

APPENDIX

MOTION TO VACATE JUDGMENT OF CONVICTION

PEOPLE V. CHRISTOPHER PORCO

Albany County Indictment Number DA848-05

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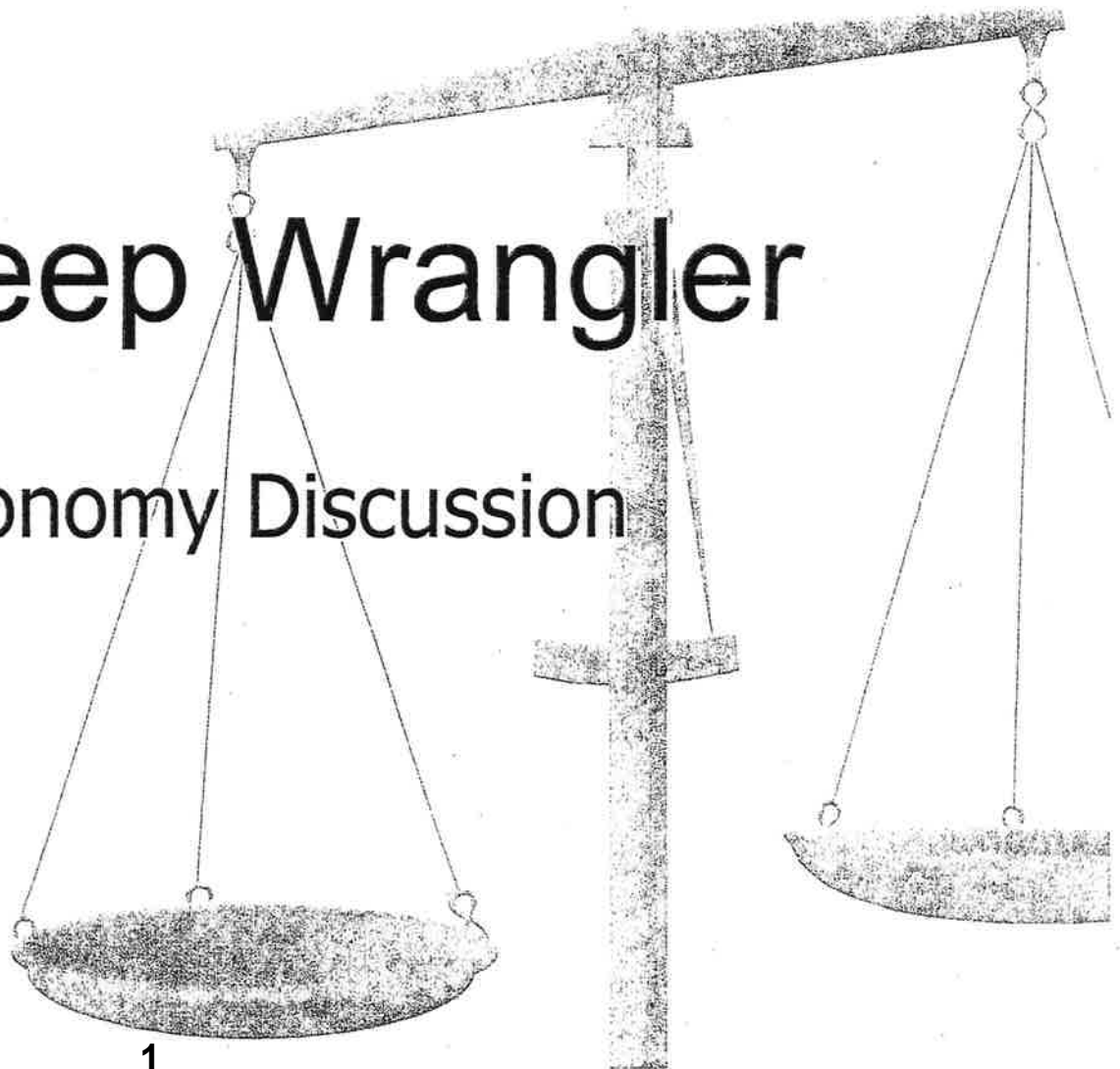
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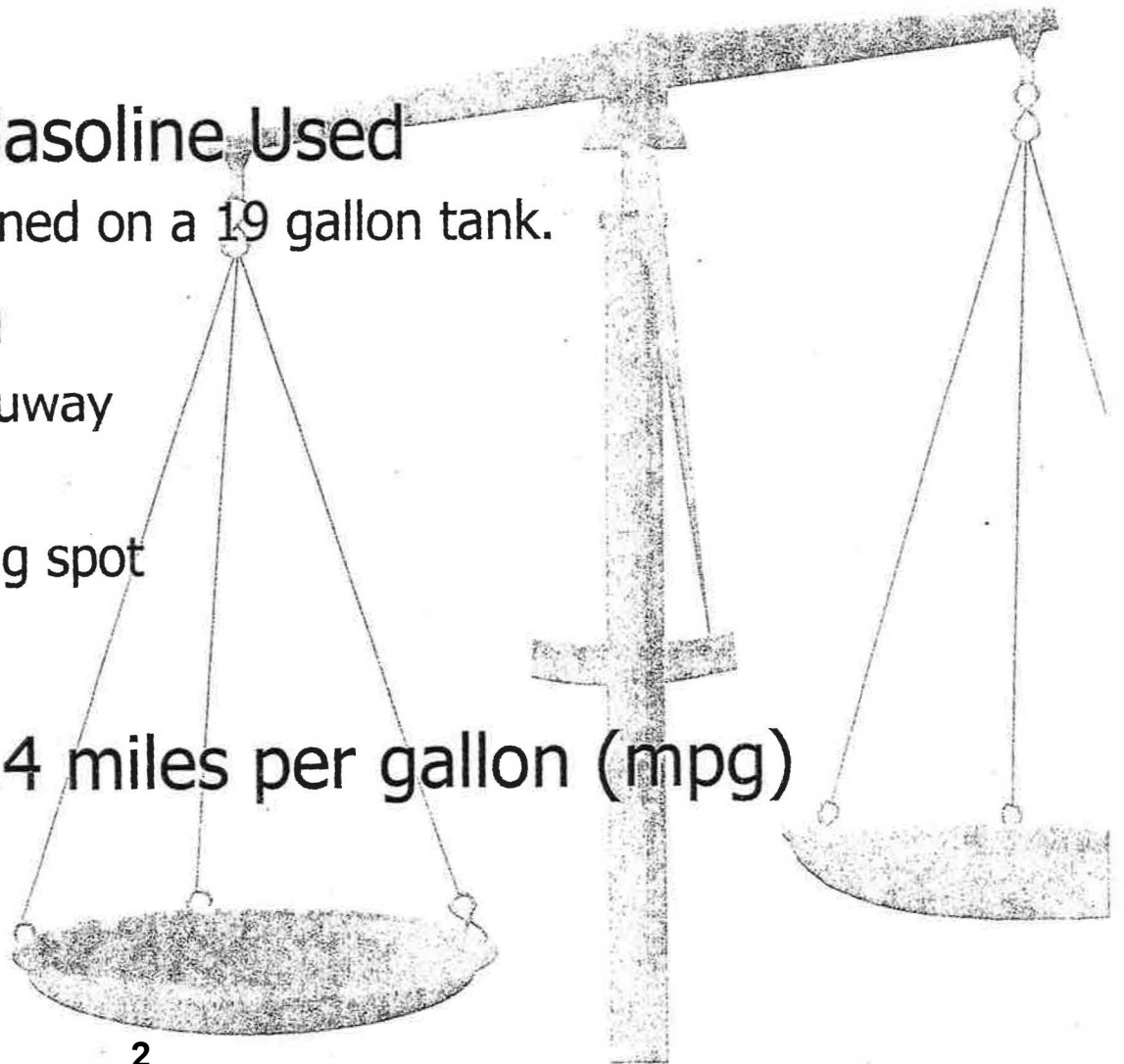
2004 Jeep Wrangler

Fuel Economy Discussion



Estimated Mileage from Rochester to Albany

- 14.18 Gallons of Gasoline Used
 - 4.82 gallons remained on a 19 gallon tank.
- 232.4 Miles Driven
 - 214.4 miles on thruway
 - 9.3 miles to house
 - 8.7 miles to parking spot
- $232.4/14.18 = 16.4$ miles per gallon (mpg)



EPA Mileage

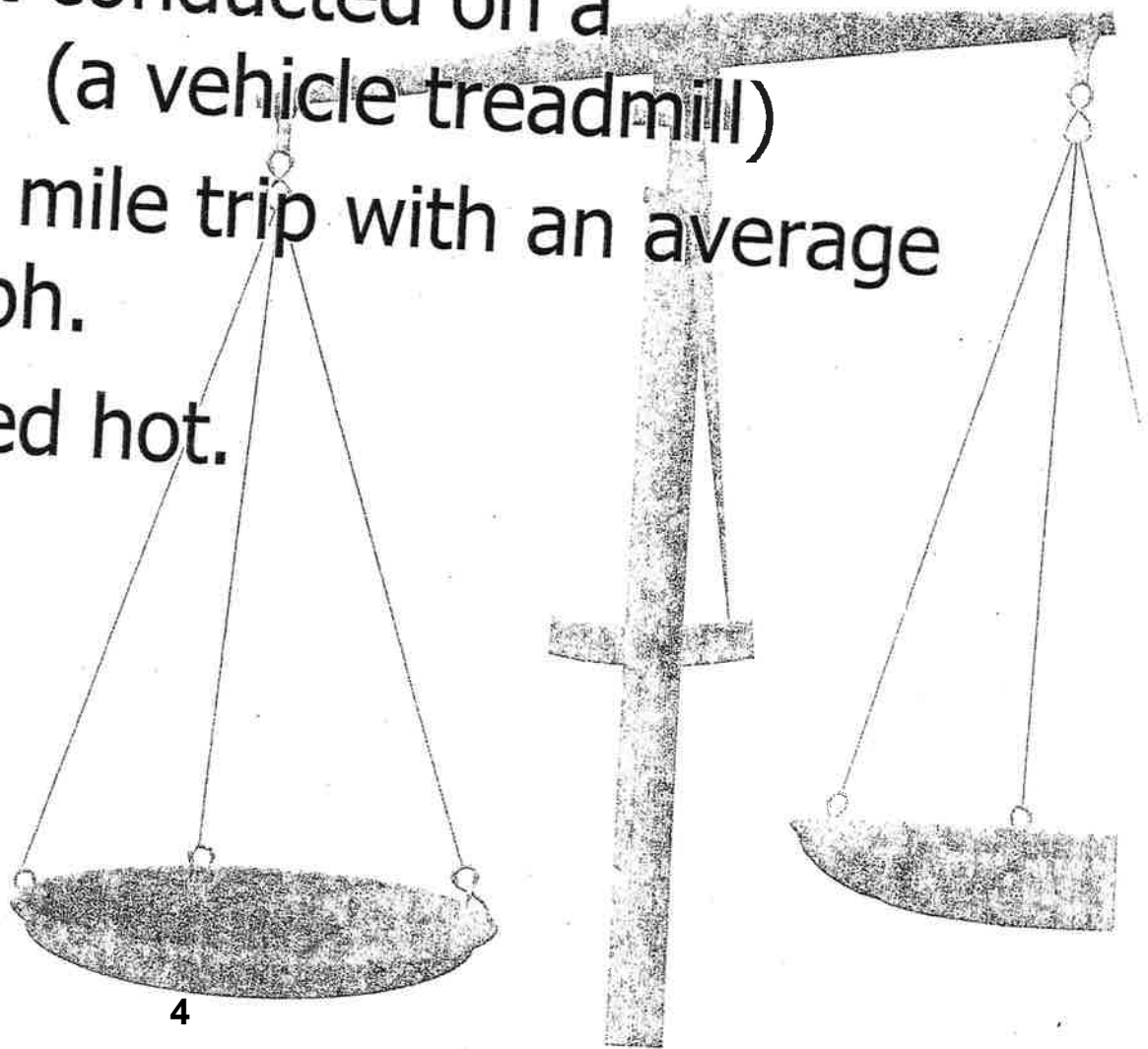
- 2004 Jeep Wrangler SE with 2.4L I4 engine & 5 speed HD transmission gets:

18 mpg City
20 mpg highway

- Why the Difference ?

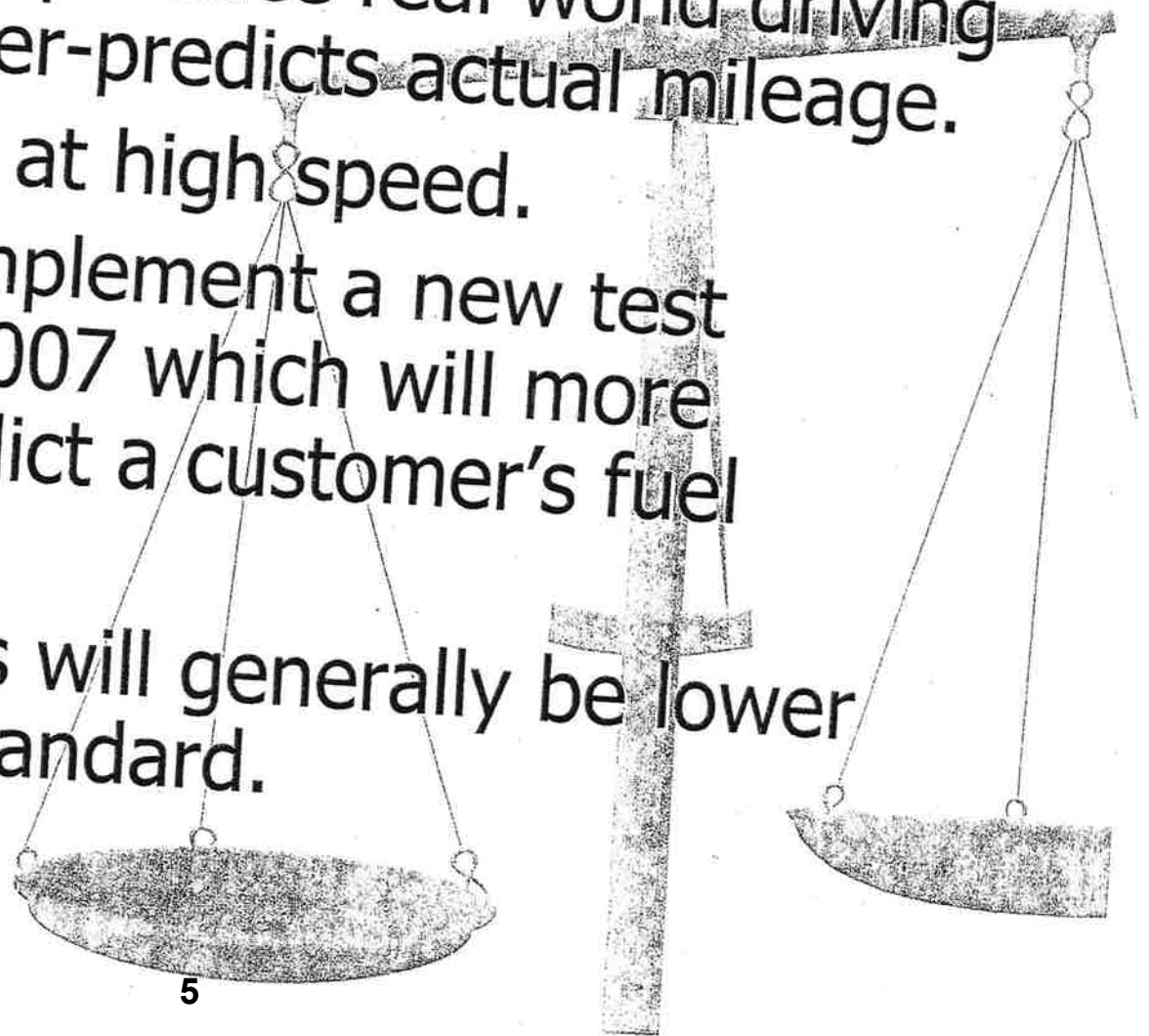
EPA Highway Test

- Laboratory test conducted on a dynamometer. (a vehicle treadmill)
- Simulates a 10 mile trip with an average speed of 48 mph.
- Vehicle is started hot.
- Little idling.
- No stops.



Shortcomings of the EPA Test

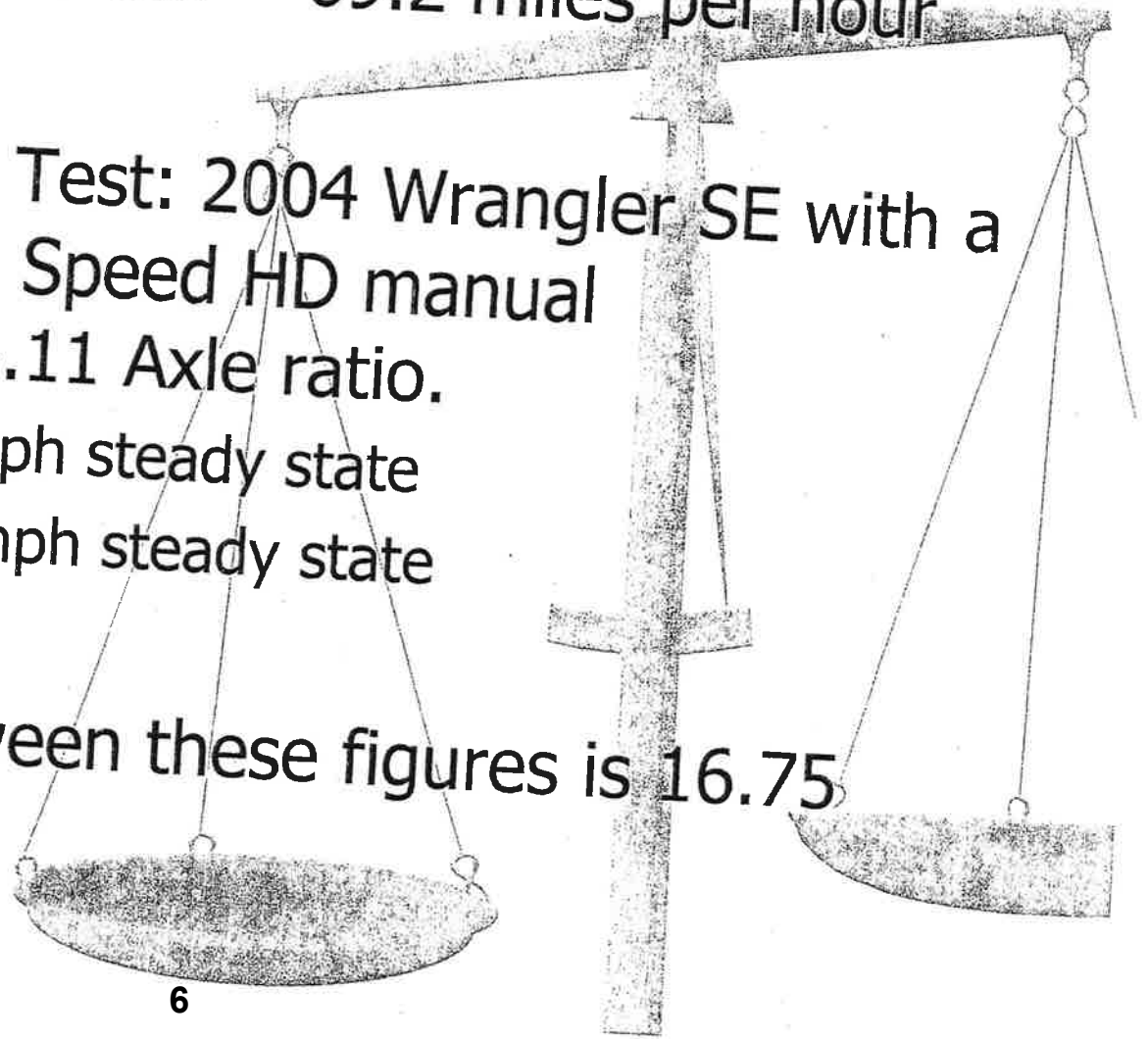
- Tends not to reproduce real world driving conditions. Over-predicts actual mileage.
- Especially true at high speed.
- The EPA will implement a new test procedure in 2007 which will more accurately predict a customer's fuel consumption.
- Mileage stickers will generally be lower with the new standard.



Calculations

- $214.4 \text{ miles} / 3.1 \text{ hours} = 69.2 \text{ miles per hour}$
- DCX Certification Test: 2004 Wrangler SE with a 2.4L I4 Engine, 5 Speed HD manual transmission, & 4.11 Axle ratio.
 - 18.7mpg @ 70 mph steady state
 - 14.8 mpg @ 80 mph steady state

Note: Midpoint between these figures is 16.75 mpg & 75 mph



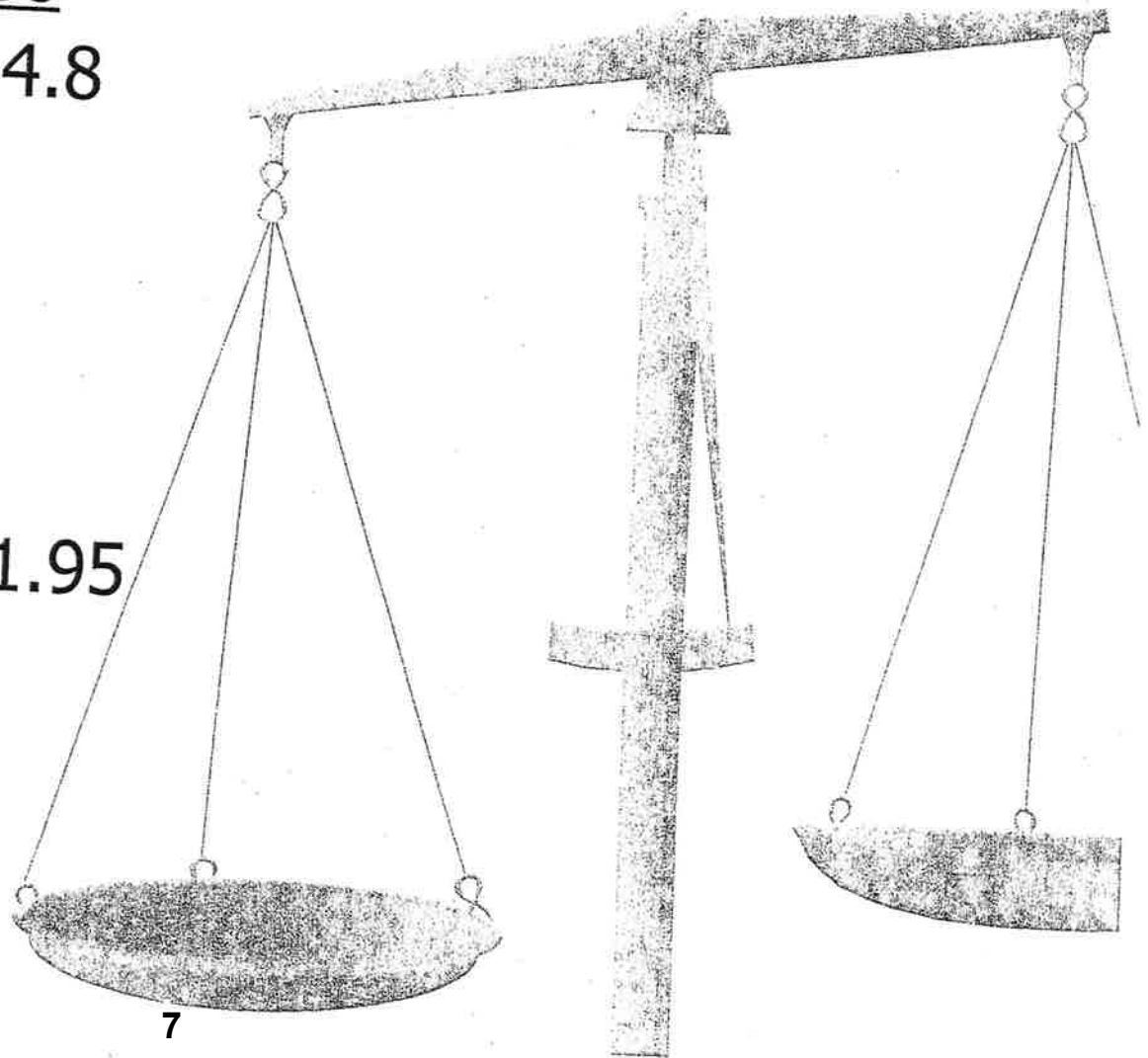
Ratio Calculations

$$\frac{70 - 75}{18.7 - X} = \frac{70 - 80}{18.7 - 14.8}$$

$$\frac{-5}{18.7 - X} = \frac{-10}{3.9}$$

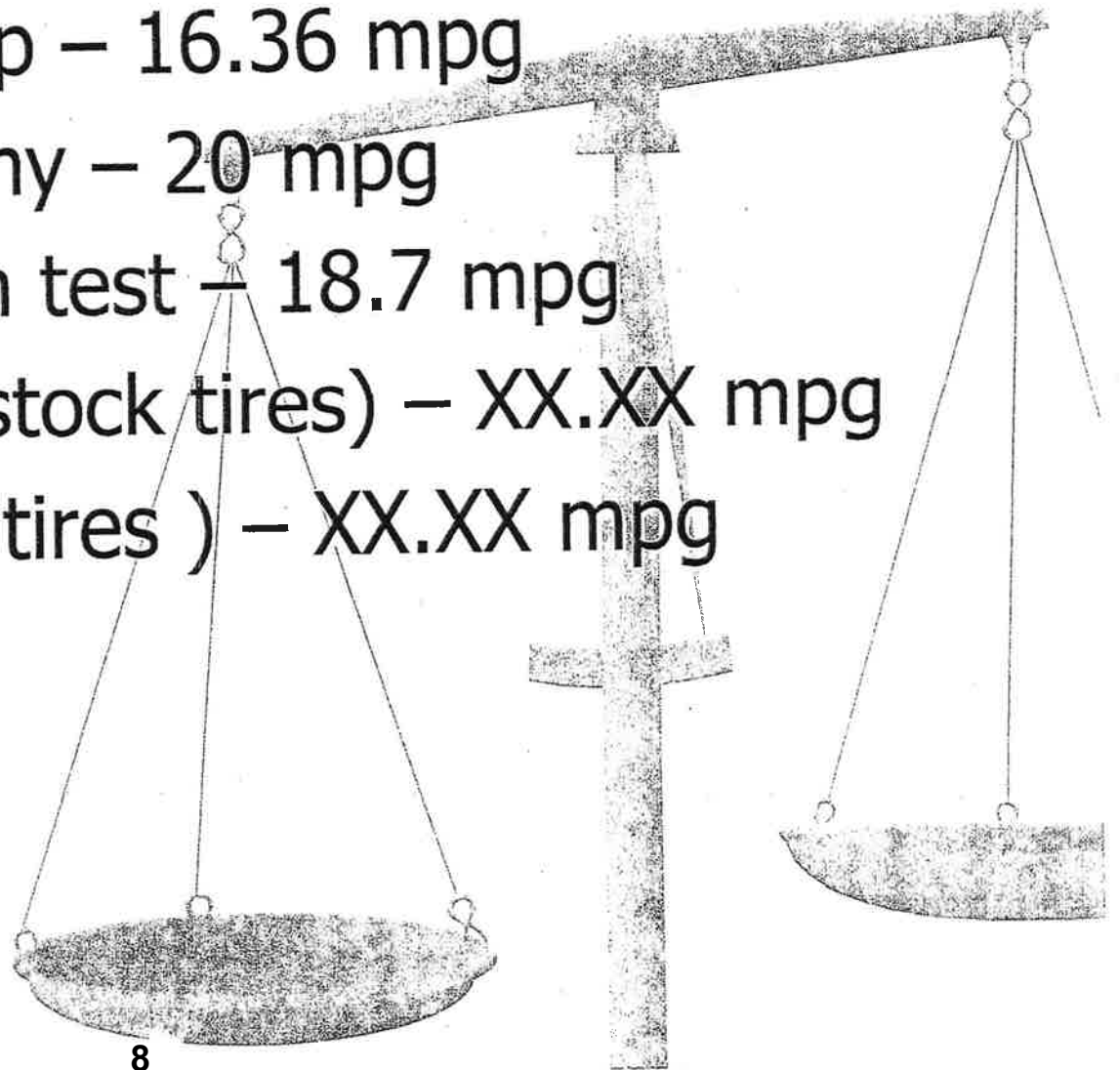
$$18.7 - X = .5(3.9) = 1.95$$

$$X = 16.75 \text{ mph}$$



Results

- Porco vehicle trip – 16.36 mpg
- EPA fuel economy – 20 mpg
- DCX certification test – 18.7 mpg
- DCX road test (stock tires) – XX.XX mpg
- DCX road test (tires) – XX.XX mpg

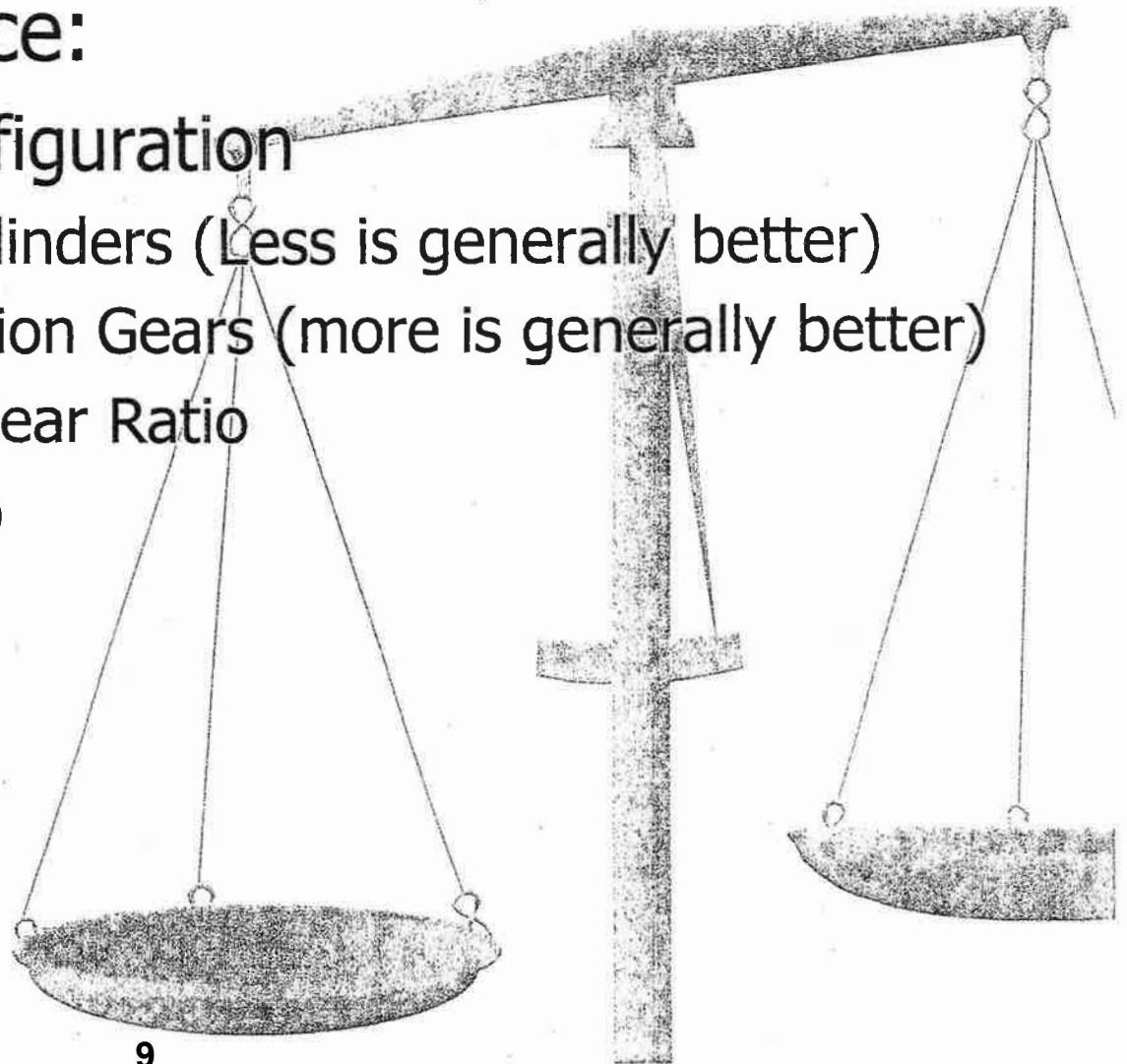


Real World Fuel Economy

- Primary Influence:

- Powertrain Configuration

- # of Engine Cylinders (Less is generally better)
 - # of Transmission Gears (more is generally better)
 - Transmission Gear Ratio
 - Axle Gear Ratio



Real World Fuel Economy

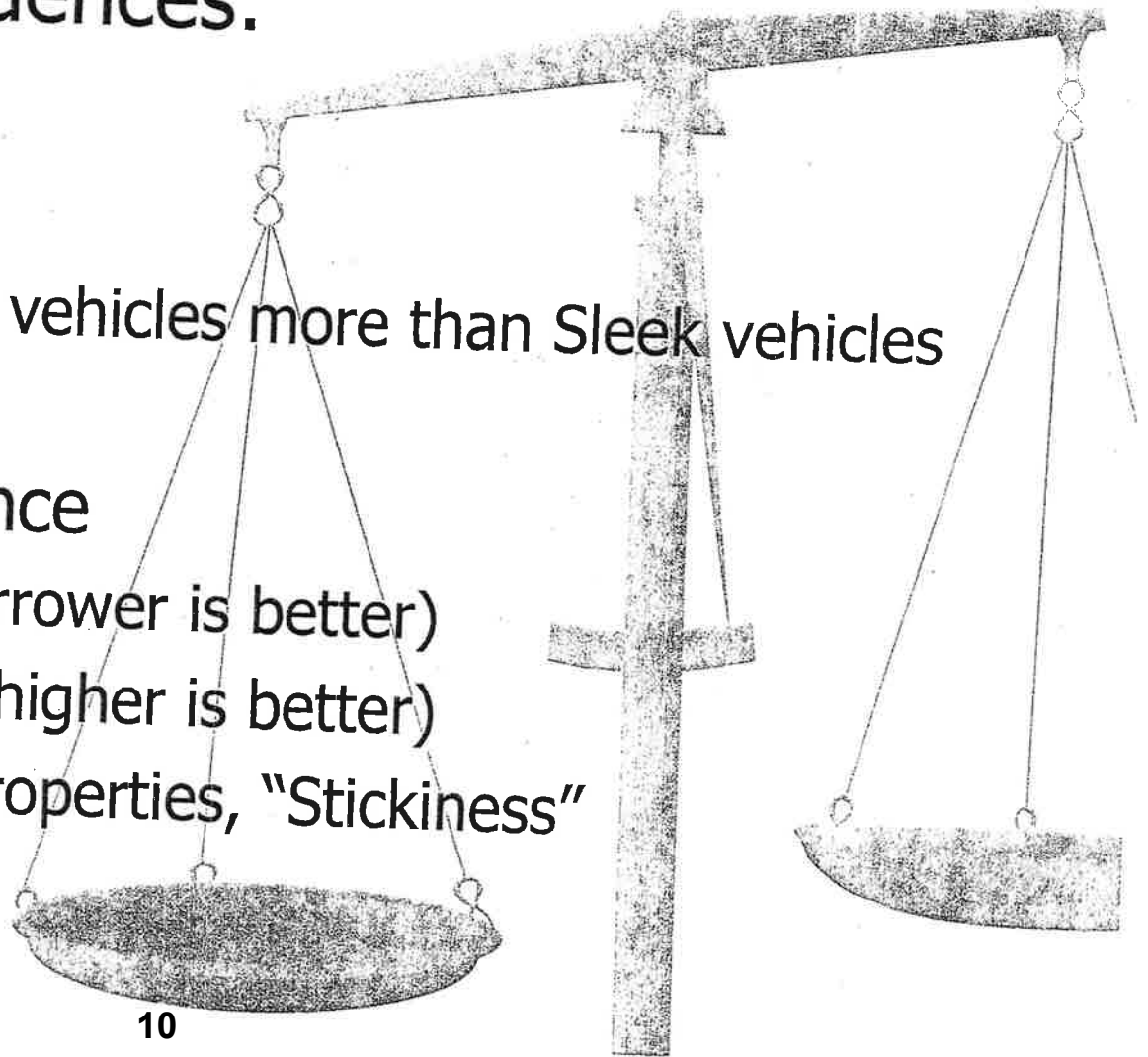
■ Secondary Influences:

■ Aerodynamics

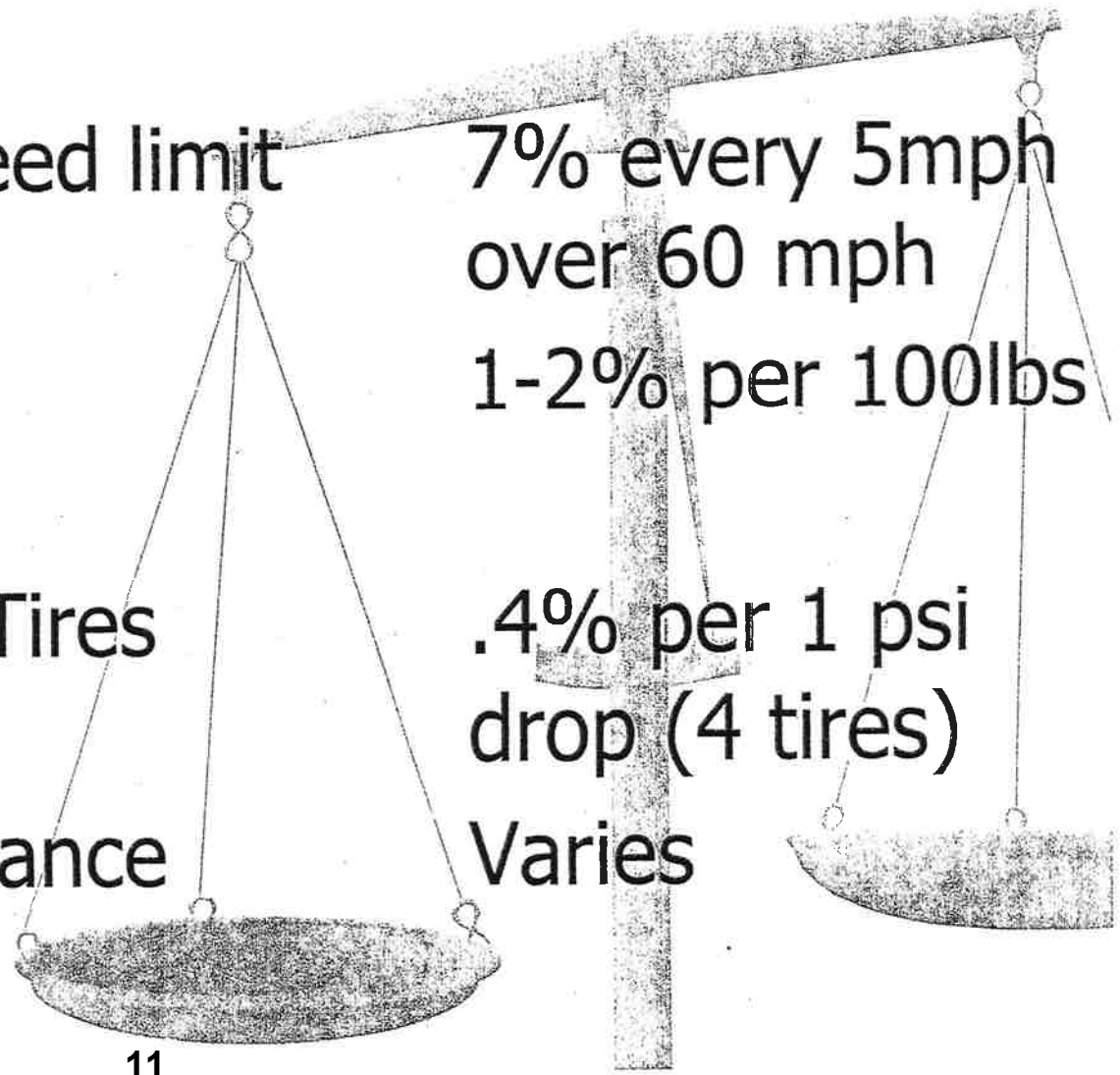
- Affects "Boxy" vehicles more than Sleek vehicles

■ Rolling Resistance

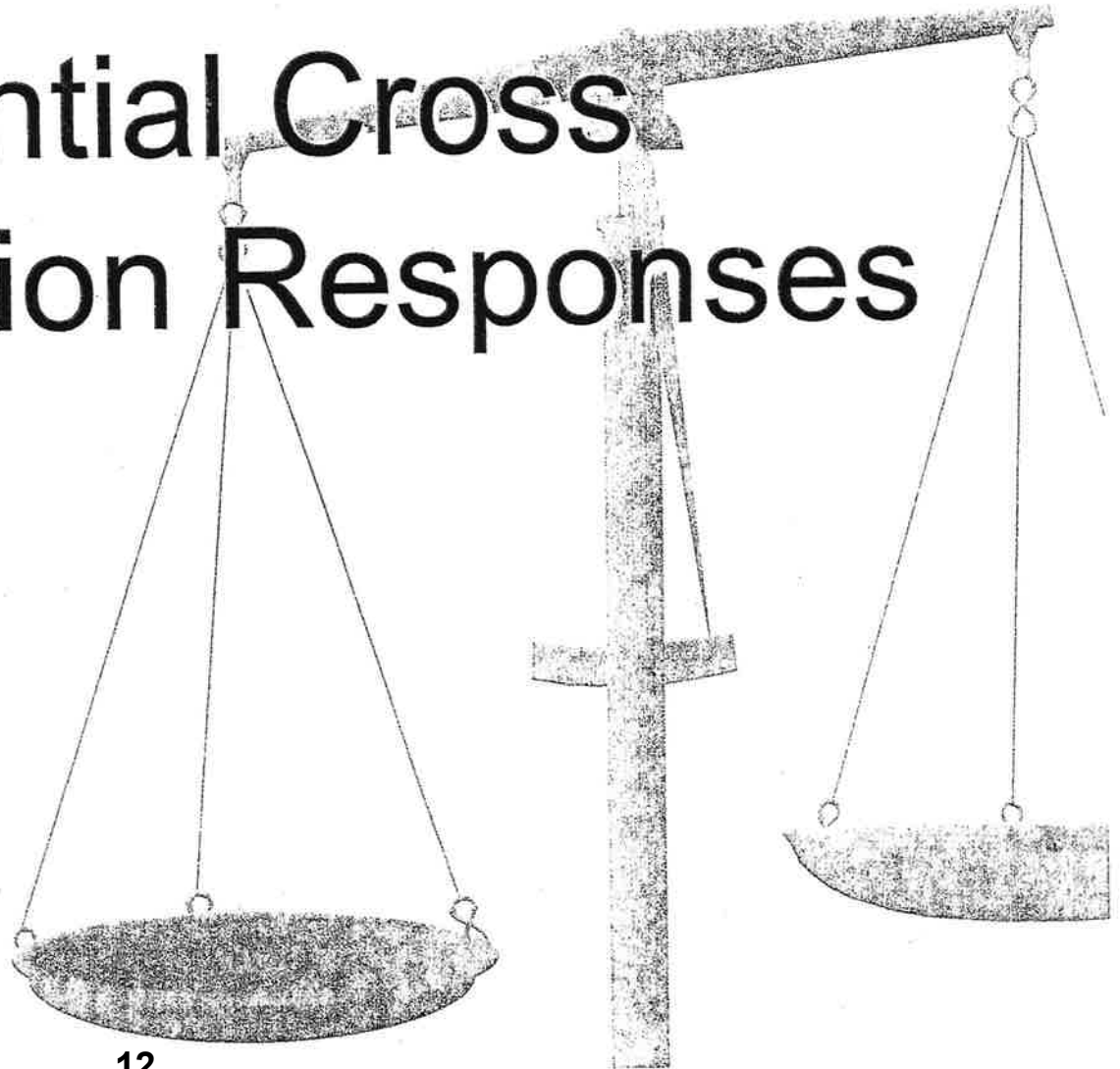
- Tire Width (narrower is better)
- Tire Pressure (higher is better)
- Tire Material Properties, "Stickiness"



