

SANDRA DOORLEY Monroe County District Attorney Destini K. Bowman Assistant District Attorney Dbowman@monroecounty.gov

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RE: People v. Bowy Wan Court: Rochester City Court Part I	RE F		Borna U	san	Court:	Rochest	ter City Cou	ırt Part i

Enclosed please find the discoverable contents of my file pursuant to CPL § 240.20. The People request reciprocal discovery pursuant to CPL § 240.30. To the extent that they exist and are in the possession of the People, any photographs, video tapes, audio tapes, or other physical evidence are available for inspection at a mutually convenient time. All other requests are refused as not discoverable under CPL § 240.20.

If the defendant intends to offer an alibi defense at trial, the People demand that the defendant serve and file a notice of alibi within eight days pursuant to CPL § 250.20(1). You are hereby given notice pursuant to CPL § 710.30 of all statements made to and/or identification procedures performed by a public servant that are described in the attached materials.

The People announce readiness for trial with the filling of this letter with the Court. <u>People v</u> Kendzia, 64 N.Y.2d 331 (1985).

Very truly yours,

<u>Destini K. Bowman</u>

DESTINI K. BOWMAN Assistant District Attorney (585) 753-4542 (585) 753-4557 (fax)

Hon. Stephen T. Miller (W/O Enclosures)

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Crime Report Attach	ed 710.36 Notice Attached	cr#_13-11523
Warrant Application	Scheduled Appearance Date 5/14/13	
Physical Identification		CITY OF ROC
McRIS Identification		BRANC
/ictim's Name & Date	9 Ct 91td1	
STATE OF NEW YO COUNTY OF MONR	OE	
ROCHESTER CITY	COURT	
THE PEOP	LE OF THE STATE OF NEW YORK	Information/Con
	-vs	Internation
BENNY_	WARR	Resisting Ar
First Name	Middle Initial Last Name	
Date of Birth	13/60	
1	Defendant/Respondent	***************************************
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First Name	Middle Initial Last Name	<u> </u>
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Date of Birth	Defendant/Respondent	
	Defendant/Respondent	J
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☐ Crims Report Attached ☐ 710.30 Notice Attached	CR# 13-115259
Warrant Application Scheduled Appearance Date 5/14/13	
Physical Identification Appearance Ticket # 174325 MoRtS Identification	CITY OF ROCHESTER CITY COURT CRIMINAL
Victim's Name & Date of Birth CITY OF ROCHESTER	BRANCH
STATE OF NEW YORK	
COUNTY OF MONROE ROCHESTER CITY COURT	
THE PEOPLE OF THE STATE OF NEW YORK	Information Complaint
BENNY WARR	
First Name Middle Initial Last Name	- Disordedy Contlast
Date of Birth 9/13/60	
Defendant/Respondent	
Siret Name Middle Initial Last Name	-• <u> </u>
Filst Haille	
Date of Birth Defendant/Respondent	•
Deleticationes political	
Your complainant, OFC. J. FERRIGNO	, being duly sworn, deposes and states that I
1041 vanpanani,	, being day shorn, deposes and small matri
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Page 3 of 4



ROCHESTER POLICE DEPARTMENT INCIDENT REPORT

2013.00 (577)

