

STATE OF NEW YORK
ERIE COUNTY COURT

THE PEOPLE OF THE STATE OF
NEW YORK

v.

APPLICATION

Indictment [REDACTED]

STATE OF NEW YORK)
COUNTY OF ERIE) ss.
CITY OF BUFFALO)

[REDACTED], ESQ., an attorney licensed to practice in the courts of this State, affirms the truth of the following statements under penalties of perjury.

1. Along with co-counsel [REDACTED], ESQ., I am the attorney for Mr. [REDACTED], who is charged in this indictment with several offenses related to two alleged sexual assaults. The trial of this matter is underway.
2. Please accept this affirmation as an application for an order producing [REDACTED] a witness confined in an institution within the State, before this Court on May [REDACTED]
3. With respect to the sexual assault of the 11-year-old victim, Mr. [REDACTED] defense is that he was not involved.
4. We have spoken with [REDACTED], who pleaded guilty to rape in the first degree (Penal Law § 130.35[1]) for his role in the sexual assault of the 11-year-old victim, and confirmed that he possesses information material to Mr. [REDACTED]s defense.
5. A person confined in an institution within this State “may, upon application of a party to a criminal action or proceeding, demonstrating reasonable cause to believe that such person possesses information material thereto, be produced by court order and compelled to attend such action or proceeding as a witness” (CPL 630.10[1]).
6. This Court has the authority to issue such an order (CPL 630.20[1]).

7. We anticipate calling Mr. [REDACTED] as a witness on May [REDACTED].
8. The defendant has met the standard for the issuance of an order that Mr. [REDACTED] be produced by the Department of Corrections and Community Services and compelled to attend the trial of this matter as a witness.

For the reasons stated, the defendant respectfully requests an order producing Mr. [REDACTED] and compelling his attendance at the trial of this matter as a witness.

[REDACTED]

HON. SUSAN M. EAGAN, Presiding.

At a term of Erie County Court held on
May [REDACTED]

STATE OF NEW YORK
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v.

ORDER
Indictment [REDACTED]

TO: Anthony Annucci, Acting Director, Department of Corrections and Community Services
1220 Washington Ave., Albany, New York 12226

[REDACTED]

Upon reading the application of [REDACTED], Esq., counsel for the defendant, and hearing any argument in opposition, it is hereby ORDERED that [REDACTED], an inmate confined at Five Points Correctional Facility, be produced before Part [REDACTED] of Erie County Court, 25 Delaware Ave., Buffalo, New York 14202, at 9:30 a.m. on May [REDACTED] and compelled to attend the trial of this matter as a witness.

HON. SUSAN EAGAN