Other Factors that Affect Mileage

- 
- Observe the speed limit 7% every 5mph over 60 mph
 - Excess Weight 1-2% per 100lbs
 - Under-Inflated Tires .4% per 1 psi drop (4 tires)
 - Vehicle Maintenance Varies

Potential Cross Examination Responses



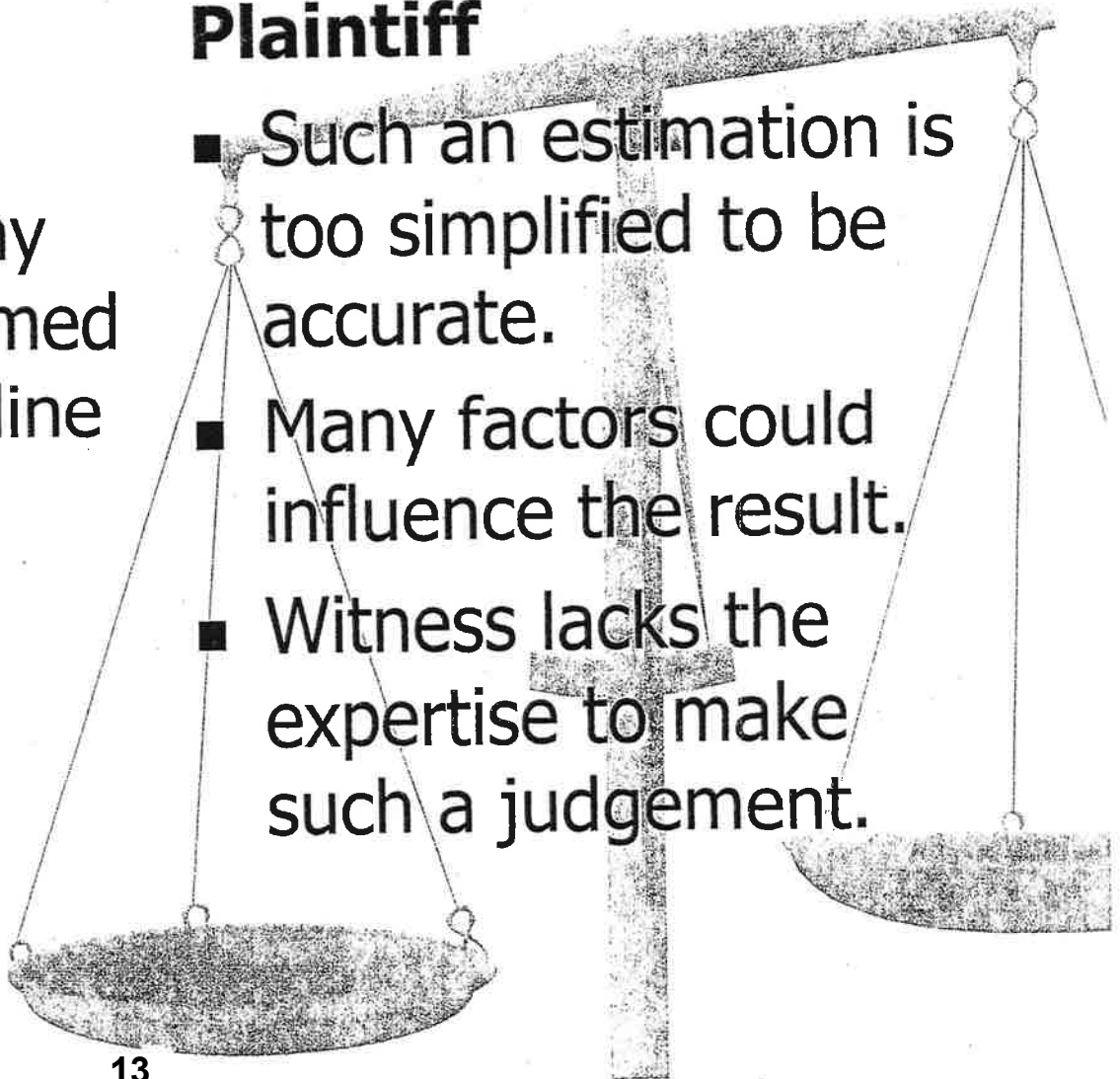
General Themes

DCX

- The trip from Rochester to Albany would have consumed 14 gallons of gasoline using Porco's Jeep Wrangler

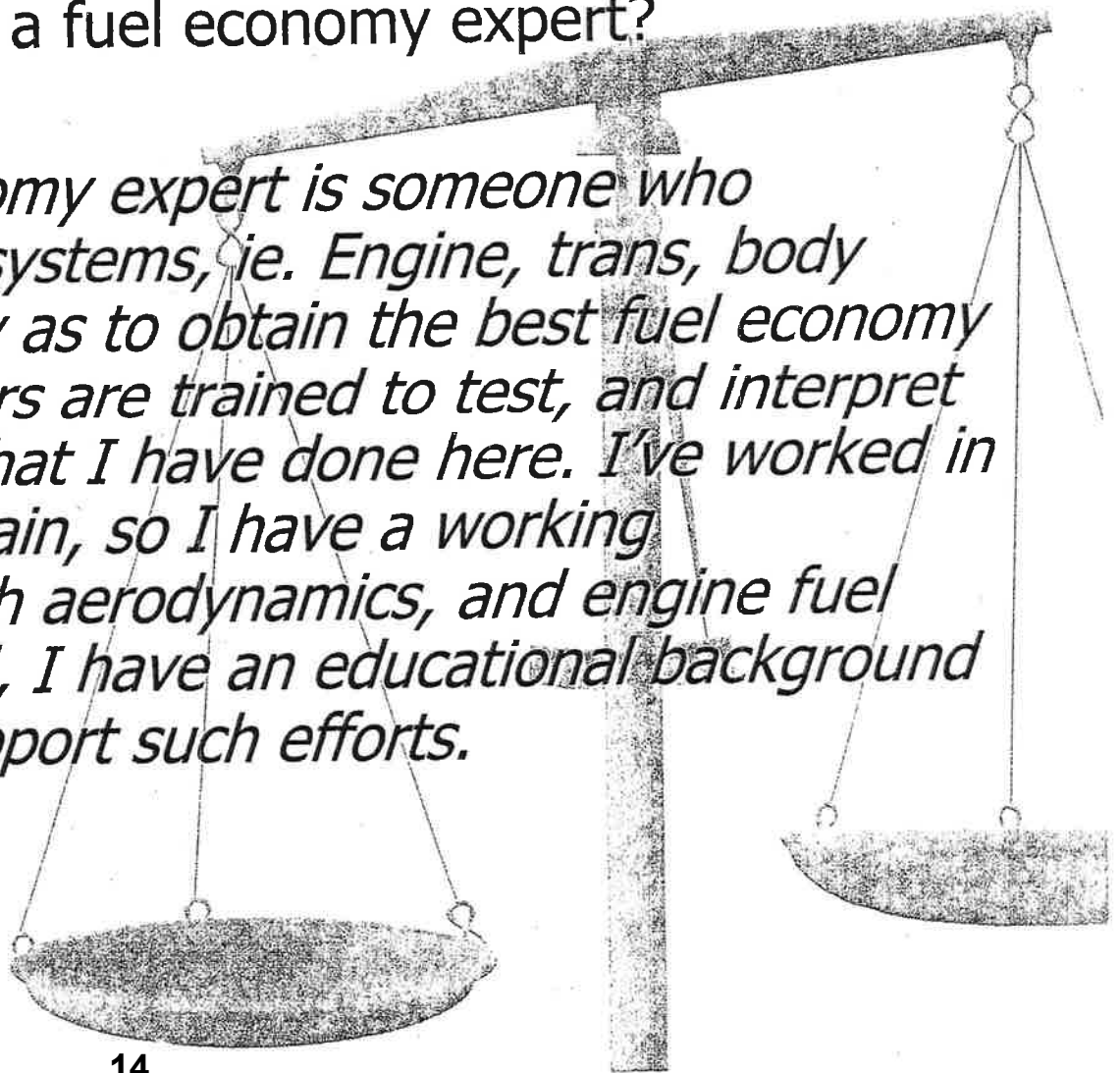
Plaintiff

- Such an estimation is too simplified to be accurate.
- Many factors could influence the result.
- Witness lacks the expertise to make such a judgement.



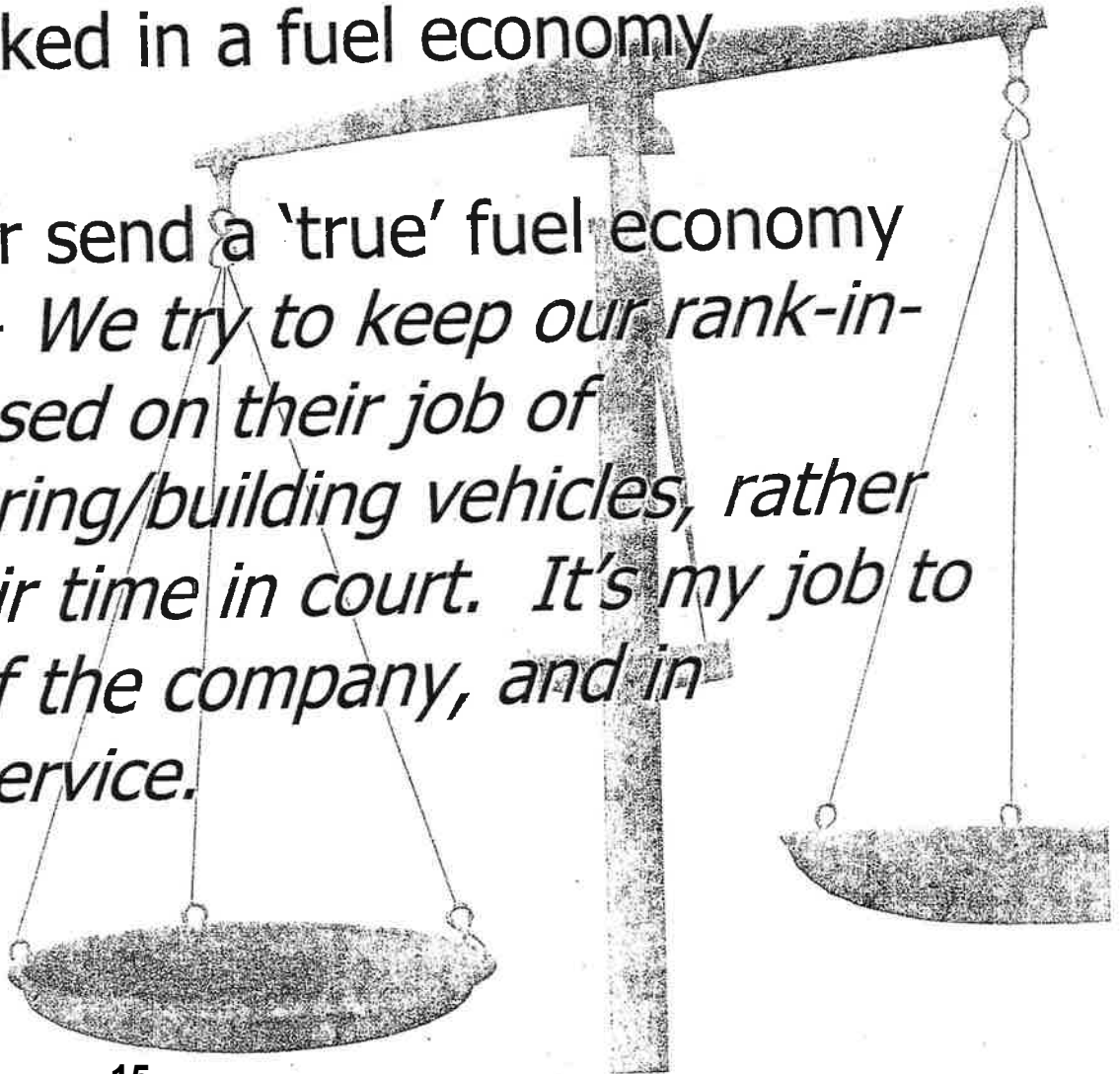
Questions

- What qualifies you as a fuel economy expert?
- *I'm not. A fuel economy expert is someone who matches the vehicle systems, ie. Engine, trans, body styling, in such a way as to obtain the best fuel economy possible. All engineers are trained to test, and interpret test data, which is what I have done here. I've worked in both Body & Powertrain, so I have a working understanding of both aerodynamics, and engine fuel consumption. As well, I have an educational background which would also support such efforts.*



Questions

- Have you ever worked in a fuel economy position? – *No*
- Why didn't Chrysler send a 'true' fuel economy expert to testify? – *We try to keep our rank-in-file engineers focused on their job of designing/engineering/building vehicles, rather than spending their time in court. It's my job to testify on behalf of the company, and in instances of civil service.*



~~Steve Silko~~

Lt. Beber → 288-0908

Steve Silko

(c)
(313) 414-1002

Nov. 15th, 2004

→ ~~freeway~~ freeway

posted speed limit?

at night?

fill up 2000 where?

tires may make only 1 mile per hour difference
should we purchase them?

might take some time.

5/9/06 → spoke to Steve Silko (248) 512-2827

He would be willing to come testify, but would need to clear it through his bosses to Legal.

I told him we would be willing to fly him out here & put him up.
He will call me back.

senior specialist in product analysis

Corporate Business Practices

strictly business travel expenses

* cannot accept other payments

Modifications:

1/14/05 → seats, glove box, rear-view mirror, pedals

* previous owner replaced fuel pump
we will

his schedule

June 29th - bad day

July 3rd - 4th

July 10th & 11th - prefer not to come

July 19th - kids birthday

*
he will own C.V.

has one available

he could fit w/ tires

[bad dry coefficient once you go over 50 (it's like a box)

the pressure could also affect

checkpoints

has Jeep w/
same powertrain configuration

* → Get exact distance from toll booth to toll booth.

* → temperature at time?

vehicle performance test
treadmill for cars

wind?

simulate load on engine
to approximate gas mileage at
different speeds

70	18.7
80	14.8

ride evaluation

send faxes to:

address → 6242 Product
Sterling Height, MICHIGAN
(ZIP?)

BF Goodridge 325/60/R15

wheels?

Major Crime Lead Sheet

<i>Title</i>		<i>Lead Number</i>
Porco Homicide		419
<i>Assigned By</i>	<i>Date Logged</i>	<i>Source</i>
Bethlehem PD	6/5/2006	Investigation
<i>Officer 1</i>	<i>Officer 2</i>	<i>Target</i>
Kelly		
<i>Lead Instruction</i>		
Measure the distance from 36 Brockley Drive to the location on Genesee St in Rochester where Chris Porco's jeep was found on 11/15/04.		
<i>List Attached Enclosures - Any Statements, Documents, Photos, Notes</i>		
<i>If an Item or Evidence was obtained, Describe WHAT it is and WHERE it is Secured</i>		
<i>Reviewed By:</i>	<i>Reviewed Date:</i>	<i>Ongoing Lead:</i> <input type="checkbox"/>

LEAD SYNOPSIS

Lead Instruction: 419 – Measure the distance from 36 Brockley Dr to the location on Genesee St in Rochester where Chris Porco's jeep was found on 11/15/04.

Lead Completed By: Kelly

Results:

36 Brockley Drive to Exit 24 of the Thruway (via Cherry Ave, Rt 140, Rt 85, I-90) = 9.3 miles

Exit 24 to Exit 46 = 214.4 miles

Exit 46 to the Genesee St location in Rochester (via 390N, exit 16, River Rd, Kendrick Rd, Elmwood Ave) = 8.7 miles

Total distance = 232.4 miles

6/3/06

Brockley Dr. to Exit 24 NYS T-way = 9.3 miles
(via Cherry Ave, Rt 140, Rt 85, I-90)

Exit 24 to Exit 46 = 214.4 miles

Exit 46 to Genesee St / Rochester = 8.7 miles
(via 390 N exit 16, River Rd, Kendrick, Elmwood)

24 to 31 Utica

84.9

31 to 46

129.5

11
84.9
129.5
214.4

214.4
9.3
8.7
232.4

Major Crime Lead Sheet

Title

Porco Homicide

Lead Number

175

Assigned By

Bethlehem PD

Date Logged

12/14/2004

Source

Investigation

Officer 1

Mosher

Officer 2

UNYRIC

Target

Lead Instruction

SUBPOENA MOBIL - EXXON ACCOUNT FOR MOST RECENT BILLING STATEMENT (11/12/04 TO CURRENT) AND HISTORY ON ACCOUNT FOR PAST 3 MONTHS - REFER TO LEAD # 6

List Attached Enclosures - Any Statements, Documents, Photos, Notes

If an Item or Evidence was obtained, Describe WHAT it is and WHERE it is Secured

Reviewed By:

Reviewed Date:

Ongoing Lead:



Add to Lead 175

CDA

** NO MORE DETAILS ON FILE **

14:18:43 12/02/04

PORCO,JOAN*PORCO,PETER R*36 BROCKLEY DR**DELMAR*NY*12054-2302*7302855313534734*2

SQ	DATE	TIME	TC	TERM	AUTH#	DESC	ENT	CAT	ZIP	AMOUN
02	1113	1113	P930500NF00XTMJG2	1181	WESTERN AVE		ALBANY		NY	34.47
03	1113	1113	P930500NF00XTMJG2	1810	MT. HOPE AVE		ROCHESTER		NY	35.64
04	1112	1113	P930500NF00XTMJG2	690	PITTSFORD VICTOR RD		PITTSFORD		NY	24.20

Credit Card Template

Account Owner:	JOAN PORCO
Account Type:	GAS CREDIT CARD
Credit Card Name and Address:	EXXON MOBILE CARD SERVICES, PO BOX 103031, ROSWELL GA 30078
Account#:	8553135347

Card Number	Transaction Date	Description	DR Amount	CR Amount	Balance
968	10/23/2004	594 delaware ave., delmar	20.49		1408.13
001	10/25/2004	1000 curry road, schenectady	18.79		1426.92
005	10/28/2004	2833 west ridge rd, rochester	40.33		1467.25
968	10/28/2004	594 delaware ave., delmar	15.00		1482.25
001	11/1/2004	594 delaware ave., delmar	27.86		1510.11
001	11/4/2004	594 delaware ave., delmar	18.32		1528.43
005	11/6/2004	851 southern blvd, albany	28.57		1557.00
005	11/6/2004	2120 black rock tpke fairfield, ct	10.48		1567.48
005	11/6/2004	2120 black rock tpke fairfield, ct	25.59		1593.07
005	11/6/2004	810 e port byron area, port byron ny	34.05		1627.12
	11/8/2004	pmt.		134.00	1493.12
	11/8/2004	late fee	29.00		1522.12
968	11/10/2004	594 delaware ave., delmar	21.39		1543.51
968	11/11/2004	594 delaware ave., delmar	18.01		1561.52
	11/12/2004	finance charge	27.81		1589.33
005	11/12/2004	690 pittsford victor rd, pittsford ny	24.20		1613.53
005	11/13/2004	1181 western ave albany ny	34.47		1648.00
005	11/13/2004	1810 mt. Hope ave, rochester	35.64		1683.64



John L. Buono
Chairman

**New York State Thruway Authority
New York State Canal Corporation**

200 Southern Blvd., P.O. Box 189, Albany, NY 12201-0189

www.thruway.state.ny.us



Michael R. Fleischer
Executive Director
TDD/TTY 1-800-253-8244

December 1, 2004

VIA FACSIMILE 439-6965

Michael P. McDermott
Chief Assistant District Attorney
Albany County D.A.'s Office
Albany County Courthouse
Albany, New York 12207

Re: Grand Jury Subpoena
Our File No. 2004-0797

Dear Mr. McDermott:

In further response to the enclosed Grand Jury subpoena for E-ZPass records, enclosed is a certified copy.

If I can be of further assistance, please contact me at (518) 436-2867.

Sincerely,

Marcy Pavone

Marcy Pavone
Legal Assistant

Enc.

File Account Management Application - History

File Folders Help



Financial History Non-Financial History Toll History ConsolidatedTab DeviceHistoryTab TripsandSuspension EPS History

Agency Account No. Account Name Account Balance Financial Status Acct Open Date
 NEW YORK STATE THRUWAY 932021 POC CO. PETER BOON \$48.10 GOOD 08/03/1998

Agency Device Start Date End Date
 10/16/2004 11/30/2004



Last Disputed Toll: 17-May-2002 for \$8.10

Agency	Device/Plate	Tran.Date/Time	Post.Date	Entr...	Ex...	Exi...	Status	Entry.D...	Entry.T...	FullFare	Entr...
NYSTA	00401730245	11/16/2004 04:35:15	11/29/20...	50	24	115	UTOL			\$8.45	
NYSTA	00401730245	11/13/2004 18:49:17	11/14/20...	24	46	07N	ETOL	11/13/...	15:44:45	\$6.70	04E
NYSTA	00401730245	11/12/2004 17:11:56	11/13/20...	45	24	085	ETOL	11/12/...	14:14:40	\$6.30	02E
NYSTA	00401730245	11/06/2004 20:21:49	11/07/20...	17	22	04E	ETOL	11/06/...	19:23:02	\$2.35	02E
NYSTA	00401730245	11/06/2004 11:31:28	11/07/20...			NBB	04E	ETOL		\$1.00	
NYSBA	00401730245	11/06/2004 11:26:01	11/07/20...	16W	17	05E	ETOL	11/06/...	11:13:34	\$0.00	01E
NYSTA	00401730245	11/06/2004 11:12:21	11/07/20...			HA	06E	ETOL		\$0.50	
NYSTA	00401730245	11/06/2004 11:10:44	11/07/20...	23	16H	13W	ETOL	11/06/...	09:45:23	\$3.00	03E
NYSTA	00401730245	11/06/2004 09:37:34	11/07/20...	46	23	06E	ETOL	11/06/...	01:02:40	\$6.85	02E
NYSTA	00401730245	11/06/2004 09:37:34	11/07/20...	46	23	06E	ETOL	11/06/...	01:02:40	\$6.85	02E
NYSTA	00402092555	11/04/2004 16:23:15	11/05/20...	25	24	085	ETOL	11/04/...	16:16:34	\$0.20	03E
NYSTA	00402092555	11/03/2004 20:35:29	11/04/20...	25	24	095	ETOL	11/03/...	20:29:25	\$0.20	03E
NYSTA	00402092555	10/28/2004 21:45:27	10/29/20...	27	24	085	ETOL	10/28/...	21:21:53	\$0.80	02E
NYSTA	00402092555	10/26/2004 20:38:30	10/27/20...	25	24	105	ETOL	10/26/...	20:31:26	\$0.20	03E
NYSTA	00402092555	10/23/2004 12:31:25	10/24/20...	41	46	07N	ETOL	10/23/...	11:57:06	\$1.35	02E
NYSTA	00401730245	10/22/2004 15:33:28	10/23/20...	46	41	05E	ETOL	10/22/...	14:57:59	\$1.35	02E
NYSTA	00402092554	10/19/2004 00:28:50	10/20/20...	21	23	06E	ETOL	10/19/...	00:02:46	\$0.90	01E
NYSTA	00402092554	10/18/2004 18:17:31	10/19/20...	23	21	045	ETOL	10/18/...	17:50:42	\$0.90	04E
NYSTA	00401730245	10/18/2004 18:00:36	10/19/20...	24	46	07N	ETOL	10/18/...	14:59:11	\$6.70	05E

Add To Toll Adjustment List

Adjust The Toll


11/30/2004 3:52 PM

Nov 30, 2004 3:52 PM

Ready Start Snagit/32 Novel Mail Pro VECTOR VECTOR ETC AL 3:52 PM

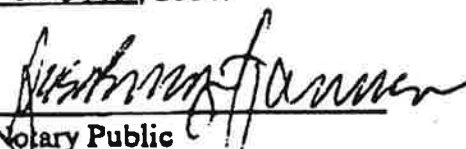
STATE OF NEW YORK)
) ss:
COUNTY OF ALBANY)

I, Jill B. Warner, the Assistant Secretary for the New York State Thruway Authority, located at 200 Southern Boulevard, Albany, New York, do hereby certify that I have in my possession, custody and control certain records of the said Authority, and that the reproduction annexed hereto has been compared to by me with the original and found to be a true and complete copy of the records.



Jill B. Warner

Sworn to before me
this 1st day of
December, 2004.



Notary Public

RESA SIEGEL TANNER
Notary Public, State of New York
Qualified in Albany County
No. 4935419
Commission Expires June 8, 2006

Exit Plz	Exit Ln	Exit time	Collector	Exit Ticket Serial Number	Class	Entry Plz	Entry Lane	Entry Time	Entry Ticket Serial Number
✓ 4X	13S	010244	03309	3214	01	45X	01S	213230	7111
✓ 24X	14S	022419	16379	1346	01	45X	03S	232646	1627
✓ 24X	07S	001030	03347	2141	01	46X	03S	213206	6028
✓ 24X	13S	015113	03309	3260	01	46X	03S	224528	6137
✓ 24X	13S	015620	03309	3273	01	46X	03S	223308	6117
✓ 24X	07S	020252	03347	2191	01	46X	03S	201301	5843
✓ 45X	04N	033928	16831	4510	01	24X	05N	004859	3587
✓ 45X	04N	040758	16831	4520	04	24X	06N	010911	0178
✓ 45X	06N	062911	14499	1665	01	24X	06N	012814	0198
✓ 45X	07N	064709	04111	2401	01	24X	03N	035055	7724
✓ 45X	07N	070454	04111	2439	01	24X	05N	041235	3732
✓ 45X	05N	072611	15506	6118	01	24X	05N	043403	3747
✓ 45X	05N	074558	15506	6203	01	24X	05N	045303	3765
✓ 45X	07N	081022	15159	2611	01	24X	03N	053154	7827
✓ 45X	07N	083522	04111	2662	01	24X	06N	054630	0227
✓ 45X	06N	085232	15159	2188	01	24X	06N	033014	0222
✓ 45X	05N	093413	15506	6569	04	24X	05N	053502	3839
✓ 45X	05N	094524	15506	6596	01	24X	03N	063238	7950
✓ 45X	05N	095049	15506	6613	01	24X	05N	064110	4024
✓ 45X	06N	095222	14499	2400	01	24X	05N	065115	4088
✓ 46X	05N	072312	01145	1301	09	23X	03W	041449	5312
✓ 46X	06N	090030	01618	7736	01	23X	03W	055332	5431
✓ 46X	08N	091925	02907	8993	01	23X	02W	060856	4853
✓ 46X	05N	030113	02922	1161	01	24X	05N	233336	3463
✓ 46X	05N	032805	02922	1167	01	24X	03N	002207	7586
✓ 46X	06N	072530	01618	7489	01	24X	05N	044226	3756
✓ 46X	05N	081458	01145	1450	05	24X	05N	182904	2024
✓ 46X	06N	081840	01618	7638	01	24X	05N	051220	3795
✓ 46X	06N	083637	05153	7681	05	24X	05N	232950	3453
✓ 46X	08N	091651	02907	****	01	24X	***	*****	**** CTR Lost 11/1

also gave
 4 exit 24 coll 16682 class 1 entry 46 ser# 8162
 23:49

15 exit 45 coll 15159 class 1 entry 45 24 ser# 2435
 10:06

15 exit 45 coll 15306 class 1 entry 24 ser# 6674
 10:13
 15 exit 45 coll 15306 class 1 entry ser# 6720
 10:28

Major Crime Lead Sheet

Title

Porco Homicide

Lead Number

67

Assigned By

Bethlehem PD

Date Logged

12/9/2004

Source

Investigation

Officer 1

RADLIFF

Officer 2

Target

Lead Instruction

FOLLOW UP FOR 24 HOUR BUSINESSES

List Attached Enclosures - Any Statements, Documents, Photos, Notes

If an Item or Evidence was obtained, Describe WHAT it is and WHERE is it Secured

Reviewed By:

Reviewed Date:

Ongoing Lead:

☐

OF CASE	Homicide		LEAD SHEET # 67 OF
LEAD RECEIVED BY	DATE	SOURCE	
LEAD ASSIGNED TO	DATE	LEAD ASSIGNED BY	

LEAD INSTRUCTIONS: Follow up 24 hrs businesses

LEAD RESULTS:

11/17/04 CHECKED MOBIL 9W Exit 23 Spoke with Dennis Lenhardt. Dennis worked 11/15/04 2200-0600 shift. SHOWN Picture of Jeep, did not come in on his shift. Negative.

11/17/04 CHECKED HESS Slingerlands. Opened store @ 0500 11/15/04 Rick Jones opened it. (Site Manager). Did not see Jeep come in. Video in store only. Follow up being done on (3) pay at Pump Purchases.

11/17/04 GETTY MART 1229 Western Ave. Across Ground Round. Spoke with Mohammad Butt (owner). Closes @ 2300 Hrs. Opens @ 0600. SHOWN Picture of Jeep. Does NOT look familiar to him. IN STORE Video only. Negative.

11/17/04# MOBIL MART "Campus MOBIL" Western Ave. 438-4794 Spoke with Adam Stewart. Video in store only. A Tia Martin worked 2200-0800 11/15/04 Negative for vehicle or video.

11/17/04 SUNOCO 1221 Western Ave 489-1746 Interviewed Harold Foote PICTURE SHOWN. Video INSIDE ONLY. Rita (manager) works 0600-1400. Checked Video Negative.

11/20/04 Sunoco 1465 Washington Ave. Asst. Manager Pete Weaver 446-0607 Video tape taken for viewing. Negative Results.

SIGNATURE OF ASSIGNED MEMBER	DATE
ENC	

FURTHER ACTION REQUESTED YES <input type="checkbox"/> NO <input type="checkbox"/>	IF "YES" EXPLAIN:
--	-------------------

X-REF WITH	LEAD SHEET #	TITLE	LEAD SHEET #	TITLE
REVIEWED BY				

*List all persons interviewed: Include date, time, DOB, address, employment, telephone # (home & business).
 List all places checked, (e.g. taverns, gas stations, businesses, etc.).

007-8C121

CHARACTER OF CASE HOMICIDE		CASE #	
LEAD RECEIVED BY	DATE	SOURCE	LEAD SHEET # 67 OF
LEAD ASSIGNED TO BASKERVILLE / GRAY	DATE 12/16	LEAD ASSIGNED BY	
LEAD INSTRUCTIONS INTER TOLL PLAZA GUILDERLAND			
LEAD RESULTS:			
INTERVIEWED: MNG KEVIN HOWIE MCDONALDS GUILDERLAND SERVICE CENTER NO TAPES			
INTERVIEWED: ART CARPENTER SANGCO GUILDERLAND SERVICE CENTER [REDACTED] NO TAPES, NO RECORDS OF ANYONE GETTING GAS AT SERVICE STATION AROUND 12:15/A - 2:00/A			
INTERVIEWED: GREG BUSH OWNER MOBILE LOCATION NEW SCOTLAND AND Krumkell RD C/ALBANY [REDACTED] NEG RESULTS			
INTERVIEWED: KRYSTAL MINISSALI DBA 1667 WESTERN AVE MOBILE [REDACTED] NO TAPE ONLY GAS RECEIPT FOR LARGE AMOUNT GAS SEE ATTACHED GAS SHEET REC.			
SIGNATURE OF ASSIGNED MEMBER		DATE	
ENC			
FURTHER ACTION REQUESTED YES <input type="checkbox"/> NO <input type="checkbox"/>		IF "YES" EXPLAIN:	
X-REF WITH	LEAD SHEET #	TITLE	LEAD SHEET # TITLE
REVIEWED BY			

List all persons interviewed: include date, time, DOB, address, employment, telephone # (home & business).
List all places checked, (e.g. taverns, gas stations, businesses, etc.).

From: Albro Fancher
To: Kelly, Gary
Date: 7/11/2006 2:11:16 PM
Subject: Washington Ave Sunoco A Plus

Gary,

I spoke with Manny Sodre who is the General Manager at the Sunoco/A+ #1706 at 1465 Washington Ave [REDACTED]. He is going to pull whatever register info he can find for those time periods on 11/15 and call me back. They changed their registers over in May of 2005 and now all transactions are maintained but he didn't seem hopeful for 2004. I will let you know what info he calls me with.

FYI Pete Weaver was Manny's asst. manager at that time and now works at the Mobil next to Uncommon grounds.

I drove around Stuyvesant Plaza and the only mail boxes I saw were the 3 directly in front of the Post Office.

Bro



**ALBANY COUNTY
DISTRICT ATTORNEY'S OFFICE**

P. David Soares, District Attorney

F A X

TO: MBNA VISA

FROM: Donna Zumbo

COMPANY: MBNA VISA

DATE: 7-11-06

FAX NUMBER: 302-458-0543

TOTAL NO. OF PAGES INCLUDING COVER: 3

RE: PEOPLE V. CHRISTOPHER PORCO

☒ URGENT

☐ FOR REVIEW

☐ PLEASE COMMENT

☐ PLEASE REPLY

Albany County Judicial Center, 6 Lodge Street, 4th floor, Albany, New York 12207
PHONE: (518) 275-4714 FAX: (518) 487-5093
www.albanycounty.com



COUNTY OF ALBANY
OFFICE OF THE DISTRICT ATTORNEY
ALBANY COUNTY COURT HOUSE
ALBANY, NEW YORK 12207
(518) 487-5460 - FAX (518) 487-5093

P. DAVID SOARES
DISTRICT ATTORNEY

MICHAEL P. McDERMOTT
CHIEF ASSISTANT DISTRICT ATTORNEY

July 11, 2006

VIA FACSIMILE

MBNA VISA

RE: PEOPLE V. CHRISTOPHER PORCO

To Whom it May Concern,

As per conversation with a representative from your company, we are faxing this request for customer information reference to a credit card purchase made on November 15, 2004. This request is related to a homicide investigation, which our office is currently trying in court. The purchase was for gas at Exxon Mobil on Western Avenue in Albany, NY at 2:00:21 a.m. on 11/15/04. The credit card number is [REDACTED] with expiration date, at the time, of [REDACTED]. We are requesting customer's name, address, account history for November 2004, and any account disputes/fraud during the time frame of November 2004. We apologize for the short notice, but are respectfully requesting an urgent response, as the trial is currently underway.

Very truly yours,

P. DAVID SOARES
DISTRICT ATTORNEY

By: *David M. Rossi*

David M. Rossi
Assistant District Attorney

DMR/ml
Enc.

111504 01:44:15 S&F CREDIT SALE
[REDACTED] Exp 7777
Addr # 1 Fuel Amount \$ 24.00
Inv. # UK7T056 Date 111504 App # 50
UNLEAD \$2.119/Gal Volume 11.325
Host Message: COMPLETE UK7T056

111504 01:49:37 S&F CREDIT SALE
[REDACTED] Exp 7777
Addr # 5 Fuel Amount \$ 14.20
Inv. # UK7T057 Date 111504 App # 00
UNLEAD \$2.119/Gal Volume 6.702
Host Message: COMPLETE UK7T057

111504 01:54:59 S&F CREDIT SALE
[REDACTED] 001 Exp 0607
Addr # 2 Fuel Amount \$ 26.52
Inv. # UK7T058 Date 111504 App # 00
UNLEAD \$2.119/Gal Volume 12.514
Host Message: COMPLETE UK7T058

111504 02:00:04 CAT PAY INSIDE SALE
Addr # 6 Fuel Amount \$ 18.13
UNLEAD \$2.119/Gal Volume 8.558

111504 02:00:21 S&F CREDIT SALE
Acct # [REDACTED] Exp 0705
Addr # 7 Fuel Amount \$ 29.05
Inv. # UK7T059 Date 111504 App # 00
UNLEAD \$2.119/Gal Volume 13.710
Host Message: COMPLETE UK7T059

111504 02:05:45 S&F CREDIT SALE
[REDACTED] Exp 0508
Addr # 4 Fuel Amount \$ 24.07
Inv. # UK7T060 Date 111504 App # 45
UNLEAD \$2.119/Gal Volume 11.359
Host Message: COMPLETE UK7T060

111504 02:11:07 S&F CREDIT SALE
[REDACTED] Exp 0506
Addr # 25 Amount \$ 17.46
Inv. # UK7A263 Date 111504 App # 01
SUPER + \$2.319/Gal Volume 7.530
Host Message: SALE OK UK7A263

111504 02:16:29 S&F CREDIT SALE
[REDACTED] Exp 0507
Addr # 3 Fuel Amount \$ 33.00

Fax Call Report

Job	Date	Time	Type	Identification	Duration	Pages	Result
556	7/11/2006	1:22:19PM	Send	13024580543	1:04	3	OK



**ALBANY COUNTY
DISTRICT ATTORNEY'S OFFICE**

P. David Soares, District Attorney

TO: MBNA VISA		FROM: Donna Zumbo	
COMPANY: MBNA VISA		DATE: 7-11-06	
FAX NUMBER: 302-458-0543		TOTAL NO. OF PAGES INCLUDING COVER: 3	
RE: PEOPLE V. CHRISTOPHER PORCO			
<input checked="" type="checkbox"/> URGENT	<input type="checkbox"/> FOR REVIEW	<input type="checkbox"/> PLEASE COMMENT	<input type="checkbox"/> PLEASE REPLY

Albany County Judicial Center, 6 Lodge Street, 4th floor, Albany, New York 12207

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Sunoco CO Inc

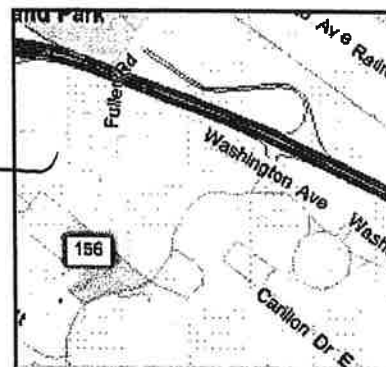
1465 Washington Avenue, Albany, NY 12206
[map](#) | [driving directions](#)

phone: (518) 446-9713

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~~Address~~
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Marine Fuel

1797 Veterans Hwy Ste 32, Islandia, NY 11749

[isobunkersnyislandia.usdirectory.com](#)

SRJ Primitive Ver 6.6 Dec 11, 1995
12:10:31am Mon 15 Nov '04 SRJ #3
** Recovery from Open Door **
***** LOG ON *****

111504 00:10:18 CAT CREDIT SALE
Acct # [REDACTED]
Addr # 7 Fuel Amount \$ 15.55
Inv. # UK72671 Date 111504 App # 01
UNLEAD \$2.119/Gal Volume 7.340
Host Message: COMPLETE UK72671

***** ERROR *****
111504 00:16:15 BAD CARD READ
Acct # [REDACTED] Exp ????
Addr # 2
Fuel Amount \$ 0.00
Inv. # [REDACTED] Date 111504 App # [REDACTED]
Host Message:

111504 00:16:20 PUMP # 2 STARTED

111504 00:17:51 CAT CREDIT AUTHORIZATION
Acct # [REDACTED] Exp [REDACTED]
Addr # 2 TID# 03 Amount \$ 75.00
Host Message: OK TO PUMP 07500

111504 00:18:43 CAT CREDIT SALE
[REDACTED]
Addr # 2 Fuel Amount \$ 10.00
Inv. # UK73279 Date 111504 App # 21
UNLEAD \$2.119/Gal Volume 4.719

1115 111504 01:44:15 S&F CREDIT SALE
A Acct # [REDACTED] Exp ????
A Addr # 1 Fuel Amount \$ 24.00
Inv. # UK7T056 Date 111504 App # 50
UNLEAD \$2.119/Gal Volume 11.325
Host Message: COMPLETE UK7T056

111504 01:49:37 S&F CREDIT SALE
Acct # [REDACTED] Exp ????
Addr # 5 Fuel Amount \$ 14.20
Inv. # UK7T057 Date 111504 App # 00
UNLEAD \$2.119/Gal Volume 6.702
Host Message: COMPLETE UK7T057

111504 01:54:59 S&F CREDIT SALE
Acct # [REDACTED] 001 Exp [REDACTED]
Addr # 2 Fuel Amount \$ 26.52
Inv. # UK7T058 Date 111504 App # 00
UNLEAD \$2.119/Gal Volume 12.514
Host Message: COMPLETE UK7T058

111504 02:00:04 CAT PAY INSIDE SALE
Addr # 6 Fuel Amount \$ 18.13
UNLEAD \$2.119/Gal Volume 8.558

111504 02:00:21 S&F CREDIT SALE
Acct # [REDACTED] Exp [REDACTED]
Addr # 7 Fuel Amount \$ 29.05
Inv. # UK7T059 Date 111504 App # 00
UNLEAD \$2.119/Gal Volume 13.710
Host Message: COMPLETE UK7T059

111504 02:05:45 S&F CREDIT SALE
Acct # [REDACTED] Exp [REDACTED]
Addr # 4 Fuel Amount \$ 24.07
Inv. # UK7T060 Date 111504 App # 45
UNLEAD \$2.119/Gal Volume 11.359
Host Message: COMPLETE UK7T060

111504 02:11:07 S&F CREDIT SALE
Acct # [REDACTED] Exp [REDACTED]
Addr # 25 Amount \$ 17.46
Inv. # UK7A263 Date 111504 App # 01
SUPER + \$2.319/Gal Volume 7.530
Host Message: SALE OK UK7A263

1504 02:16:29 S&F CREDIT SALE
Acct # [REDACTED] Exp [REDACTED]
Addr # 3 Fuel Amount \$ 33.00
Inv. # UK7T061 Date 111504 App # 00
UNLEAD \$2.119/Gal Volume 15.572
Host Message: COMPLETE UK7T061

111504 02:21:52 S&F CREDIT SALE
Acct # [REDACTED] Exp [REDACTED]
Addr # 7 Fuel Amount \$ 26.72
Inv. # UK7T062 Date 111504 App # 06
UNLEAD \$2.119/Gal Volume 12.611
Host Message: COMPLETE UK7T062