AT THE ABOVE DATE/TIME R/O WERE ON ROUTINE PATROL IN THE ABOVE AREA IN A MARKED POLICE CAR. THE ABOVE AREA IS A WELL KNOWN OPEN AIR DRUG MARKET AND AN AREA KNOWN FOR GANG ACTIVITY AND VIOLENCE. DURING PATROL R/O STEPPED OUT TO DISPERSE A GROUP LOITERING ON THE CORNER WHEN (A) BENNY WEBB, AN ASSOCIATE OF CHALK 'EM SOUTH GANG, WHO WAS SEATED IN A WHEELCHAIR REFUSED LAWFUL ORDER TO LEAVE THE LOCATION. WHEN WE ASKED (A) TO LEAVE THE LOCATION (A) BECAME IRATE, BEGAN SHOUTING AT POLICE AND SCREAMED AT R/O "FUCK YOU MOTHER FUCKERS!". R/O AGAIN LAWFULLY DISPERSED (A) BY TELLING HIM TO LEAVE AND (A) THEN SCREAMED "MAN, SUCK MY DICK!" MULTIPLE TIMES CAUSING LARGE GROUPS OF ONLOOKERS TO GATHER AND BECOME IRATE AT POLICE. (A) WAS THEN TOLD HE WAS UNDER ARREST AND WHEN R/O ATTEMPTED TO PLACE (A) IN HANDCUFFS (A) IMMEDIATELY STARTED RESISTING ARREST BY SWINGING HIS FISTS STRIKING R/O. AFTER A BRIEF PHYSICAL ALTERCATION WITH (A) HE WAS TAKEN INTO CUSTODY WITHOUT FURTHER INCIDENT. (A) WAS TRANSPORTED TO STRONG HOSPITAL WHERE HE WAS ISSUED AN APPEARANCE TICKET.

CLOSED BY ARREST.

Page 1

ROCHESTER POLICE DEPARTMENT INCIDENT REPORT

2013:00||(5.15/)

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THE PEOPLE OF THE STATE OF NEW YORK

Stratifica Set	<u> </u>	CPL Section 710.30 NOTICE CPL Section 250.20 ALIBI DEMAND
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Evidence of a statement made it <u>বিশ্ব বিশ্ব কিটি</u>	by the defendant to a public s $arphi$, the sum and substance con	ervant on $ extstyle ext$
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2013-0479

I. LAST NAME	FIRST	···						Page I of
WARR	BENNY.)i,i.	2. DATE 5/1/13	3. TINE 2014	4.:CR# 15-115259	
1 1 1	Black 6'0	WEIGHT JOO	10. CN 595 J	(CID) EFFE	ENT LOCATIO REON AVE	I. J	·	122Y 24
D. ARREST? NO −15	Bise approved by: harges: DISORDERLY COND	DUCT, RESE	.i Siing a				· · · · · · · · · · · · · · · · · · ·	<u> </u>
D. SUBJECTS ACTIONS	13. TACTIC EFFECTIVE			,11111,	-:::	· · · · · · · · · · · · · · · · · · ·	<u> </u>	
Subject resisted by (check all that apply and explain in mattetive)	Check the appropriate box indi (1.2,3) indicating what order Effective ME, for Abelerately	Ind tautabs we	re ased in	r contem	ndania (11). To cole	sis used write p titil poo (2) urig	e nguaber e. E. for	
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▼erbni Resistance (Failing to adhere to virtbul commands) Fassive Resistance (dead weight) Active Resistance (folling away, staking	Vertial Mandibular Angle Hypoglossal Nerve Jugullar Nosch Clavical Notch Brachial Stud Suprascapular Stud Jab Front Kick Strafght Punch Angle Kick Forearm Strike		NE		Populard Sp. Shin Sheer Ann Lock Front Jab wife Rear Jab wife Chop Upper Chop Forward Spi Reverse Spin Power Spin	/Baton Baton		74
Armed Resistance (usekor attempts to use a weation of slangerous institutent)	 Knee Strike Defensive, Wedge Flooking Technique Ground Stabilization (ie. 3-Point Landing, joint manipulation) 	5	NE E		Tisser Bean Bag, Hind Gun Leng Gun Other: SEE 1			NE
14, Narrative Of object is the pl	gincleshes, steperibe asynselathi	ng: Usucites	8) ліве <u>ні, д</u>	n siif	iect were ineffec	ijye, esplain is	easorits) when	
On the above dard line it to known open air dray market gang members loiteling on the atofficers "FUCK YOU MO and unti-police. (S) syns told second burst of OC apray to the ground by Ofe comply. (S) continued to six compliance. (S) continued to six got in a 3 point landing on (S) an appearance ticket. I took or	accepts and known on gang- to sidewalk (\$). Beamy Warr THER, FUCKER! and "SU to put his hands belief his (\$)'s eyes but that exased (\$) Liberatore and I took a know his his fists at R/O so I perk tight by attempting to punc I's left side and Dfc. Liberat	activity and remained a lCK MY IX back because) to start thir elling position in R/O so I kn/O so I core placed (whice she had the she will be will be with the wing plant on (State she will be she will b	e. Whewaith the waith the waith the wind in the waith th	hile R/Os wer k refusing law sa large gloup lor arrest but (es and saking out as (S) was (S)'s abdomin left wrist and Its (S) was to	e dispersing to date and to gather one state on the bod law in the bod laying on his rate onto the polled out appeared to a second of the polled out appeared to a second out a s	he group of k lispasse. (S).s Libetome ver then deployed ly. (S) was th right side ref theoring for	anosyn: serectimed y insite d g agre ten using to
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officer: Primary Office	er Assisting Office	r Nan	ne; J. F	ERR	IGNO	_	ID#. 19,	.5%

