINATION

15 BY MR. WILLIAMS:

16 Q. Good afternoon, Mr. Gonzalez.

17 Have you ever been threatened by this man?

18 A. No.

19 Q. You testified earlier you said that he was never your
20 boss, correct?

21 A. No, he was never my boss.

22 Q. Now, he used to date your cousin Wendy, right?

23 A. Yes.

24 Q. Who met him first you or Wendy?

25 A. Wendy.

1 Q. Did you ever introduce him to your cousin Manuel?

2 A. No.

3 Q. Did you ever introduce him to Manuel's wife Angelly?

4 A. No.

5 Q. Mr. Drucker asked you some questions about a day that
6 Cachie met with you and Alfredo in front of your job?

7 A. Yes.

8 Q. Had you met his girlfriend Lucy at that point?

9 A. Whose girlfriend?

10 Q. Cachie's?

11 A. Well, the one who lives in North Carolina I met a
12 girlfriend of his who lived there but I don't know her name.

13 Q. On the day that he was with you and Alfredo was any
14 other person with Cachie?

15 A. No.

16 Q. Was there a woman with him?

17 A. That I remember, no.

18 Q. Okay.

19 INTERPRETER: Counselor, there was a question that you
20 asked that I didn't answer because he was answering at the
21 same time that you were asking it.

22 MR. WILLIAMS: He answered it.

23 INTERPRETER: Okay.

24 MR. WILLIAMS: Thank you.

25 Q. How do you support yourself, Mr. Gonzalez, presently?

WILSON GONZALEZ / CROSS / MR. WILLIAMS

1 A. I don't understand, in what way?

2 Q. What do you do for work?

3 A. I had an accident. I fell from a forth floor and I am
4 handicap now and I don't work.

5 Q. Before your unfortunate accident how were you
6 supporting yourself?

7 A. I worked in construction.

8 Q. Have you ever been involved in the drug business, Mr.
9 Gonzalez?

10 A. No.

11 MR. WILLIAMS: Thank you. Nothing further.

12 MR. DRUCKER: No questions.

13 THE COURT: Okay. Thank you.

14 (Witness is excused).

15 THE COURT: We're going to take just a five minute
16 break, jurors.

17 (Recess).

18 THE COURT: Mr. Drucker, who is your next witness?

19 MR. DRUCKER: Retired Detective Dimuro.

20 THE COURT: Jury in.

21 COURT OFFICER: Jurors entering.

22 THE COURT: Next witness.

23 MR. DRUCKER: People call retired Detective Gerard
24 Dimuro.

25 COURT OFFICER: Witness entering.

Lourdes Torres-Fuster, Senior Court Reporter

SUMMATION/DRUCKER

1 (The jury was excused and exits the courtroom.)

2 MR. DRUCKER: One legal point on your charge.

3 THE COURT: Of course.

4 MR. DRUCKER: The first count is Kidnapping in

5 the First Degree. The second count is the Felony Murder for

6 Kidnapping. Kidnapping first degree involves abduction with

7 other elements.

8 (Continued on next page.)

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Proceeding

1 CONTINUED BY

2 MR. DRUCKER:

3 Which I believe we've fully proven.

4 But, the Count 2, the felony murder kidnapping would
5 not require.

6 THE COURT: I know.

7 MR. DRUCKER: Kidnapping first-degree.

8 THE COURT: We handled that.

9 MR. DRUCKER: Okay. Then I'll shut up.

10 THE COURT: Thank you.

11 Anything else anybody wants to tell me that's obvious?

12 MR. WILLIAMS: No, your Honor.

13 THE COURT: Thank you.

14 *****

15 (Proceedings were concluded until July 10, 2014)

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JURY CHARGE

1 the furtherance of that kidnapping caused the death of
2 Manuel Gonzalez. And that Mr. Gonzalez was not a
3 participant in that crime.