111504 02:27:15 S&F CREDIT SALE
Acct # [REDACTED] Exp [REDACTED]
Addr # 5 Fuel Amount \$ 34.00
Inv. # UK7T063 Date 111504 App # 01
UNLEAD \$2.119/Gal Volume 16.046
Host Message: COMPLETE UK7T063

111504 02:32:38 S&F CREDIT SALE
Acct # [REDACTED] Exp [REDACTED]
Addr # 7 Fuel Amount \$ 20.01
Inv. # UK7T064 Date 111504 App # B1
UNLEAD \$2.119/Gal Volume 9.445
Host Message: COMPLETE UK7T064

111504 02:38:02 S&F CREDIT SALE
Acct # [REDACTED] Exp [REDACTED]
Addr # 25 Amount \$ 7.25
Inv. # UK7A264 Date 111504 App # B2
Host Message: SALE OK UK7A264

111504 02:43:25 S&F CREDIT SALE
Acct # [REDACTED] Exp [REDACTED]
Addr # 25 Amount \$ 25.29
Inv. # UK7A265 Date 111504 App # 01
Host Message: SALE OK UK7A265

111504 02:48:48 S&F CREDIT SALE
Acct # [REDACTED] Exp [REDACTED]
Addr # 25 Amount \$ 27.21
Inv. # UK7A266 Date 111504 App # 01
UNLEAD \$2.119/Gal Volume 10.382
Host Message: SALE OK UK7A266

111504 02:54:10 S&F CREDIT SALE
Acct # [REDACTED] Exp [REDACTED]
Addr # 25 Amount \$ 15.52
Inv. # UK7A267 Date 111504 App # 47
UNLEAD \$2.119/Gal Volume 7.322
Host Message: SALE OK UK7A267

111504 02:59:35 S&F CREDIT SALE
Acct # [REDACTED] Exp [REDACTED]

Addr # 5 Fuel Amount \$ 18.06
Inv. # UK7T065 Date 111504 App # 01
SPECIAL \$2.219/Gal Volume 8.140
Host Message: COMPLETE UK7T065

111504 03:04:57 S&F CREDIT SALE
Acct # [REDACTED] Exp [REDACTED]
Addr # 25 Amount \$ 20.82
Inv. # UK7A268 Date 111504 App # 03
Host Message: SALE OK UK7A268

03:04:59 11/15/04 Exception Handler
CODE f108 PARM 0 JOB 74fd X 04d0
Y 0006 TASK Scef NAME Dcpt 02

SRJ Primitive Ver 6.6 Dec 11, 1995
03:05:15am Mon 15 Nov 04 SRJ 42
*** SOFTWARE RESTART ***
***** LOG ON *****

Revision w428
***** 111504 **** 03:05:18 *****
UNATTENDED MODE TURNED OFF

***** 111504 **** 03:05:19 *****
MOCC Network Up

111504 03:35:21 S&F CREDIT SALE
Acct # [REDACTED] Exp [REDACTED]
Addr # 25 Amount \$ 32.87
Inv. # UK7A269 Date 111504 App #
UNLEAD \$2.119/Gal Volume 11.797
Host Message: SALE OK UK7A269

SRJ Primitive Ver 6.6 Dec 11, 1995
03:37:02am Mon 15 Nov 04 SRJ 42
* Recovery from Status Poll Timeout *
***** LOG ON *****

111504 03:35:21 S&F CREDIT SALE
Acct # [REDACTED] Exp [REDACTED]
Addr # 25 Amount \$ 32.87
Inv. # UK7A269 Date 111504 App #
UNLEAD \$2.119/Gal Volume 11.797
Host Message: SALE OK UK7A269

*** 03:37:01 *****

SRJ Primitive Ver 6.6 Dec 11, 1995
12:10:31am Mon 15 Nov 04 SRJ #3
** Recovery from Open Door **
***** LOG ON *****

111504 00:10:18 CAT CREDIT SALE
Acct # [REDACTED]
Addr # 7 Fuel Amount \$ 15.55
Inv. # UK72671 Date 111504 App # 01
UNLEAD \$2.119/Gal Volume 7.340
Host Message: COMPLETE UK72671

***** ERROR *****
111504 00:16:15 BAD CARD READ
Acct # [REDACTED] Exp ????
Addr # 2
Fuel Amount \$ 0.00
Inv. # Date 111504 App #
Host Message:

111504 00:16:20 PUMP # 2 STARTED

111504 00:17:51 CAT CREDIT AUTHORIZATION
Acct # [REDACTED] Exp [REDACTED]
Addr # 2 TID# 03 Amount \$ 75.00
Host Message: OK TO PUMP 07500

111504 00:18:43 CAT CREDIT SALE
Acct # [REDACTED]
Addr # 2 Fuel Amount \$ 10.00
Inv. # UK73279 Date 111504 App # 21
UNLEAD \$2.119/Gal Volume 4.719

SRJ Primitive Ver 6.6 Dec 11, 19
12:10:31am Mon 15 Nov 04 SRJ
** Recovery from Open Door
***** LOG ON *****

111504 00:10:18 CAT CREDIT SALE
Acct # [REDACTED] Exp [REDACTED]
Addr # 7 Fuel Amount \$ 15.55
Inv. # UK72671 Date 111504 App # 01
UNLEAD \$2.119/Gal Volume 7.340
Host Message: COMPLETE UK72671

***** ERROR *****
111504 00:16:15 BAD CARD READ
Acct # [REDACTED] Exp ????

Addr # 2
Fuel Amount \$ 0.00
Inv. # Date 111504 App #
Host Message:

111504 00:16:20 PUMP # 2 STARTED

111504 00:17:51 CAT CREDIT AUTHORIZATION
Acct # [REDACTED] Exp [REDACTED]
Addr # 2 TID# 03 Amount \$ 75.00
Host Message: OK TO PUMP 07500

111504 00:18:43 CAT CREDIT SALE
Acct # [REDACTED] Exp [REDACTED]
Addr # 2 Fuel Amount \$ 10.00
Inv. # UK73279 Date 111504 App # 21
UNLEAD \$2.119/Gal Volume 4.719
Host Message: COMPLETE UK73279

111504 00:19:26 CAT CREDIT AUTHORIZATION
Acct # [REDACTED] Exp [REDACTED]
Addr # 3 TID# 04 Amount \$175.00
Host Message: OK TO PUMP 17500

111504 00:22:22 CAT CREDIT SALE
Acct # [REDACTED] Exp [REDACTED]
Addr # 3 Fuel Amount \$ 54.00
Inv. # UK74994 Date 111504 App # 25
UNLEAD \$2.119/Gal Volume 25.483
Host Message: COMPLETE UK74994

111504 00:32:53 CAT DEBIT AUTHORIZATION
Acct # [REDACTED] Exp ????

Addr # 6 TID# 05 Amount \$ 50.00

Host Message: OK TO PUMP 05000

111504 00:33:47 CAT DEBIT SALE
Acct # [REDACTED] Exp ????

Addr # 6 Fuel Amount \$ 12.00

Inv. # UK75419 Date 111504

Acct # [REDACTED] S&F CREDIT SALE
Addr # 25 Exp [REDACTED]
Inv. # UK7A258 Date 111504 App # [REDACTED]
UNLEAD \$2.119/Gal Volume 7.07
Host Message: SALE OK UK7A258

111504 00:41:35 S&F CREDIT SALE
Acct # [REDACTED] Exp [REDACTED]
Addr # 25 Amount \$ 24.44
Inv. # UK7A259 Date 111504 App # 28

00:41:35 11/15/04 Exception Handler
CODE f108 PARM 0 JOB 74fd X 04d0
Y 0006 TASK 5989 NAME SF_Forwd_Tsk
UNLEAD \$2.119/Gal Volume 11.536
Host Message: SALE OK UK7A259

SRJ Primitive Ver 6.6 Dec 11, 1995
12:41:51am Mon 15 Nov 04 SRJ #
*** SOFTWARE RESTART ***
***** LOG ON *****

Revision w428

***** 111504 **** 00:41:55 *****
UNATTENDED MODE TURNED OFF

***** 111504 **** 00:41:56 *****
MOCC Network Up

111504 00:58:34 CAT PAY INSIDE SALE
Addr # 6 Fuel Amount \$ 5.03
UNLEAD \$2.119/Gal Volume 2.375

111504 01:11:58 S&F CREDIT SALE
Acct # [REDACTED] 002 Exp [REDACTED]
Addr # 7 Fuel Amount \$ 41.08
Inv. # UK7T053 Date 111504 App # 00
UNLEAD \$2.119/Gal Volume 19.388
Host Message: COMPLETE UK7T053

111504 01:17:22 S&F CREDIT SALE
Acct # [REDACTED] Exp [REDACTED]
Addr # 5 Fuel Amount \$ 34.33
Inv. # UK7T054 Date 111504 App # 35
UNLEAD \$2.119/Gal Volume 16.199
Host Message: COMPLETE UK7T054

111504 01:22:44 S&F CREDIT SALE
Acct # [REDACTED] 002 Exp [REDACTED]
Addr # 25 Amount \$ 4.14
Inv. # UK7A260 Date 111504
Host Message: SALE OK UK7A260

111504 01:28:07 S&F CREDIT SALE
Acct # [REDACTED] Exp [REDACTED]
SP # 2 99 0060 5403 090
Addr # 25 Amount \$ 4.98
Inv. # UK7A261 Date 111504 App # 79
Host Message: SALE OK UK7A261

Addr # 5
UNLEAD

CAT PAY INSIDE SALE
Fuel Amount \$ 29.3
\$2.119/Gal Volume 13.8

111504 01:38:22

Acct # [REDACTED]
SP # 2 99 0070 0058 074
Addr # 25

CREDIT SALE
Exp [REDACTED]

Amount \$ 36.64
Inv. # UK70987 Date 111504 App # 13
UNLEAD \$2.119/Gal Volume 13.850
Host Message: COMPLETE UK70987

111504 01:38:51

Acct # [REDACTED]
Addr # 25

S&F CREDIT SALE
Exp [REDACTED]

Amount \$ 7.45
Inv. # UK7A262 Date 111504 App # 01
Host Message: SALE OK UK7A262

111504 01:44:15

Acct # [REDACTED]
Addr # 1

S&F CREDIT SALE
Exp ????

Fuel Amount \$ 24.00
Inv. # UK7T056 Date 111504 App # 50
UNLEAD \$2.119/Gal Volume 11.325
Host Message: COMPLETE UK7T056

111504 01:49:37

Acct # [REDACTED]
Addr # 5

S&F CREDIT SALE
Exp ????

Fuel Amount \$ 14.20
Inv. # UK7T057 Date 111504 App # 00
UNLEAD \$2.119/Gal Volume 6.702
Host Message: COMPLETE UK7T057

111504 01:54:59

Acct # [REDACTED]
Addr # 2

S&F CREDIT SALE
Exp [REDACTED]

Fuel Amount \$ 26.52
Inv. # UK7T058 Date 111504 App # 00
UNLEAD \$2.119/Gal Volume 12.514
Host Message: COMPLETE UK7T058

111504 02:00:04

Addr # 6

CAT PAY INSIDE SALE

Fuel Amount \$ 18.13
UNLEAD \$2.119/Gal Volume 8.558

111504 02:00:21

Acct # [REDACTED]
Addr # 7

S&F CREDIT SALE
Exp [REDACTED]

Fuel Amount \$ 29.05
Inv. # UK7T059 Date 111504 App # 00
UNLEAD \$2.119/Gal Volume 13.710
Host Message: COMPLETE UK7T059

111504 02:05:45

Acct # [REDACTED]
Addr # 4

S&F CREDIT SALE
Exp [REDACTED]

Fuel Amount \$ 24.07
Inv. # UK7T060 Date 111504 App # 45
UNLEAD \$2.119/Gal Volume 11.359
Host Message: COMPLETE UK7T060

111504 02:11:07

Acct [REDACTED]

S&F CREDIT SALE

S&F CREDIT SALE
Acct # [REDACTED] Exp [REDACTED]
Addr # 3 Fuel Amount \$ 33.00
Inv. # UK7T061 Date 111504 App # 00
UNLEAD \$2.119/Gal Volume 15.572
Host Message: COMPLETE UK7T061

111504 02:21:52 S&F CREDIT SALE
Acct # [REDACTED] Exp [REDACTED]
Addr # 7 Fuel Amount \$ 26.72
Inv. # UK7T062 Date 111504 App # 06
UNLEAD \$2.119/Gal Volume 12.611
Host Message: COMPLETE UK7T062

111504 02:27:15 S&F CREDIT SALE
Acct # [REDACTED] Exp [REDACTED]
Addr # 5 Fuel Amount \$ 34.00
Inv. # UK7T063 Date 111504 App # 01
UNLEAD \$2.119/Gal Volume 16.046
Host Message: COMPLETE UK7T063

111504 02:32:38 S&F CREDIT SALE
Acct # [REDACTED] Exp [REDACTED]
Addr # 7 Fuel Amount \$ 20.01
Inv. # UK7T064 Date 111504 App # 81
UNLEAD \$2.119/Gal Volume 9.445
Host Message: COMPLETE UK7T064

111504 02:38:02 S&F CREDIT SALE
Acct # [REDACTED] Exp [REDACTED]
Addr # 25 Amount \$ 7.25
Inv. # UK7A264 Date 111504 App # 82
Host Message: SALE OK UK7A264

111504 02:43:25 S&F CREDIT SALE
Acct # [REDACTED] Exp [REDACTED]
Addr # 25 Amount \$ 25.29
Inv. # UK7A265 Date 111504 App # 01
Host Message: SALE OK UK7A265

111504 02:48:48 S&F CREDIT SALE
Acct # [REDACTED] Exp [REDACTED]
Addr # 25 Amount \$ 27.21
Inv. # UK7A266 Date 111504 App # 01
UNLEAD \$2.119/Gal Volume 10.382
Host Message: SALE OK UK7A266

111504 02:54:10 S&F CREDIT SALE
Acct # [REDACTED] Exp [REDACTED]
Addr # 25 Amount \$ 15.52
Inv. # UK7A267 Date 111504 App # 47
UNLEAD \$2.119/Gal Volume 7.322
Host Message: SALE OK UK7A267

111504 02:59:35 S&F CREDIT SALE
Acct # [REDACTED] Exp [REDACTED]
Addr # 5 Fuel Amount \$ 18.06
Inv. # UK7T065 Date 111504 App # 01
SPECIAL \$2.219/Gal Volume 8.140

Addr # 5 Fuel Amount \$ 18.06
Inv. # UK7T065 Date 111504 App # 01
SPECIAL \$2.219/Gal Volume 8.140
Host Message: COMPLETE UK7T065

111504 03:04:57 S&F CREDIT SALE
Acct # [REDACTED] Exp [REDACTED]
Addr # 25 Amount \$ 20.82
Inv. # UK7A268 Date 111504 App # 03
Host Message: SALE OK UK7A268

03:04:59 11/15/04 Exception Handler
CODE f108 PARM 0 JOB 74fd X 04d0
Y 0006 TASK 5cef NAME Dcpt 02

SRJ Primitive Ver 6.6 Dec 11, 1995 SRJ #3
03:05:15am Mon 15 Nov 04
*** SOFTWARE RESTART ***
***** LOG ON *****

Revision w428
***** 111504 **** 03:05:18 *****
UNATTENDED MODE TURNED OFF

***** 111504 **** 03:05:19 *****
MOCC Network Up

111504 03:35:21 S&F CREDIT SALE
Acct # [REDACTED] Exp [REDACTED]
Addr # 25 Amount \$ 32.87
Inv. # UK7A269 Date 111504 App #
UNLEAD \$2.119/Gal Volume 11.797
Host Message: SALE OK UK7A269

SRJ Primitive Ver 6.6 Dec 11, 1995 SRJ #3
03:37:02am Mon 15 Nov 04
* Recovery from Status Poll Timeout *
***** LOG ON *****

111504 03:35:21 S&F CREDIT SALE
Acct # [REDACTED] Exp [REDACTED]
Addr # 25 Amount \$ 32.87
Inv. # UK7A269 Date 111504 App #
UNLEAD \$2.119/Gal Volume 11.797
Host Message: SALE OK UK7A269

**** 03:37:01 *****

ANDY MURPHY

[REDACTED]

DEBIT CARD RECEIPT

STATION

CAMPUS MOBIL

1181 WESTERN AVE

ALBANY, NY

NOVEMBER 15TH 2004

Arriving

1:30 A.M.

2:15 A.M.

NOVEMBER 15 5:00 AM

Leaving

~~6:00~~ AM
5:30

fax

From: Gary Kelly 

MOTHER

Linda Stratman - Client Affairs Specialist
fax [REDACTED]

Exxon mobil

Telecommunications

870 243 502 81 001

Legit. sale →
to guy in Mantoux

MBNA Visa Comp. Letterhead

Customer name
address
acct history for 1/1/2024

111504 01:44:15 S&F CREDIT SALE

111504 01:44:15 S&F CREDIT SALE
A Acct # [REDACTED] Exp ????
A Addr # 1 Fuel Amount \$ 24.00
H Inv. # UK7T056 Date 111504 App # 50
UNLEAD \$2.119/Gal Volume 11.325
Host Message: COMPLETE UK7T056

```
111504-01:49:37          S&F CREDIT SALE
Acct # [REDACTED]          Exp ???
Addr # 5          Fuel Amount $ 14.20
Inv. # UK7T057    Date 111504    App # 00
UNLEAD           $2.119/Gal Volume 6.702
Host Message: COMPLETE UK7T057
```

111504 01:54:59 XXXXXXXXXX XXXXXXXXXX
 Acct # XXXXXXXXXX Exp XXXXXX
 Addr # 2 Fuel Amount \$ 26.52
 Inv. # UK7T05B Date 111504 App # 00
 UNLEAD \$2.119/Gal Volume 12.514
 Host Message: COMPLETE UK7T05B

11504 02:00:04

Addr # 6	Fuel Amount \$ 18.13
UNLEAD	\$2.119/Gal Volume 8.558

111504 02:00:21 S&F CREDIT SALE
Acct # [REDACTED] Exp [REDACTED]
Addr # 7 Fuel Amount \$ 29.05
Inv. # UK7T059 Date 111504 App # 00
UNLEAD \$2.119/Gal Volume 13.710
Host Message: COMPLETE UK7T059

111504 02:05:45 [REDACTED] EXP. PERM. SALE
[REDACTED] Exp. [REDACTED]
Addr # 4 Fuel Amount \$ 24.07
Inv. # UK7T060 Date 111504 App # 45
UNLEAD \$2.119/Gal Volume 11.359
Host Message: COMPLETE UK7T060

111504 02:11:07 S&F CREDIT SALE
[REDACTED] Exp [REDACTED]
Addr # 25 Amount \$ 17.46
Inv. # UK7A263 Date 111504 App # 01
SUPER + \$2.319/Gal Volume 7.530
Host Message: SALE OK UK7A263

111504 02:16:29 S&F CREDIT SALE
Acct # [REDACTED] Exp. [REDACTED]
Addr # 3 Fuel Amount \$ 33.00

This form may be handwritten

CHARACTER OF CASE	HOMICIDE			CASE #
LEAD RECEIVED BY	DATE	SOURCE	LEAD SHEET #	67 OF
LEAD ASSIGNED TO	DATE	LEAD ASSIGNED BY		
RADLEFF / GEAY 12/15				

LEAD INSTRUCTIONS

LEAD RESULTS

12/15/04 INT GEORGE FRANY OWNER OF MOBILE
 LOCATED DELAWARE AVE ALBANY 449-7137 GAVE
 GAS TRANSACTIONS FOR MORNING 11/15/04 SEE ATTACHED
 STATED DESMON LEWIS WAS WORKING THE MORNING
 OF 11/15/04

LIST OF GAS PURCHASES

Time	Amount	Type	Acct #
5:00 AM	30.00	GAS	ACT # [REDACTED]
5:07 AM	10.00	GAS	ACCT # [REDACTED]
5:15 AM	7.01	GAS	CASH
5:16 AM	22.98	GAS	ACCT # [REDACTED]
5:24 AM	10.00	GAS	CASH
5:25 AM	10.00	GAS	CASH

SIGNATURE OF ASSIGNED MEMBER

DATE

ENC

FURTHER ACTION REQUESTED
YES ☐ NO ☐

IF "YES" EXPLAIN:

X-REF WITH LEAD SHEET # TITLE

LEAD SHEET # TITLE

REVIEWED BY

*List all persons interviewed: include date, time, DOB, address, employment, telephone # (home & business).
 *List all places checked, (e.g. taverns, gas stations, businesses, etc.).

11/15/04 05:15:05
Indoor tml: 2
User Session: 4637
Cashier : DESMON
Invoice# : 051505

REG UNLEAD 7.01
Ticket #328265 Pump 6
Vol 3.3410 2.099
Self

Total Item Due 7.01
Total Tax Due 0.00
TOTAL DUE 7.01

INDOOR CASH 10.00
INDOOR CASH -2.99

TOTAL TENDERED 10.00
BALANCE DUE -2.99

CUSTOMER TRANSACTION 907317 Finalized
11/15/04 05:15:05
Outdoor tml: 5
Invoice# : 051658

REG UNLEAD 22.98
Ticket #328266 Pump 11
Vol 10.9500 2.099
Self

Total Item Due 22.98
Total Tax Due 0.00
TOTAL DUE 22.98

111504 05:18:37 CAT DEBIT SALE
Acct # [REDACTED] Exp ????
Amount \$ 22.98
Inv. # TL07846 Host Date: 111504
Host Time: 0516 App # 01
Host Message: COMPLETE TL07846

TOTAL TENDERED 22.98
BALANCE DUE 0.00

CUSTOMER TRANSACTION 907332 Finalized

11/15/04 05:24:11
Indoor tml: 2
User Session: 4637
Cashier : DESMON
Invoice# : 052411

Pump 6
FUEL PREPAY 10.00

Total Item Due 10.00
Total Tax Due 0.00
TOTAL DUE 10.00

INDOOR CASH 20.00
INDOOR CASH -10.00

TOTAL TENDERED 20.00
BALANCE DUE 10.00

VIDEO SHOWED

NOT TO BE A

JEEP

CUSTOMER TRANSACTION 907319 Finalized
11/15/04 05:00:35
Outdoor tml: 5
Invoice# : 050035

SUPER + 30.00
Ticket #328263 Pump 5
Vol 13.0410 2.299
Self

Total Item Due 30.00
Total Tax Due 0.00
TOTAL DUE 30.00

111504 05:02:34 CAT CREDIT SALE
Acct # [REDACTED] Exp 11/15/04
Amount \$ 30.00
Inv. # TL04836 Host Date: 111504
Host Time: 0500 App # 01
Host Message: COMPLETE TL04836

TOTAL TENDERED 30.00
BALANCE DUE 0.00

CUSTOMER TRANSACTION 907322 Finalized
11/15/04 05:07:33
Indoor tml: 7
Invoice# : 050733

REG UNLEAD 10.00
Ticket #328264 Pump 7
Vol 4.7000 2.099
Self

Total Item Due 10.00
Total Tax Due 0.00
TOTAL DUE 10.00

111504 05:07:33 CAT CREDIT SALE
Acct # [REDACTED] Exp 11/15/04
Amount \$ 10.00
Inv. # TL05856 Host Date: 111504
Host Time: 0506 App # 22
Host Message: COMPLETE TL05856

TOTAL TENDERED 10.00
BALANCE DUE 0.00

CUSTOMER TRANSACTION 907332 realized
L7/10/04 05:25
Ind. Intl. 5
St. 10
Ip 052521

MONDAY 11/15/04 0000-0600

PETE & ~~GLEN~~'S MOBILE RY. 94

Lenhardt, Dennis working 10 PM - 0600

veg. did not come in

STEWART'S, GLENMONT

HESS, SLINGARLANDS

opened @ 0500 see Rick Jones IN (AM)

HESS, DELAWARE AV, DECATUR

AM/PM ACROSS FROM S.G.C.

Stewarts Sallurik Kelly Patch

11/15/2004 05:29:14

58840194

111504 05:29:16 CAT CREDIT AUTHORIZATION
Acct # [REDACTED] Exp 0206
Addr # 7 1100 09 Amount \$ 75.00
Host Message: OK TO PUMP 07500

11/15/2004 05:29:16

58840227

Pump 7 authorized by terminal 7 outdoor pump
OUTDOOR

11/15/2004 05:29:16

58840228

Pump 7 authorized from outdoor terminal 7

11/15/2004 05:29:16

58840246

Pump 7 CAT 7 11/15/04 05:29:16

The pump is authorized for this amount \$ 7.00

11/15/2004 05:29:16

58841060

CUSTOMER TRANSACTION 1050433 Finalized
11/15/04 05:29:13

Outdoor terminal 7

Invoice# : 052913

SPECIAL	31.21
Ticket #523775	Pump 7
Vol 14 129e	2.209
Self	

Total Item Due	31.21
Total Tax Due	0.00
TOTAL DUE	31.21

111504 05:31:11 CAT CREDIT SALE
Acct # [REDACTED] Exp 0206
Amount \$ 31.21
Inv. # U7A9946 Host Date: 111504
Host Time: 0531 App # 04
Host Message: COMPLETE U7A9946

TOTAL TENDERED	31.21
BALANCE DUE	0.00

11/15/2004 05:31:11

58841775

CUST

Major Crime Lead Sheet

Title <div style="border: 1px solid black; padding: 2px; text-align: center; font-size: 1.2em;">Porco Homicide</div>		Lead Number <div style="border: 1px solid black; padding: 2px; text-align: center; font-size: 1.5em;">66</div>
Assigned By <div style="border: 1px solid black; padding: 2px;">Bethlehem PD</div>	Date Logged <div style="border: 1px solid black; padding: 2px;">12/9/2004</div>	Source <div style="border: 1px solid black; padding: 2px;">Investigation</div>
Officer 1 <div style="border: 1px solid black; padding: 2px;">RADLIFF</div>	Officer 2 <div style="border: 1px solid black; padding: 2px;"></div>	Target <div style="border: 1px solid black; padding: 2px;"></div>
Lead Instruction <div style="border: 1px solid black; padding: 5px; min-height: 400px;"> <p>CHECK HESS GAS STATION NEW SCOTLAND RD FOR ANY EARLY MORNING GAS PURCHASES FOR MONDAY NOVEMBER 15TH</p> </div>		
List Attached Enclosures - Any Statements, Documents, Photos, Notes <div style="border: 1px solid black; height: 100px;"></div>		
If an Item or Evidence was obtained, Describe WHAT it is and WHERE it is Secured <div style="border: 1px solid black; height: 100px;"></div>		
Reviewed By: <div style="border: 1px solid black; height: 20px;"></div>	Reviewed Date: <div style="border: 1px solid black; height: 20px;"></div>	Ongoing Lead: <input type="checkbox"/>

CASE # 04-18415

LEAD SHEET # 66 OF

CHARACTER OF CASE

Homicide

LEAD RECEIVED BY

DATE

SOURCE

LEAD ASSIGNED TO

R. Galliff

DATE

LEAD ASSIGNED BY

LEAD INSTRUCTIONS

Detail Credit Card

LEAD RESULTS

JUNE Chamberland 732-750-7190

Carey Hanson - 7180

RICK JONES printed about out gas purchases for 11/15/04.
 PLACED A CALL TO Corporate Head quarters JUNE Chamberland
 1-732-750-7190 @ 1430 Hrs. 11/18/04. Waiting For Return call
 Re: gas Transactions.

1-800-622-7747 -

800-356-5555 } CHASE

" 832-6125 }

" 441-9977 MBNA

CHASE Mail/FAX Request TO FAX 800-352-3913

11/23/04 @ 1150 Subpoena sent TO CHASE. Waiting response.
 Subpoena

1/4/05 Left message with Senior Investigator MARTIN LAVERGNE
 1-516-934-3330

SIGNATURE OF ASSIGNED MEMBER

L.M.

R. Galliff

DATE

11/18/04

ENC

FURTHER ACTION REQUESTED
YES ☐ NO ☐

IF "YES" EXPLAIN:

X-REF WITH

LEAD SHEET #

TITLE

LEAD SHEET #

TITLE

REVIEWED BY

*List all persons interviewed: Include date, time, DOB, address, employment, telephone #(home & business).
 List all places checked, (e.g. taverns, gas stations, businesses, etc.).

Hess Express 32415
Card List for 11/15/04
Store: 1

Page: 1

All Registers

Card No.	Date	Time	Invoice#	Approv #	Auth Cd	Auth Type	Net Date	Amount	Reg Clerk
	11/15/04	16:43				Imprinted		19.74	3 PAH
5490353979983144 MENA	11/15/04	06:04	9523	015995	015995	Outside		19.81	9 DPT
5491042510933234 CHASE	11/15/04	05:33	9524	015735	015735	Outside		22.66	9 DPT ←
5449270811555181	11/15/04	06:26	9525	015886	015886	Outside		27.39	9 DPT
5184450010439879	11/15/04	06:34	9526	015031	015031	Outside		22.27	9 DPT
5107075106630810	11/15/04	06:21	9529	372934	372934	Inside		5.78	3 APE
4264297846106719	11/15/04	06:35	9530	025626	025626	Outside		43.02	9 DPT
5407900160362587	11/15/04	06:51	9531	007632	007632	Outside		10.71	9 DPT
5437000213900790	11/15/04	06:46	9532	745251	745251	Outside		16.74	9 DPT
5519894001628576	11/15/04	06:51	9533	888822	888822	Outside		25.00	9 DPT
4300230018337909	11/15/04	06:52	9534	015022	015022	Outside		20.01	9 DPT
5449270802155645	11/15/04	07:00	9535	015830	015830	Outside		30.00	9 DPT
4287050000448630	11/15/04	07:00	9536	266803	266803	Outside		25.00	9 DPT
4305721816670470	11/15/04	07:01	9537	302407	302407	Outside		28.00	9 DPT
6011300340099553	11/15/04	07:06	9538	015491	015491	Outside		20.31	9 DPT
378266577583538	11/15/04	07:10	9539	582030	582030	Outside		36.70	9 DPT
5179071020268079	11/15/04	07:17	9540	446080	446080	Outside		25.00	9 DPT
4238486802934148	11/15/04	07:05	9541	025595	025595	Outside		15.00	9 DPT
5443687750372243	11/15/04	07:06	9542	030056	030056	Outside		10.00	9 DPT
371727815701007	11/15/04	07:18	9543	596456	596456	Outside		27.25	9 DPT
6011002990566507	11/15/04	07:09	9544	015498	015498	Inside		8.69	2 RWJ
5466130000216805	11/15/04	07:22	9545	080868	080868	Outside		11.00	9 DPT
5141810276400448	11/15/04	07:22	9546	190596	190596	Outside		19.99	9 DPT
5424180749982325	11/15/04	07:28	9547	133098	133098	Outside		15.27	9 DPT
4800121898974991	11/15/04	07:21	9548	025121	025121	Manual		11.77	2 RWJ
5410654011272819	11/15/04	07:33	9549	586516	586516	Outside		10.84	9 DPT
5476417155085152	11/15/04	07:38	9550	015215	015215	Outside		41.00	9 DPT
5480420022439481	11/15/04	07:40	9551	R89683	R89683	Outside		50.00	9 DPT
4071480000000356	11/15/04	07:43	9552	691938	691938	Outside		22.00	9 DPT
5449270806351844	11/15/04	07:44	9553	015921	015921	Outside		30.01	9 DPT
5543321405083919	11/15/04	07:39	9554	011996	011996	Outside		22.65	9 DPT
4287050000031899	11/15/04	07:50	9555	267373	267373	Outside		34.07	9 DPT
4287050001641845	11/15/04	07:42	9556	008196	008196	Outside		10.10	9 DPT
4427115000872955	11/15/04	07:53	9557	064584	064584	Outside		27.24	9 DPT
371570568752003	11/15/04	08:05	9558	504153	504153	Outside		27.36	9 DPT
5011002960370096	11/15/04	08:15	9559	015950	015950	Outside		29.44	9 DPT
4802131923542588	11/15/04	08:16	9560	322508	322508	Outside		45.00	9 DPT
5900464733004283503	11/15/04	07:57	9561	282829	282829	Outside		30.50	9 DPT
5178990000784477	11/15/04	07:55	9562	941258	941258	Inside		13.48	3 APE
4264280137199056	11/15/04	08:17	9563	005541	005541	Outside		30.01	9 DPT
4326270003725163	11/15/04	08:16	9564	029193	029193	Outside		10.79	9 DPT
371905486381008	11/15/04	08:22	9565	546639	546639	Outside		18.46	9 DPT
5466130000216805	11/15/04	08:24	9566	194718	194718	Outside		30.12	9 DPT
4114410069035653	11/15/04	08:24	9567	015073	015073	Outside		23.49	9 DPT
5518420000716492	11/15/04	08:30	9568	242840	242840	Outside		10.00	9 DPT
4308514230149800	11/15/04	08:40	9569	222993	222993	Outside		41.19	9 DPT
371740523831008	11/15/04	08:39	9570	596431	596431	Outside		22.76	9 DPT
1264293145671537	11/15/04	08:44	9571	035086	035086	Outside		50.00	9 DPT



RICK JONES
Site Manager

AMERADA HESS CORPORATION
Hess Station 32415
1358 New Scotland Road
Slingerlands, NY 12159

(518) 439-3769

Major Crime Lead Sheet

Title Porco Homicide		Lead Number <div style="border: 1px solid black; padding: 10px; font-size: 24px; margin: 0 auto;">17</div>
Assigned By Bethlehem PD	Date Logged 12/9/2004	Source Investigation Target
Officer 1 RADLIFF	Officer 2	
Lead Instruction CHECK DUMPSTERS AT RT 20 MOBIL AND LOCAL - 11/16/04 WITH DET. COX. - Negative ALSO CHECKED BEMS - spoke WITH LISA RELYEA - Negative " GOLD COIN New Scotland Rd. - spoke WITH employee CORY - Negative " HESS New Scotland RD. - Negative		
List Attached Enclosures - Any Statements, Documents, Photos, Notes		
If an Item or Evidence was obtained, Describe WHAT it is and WHERE it is Secured		
Reviewed By:	Reviewed Date:	Ongoing Lead: <input type="checkbox"/>

Title

Porco Homicide

Lead Number

90

Assigned By

Bethlehem PD

Date Logged

12/9/2004

Source

Investigation

Officer 1

RADLIFF

Officer 2

ARDUINI

Target

Lead Instruction

VIDEO - SP THRUWAY SCHYLER

List Attached Enclosures - Any Statements, Documents, Photos, Notes

If an Item or Evidence was obtained, Describe WHAT it is and WHERE it is Secured

Reviewed By:

Reviewed Date:

Ongoing Lead:

☐

CONTACTED SP THRUWAY INV JOHN KELLY WHO CHECKED THRUWAY
REST AREAS FROM EXIT 24 TO 46 - NEGATIVE FOR VIDEOS. PHOTO OF JEEP
ATTACHED

LEAD RECEIVED BY	DATE	SOURCE	LEAD SHEET # 0418415 OF
LEAD ASSIGNED TO BROOME / RABLIAR	DATE	LEAD ASSIGNED BY McMillan	

LEAD INSTRUCTIONS: Thruway Rest Area Exit 24-46

LEAD RESULTS: Complete w/ attached photo

neg -
 IN JOHN
 KELLY
 checking all - 24 to 46

SIGNATURE OF ASSIGNED MEMBER	DATE
------------------------------	------

FURTHER ACTION REQUESTED YES <input type="checkbox"/> NO <input type="checkbox"/>	IF "YES" EXPLAIN:
--	-------------------

X-REF WITH	LEAD SHEET #	TITLE	LEAD SHEET #	TITLE
------------	--------------	-------	--------------	-------

*List all persons interviewed: include date, time, DOB, address, employment, telephone #(home & business).
 *List all places checked, (e.g. taverns, gas stations, businesses, etc.).

Major Crime Lead Sheet

Title

Porco Homicide

Lead Number

85

Assigned By

Bethlehem PD

Date Logged

12/9/2004

Source

Investigation

Officer 1

RADLIFF

Officer 2

Target

Lead Instruction

INTERVIEWS AT MOBIL - WESTERN AVE CAMPUS

List Attached Enclosures - Any Statements, Documents, Photos, Notes

If an Item or Evidence was obtained, Describe WHAT it is and WHERE it is Secured

Reviewed By:

Reviewed Date:

Ongoing Lead:



CHARACTER OF CASE <i>Homicide</i>		THIS form may be handwritten	
LEAD RECEIVED BY	DATE	CASE #	0411115
LEAD ASSIGNED TO	DATE	LEAD SHEET #	85 OF
		SOURCE	
		LEAD ASSIGNED BY	

LEAD INSTRUCTIONS
Video - Mobil Computer Center

LEAD RESULTS:
Perrais, Muhammad (manager)
 Spoke with Tia Martin, 331-2836
 - 70 RUSSELL RD. ALBANY. New Job Contempo Crossgates
 - 421-4004 Andy Murphy - Regional
 - 428-9481 Rob Soden District Manager
 Tia worked 2200-0800 11/15/04. Shown vehicle Negative
 Viewed inside video, Negative results. Obtained Register tape
 For all gas purchases. Pumps down @ 0300 Hrs.

SIGNATURE OF ASSIGNED MEMBER <i>L.H. Ruff</i>		DATE <i>11/20/04</i>
ENC		
FURTHER ACTION REQUESTED YES <input type="checkbox"/> NO <input type="checkbox"/>		IF "YES" EXPLAIN:
X-REF WITH	LEAD SHEET #	TITLE
REVIEWED BY	LEAD SHEET #	TITLE

*List all persons interviewed: include date, time, DOB, address, employment, telephone # (home & business).
 List all places checked, (e.g. taverns, gas stations, businesses, etc.).

Add to Lead 67

SC01438-3996

Exxon Mobil Card Services
PO Box 981064
El Paso TX 79998-1064

Linda Stratman - Client Affairs Specialist
fax 866 741 0813
exxon mobil

Telecommunications

870 243 502 81 001
exp. 06/07

4264 2961 2331 6595
exp 07/05

MBNA Visa Comp. letterhead
302 458 0543

Customer name
address
acct history for 11/2004

TO: SIM BILL MOSHER
fax 786-9346
From: Gary Kelly 528-6681

Host Message: UNLEAD

111504 01:44:15 S&F CREDIT SALE
Acct # 372711554371007 Exp 7777
Addr # 1 Fuel Amount \$ 24.00
Inv. # UK7T056 Date 111504 App # 50
UNLEAD \$2.119/Gal Volume 11.325
Host Message: COMPLETE UK7T056

111504 01:49:37 S&F CREDIT SALE
Acct # 29900615396705 Exp 7777
Addr # 5 Fuel Amount \$ 14.20
Inv. # UK7T057 Date 111504 App # 00
UNLEAD \$2.119/Gal Volume 6.702
Host Message: COMPLETE UK7T057

111504 01:54:59 S&F CREDIT SALE
Acct # 870 243 502 81 001 Exp 0607
Addr # 2 Fuel Amount \$ 26.52
Inv. # UK7T058 Date 111504 App # 00
UNLEAD \$2.119/Gal Volume 12.514
Host Message: COMPLETE UK7T058

111504 02:00:04 S&F CREDIT SALE
Addr # 6 Fuel Amount \$ 18.13
UNLEAD \$2.119/Gal Volume 8.558

111504 02:00:21 S&F CREDIT SALE
Acct # 4264296123316595 Exp 0705
Addr # 7 Fuel Amount \$ 29.05
Inv. # UK7T059 Date 111504 App # 00
UNLEAD \$2.119/Gal Volume 13.710
Host Message: COMPLETE UK7T059

111504 02:05:45 S&F CREDIT SALE
Acct # 4326270002669248 Exp 0508
Addr # 4 Fuel Amount \$ 24.07
Inv. # UK7T060 Date 111504 App # 45
UNLEAD \$2.119/Gal Volume 11.359
Host Message: COMPLETE UK7T060

111504 02:11:07 S&F CREDIT SALE
Acct # 5449270808243510 Exp 0506
Addr # 25 Amount \$ 17.46
Inv. # UK7A263 Date 111504 App # 01
SUPER + \$2.319/Gal Volume 7.530
Host Message: SALE OK UK7A263

111504 02:16:29 S&F CREDIT SALE
67 Acct # 7195318472445200057 Exp 0507
Addr # 3 Fuel Amount \$ 33.00

ADD TO LEAD 67

GE Consumer Finance ***ExxonMobil Card Services***
4125 Windward Plaza Drive
Alpharetta, GA 30005

TO: Michael P. McDermott

DATE: June 15, 2006

NUMBER OF PAGES: Cover page plus 3

FROM: Linda Stratman
Client Affairs Specialist
Phone: 678/518-2536
Fax: 866/741-0813
Email: Linda.Stratman@ge.com

**Mobil**

*Exxon Mobil Card Services
P. O. Box 103031
Roswell, GA 30076
1-800-344-4355*

Faxed and Mailed

June 15, 2006

Mr. Michael P. McDermott
Chief Assistant District Attorney
Albany County Judicial Center
6 Lodge Street
Albany, New York 12207

Dear Mr. McDermott:

Re: People of the State of New York v. Christopher Porco
ExxonMobil Account No. 7302 8702 4350 2891 in the name of
✓ Steven Siskind, Card 001
with authorized users Jaclyn S. Siskind, Card 002
✓ Robin Siskind, Card 003 and
Steven Siskind, Card 004

We are in receipt of your subpoena dated June 12, 2006 regarding the above-named individual, which was received in my office on June 14, 2006. This letter and attached documentation represents GE Money Bank's response to the request.

- Statements indicating purchase activity for the month of November 2004

The home telephone number for Mr. Siskind is 315/682-9599; the business number is 315/446-4848.

I declare under penalty of perjury that this information is true and correct to the best of my personal knowledge.

If I can be of further assistance to you, please feel free to contact me at 678/518-2536.

Sincerely,

Linda Stratman
Client Affairs Specialist

12/06/2004	\$19.00	\$186.89	870 243 502 8
------------	---------	----------	---------------

Fill in amount completely \$

☐ New address or email?
Check the box at left and
print changes on back.

STEVEN SISKIND
4572 STONELEDGE LN
MANLIUS NY 13104-2322

☐ Check here to receive a FREE Speedpass device.
Pay your bill online at exxonmobilcard.com or
Make Payment To: ExxonMobil
PO BOX 4698
CAROL STREAM, IL 60107-4698

1131042322723!

1601974598984!

00019000010000 000190000018689000 7302870243502891 03

☐ Detach and mail this portion with your check to ExxonMobil. Please utilize blue or black ink. ☐

ACCOUNT INFORMATION		FINANCE SUMMARY	
Account Number :	870 243 502 8	Previous Balance	\$227.84
Statement Date :	11/11/2004	- Payments & Credits	\$100.00
Payment Due Date :	12/06/2004	+/- FINANCE CHARGE (net)	\$3.83
Days in Billing Period	50	+ New Purchases	\$54.42
Credit Line	\$1,250	+ Other Debits	\$0.00
Available Credit	\$1,068	= New Balance	\$186.89
		Minimum Payment	\$19.00

Card Number	Trans Date	Sales Ticket Number	Transaction Description and Purchase Location (See reverse side for Description of codes)	Amount
002	10/23	UE94801 01	3444 BAILEY AVE BUFFALO NY	\$18.03
002	11/06	UE97204 01	3444 BAILEY AVE BUFFALO NY	\$23.03
002	11/07	VR02880 01	8886 E GENESEE ST FAYETTEVILLE NY	\$15.36
			CARD SUBTOTAL	\$54.42
	11/04		PAYMENT - THANK YOU	\$100.00CR
	11/11		*FINANCE CHARGE*	\$3.83

THE PERIODIC RATE SHOWN ON THIS STATEMENT MAY VARY.