I6. NAME	ADDRES	:e	DAY	EVENING	WITNESS
ROYAL, ALBERT	598 JEFFERSON AV	···· [-	PHONE	PHONE	CODE
CALIN, SHABAZ	580 JEFFERSON AV	···········			NO
OLOMON, DEB	354 JEFFERSON AV				NO.
OUNSON, CHESTER	515 JEFFERSON AV				NO NO
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 Subject injured prior to invident; \(\sime\) \(\sime\) 		•			
2. retuileer uittisch lusoi to Microcut.	tes, desenbe:				
9. Subject injured during incident: 🔲 No	Yes, describe: CO	MPLAINT OF NECK PAIN			
θ . If subject was exposed to O.C., was subject (reated: 🔲 No 🔯 Ye	s 🛛 Athospital [] PSB eyewa	รใว รเสต์อย	
l. Huspitalization: ☐ No - Reason: · ☑ Yes - Transport vin	RPD vehicle#	Ambulance Co./Veh	¥.0369	Other	
2. Hospital: STRONG		23. Attending medical profession	aat ED STAFF	•	
4, Subject: Admitted · X Treated a	nd Released 🔲 Ru Tre	autment Refused	25. Ti	me of treatmen/cefusal	:
 Witness to refusal; 					
7. Technician work performed: No - Reas				·	
7. Technician work periorateur 13.88 - Keas		🔀 Photos 🔲	Dagram	Domen.	
Photos off Stember(s)		Subject Other			
8. Reports completed: 🔀 Crime	☐ Incident	[Investigative action			
OO NOT ATEACH) Prisoner data Other:	Addendam(s)	Technicia/is report CR #'s:		•	
9. Commanding Officer at seene: S48GLETAR	Y	Rank: Lieutenant		Division: West	

ADMINISTRATIVE REVIEW	w
10. Reviewing Supervisors	Date: <u>5-9-13</u>
31, Planes Communiting Officer:	Date:

Book or a Billion Communication and the second second second

SUBJECT				FIRST		 -	- E 5.4	.I.	2 DATE	3. TIME	4. CR#		426) DI &
I. LAST NA	AME		:	FIRST BENNY			1 1	٠	5/1/13	2014	13-11	5259	
WARR													
5. DOB 9/13/60	6. SEX Male	7. RA Bi:	CE ack	8, HEIGHT 6*0	1	IGHT 00		0. INCIDENT LOCATION 95 JEFFERSON AV					PSA 54
11. ARRES	J? □ NC ⊠ YE) – relea S – cha	ise appr rges: D	oved by: DIS CON, RESIST	TING A	RREST							
12. SUBJECTS ACTIONS 13. TACTIC EFFECTIVENESS Check the appropriate hox indicating whether the factic was used, if the factic was used write the number of the control of the control of the number of the control of t													
Subject resti that apply as narrative)	sted by (chec nd explain in	k all	1173	the appropriate box ,) indicating what ive, ME, for Modera	order the	tactics we	re used in 1	រូបស្រាញ	ոն∩ա (կ), ժու¢նվ	umn two (2) w	rite E., For		
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(Failing verbal of Passing (dead of	l Resistance g to adhere to commands) we Resistan weight)	ce			erve Stun	1 4	NE NE		Forward Sp Shin Sheer Arm Lock Front Jab w Rear Jab w Flat Chop Upper Chop Forward Sp Reverse Sp Inside Spin	//Baton / Baton poin in			
Arme (uses weapinstru	(pulling away, striking or attempt assault) Ground Stabilization Forearm Strike Knee Strike Defensive Wedge Hooking Technique Strong Stabilization Stabilizatio						E		Power Spin OC Taser Bean Bag Hand Gun Long Gun Other: See Narrative Other: See Narrative			2 3	E ME
weapon or dangerous													
Official	☐ Prim:	en Off	icer	Assisting	office	er N	lame: A	, LJS	BERATORE		<u> </u>	ID#	1747

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4. 1.000	SRR ONTINUATION OF A (M) HIK'S NAME (LAST, FIRST, MIDDLE		4. OFFENSS HOD	ENT ADDÆESS	2. CR# 13	115259 я (в bow одте от інсіі
"[co	FR		595 JEFFE		54	ſ
BLOCK NO. 14	then placed a hand	anukser in LEFT MARGIN andards and was able to cuff on his right wrist with cuffed (S)'s left wrist. Th	i my right hand. I	then assisted S	gt. Stewart by	
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A REPO	ORTUNG OFFICER	ID#	9. SUPERVISOR	112	iOs	
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CONTROL							Page t of 2			
SUBJECT I. LAST NAME	F1RST Benny		M.1.	2. DATE 5/1/13	3. TIME 2014	4. CR # 13-115259	,			
Wart				AND CONTROL	<u> </u>	<u> </u>	PSA			
5. DOB 6. SEX 7. R/ 9/13/60 Male B	ACE 8. HEIGHT ack 6'0"	9. \VEIGHT 360	595 Jeffer	ENT LOCATIO			54			
II. ARREST? ☐ NO -mle ⊠ YES -ch	ase approved by: argest Disorderly Conduc	t, Resisting Arres	i(
12. SUBJECTS ACTIONS 13. TACTIC EFFECTIVENESS Subject resisted by (check all Check the appropriate box indicating whether the toctic was used, if the tactic was used write the number (1.2.2.3.1) indicating what order the parties were used in reduntal and (1). In column two (2) write E, for										
that apply and explain in narrative) (1,2,3) indicating what order the factles were used in column and (1). In column two (2) write E, for Moderately Effective and NE, for Not Effective.										
	<u> </u>	Ocder	Effectiveness			Order	Effectiveness			
✓ Verbal Resistance (Falling to adhere to verbal commands) Passive Resistance (dead weight) Active Resistance (pulling away, striking or attempt assault)	✓ Verbal ✓ Mandibular An ☐ Hypoglossal Notch ☐ Clavical Notch ☐ Brachial Stun ☐ Suprascapular 3 ☐ Jab ☐ Front Kick ☐ Straight Punch ☐ Angle Kick ☐ Foreann Strike ☐ Defensive Wed	Stun	NE	Forward Sp Shin Sheer Ann Lock Front Jab w Rear Jab w Flat Chop Upper Cho Forward Sp Reverse Sp Inside Spin Power Spin OC Tuser Bean Bag	/Baton / Baton p pin in	oder er bytoner				
Armed Resistance (ases or attempts to use a weapon or dangerous instrument)	Hooking Techt Ground Stabifi (ie. 3-Point Lar joint manipulat	zation iding,		Hand Gun Long Gun Other: See	Narrative	i	E			
14. Narrative (If officer is in g	dainclothes, describe men	clothing, lf tacti	c(s) used on	subject were ineff	lective, expla	do reason(s) vol	p.3			
Eresponded to above locati										
Upon my arrival, I observe were struggling taking the i	d (A) Warr on his stome nale into custody.	ach with his boa	d facing tov	vards Bartlett St	t. I could fi	urther see that	officer's			
I immediately exited my patrol vehicle and went to the left side of (A). I crouched down and took a hold of his left arm, specifically I had my left hand on his left tricep area and my right hand on his left lower arm. Then I pulled back on this arm to direct it behind his back. While I was doing this, I was giving the male verbal commands to place his hands behind his back. I could tell by the tension in this arm that he was not willingly allowing us handouff him.										
After several seconds, it became apparent that the we had gotten the left arm back as far as were were capable of. At this time, I removed my set of handcuffs from my case and attached one ring to the other set of handcuffs which were currently on his right wrist. After combining the two sets of handcuffs, I was able to secure the second ring on his left wrist. I remember that A's wrists were rather large and I was only able to get the handcuff ring on his left wrist to go to the first click.										
After A was handcuffed, I to be of any assistance in g respond.	attempted to help him to etting up. I then made	o his feet accord the decision that	ing to our to we should	raining. The ma leave him as he	ale to!d me was and cr	has was in too lied for Rural	Metro to			
Officer: Primary O	fficer Assisting	Officer N	lame: Sgt.	M Stewart		ID	# 1606			