4 If you find that the prosecution has proven both of
5 these elements beyond a reasonable doubt then you must find
6 Mr. Dellos Santos guilty of murder in the second-degree in
7 this count.

8 On the other hand, if you find that the prosecution has
9 not proven either one or both of these elements beyond a
10 reasonable doubt then you must find him not guilty.

11 Now, the third count charges Mr. Dellos Santos with
12 kidnapping in the first-degree.

13 Again, a person is guilty of kidnapping in the first
14 degree when he abducts another person with the intent to
15 compel another person to engage in a particular conduct.

16 In this case it is the prosecution's theory that Manuel
17 Gonzalez was kidnapped in order to compel Wilson Gonzalez
18 to pay money for drugs that were allegedly purchased from
19 Mr. Dellos Santos.

20 I have already given you all of the definitions that
21 pertain to the legal definitions of abduct. And that
22 applies here.

23 In order for you to find Mr. Dellos Santos guilty of
24 kidnapping in the first-degree the prosecution must prove
25 not only that acting in concert with others he abducted Mr.

Lourdes Torres-Fuster, Senior Court Reporter

JURY CHARGE

1 Gonzalez but that he did so with the intent to compel a
2 third person to engage in certain conduct in this case in
3 order to compel Wilson Gonzalez to pay them.

4 In order for you to find Mr. Dellos Santos guilty of
5 kidnapping in the first-degree the prosecution is required
6 to prove from all the evidence in the case beyond a
7 reasonable doubt:

8 One, that on October 8, 1999 in New York Mr. Dellos
9 Santos acting in concert with others restricted the
10 movements of Manuel Gonzalez in such a manner as to
11 interfere substantially with his liberty by moving him from
12 one place to another or by confining him in the place where
13 the restriction began or to a place to which he had been
14 moved.

15 Two, that he did so without the consent of Mr.
16 Gonzalez.

17 Three, that he intended to do so.

18 Four, that the restriction of Mr. Gonzalez movements
19 were unlawful. And Mr. Dellos Santos knew that it was
20 unlawful.

21 Five, that Mr. Dellos Santos restrained Mr. Gonzalez
22 with the intent to prevent his liberation by using or
23 threatening to use deadly physical force. And that Mr.
24 Dellos Santos abducted Manuel Gonzalez with the intent to
25 compel Wilson Gonzalez to pay for drugs that were allegedly

Lourdes Torres-Fuster, Senior Court Reporter

JURY CHARGE

1 purchased for Mr. Dellos Santos.

2 If you find that the prosecution has proven each of
3 these elements beyond a reasonable doubt then you must find
4 Mr. Dellos Santos guilty of this count of kidnapping.

5 On the other hand, if you find that the prosecution has
6 failed to prove one or more of these elements then you must
7 find him not guilty.

8 Count 4, unlawful imprisonment in the first-degree.

9 This is regarding Angelly Ortiz.

10 Count 4 charges Mr. Dellos Santos with unlawful
11 imprisonment in the first-degree on the theory that acting
12 in concert with others he unlawfully imprisoned Angelly
13 Ortiz.

14 Under our law a person is guilty of unlawful
15 imprisonment in the first-degree when he restrains another
16 person under circumstances which exposed that other person
17 to a risk of serious physical injury.

18 I remind you that restrain means to restrict a person's
19 movements intentionally and unlawfully in such a manner to
20 interfere substantially with her liberty by moving her from
21 one place to another or by confining her either to the
22 place where the restriction commenced or in a place to
23 which she had been moved without her consent and without
24 knowledge that the restriction is unlawful.

25 In order for you to find Mr. Dellos Santos guilty of
Lourdes Torres-Fuster, Senior Court Reporter

JURY CHARGE

1 this count the prosecution is required to prove beyond a
2 reasonable doubt:

3 **One**, that on October 8, 1999 in New York Mr. Dellos
4 Santos acting in concert with others restricted the
5 movements of Angelly Ortiz in such a manner as to interfere
6 substantially with her liberty by moving her from one place
7 to another or by confining her either in the place where
8 the restriction began or in a place to which she had been
9 moved.