How Your FINANCE CHARGE Was Calculated	Balance Subject To Finance Charge	Daily Periodic Rate	CORRESPONDING ANNUAL PERCENTAGE RATE	FINANCE CHARGE	Balance Method
Regular Purchases	\$222.06	.06764%	21.00%	\$3.83	20
ANNUAL PERCENTAGE RATE		21.000%	TOTAL PERIODIC FINANCE CHARGE \$3.83		

CARDHOLDER NEWS INFORMATION
GREAT NEWS! YOUR EXXONMOBIL STATEMENT LAYOUT HAS BEEN MODIFIED IN ORDER TO MAKE IT EASIER TO READ. VIEW THE PAYMENT DUE, NEW BALANCE AND OTHER INFORMATION AT THE TOP OF YOUR PAYMENT COUPON. USE THE TRANSACTION SUMMARY BOX TO KEEP TRACK OF PURCHASES AND READ IMPORTANT ACCOUNT INFORMATION IN THE MESSAGING BOXES.

PAYMENT DUE BY 5:00 PM ON THE DUE DATE. We may convert your payment to an electronic debit. See reverse side for details.
NOTICE: Please see reverse side for important Billing Rights and other information.

01/08/2006	\$24.00	\$230.73	870 243 502 8
------------	---------	----------	---------------

Fill in amount completely \$

☐ New address or email?
Check the box at left and
print changes on back.

STEVEN SISKIND
4572 STONELEDGE LN
MANLIUS NY 13104-2322

1310423227231

☐ Check here to receive a FREE Speedpass device.
Pay your bill online at exxonmobilcard.com or

Make Payment To: ExxonMobil
PO BOX 4598
CAROL STREAM, IL 60197-4598

16019745989841

00024000009000 000240000023073000 7302870243502891 03

☐ Detach and mail this portion with your check to ExxonMobil. Please utilize blue or black ink. ☐

ACCOUNT INFORMATION		BALANCE SUMMARY	
Account Number :	870 243 502 8	Previous Balance	\$185.89
Statement Date :	12/11/2004	- Payments & Credits	\$60.00
Payment Due Date :	01/05/2005	+/- FINANCE CHARGE (net)	\$4.32
Days in Billing Period	30	+ New Purchases	\$130.52
Credit Line	\$1,250	+ Other Debits	\$0.00
Available Credit	\$1,019	= New Balance	\$230.73
		Minimum Payment	\$24.00

TRANSACTION SUMMARY					
Card Number	Tran Date	Sales Ticket Number	Transaction Description and Purchase Location (See reverse side for Description of codes)		Amount
001	11/15	UK7T068	01	1181 WESTERN AVE ALBANY NY	\$25.62
001	11/28	P2W0593	01	325 FAYETTE ST MANLIUS NY	\$18.01
				CARD SUBTOTAL	\$44.63
002	11/14	XE1S718	01	3143 ROUTE 10 E & DENVILLE NJ	\$35.91
002	12/02	UE85934	01	3444 BAILEY AVE BUFFALO NY	\$28.24
002	12/05	U1K2191	01	SENECA AREA-ALDRIDGE RD VICTOR NY	\$23.84
				CARD SUBTOTAL	\$88.99
	12/08			PAYMENT - THANK YOU	\$30.00CR
	12/11			"FINANCE CHARGE"	\$4.32
THE PERIODIC RATE SHOWN ON THIS STATEMENT MAY VARY.					

FINANCE CHARGE SUMMARY					
How Your FINANCE CHARGE Was Calculated	Balance Subject To Finance Charge	Daily Periodic Rate	CORRESPONDING ANNUAL PERCENTAGE RATE	FINANCE CHARGE	Balance Method
Regular Purchases	\$250.00	.06724%	81.00%	\$4.32	2D
ANNUAL PERCENTAGE RATE		21.000%	TOTAL PERIODIC FINANCE CHARGE \$4.32		

CARDHOLDER NEWS INFORMATION					
Give the gift of college! Join free at upromise.com and register your ExxonMobil Card to get automatic college savings when you use the card to buy Exxon or Mobil gasoline. We thank you for your patronage, and wish you and your family a happy holiday season!					

PAYMENT DUE BY 5:00 PM ON THE DUE DATE. We may convert your payment to an electronic debit. See reverse side for details.
NOTICE: Please see reverse side for Important Billing Rights and other information.

Title

Porco Homicide

Lead Number

86

Assigned By

Bethlehem PD

Date Logged

12/9/2004

Source

Investigation

Officer 1

RADLIFF

Officer 2

Target

Lead Instruction

INTERVIEWS AT DUNKIN DONUTS - CAMPUS

List Attached Enclosures - Any Statements, Documents, Photos, Notes

If an Item or Evidence was obtained, Describe WHAT it is and WHERE is it Secured

Reviewed By:

Reviewed Date:

Ongoing Lead:



OF CASE	Homicide		CASE #	04-18485
LEAD RECEIVED BY		DATE	LEAD SHEET #	86 OF
LEAD ASSIGNED TO	Radli, PP	DATE	SOURCE	
LEAD INSTRUCTIONS	Dunkin Donuts			
	LEAD ASSIGNED BY DET. McMILLEN			

LEAD RESULTS: #1232 Western Ave. 438-0821
 Manager THIN, TRAN -
 Bobby Roberts Worked Sun. 10-0400
 Rappleyea 0400-0700 TRAN worked
 Took Tape TO view @ 447 Tran says vehicle/Jeep did
 NOT come IN. Tape viewed - Negative Results.
 #1425 Washington Ave
 Spoke with Manager WANDER Gutemberg 435-9797
 Gutemberg was working 11/15/04 opened @ 0500.
 Video viewed inside/outside Negative results.
 Shown picture of Jeep - Negative.
 Delaware Ave. NO video. Negative For vehicle @ STORE. 439-7661
 Spoke WITH STEVEN, Kimberly - STOFF Manager. NO video
 McIntyre Kay - working AM of 11/15/04 opened @ 0500.
 Negative For vehicle - shown PHOTO.
 LEAD Complete 11/23/04 1200 H-S.

SIGNATURE OF
ASSIGNED MEMBER

OFF L.H. Radli / 1

DATE 11/19/04

FURTHER ACTION REQUESTED
YES ☐ NO ☐

IF "YES" EXPLAIN:

X-REF
WITH LEAD
SHEET #

TITLE

LEAD
SHEET #

TITLE

REVIEWED BY

*List all persons interviewed: Include date, time, DOB, address, employment, telephone #(home & business).
 List all places checked, (e.g. taverns, gas stations, businesses, etc.).

Title

Porco Homicide

Lead Number

108

Assigned By

Bethlehem PD

Date Logged

12/9/2004

Source

Investigation

Officer 1

Officer 2

Target

Lead Instruction

COVER TRAVEL ROUTES FROM THRUWAY EXITS 22, 23, AND 24 TO BROCKLEY DRIVE DELMAR

List Attached Enclosures - Any Statements, Documents, Photos, Notes

If an Item or Evidence was obtained, Describe WHAT it is and WHERE is it Secured

Reviewed By:

Reviewed Date:

Ongoing Lead:

☐

LEAD SYNOPSIS

Lead Instruction: Lead 108

Lead Completed By:

Results:

BUSINESSES ALONG THE ROUTES OF TRAVEL WERE
CHECKED FOR VIDEO SURVEILLANCE PURPOSES,
NEGATIVE RESULTS - REFER TO LEAD # 67

Major Crime Lead Sheet

Title

Porco Homicide

Lead Number

91

Assigned By

Bethlehem PD

Date Logged

12/9/2004

Source

Investigation

Officer 1

RADLIFF

Officer 2

ARDUINI

Target

Lead Instruction

CHECK REST AREAS OF THRUWAY BETWEEN EXIT 24 AND EXIT 46.

Gas stations and Dunkin Donuts at rest areas on the Thruway between Albany and Rochester were checked by Radliff and Arduini with negative results.

Entered into the lead desk.

List Attached Enclosures - Any Statements, Documents, Photos, Notes

If an Item or Evidence was obtained, Describe WHAT it is and WHERE is it Secured

Reviewed By:

Reviewed Date:

Ongoing Lead:

☐

Homicide		PAGE # 04184151	
LEAD RECEIVED BY		DATE	LEAD SHEET #
LEAD ASSIGNED TO <i>Arduini / Radloff</i>		DATE	SOURCE
LEAD INSTRUCTIONS		LEAD ASSIGNED BY <i>90/91</i>	
<i>Thruway Rest stops & possible Video at SP barricades at Scyller</i>			
LEAD RESULTS			
SIGNATURE OF ASSIGNED MEMBER			DATE
FURTHER ACTION REQUESTED YES <input type="checkbox"/> NO <input type="checkbox"/>		IF "YES" EXPLAIN:	
X-REF WITH	LEAD SHEET #	TITLE	
REVIEWED BY	LEAD SHEET #	TITLE	

*List all persons interviewed: include date, time, DOB, address, employment, telephone # (home & business).
 List all places checked, (e.g. taverns, gas stations, businesses, etc.).

Major Crime Lead Sheet

Title

Porco Homicide

Lead Number

21

Assigned By

Bethlehem PD

Date Logged

12/9/2004

Source

Investigation

Officer 1

RADLIFF

Officer 2

Target

Lead Instruction

CONDUCT NEIGHBORHOOD INTERVIEWS

- 45 Longmeadow - Spoke with Frank & Donna Noon. Saw a Silver Suburban
Parked IFO #45, on Rear #8. 9-9502
- 34 Longmeadow Michael Lowery - IN Florida THY-MON 9-4588
- 31 " Dussault, Lisa - Negative results [REDACTED]
- 35 " Owens, Steven - " " - [REDACTED]
- 29 " McCarthy, Brian - " " - [REDACTED]
- 25 Negative results
- 21 Longmeadow Negative results
- 19 " Negative results
- 15 " - Negative results
- 34 " Spoke with Bonnie Genovese NOT Home SUN. 0800 - THY - 1930 H-3
439-1028 Daughter ANNA Home - Negative results.
- 38 McNeil, Theodore - Negative 9-8604
- 51 Brockley Dr. Ken and Virginia Ogden - Negative results. 9-6133
- 60 Brockley Dr. Robert Norsek 9-1692 - Left 0500 @ 11/15/04
Backed out driveway headed Towards orchard. Did not see any vehicles.

List Attached Enclosures: Any Statements, Documents, Photos, Notes:

If an Item or Evidence was obtained, Describe WHAT it is and WHERE is it Secured

Reviewed By:

Reviewed Date:

Ongoing Lead:



CASE #

CHARACTER
OF CASELEAD
RECEIVED BY

DATE

SOURCE

LEAD
SHEET #

OF

LEAD
ASSIGNED TO

DATE

LEAD
ASSIGNED BYLEAD
INSTRUCTIONS

LEAD RESULTS

Checked Dumpster BCHS - Empty Daily - Spoke w/ Relyea, Lisa
" Woods | Dead End Road Across From 36 BRACKLEY

CHECKED Dumpster GOLD COIN - Negative - Spoke w/ Cory

CHECKED Dumpster HESS - Negative

CHECKED DUMPSTER MOBIL Western Ave #1667

45 Longmeadow NOON, FRANK + DONNA 0830 Monday Silver SUB.
PARKED IN FRONT - ON Rear of Vehicle #8 9-9502

39 Longmeadow Lowery, Michael 9-4588 FLORIDA THU-MON

37 DUSSAULT, LISA 475-9513

35 OWENS, STEVEN 439-0818

29 MCCARTHY, BRIAN 475-1640

25 NOT HOME

21 NOT HOME

19. NOT HOME

15 NOT HOME

34 GENOVESE, BONNIE NOT HOME SUN. 0800 - THU 1930 9-1028
Daughter AMANDA Home - Negative

38 McMeil, Theodore 9-8604

51 Brockley Ogden, Kenneth + Virginia 9-6133

60 Brockley Dr. Spoke w/ Norsek, Robert 439-1692. Left 0500 @ 11/15/04

Backed out driveway headed towards Orchard. Did not see any Vehicles.

SIGNATURE OF
ASSIGNED MEMBER

OFF. L.H. Ruffin Jr

DATE 11/16/04

E
N
CFURTHER ACTION REQUESTED
YES ☐ NO ☐

IF "YES" EXPLAIN:

X-REF
WITH SHEET #

TITLE

LEAD
SHEET #

TITLE

REVIEWED BY

*List all persons interviewed: include date, time, DOB, address, employment, telephone #(home & business).
List all places checked, (e.g. taverns, gas stations, businesses, etc.).

ALL Longmeadow

65

INTERVIEW KATHLEEN BRAGLE, LONG TIME FRIEND OF PETER AND JOAN PORCO

Assigned RADLIFF

KATHLEEN BRAGLE CARPOOLED WITH JOAN PORCO AND DISCUSSED VARIOUS TENSIONS IN THE FAMILY CONCERNING CHRIS PORCO INCLUDING SELLING HIM COMPUTERS ON EBAY, BEING "INCOGNITO" AND CHRIS LOSING HIS CELLPHONE. KATHLEEN LAST SPOKE WITH JOAN ON 11/14/04 BETWEEN 7P AND 9P AT WHICH TIME JOAN SAID SHE WOULD NOT BE ABLE TO DRIVE MONDAY MORNING, BUT DID NOT SAY WHY.

66

CHECK HESS GAS STATION NEW SCOTLAND RD FOR ANY EARLY MORNING GAS PURCHASES FOR MONDAY NOVEMBER 15TH

Assigned RADLIFF

Off. Radliff checked the Rt. 85 Hess Gas Station. There was no information that could be added to the case.

67

FOLLOW UP FOR 24 HOUR BUSINESSES

Assigned RADLIFF

BUSINESSES CHECKED NEGATIVE - SEE ATTACHED LIST

68

ATTEND FUNERAL OF PETER PORCO ON 11/20/04

Assigned BOWDISH

Funeral attended by Bowdish, Rudolph, Arduini.

No. Lead Instructions and Lead Results

NO PERTINENT INFORMATION - SEE ATTACHED NOTES AND REFER TO LEAD # 67
REGISTER TAPE OF SALES FOR THE MORNING OF 11/15/04 WERE OBTAINED

86 *INTERVIEWS AT DUNKIN DONUTS - ALBANY CAMPUS*

Assigned RADLIFF

INTERVIEWED BOBBY RAPPLEYEA INTERVIEWED AT DUNKIN DONUTS AT 1232 WESTERN AVE - VIDEO OBSERVED - NEGATIVE ON YELLOW JEEP. INTERVIEWED
WANDER GUTENBERG AT DUNKIN DONUTS - 1425 WASHINGTON AVE - ALBANY (518)435-9797 - NEGATIVE ON YELLOW JEEP IN VIDEO.

DUNKIN DONUTS - DELAWARE AVE - NO VIDEO. INTERVIEWED KIMBERLY STEVEN - STORE MANAGER; AND KAY MCINTYRE - AM EMPLOYEE - NEGATIVE FOR YELLOW
JEEP

87 *INTERVIEW MARYANN EFFNER - FRIEND / COWORKER OF JOAN PORCO*

Assigned RADLIFF

DEPOSITION TAKEN AND ATTACHED - ATTENDED CONFERENCE IN CAMBRIDGE, MASSACHUSETTS WITH JOAN PORCO 11/10- 11/13/04. JOAN EXPRESSED CONCERNS
ABOUT CHRIS MANAGING MONEY AND FINANCES, PAYPAL PROBLEMS WITH COMPUTERS HE WAS SELLING, ORGANIZING AND COMPLETING TASKS, RETURNING
PHONE CALLS AND FAILING SCHOOL. EFFNER SUGGESTED COUNSELLING FOR POSSIBLE MENTAL HEALTH ISSUES. JOAN STATED FAMILY HAD COUNSELLING IN
PAST AND MAY RECONTACT SAME THERAPIST. JOAN RETURNED HOME AROUND 4PM ON 11/13/04

Refer to Lead 75

88 *SUBPOENA HSBC BANK*

Assigned OLIVER

Subpoena was for video of outside of Bank (at 1475 Mount Hope Ave Rochester, NY) for purpose of ascertaining if video captured images across the street at Dunkin
Donuts. Oliver spoke with Judy Pulver of HSBC Bank. She indicated that the only outside video was at the ATM, and that the ATM camera does not show the Dunkin
Donuts across the street. Subpoena disregarded.

89 *SUBPOENA TO THRUWAY FOR EXIT 22 TOLL TICKETS FOR DATES AND TIME IN QUESTION*

Assigned MCMILLAN BASKERVILLE

TOLL TICKETS RECEIVED FROM THRUWAY AUTHORITY ON 12/15/04. TOLL TICKETS WERE CHECKED, AND NONE OF THE TICKETS RECEIVED ORIGINATED FROM EITHER EXIT 45 OR 46.

90 *VIDEO - SP THRUWAY SCHYLER*

Assigned RADLIFF ARDUINI

NYSP Inv JOHN KELLY checked thruway rest areas from exit 24 - 46. Negative for videos.

91 *CHECK REST AREAS OF THRUWAY BETWEEN EXIT 24 AND EXIT 46.*

Assigned RADLIFF ARDUINI

GAS STATIONS AND DUNKIN DONUTS AT REST AREAS ON THE THRUWAY BETWEEN ALBANY AND ROCHESTER WERE CHECKED BY ARDUINI AND RADLIFF WITH NEGATIVE RESULTS

92 *LOCATE AND INTERVIEW NICHOLAS GROW - HIS DRIVERS LICENSE WAS FOUND IN CHRIS PORCO'S BEDROOM IN BETHLEHEM*

Assigned OLIVER

GROW WAS ADVISED THAT HIS DRIVER'S LICENSE WAS FOUND IN THE POSSESSION OF CHRIS PORCO. GROW INDICATED THAT HE KNOWS PORCO THROUGH THE ROTC, AND DID NOT KNOW THAT CHRIS HAD HIS LICENSE, NOR DID HE GIVE CHRIS PERMISSION TO HAVE IT.

No. Lead Instructions and Lead Results

104 *COMPLETE TIMELINE*

Assigned COPPOLA UNYRIC

Timeline completed

105 *SUBPOENA FOR PETER PORCO'S VOICE MAIL FROM WORK*

Assigned RINALDI

DETECTIVE RINALDI CHECKED - NO VOICEMAILS WERE AVAILABLE

106 *SUBPOENA TIMES UNION REPORTER*

Assigned

No subpoena - Times Union will not comply with subpoena request

108 *COVER TRAVEL ROUTES FROM THRUWAY EXITS 22, 23, AND 24 TO BROCKLEY DRIVE DELMAR*

Assigned

BUSINESSES ALONG THE ROUTES OF TRAVEL WERE CHECKED FOR VIDEO SURVEILLANCE PURPOSES, NEGATIVE RESULTS - REFER TO LEAD # 67

109 *RE-INTERVIEW JEN SCHOONBECK*

Assigned OLIVER



Print - Close Window

From: "James Monroe" <jgmonroe@rochester.rr.com>
To: "Laurie Shanks" <LShan@albanylaw.edu>
CC: "joan chadderdon" <jetchad3@yahoo.com>, LShanks@aol.com
Subject: Draft statement
Date: Wed, 26 Apr 2006 06:38:28 -0400

Laurie:

Attached please find a Draft statement of account for the Porco matter.

As you will recall at our 2-26-06 meeting, we agreed that due to the high number of hours that would be involved, I would take this case at a reduced hourly rate of \$50.00 per hour with an initial \$5,000.00 retainer, \$2,500.00 to be paid immediately on account, and the balance to be forwarded shortly.

You will note that in the draft statement, I have not charged the customary additional expenses of mileage, parking and meals, and will include those in the discounted rate. Also, on several occasions, I have been able to not charge return travel time and expenses because I have scheduled my trips to Albany in conjunction with my Connecticut case.

We further discussed possibilities for payment of services over the \$5,000.00 from private sources and in the form of a 722C order from the County.

Since by the close of business on 04-27-06 we will have passed the initial \$5,000.00, and because I am not aware of the clients financial abilities, I have attached a copy of a 722C Application and Order that I have used in the past with Don Thompson. (Note: The county of Monroe pays investigators at a rate of \$60.00 per hour. I am unaware as to the practices of Albany County).

I would request, that if possible, I receive the balance of the retainer prior to my departure of Albany on 04-27-06.



Thanks for your attention to this matter.

James

Attachments in Word Perfect format.

Attachments

Files:

 Porco_Draft_Statement.wpd (9k) [[Preview](#)]
 722C.wpd (31k) [[Preview](#)]

Porco - Draft Time Sheet

02-22-06	Travel to Albany, New York Meeting with Attorney and Staff Review Materials, Conference with Client Witness Interview	17.0	17.0
02-24-06	Review Discovery Materials Box - 1	3.0	20.0
02-25-06	Review Discovery Materials Box - 2	3.0	23.0
02-26-06	Review Discovery Materials Box -3	3.0	26.0
03-14-06	Travel to Albany, New York Review Thruway Exit 24 Procedures & Employee Parking	6.0	32.0
03-15-06	Albany, New York Meeting with Attorney and Staff Review Discovery Materials Neighborhood Review	15.0	47.0
03-16-06	Albany, New York, review materials with staff, witness account locations	6.0	53.0
04-04-06	Travel to Albany, Purchase Dry Erase Materials, Install Boards in office, Conference with client, sort additional discovery materials to be reviewed	10.0	63.0
04-11-06	Review of DNA results, locate DNA Experts for comprehensive review	3.0	66.0
	Review Discovery Materials - Box # 4	3.0	69.0
04-12-06	Review Discovery Materials - Box # 5	3.0	72.0
	Review Discovery Materials - Box # 6	2.5	74.5
04-16-05	U of R Review - Dorm location, layout Attempt to locate NROTC witness Attempt to locate fraternity witnesses	3.0	77.5
04-24-06	Phone conference with attorney and staff Review of email and attachments	1.0	78.5
04-25-06	Interview of Joan Porco, Photo enlargements	2.5	81.0

Expenses:

02-26-06	Thruway Tolls to Albany	6.70	
	Thruway Tolls to Rochester	6.70	13.40
03-14-06	Thruway Tolls to Albany	6.70	21.10
	Holiday Inn Express - Albany	67.78	88.88
03-15-06	Holiday Inn Express - Albany	67.78	156.66
04-04-06	Thruway Tolls to Albany	6.70	163.36
	Home Depot - Materials	66.33	229.69
	Staples - Materials	8.59	238.28
	81.0 hours @ \$50.00	4,050.00	
	Expenses	238.28	
	Sub - Total	4,288.28	
	02-26-06 Retainer	- 2,500.00	
	Total Amount Due	1,788.28	

Projected Immediate additional costs

04-26-06	Travel to Albany, Locate and Interview EMS witnesses	12.0	12.0
04-27-06	Witness follow-up, locate and interview witnesses - travel to Rochester	12.0	24.0

Expenses:

04-26-06	Thruway Tolls to Albany	6.70	
04-27-06	Holiday Inn Express - Albany	67.78	74.48
	Thruway Tolls to Rochester	6.70	81.18
	24.0 hours @ \$50.00	1,200.00	
	Expenses	81.18	
	Sub - Total	1,281.18	

Account Summary

Recap - Actual Work Completed	4,288.28
Recap - Projected Immediate Costs	1,281.10
Sub - Total	5,569.38
02-26-06 Retainer	- 2,500.00
Projected Amount Due on 04-28-06	3,069.38



Print - Close Window

Date: Thu, 18 May 2006 09:08:30 -0700 (PDT)
From: "joan chadderdon" <jetchad3@yahoo.com>
Subject: Fwd: Re: new discovery
To: "Laurie Shanks" <LShan@albanylaw.edu>, "Laurie Shanks" <lshanks@aol.com>

Note: forwarded message attached.

Feel free to call! Free PC-to-PC calls. Low rates on PC-to-Phone. [Get Yahoo! Messenger with Voice](#)

Forwarded Message

From: "James Monroe" <jgmonroe@rochester.rr.com>
To: "joan chadderdon" <jetchad3@yahoo.com>
Subject: Re: new discovery
Date: Thu, 18 May 2006 10:47:47 -0400

HTML Attachment

Quite frankly Joan, I am disappointed that more than 3 weeks have elapsed since I was last in Albany, and raised the issue of payment. To date, I have yet to receive the courtesy of a response, or have the issue discussed with me.

As you can imagine, raising 4 children and having a plate full of cases, I have to allocate my time accordingly to meet all my responsibilities. I would very much enjoy continuing on with Mr. Porco's case, however I am unable to do so until this issue is resolved.

Please advise at your earliest convenience, as my calendar is filling up for the month of June and July.

Thanks,

Monroe

----- Original Message -----

From: [joan chadderdon](#)
To: [James Monroe](#)
Sent: Wednesday, May 17, 2006 11:34 AM
Subject: new discovery

James,
We received a new packet of discovery on Friday. Not a lot. more leads etc. I have a set here for you.
Have you found anything else out? Let us know.
Thanks Joan

Sneak preview the [all-new Yahoo.com](#). It's not radically different. Just radically better.

KINDLON
SHANKS ATTORNEYS AND
COUNSELORS AT LAW
74 CHAPEL STREET, ALBANY, NEW YORK 12207
518-434-1493 Fax 518-432-7806

TERENCE L. KINDLON
LAURIE SHANKS*

KATHY MANLEY
LEE C. KINDLON
JAMES E. TYNER
KENT B. SPROTBERY

*ADMITTED IN NEW YORK
ARIZONA AND INDIANA

May 21, 2006

Dear James,

I really am at somewhat of a loss in how to start this letter to you. As you know, you came to me very highly recommended. When we met in February, I was very impressed with your manner and your expertise and looked forward to working with you. In addition, as I expressed to you, I am confident that Christopher is innocent of the murder of his father and the attack on his mother and I would never forgive myself if he is convicted of the crimes because of a lack of investigation or preparation for trial.

I was very straightforward with you both about the complexity of the case and about the limited financial resources of the family. Further, I explained to you that, although Joan Porco is completely supportive of her son, her brother, who has taken charge of her finances, is worried that she will be left with no resources and wished for her to let Christopher be represented by the Public Defender. I specifically told you that we had agreed to represent Christopher on a flat fee basis, irrespective of the number of hours devoted to the case (which number in the thousands by this point) and that we would only receive the fee after the trial from the money posted as bail.

I was frankly stunned to get your e-mail of April 26, 2006, in which you stated that "we agreed that you would be paid an hourly rate of \$50.00 per hour with an initial \$5,000 retainer, \$2,500.00 to be paid immediately and the balance to be forwarded shortly." You and I never discussed an hourly rate at all, be it your regular rate (which I have no way of knowing) or a "reduced" one (which you never mentioned). I specifically told you that the family would be extremely nervous if they did not know how much your services would cost, and that I needed you to give me a flat fee number which included both investigation and attendance at the trial. You told me that you were more interested in working on cases in which you believed than the amount of money you earned on each case and that you would be willing to do all of the work necessary for \$5,000.00. We agreed you would be paid half immediately and you were. The other half was to

be paid at the time of trial.

You also knew we were concerned with limiting costs because of our discussion of the discovery materials. While I did not believe that you needed an entire set, as I had given you an outline of the facts, I was happy to provide all of the discovery to you because you told me you were most comfortable working that way. You also said you would scan everything and be able to pull it up for use at trial. We gave you Terry's set of materials in order to avoid the expense of photocopying another set for your use.

While you were in the office that first day, I had a list of the top priorities for you. The very first was for you to interview the fraternity brothers at the University of Rochester. You specifically told me that you would be able to do this task with no problem. I remember you told me that some of the students' parents had called Don and another attorney that you knew about the police questioning their sons, that the attorneys would be willing to give you the names and contact information and that you would contact the boys immediately. As far as I know, you have not yet contacted any of these boys in the months since our February meeting. Given that schools are about to end for the year, I don't know how or when you will be able to contact them. These boys are obviously critical witnesses at trial and we need to know what they will testify to and what they were told by the police.

We further discussed your interviewing the man who said he saw the Jeep in the driveway, the DNA evidence, blood splatter, the direction and force of the blows, whether it was possible that there was more than one attacker, the functioning of the alarm system, interviewing the paramedics and speaking with Jonathan Porco. Again, you told me that Don had experience in DNA and that you were familiar with blood spatter and some of the other issues. Other than the information on the alarm system, and the interviews with the paramedics, I have received no information other than the names of some DNA experts who I do not believe you have spoken with about the case. With respect to the alarm system, I have not yet received the name and contact information of the man you spoke with who you indicated would be available to testify if needed. Although you told me a couple of times that you had plans to speak with Jonathan Porco, I don't know if that was ever done. If not, it may be too late, as his mother told me today that he had shipped out on a nuclear sub and she does not know any way of contacting him while he is at sea.

In looking at your bill, it appears that you have spent the vast majority of your time in reviewing the discovery materials. While I have no doubt that you in fact did review them, I would not and could not have possibly authorized you to bill at \$50.00 an hour to do so. It would be ridiculous in a case with limited funds to have you and I duplicate our efforts. Although I had no objection to you reviewing the entire file, I needed you to do the investigation that I could not do and that you have the expertise to do, i.e. interviewing witnesses and analyzing scientific and physical evidence. As I was convinced that we had agreed on a flat fee for your services, I did not question your spending time with the discovery, as

I considered that you were doing that in addition to the investigative work that I needed, certainly not instead of that work.

I should have written this letter immediately upon receiving your e-mail in April. Unfortunately, my mother's stroke and the need for me to make an emergency trip to Phoenix while also finishing my obligations at the law school and preparing for the pre-trial hearings in this case prevented me from doing so. I apologize for the delay. However, your e-mail to Joan of May 18 came as an additional shock. We were in the midst of the pre-trial hearings on that date. I was stunned to read that your "calendar is filling up for the months of June and July." As there is still a tremendous amount of investigation to be done and as the trial begins at the end of June and will continue in July, and as you promised to do the investigation and be present for the trial, I do not know what you were planning when you added additional commitments during this time frame.

I truly do not know what else to say. I took you at your word in terms of the work that you would do and the fee that you would be paid. I hope that you will honor both.

Sincerely yours,

A handwritten signature in cursive script, appearing to read 'Laurie Shanks', with a long horizontal flourish extending to the right.

Laurie Shanks

Major Crime Lead Sheet

<i>Title</i> <div style="border: 1px solid black; padding: 2px; text-align: center;">Porco Homicide</div>		<i>Lead Number</i> <div style="border: 1px solid black; padding: 2px; text-align: center; font-size: 1.5em;">235</div>
<i>Assigned By</i> Bethlehem PD	<i>Date Logged</i> 1/7/2005	<i>Source</i> Investigation
<i>Officer 1</i>	<i>Officer 2</i>	<i>Target</i>
<i>Lead Instruction</i> MEASURE THE DISTANCE FROM EXIT 24 NYS THRUWAY TO 36 BROCKLEY DR.		
<i>List Attached Enclosures - Any Statements, Documents, Photos, Notes</i>		
<i>If an Item or Evidence was obtained, Describe WHAT it is and WHERE it is Secured</i>		
Reviewed By:	Reviewed Date:	Ongoing Lead: <input type="checkbox"/>

LEAD SYNOPSIS

Lead Instruction: Lead 235

Lead Completed By:

Results: DET RUDOLPH DROVE THE DISTANCE AT 8:00AM. IT TOOK 18 MINUTES, IT WAS 8.7 MILES AND HE FOLLOWED THE FOLLOWING ROUTE:

WESTERN AVE., TO RUSSELL RD., TO KRUMKILL RD., TO BLESSING RD, TO RT85 TO RT. 140, TO CHERRY AVE., TO ORCHARD ST., TO BROCKLEY DR., TO 36 BROCKLEY DR.

ALSO CHECKED BY DET. BOWDISH WAS FROM PORCO'S TO DELAWARE, TO McALPIN, 787 TO TWAY A DISTANCE OF MILES AND TOOK 23 MINUTES.

ALSO CHECKED BY DET. COX WAS FROM PORCO'S TO DELAWARE TO WHITEHALL RD. TO NEW SCOTLAND, KRUMKILL, 787 TO TWAY A DISTANCE OF 11.4 MILES AND TOOK 25 MINUTES.

Major Crime Lead Sheet

<i>Title</i>		<i>Lead Number</i>
Porco Homicide		412
<i>Assigned By</i>	<i>Date Logged</i>	<i>Source</i>
Bethlehem PD	2/6/2006	Investigation
<i>Officer 1</i>	<i>Officer 2</i>	<i>Target</i>
Bowdish	Kelly	
<i>Lead Instruction</i>		
Time the drive from 36 Brockley Dr to exit 24 of the NYS Thruway		
<i>List Attached Enclosures - Any Statements, Documents, Photos, Notes</i>		
<i>If an Item or Evidence was obtained, Describe WHAT it is and WHERE it is Secured</i>		
<i>Reviewed By:</i>	<i>Reviewed Date:</i>	<i>Ongoing Lead:</i> <input type="checkbox"/>

LEAD SYNOPSIS

Lead Instruction: Lead 412 - Time the drive from 36 Brockley Dr to exit 24 of the NYS Thruway

Lead Completed By: Bowdish / Kelly

Results: Detail on 02/06/06 at 5am:

BOWDISH – start from 36 Brockley Dr to left turn onto Delaware Ave, drive Delaware Ave towards Albany past Dunkin Donuts (open); continue past Delaware Plaza past Hess Mart (open); On Delaware Ave to intersection with Whitehall Rd (Hess Mart open); left onto Whitehall continue to New Scotland Rd; right onto New Scotland Rd to Krumkill Rd (gas station on corner open); take Krumkill Rd to Rt 85 to I 90 to Thruway entrance 24.

- Total trip time 14 minutes in consideration of driving speeds being within reason.

KELLY – start from 36 Brockley Dr, right turn onto Orchard, left turn onto Cherry Ave (Rt 140), right turn onto Rt 85; Rt 85 to I-90 to exit 24 of Thruway.

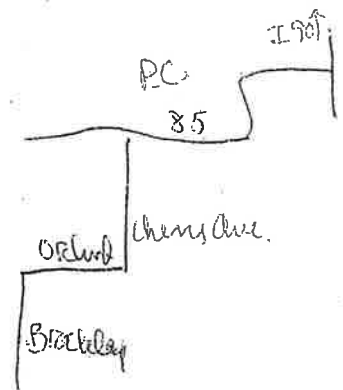
- Trip time was 10 minutes (note – the Western Ave exit of Rt 85 was at the 5 minute mark)

Also drove from the Western Ave exit of Rt 85, exiting onto Western Ave and traveling west on Western Ave and stopping at the Mobil gas station on Western Ave near SUNYA; waited 4 minutes there (simulating gas up) and then continued west on Western Ave, right onto I-87 north, exit (2) onto I-90 to exit 24 of the Thruway.

* Trip time was 15 minutes

2/6/06 5am

Brockley Dr
rt on Orchard
left on Cherry Ave Rt 140
rt onto Rt 85



from Brockley

5:13am - 5:23am

- stuck behind minivan on 85

5:18a

(took 5 minutes to get to
Western Ave exit of Rt 85)

from Rt 85 Western Ave exit (* add 5 minutes
to acct for Brockley)

5:28a - (5:30_a - 5:34_a) - 5:38_a + 5 =
mobil Rt 20

15 minutes including
gas time

Trip from 36 Brockley Dr. to Thruway entrance exit 24.

Detail on 02/06/06 at 5:00 A.M.

Start at 36 Brockley Dr. to left turn onto Delaware Ave.
Drive Delaware Ave., towards Albany past Dunkin Donuts (open).
Continue past Delaware Plaza past Hess Mart (open).
On Delaware Ave. to intersection with Whitehall Rd. (Hess Mart open)
Left onto Whitehall continue to New Scotland Rd.
Right onto New Scotland Rd. to Krumkill Rd. (gas station on corner open)
Take Krumkill Rd. to Rt.85 to I90 to Thruway entrance 24.

Total trip time 14 minutes in consideration of driving speeds being within reason.



NEW YORK STATE POLICE
IDENTIFICATION UNIT

DATE 11/18/04

Bethlehem PD CASE # 04 18415

CASE NOTES

ID LEAD CASE # 04-409

ITEM #

Received package of thruway toll
tickets from Marco Porcino - NYS
Thruway Authority on 11/18/04.

Same date - toll tickets serial #'s
2662, 2611, 2191, 3273, and 3260
processed w/ ninhydrin w/ no
latent prints of value developed

[Handwritten signature]

46

ROCHESTER (I-390)



SURRENDER TICKET AT EXIT AND PAY TOLL

LOSS OF TICKET OR UNAUTHORIZED TURN REQUIRES PAYMENT OF TOLL FROM THE

MOST DISTANT STATION							
NO	STATION	RT	TOLL	NO	STATION	RT	TOLL
15	WOODBURY		10.30	31	UTICA-8 & 12		4.05
16	HARRIMAN-17		9.85	32	W.MORELAND		3.70
17	NEWBURGH (84)		9.40	33	VERONA-ROME		3.45
18	NEW PALTZ-299		8.90	34	CANASTOTA-13		3.15
19	KINGSTON-28		8.45	34A	SYRACUSE (481)		2.70
20	SAUGERTIES-32		8.10	35	SYRACUSE-298		2.60
21	CATSKILL-23		7.75	36	SYRACUSE (81)		2.50
21B	COXSACKIE-9W		7.40	37	ELECTRONICS PKY		2.45
21A	B1 HUDSON (90)		7.70	38	LIVERPOOL-57		2.40
	B2 TACONIC PKWY		8.00	39	SYRACUSE (690)		2.30
	B3 CANAAN (MASS)		8.25	40	WEEDSPORT-34		1.85
22	SELKIRK-396		7.10	41	WATERLOO-414		1.35
23	ALBANY (787)		6.85	42	GENEVA-14		1.10
24	ALBANY (87&90)		6.70	43	MANCHESTER-21		0.70
25	SCHENECTDY (890)		6.50	44	CANANDAIGUA		0.50
25A	SCHENECTDY (88)		6.25	45	ROCHESTER (490)		0.40
26	SCHENECTDY (890)		6.25	46	ROCHESTER (390)		XXX
27	AMSTERDAM-30		5.90	47	LEROY (490)		0.50
28	FULTONVILLE-30A		5.60	48	BATAVIA-98		0.90
29	CANAJOHARIE-10		5.25	48A	PEMBROKE-77		1.25
28A	LITTLE FALLS-169		4.75	49	DEPEW-78		1.70
30	HERKIMER-28		4.45	50	BUFFALO		1.80

PARK DISABLED VEHICLES ON THE RIGHT SHOULDER. DO NOT WALK ALONG HIGHWAY.
FOR THRUWAY ASSISTANCE, TIE A CLOTH TO THE DRIVER SIDE MIRROR AND WAIT IN VEHICLE.

	C1	Ax	Ln	Dy	Tm	C#	S/N	\$
E		+0	03	1114	22:45	15359	6137	
X1		+0	13	1115	01:51	03309	3260	6.70

#24

Major Crime Lead Sheet

<i>Title</i>		<i>Lead Number</i>
Porco Homicide		187
<i>Assigned By</i>	<i>Date Logged</i>	<i>Source</i>
Bethlehem PD	12/15/2004	Investigation
<i>Officer 1</i>	<i>Officer 2</i>	<i>Target</i>
<i>Lead Instruction</i>		
Review Exit 23 Thruway toll tickets		
<i>List Attached Enclosures - Any Statements, Documents, Photos, Notes</i>		
<i>If an Item or Evidence was obtained, Describe WHAT it is and WHERE is it Secured</i>		

LEAD #187 SYNOPSIS

12-15-04 interviewed Hans Warnstadt the Plaza Manager at NYS Thruway Exit 24 456-6345. Warnstadt stated that the toll ticket 9 from exit 23 is a service truck, most likely a tow truck. This is a non-revenue ticket.

12-15-04 interviewed Peter A. Ricci [REDACTED] [REDACTED] Stated that he worked at Exit 24 from 10:00PM on 11-14-04 until 6:00AM on 11-15-04. He viewed the two toll tickets in question and could not remember the vehicles or the operators. Ricci is designated as collector 02531.

12-15-04 interviewed Carl Zelman [REDACTED] [REDACTED] employed by the NYS Assembly. Zelman stated that on 11-15-04 he drove from Exit 24 to Exit 46 on the NYS Thruway. Zelman said that when he exited the Thruway at Exit 46 he could not locate his toll ticket and was required by the toll collector to fill the lost ticket form (copy attached).

12-16-04 interviewed David M. Mazzeo [REDACTED] [REDACTED] Stated that on 11-15-04 he worked at Exit 23 from 6:00AM until 2:00PM. He viewed the toll ticket in question and could not remember the vehicle or the operator. Mazzeo is designated as collector 14247.

LEAD # _____ SYNOPSIS

12-20-04 interviewed Laura A. Manzi 02-20-04 of 03-11-04 on
[REDACTED] She worked at Exit 23 of the
NYS Thruway from 10:00PM on 11-14-04 until 6:00AM on 11-
15-04. She reviewed the toll ticket in question and could not
remember the vehicle or the operator. Manzi is designated as
collector 05123.

23

ALBANY (DOWNTOWN)



SURRENDER TICKET AT EXIT AND PAY TOLL.
LOSS OF TICKET OR UNAUTHORIZED TURN REQUIRES PAYMENT OF TOLL FROM THE

NO	STATION	RT	TOLL	NO	STATION	RT	TOLL
15	WOODBURY		3.50	31	UTICA - 8 & 12		2.85
16	HARRIMAN - 17		3.00	32	W. MORELAND		3.15
17	NEWBURGH (84)		2.55	33	VERONA-ROME		3.45
18	NEW PALTZ - 299		2.05	34	CANASTOTA - 13		3.75
19	KINGSTON - 28		1.80	34A	SYRACUSE (481)		4.20
20	SAUGERTIES - 32		1.30	35	SYRACUSE - 298		4.25
21	CATSKILL - 23		0.90	36	SYRACUSE (81)		4.40
21B	COXSACKIE - 9W		0.55	37	ELECTRONICS PKY		4.40
21A	B1 HUDSON (90)		0.90	38	LIVERPOOL - 67		4.50
	B2 TACONIC PKWY		1.15	39	SYRACUSE (890)		4.80
	B3 CANAAN (MASS)		1.45	40	WEEDSPORT - 34		5.05
22	SELKIRK - 398		0.25	41	WATERLOO - 414		6.65
23	ALBANY (787)		XXX	42	GENEVA - 14		5.78
24	ALBANY (87 & 90)		0.20	43	MANCHESTER - 21		6.15
25	SCHENECTDY (890)		0.40	44	CANANDAIGUA		6.40
25A	SCHENECTDY (88)		0.20	45	ROCHESTER (490)		6.50
26	SCHENECTDY (890)		0.45	46	ROCHESTER (390)		6.85
27	AMSTERDAM - 30		1.00	47	LEROY (490)		7.35
28	FULTONVILLE - 30A		1.25	48	BATAVIA - 68		7.70
29	CANAJOHARIE - 10		1.85	48A	PEMBROKE - 77		8.10
29A	LITTLE FALLS - 189		2.15	49	DEPEW - 78		8.55
30	HERKIMER - 28		2.45	50	BUFFALO		8.85

PARK DISABLED VEHICLES ON THE RIGHT SHOULDER. DO NOT WAIT ALONG HIGHWAY.
FOR THRUWAY ASSISTANCE: TOLL FREE 1-800-455-4555 FOR THE DRIVER SIDE MIRROR AND WAIT IN VEHICLE.