and a subject of the Property of the Company of the

;	1 AGG	Subject Resistance Report						13 - 115259		
PAGE	3, VSCTII	VICTIM'S MAKE (LAST, FIRST, MICROLE) OR FIRM NAME IF SUSINESS				c offensemicident Address 595 Jefferson Av.			Wed. 05 / 0	
2 2	SCCX			SER JA LESET MARCIN			· · · · · ·			
		This concluded my interaction with (A).								
		Following the Srr, I ordered that photographs be taken, a neighborhood check be conducted, and that the camera room be called to review footage.								
ADDENDUM REPORT				amera room d put in a burn		ve some footage the incident.	of the incident, i	personatly	called their	
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		RTNG OFFICER V. Stewart		1606		s SUPERVISOR		ID #		
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CITY OF ROCHESTER POLICE DEPARTMENT

INTER-DEPARTMENTAL CORRESPONDENCE



TO: Lieutenant Michael Callari, Commanding Officer, PSS

FROM: Lieutenant Jeremy Anzalone, Patrol Division West, Third Platoon Lf

DATE: 5-8-13

SUBJECT: SRR CR#13-115259.

On 5-8-13 at about 1700 hrs I hold a meeting with Officer Anthony Liberatore in the presence of Sgt Kenneth Coniglio at the PDW Third Platoon Lieutenant's office. The purpose of this meeting was to discuss the use of an untrained technique by Officer Liberatore during an SRR with subject Benny Warr on 5-1-13. Specifically, Officer Liberatore utilized an elbow strike to the face of the subject while the subject was lying on his back. I asked Officer Liberatore to justify his use of this technique and he explained to me that officers had attempted to gain verbal compliance from the subject without success. They then attempted the use of OC which was also unsuccessful. Officer Liberatore explained that they then attempted to stabilize the subject on the ground by pushing him out of his wheel chair. Officer Liberatore explained to me that Warr has a prosthetic leg and a functional leg and was offering resistance by attempting to strike officers. Due to Warr's size (300+ lbs) they were unable to roll him onto his stomach for handcuffing. Officer Liberatore went on to explain that he noticed a large group forming nearby and feared they may try to interfere with the arrest. Officer Liberatore stated he then decided to utilize an elbow strike to the subject's face (which was the closest target to him) in an attempt to end the situation as quickly as possible so that they could turn their attention to the group forming. I then directed Officer Liberatore to document his justification in the SRR.