10 **Two**, that the movements of Ms. Ortiz were restricted
11 without her consent.

12 **Three**, that Mr. Dellos Santos acted intentionally.

13 **Four**, that the restriction of Ms. Ortiz movements was
14 unlawful. And that Mr. Dellos Santos knew that.

15 **Five**, that Mr. Dellos Santos or one or more people
16 acting with him restrained Ms. Ortiz under circumstances
17 which exposed her to a risk of serious physical injury.

18 If you find that the prosecution has proven all of
19 these elements to your satisfaction beyond a reasonable
20 doubt then you must find Mr. Dellos Santos guilty of this
21 count.

22 On the other hand, if you find that the prosecution has
23 failed to prove one or more of these elements beyond a
24 reasonable doubt then you must find him not guilty.

25 Count 5 charges Mr. Dellos Santos with unlawful

Lourdes Torres-Fuster, Senior Court Reporter

JURY CHARGE

1 imprisonment in the first-degree on the theory that acting
2 in concert with others he unlawfully imprisoned Carlos
3 Ortiz. It is the same as the last one. The same
4 elements but this time you look at the action vis-a-vis
5 Carlos Ortiz.

6 So, in order for you to find Mr. Dellos Santos guilty
7 of Count 5 the prosecution is required to prove beyond a
8 reasonable doubt that on October 8, 1999 in New York Mr.
9 Dellos Santos acting in concert with others restricted the
10 movements of Carlos Ortiz in such a manner as to interfere
11 substantially with his liberty by moving him from one place
12 to another or by confining him either in a place where the
13 restriction began or in a place to which he had been moved.

14 **Two,** that his movements were restricted without his
15 consent. That Mr. Dellos Santos acted intentionally.
16 That the restriction was unlawful. And Mr. Dellos Santos
17 knew that. And that Mr. Dellos Santos or one or more
18 people acting in concert with him restrained Mr. Ortiz
19 under circumstances which exposed him to risk of serious
20 physical injury.

21 If you find that the prosecution has proven all of
22 these elements beyond a reasonable doubt then you must find
23 Mr. Dellos Santos guilty of this count of unlawful
24 imprisonment.

25 On the other hand, if you find that the prosecution has
Lourdes Torres-Fuster, Senior Court Reporter

JURY CHARGE

1 failed to prove one or more of these elements beyond a
2 reasonable doubt then you must find him not guilty.

3 Count 6 charges Mr. Dellos Santos with burglary in the
4 first-degree on the theory that he or someone acting in
5 concert with him was armed with a deadly weapon while
6 burglarizing Apartment 33 at 478 West 145 Street.

7 The penal law states a person is guilty of burglary in
8 the first-degree when he knowingly enters unlawfully a
9 dwelling with the intent to commit a crime. And when he
10 uses or threatens the immediate use of a dangerous
11 instrument. In this case a gun.

12 The term dwelling means a building which is usually
13 occupied by a person who sleeps there at night.

14 Where a building consist of two or more units
15 separately secured or occupied each unit is considered both
16 a separate building in itself and part of the main
17 building.

18 According to the law a person unlawfully enters a
19 dwelling when he has no permission to do so. And he
20 knowingly enters the dwelling unlawfully when he is aware
21 that he doesn't have permission.

22 A person also enters a dwelling unlawfully when he
23 enters by means of a trick or deception.

24 In addition, the prosecution must prove that at the
25 time that Mr. Dellos Santos entered the building he

Lourdes Torres-Fuster, Senior Court Reporter

PROCEEDING

1 comes in.

2 *** (DELIBERATIONS) ***

3 THE COURT: We have a note. I'm going to read to them
4 the charge on murder in the second-degree and kidnapping.

5 MR. DRUCKER: Yes, your Honor.

6 COURT OFFICER: Jury entering.

7 MR. WILLIAMS: Your Honor, may we approach briefly?

8 THE COURT: Yes.

9 (Discussion at the bench was held off the record).