E 1 +0 02 1115 06:08 14247 4853
X 1 +0 08 1115 09:19 02907 8993 6.85
#46

1281

NEW YORK STATE
THRUWAY AUTHORITY

11/15/04
9:16am

LOST TICKET

ENTRY PLAZA: 24 EXIT PLAZA: 46
ENTRY LANE: ** EXIT LANE: 05
ENTRY COLL #: ***** EXIT COLL #: 02907

CLASS: 1+0

TOLL AMOUNT: \$ 6.70

CHARGE ACCOUNT

CHECK#:

CUSTOMER SIGNATURE:

LICENSE PLATE #:

NAME:

ADDRESS:

24

ALBANY (NORTHWAY)



SURRENDER TICKET AT EXIT AND PAY TOLL.

LOSS OF TICKET OR UNAUTHORIZED TURN REQUIRES PAYMENT OF TOLL FROM THE

NO	STATION	RT	TOLL	NO	STATION	RT	TOLL
15	WOODBURY		3.85	31	UTICA - 8 & 12		2.85
16	HARRIMAN - 17		3.20	32	W. MORELAND		3.00
17	NEWBURGH (84)		2.75	33	VERONA-ROME		3.25
18	NEW PALTZ - 299		2.25	34	CANASTOTA - 13		3.55
19	KINGSTON - 28		1.80	34A	SYRACUSE (481)		4.00
20	SAUGERTIES - 32		1.45	35	SYRACUSE - 298		4.10
21	CATSKILL - 23		1.10	36	SYRACUSE (81)		4.20
21B	COXSACKIE - 9W		0.75	37	ELECTRONICS PKY		4.26
21A	B1 HUDSON (90)		1.05	38	LIVERPOOL - 67		4.30
	B2 TACONIC PKWY		1.35	39	SYRACUSE (890)		4.40
	B3 CANAAN (MASS)		1.60	40	WEEDSPORT - 34		4.85
22	SELKIRK - 398		0.45	41	WATERLOO - 414		5.35
23	ALBANY (787)		0.20	42	GENEVA - 14		5.80
24	ALBANY (87 & 90)		XXX	43	MANCHESTER - 21		6.00
25	SCHENECTDY (890)		0.20	44	CANANDAIGUA		6.20
25A	SCHENECTDY (88)		0.00	45	ROCHESTER (490)		6.30
26	SCHENECTDY (890)		0.45	46	ROCHESTER (390)		6.70
27	AMSTERDAM - 30		0.80	47	LEROY (490)		7.20
28	FULTONVILLE - 30A		1.10	48	BATAVIA - 68		7.55
29	CANAJOHARIE - 10		1.45	48A	PEMBROKE - 77		7.90
29A	LITTLE FALLS - 189		1.85	49	DEPEW - 78		8.40
30	HERKIMER - 28		2.25	50	BUFFALO		8.85

24

ALBANY (NORTHWAY)



SURRENDER TICKET AT EXIT AND PAY TOLL.

LOSS OF TICKET OR UNAUTHORIZED TURN REQUIRES PAYMENT OF TOLL FROM THE

NO	STATION	RT	TOLL	NO	STATION	RT	TOLL
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21B	COXSACKIE - 9W		0.75	37	ELECTRONICS PKY		4.26
21A	B1 HUDSON (90)		1.05	38	LIVERPOOL - 67		4.30
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28	FULTONVILLE - 30A		1.10	48	BATAVIA - 68		7.55
29	CANAJOHARIE - 10		1.45	48A	PEMBROKE - 77		7.90
29A	LITTLE FALLS - 189		1.85	49	DEPEW - 78		8.40
30	HERKIMER - 28		2.25	50	BUFFALO		8.85

23

ALBANY (DOWNTOWN)



SURRENDER TICKET AT EXIT AND PAY TOLL

LOSS OF TICKET OR UNAUTHORIZED TURN REQUIRES PAYMENT OF .01 PER MILE

MOST DISTANT STATION

NO	STATION	AT	TOLL	NO	STATION	NO
16	WOODBURY		3.50	21	UTICA - 8 & 12	2.25
16	HARRIMAN-17		3.00	22	W. MORELAND	3.15
17	NEWBURGH (84)		2.55	23	VERONA-ROME	3.45
18	NEW PALTZ - 298		2.05	34	CANASTOTA - 18	3.75
19	KINGSTON - 28		1.50	34A	SYRACUSE (481)	4.20
20	SAUGERTIES - 32		1.30	35	SYRACUSE - 288	4.25
21	CATSKILL - 23		0.90	36	SYRACUSE (81)	4.40
21B	COXSACKIE - 9W		0.55	37	ELECTRONICS PKY	4.50
21A	B1 HUDSON (80)		0.90	38	LIVERPOOL - 57	4.60
	B2 TACONIC PKWY		1.15	39	SYRACUSE (590)	4.70
	B3 CANAAN (MASS)		1.45	40	WEEDSPORT - 34	5.00
22	SELKIRK - 396		0.25	41	WATERLOO - 414	5.25
23	ALBANY (787)		XXX	42	GENEVA - 14	5.5
24	ALBANY (87 & 90)		0.20	43	MANCHESTER 21	5.75
25	SCHENECTDY (890)		0.40	44	CANANDAIGUA	5.90
26A	SCHENECTDY (88)		0.20	45	ROCHESTER (450)	6.20
26	SCHENECTDY (890)		0.65	46	ROCHESTER (300)	6.55
27	AMSTERDAM - 30		1.00	47	LEROY (480)	7.25
28	FULTONVILLE - 30A		1.25	48	BATAVIA - 39	7.70
29	CANAJOHARIE - 10		1.85	48A	PEMBROKE - 77	8.1
29A	LITTLE FALLS - 189		2.15	49	DEPEW - 78	8.55
30	HERKIMER - 28		2.45	50	BUFFALO	8.85

PARK DISABLED VEHICLES ON THE RIGHT SHOULDER. DO NOT WALK ALONG THE SHOULDER.
 FOR THROUGHWAY ASSISTANCE, OR A CLOTH TO THE DRIVER SIDE WINDOW AND REPORT TO THE

C.I. Ax Lr Dy Tr C# S/N

1 +0 03 1115 05:53 05123 54.31

X +0 06 1115 09:00 01618 7736 6.85

446

23

ALBANY (DOWNTOWN)



SURRENDER TICKET AT EXIT AND PAY TOLL

LOSS OF TOLL OR UNAUTHORIZED U.S. VEHICLES PAYMENT OF TOLL - NON TOLL

STATION	RT.	TOLL	MOST DISTANT STATION	STATION	RT.	TOLL
15	WOODBURY	0.00	31	UTICA - 8 & 12		0.00
16	HARRIMAN - 17	0.00	32	W. MORELAND		0.00
17	NEWBURGH (84)	0.00	33	VERONA-ROME		0.00
18	NEW PALTZ - 289	0.00	34	CANASTOTA - 13		0.00
19	KINGSTON - 28	0.00	34A	SYRACUSE (481)		0.00
20	SAUGERTIES - 32	0.00	35	SYRACUSE - 298		0.00
21	CATSKILL - 29	0.00	36	SYRACUSE (81)		0.00
21B	COXSACKIE - 3W	0.00	37	ELECTRONICS PKY		0.00
21A	B1 HUDSON (80)	0.00	38	LIVERPOOL - 67		0.00
	82 TACONIC PKWY	0.00	39	SYRACUSE (690)		0.00
	83 CANAAN (MASS)	0.00	40	WEEDSPORT - 14		0.00
22	SELKIRK - 386	0.00	41	WATERLOO - 41		0.00
23	ALBANY (787)	XXX	42	GENEVA - 14		0.00
24	ALBANY (87 & 90)	0.00	43	MANCHESTER - 21		0.00
25	SCHENECTOY (890)	0.00	44	CANANDAIGUA		0.00
26A	SCHENECTOY (88)	0.00	45	ROCHESTER (490)		0.00
26	SCHENECTOY (890)	0.00	46	ROCHESTER (390)		0.00
27	AMSTERDAM - 30	0.00	47	LEROY (490)		0.00
28	FULTONVILLE - 30A	0.00	48	BATAVIA - 88		0.00
29	CANAJOHARIE - 10	0.00	48A	PEMBROKE - 77		0.00
28A	LITTLE FALLS - 189	0.00	49	DEPEW - 78		0.00
30	HERKIMER - 28	0.00	50	BUFFALO		0.00

PARK DISABLED VEHICLES ON THE RIGHT SHOULDER. DO NOT WAIT AROUND THE
 FOR THRUWAY ASSISTANCE. TIE A CLOTH TO THE DRIVER SIDE MIRROR AND WAIT

G1 AX LI Dy Tm C# S/N
 F 9 +3 03 1115 04:14 16481 5312

X +3 05 1115 07:23 01145 1301 0.00
 #46 3-0014-6050

Tow truck
 non-revenue ticket

12/20/04

John Roberts :

Scheduled
to work
tomorrow
Tuesday
12/21

a) 2pm → 93901
Station 25
Eastern end of 8th

Sch 6ly -

+ Wed
1pm → 7
Station 25-

2 wks -
change of address ?

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

[Signature]

have
"Rynasko"
on mailbox

Major Crime Lead Sheet

Title Porco Homicide		Lead Number 170
Assigned By Bethlehem PD	Date Logged 12/13/2004	Source Investigation
Officer 1 	Officer 2 	Target
Lead Instruction IDENTIFY AND INTERVIEW EXIT 48 TOLL COLLECTORS WORKING 11/15/04 AROUND 8AM RELATIVE TO TWO TOLL TICKETS FOR VEHICLES EXITING THRUWAY AROUND THAT TIME (VEHICLES ENTERED THRUWAY SAME DATE FROM EXIT 24) SEE LEAD # 169		
12/17/04 COLLECTOR ID # 04111 INTERVIEWED BY INV. T. McHUGH. E-TROOP MAJOR CRIMES. TOLL COLLECTOR ANDRIA BENSON HAS NO PERTINENT INFO. TO OFFER. 12/17/04 COLLECTOR ID # 15159 INTERVIEWED BY INV. C. BARDWIN, E-TROOP MAJOR CRIMES. TOLL COLLECTOR JULIE BOQUET HAS NO PERTINENT INFO. TO OFFER CLOSED		
List Attached Enclosures: No Statements, Documents, Photos, Notes COPIES OF TOLL TICKETS (2) LEAD RESPONSE FROM INV. McHUGH.		
If an Item or Evidence was obtained, Describe WHAT it is and WHERE it is stored 		
Reviewed By: 	Reviewed Date: 	Ongoing Lead: <input type="checkbox"/>

24

ALBANY (NORTHWAY)



SURRENDER TICKET AT EXIT AND PAY TOLL

LOSS OF TICKET OR UNAUTHORIZED U-TURN REQUIRES PAYMENT OF TOLL FROM THE MOST DISTANT STATION

NO	STATION	RT	TOLL	NO	STATION	RT	TOLL
15	WOODBURY		3.65	31	UTICA-8 & 12		2.65
16	HARRIMAN-17		3.20	32	W.MORELAND		3.00
17	NEWBURGH (84)		2.75	33	VERONA-ROME		3.25
18	NEW PALTZ-299		2.25	34	CANASTOTA-13		3.55
19	KINGSTON-28		1.80	34A	SYRACUSE (481)		4.00
20	SAUGERTIES-32		1.45	35	SYRACUSE-298		4.10
21	CATSKILL-23		1.10	36	SYRACUSE (81)		4.20
21B	COXSACKIE-9W		0.75	37	ELECTRONICS PKY		4.25
21A	B1 HUDSON (90)		1.05	38	LIVERPOOL-57		4.30
	B2 TACONIC PKWY		1.35	39	SYRACUSE (690)		4.40
	B3 CANAAN (MASS)		1.60	40	WEEDSPORT-34		4.85
22	SELKIRK-396		0.45	41	WATERLOO-414		5.35
23	ALBANY (787)		0.20	42	GENEVA-14		5.60
24	ALBANY (87 & 90)	XXX		43	MANCHESTER-21		6.00
25	SCHENECTDY (890)		0.20	44	CANANDAIGUA		6.20
25A	SCHENECTDY (88)		0.00	45	ROCHESTER (490)		6.30
26	SCHENECTDY (890)		0.45	46	ROCHESTER (390)		6.70
27	AMSTERDAM-30		0.80	47	LEROY (490)		7.20
28	FULTONVILLE-80A		1.10	48	BATAVIA-38		7.55
29	CANAJOHARIE-10		1.45	48A	PEMBROKE-77		7.80
28A	LITTLE FALLS-169		1.95	49	DEPEW-78		8.40
30	HERKIMER-29		2.25	50	BUFFALO		8.45

PARK DISABLED VEHICLES ON THE RIGHT SHOULDER. DO NOT WALK ALONG HIGHWAY.
FOR THRUWAY ASSISTANCE, TIE A CLOTH TO THE DRIVEN SIDE MIRROR AND WAIT IN VEHICLE

C1 Ax Ln Dy Tm C# S/N \$
 E 1 +0 03 1115 05:31 80100 7827
 0 07 1115 05:10 15158 2611 15.30
 #45

JUNE
- POQUET -

24 ALBANY (NORTHWAY)



SURRENDER TICKET AT EXIT AND PAY TOLL

LOSS OF TICKET OR UNAUTHORIZED USE OF TOLL PLASMA EQUIPMENT REQUIRES PAYMENT OF FULL TOLL FROM THE

NO	STATION	RT	TOLL	NO	STATION	RT	TOLL
15	WOODBURY		3.65	11	UTICA-8 & 12		2.65
16	HARRIMAN-17		3.20	12	W.MORELAND		3.00
17	NEWBURGH (84)		2.75	13	VERONA-ROME		3.25
18	NEW PALTZ-299		2.25	14	CANASTOTA-13		3.55
19	KINGSTON-28		1.80	14A	SYRACUSE (481)		4.00
20	SAUGERTIES-32		1.45	15	SYRACUSE-298		4.10
21	CATSKILL-23		1.10	16	SYRACUSE (81)		4.20
21B	COXSACKIE-9W		0.75	17	ELECTRONICS PKY		4.25
21A	B1 HUDSON (90)		1.05	18	LIVERPOOL-57		4.30
	B2 TACONIC PKWY		1.35	19	SYRACUSE (890)		4.40
	B3 CANAAN (MASS)		1.60	20	WEEDSPORT-34		4.85
22	SELKIRK-398		0.45	21	WATERLOO-414		5.35
23	ALBANY (787)		0.20	22	GENEVA-14		5.60
24	ALBANY (87 & 90)	XXX		23	MANCHESTER-21		6.00
25	SCHENECTDY (890)		0.20	24	CANANDAIGUA		6.20
25A	SCHENECTDY (88)		0.00	25	ROCHESTER (490)		6.30
26	SCHENECTDY (890)		0.45	26	ROCHESTER (390)		6.70
27	AMSTERDAM-30		0.80	27	LEROY (490)		7.20
28	FULTONVILLE-30A		1.10	28	BATAVIA-98		7.55
29	CANAJOHARIE-10		1.45	28A	PEMBROKE-77		7.90
29A	LITTLE FALLS-189		1.95	29	DEPEW-78		8.40
30	HERKIMER-28		2.25	30	BUFFALO		8.45

PARK DISABLED VEHICLES ON THE RIGHT SIDE OF THE ROAD. DO NOT WALK ALONG HIGHWAY.
FOR THRUWAY ASSISTANCE, TIE A CLOTH TO THE DRIVER SIDE MIRROR AND WAIT IN VEHICLE

C1 Ax Ln Dy Tm C# S/N
E 1 +0 06 1115 05:40 03347 0227

+0 07 1115 08:15 04111 2662 6.30

#48

**NEW YORK STATE POLICE
BUREAU OF CRIMINAL INVESTIGATION
VIOLENT CRIME INVESTIGATION TEAM
TROOP "E" HEADQUARTERS
1569 ROCHESTER ROAD
CANANDAIGUA, NY 14425**

**TELEPHONE NUMBERS
DISPATCH (585) 398-4100
FAX (585) 398-2961**

Senior Investigator Allan M. Dombroski
Investigator Thomas H. McHugh
Investigator Jeffery T. Arnold
Investigator Christopher L. Baldwin
Investigator Patrick J. Englishby
Investigator Robert W. Schultz

DATE: 12/17/2004

TO: S/I Karl Meybaun, NYSP
Det. Michael McMillen, Bethlehem PD

FAX#: (518) 439-6965

FROM: Inv. Tom McHugh (Desk 585-398-4127)
(Email Thmchugh@troopers.state.ny.us)

NOTE: Andria Benson interview results attached. Let me know if you want it emailed for copy and paste.

Number of sheets including this cover page: 2

REFERENCE: PD BETHLEHEM NY - PORCO HOMICIDE INVESTIGATION	
LEAD#	
ASSIGNED TO: Special Investigator Thomas H. McHugh	DATE: 12/17/2004
LEAD REQUEST: Interview NYS Thruway Toll Collector Andria Benson	

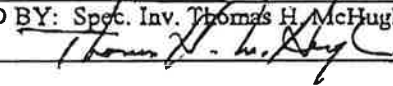
LEAD RESPONSE:

12/17/2004 - 10:10 a.m. interviewed Andria G. Benson, dob 07/11/1943, 125 Attridge Rd., Churchville, NY, telephone (585) 293-2740 at Exit 46, Rochester 390 (Henrietta), NY office of the NYS Thruway. She has been employed by the NYS Thruway for the past 10 years and currently works at both the Exit 45 Rochester 390 (Victor) and Exit 46 interchanges.

A copy of a NYS Thruway toll ticket dated 11/15/2004 showing vehicle entry at Exit 24 Albany and vehicle exit at 45 Rochester 390 (Victor) interchange was shown to Benson. The entry and exit times were 5:46 a.m. and 8:35 a.m. respectively. She identified this ticket as one she would have processed at Exit 45 based on her employee identification number of 04111 that was stamped on the ticket.

Benson was asked if she had any recollection of this ticket as it might relate to a Jeep, color yellow. Although she does see Jeeps, she did not have any specific recollection of a yellow Jeep and/or it's operator, further stating that traffic is quite heavy at that time of the morning. No further information of value.

Note: Exit 45 is one of the busiest interchanges on the Thruway, especially on a weekday morning handling commuter traffic to Rochester. In recent years the roadway between Exit 44 Canandaigua and Exit 45 was widened to three lanes to safely handle the volume of traffic.

SUBMITTED BY: Spct. Inv. Thomas H. McHugh (Signature) 	DATE: 12/17/2004	STATUS: CLOSED
REVIEWED BY:	DATE:	
FOLLOW-UP REQUESTED:		
CROSS REFERENCE:		

24 ALBANY (NORTHWAY)



SURRENDER TICKET A* EXIT AND PAY TOLL.

LOSS OF TICKET OR UNAUTHORIZED USE OF TOLL TAGS REQUIRES PAYMENT OF TOLL FROM THE

NO.	STATION	ST	TOLL	NO.	STATION	ST	TOLL
15	WOODBURY		3.65	11	UTICA-8 & 12		2.65
16	HARRIMAN-17		3.20	12	W.MORELAND		3.00
17	NEWBURGH (84)		2.75	13	VERONA-ROSE		3.25
18	NEW PALTZ-290		2.25	14	CANASTOTA-18		3.55
19	KINGSTON-28		1.80	14A	SYRACUSE (481)		4.00
20	SAUGERTIES-32		1.45	15	SYRACUSE-290		4.10
21	CATSKILL-23		1.10	16	SYRACUSE (81)		4.20
21B	COXSACKIE-9W		0.75	17	ELECTRONICS PKY		4.25
21A	B1 HUDSON (90)		1.05	18	LIVERPOOL-67		4.30
	B2 TACONIC PKWY		1.35	19	SYRACUSE (890)		4.40
	B3 CANAAN (MASS)		1.60	20	WEEDSPORT-34		4.85
22	SELKIRK-308		0.45	21	WATERLOO-414		5.35
23	ALBANY (787)		0.20	22	GENEVA-14		5.60
24	ALBANY (87 & 80)		XOX	23	MANCHESTER-21		6.00
25	SCHENECTDY (890)		0.20	24	CANANDAIGUA		6.20
25A	SCHENECTDY (88)		0.00	25	ROCHESTER (490)		6.30
26	SCHENECTDY (880)		0.45	26	ROCHESTER (390)		6.70
27	AMSTERDAM-90		0.80	27	LEROY (480)		7.20
28	FULTONVILLE-20A		1.10	28	BATAVIA-88		7.55
29	CANAJOHARIE-10		1.45	28A	PEMBROKE-77		7.90
29A	LITTLE FALLS-169		1.95	29	DEPEW-78		8.40
30	HERKIMER-28		2.25	30	BUFFALO		8.45

PARK DISABLED VEHICLES ON THE RIGHT OF TRAVEL. DO NOT WALK ALONG HIGHWAY.
FOR THRUWAY ASSISTANCE, TIE A CLOTH TO THE DRIVER SIDE MIRROR AND WAIT IN VEHICLE

C1 Ax Ln Dy Tm C# SN
E 1 +0 06 1115 05:45 03347 0227

+0 07 1115 08:45 03347 2652 5:30
#45

NOTES - THM			
2004	DATE	TIME	COMMENT
1	4/17	10:05	Henrietta, Tampa.
2		10:10	Andrea G. Benson 7-11-43
3			125 ATTRIDGE RD
4			CHRONVILLE, DC.
5			585-293-6740
6			WORK Hen & Victoria.
7			10425.
8			
9			EXIT lane # 6X
10			No Reflection - Does Se Top
11			Henry TRAFFIC @ THAT TIME
12		End 10:10 AM	
13			
14			
15			
16			
17			
18			
19			
20			
21			
22			
23			
24			
25			

REFERENCE: PD BETHLEHEM NY - PORCO HOMICIDE INVESTIGATION	
LEAD#	
ASSIGNED TO: Special Investigator Thomas H. McHugh	DATE: 12/17/2004
LEAD REQUEST: Interview NYS Thruway Toll Collector Andria Benson	

LEAD RESPONSE:

12/17/2004 - 10:10 a.m. interviewed Andria G. Benson, dob 07/11/1943, 125 Attridge Rd., Churchville, NY, telephone (585) 293-2740 at Exit 46, Rochester 390 (Henricetta), NY office of the NYS Thruway. She has been employed by the NYS Thruway for the past 10 years and currently works at both the Exit 45 Rochester 390 (Victor) and Exit 46 interchanges.

A copy of a NYS Thruway toll ticket dated 11/15/2004 showing vehicle entry at Exit 24 Albany and vehicle exit at 45 Rochester 390 (Victor) interchange was shown to Benson. The entry and exit times were 5:46 a.m. and 8:35 a.m. respectively. She identified this ticket as one she would have processed at Exit 45 based on her employee identification number of 04111 that was stamped on the ticket.

Benson was asked if she had any recollection of this ticket as it might relate to a Jeep, color yellow. Although she does see Jeeps, she did not have any specific recollection of a yellow Jeep and/or it's operator, further stating that traffic is quite heavy at that time of the morning. No further information of value.

Note: Exit 45 is one of the busiest interchanges on the Thruway, especially on a weekday morning handling commuter traffic to Rochester. In recent years the roadway between Exit 44 Canandaigua and Exit 45 was widened to three lanes to safely handle the volume of traffic.

SUBMITTED BY: Spec. Inv. Thomas H. McHugh (Signature) <i>Thomas H. McHugh</i>	DATE: 12/17/2004	STATUS: CLOSED
REVIEWED BY:	DATE:	
FOLLOW-UP REQUESTED:		
CROSS REFERENCE:		

Major Crime Lead Sheet

Title

Porco Homicide

Lead Number

169

Assigned By

Bethlehem PD

Date Logged

12/13/2004

Source

Investigation

Target

Officer 1

Officer 2

Lead Instruction

IDENTIFY AND INTERVIEW EXIT 24 TOLL COLLECTORS WORKING 11/15/04 AROUND 5AM RELATIVE TO TWO TOLL TICKETS FOR VEHICLES ENTERING THRUWAY AROUND THAT TIME - SEE LEAD # 170

GERALD FRENCH
W 465-5368
H 283-2776

TO CALL
TO

ALL TOLL WORKERS INTERVIEWED BOTH AT EXIT
24 & 45 WORKER WERE
MIKE HORAN TOLL COLL # 03347
KAREN RUSSELL

EXIT 45

JULIE POQUETTE 15159
ANDREA BENSON 04111

List Attached Enclosures - Any Statements, Documents, Photos, Notes

If an Item or Evidence was obtained, Describe WHAT it is and WHERE it is Secured

Reviewed By:

Reviewed Date:

Ongoing Lead:



24

ALBANY (NORTHWAY)



SURRENDER TICKET AT EXIT AND PAY TOLL.

LOSS OF TICKET OR UNAUTHORIZED USE OF TICKET REQUIRES PAYMENT OF FULL FARE FROM THE

NO	STATION	RT	TOLL	STATION	RT	TOLL
15	WOODBURY		3.65	11	UTICA-8&12	2.65
16	HARRMAN-17		3.20	12	W.MORELAND	3.00
17	NEWBURGH(84)		2.75	13	VERONA-POME	3.25
18	NEW PALTZ-200		2.25	14	CANASTOTA-13	3.55
19	KINGSTON-28		1.80	15	SYRACUSE (487)	4.00
20	SAUGERTIES-32		1.45	16	SYRACUSE-200	4.10
21	CATSKILL-23		1.10	17	SYRACUSE (81)	4.20
21B	COXSACKIE-SW		0.75	18	ELECTRONICS PKY	4.25
21A	B1 HUDSON (80)		1.05	19	LIVERPOOL-67	4.30
	B2 TACONIC PKWY		1.35	20	SYRACUSE (890)	4.40
	B3 CANAAN (MASS)		1.60	21	WEEDSPORT-34	4.85
22	SELKIPK-300		0.45	22	WATERLOO-414	5.35
23	ALBANY (787)		0.20	23	GENEVA-14	5.60
24	ALBANY (87&90)		XXX	24	MANCHESTER-21	6.00
25	SCHENECTDY (890)		0.20	25	CANANDAIGUA	6.20
25A	SCHENECTDY (89)		0.00	26	ROCHESTER (480)	6.30
26	SCHENECTDY (890)		0.45	27	ROCHESTER (390)	6.70
27	AMSTERDAM-30		0.80	28	LEROY (480)	7.20
28	FULTONVILLE-30A		1.10	29	BATAVIA-00	7.55
29	CANAJOHARIE-10		1.45	30	PEMBROKE-77	7.90
29A	LITTLE FALLS-100		1.95	31	DEPEW-70	8.40
30	HERKIMER-28		2.25	32	BUFFALO	8.45

PARK DISABLED VEHICLES ON THE RIGHT BY 30 FEET. DO NOT WALK ALONG HIGHWAY.
FOR TOLLWAY ASSISTANCE, TIE A CLOTH TO THE DRIVER SIDE MIRROR AND WAIT IN VEHICLE

E 1 +0506-1115 05 45 03347 0227 MICHELE HERNAN

+0 07 1115 08:45 04111 2662 5.30 #355-43 23

#45

15159

JULIE POQUETTE

04111

ANDREA BENSON

1-800-628-4431

CYNTHIA BLEST

TOLL
DIV
MGR

JOHN BRUCKMAN

ASST
TOLL
DIV
MGR

From: Steven Casabella
To: Kelly, Gary; Powell, Craig; Temple, Jesse
Date: 5/13/2006 8:24:29 AM
Subject: Re: Porco Homicide Case

Gary,

I found a radio item in our records which Jesse initially transmitted during the B-line on the 15th. This consisted of the File 12 from Bethlehem, but this was transmitted to Zones 2+3 only and should not have been received farther west than exit 44. I have no recollection or knowledge of any transmissions, or notifications of any kind from this office or Thruway dispatch regarding this case on my shifts (B-line 14th - C-line 15th, C+4 16th, + 17th).
SFC

>>> Gary Kelly 5/11/2006 2:12 PM >>>

Reference to the Porco Homicide Case from T/Bethlehem Albany County, we are attempting to ascertain if any of you recall sending, dispatching, transmitting or otherwise notifying or contacting any of the thruway toll plazas (specifically exit 45, 46 or 24) in regard to police interest in a yellow jeep wrangler (the defendant Chris Porco's) entering or exiting the thruway (at Rochester and/or Albany) from 10:30pm on 11/14/2004 to 11/15/2004. Or, if you have any recollection of a thruway employee (dispatcher or otherwise) doing same.

We have information that exit 46 received some kind of notification about the yellow jeep (possibly from thruway dispatch or our NYSP dispatch) sometime during the week of 11/15 - 11/19/2004.

This would NOT have been a BOLO because we (the police) already had located the jeep in Rochester (in the afternoon of 11/15/04). If there was some kind of notification put out there it would've most likely have been pertaining to asking toll collectors if they recalled a yellow jeep wrangler entering or exiting their toll plaza during the dates and times in question.

Please let me know one way or the other if you have any knowledge of such a notification.
Thanks - gbk

INV GARY B KELLY
TROOP G MAJOR CRIMES
(518) 528-6681

CC: Coville, Brian

LEAD SYNOPSIS

Lead Instruction: Lead 420 – Obtain traffic data reports of the NYS Thruway for exits 24 and 46

Lead Completed By: Kelly

Results: **Traffic data** reports were received from the NYS Thruway Authority and summarized in relation to toll collectors **FALLON, RUSSELL, and PTAK.**

KAREN RUSSELL – ID #03309 exit 24

11/14-11/15/04 2200-0600 hours Lane 13X

Total vehicles = 476

Average # of vehicle per 15 minutes = 17

of vehicles between 0145-0200 = 22

of vehicles between 0200-0215 = 4

JOHN FALLON – ID #15359 exit 46

11/14/04 1500-2300 Lane 3E

Total vehicles = 1615

Average # of vehicles per 15 minutes = 52

of vehicles between 2230-2245 = 6

MICHAEL PTAK – ID #01618 exit 46

11/15/04 0700-1500 Lane 6X

Total vehicles = 1010

Average # of vehicles per 15 minutes = 32

of vehicles between 0700-0900 = 325

of vehicles between 0800-0830 = 116

MICHAEL PTAK – continued

11/16/04 – Ptak was a supervisor and thus did not work in any lane(s)

11/17/04 – 0700-1500 Ptak worked as a relief person in various lanes at exit 46.

Total vehicles = 989

Average # of vehicles per 15 minutes = 35

MICHAEL PTAK was contacted reference to his shift of 0700-1500 hours at exit 46 on 11/15/04. He did not recall seeing a yellow jeep exit the thruway that date. He stated that he did recall seeing some kind of notice for a yellow jeep reference to this case (possibly posted somewhere at that toll plaza), but he was uncertain of the date. In an effort to identify the form of the notice and its source, INV KELLY contacted NYSP Sgts assigned to the Thruway, and Thruway Authority personnel. ED COLLINS, Thruway supervisor at exit 46, recalled receiving a phone call from Bethlehem Police date unknown reference to a yellow jeep. He stated that he did not generate any notice, but would have passed the information along to other employees. He stated that someone may have posted a note about it, but he did not recall seeing one. Bethlehem Police did also send out a file 12 teletype with a BOLO for CHRIS PORCO and a yellow jeep. That was around 1340 on 11/15/04. The notice PTAK referred to may have come from COLLINS and/or the File 12 BOLO.

KAREN RUSSELL and JOHN FALLON have previously been interviewed.

420 Traffic data / Boro

03309 Karen Russell 11/14-11/15/04 ²²⁰⁰⁻⁰⁶⁰⁰ 10p-6a exit 24 lane 13x

- total vehicles = 476
- average = 17 vehicles per 15 min.
- Shut off lane 13x @ 2:01am
- 4 vehicles from 2a-2¹⁵a / 0 vehicles from 2:15-2:30a
- form of duty report shows break @ 0200-0230
- * 0145-0200 = 22 vehicles

15359 John Fallon 11/14/04 ¹⁵⁰⁰⁻²³⁰⁰ 3p-11p exit 46 Lane 3E

- total vehicles = 1615
- average every 15 minutes = 52 vehicles
- * only 6 vehicles between 10³⁰p-10⁴⁵p including Porco's

01618 Michael Ptak 11/15/04 ^{7a-3p} 0700-1500 exit 46 Lane 6x

- total vehicles = 1010
- average every 15 minutes = 32 vehicles
- * between 0700-0900 = 325 vehicles
- * between 0800-0830 = 116 vehicles

11/16/04 - Supv. - not in any lane
11/17/04 - 0700-1500 total vehicles = 989; average = 35 per 15 minutes

Ptak - ~~did~~ not recall yw jeep but recalled some kind of notice?

- In effort to identify source of notice + form of notice, contacted NYSP Thruway Sgts + Thruway Authority personnel
- Ed Collins Tway Supv 46 recalled phone call from Bethlehem PD date unk. Some general note may have been posted - no known official notice generated at 46
- Bethlehem PD file 12 11/15/04 - RAO jeep

Fax Cover Sheet

DATE: 6/1/06

TO: David Rossi
Albany County District Attorney Office
FAX #: (518) 447-7772

FROM: Craig Slezak
Toll Audit
New York State Thruway Authority
200 Southern Boulevard
PO Box 189
Albany, NY 12201-0189
Phone: (518) 436-2868
FAX #: (518) 436-2824

Total pages faxed 21 (including this page)

Contact the sender if you do not receive the total number of pages

TOLL COLLECTOR TOUR OF DUTY REPORT (TDR)
NEW YORK STATE THRUWAY AUTHORITY

Collector Name (Print) J. Fallon		Collector # 15359	Station # 45	Copy 3 - Toll Station Date 11/15/04	Shift 14
Lane Log Used? <input type="checkbox"/> YES, (See attached) <input type="checkbox"/> NO		Temporary Card # (If Used):			
List any occurrence that might affect the cost:					

REMARKS: MILITARY PASS
LOST TICKET
NO READS

NAME ORANGE Break Down

Many NO READS OR BAD DATA
from 44 only.

C12496 C13608
SIGN OFF

[illegible]

CHANGE FUND TRANSFER

The undersigned verifies delivery of stated amount(s) to above collector.

The undersigned verifies receipt of stated amount(s) from above collector.

[illegible]

I affirm the correctness of all information entered on this Report to the best of my knowledge.

acknowledge. John LaRocca
X COLLECTOR'S SIGNATURE.

TOLL COLLECTOR TOUR OF DUTY REPORT (TDR)
NEW YORK STATE THRUWAY AUTHORITY

43

Prepare in Triplicate: Copy 1 - Toll Audit Copy 2 - Division Toll Copy 3 - Toll Station

COLLECTOR NAME (Print) Kathleen S. Fronhof	COLLECTOR # 15597	STATION # 24	DATE 11.14.04	SHIFT 17-01
--	-----------------------------	------------------------	-------------------------	-----------------------

LANE LOG USED? ☒ YES, (See attached) ☐ NO

TEMPORARY CARD # (If Used):

List any occurrence that might affect the cash or axle balance of your work as well as any issue(s), you wish to bring to the attention of your Toll Division Manager, Toll Plaza Manager or the Toll Audit Section.

REMARKS:

can not be read
in ldx # 5599 class 1
tdm 17 # 2.75

Tnp Authorization
receipt # 2920 term # 04-11-40

unpaid toll: class 1 thru 18
Tollis M. LA Pell #2.22
PO Box 13
Welltown NY 12886
Dr. License # 604844343 (NY)
NY Plate DAN4030
Military Pass # 329806

Money Bag Number(s)

C4556

C1596

LANE	SIGN ON		SIGN OFF		LANE	SIGN ON		SIGN OFF	
	TIME	Beginning Serial Number	TIME	Ending Serial Number		TIME	Beginning Serial Number	TIME	Ending Serial Number
14x	1700	0452	1730	0543					
9x	1730	0910	1810	7042					
2x	1845	02378	1915	7482					
12x	1915	0939	1915	0006					
14x	1945	0902	2015	0972					
9x	2015	2475	2045	7530					
7x	2045	1824	2115	1886					
12x	2145	0278	2330	0417					
12x	2340	0418	0100	0505					

CHANGE FUND TRANSFER

The undersigned verifies delivery of stated amount(s) to above collector.

The undersigned verifies receipt of stated amount(s) from above collector.

COLLECTOR'S SIGNATURE	Collector #	Amount	COLLECTOR'S SIGNATURE	Collector #	Amount
	2603	100		2603	100

I affirm the correctness of all information entered on this Report to the best of my knowledge.

x

COLLECTOR'S SIGNATURE

127

TOLL COLLECTOR TOUR OF DUTY REPORT (TDR)
NEW YORK STATE THRUWAY AUTHORITY

Q. 12

COLLECTOR NAME (Print)

COLLECTOR NAME (Print)	COLLECTOR #	STATION #	DATE	SHIFT
Art Mascardo Jr	16481	23	11, 15, 04	I

LANE LOG USED? ☐ YES, (See attached) ☒ NO

TEMPORARY CARD # (If Used):

List any occurrence that might affect the cash or axle balance of your work as well as any issue(s), you wish to bring to the attention of your Toll Division Manager, Toll Plaza Manager or the Toll Audit Section.

REMARKS:

Ambulance exited 5X - no ticket - off 2 axles

[illegible]

CHANGE FUND TRANSFER

The undersigned verifies delivery of stated amount(s) to above collector.

The undersigned verifies receipt of stated amount(s) from above collector.

COLLECTOR'S SIGNATURE	Collector #	Amount	COLLECTOR'S SIGNATURE	Collector #	Amount
<i>Joe Nugent</i>	<i>3952</i>	<i>\$500</i>	<i>M Bick</i>	<i>7585</i>	<i>250-</i>
			<i>Lance Miller</i>	<i>1579</i>	<i>750</i>
I affirm the correctness of all information furnished above.					

I affirm the correctness of all information entered on this Report to the best of my knowledge.

X

COLLECTOR'S SIGNATURE

Prepare in Triplicate:

Copy 2 - Division Toll

Copy 3 - Toll Station

LANE LOG USED? ☐ YES, (See attached) ☐ NO

TEMPORARY CARD # (If Used):

List any occurrence that might affect the cash or axle balance of your work as well as any issue(s), you wish to bring to the attention of your Toll Division Manager, Toll Plaza Manager or the Toll Audit Section.

REMARKS:

Money Bag Number(s)

C 6729

[illegible]

CHANGE FUND TRANSFER

The undersigned verifies delivery of stated amount(s) to above collector.

The undersigned verifies receipt of stated amount(s) from above collector.

COLLECTOR'S SIGNATURE			COLLECTOR'S SIGNATURE		
	Collector #	Amount		Collector #	Amount
<i>F. Symour</i>	<i>16831</i>	<i>200-</i>	<i>[Signature]</i>	<i>15390</i>	<i>200-</i>

I affirm the correctness of all information entered on this Receipt.

I affirm the correctness of all information entered on this Report to the best of my knowledge.

✱

COLLECTOR'S SIGNATURE

TOLL COLLECTOR TOUR OF DUTY REPORT (TDR)
NEW YORK STATE THRUWAY AUTHORITY

Prepare in Triplicate: Copy 1 – Toll Audit Copy 2 – Division Toll Copy 3 – Toll Station

COLLECTOR NAME (Print)		COLLECTOR #	STATION #	DATE	SHIFT
Suzanne Heath		74499	45	11/15/04	06
LANE LOG USED? <input checked="" type="checkbox"/> YES, (See attached) <input type="checkbox"/> NO		TEMPORARY CARD # _____			

List any occurrence that might affect the cash or axle balance of your work as well as any issue(s), you wish to bring to the attention of your Toll Division Manager, Toll Plaza Manager or the Toll Audit Section.

REMARKS:

[illegible]

CHANGE FUND TRANSFER

The undersigned verifies delivery of stated amount(s) to above collector.

The undersigned verifies receipt of stated amount(s) from above collector.

[illegible]

I affirm the correctness of all information entered on this Report to the best of my knowledge.

3

COLLECTOR'S SIGNATURE

TOLL COLLECTOR TOUR OF DUTY REPORT (TDR)
NEW YORK STATE THRUWAY AUTHORITY

COLLECTOR NAME (Print)	COLLECTOR #	STATION #	DATE	SHIFT
SEYMOUR PATRICIA	16831	45	11/15/04	1

TEMPORARY CARD # (If Used):

REMARKS:

C/4725

[illegible]

CHANGE FUND TRANSFER

The undersigned verifies receipt of stated amount(s) from above collector.

[illegible]

I affirm the correctness of all information entered on this Report to the best of my knowledge.

Collector's Signature

TA-6310 (2/2000)

TOLL COLLECTOR TOUR OF DUTY REPORT (TDR)
NEW YORK STATE THRUWAY AUTHORITY

NEW YORK STATE THRUWAY AUTHORITY

more in time frame

Prepare in Triplicate: Copy 1 – Toll Audit Copy 2 – Division Toll Copy 3 – Toll Station

COLLECTOR NAME (Print) N. GAYO JR		COLLECTOR # 3687	STATION # 41	DATE 11/15/04	SHIFT 1
LANE LOG USED? <input type="checkbox"/> YES (See attached) <input type="checkbox"/> NO					

LANE LOG USED? ☐ YES, (See attached) ☐ NO

TEMPORARY CARD # (If Used):

List any occurrence that might affect the cash or axle balance of your work as well as any issue(s), you wish to bring to the attention of your Toll Division Manager, Toll Plaza Manager or the Toll Audit Section.

REMARKS:

2. No hard from H.44 2x

Money Bag Number(s)

014314

[illegible]

CHANGE FUND TRANSFER

The undersigned verifies delivery of stated amount(s) to above collector.

The undersigned verifies receipt of stated amount(s) from above collector.

[illegible]

I affirm the correctness of all information entered on this Report to the best of my knowledge.

x 1/16/68
COLLECTOR'S SIGNATURE

Done

Prepare in Triplicate: Copy 1 – Toll Audit Copy 2 – Division Toll Copy 3 – Toll Station

COLLECTOR NAME (Print)	COLLECTOR #	STATION #	DATE	SHIFT
MIKE PTAK	1625	46	11/15/09	II

LANE LOG USED? ☐ YES, (See attached)

☒ NO

TEMPORARY CARD # (If Used):

List any occurrence that might affect the cash or axle balance of your work as well as any issue(s) you wish to bring to the attention of your Toll Division Manager, Toll Plaza Manager or the Toll Audit Section.

REMARKS:

NYCGV 6/30 SIGNAL 7 AT 0920

[illegible]

CHANGE FUND TRANSFER

The undersigned verifies delivery of stated amount(s) to above collector.

The undersigned verifies receipt of stated amount(s) from above collector.

[illegible]

I affirm the correctness of all information entered on this Report to the best of my knowledge.

COLLECTOR'S SIGNATURE

COLLECTOR NAME (Print)	COLLECTOR #	STATION #	DATE	SHIFT
ACKERT Patricia A	2932	46	11/15/09	I

TEMPORARY CARD # (If Used):

REMARKS:

C10732

[illegible]

Amount

Debbie Tallon
J. - Zarnell

15358	350 ⁰⁰
4117	350

COLLECTOR'S SIGNATURE

24C7	350
------	-----

20 *[Signature]*

168-252

I affirm the correctness of all information entered on this Report to the best of my knowledge.

x Barbara A. O'Neil
COLLECTOR'S SIGNATURE

५८०

Prepare in Triplicate:

Copy 1 - Toll Audit

Copy 2 - Division Toll

Copy 3 - Toll Station

COLLECTOR NAME (Print)

COLLECTOR#

STATION #

DATE _____

SHIFT

LANE LOG USED? ☐ YES, (See attached) ☐ NO

TEMPORARY CARD # (If Used):

List any occurrence that might affect the cash or axle balance of your work as well as any issue(s) you wish to bring to the attention of your Toll Division Manager, Toll Plaza Manager or the Toll Audit Section.

REMARKS:

Money Bag Number(s)

1423

[illegible]

CHANGE FUND TRANSFER

The undersigned verifies delivery of stated amount(s) to above collector.

The undersigned verifies receipt of stated amount(s) from above collector.

COLLECTOR'S SIGNATURE

Collector #

Amount

COLLECTOR'S SIGNATURE _____

Collector #

Amount

R. Verschu

29 15

550-

Ray W. Fells	2924	1350
--------------	------	------

2924

75. 0.01

I affirm the correctness of all information entered on this Report to the best of my knowledge.

3

COLLECTOR'S SIGNATURE

TA-6310 (2/2000)

TOLL COLLECTOR TOUR OF DUTY REPORT (TDR)
NEW YORK STATE THRUWAY AUTHORITY

Prepare in Triplicate: Copy 1 - Toll Audit Copy 2 - Division Toll Copy 3 - Toll Station

COLLECTOR NAME (Print)	COLLECTOR #	STATION #	DATE	SHIFT
Charles R Love	5153	46	11/15/04	08

LANE LOG USED? ☐ YES, (See attached)

TEMPORARY CARD # (If Used):

List any occurrence that might affect the cash or axle balance of your work as well as any issue(s) you wish to bring to the attention of your Toll Division Manager, Toll Plaza Manager or the Toll Audit Section.

REMARKS:

Money Bag Number(s)

U1867

13878

[illegible]

CHANGE FUND TRANSFER

The undersigned verifies delivery of stated amount(s) to above collector.

The undersigned verifies receipt of stated amount(s) from above collector.

[illegible]

I affirm the correctness of all information entered on this Report to the best of my knowledge.

x

COLLECTOR'S SIGNATURE

Oran

Prepare in Triplicate: Copy 1 - Toll Audit Copy 2 - Division Toll Copy 3 - Toll Station

COLLECTOR NAME (Print) GARY W. FULLER		COLLECTOR # 2820	STATION # 46	DATE 11.15.09	SHIFT 1
LANE LOG USED? <input checked="" type="checkbox"/> YES, (See attached) <input type="checkbox"/> NO			TEMPORARY CARD # (If Used):		
List any occurrence that might affect the cash or axle balance of your work on toll plaza.					

List any occurrence that might affect the cash or axle balance of your work as well as any issue(s), you wish to bring to the attention of your Toll Division Manager, Toll Plaza Manager or the Toll Audit Section.

REMARKS:

[illegible]

CHANGE FUND TRANSFER

[illegible]

I affirm the correctness of all information entered on this Report to the best of my knowledge.

X Gary W. Faller
COLLECTOR'S SIGNATURE

Copy 3 - Toll Station

141



Bruce A. Hidley
Albany County Clerk
County Courthouse, Room 128
16 Eagle Street
Albany, NY 12207-1077
Phone: (518) 487-5100 Fax: (518) 487-5099
Email: www.albanycounty.com/clerk

Receipt

Receipt Date: 03/21/2016 12:10:39 PM
RECEIPT # 20160033324

Recording Clerk: DD
Cash Drawer: COUNTER4
Rec'd Frm: NYS CLINTON CORRECTIONAL
FACILITY

INMATE FUNDS, PIR 15-377, 101 PAGES

Misc Fees \$25.25

Receipt Summary

TOTAL RECEIPT: ----> \$25.25

TOTAL RECEIVED: ----> \$25.25

CASH BACK: ----> \$0.00

PAYMENTS

Check # 225499 -> \$25.25

NYS CLINTON CORRECTIONAL FACILITY



P. DAVID SOARES
DISTRICT ATTORNEY

COUNTY OF ALBANY
OFFICE OF THE DISTRICT ATTORNEY
ALBANY COUNTY JUDICIAL CENTER
6 LODGE STREET
ALBANY, NEW YORK 12207
(518) 487-5460 – FAX (518) 487-5093

MICHAEL P. McDERMOTT
CHIEF ASSISTANT DISTRICT ATTORNEY

May 31, 2006

Terence L. Kindlon, Esq.
KINDLON AND SHANKS, P.C.
74 Chapel Street
Albany, New York 12207

RE: PEOPLE V. CHRISTOPHER PORCO

Dear Mr. Kindlon:

Enclosed please find the following discovery pertaining to the above referenced case:

DOCUMENT INDEX

<u>Item</u>	<u>Number of Pages</u>
Officer notes – Det. Anthony Arduini	101 pages

Very truly yours,

P. DAVID SOARES
DISTRICT ATTORNEY

By: *DMR*

David M. Rossi
Assistant District Attorney

DMR/dz
Enc.

cc: Hon. Jeffrey G. Berry
Orange County Courthouse
255 Main Street
Goshen, New York 10924
(without enclosures)

46

ROCHESTER (I-390)



SURRENDER TICKET AT EXIT AND PAY TOLL.

LOSS OF TICKET OR UNAUTHORIZED U-TURN REQUIRES PAYMENT OF TOLL FROM THE MOST DISTANT STATION

NO	STATION	RT	TOLL	NO	STATION	RT	TOLL
15	WOODBURY		10.30	31	UTICA-8 & 12		4.05
16	HARRIMAN-17		9.85	32	W.MORELAND		3.70
17	NEWBURGH (84)		9.40	33	VERONA-ROME		3.45
18	NEW PALTZ - 299		8.90	34	CANASTOTA-13		3.15
19	KINGSTON-28		8.45	34A	SYRACUSE (481)		2.70
20	SAUGERTIES - 32		8.10	35	SYRACUSE-298		2.60
21	CATSKILL-23		7.75	36	SYRACUSE (81)		2.50
21B	COXSACKIE-9W		7.40	37	ELECTRONICS PKY		2.45
21A	B1 HUDSON (80)		7.70	38	LIVERPOOL-57		2.40
	B2 TACONIC PKWY		8.00	39	SYRACUSE (690)		2.30
	B3 CANAAN (MASS)		8.25	40	WEEDSPORT-34		1.85
22	SELKIRK-396		7.10	41	WATERLOO-414		1.35
23	ALBANY (787)		6.85	42	GENEVA-14		1.10
24	ALBANY (87&90)		6.70	43	MANCHESTER-21		0.70
25	SCHENECTDY (890)		6.50	44	CANANDAIGUA		0.50
25A	SCHENECTDY (88)		6.25	45	ROCHESTER (490)		0.40
26	SCHENECTDY (890)		6.25	46	ROCHESTER (390)		XXX
27	AMSTERDAM-30		5.90	47	LEROY (490)		0.50
28	FULTONVILLE-30A		5.60	48	BATAVIA-98		0.90
29	CANAJOHARIE-10		5.25	48A	PEMBROKE-77		1.25
28A	LITTLE FALLS-169		4.75	49	DEPEW-78		1.70
30	HERKIMER-28		4.45	50	BUFFALO		1.80

PARK DISABLED VEHICLES ON THE RIGHT SHOULDER. DO NOT WALK ALONG HIGHWAY. FOR THRUWAY ASSISTANCE, TIE A CLOTH TO THE DRIVER SIDE MIRROR AND WAIT IN VEHICLE.

	C1	Ax	Ln	Dy	Tm	C#	S/N	\$
E		+0	03	1114	22:33	15359	6117	
X1		+0	13	1115	01:56	03309	3273	6.70

#24

Sat
John
Victor
3-11

Andrea

24 ALBANY (NORTHWAY)



SURRENDER TICKET AT EXIT AND PAY TOLL.
LOSS OF TICKET OR UNAUTHORIZED USE REQUIRES PAYMENT OF TOLL FROM THE MOST DISTANT STATION

NO	STATION	RT	TOLL	NO	STATION	RT	TOLL
15	WOODBURY		3.65	11	UTICA - 8 & 12		2.65
16	HARRIMAN - 17		3.20	12	W. MORELAND		3.00
17	NEWBURGH (84)		2.75	13	VERONA - ROME		3.25
18	NEW PALTZ - 289		2.25	14	CANASTOTA - 13		3.55
19	KINGSTON - 28		1.80	14A	SYRACUSE (481)		4.00
20	SAUGERTIES - 32		1.45	15	SYRACUSE - 298		4.10
21	CATSKILL - 23		1.10	16	SYRACUSE (81)		4.20
21B	COXSACKIE - 9W		0.75	17	ELECTRONICS PKY		4.25
21A	B1 HUDSON (90)		1.05	18	LIVERPOOL - 57		4.30
	B2 TACONIC PKWY		1.35	19	SYRACUSE (690)		4.40
	B3 CANAAN (MASS)		1.60	20	WEEDSPORT - 34		4.85
22	SELKIRK - 396		0.45	21	WATERLOO - 414		5.35
23	ALBANY (787)		0.20	22	GENEVA - 14		5.60
24	ALBANY (87 & 90)	XXX		23	MANCHESTER - 21		6.00
25	SCHENECTDY (890)	0.20		24	CANANDAIGUA		6.20
25A	SCHENECTDY (88)	0.00		25	ROCHESTER (490)		6.30
26	SCHENECTDY (890)	0.45		26	ROCHESTER (390)		6.70
27	AMSTERDAM - 30	0.80		27	LEROY (490)		7.20
28	FULTONVILLE - 30A	1.10		28	BATAVIA - 98		7.55
29	CANAJOHARIE - 10	1.45		28A	PEMBROKE - 77		7.90
29A	LITTLE FALLS - 169	1.95		29	DEPEW - 78		8.40
30	HERKIMER - 28	2.25		30	BUFFALO		8.45

PARK DISABLED VEHICLES ON THE RIGHT SHOULDER. DO NOT WALK ALONG HIGHWAY.
FOR THRUWAY ASSISTANCE, TIE A CLOTH TO THE DRIVER SIDE MIRROR AND WAIT IN VEHICLE

C1 Ax Ln Dy Tm C# S/N \$
E 1 +0 06 1115 05:46 03347 0227
+0 07 1115 08:35 04111 2662 15.30
#45

Julie

Julie
Andrea Benson
Sat 9-3
Brit 46

Automatic

(Tolice)

24

ALBANY (NORTHWAY)



SURRENDER TICKET AT EXIT AND PAY TOLL

LOSS OF TICKET OR UNAUTHORIZED U-TURN REQUIRES PAYMENT OF TOLL FROM THE MOST DISTANT STATION

NO	STATION	RT	TOLL	NO	STATION	RT	TOLL
15	WOODBURY		3.65	81	UTICA-8&12		2.65
16	HARRIMAN-17		3.20	82	W.MORELAND		3.00
17	NEWBURGH (84)		2.75	83	VERONA-ROME		3.25
18	NEW PALTZ-299		2.25	84	CANASTOTA-13		3.55
19	KINGSTON-28		1.80	84A	SYRACUSE (481)		4.00
20	SAUGERTIES-32		1.45	85	SYRACUSE-298		4.10
21	CATSKILL-23		1.10	86	SYRACUSE (81)		4.20
21B	COXSACKIE-9W		0.75	37	ELECTRONICS PKY		4.25
21A	B1 HUDSON (80)		1.05	38	LIVERPOOL-57		4.30
	B2 TACONIC PKWY		1.35	39	SYRACUSE (890)		4.40
	B3 CANAAN (MASS)		1.60	40	WEEDSPORT-34		4.85
22	SELKIRK-396		0.45	41	WATERLOO-414		5.35
23	ALBANY (787)		0.20	42	GENEVA-14		5.60
24	ALBANY (87&80)		XXX	43	MANCHESTER-21		6.00
25	SCHENECTDY (890)		0.20	44	CANANDAIGUA		6.20
25A	SCHENECTDY (88)		0.00	45	ROCHESTER (490)		6.30
26	SCHENECTDY (890)		0.45	46	ROCHESTER (390)		6.70
27	AMSTERDAM-30		0.80	47	LEROY (490)		7.20
28	FULTONVILLE-30A		1.10	48	BATAVIA-38		7.55
29	CANAJOHARIE-10		1.45	48A	PEMBROKE-77		7.80
29A	LITTLE FALLS-189		1.85	49	DEPEW-78		8.40
30	HERKIMER-28		2.25	50	BUFFALO		8.45

PARK DISABLED VEHICLES ON THE RIGHT SHOULDER. DO NOT WALK ALONG HIGHWAY.
FOR THRUWAY ASSISTANCE, TIE A CLOTH TO THE DRIVER SIDE MIRROR AND WAIT IN VEHICLE.

	C1	Ax	Ln	Dy	Tm	C#	S/N	\$
E	1	+0	03	1115	05:31	80100	7827	
		0	07	1115	06:10	15159	2611	15.30
								146

Back
Sat
10:00
10:00 PM

Take Poque He
Sun
7 AM
3 PM

24 ALBANY (NORTHWAY)



SURRENDER TICKET AT EXIT AND PAY TOLL

LOSS OF TICKET OR UNAUTHORIZED U-TURN REQUIRES PAYMENT OF TOLL FROM THE MOST DISTANT STATION

NO	STATION	RT	TOLL	NO	STATION	RT	TOLL
15	WOODBURY		3.65	31	UTICA-8 & 12		2.65
18	HARRIMAN-17		3.20	32	W.MORELAND		3.00
17	NEWBURGH (84)		2.75	33	VERONA-ROME		3.25
18	NEW PALTZ-299		2.25	34	CANASTOTA-13		3.55
13	KINGSTON-28		1.80	34A	SYRACUSE (491)		4.00
20	SAUGERTIES-32		1.45	35	SYRACUSE-298		4.10
21	CATSKILL-23		1.10	36	SYRACUSE (81)		4.20
21B	COXSACKIE-9W		0.75	37	ELECTRONICS PKY		4.25
21A	B1 HUDSON (90)		1.05	38	LIVERPOOL-57		4.30
	B2 TACONIC PKWY		1.35	39	SYRACUSE (890)		4.40
	B3 CANAAN (MASS)		1.60	40	WEEDSPORT-24		4.85
22	SELKIRK-398		0.45	41	WATERLOO-414		5.35
23	ALBANY (787)		0.20	42	GENEVA-14		5.60
24	ALBANY (87 & 90)		XXX	43	MANCHESTER-21		6.00
25	SCHENECTDY (890)		0.20	44	CANANDAIGUA		6.20
25A	SCHENECTDY (88)		0.00	45	ROCHESTER (490)		6.30
26	SCHENECTDY (890)		0.45	46	ROCHESTER (390)		6.70
27	AMSTERDAM-30		0.80	47	LEROY (490)		7.20
28	FULTONVILLE-80A		1.10	48	BATAVIA-98		7.55
29	CANAJOHARIE-10		1.45	48A	PEMBROKE-77		7.80
28A	LITTLE FALLS-100		1.95	49	DEPEW-78		8.40
30	HERKIMER-20		2.25	50	BUFFALO		8.45

PARK DISABLED VEHICLES ON THE RIGHT SHOULDER. DO NOT WALK ALONG HIGHWAY.
FOR THRUWAY ASSISTANCE, TIE A CLOTH TO THE DRIVER SIDE MIRROR AND WAIT IN VEHICLE

E 1 C1 Ax Ln Dy Tm C# S/N \$
+0 03 1115 05:31 80100 7827
0 07 1115 08:10 15159 2611 5.30
#45

Automatic machine

NOT Home
on 12/22

NEIGHBORHOOD CANVAS

Name _____ DOB _____

Address 1 BROKLEY DR

Residence Phone # _____ Years @ residence _____

Employer _____ Work Ph # _____

Cell Ph # _____ Pager # _____

Others living at residence:

***** Interviewed

_____ Y N

_____ Y N

_____ Y N

Vehicle plate #s and descriptions @ this address:

Narrative / Miscellaneous:

Interviewed by: (Print)

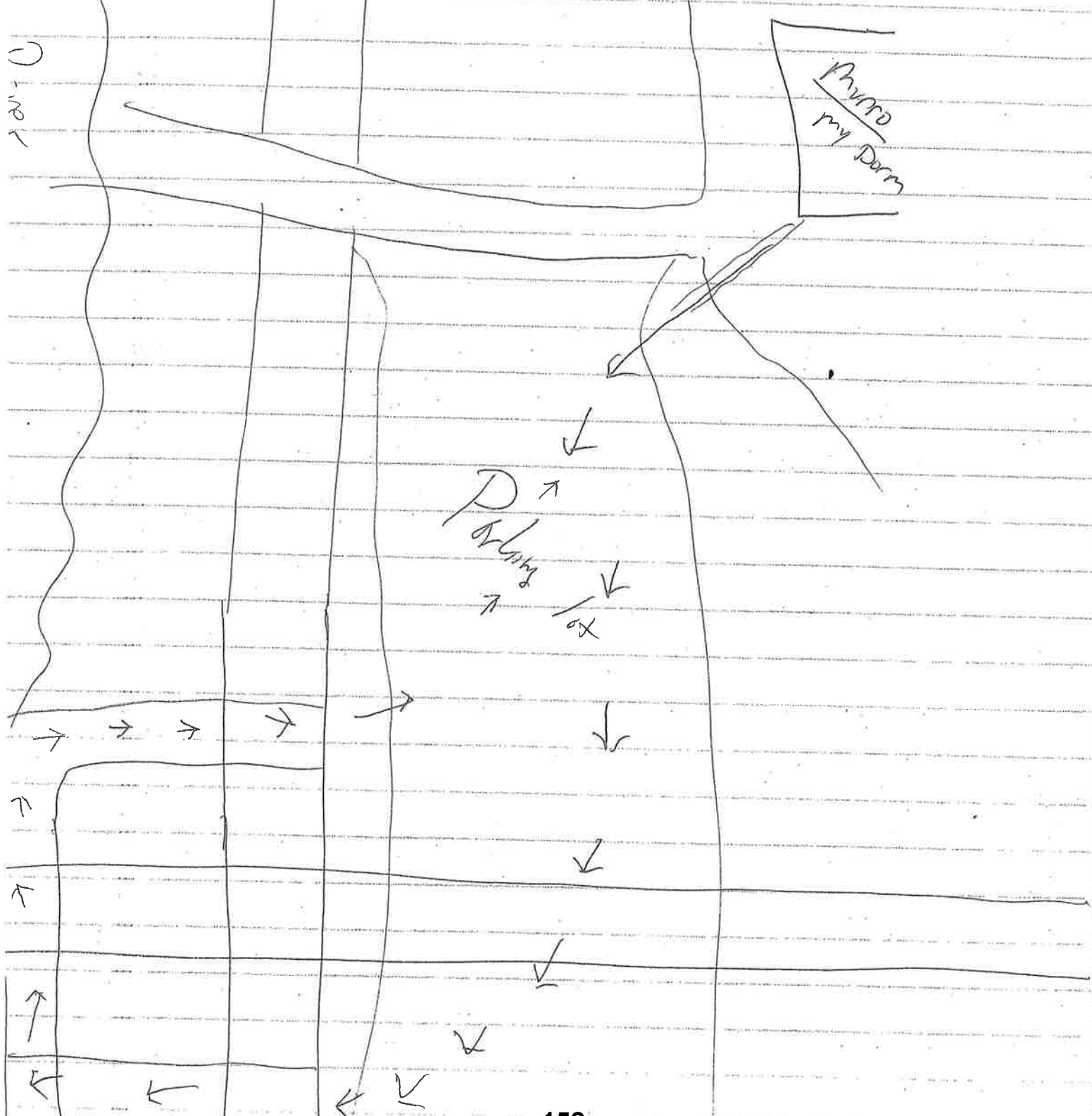
Date _____



007-BC121

Sketch of Route
Ram @ 8 AM 11/15/04
5:30 AM

0-200



NEIGHBORHOOD CANVAS

Name _____ DOB _____

Address 20 Crimson leaf Dr

Residence Phone # _____ Years @ residence _____

Employer _____ Work Ph # _____

Cell Ph # _____ Pager # _____

Others living at residence:

***** Interviewed

_____ Y N

_____ Y N

_____ Y N

Vehicle plate #s and descriptions @ this address:

None Present / Observed

Narrative / Miscellaneous:

Interviewed by: (Print)

Off. Michael Corry

Date 12/22/04



NEIGHBORHOOD CANVAS

Name KEINA MORRIS DOB 3-2-90

Address 4 Brockley Dr

Residence Phone # (578) 439-3322 Years @ residence 8

Employer Student Work Ph # _____

Cell Ph # 857-2308 (DAD) Pager # _____

Others living at residence:

***** Interviewed

CLYDE Lounsbury Y (N)

Caroline Morris Y (N)

_____, Y N

Vehicle plate #s and descriptions @ this address:

Narrative / Miscellaneous:

INTERVIEW w/ TEENAGED DAUGHTER. SAID THAT
HER MOM HAS TALKED A LOT ABOUT CASE.
* MOTHER NEEDS TO BE INTERVIEWED. *

Interviewed by: (Print)

INV. BASKERVILLE

Date 12/22/04

NEIGHBORHOOD CANVAS

Name _____ DOB _____

Address 7 Brockley DR

Residence Phone # _____ Years @ residence _____

Employer _____ Work Ph # _____

Cell Ph # _____ Pager # _____

Others living at residence:

***** Interviewed

_____ Y N

_____ Y N

_____ Y N

Vehicle plate #s and descriptions @ this address:

Narrative / Miscellaneous:

Interviewed by: (Print)

Date _____

NOT
Home
12/22



NOT Home
on 12/22

NEIGHBORHOOD CANVAS

Name Doug & Brittany Vogel DOB _____

Address 59 Brockley DR

Residence Phone # _____ Years @ residence _____

Employer _____ Work Ph # _____

Cell Ph # _____ Pager # _____

Others living at residence:

***** Interviewed

_____ Y N

_____ Y N

_____ Y N

Vehicle plate #s and descriptions @ this address:

Narrative / Miscellaneous:

Interviewed by: (Print)

Date _____



NEIGHBORHOOD CANVAS

Name Not Home DOB _____

Address 21 Brockley Drive

Residence Phone # _____ Years @ residence _____

Employer _____ Work Ph # _____

Cell Ph # _____ Pager # _____

Others living at residence:

***** Interviewed

_____ Y N

_____ Y N

_____ Y N

Vehicle plate #s and descriptions @ this address:

Narrative / Miscellaneous:

Interviewed by: (Print)

Camp-Fancher

Date 12/22/04

NEIGHBORHOOD CANVAS

Name Not home DOB _____

Address 19 Brockley Drive

Residence Phone # _____ Years @ residence _____

Employer _____ Work Ph # _____

Cell Ph # _____ Pager # _____

Others living at residence:

***** Interviewed

_____ Y N

_____ Y N

_____ Y N

Vehicle plate #s and descriptions @ this address:

Narrative / Miscellaneous:

Interviewed by: (Print)

Camp-Fancher

Date 12/22/04

NEIGHBORHOOD CANVAS

Name Not home DOB _____

Address 17 Brockley Drive

Residence Phone # _____ Years @ residence _____

Employer _____ Work Ph # _____

Cell Ph # _____ Pager # _____

Others living at residence:

***** Interviewed

_____ Y N

_____ Y N

_____ Y N

Vehicle plate #s and descriptions @ this address:

Narrative / Miscellaneous:

Interviewed by: (Print)


Camp-Fancher

Date 12/22/04



Last Evening →

Don't come back →

Don't Leave Town - Porco


fax →

Dave Rossi →

Aunt & Uncle →

Why - Porco

Pager 518
 343 9352

Academics
Regis. Off
Money Problem

Bursar's Office
Financial Aide

275-3333

Security →

Federal Privacy

Sgt. Mike DiCona

Pager 585-529-0539 →

(DAN LAFFERTY)

Lt. COBURN

8:00

Loans - College - Vehicle Payments

Bursar's Office

Financial Aide

Money
Car Behind
Mother Injuring
Father Dead
No Aunt

Portwell, Erik

Ortley

Jan. Amukohar

8²⁰ AM

Clothes

Stop

Yoni Yochowitz - gahr

Ortiz, Luis

Culverwell, Eric

Heard
Heard

Yasa
First
Rep

Chris Stepping
what clothes

28374623

631-664-7368

518
788
0915

Lt. BCI Steven Graft

716-681-5711

(Roger Williams DD Unit)

Lt. Cynthia Herriott
585-370-5075
Rochester PD

Alarm
Trained Person
0700/0730
w/ Code

Main # 585 428-7070

Line Cert
500

University of Rochester Security
585-275-3333

Security Parking Tickets

Det Case → identified stealing
boot

(10)

2003 Drinking

Postman, Glen

439-9001

46 Buckley (Dog)

Scars - Vady H. Bruch

1/23/45
44 Longmire Rd

9-5467

Vady - Postman
yard work

Vady In & Out left 1120

Mark R. (Hubert) left 1130

Benjamin Soler (Student Aide)
Cell - 585 350 6196

Significant Undertaking

8/10

10 Teribits

or more

9/1 - 11/15 Name down

Marshall got Text Message

518 598 6028

Text 1511 - Garbled

Marshall's Cell # 609
468 - 0463

15181
N 095

No statements —

Reza, Kevin D 1/11/84

Quinlan, Michael J 2/24/83

KENNEL DANIEL J. 3-20-85

GEORGE MORGAN D. 2-07-83

Catverwell, Eric T 1/2/84

Spier, Efram B 5/13/85

11/11/04 130 HRS →

Revised - Problems

Rick Crummins 585 275 6649

Issues - Problems

Traylor

31 Winder Ct

475-9516

Thomas

36 Wexford Rd

439-8802

Tammy McNeil ^{Bethlehem}
(Chief Mgr @ Vet

(W) Glenmont 584 Elm Ave

439-
4450

11/18/04

Fri Noon - Noon Monday

stealing →

3 statements

Fri - Mon

← Bay

2nd Time

Ride to p/u

College

car

Money →

Leaving →

Triathlon
Watch
Under
Bed

* Leaving Early.

Letter
serve

3 - Liensson

1 - Nopkin → John's Name

Watch → School

Customer tells Kelly

11/18/04 Plate looked at
plate has DOB

Call from BRUNO
Teller

857-0032 Kelly - Dutch
↓

APD 4622660 Teller - plate →

CWG-2494 - (04)

Stewart Kelly H brass W-767-3245
Kruger Rd H 767-9826
Selkirk NY.

Tue - AM 11³⁰ Sun Night
8⁰⁰ 8³⁰

8⁰⁰
8³⁰

Edgewood

Grand Hall

Out yellow Jeep
Dumpster

4/18/04

Vehicle bought E-Bay
Florida
P/u

Watch 13²⁰

Watkins, Steven P
9/20/78

All America Key

1479 Fern Ave

Schroeder 12306

Watch



356-8177 H

331-8246 C

434-7373 Work

Ver

Jearney, John 598-9851 Veriza

PAYROLL SERVICE
CENTER

DIRECT DEPOSIT

HSBC

174

139757791

Oliver
Hazard

PAYROLL SERVICE
CENTER

DIRECT DEPOSIT

HSBC

acct 139757791

DOROTHY

JOHN

11/19/04

AMC

CK w/ Dan - Dietz

11-37

Hoggs
Rexford

fe - Watch

CK - Vigucci + Longmadow

Chick

SBS - 739-7817 Cell

Daniel H. LaHerty

12/40
1/40
SP
Att.

Greater

Chakra Kidera
518 788 8115

Chopper

Rockstar

Enter

Airport

SP

US Airport

Plu Locations

Bx B194
Blue Head

Ronald E. Auler
Plu
W. Massingham
11/13/07

242-4500

Aviation

* Contact
Maishell

11/19/04

Bruce - Lounge →

Porco T-shirt DK
DK Shorts

Usually wears sneakers

Pauc → 783-3204 - Pilot
Tech Sgts
Call

Sheriff's Dept →

Protocol →

Airport
Secure Gate
Close

4⁰⁰
Hanger
↓

Signs → Alb Sheriff's Dept

past → Clarion Hotel

Hertz R - Stop - Right

100 Yards → Gate Butte

John Maher

858 411 177

Open → stop
Booth Left

Video
Not complete

Technical

Walter O. Mauldin

~~Daniel Lattery~~

Dana

0643 PM Rt Wrist 7 1/2

Lt Wrist 7 1/2

Exit 24 Toll Plaza Time Electronic

1000 HRS PM Toll Collectors

Lane 13 Russell, Karen Matt. Mon 11/15 0151 AM

Lane Horan, Mike 540 0156 AM Westbound to Rockcote

Commig Jan 10 33 - Exit 40

10 45

5³¹ Park Vetter - 8³⁵ (49) 178 15 Alarm Disabled

Albany Division Manager
(456-0319)

456-0319

Exit 13
8/2

Mike Harris
0540 Way Back

Wainstadt,
Hans

BH Z 4444

9-5796

Karen on exit Lane 13

439
7235 Mike

Russell, Karen E WK 456-6345 W
248-7194 C

Fischer Sam
1801 Wainberg

Part/Time Washburn, 10/40 *
14 Lane 5/8 669 0364
Bldg exit

Mike Hanna #7 Both Ways

518 355-4323 Exit 2200/2300

Exit 2340/0100

Exit 0200/0300

Exit 0400/0515

Exit 2300/2320

Exit 0100/0130

Exit 0300/0330

Exit 0515/0600

Automatic Lane 3E Entry

150
Linda Red

Mobil → 1667 Western Ave
869 4430

Keith Clark → Sun Mon
10³⁰ PM

11/20/04 Service

1530 Bassotti; Mark

Call Back →

Christin Crowley Holy Cross

Sara Richardson - Loader

Lee Loader → Mid End March
through E-Mails

Terrist - day late

Stay → 3 days - credit
and

Problems w/ Flight

Chris went first to Spain

In Spain day & half rented car

133
Trouble w/ account Darroch Rd
Instruct Cat - Spain Richardson
w/ 3 students w/ Sara

Traffic Violation back to N.Y.

Sara + 3 - back to Lodin

Crowly back Mid June

Watch

34 Avebride → Sarah
Blue Via

Crowley, Caitlin R

9/16/83 439-4315 H

508-3943 C

542-8466

father

Tason Novak
860 508 9395 (Gary Novak)

Hitler's WK #203 238 4884
Cell 860 508 9394 + Gary

Verizon Mrs. Novak Lynne
H-860 349 1996 490-7003

Pax D/A C-814-490-7003
Chris Aolis Erie, Pa

Tisha
Stern
Movic

Deigel, Chris 93 203-767-2451
Red Salt

Cell - Porco 518 221-5062
stopped Mid Oct
suponica Chris Deigel
phone records

Interview →

Problem w/ Grades

Watch → Summer Hot Tab

Kathy Betzhold
Re-Chris's Problem

Libray Record
↓

Security

11/21/04 2:40 HRS

Washock, Mark J 5/15/05

Cell 669-0364

Exit 23

11/2/04 2310 HRS

Pattersonville Rest Area
26/27 Exit

Has Video - TOT Ralph
Millet, Jason L
Roy Rogers 2/14/76

H 355 5024

C '986 -1513

11/2/04 2312

Troqueis 29/29A

Dunkin Donuts

Ed Wauke

W-823-0678

C 868-9718

11/21/04 2345

Schuyler, stop
30/31

No Video

McDonalds — 894-4211

Miller Albigese, Kathy

Beach, Mary 12/18/66 ³¹⁵ 894-6786 (H)
Cleaning Person - BClean

11/22/04 0036

Chittenango

34/34A

Dunkin Donuts

315 687-0015

Vox 315 687-6810

John Briggs

1/22/04 0125

~~DeWitt~~ 35/36 No Video
Warrior Service Area
McDonalds

~~John~~
Ten ⁺Fletcher

3/5 672-3951 WK

fax

1/22/04 0212

Junius Ponds No Video
Dunkin Donuts

Amy Gagney 3/5 539-3188

11/22/04 0243

Seneca — 44/45

Todd Sp. Higley

No Video

315 924-3636

Camera Front Door

Buena Vista

Out 46 0310 585 334 4160
9276

Johnston, Susan

Exit 3/11 Debbie Fallon Entry

* John Fallon →

~~Brenda Williams~~

Joe Zungl

Charge
Contig, SUC
4/1

11/7 Patti Albert
Gary Fuller

Meh, Ron
3/11

11/22/04 0354

Clinton Springs

Roy Rogers

K. H. Simmons, Courtney

315 462-9755

11/22/04 0428

Pat Byron

McDonalds - 315-776-⁵⁷⁰⁰~~90~~

Denney, Cindy

11/22/04 0620

DeWill Travel

Angela Lee
Manager 10/16

McDonalds 315 463-5400

Dottic - Joel (Manager)

Hic 2200
on 11/22/04

Russell - Whitman

* Brown, Tamara

, Tom & Terry

11/22/04 0705

Oneida Bayou King 315 853
3605

Neshe, Michael
A 315 245-41516

Travis Gas

11/22/04 0758

Indian Castle

Ray Rogers

Brian Demerco

315-823-4352

11/22/04 0845

McDonalds

887-2250

Mohawk Stop

Dorothy Pearo (Hager)
843 0798

George Hathaway

Ed Puccio

11/22/84 Guilford

McDonalds 357-0308

Stephen R. Richardson

Terry Auffer

36 Wuxford

Thomas Carter 10/20/83

439-8802

Mike
McDermott

Fischer, Michael

18 W Heidelberg Plwy

439-7235

11/23 0816 Met w/ Sara Richardson
+ Depo

11/23 Depo from Kaica NYS T way

Home - 766-0197

11/24 Josh → 859-5636 -

Tim Kennedy Academy

1 CD - Video
Photos

dropped
off
3 tapes
1 Snow BK

CD

Not labeled
dup 2 tapes

1 - All
2nd 45 sec to
min

1 tape 1 red
Tape 2

11/25 Statement - Crowley

11/27 March, Kevin 315-894-9100
SP Schayler

11/25

John Miller #45 sat 3/11

Julie Poquette #46 sat 10/6

Andrea Benson #46 sat 9/3

11/27 Julie Poquette
215 Wilson St
Newark, N.Y. 14513
H-315-331-9865
C 315 573-8892

Andrea Benson
125 Attridge Rd
Churchville, N.Y. 14428
H 585 293-2740
C 585 370-1904

11/27 #45

John Fallon

Nothing
More

12/2/04
11⁰⁵

- ① May at been last mark
or two Bright yellow Teep
- ② Remember Teep because of
fries wide fries
- ③ Almost across list
- ④ Spoke w/ son
- ⑤ Believe Baseball cap

Monday 3/11 - 40 -

Tue/Wed

439-4288
Sleas

8621 (raig →
1st - 3rd PM
Peter

Matt → 11⁵⁰ Lunch - Wilson
Comms Yoni

Seen Sat Afternoon 3/4th PM

Sat into Su - slept in bed
10th AM - Chris was back
10th → 11³⁰ Talking

Matt to Library - Chris to Chpt's

Chris to Chpt's 13th about Chris
First Meeting

Runs about 10th to 5th PM

Other Brothers be there

After Library - saw Chris 7th PM
in Dorm Room

Trying to call Parents after
10th PM

Parents at 11th

Usually drives Jeep

Shannon
(Shannon)

Chris
trying

32 tickets
1000.00 per ticket

Would do
anything
him

Money
miss
Chick

Back
Account

Back in room 4/15 11³⁰ AM

not being able to reach parents

do not remember anything

Went to see girlfriend

returned between 2 & 3 PM

Matthew L Ambrosio 4/24/85

Daying diary

Money
great
Sun &

Louis Ortiz (Miami) SL

knew Chris 2^{1/2} years

Fri - got sick

Sa - — Do Not Remember

Woke up Sa - 11⁰⁰ pounding on door

Chapter meeting - 2 hours Sun

Later Sun night saw him 8³⁰ PM
(Fla)

Hall → conversative Wane

Monday AM - 10⁰⁰ Sota
could not contact them
11¹⁵ called Dad's work
Secretary had not heard

left 12³⁰ go to class

Sat to see girlfriend

gga shirts dark blue
T-shirt 1st colored

Vason A Northam 3/15/82

Tetta

16402 East Course Dr

Tampa Florida 33624

National Directors Fraternity

Richmond Va

310 South Blvd

Box 1901

Richmond Va 23218

804-353 1901

Met Chris this weekend

#223 - Chapter

arrived Sat 7-7³⁰ PM

Chapter

Eat came back 8³⁰ PM

9¹⁵ PM - crash

sleep in Chris room

Friends house arranged to stay

Sunday night home numb or
out of order

10⁰⁰ Back into room computer
10³⁰ - fell sleep 11⁰⁰ PM

Monday 9⁰⁰ AM shower took
hallway Chris sleeping on couch

saw Chris 3⁰⁰ PM cell phone
VTD card

4/28/04 UVR -

Horse
Name
Harro

Phase Bridge - Paro - On

4/15/04 0834

Tammy

Muddy Art - someone before pig -
Cragg Wristbit 0800

Total Recall - 11⁰⁰ 0100 AM
Paro

Diegel
Computer
Muddy PM

Shrek #2 - Watch (9:50 AM)
4:15 PM
No activity

Matt Ambrosio - 9/4 450-3621
(Roommate)

Books -
Authors
Substance Abuse

Cuomo! brought Shrek 2
Shari 274 2032
85 Paid facebook.com
Shannon UVR
Sophomore

In service →

Read Republican

Late
Aug
8/24/ Med & Marked playing games

Never studied

Never to library

Spoke Sat PM - Perco

Gregg → Perco called him

Soph - last year

S.B. Anthony Hall

Last Semester - where Chris

EBay
Business How Fraternity

I met him before got along

Over summer - good friends

Stayed in Rochester

Where were you
1 - girl
2 - passed out somewhere

Go to If there
More than vehicle 1-2

Bridge
Traffic

1st day moved in - parents

1 - phone → Rm # Mailbox 1
2

Security

Log distance - cell charger
cell phone

③

Eric
Hassell
log steps

desk top - log to be broken

had second be used

interact all the time

23
Grand
Jury

11/28/04

2100 HRS

Bre99 (FBI)

Ramon Weiss Fall 2002

Offical Jeep

Summer Concert July

Dave Matthews - Hursley Park

Training 21 - Inheritance

Cell - Porco 518 221 5062

Chris Helas - back party
(Cell Phone)

11⁰⁰
AM

Woon → 484 459 9029

11/28/04

Marshall - 2230 HRS

1 1/2 - Ant

Shower - 8/04

1st on right - room

Business - Lap Tops

E-Bay Requests

Last called \rightarrow mid semester

\$750,000.00

Meghan
Syracuse

*

Sony - Lap Top

1/29 Willis, Lisa Rye

53113 - Maria (Paula)

Zito
Paul

⁵⁸⁵
Cell 503 79/3

Andrew
Wendth

Gregg (Walt) + Josh

Letter - Put Together

Thompson Cell #440 503
1473

Jamie
ROTC - AOL

William
Connelly
Murray

Luis

Erik

11/30/04

McNeilly, Tammy

HS

584 Elm Ave w/ Kenny

439-4450

Unknown

Go Key, Marshall

Trustco Bank Slingulows (45)
439-9352

Brenda

Ketcham

2-Camera's called
ATM A 12/2

Security 4587761 (Lee Telpom)

11/30 Check One

Western Schultze

12/2/04
Security
Bob Glasser

140/85
432-2200 - 0 -

Western Schultze
Back Protection

140/85
20/schultze

(30)

11/30 - Tammy 1730 HRS

1st Break Jan

Camera → \$ 800.00

Sept 03 - Left

Staff - Indicated Chris

OK - Always give back

Scott
Roberts

Wed
Thur
Fri

12/2 11:05 AM

Spoke of Taha Balla
T-Way - Vehicle

State wide system

BOTC →

Grads

Wendy, Joseph

Tucker

Flat House

Page: 865 0904

• Name: 9-0098

Carol DeMare T.K.

Tim Fournier Mailman

9-1933 3³⁰

fr
sa

Certified Letter 2/3
Weeks

John Kearney 598-9851

Cell 527-5066 J. Cardona
225-6056

Roger Williams ~~951-~~
461-9624

34 Brockley Dr.

Viglucci Pat 975
0403

Wed - Jury Duty

have not heard from Chris
Court House Entry

Eddie J.
475
1039
14-

How
Long

~~Spring, Alisa & Judge~~

~~1/11/76~~

~~Joe~~

~~04-7506~~

Cannazaro

Chris Porco

Friend

~~friend~~
~~Rochester~~
~~Porco~~

~~Erin Bailey~~

(cell) 593-5873

(w) 257-2030

ext 12131

Taconic Bio Medical

East Greenbush

Julia DeFazio

~~Bailey Daily~~ ~~434~~

7373

ROTC

Chris

Time Warner

1-800-547-3229 2/3 weekends

237-9819

ago

Time

36 Brockton

MONO

Missed Exam

Blanked Out

When last saw him.
Was he around weekend
What attitude towards parents & brother.

Where is his car.
What was he wearing this morning
Did anyone give him a ride today.
Notice any injuries or cuts.
Where he getting the money he's flashing around.

Bicycle → Cannondale
Sold or stolen

Resources

Political

45 days

2 weeks Respond

Search Warrants

Frank Costello → Review

Mary - Counselor - College

* Name showed up on E-Mail
Family - Relationship
Wife Mother against her



Just seen mother
where you were 11/15
talked to Chris that
weekend

Grand Tary!!!