10 THE COURT: Okay. So you asked me for the instructions
11 on the law regarding felony murder. Regarding the
12 kidnapping. And I will do that.

13 The penal law states a person is guilty of murder in
14 the second-degree when acting either alone or with one or
15 more other persons he commits or attempts to commit a
16 kidnapping and in the course of and in furtherance of the
17 crime or of the immediate flight from the crime he or
18 another participant causes the death of a person other than
19 one of the participants.

20 Under our law a person is guilty of kidnapping in the
21 second-degree when he abducts another person. To abduct
22 means to restrain a person with the intent to prevent the
23 person's liberation either by secreting or holding him in a
24 place where he is not likely to be found or by using or
25 threatening to use deadly physical force.

Lourdes Torres-Fuster, Senior Court Reporter

PROCEEDING

1 Restrain means to restrict a person's movements
2 intentionally and unlawfully in such a manner as to
3 interfere substantially with his liberty by moving him from
4 one place to another or by confining him either in a place
5 where the restriction began or in a place to which he has
6 been moved without consent and with knowledge that the
7 restriction is unlawful.

8 A person restricts another's movements intentionally
9 when his goal, his conscious objective is to restrict that
10 person's movement.

11 A person restricts another's movement unlawfully when
12 he is not authorized by law to do so and when he is aware
13 that the restriction is not authorized by law.

14 A person is moved or confined without consent when such
15 is accomplished by physical force, intimidation or
16 deception.

17 Intent means conscious objective or purpose.

18 Thus, a person acts with intent to prevent another's
19 liberation either by secreting or holding him in a place
20 where he is not likely to be found or by using or
21 threatening to use deadly physical force when that person's
22 goal or purpose is to do so.

23 Deadly physical force means physical force which under
24 the circumstances in which it is used is readily capable of
25 causing death or other serious physical injury.

Lourdes Torres-Fuster, Senior Court Reporter

PROCEEDING

1 In order for you to find Mr. Dellos Santos guilty of
2 murder in the second-degree the prosecution is required to
3 prove from all the evidence in this case beyond a
4 reasonable doubt:

5 One, that on October 8, 1999 in New York Mr. Dellos
6 Santos acting in concert with others committed a
7 kidnapping.

8 And, two, that in the course of and in furtherance of
9 the commission of that kidnapping Mr. Dellos Santos or
10 another participant in the kidnapping caused the death of
11 Manuel Gonzalez and Mr. Gonzalez was not a participant in
12 the crime.

13 If you find that the prosecution has proven beyond a
14 reasonable doubt both of these elements then you must find
15 him guilty of murder in the second-degree as charged in
16 this count.

17 On the other hand, if you find that the prosecution has
18 not proven one or both of those elements beyond a
19 reasonable doubt then you must find him not guilty.

20 I hope that helped you.

21 So bring the jury in to deliberate.

22 COURT OFFICER: Jurors.

23 THE COURT: Please, I want them to stay.

24 COURT OFFICERS: Yes.

25 (Jurors exit the courtroom).

 Lourdes Torres-Fuster, Senior Court Reporter

EXHIBIT F

1 SUPREME COURT OF THE STATE OF NEW YORK
2 COUNTY OF NEW YORK : CRIMINAL TERM : PART 45

3 THE PEOPLE OF THE STATE OF NEW YORK

4 -against- Indictment

5 MIGUEL DE LOS SANTOS, 3444/02

6 Defendant.

7 -----

8 111 Centre Street
9 New York, New York

10 June 3, 2013

11 BEFORE:

12 HONORABLE JUSTICE BRUCE ALLEN

13 A P P E A R A N C E S :

14 BRIDGET BRENNAN, ESQ.
15 Special Narcotics Prosecutor
16 New York County
BY: WESLEY CHENG, ESQ.
For the People

17
18 NORMAN WILLIAMS, ESQ.
19 For the Defendant

20 DIANA DAVILA-MONGE
21 Sr. Court Reporter

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Proceedings

1 COURT CLERK: Calling number two on the
2 calendar Indictment Number 3444 of 2002 the People
3 of the State of New York against Miguel De Los
4 Santos.

5 The defendant, his attorney and the
6 assistant district attorney are present in the
7 courtroom.

8 Counsel, please state your appearance for
9 the record.

10 MR. CHENG: Wesley Cheng on behalf of the
11 Special Narcotics Prosecutor.

12 MR. WILLIAMS: Norman Williams appearing
13 on behalf of the defendant.

14 MR. CHENG: I would request a short
15 adjournment.

16 We just need to be able to pull the file
17 and get the voluntary disclosure form and the
18 indictment so we can arraign him properly on the
19 next date.

20 THE COURT: Has he been printed?

21 Do we have prints?

22 MR. CHENG: We don't have prints yet.

23 THE COURT: Are you going to take him to
24 do that?

25 When can we do this arraignment?

Proceedings

1 MR. CHENG: How long does it generally
2 take for prints?

3 THE COURT: One day, the same day.

4 MR. CHENG: I request two weeks, Judge,
5 to get it done in that time.

6 THE COURT: Two weeks.

7 MR. CHENG: That's also to get the
8 voluntary disclosure form and the indictment.

9 THE COURT: Mr. Williams.

10 MR. CHENG: Should we request a shorter
11 adjournment, Judge?

12 THE COURT: It's a very old case.

13 MR. CHENG: I can request a week, Judge.

14 THE COURT: I'd like to find out what's
15 going on.

16 MR. WILLIAMS: Depending on how quickly
17 you get the information together, I will probably
18 make a bail application.

19 THE COURT: Does he have a hold?

20 COURT OFFICER: There is no hold.

21 THE COURT: All right.

22 MR. CHENG: June 10th, Judge.

23 I will inform everyone.

24 THE COURT: 6/10 for a possible bail
25 application and arraignment.

Proceedings

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The defendant will be held until then.

The warrant is vacated.

-0-

CERTIFIED TO BE A TRUE AND ACCURATE TRANSCRIPTION OF
THE MINUTES TAKEN BY ME.

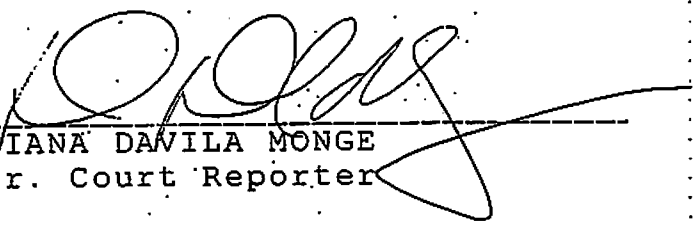

DIANA DAVILA MONGE
Sr. Court Reporter

EXHIBIT G

Supreme Court
of the
State of New York
Encl.



100 CENTRE STREET
New York, N.Y. 10013

August 9, 2017

Mr. Miguel de Los Santos 14A5516
Shawangunk Correctional Facility
P.O. Box 700
Wallkill, NY 12589

Re: Court Documents
Ind.# 03444-2002

Dear Mr. De Los Santos:

In response to your request, we apologize that our response to your last letter went to Auburn by mistake. I am enclosing a copy of that letter.

Also, since we sent that letter, your relatives have been to the Clerk's Office in a couple of occasions and ordered the file and copied everything that was public in your file. One thing that we tried to make them understand and possibly you need to understand as well is that there is only one file in this court pertaining to your case. Your relatives were looking for documents from Criminal Court but your case never went to Criminal Court, therefore there are no Criminal Court documents.

We also explained to them that any document in your list that is not found among the documents that they copied in the Clerk's Office will have to be obtained from other agencies.