Rothbard
House Party New Years Day

Handwriting - E. Thacker
Secret Service

Maps w/ Camera #

Location \Rightarrow Deep

Lead 158
Fixed DA

2/20/05

58 Irving St
A16 NY 12202

Sandstedt, Ruth Ann

436-9258 H

474-1357 W

CKs →

Q5-2781

Reported ASD 11/13/04

CR 62 63

10/2/04 962

392.10

10/5/04 963

402

Delman ch. for
one

2/20/05
1530

Cohen
Call 469-2631
WK 486 3879



4/8/05

Giants → DCTS

IAATI. ORG

2006 - May Port Huron

Low Enticement

Saratoga Springs

518-457-8404

N.Y.S. DMV - Travis Ligofois

Stickers → 456-0557

NICB - 4/19/05 Syracuse

Pizzia Baron

05-7808

Closed 10⁴⁵ PM Byrnes Trevor A
9/13/80

Chris wake up
0800 went for 1st g

stated White ^{side} ~~store~~
saw him (stated 10⁰⁰)

10⁰⁰ stated White side saw

range in or out
0800 →

9²⁰
First
Time
Poreo seen

DATA

Matthew Dalton

* Rochester

Sept 04 E-Mails (Records)
Use Service

Used Sprint → (Sprint)

Camera on Campus Maps Photo
Camera Location Camera (Sector)

What Camera Existed 11/15/04

Reports from Rochester Re Forensics

05-7808

May 25, 2005

Pizzia Baron

Picture
1860
0995

Fox News → (last night)

Girl - Tip

Mike Carter - Friend of Mike
Dancer at De Carlo's -

Check on Mike

Murphy → Dorsey's

Phone # Computer

Small LORIC Nymex Security
Telephone Security
Operator - M.C.
\$500.00

Fox News

Call → 435 - Called PD

Girl - 1st PM

4³⁹ PM Any called Lt.

Fox - Any Talked

Time
of
Call
Mosca

Maureen Murphy
Answered Phone

* Male Caller

Hey

I know a girl who works
at DePalma who Chris Pardo
told her that he killed
his father

155 New Kinner Rd
Hgg 22 Kinner Pick

23 News
Hosler, Amy
Murphy, Maureen (Not a Reporter)
Fox Hunt Phone
862-2323
215
Front Desk Cora Gary
MTW

News Director

Gene Ross

862-2323

McDermott - Research Int

05-9778

Baragan, Tami E 4/6/48

US McButtry La

De laire NY.

H-439-6977

I-Pod - Headphones - Comm. lines
table

325.00

4/17 PM →

Son - friends (8)

Ryan

Brian T 3/22/88

Boughton, Danic /
Dancy, Craig

Tr.

Jim
462-1577

Friday Nite activated w/ Apple
E-Mail sent to Blair 18¹⁰
4/17

Tues - 6/21

Ryan calls people w/ Brighton
girl friend

Wed AM 6⁴⁵ AM - I - P.D
on car driveway

May out of hand

W/H \$19 W T Shin Shin

White Socks 20's

g/SSCS

DK Brown
Shin

\$40.00

312-1214
475-1677

10/6 - Higgins Hall

Alac - Mese Pizzia

over

05-16856

Year

Josh

12

Macri, Timothy ✓
4/16/88

$$\begin{array}{r} 339 \\ 339 \\ \hline 718 \end{array}$$

12/30/04
1800

W

Brockley

Paul M

No Answer

Mary K

Spannbauer

2488

7 Brockley Dr

AGV

2923

No Answer

17 Brockley Dr
Not Home

9-2702

19 Brockley Dr
4-4³⁰

Sat 7

dogs

Sun

Rack

Freckles

Sat

2/3

21 Brockley Dr

CPY 3929

Not Home

14,800

57 Brockley Dr

23,500

1,500

1,200

Not Home

2,400

300

49,700

50,000

11 Crimsa 1st Dr

Not Home

20 Crimsa

Not Home

Hart, Brian 8/3/85

Sean 12/12/82

PYC 1677

91 2dr

Lt. Blue Ford

894-1363

506 71
1/1

Medic

Verbal Altercation

Earlier Day

Medic — Brenda

Head 4"

Back 2'-3"

Sharp — Warner, Brenda L

~~284~~ 281-8399
991

6⁰⁰ PM

Jackson, Michael 5/13/84
BM

#107
Price, Dayone M 1/25/81

White, Carlos (Victim)

17 yoa

2/2/87

B/M

076-72-4534

#117 Carlos - Ransom

Slater, James ✓

8/8/84 B/M

~~Superior~~

Alison

(Lashon - Superior)

Blade

Laurel Mennen

Front Rocket
Cell Phone

Andrea M

Mother Skinner, Danielle L 845
9/13/67 ~~05~~ - 4735996
Cat by 05-1431

Job
Corp
767-9371

① Head behind

② Left Should - Black 230

③ Under Quapit

Cat by rabbit (Milanne)

Bipolar \longleftrightarrow
1-8-6

~~72~~
~~172~~

Went into his room

swung w/ right hand

+ I was bleeding

2 months

Secret
handshake

Bill → 786 2174 Desk
2192 All
441-7508 Coll Bill Mosher
SP

① Camera's Number
106
Camera's Active

② SP Called

③ Reports from Rochester Cameras

④ How many existed 11/15/04
106
Camera
Active

⑤ Macey Kraus
Regarding sup - reviewed
Academic records

- 1) school advisor
- 2)

Licence
2488

Nissan

Matthew Dalton (Copy Supplied)

Advisor 1st Semester
Faculty Advisor 2 years
2nd - Decide on Major

1st Renato Peracchio
9/01 (Original) ⁵⁸⁵ 275 4069
Prof Electrical Engineering

8/02 Jay McBrath
Asst Prof Biomedical Engineering
585 273-5489

(Change) 11/02 Douglas Brooks
Prof Religion & Classics
585 275-9369

* Picture Location Crith DIVAR-8-96

Dr ER
Computer
Course

Drag ^{Test} ~~Test~~ No Second Chances
ROTC

Freshman year 2nd year
year 03

Sophomore year - handgun

Freshman year

possibly going home doing some
shooting

Sholtis, Jonathan A

8/31/83

Anderson 740 - 274-2345

Cell No Photo

107 Layton Lane
Canneltonville, Pa 15425

H- 724-628-7953

Parents

Junior

Struble,

Ithaca College

MHS HCS

5700

No location at College

3/4

residential - so called re rental

28

Freshman at College

Gilman, Malbury

Pa EYE 1877

2001 4th Chco 5. June

Cell 610-554-4186

Home Phone → 610 530 0068

1520
HCS

How long

same + aunt + uncle
not related

sophomore in H.S.

Altoona Pa. 240 / Linc

Have you ever been to
Percy's House since the incident?

last time last weekend

dating — summer

parents how is mom

fall 04 met at school
3 times

before 11/15/04

JM+

Hotshot 237

Screen Name

AOL-

Desk Top

~~Sho~~

OK

Above-related to 1/27 - 1/28

4/1/05

0578890

Adam

8-11-19

Steve - 9-9291
262-3741

Joe Maria 447-
464 8532
26226

119 Rocket Hill Rd

209

1.8 PM

475
9508

Steve
Not

1594
Well

Tamayo
Dr. P. M. Fernandez
6-1-20

403

Release
1/26/19

Cavanaugh

SS# 084207708
JACQUELINE B. Miller

9-20-19
6/21/27 1410 HES

767-
2306

9-7964

2411
376-0002

STATE OF NEW YORK

COUNTY COURT

COUNTY OF ALBANY

INVESTIGATION: DEATH OF PETER PORCO.

October Term

VOLUME III PRESENTATION

PRESENTED: December 17, 2004

PRESENTED BY: HON. PAUL A. CLYNE,
District Attorney of the
County of Albany.

MICHAEL MCDERMOTT, ESQ.
DAVID M. ROSSI, ESQ.,
Assistant District Attorneys.
Appearing for the People of
the State of New York.

PRESENT: THE GRAND JURY, A QUORUM.

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ERIC CHRISTENSEN	164
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JULIE CANNIZZARO	180
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Subj: **Info from Polster**
 Date: 11/22/2004 9:21:29 AM Eastern Standard Time
 From: JRPolster
 To: TKindlon

Terry:

The name that I gave you is correct. However, it was not her intention to have the information get to me. That was done as a courtesy. Paul doesn't have the number and can't get it without divulging that he passed the information on (she is very nervous). You will have to get the number from Chris. (If Chris gives you the number and you contact her, there will not be any indication that any confidences were violated.

Talk later. Thanks. John.

3/14/05

Completed preparation of the reports to be provided to Lynn G, called her and advised they would be faxed later in the day.

Called for Bruce Oliver to ask if they were all set for room reservations or not. Advised that Tony had initially called about them but said he would call back once determined who was coming. Bruce advised they ere all set for rooms and appreciated the call.

0931 hrs. Bruce Oliver called and left message that they (BPD) would not be coming out to see us tomorrow and for the remainder of the week. Apparently SP in Rochester relayed information to DA's Office that several students retained attorneys and were not going to talk with us (police investigators). So the DA postponed the trip for some time at least. Will try pager and cell phone to contact RO as well.

Called immediately to Tom McHugh to see if he had heard anything about things being called off. McHugh stated he hadn't heard anything like that but would check and advise.

WOM advised and requested Captain Cummings phone number so he could speak with him.

1016- Message from Rod Lezette advising the list from RIT was complete.

1150 hrs. Received call from Al Dombrowski asking what was going on. RO advised of information learned from BPD. Al said the plan wasn't canceled just changed. He planned on having the command post at THQ manned from Wednesday thru Friday (3/16-18) for scheduling interviews. Then will begin interviews 3/21 and go thru the 24 or 25th. With Good Friday being the 25th will not plan on that day unless necessary. Advised of WOM's request for Captain's phone number. Al advised Captain was in route to Albany on another matter and his cell phone was 585-749-3125. WOM advised.

WOM spoke with Nancy Speck (Registrar) about the items contained in the subpoena regarding the names of those in Porco's classes in fall semester 2004. Speck to collect the information and contact RO when completed and RO would pick it up. WOM told Nancy we would stop by to see her and explain further around 1530 hrs. on our way to B. Greens 1600 hr. meeting.

1540 Hrs. stopped by and spoke with Nancy Speck and subpoena shown. Nancy had completed her work on the lists and surrendered a copy of them with an attached letter of certification to RO. Stated she did not have the current address/phone information and maybe if someone from ITS were contacted they would be able to purge other data bases for this information especially since she provided an alphabetized listing as well as student ID numbers.

1600 hrs. B. Green meeting. Present were Bill, Jody, Robert Kraus, Rick Crummins, Matt Burns, WOM and RO. B. Green stated T. Jackson wants to see everything before it goes out. Bill Green further stated he wants it clear that the University is not involved in this and it must be included in the language what we (University) will & won't do in this process. Bill Green stated this entire process has nothing to do with us it has everything to do with the state police and we cannot make it seem to students/staff or parents that we are forcing these kids to go speak with the state police. Rich Crummins stated he spoke with Kelly who was on board for a meeting 3/17/05 and Kelly apparently inquired as to an invitation

being extended to the DA to attend this meeting as well. Rick was going to speak with Dave Rossi regarding this and let those in the group know the decision.

Jody advised that she had been asked by the current of Sig Ep if the stolen laptops found in one of Porcos safety deposit boxes may belong to people here. Further Jody advised that Rachel Slater had told her she had received an e-mail from Porco, or who she believes was Porco, at around 0200 hours, 11/15/04 when the house was being broken into. (RO notes Slater was one of the names supplied earlier in the investigation by Bethlehem detectives but to RO's knowledge there was no follow up interview with her to this point.)

People provided input for what was hoped as final draft language and Bill Green stated the University had to decide whether to remain transparent or opaque in this and he was opting for the later. It must be very very clear that the University has no part in this.

Beginning at 1839 hours RO began faxing subpoenaed documents to Lynn G's fax. One of the transmissions showed via the report that it hadn't gone through so further faxes were not sent this date. Copies of the transmittal reports are in the case file.

Individual Charges

www.sprintpcs.com

Customer	Account Number	Invoice Period	Invoice Date	Page
CHRISTOPHER S PORCO	0124608538-2	Oct. 24 - Nov. 23	Nov. 24, 2004	4 of 5



Individual Charges for

CHRISTOPHER S PORCO (continued)

518-221-5062

chrisporco@sprintpcs.com

Taxes, and Surcharges & Fees

Description	Charges
Taxes, and Surcharges & Fees	\$7.01

Total Individual Charges for CHRISTOPHER S PORCO

\$52.00

Need more information?

Visit www.sprintpcs.com for a complete listing of account activity and call detail.

Call Detail

Voice Call Detail

	Date	Time	Phone Number	Call Destination	Rate/Type	Minutes Used	Airtime Charges	LD/Additional Charges	Total Charges
1	10/24	6:16 P M	610-554-4186	Allentown, PA		7.0	included	0.00	0.00
2	10/24	6:28 P M	Incoming			4.0	included	0.00	0.00
3	10/25	1:47 A M	Incoming			10.0	included	0.00	0.00
4	10/25	1:51 P M	610-554-4186	Allentown, PA		1.0	included	0.00	0.00
5	10/25	7:47 P M	Incoming			2.0	included	0.00	0.00
6	10/25	10:34 P M	Incoming			2.0	included	0.00	0.00
7	10/25	10:39 P M	315-529-3534	Owego, NY		1.0	included	0.00	0.00
8	10/25	10:43 P M	Incoming			1.0	included	0.00	0.00
9	10/25	11:07 P M	Incoming			1.0	included	0.00	0.00
10	10/26	2:12 A M	315-372-9091	Syracuse, NY		1.0	included	0.00	0.00
11	10/26	2:12 A M	315-372-9091	Syracuse, NY		1.0	included	0.00	0.00
12	10/26	3:54 P M	585-274-2499	Rochester, NY		1.0	included	0.00	0.00
13	10/26	5:12 P M	Incoming			1.0	included	0.00	0.00
14	10/26	6:31 P M	Incoming			6.0	included	0.00	0.00
15	10/26	8:32 P M	203-767-2451	Bridgport, CT		1.0	included	0.00	0.00
16	10/27	1:02 A M	Incoming			2.0	included	0.00	0.00
17	10/27	1:59 A M	Incoming			8.0	included	0.00	0.00
18	10/27	4:12 P M	703-599-9932	Fis Church, VA		1.0	included	0.00	0.00
19	10/27	4:55 P M	Incoming			1.0	included	0.00	0.00
20	10/27	6:28 P M	Incoming			1.0	included	0.00	0.00
21	10/27	6:48 P M	585-750-8208	Rochester, NY		1.0	included	0.00	0.00
22	10/27	8:14 P M	Incoming			1.0	included	0.00	0.00
23	10/27	11:24 P M	518-229-4564	Albany, NY		1.0	included	0.00	0.00
24	10/27	11:28 P M	203-256-6812	Fairfield, CT		118.0	included	0.00	0.00
25	10/28	1:29 P M	Incoming			1.0	included	0.00	0.00
26	10/28	6:44 P M	Incoming			2.0	included	0.00	0.00
27	10/28	8:42 P M	Incoming			1.0	included	0.00	0.00
28	10/28	9:13 P M	Incoming			4.0	included	0.00	0.00

Individual Charges

www.sprintpcs.com

Customer	Account Number	Invoice Period	Invoice Date	Page
CHRISTOPHER S PORCO	0124608538-2	Oct. 24 - Nov. 23	Nov. 24, 2004	5 of 5



Individual Charges for

CHRISTOPHER S PORCO (continued)

518-221-5062

chrisporco@sprintpcs.com

Voice Call Detail

	Date	Time	Phone Number	Call Destination	Rate/Type	Minutes Used	Airtime Charges	LD/Additional Charges	Total Charges
29	10/28	10:21 P M	Incoming			1.0	included	0.00	0.00
30	10/28	12:42 A M	518-229-4664	Albany, NY		1.0	included	0.00	0.00
31	10/29	12:56 P M	315-372-9091	Syracuse, NY		2.0	included	0.00	0.00
32	10/29	1:37 P M	315-372-9091	Syracuse, NY		1.0	included	0.00	0.00
33	10/29	2:32 P M	Incoming			1.0	included	0.00	0.00
34	10/29	8:05 P M	Incoming			1.0	included	0.00	0.00
35	10/29	8:18 P M	413-281-4950	Pittsfield, MA		1.0	included	0.00	0.00
36	10/29	9:01 P M	917-378-6960	New York, NY		1.0	included	0.00	0.00
37	10/29	9:41 P M	703-699-9932	Fls Church, VA		1.0	included	0.00	0.00
38	10/29	10:17 P M	Incoming			1.0	included	0.00	0.00
39	10/29	10:55 P M	Incoming			2.0	included	0.00	0.00
40	10/30	1:29 A M	518-229-4664	Albany, NY		5.0	included	0.00	0.00
41	10/30	2:15 A M	413-281-4950	Pittsfield, MA		1.0	included	0.00	0.00
42	10/30	12:09 P M	860-508-9395	Hartford, CT		1.0	included	0.00	0.00
43	10/30	2:57 P M	917-378-6960	New York, NY		1.0	included	0.00	0.00
44	10/30	3:59 P M	Incoming			1.0	included	0.00	0.00
45	10/30	4:19 P M	860-508-9395	Hartford, CT		2.0	included	0.00	0.00
46	10/30	4:34 P M	Incoming			1.0	included	0.00	0.00
47	10/30	5:16 P M	860-508-9395	Hartford, CT		1.0	included	0.00	0.00
48	10/30	5:48 P M	Incoming			1.0	included	0.00	0.00
49	10/30	5:50 P M	917-378-6960	New York, NY		1.0	included	0.00	0.00
50	10/30	6:01 P M	315-529-3634	Oswego, NY		1.0	included	0.00	0.00
51	10/30	9:17 P M	609-468-0463	Trenton, NJ		2.0	included	0.00	0.00
52	10/30	11:35 P M	688-281-9991	Rochester, NY		1.0	included	0.00	0.00
53	10/31	3:13 P M	315-372-9091	Syracuse, NY		2.0	included	0.00	0.00
Total							\$0.00	\$0.00	\$0.00

PCS Wireless Web Messaging/Updates Charges

Description	Messages Used in Plan	Additional Messages Used	Message Charges	Additional Charges	Total Charges
Total	182	0	\$0.00	\$0.00	\$0.00

DEPOSITION (100.20 CPL)

STATE OF NEW YORK)

COUNTY OF MONROE)

ss.

TOWN OF BRIGHTON)

I, Rachel Slater, state the following:

I have read the attached questionnaire consisting of 11 pages. The answers I provided are true and accurate to the best of my recollection. I have initialed each page of the questionnaire and answers, and any corrections.

NOTICE: In a written instrument, any person who knowingly makes a false statement, which such person does not believe to be true, has committed a crime under the laws of the State of New York punishable as a Class A Misdemeanor pursuant to Section 210.45 NYS Penal Law.

Rachel Slater
Deponent's Signature

Affirmed under penalty of perjury
this 21 day of March 2005.

Sworn to before me
this 21 day of March 2005.

[Signature]
Officer's signature

Lawrence A. Tond 03/21/05 5:17pm
Print Officers Rank, Name, and time completed.

DATE: 03/21/05__ TIME: 3:49PM__ OFFICER : INV ISRAEL A. TORO__

For your handwritten notes, if there is an extended answer to any question below, please use tablet or bond paper, indicate the interviewee's name, and the question number being answered, and attach to this questionnaire. This questionnaire is not all-inclusive. Use tablet or bond paper for additional information and attach.

For those not previously interviewed including members of Chris Porco's fraternity Sigma Phi Epsilon, other residents of the Munro House dormitory, ROTC, Swim Team, Chi Phi fraternity, Computer Interest Floor, and non-fraternity members at Sigma Phi Epsilon on the night of Sunday 11/14/2004:

Person interviewed:

Name: RACHEL ANNE SLATER__ DOB: 06/24/85__

Status at school (Circle one): 2nd. Year. Other: __

School address: CPU BOX 274990, TIERNAN BLDG ROCHESTER NY

Is this address on campus or off campus? ON CAMPUS__

School telephone: (585) 274- ?__ Cell: 518-928-7524__

Email: RSLATER@MAIL.ROCHESTER.EDU__

Home address: [REDACTED]__

Home Telephone: 518-383-2606__

1. Are you currently or have you been in the past a member of Sigma Phi Epsilon Fraternity, Chi Phi Fraternity, ROTC, Swim Team, or Computer Interest Floor?
NO__
2. Do you have a roommate(s) at school address, and if so what is his/her/their name(s)? YES, SABRINA GМУCA^{RS}__
3. Do you know Christopher Porco?
YES__
4. If yes, please describe how long you have known him and how you met? SINCE LATE FALL OF 2003. I WAS DATING ONE OF HIS FRATERNITY BROTHERS AT SIGMA PHI EPSILON. ERIC CULVERWELL. HE WAS FRIENDS WITH CHRIS.

5. If you know him, do you consider him to be close friend?

YES. _____

6. If you know him, how would you describe Christopher Porco? KIND OF WILD WHEN IT CAME TO PARTYING. OVER THE TOP. HE WAS LAZY TOO. HE DID NOT LIKE GOING TO CLASS. HE WOULD SLEEP LATE INTO THE DAY. HE HAD NO MOTIVATION TO GO TO CLASS. I REMEMBER ONE INSTANCE AT A PARTY WHEN HE WAS IN A GORILLA SUIT. HE WAS BEING CRAZY AND DRUNK. HE WAS ALWAYS PULLING PRANKS. HE WAS EASY TO TALK TO ABOUT ANYTHING. _____

7. If you know him, do you consider Chris Porco to be a financially wealthy person, and if so, why? IN THE PAST, HE TOLD ME HE WAS. FROM WHAT I RECENTLY LEARNED, HE WAS NOT. I AM FRIENDS WITH SOME OF HIS FRATERNITY BROTHERS AND I AM RECENTLY LEARNING THAT HE WAS NOT AS WEALTHY AS HE SAID HE WAS. LAST YEAR, OVER SPRING BREAK, ME, CHRIS PORCO, AND TWO OTHER FRATERNITY BROTHERS FROM ALBANY AREA ERIC CULVERWELL, AND ISAAC RAY, ALL WENT TO SEE THE MOVIE "HIDALGO" AT THE CROSSGATE MALL IN ALBANY. THIS PAST FALL, CHRIS LIED AND SAID THAT HE WAS IN EUROPE OVER THAT SPRING BREAK. HE WAS INSISTENT ABOUT BEING IN EUROPE AND THAT HE WAS NOT AT THE MOVIES WITH US. I WAS NOT ABOUT TO ARGUE WITH HIM BECAUSE I KNOW FOR A FACT THAT HE WAS AT THE MOVIES WITH US. CHRIS TOLD ME HE HAS A POOL, THREE CAR

GARAGE, AND HIS PARENTS DRIVE A LEXUS.

8. Did you ever see or hear of any circumstances in which Chris Porco displayed a violent or angry personality? ONE TIME, CHELSEA ALLINGER, BEAT CHRIS PORCO AT A GAME WHILE AT A PARTY. CHRIS GOT MAD AND PUSHED CHELSEA AGAINST SABRINA G穆CA. HE PUSHED HER REALLY HARD. CHELSEA HAD BEEN TEASING HIM AND HE GOT REALLY MAD. SHE ASKED WHY HE DID THAT. CHRIS SAID THAT HE COULD KILL HER. CHELSEA REPLIED THAT HE WOULD NOT DO THAT. AND CHRIS ANSWERED, "YOU WOULD BE SURPRISE"^{D AS}. THIS HAPPENED AROUND SEPTEMBER OR OCTOBER 2004. ANOTHER TIME, IN EARLY OCTOBER 2004, I WENT TO TICKLE CHRIS PLAYING AROUND. HE GRABBED MY WRIST REALLY HARD AND IT HURT. I TOLD HIM IT HURT AND HE APOLOGIZED.
-
-
-

9. Who were Chris Porco's closest friends? ANYBODY IN THE FRATERNITY FOR THE MOST PART. BUT TWO PEOPLE STAND OUT, PAUL ZITO AND CHRIS DEIGAL.
-
-

10. What girls did he socialize with (if female interviewed, did you go out with him)? I DATED HIM AT THE BEGINNING OF THIS YEAR. WHEN I DATED HIM, HE SPOKE ABOUT HIS GIRLFRIEND FROM HIGH SCHOOL THAT HE CAME TO U-R WITH. HE SAID HE BROKE UP WITH HER DURING HIS FRESHMAN OR SOPHOMORE YEAR. HE NEVER TOLD ME HER NAME. I DO NOT KNOW IF HE WAS TELLING ME THE TRUTH. HE USE TO HANG OUT WITH A GIRL NAMED SANDRA FROM THE SWIM TEAM. I KNOW SHE WAS A SOPHOMORE.
-

11. What off-campus places did Chris Porco frequent or work at, or where you may have seen him, i.e. bars, restaurants, shops, malls, theaters, events? HE SAID THAT HE WENT TO WENDY'S RESTAURANT A LOT. I NEVER WENT THERE WITH HIM. IT IS ACROSS THE STREET FROM THE BAR "ON THE ROCKS" NEAR THE HOSPITAL. HE WENT TO THE LIQUOR STORE A LOT. HE DRANK A LOT AND WENT TO THE LIQUOR STORE A LOT. _____

12. Do you have any knowledge of Chris Porco taking property that wasn't his, or suspect him of doing so? I HAVE HEARD FROM THE FRATERNITY BROTHERS. LAP TOPS & CREDIT CARD. I KNOW FIRST HAND ABOUT THE STOLEN LAPTOPS, I JUST DON'T KNOW THAT HE IS THE ONE THAT TOOK IT. _____

13. Were you with, or did you see Chris Porco, at anytime during the weekend of Friday 11/12/2004 through Sunday 11/14/2004? I SAW HIM ON THURSDAY, 11/11/04 AT ABOUT 6PM IN ONE OF THE DINING HALLS. ON SUNDAY, 11/14/04 CHRIS LEFT ME AN INSTANT MESSAGE ON MY SCHOOL COMPUTER. THE MESSAGE WAS TIME STAMPED 11/14/04 SOMETIME BETWEEN 12AM AND 12:30AM. THE MESSAGE THAT CHRIS LEFT ME WAS, "DID YOU EVER FIND OUT WHO THAT WAS?". HE WAS REFERING TO AN INSTANT MESSAGE THAT I HAD RECEIVED, A COUPLE OF WEEKS PRIOR, FROM SOMEONE I DID NOT KNOW. INITIALLY, I THOUGHT IT WAS CHRIS PLAYING A JOKE. MY COMPUTER SHOWED THAT CHRIS GOT OFF INSTANT MESSAGING AT ABOUT 1AM ON 11/14/04^{0.5}, MONDAY, 11/15/04,

WHEN I WENT TO "IM" HIM BACK, HE WAS NOT ON. LATER ON. AFTER 11AM, CHRIS SIGNED BACK ON LINE AND HE LEFT AN AWAY MESSAGE. HIS MESSAGE READ, "FEELING SICK TO MY STOMACH" OR SOMETHING LIKE THAT. I LOOKED AT IT AND WENT ABOUT MY DAY. THAT NIGHT, I HAD A CLASS TILL 6PM. CHELSEA ALLINGER CALLED ME ON THE CELL PHONE AND TOLD ME CHRIS' PARENTS WERE MURDERED. SHE SAID THAT THE POLICE WERE LOOKING FOR CHRIS. I CALLED MY MOM AND ASKED HER ABOUT IT. MY MOM SAID THAT SHE SAW IT ON THE NEWS. I HAVE NOT SEEN CHRIS SINCE, NOR HAS HE REACHED OUT TO ME SINCE. ONE WEEKEND IN OCTOBER 2004. THE WEEKEND OF 10/15/04. CHRIS PORCO DROVE ME HOME. HE WAS DRIVING FAST, 85 MPH. HE IS A VERY AGGRESSIVE DRIVER. HE HAD A RADAR DETECTOR IN HIS YELLOW JEEP. IT USUALLY TAKES ME 4 HOURS TO GET TO ALBANY. CHRIS GOT US THERE A LOT FASTER THAN THAT.

14. If so, please describe, including day/date, place, who else present, conversation, activities, what Chris was wearing, etc.: _____

15. At anytime during the period of about 10:30 p.m. Sunday evening 11/14/2004 to about 8:30 a.m. Monday morning 11/15/2004 were you with Chris Porco, or did you see him anyplace or with anyone? NO, I DID NOT SEE HIM. _____

16. If so, describe the circumstances including place, time, who with, conversation, clothing, anything he was carrying, his demeanor, vehicle if any, etc.

17. Do you know of anyone, or have you heard of anyone, who was with or claims to have been with Chris Porco or had seen him during the above time period of about 10:30 p.m. Sunday evening 11/14/2004 to about 8:30 a.m. Monday morning 11/15/2004? I AM NOT SURE OF THE EXACT TIME, BUT ON SUNDAY NIGHT, 11/14/04, CHRIS' FRATERNITY BROTHER, MARSHALL CRUMILLER, BROUGHT CHRIS TO HIS CAR. ACCORDING TO MARSHALL, HE BROUGHT CHRIS TO HIS CAR BECAUSE CHRIS SAID THAT HE NEEDED TO GO TO HIS AUNT'S HOUSE TO DO MULCHING. CHRIS TOLD ME IN THE PAST THAT HIS AUNT AND UNCLE LIVE IN THE ROCHESTER AREA. THAT MONDAY MORNING, ONE OF THE FRATERNITY BROTHERS SAW CHRIS AND HE WAS OUT OF BREATH. CHRIS APPARENTLY TOLD HIM THAT HE HAD GONE FOR A RUN. I FIND THIS OUT OF CHARACTER FOR CHRIS BECAUSE HE TOLD ME THAT HIS FAVORITE THING TO DO IS SLEEP. I TOLD HIM THAT MY FAVORITE THING TO DO IS RUN. HE TOLD ME THAT HE HATES RUNNING. I HAD A CONVERSATION WITH HIM ABOUT RELIGION. CHRIS TOLD ME THAT HE THOUGHT THAT HIS PARENTS GAVE TOO MUCH MONEY TO THE CHURCH. IN 2003, CHRIS TOLD ME THAT HIS FATHER WAS A CORPORATE LAWYER. THIS PAST FALL, HE TOLD ME THAT HIS FATHER WAS IN THE LEGAL BUSINESS. HE TOLD ME THAT HIS MOTHER WAS A TEACHER. CHRIS ALWAYS GAVE THE IMPRESSION THAT HIS PARENTS SPOILED HIM. ONE TIME HE PUT HIS GASOLINE ON A CREDIT CARD, I ASKED HIM IF MOM AND DAD WERE GOING TO PAY FOR THAT, HE SAID YES. HE TOLD ME THAT HE PAID FOR THE JEEP HIMSELF.

18. If so, please provide the basis of your information and details:

19. Were you with, or did you see Chris Porco, at anytime on Monday 11/15/2004? NO

20. If so, please describe, including time, place, who else present, conversation, activities, what Chris was wearing, etc.: _____

21. Since Sunday 11/14/2004, have you had any contact with Chris Porco either in person, by telephone, letter, or electronic messaging? NO

22. If so, please describe including date, time, and content of conversation, letter or messaging. Any direct comments concerning his parents or this investigation? Do you still have the letter, or copies of messaging?

23. Since November 15, 2004 have you been contacted by any attorney, private investigator, or any other person representing Chris Porco, and/or do you know of anyone who has? NO. CHRIS HAD A CONVERSATION WITH A FRATERNITY BROTHER ASKING FOR A LIST OF ALL THE FRATERNITY BROTHERS FOR HIS LAWYER.

24. If so, please describe including person's name, date, time, place, method of contact, what was discussed, and did you provide a written or tape recorded statement? Do you have a copy of this statement?

25. Assuming that Chris Porco was not your roommate, has he ever slept/stayed overnight in your room or residence? NO _____

26. If so, how often, when, and why?

27. Has Chris Porco ever slept/stayed overnight in anyone else's room or residence? NO _____

28. If so, please provide the basis of your knowledge and details.

29. Have you ever seen Chris Porco wearing gloves, and if so describe them, including the last time you saw them and where? NO _____

30.

31. Have you ever seen Chris Porco wearing a rain jacket or any type of rain clothing, and if so please describe, including the last time you saw this clothing and where? NO

32. Have you ever ridden in or sat in Chris Porco's yellow Jeep Wrangler?

YES _____

33. If so, how often and when was the last time? FOUR TIMES TOTAL. THE LAST TIME WAS OCTOBER 18, 2004 (MONDAY).

34. If so, what items of personal property did you observe in the Jeep? PLAID FLANNEL BLANKET. A COUPLE OF BUNGIE CORDS. RADAR DETECTOR, STEREO SYSTEM. HE HAD A DRESS SHIRT AND PANTS, AND LAUNDRY HE WAS BRINGING BACK TO SCHOOL. _____

35. Did you see an EZ Pass, and if so where was it? YES. I BELIEVE THE EZ PASS WAS PURPLE IN COLOR. I BELIEVE IT WAS ON THE WINDSHIELD. _____

36. Has Chris Porco ever let you borrow his yellow Jeep Wrangler, and if so when? NO. HE WAS PROTECTIVE OF HIS JEEP.

37. If you have a vehicle, did you ever let Chris Porco take it, and if so when? NO _____

38. Did you at anytime on Sunday 11/14/2004 or Monday 11/15/2004 drive Chris Porco anyplace, and if so please describe? NO _____

39. Has Chris Porco ever asked you to provide false information, excuses, or an alibi for any of his actions? HE ASKED ME ONCE IF I WOULD TAKE AN ECONOMICS TEST FOR HIM. HE SAID HE WOULD PAY ME. HE WAS HALF JOKING AND HALF SERIOUS.

40. If so, please describe:

41. More specifically, if not described above, has Chris Porco ever asked you to provide false information, excuses, or an alibi in regards to his whereabouts during the period of about Sunday 11/14/2004 through Monday 11/15/2004? NO-

42. If so, please describe:

43. Do you know of anyone, or have you heard of anyone, who Chris Porco asked to provide false information, excuses, or an alibi in regards to his whereabouts during the period of about Sunday 11/14/2004 through Monday 11/15/2004? NO

44. Has Chris Porco ever communicated to you, by any means, that he wanted to or did harm his parents? NO _____

45. If so, please describe: _____

46. Do you have any other information that you think should be known? HE ALWAYS SEEM TO BE IN EXCESS. HE DRANK 5 DAYS A WEEK. HE TOLD ME THAT HE STARTED DRINKING WHEN HE WAS IN 8TH GRADE. I HAVE SEEN HIM DRINK VODKA RIGHT OUT OF THE BOTTLE. HE ALWAYS HAD STORIES TO TELL. _____

Time ended: 03/24/04 5:17PM Rachel Seate
R2

S/I Quinn EM 4127

3/21/05 @ 6:15 PM

- S/I Dombroski contacted RACHEL SLATER BY Telephone to ASCERTAIN if she still had the I-M on HER COMPUTER. RACHEL SLATER STATED THAT she initially saved the I-M. However since that time, she had a virus on her computer and had the hard drive REFORMATTED by a friend and the message is no longer on her computer.
- contacted Neal & computer crime tech, IN RANDY NEWLAMB who advised that if the hard drive was wiped & reformatted it is highly PROBABLE that the message is gone BUT THAT IF the hard drive was JUST reformatted there is a slight chance the message could be found.

3/21/05

1054 Hrs. WOM sent update e-mail to appropriate university officials.

- Called S. Casey re light bulbs/privacy curtain. Bldg Mech. To check/replace as needed.
- Set up then took the conference room laptop and the printer to River road and set it up in room 12.
- Bldg Mech was going through rooms checking bulbs as RO setting up printer. Curtain in place.

1208 Hrs. e-mail from N. Justice that Casandra Fielios had called in response to e-mail and left her call back number. (Given to command post)

1200 Hrs. (ish) Met ARAMARC staff and lunch delivered/set up @ CP.

1215 Hrs. Investigators from Albany and Troop E began arriving.

1230 Hrs. Most NYSP Investigative staff on scene. Bethlehem not arrived yet. D. Madden advised when he crossed over the bridge to come to River rd. he turned right and BPD turned left. Unknown where they went. Those who wished to ate lunch while the opportunity presented itself.

1300 Hrs. (ish) Briefing for those gather began and interview rooms assigned. Major White, Captain Cummings and Lt. Hennessy (NYSP) were present and took part in briefing. Tour of portion of facility being used was provided.

1345 hrs. First group picked up from Library Rd. in route RRL.

1405 Hrs. Briefing broke and investigators went to rooms to set up for interviews. BPD arrived and attended maybe the last 20 minutes of briefing.

1700 ish Discussed with and asked by Al Dombrowski to take him over to ROTC Unit to make contact with and speak with the Captain/Commander.

1915 Hrs. In interview with Rachel Boylan she told investigators that she observed Chris Porco jogging through Inter campus Drive Lot coming towards Hill Court the early morning of 11/15. Said she was on Phase bridge crossing to campus when she saw him. R. Keirsbilck, A. Dombroski and C. Bowdish (I believe) went to T. House to review the video. They came back reporting Ms. Boylan was observed on the bridge at almost the exact time she stated she was there (0845 hrs?). Person observed in the distance coming through Inter Campus Drive Lot who may be Porco.

Discussion at large aerial photograph with Dombrowski, Madden, Keirsbilck and RO regarding jogging routes and camera locations etc...

During Discussion issue regarding instant message retention came up. RO to check with M. Dalton to see if IM from Porco to a student on campus would be captured in the system.

Around 2000 hrs. Decision made to call students in lieu of door knocking. T. Crowley and an Officer from BPD began calling students identified on the master list provided and scheduling appointments.

*** TX REPORT ***

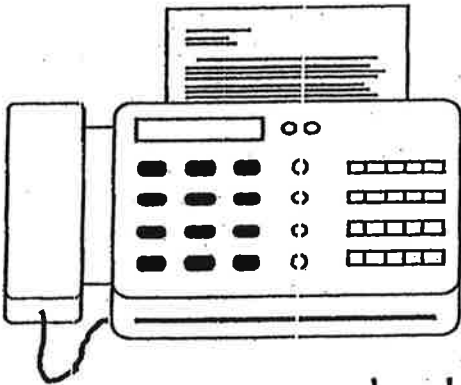
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TX/RX NO	0383
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SUBADDRESS	
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RESULT	OK

UNIVERSITY OF
ROCHESTER

UNIVERSITY FACILITIES & SERVICES

UNIVERSITY SECURITY



Fax Transmission

Date:

4/7/05

To:

DAVE MAADDEN NYSP SR. Inv.

Fax Number:

518. 783. 3218

From:

Dan Lafferty
Security Investigations

Phone:

(585) 273-5021

Fax:

(585) 275-0344

Number of pages including this cover page:

3

Comments:

DAVE - HERE ARE THE LISTS I SAID I'D
SEND YOU. ANYTHING ELSE GIVE ME A CALL.

ERIC RIVERA
CHRISTOPHER RIVERA
SANDRA GLIGA

} 2/14/05
NOTES
NYSO - calls via ^{cell} phone
calling since separated

JENNIFER SCHONBECK - NAZARETH COLLEGE
11/17/04 NOTE

FELICIA ADAMS - WATCHING A MOVIE 11/04
11/24/04 NOTES

RACHEL SLATER ? 11/28/04 NOTES

ALMA MATOS: ID FOUND IN PORCO'S ROOM IN
ALBANY. ALSO HAD LAPTOP
STOLEN (12-43-35178) 11/28

NICHOLAS GROW: LICENSE FOUND IN PORCO'S ROOM
(545-343-6261 cell) 12/2 NOTES. GROW IS POZ U
BROTHER AND THEFTS FROM PSI U
INVOLVED IN SEARCHES. CONTACT
MPD TO B. OLIVER.

HOLLY/REBECCA WEINFUTER - 12/15 NOTES

Slater, Rachael

Used to travel home with Chris Porco. Also may have gotten e-mail from him at 0200 hrs. 11/15/04.

Rachel Slater, student at U of R, who Sunday night was IM-ing with Chris. Has not yet been questioned by anybody.

11/28 1130 hrs. CALLED TONY A. who ADVISED THEY GOT A LATE START FROM ALBANY AND WERE PASSING TURNINGSTONE ON THE THRUWAY. Will call when 30 min. or so OUT FROM EXIT 46.

1315 Hrs. CALLED TONY A → ABOUT 50 MILES OUT.

1446 MET GROUP @ T. WAY EXIT AND ESCORTED TO T. HOUSE ATE LUNCH - DISCUSSION - TOUR OF CAMPUS + SURROUNDING AREAS. (1534 TIME FRAME)

1645 CALLED OTHER GROUP (@ JANE) AND MET @ MUNCIE. ALLOWED INTO SUITE STAYED EARLY @ BROOKINGS. Viewed lounge.

MTG @ THQ TO GO over items and ID who THEY wanted to interview. *

1845 CALLED MATT AMORUSIO (on cell phone) who WAS @ W. Commons. Agreed to come up for interview AND 521 PROVIDED TRANSPORTATION.

* During mtg Mike McVernon advised that the WATCH in question WAS found to BE PERL PERCIS. ALSO MENTIONED GRAND JURY RETURNED FOR FRIDAY (12/03/04)

1915 Hrs. MATT THEN WENT TO CAMPUS.

1922 hrs: CALLED MARSHALL CROMILLER on his cell
(609.468.0463). Driving BACK FROM NJ ABOUT 1/2 hr.
to 45 min. out. Will come to THQ - GREG WHITESIDE
@ him AND will bring him ALONG too. Will call
when arriving.

1930 ATTEMPT TO REACH RACHEL SLATER (4.4087)
NO ANS. PHONE MAIL. SENT T. ROSTA TO
CHECK ROOM. [RACHEL came up in conversation
BETWEEN WALTER M. & JUDY ASBURY]

ATTEMPT TO REACH ALMA MATOS (4.2233)
NO ANS. PHONE MAIL. [HER ID WAS FOUND IN
C. POLOZ ROOM IN ARBANY & SHE ALSO HAD A
LAPTOP STEVEN.]

1942 hrs: T. ROSTA REPORTS SLATER NOT BACK YET.

1954 hrs: ATTEMPT TO REACH JASON NOVAK (4.2509) -
PHONEMAIL

(4.2528)
2003 hrs: ATTEMPT TO REACH LUIS ORTIZ - 605
PHONEMAIL. HAD 603 TRY SUITE AND @
2013 hrs. 603 LATS. NO ONE IN SUITE.

2056 hrs: CROMILLER CALLED ABOUT 2 MINUTES
AWAY.

2100 hrs: Whiteside interviewed Then 2200 hrs.

2200: Whiteside taken back to Munro and
Cammilleri interview started.

2300 (approx) Cammilleri interview done and he left
T. House.

No one else called - Travellers departed
for motel @ expected 0930 hrs start
time on 12/29.

WOM mentioned Lisa Willis' observations
involving comment Paced made to Dissel
@ funeral. "You're going to be fine, I waited
until you had a girlfriend" (a words to this
effect).

MIKE McDermott advised GREG WHITESIDE wants
to come back in 12/29 @ another location to
discuss some issues. ATMG get for 100 hr.

From: Thomas McHugh
To: David Madden; Dombroski, Allan
Date: 3/16/2005 11:06:19 PM
Subject: PORCO

FYI:

16 students signed up for appointments this date.