Warrants and information on warrants can only be obtained from the District Attorney's Office at One Hogan Place Room 732, New York, NY 10013. Your relatives were given the phone numbers for the Clerk's Office should they have any additional questions (646-386-4000), as well as the Reporter's Office (stenographer in your letter) (646-385-4400).

Respectfully yours,

A handwritten signature in black ink, appearing to read "F. Parra".

Fernando Parra, SCC
Court Action Processing Unit
Supreme Court, Criminal Term

encl.

EXHIBIT H

SUPERIOR COURT

Warrant of Arrest

SUPREME COURT OF THE CITY OF NEW YORK

| | | | |
|-------|--------------|----------|----------------------------|
| Part: | Return Part: | County: | SUPREME COURT NUMBER/YEAR: |
| 70 | 70 | NEW YORK | 03444-2002 |

IN THE NAME OF THE PEOPLE OF THE STATE OF NEW YORK:

To any Police Officer of the City of New York

An Accusatory instrument having been filed with this Court charging

DELOSSANTOS, MIGUEL

the defendant in the criminal action herein, with the commission of the offense of

PL12525F

AND

The defendant not having been arraigned upon the accusatory instrument by which this criminal action against the defendant was commenced and this Court requiring the defendant's appearance before it for the purpose of arraignment.

The defendant having been arraigned upon the accusatory instrument by which this criminal action against the defendant was commenced and this criminal action being pending in the Court and this Court requiring the defendant's appearance before it.

The defendant having been convicted of and having been sentenced to and this Court requiring the defendant's appearance before it.

You are, therefore, commanded forthwith to arrest the defendant named above and bring him before this Court without unnecessary delay.

By Order of the Court:

FLORA DUFFY
JUSTICE OF THE SUPREME COURT

Bail Condition Violated:

Date of Warrant

6/13/2002

| | | |
|----------------|---------------------|-----------------|
| NCIC No: | DCJS No: | OCA No: |
| Defendant Name | DELOSSANTOS, MIGUEL | Sex: M |
| AKA: | Ht: 507 | Wt: 165 |
| Race: W | DOB: | Age: 55 |
| Eyes: BRO | Hair: BLK | Skin Tone: UNK |
| Driver Lic No: | Yr Lic Exp: | Lic St: |
| SSN: | | NYSID # |
| ADDRESS: | | |
| Arrest Date: | 1/1/0001 | Precinct: |
| Charge | PL | Penal Law 12525 |
| Dept/Agency | Command: | Arrest ID |
| Officer Name: | | Crime Class F |
| | | Tax Reg # |
| | | Shield # |

EXHIBIT I



NEW YORK STATE
Unified Court System

OFFICE OF COURT ADMINISTRATION

LAWRENCE K. MARKS
CHIEF ADMINISTRATIVE JUDGE

JOHN W. McCONNELL
COUNSEL

January 16, 2018

Mr. Miguel de los Santos
14A5516
Shawangunk Correctional Facility
P.O. Box 700
Wallkill, New York 12589

Dear Mr. de los Santos:

In response to your correspondence, please be advised that Flora Duffy was employed as an Associate Court Clerk in 2002.

In the event you seek copies of official court records, including an arrest warrant regarding the presiding judge who ordered the warrant, please be advised that access to court records is governed by section 255 of the Judiciary Law. The clerk of the court where the matter was handled typically is the custodian of records, and as such, you should direct the section 255 request to the clerk, identifying the case name and indictment number, as well as the specific court record sought, to permit the clerk to conduct a search for any responsive existing record and assess the search, copy, and certification fees consistent with the fee schedules set forth in CPLR Article 80.

The Chief Clerk of the Supreme Court, New York County, Criminal Term is located at 100 Centre Street, New York, New York 10013.

You also may wish to contact the attorney who represented you in the 2002 criminal matter.

Very truly yours,

Shawn Kerby
Assistant Deputy Counsel