ADA Dave Rossi will attend student association meeting Thursday 11/17/05 evening on campus.

Dave:

Dan Lafferty, UR Security, had some questions:

Back in February he was contacted by NYSP in regards to UR students Eric Rivera, Chris Rivera, and Sandra Gliga, having cell phone conversations with Porco. Were they ever interviewed??

Rachel Slater, UR student, supposedly received an Email from Porco 11/15/04 @ 2:00 am. Was she ever interviewed?

Alma Matos, UR student, whose ID card was found in Porco's room in Bethlehem. Was she ever interviewed? Also had laptop stolen.

Nicholas Grow, UR Student, was license was found at Porco's residence. Was he ever interviewed?

Holly Weinfutermeyer, was daughter Rebecca, had a computer stolen, called security in regards to news article(???) that computers had been found in Porco's safe deposit. True or False????

John Heidkamp. former roommate of Porco's. Was he interviewed?

Kari Joyce, stolen laptop. Was she interviewed??

Tom

REPORTS

NAME

LEAD RESULTS

LEAD LOG

PENDING LEADS

UNASSIGNED LEADS

Thomas, Perrier

Major Crime Lead Sheet

Title		Lead Number
Porco Homicide		279
Assigned By	Date Logged	Source
Bethlehem PD	3/28/2005	Investigation
Officer 1	Officer 2	Target
Inv. Toro		
Lead Instruction		
Interview U of R student Rachel Slater (detail 3/21 - 3/24/05)		
List Attached Enclosures - Any Statements, Documents, Photos, Notes		
If an Item or Evidence was obtained, Describe WHAT it is and WHERE it is Secured		
Reviewed By:	Reviewed Date:	Ongoing Lead: <input type="checkbox"/>

LEAD SYNOPSIS

Lead Instruction: Lead 279

Lead Completed By: Toro

Results: She dated Porco's friend Eric Culverwell. Described him as Lazy/unmotivated. Told her he was wealthy and lied about a trip to Europe. Told of pool, 3-car garage and his parents driving a lexus. Told of incident where Porco pushed Chelsea Allinger and another where Porco grabbed her (Slater) by the wrist. States he drank a lot and heard about him stealing laptops and credit card. Rumor of Crumiller bringing Porco to his car on 11/14/04- was told Porco was going to Aunt's house to do some mulching. Thinks it was out of character for Porco to be running as he hates to run and likes to sleep. Porco once asked if I would take an economics test for him. Heavy drinker-5 times a week.

SEARCH WARRANT

STATE OF NEW YORK
COUNTY OF ALBANY
JUSTICE COURT TOWN OF BETHLEHEM

In the Name of the People of the State of New York, and Pursuant to the authority of Article 690 of the Criminal Procedure Law of that State:

To: Any sworn Officer of the Division of State Police of the State of New York, the Sheriff, Undersheriff, or any Deputy Sheriff of the Albany County, Any sworn Officer of the Town of Bethlehem Police Department.

AN APPLICATION IN WRITING HAVING BEEN MADE BEFORE ME THIS DAY BY

Detective Christopher Bowdish of the Town of Bethlehem Police Department indicating that there is reasonable cause to believe that property of a kind or character referred to in section 690.10 of the Criminal Procedure Law, and more particularly described in said application, may be found in or upon the place, premises, vehicle, person or persons described therein,

You are hereby authorized, between the hours of 6:00am and 9:00 pm, and without giving notice of your authority and purpose, to search the following described premises (as well as any person or persons found therein during the execution of this warrant:

36 Brockley Drive, Delmar, New York, single family, two-story colonial including an attached 2-car garage and any attached structures or utility poles located on said property. Also including a 1997 Nissan Vehicle, color-blue, bearing NY registration GLS-113, and a 1998 Nissan, 4-door, gold, bearing NY registration BZW-4652 which may be found on said property.

For the following property: : Biological evidence consisting of blood, hair, semen, saliva, or any other biological evidence; trace evidence; weapons including, but not limited to, any guns or blunt or sharp-edged objects; any fiber evidence; any computer data including, but not limited to any computers, software, or files; any tools; cell phones; documents including, but not limited to any bank records, financial records, telephone records or business records; clothing; file cabinets and the contents thereof; and any safes.

And you are hereby directed to bring any such property seized pursuant to this warrant before me at my office in the Justice Court of the Town of Bethlehem, Albany County, New York, without unnecessary delay.

Issued at Delmar, New York

This 15th Day of November

2004 at 7:44 am/pm.

Joseph M. ... JSC

Town Justice of the Town of Bethlehem

Arthur ... Court Judge

STATE OF NEW YORK
COUNTY OF ALBANY
JUSTICE COURT TOWN OF BETHLEHEM

IN THE MATTER OF)

)
THE APPLICATION OF DET. CHRISTOPHER BOWDISH)
FOR A WARRANT AUTHORIZING A SEARCH OF OF 36)
BROCKLEY DRIVE, DELMAR, NEW YORK AND A 1997)
NISSAN VEHICLE, NY REG. GLS-113, AND A 1998)
NISSAN, NY REG. BZW-4652.)

APPLICATION FOR
SEARCH WARRANT
(CPL 690.45)

I, Christopher Bowdish, a police officer with the Bethlehem Police Department, do hereby state that there is reasonable cause to believe that property of a kind or character described in section 690.10 of the Criminal Procedure Law may be found in or upon a designated or described place, vehicle or person.

THE FACTS SUPPORTING MY STATEMENT ABOVE and the request for special authority set out below on my personal knowledge and on information or belief are:

- A. CHARACTER OF PROPERTY: As evidence tending to prove the commission of a violation of Penal Law article 125.
- B. THE PROPERTY: Biological evidence consisting of blood, hair, semen, saliva, or any other biological evidence; trace evidence; weapons including, but not limited to, any guns or blunt or sharp-edged objects; any fiber evidence; any computer data including, but not limited to any computers, software, or files; any tools; cell phones; documents including, but not limited to any bank records, financial records, telephone records or business records; clothing; file cabinets and the contents thereof; and any safes.
- C. DESIGNATION OR DESCRIPTION: 36 Brockley Drive, Delmar, New York, single family, two-story colonial including an attached 2-car garage and any attached structures or utility poles located on said property. Also including a 1997 Nissan Vehicle, color-blue, bearing NY registration GLS-113, and a 1998 Nissan, 4-door, gold, bearing NY registration BZW-4652 which may be found on said property.
- D. SOURCE OF INFORMATION AND GROUNDS FOR BELIEF: See attached depositions of Det. Christopher Bowdish and Charles Rudolph.

I THEREFORE REQUEST THAT THE COURT ISSUE A SEARCH WARRANT OF 36 BROCKLEY DRIVE, DELMAR, NEW YORK, INCLUDING THE GARAGE AND ANY DETACHED STRUCTURES, AS WELL AS A 1997 NISSAN SUBURBAN, NY

REG. GLS-113, AND A 1998 NISSAN, NY REG. BZW-4652 DIRECTING A
SEARCH. FOR EVIDENCE TENDING TO PROVE THE COMMISSION OF A
VIOLATION OF PENAL LAW ARTICLE 125, AND THE SEIZURE THEREOF.

APPLICANT

Det. R. Barish

SUBSCRIBED AND SWORN TO BEFORE ME THIS

15th DAY OF *November* 2004
Joseph C. Linn JSC acting
as local criminal court Judge.

TOWN JUSTICE OF THE TOWN OF BETHLEHEM

DEPOSITION OF WITNESS
TO ACCOMPANY COMPLAINT OR INFORMATION
CPL

SECTION 100.20

STATE OF NEW YORK
COUNTY OF ALBANY
TOWN OF BETHLEHEM

SS:

Deponent

Of Det. Christopher Bowdish
Age
Occupation Detective- Bethlehem Police Department
States as follows:

That he is a police officer employed by the Town of Bethlehem Police Department in Delmar, New York and has been a police officer for 23 years currently holding the rank of Detective of the Town of Bethlehem Police Department Detective Office.

That I have been investigating a Murder and Assault on Peter Porco and Joan Porco in violation of sections 125.25 and 120.10 of the New York State Penal Law and that there is probable cause to believe that Christopher Porco did strike and assault Peter Porco and Joan Porco about his and her person with a weapon. Said belief is based upon my observations of Joan and Peter Porco on today's date in their residence located at 36 Brockley Drive, Delmar, NY, County of Albany. Peter Porco was discovered dead at the base of the stairwell on the first floor of the residence. There was obvious trauma to his head and a substantial amount of blood about the body and throughout the residence. Joan Porco was discovered in an upstairs bedroom on a bed covered with blood, with obvious injuries to her head. While Joan Porco was unable to speak, I was able to communicate with her. I asked her if her son Christopher had done this to her, and she indicated to me by shaking her head in the affirmative. While in 36 Brockley Drive, I did observe an open filing cabinet in the foyer closet. The door to the closet had been pulled off and was lying on the floor covered with blood. There was blood on clothing in the closet and on the floor underneath the open file cabinet drawer. In the kitchen, the security system key-pad was broken, having been smashed with an unknown object. A cell phone was found in the kitchen. There was correspondence and what appeared to be financial documents located in the house. In addition, there was a safe in the basement in the residence with a key in the lock. From the exterior of the house I could see that the screen to the garage window had been cut open and the window was partially opened. Inside the garage there appeared to be blood stains on the garage floor as well as a blue Nissan, bearing New York State Registration number GLS-113.

03
NOTICE: False statements made herein are punishable as a Class A Misdemeanor pursuant to Section 210.45 of the Penal Law.

Sworn to before me this 15th day
Of January 20~~04~~

November 2004

Joseph C. [Signature]
Signature

Det. Christopher Bowdish #329
Deponent's Signature

DEPOSITION OF WITNESS
TO ACCOMPANY COMPLAINT OR INFORMATION
CPL

SECTION 100.20

STATE OF NEW YORK
COUNTY OF ALBANY
TOWN OF BETHLEHEM

SS:

Deponent

Of Det. Charles Rudolph
Age 39
Occupation Detective -Bethlehem Police Department
States as follows:

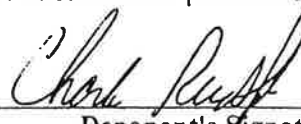
That he is a police officer employed by the Town of Bethlehem Police Department in Delmar, New York and has been a police officer for 16 years currently holding the rank of Detective of the Town of Bethlehem Police Department Detective Office.

That I have been investigating a Murder and Assault on Peter Porco and Joan Porco in violation of sections 125.25 and 120.10 of the New York State Penal Law. That on today's date I did have a conversation with Judge Joseph Cannizzaro, a Supreme Court Justice with chambers in the City of Albany. Judge Canizzaro is a personal friend of Peter Porco. Judge Cannizzaro did relate to me that he spoke to Peter Porco recently, and Peter Porco did indicate to him that he was having problems with his son, Christopher. Specifically, Judge Cannizzaro told me that Christopher Porco had tried to take out a loan in Peters name without Peter's permission. Peter had been trying via e-mail messages to arrange a meeting with Christopher to discuss the situation.

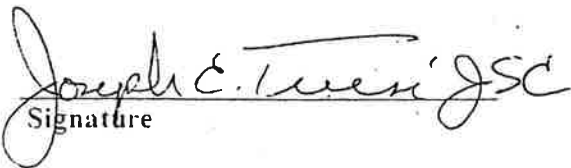
On today's date I spoke with Christopher Porco over the telephone over the telephone. He told me he was in Rochester, N.Y. He said he had sent an e-mail and instant-messages to his father four or five days ago regarding a student loan. He further stated that he sent his father an e-mail message today, and there was no reply.

NOTICE: False statements made herein are punishable as a Class A Misdemeanor pursuant to Section 210.45 of the Penal Law.

Sworn to before me this 15th day
Of November 2004



Deponent's Signature


Signature

STATE OF NEW YORK
COUNTY OF ALBANY

COUNTY COURT

THE PEOPLE OF THE STATE OF NEW YORK,

-against-

NOTICE OF MOTION

Judge Berry

Index No:

CHRISTOPHER PORCO,

Defendant.

PLEASE TAKE NOTICE, that Christopher Porco, on the annexed Affirmation/
Memorandum of Law, through his attorneys, Kindlon and Shanks, P.C., Terence L. Kindlon of
counsel, will move this Court on March 20, 2006 at 9:00 a.m., for the following relief:

GRAND JURY PROCEEDINGS

- A. An Order pursuant to CPL 210.20 and 210.35 dismissing the indictment because without the extensive and improper hearsay and prior bad acts evidence the evidence was legally insufficient.
- B. An Order pursuant to CPL 210.20(1)(b), and 210.20(1-a) dismissing the indictment, or reducing each count to a lesser included offense, because the evidence presented to the grand jury was not legally sufficient to establish the offenses charged.
- C. An Order pursuant to CPL 210.20, 210.35 and 210.40 dismissing the indictment because the prosecutor improperly marshaled the evidence via use of a power point presentation.
- D. An Order, pursuant to CPL 210.40, dismissing the indictment if the prosecutor engaged in misconduct during the presentation to the grand jury.
- E. An Order, pursuant to CPL 210.35(5) and 190.15, dismissing the indictment

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because the term of the grand jury was improperly extended.

F. An Order, pursuant to CPL 210.35(5), dismissing the indictment because the grand jury proceedings failed to conform to the requirements of CPL Article 190 to such a degree that the integrity of the proceedings was impaired and prejudice to Defendant may result.

G. An Order, pursuant to CPL 210.30, providing that the Court examine the stenographic minutes of the grand jury proceedings and disclose information to defense counsel.

H. An Order dismissing the indictment, pursuant to CPL Article 210 because the instructions presented to the grand jury were legally insufficient.

I. An Order, pursuant to CPL 210.35(1) and in the interests of justice because the grand jury was illegally constituted in violation of Article I, §§ 1, 2, 3, 4, 5, 6, 11, 12 and 14 of the New York Constitution and the Fifth, Sixth, Eighth and Fourteenth Amendments to the United States Constitution.

J. An Order, pursuant to CPL 210.35(2) & (3) dismissing the indictment if the grand jury was conducted before fewer than 16 grand jurors or fewer than 12 grand jurors who heard all of the evidence concurred in the finding of the indictment.

K. An Order, pursuant to CPL 210.40, dismissing the indictment because the grand jury was inundated with prejudicial pretrial publicity.

BRADY MATERIAL

L. An Order, directing the district attorney to furnish Christopher Porco with all evidence favorable to the defense pursuant to the authority of CPL 240.20(1)(h) and *Brady v. Maryland*, 373 U.S. 83.

ROSARIO MATERIAL

M. An Order, directing the district attorney to turn *Rosario* material over to the defense in advance of trial.

DISCOVERY AND BILL OF PARTICULARS

N. An Order, compelling discovery pursuant to CPL Article 240.

O. An Order, pursuant to CPL 200.95, compelling the district attorney to file a bill of particulars with the Court and to serve a copy thereof upon the defendant.

SANDOVAL/MOLINEUX/VENTIMIGLIA/CPL 240.43 MOTION

P. An Order prohibiting the district attorney from presenting at trial any evidence that the defendant committed any other crime or engaged in any other vicious, immoral or otherwise unscrupulous conduct, pursuant to Article I, §§ 1, 2, 5, 6 and 11 of the New York Constitution, the Fourth, Fifth, Sixth, Eighth and Fourteenth Amendments to the United States Constitution and *People v. Molineux*, 168 N.Y. 264, 61 N.E.2d 286 (1901), or direct a hearing on the issue under the authority of *People v. Molineux*, 168 N.Y. 264.

Q. An Order, pursuant to Article I, §§ 1, 2, 5, 6 and 11 of the New York Constitution, the Fourth, Fifth, Eighth and Fourteenth Amendments to the United States Constitution and *People v. Sandoval*, 34 N.Y.2d 371, 357 N.Y.S.2d 849 (1974), prohibiting the district attorney from questioning Christopher Porco should he choose to testify at trial, regarding any alleged prior bad acts, arrests or convictions with which he may have been involved, solely for the purpose of impeaching his credibility, or direct a hearing upon the issue under the authority of *People v. Ventimiglia*, 52 N.Y.2d 350 (1981); or in the alternative an Order, pursuant to CPL 240.43 directing the People to provide Defendant with written confidential disclosure of any

prior crimes and bad acts, charged or uncharged the People intend to introduce in their case in chief or for impeachment.

STATEMENTS

R. An Order, pursuant to CPL 710.20 (3) and 710.70(1) suppressing any oral or written statements allegedly made by Christopher Porco, upon the grounds the statements were involuntary as defined in CPL 60.45, or direct a hearing upon the issue pursuant to CPL 710.60(4) and the authority of *People v. Huntley*, 255 N.Y.S.2d 838 (1965)

IDENTIFICATION EVIDENCE

S. An Order, pursuant to CPL 710.30(3) and *People v. Lopez*, 84 NY2d 425 (1994) precluding any potential testimony concerning an identification of Christopher Porco as the person who allegedly committed the offenses herein on the ground that no notice was given of any such identification.

TANGIBLE EVIDENCE

T. An Order pursuant to Section 710.20 of the Criminal Procedure Law suppressing tangible property illegally seized by law enforcement officials, or, an Order requiring a *Mapp* hearing.

AUDIBILITY HEARING

U. An Order, providing for a hearing to determine the audibility of any recorded conversations which may be admitted as evidence against Christopher Porco.

RENEWAL OF MOTIONS AND HEARINGS 20 DAYS BEFORE TRIAL

V. An Order, providing that requested hearings be held at least twenty (20) days prior to trial.

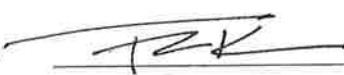
W. An Order, pursuant to CPL 710.40(4) permitting Defendant to renew pre-trial motions.

In support of this motion, Defendant submits the attached affirmation/ memorandum of law of Terence L. Kindlon. In making these motions, Defendant also relies upon his right to due process, his right to compulsory process, his right to confrontation, his right to equal protection, his right to be tried only on an indictment issued by a properly constituted grand jury, his right to a grand jury drawn from a fair cross-section of the community, and other rights guaranteed under Article I, §§ 1, 2, 3, 4, 5, 6, 11, 12, and 14 of the New York Constitution, the Fourth, Fifth, Sixth, Eighth and Fourteenth Amendments to the United States Constitution, CPL Articles 190, 200, 210, and 600 and other applicable state and federal law.

WHEREFORE, Christopher Porco respectfully requests that the Court grant the above relief, and such other and further relief as this Court deems just and proper.

Dated: February 21, 2006.

KINDLON and SHANKS, P.C.

By: 
Terence L. Kindlon
Attorney for Christopher Porco
74 Chapel Street
Albany, New York 12207
(518) 434-1493

TO: Pamela Clickner, Court Clerk
Albany County Courthouse
Albany, New York 12207

Hon. Jeffrey G. Berry

Orange County Courthouse
285 Main Street
Goshen, New York 10924

Albany County District Attorney
Albany County Courthouse
Albany, New York 12207

Christopher Porco
(Address on file)

STATE OF NEW YORK
COUNTY OF ALBANY

COUNTY COURT

THE PEOPLE OF THE STATE OF NEW YORK,

**AFFIRMATION/
MEMORANDUM OF LAW**

-against-

**Judge Berry
Index No:**

CHRISTOPHER PORCO,

Defendant.

AFFIRMATION/ MEMORANDUM OF LAW

Terence L. Kindlon, duly authorized to practice law in the state of New York, affirms:

1. I am the attorney representing Christopher Porco, and this affidavit is based upon my own knowledge and upon information and belief.
2. Mr. Porco has been arraigned before this Court and has pled "not guilty".

GRAND JURY MATTERS

Dismissal Based on Extensive Improper Evidence

3. Upon information and belief the evidence before the grand jury was legally insufficient, or would have been legally insufficient without the introduction of a great deal of improper evidence.
4. In particular, upon information and belief the grand jury was presented with an extensive amount of improper hearsay evidence without which the evidence would have been legally insufficient.
5. In addition, upon information and belief the grand jury was presented with an extensive amount of improper evidence of prior alleged bad acts of Christopher Porco, without

which the evidence would have been legally insufficient.

6. CPL 190.30(1) provides that CPL Article 60, which governs rules of evidence, is applicable to grand jury presentations. *People v. Jackson*, 148 Misc. 2d 886 (1990)

7. When the cumulative effect of the introduction of improper evidence impairs the integrity of the grand jury proceeding, dismissal of the indictment is required. *People v. Huston*, 88 NY2d 400 (1996); *People v. Tomaino*, 248 AD2d 944 (1998).

8. There have been several cases where indictments were dismissed based on the extensive amount of improper evidence before the grand jury. *People v. Huston*, supra; *People v. Tomaino*, supra; *People v. Heffner*, 187 Misc. 2d 617 (Rensselaer Co. 2001); *People v. Winant*, 179 Misc. 2d 357 (Rensselaer Co. 1998); *People v. Jackson*, supra.

9. There is no requirement that actual prejudice be shown when the integrity of a grand jury proceeding is impaired by extensive improper evidence - there only need be a showing that prejudice *may* result. *People v. Huston*, supra.

10. In both *Winant* and *Heffner*, the indictments were dismissed because the grand jury was inundated with improper hearsay evidence as well as other improper evidence. The *Winant* court stated:

“...Since the Grand Jury minutes are rife with instances of improper hearsay testimony it is impossible to tell just what evidence the Grand Jury based its indictment on. ...

In view of all the errors, the cumulative effect was to impair the integrity of the Grand Jury proceeding to the prejudice of the defendant, requiring dismissal of the indictment pursuant to CPL 210.35(5). Even if it could be argued that there was sufficient other reliable and competent evidence presented, given the cumulative effect of the errors and the fact that the Grand Jury may have founded the indictment upon improper hearsay testimony, dismissal of the indictment is required.” *Winant*, supra, at 364-365, citations deleted.

11. In both *Tomaino* and *Winant*, supra, the court dismissed the indictments and held that the grand jury had been improperly presented with evidence of prior bad acts of the defendant. The court in *Winant* stated, regarding the bad acts evidence before the grand jury:

“The Assistant District also elicited improper and prejudicial testimony from Deputy Wohlleber and Deputy Bruce Smith concerning the defendant’s alleged prior bad acts. Each deputy was allowed to testify concerning the fact that the defendant had been in trouble before for shooting a gun at a bar. ...

The defendant’s alleged prior bad act in no way came under one of the recognizable exceptions of *Molineux*... The Assistant District Attorney attempted to justify its admission by indicating ‘I ask you [to] consider that admission not for the truth of the matter that he had a gun outside of a bar before ..., but for the fact that was stated, that’s a state of mind of the defendant at that time and that is admissible. ... Such explanation is specious legal double talk to attempt to justify the receipt of improper criminal propensity evidence against the defendant.” *Winant*, supra, at 362-364.

12. Further, in *Heffner*, supra, the court dismissed the indictment because it was improperly based on evidence subject to suppression.

13. Upon information and belief, in the instant case the grand jury was presented with extensive and improper hearsay evidence, including but not limited to statements by Peter Porco, Joan Porco and other witnesses.

14. In addition, upon information and belief the grand jury was inundated with extensive evidence of alleged prior bad acts of Christopher Porco which do not fit into any *Molineux* exceptions.

15. Finally, upon information and belief the grand jury was also presented with other evidence which is subject to being suppressed. (See Paragraphs 48-76 below).

16. Upon information and belief, the cumulative effect of all of the above instances of improper evidence before the grand jury requires the dismissal of the indictment, as occurred in *Hurston*, *Tomaino*, *Heffner*, *Winant* and *Jackson*, supra.

Dismissal Based on Improper Marshaling of Evidence

17. It is common practice for district attorneys to engage in unfair tactics when presenting before the grand jury; upon information and belief this is what occurred when the district attorney presented this case before the grand jury, and as a result the indictment should be dismissed.

18. In particular, upon information and belief the prosecutor engaged in improper marshaling of evidence by presenting an extensive Power Point production for the grand jury on November 4, 2005, the date Christopher Porco was indicted.

19. While marshaling of the evidence may sometimes be proper, it can impair the integrity of the grand jury process when it is done in a biased, inaccurate or incomplete manner. *People v. Shammas*, 5 Misc.3d 702 (2004); *People v. Wilkinson*, 8 Misc. 3d 1026 (2005); *People v. Sanchez*, 125 Misc. 2d 394, 399 (1984). The indictments in those cases were dismissed, based at least in part on the district attorney's improper marshaling of the evidence.

20. The *Shammas* court stated:

“The danger of marshaling is that certain evidence will be emphasized or mischaracterized. This is precisely what happened in this case when the Assistant summarized his testimony of the defendant and the defense witnesses.” *Shammas*, supra, at 703.

21. Upon information and belief, the district attorney used the Power Point presentation herein to give the grand jury a very one-sided view of the extensive amount of evidence presented to them over the course of a year, and thereby persuaded them to vote an indictment based on his own opinions and perspectives on the evidence. As a result the indictment should be dismissed.

Dismissal Because Grand Jury Term was Improperly Extended

22. Upon information and belief the grand jury proceedings failed to conform to the requirements of CPL 190 to such a degree that the integrity of the proceedings was impaired and prejudice to Defendant may result. Therefore the indictment should be dismissed.

23. In particular, upon information and belief the grand jury term in this case was improperly extended, pursuant to CPL 190.15, and as a result the indictment should be dismissed.

24. When the term of a grand jury is extended in violation of CPL 190.15, the resultant grand jury is illegally constituted, requiring dismissal of said indictment. *People v. Williams*, 73 NY2d 84 (1989); *Matter of McClure v. County Court*, 41 AD2d 148 (2nd Dep't 1973).

25. In *McClure*, supra, the indictment was dismissed where the request to extend the grand jury was made solely by the district attorney, rather than by the grand jury itself. The *McClure* court stated:

“...[S]ection 190.15 of the CPL reads: ‘...[T]he court may, upon declaration of both the grand jury and the district attorney that such grand jury has not yet completed or will be unable to complete certain business before it, *extend the term of court and the existence of such grand jury to a specified future date...*’ ...

...[W]e are of the opinion that the [extension] order was void because it was not made ‘upon declaration of both the grand jury and the district attorney...Nowhere, either in the petition of the District Attorney or in the order of the court, is there any declaration by the grand jury... In the absence of such a declaration by the Grand Jury the County Judge was without power to extend its life. ...’ *McClure*, supra, at 150-151, emphasis in original.

26. Upon information and belief the grand jury herein, the October, 2004 Term, was extended in January, 2005, and, upon information and belief, was extended on other occasions as

well.

27. As the defense has not yet seen any such applications or orders it is not possible to state with particularity the deficiencies therein, however, upon information and belief, as in *McClure*, supra, neither the applications nor the court orders extending said terms included declarations from the grand jury itself requesting such extensions. As a result the indictment should be dismissed.

28. Mr. Porco requests that he be permitted to renew this motion upon receipt of said applications and order, should that be necessary.

Other Grand Jury Matters

29. Upon information and belief the instructions given to the grand jury by the district attorney were insufficient, and therefore the indictment should be dismissed.

30. Upon information and belief the grand jury was illegally constituted, in that it was not a representative group of the community, and therefore the indictment should be dismissed or, in the alternative, the defense should be provided with a list of the names, races and genders of the members of the grand jury who were present for the vote as to the indictment.

31. Whether there were 16 grand jurors present or whether fewer than 12 who heard all of the information concurred in the finding in the indictment is for this court to determine after a review of the grand jury minutes. If there were fewer than 16 grand jurors present, or if fewer than 12 who heard all the information concurred in the finding in the indictment, the indictment should be dismissed.

32. Around the time of Christopher Porco's arrest, sensationalized news coverage saturated Albany County and the pool from which the grand jury was selected. For many days,

news accounts running in the local newspapers and broadcast on the electronic news media chronicled the events surrounding the case. As a result the Court should dismiss the indictment because the grand jury was inundated with prejudicial pre-trial publicity.

33. In the event the Court does not dismiss the indictment, Defendant requests an Order, providing that the Court examine the stenographic minutes of the grand jury proceeding, reducing each count to a lesser included offense on the grounds that the evidence was not legally sufficient to establish the elements of the count.

BRADY MATERIAL

34. Upon information and belief the prosecution has possession of or access to important evidence or information which might be favorable to Defendant. Under *Brady* he has a right to all evidence within the possession or knowledge of the prosecution which might be favorable to him. Upon information and belief there is an extensive amount of material in this case which falls under the rubric of *Brady* material.

35. As just one example of *Brady* material, Christopher Porco requests any and all evidence that Thruway toll attendants *failed* to identify him. *See People v. Torres*, 289 AD2d 991 (4th Dep't 1991); *People v. Brown*, 167 AD2d 847 (4th Dep't 1990).

36. In addition, Christopher Porco requests any and all evidence in the possession of the prosecution or law enforcement which indicates that there were other individuals who had motives to harm Peter Porco.

ROSARIO MATERIAL

37. Upon information and belief the prosecution has possession of numerous statements of witnesses regarding this case, many of which have not yet been provided to the

defense. Under *Rosario* Defendant is entitled to statements and reports of witnesses created by law enforcement officers or prosecutors. In the interest of judicial economy and in order to effectively prepare a defense, especially given the extent of the investigation in this case, pre-trial disclosure of *Rosario* material is justified.

DISCOVERY/ BILL OF PARTICULARS

38. Christopher Porco has duly filed an extensive Demand for Discovery and Request for a Bill of Particulars. While a great deal of material has been provided, upon information and belief, there is also a great deal of material which has *not* been provided.

39. For example, Mr. Porco hereby requests: any and all reports by the FBI, the Rochester Police and security personnel from the University of Rochester; any and all applications and orders extending the term of the grand jury in this case; Pages 1, 2, 3, and 6 from the Property Log - Scene dated 12/8/04 (which were missing from the copy of said Report provided to the defense); any and all of the underlying scientific documents upon which any reports were based; a copy of the Power Point presentation made to the grand jury (which qualifies as an electronic recording under CPL 240.20); and any other evidence required to be disclosed under CPL 240.20 or as *Brady* material. Upon information and belief there is an extensive amount of material other than that listed above which is required to be disclosed. Mr. Porco respectfully requests that the Court order the prosecution to comply fully with the Demand and Request.

SANDOVAL/MOLINEUX/VENTIMIGLIA/CPL 240.43 MOTION

40. Christopher Porco requests an Order prohibiting the prosecution from presenting at trial any evidence that he committed any other crime or engaged in any other vicious, immoral

or otherwise unscrupulous conduct, or directing a hearing on the issue.

41. Christopher Porco requests an Order prohibiting the prosecution from questioning him should he choose to testify at trial, regarding any alleged prior bad acts, arrests or convictions with which he may have been involved, solely for the purpose of impeaching his credibility; or that the Court direct a hearing upon the issue.

42. Christopher Porco requests that the court order the prosecutor to provide him with notifications regarding all specific instances of his uncharged criminal, vicious or immoral conduct which the prosecutor will seek to offer against him at trial upon its direct case. He also requests notification as to what specific relevant purpose(s) such evidence will be offered.

43. Christopher Porco requests the prosecutor to notify him of all specific instances of his uncharged criminal, vicious or immoral conduct, which the prosecutor intends to use at trial for purposes of impeaching his credibility.

44. Because, upon information and belief, the prosecution intends to introduce an extensive amount of *Sandoval/Molineux* material in this case, Christopher Porco respectfully requests the Court require the prosecution to make its proffer soon, and hold a hearing on those issues well in advance of trial, in contrast to the usual procedure of holding said hearing immediately before trial.

STATEMENTS

45. The prosecution has notified Defendant that it intends to introduce oral and/or written statements allegedly made by him to a public servant;

46. Upon information and belief the aforesaid statements were involuntarily made and

were secured in violation of Christopher Porco's rights under the constitutions and laws of this state and the United States. Specifically, the people failed to advise him of his right to counsel, interrogated him without an effective waiver of his right to counsel when he was in custody, and coerced admissions from him. Therefore said statements should be suppressed pursuant to CPL 710.20 (3) and 710.70(1).

IDENTIFICATION

47. The prosecution has not provided notice of any identification procedures pursuant to CPL 710.30. Therefore, Mr. Porco requests an Order, pursuant to CPL 710.30(3) and *People v. Lopez*, 84 NY2d 425 (1994) precluding any potential testimony concerning an identification of Defendant as the person who allegedly committed the offenses herein on the ground that no notice was given of any such identification.

TANGIBLE EVIDENCE

48. Christopher Porco has reason to believe that the prosecution intends to introduce certain real evidence seized by police.

49. Certain items of clothing were seized from Christopher Porco when he was detained and extensively interrogated on or about November 15, 2004. Upon information and belief said seizure occurred without consent or justification, in the absence of a warrant, in violation of Defendant's constitutional rights. Therefore Christopher Porco requests an Order suppressing the physical evidence pursuant to CPL 710.20, or, in the alternative, an Order providing for a *Mapp* hearing

50. In addition, there were at least twelve different search warrants in this case, including two warrants for searches of 36 Brockley Drive; one for a search of Christopher

Porco's dorm room at the University of Rochester; one for a search of the Jeep Wrangler used by Christopher; at least three (at least two were extensions) for placing a GPS device on the 1998 Nissan Sentra used by Christopher; one for placing a GPS device on the Jeep Wrangler used by Christopher; two for searches of Abba House at 647 Western Avenue; and two for searches of Peter Porco's office.

51. Upon information and belief the above search warrants were improperly obtained and executed in violation of CPL Article 690, and all evidence seized pursuant thereto should be suppressed. In the alternative the Court should hold a *Mapp* hearing to examine the issue.

Standing

52. First, it is clear that Christopher Porco has standing to challenge the searches of his residence at 36 Brockley Drive, the search of his dorm room, the search of the Jeep, and the placing of the GPS devices on the two vehicles used by him.

53. Because Christopher had a bedroom at 36 Brockley Drive, and sometimes stayed there, he had a reasonable expectation of privacy in the premises, and therefore has standing to contest a search of said premises. *People v. Adams*, 244 AD2d 897 (4th Dep't 1997); *People v. Ramirez-Portoreal*, 88 NY2d 99, 109 (1996).

54. Similarly, as a resident in a dormitory room, Christopher has standing to challenge a search of said room, just like any resident of a apartment, rooming house or hotel. *People v. Ramirez-Portoreal*, 88 NY2d 99, 109 (1996); *People v. Robinson*, 68 NY2d 541 (1986); *People v. Ponto*, 103 AD2d 573 (2nd Dep't 1984); *People v. Garriga*, 189 AD2d 236 (1st Dep't 1993).

55. As someone who generally drove the Jeep, Christopher also had standing to

challenge a search of said vehicle. *People v. Gonzalez*, 68 NY2d 950 (1986); *People v. Wright*, 140 AD2d 656 (2nd Dep't 1988). He also had standing to challenge the placing of GPS devices on the two vehicles driven by him. *People v. Lacey*, 3 Misc. 3d 1103A; *People v. Gonzalez*, 68 NY2d 950 (1986); *People v. Wright*, 140 AD2d 656 (2nd Dep't 1988).

Lack of Probable Cause

56. All of the applications for search warrants in this case contain a supporting deposition by Bethlehem Police Detective Christopher Bowdish who states that while at 36 Brockley Drive on November 15, 2004, he asked Joan Porco a question - Det. Bowdish stated:

“...While Joan Porco was unable to speak, I was able to communicate with her. I asked her if her son Christopher had done this to her, and she indicated to me by shaking her head in the affirmative. ...”

57. In addition, all the search warrant applications contain a supporting deposition by Bethlehem Police Detective Charles Rudolph, who states that Judge Joseph Cannizaro told him on November 15, 2004 that Peter Porco had told him that his son Christopher had tried to take out a loan in his name without his permission.

58. First, as to the alleged statement from Judge Cannizaro, it is submitted that even if true, that information regarding a loan is too remote and speculative to supply any probable cause for a search warrant. *People v. Edwards*, 69 NY2d 814 (1987); *People v. Brown*, 40 NY2d 183 (1976); *People v. Elwell*, 50 NY2d 231; *Peopel v. LaDuke*, 206 AD2d 859 (4th Dep't 1994); *People v. Morusty*, 195 AD2d 733 (3rd Dep't 1993).

59. In addition, it is submitted that the allegation that Joan Porco, who could not speak at the time and who has absolutely no recollection of the events of November 14, 2004, indicated by “shaking her head in the affirmative” when Det. Bowdish asked her if Christopher

had “done this to her” is inherently too unreliable to constitute probable cause for any search warrants of vehicles used by Christopher Porco, or for any search warrants for the University of Rochester. *See People v. Rivera*, 283 AD2d 202 (1st Dep’t 2001); *People v. Edwards*, *supra*.

60. Therefore, it is submitted that the instant search warrant applications were not based on probable cause, and the evidence should be suppressed as a result, or a *Mapp* hearing should be held.

61. In addition, it is submitted that material statements of Det. Bowdish in his supporting deposition were either false, or were made in reckless disregard for the truth - as a result the Court should suppress the evidence seized or hold a *Franks* hearing to examine the issue. In particular, upon information and belief Det. Bowdish severely mischaracterized Joan Porco’s alleged reaction when he asked her if Christopher had “done this to her.”

Lack of Nexus Between Alleged Probable Cause and Room 222 at Munroe House

62. The November 15, 2004 search warrant authorizing a search of Room 222 at Munroe House fails to state *any nexus* between said location and the alleged probable cause. In other words, the warrant fails to state any connection between said location and Christopher Porco.

63. In addition, the application for the above warrant also fails to state any connection between Room 222 at Munroe House and Christopher Porco.

64. Further, none of the supporting depositions submitted with regard to the above search warrant contain any allegations of any connection or nexus between Christopher Porco and the location to be searched.

65. CPL 690.35(3) provides that a search warrant application must contain

allegations of fact supporting a statement that there is reasonable cause to believe that the property sought may be found in a particular location.

66. Search warrants which do not contain an adequate nexus between the reasonable cause alleged and the location to be search are invalid, and suppression will result. *People v. Roberts*, 195 AD2d 1018 (4th Dep't 1993); *People v. Luis*, 145 AD2d 960; *People v. Nibur*, 113 AD2d 957 (2nd Dep't 1985); *People v. Thomas*, 78 AD2d 940.

67. Therefore, the Court should suppress all evidence seized as a result of the search of Room 222 of Munroe House (and all evidence derived therefrom as the poisonous fruit of said improper seizure - see *Wong Sun v. United States*, 371 US 471 [1963]) or, in the alternative, hold a *Mapp* hearing to examine the issue.

Appearance of Impropriety with Respect to Judge Teresi's Signing of Warrants

68. Supreme Court Justice Joseph C. Teresi signed at least eight search warrants in this case, including three on November 15, 2004 (for a search of 36 Brockley Drive, a search of Room 222 at Munroe House, and a search of 2 vehicles); four authorizing the placement of GPS devices on vehicles used by Christopher Porco (on December 8, 2004, January 5, 2005, January 12, 2005 and February 1, 2005) and one on January 25, 2005 authorizing a search of Peter Porco's office.

69. With respect to all but one of the above search warrants Judge Teresi was acting as a Bethlehem Town Court Justice pursuant to CPL 10.10. While that may generally be proper, it is submitted that it is not proper when the judge in question has a bias or interest in the case. See, i.e. Judiciary Law 14; *Matter of Harkness Apartment Owners Copr. v. Abdus-Salaam*, 232 AD2d 309 (1st Dep't 1996).

70. Upon information and belief Judge Teresi was friends with the victim in this case, Peter Porco, and, as such, there is an appearance of impropriety in his having signed most of the search warrants in this case, especially given that he did so instead of the regular Bethlehem Town Court Justice, who only signed a couple of the warrants herein.

71. Because Peter Porco worked at the Albany County Courthouse, and was friends with many judges and court personnel, all the judges in Albany County were effectively recused from this case when it was assigned to your Honor. Therefore, Judge Teresi, one of said judges, should also have recused himself and not signed said search warrants.

72. There is an even greater appearance of impropriety with respect to the search warrants signed in December, 2004 and January and February, 2005, as those warrants were signed after the actual Bethlehem Town Court Justice had signed certain other warrants, and in some cases were signed after your Honor had been assigned the case.

73. Therefore, because of the appearance of impropriety in Judge Teresi's having signed most of the search warrants in this case, the Court should suppress the evidence seized pursuant thereto or, in the alternative, hold a hearing to examine the issue of why the warrants were taken to Judge Teresi, rather than the actual sitting Bethlehem Town Court Justice.

Some Evidence Seized on 11/26/04 Went Beyond Scope of Warrant

74. The search warrant granted on November 26, 2004 by Bethlehem Town Court Justice Frank P. Milano stated that it authorized the seizure of security systems and computer equipment related thereto.

75. However, the Return filed with respect to said warrant indicates that a great many items were seized which went beyond the scope of said warrant, such as: mail, Peter Porco's

wallet, and a PDA from Christopher Porco's bedroom.

76. Seized evidence which goes beyond the scope of a search warrant must be suppressed. *People v. LaDuke*, 206 AD2d 859 (4th Dep't 1994); *Horton v. California*, 496 US 128 (1990); *People v. Ventura*, 3 Misc. 3d 1107A (2004).

77. Therefore, the Court must suppress any and all items seized pursuant to said warrant which went beyond its scope.

Conclusion

78. Upon information and belief the searches were conducted without consent or other justification, in the absence of valid warrants, in violation of Defendant's constitutional rights. Therefore Christopher Porco requests an Order suppressing the physical evidence pursuant to CPL 710.20, or, in the alternative, an Order providing for a *Mapp* hearing.

AUDIBILITY HEARING

79. Christopher Porco has reason to believe that the prosecution may intend to introduce certain recorded conversations. Upon information and belief such recordings are inaudible, or only partially audible. Therefore he requests an Order providing for a hearing to determine the audibility of any recorded conversations which the prosecutor may attempt to admit as evidence against him.

RENEWAL OF MOTIONS AND HEARINGS 20 DAYS BEFORE TRIAL

80. Christopher Porco requests an Order providing that requested hearings be held at least 20 days prior to trial so as to provide for effective representation.

81. Christopher Porco requests an Order that these motions be renewable if portions of them produce, or the district attorney on his/her own divulges, information not previously

known to the defense which necessitates further hearings or requests.

AFFIRMED: February 21, 2006.

KINDLON and SHANKS, P.C.

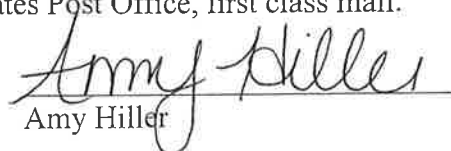
BY:



Terence L. Kindlon
Attorney for Christopher Porco
74 Chapel Street
Albany, N.Y. 12207
(518) 434-1493

CERTIFICATE OF SERVICE

Amy Hiller hereby certifies that on February 21, 2006 she personally served the above Notice of Motion, and Affirmation/ Memorandum of Law to the Albany County Court Clerk, and to each of the other individuals named in the Notice of Motion via the United States Post Office, first class mail.


Amy Hiller

Major Crime Lead Sheet

Title

Porco Homicide

Lead Number

39

Assigned By

Bethlehem PD

Date Logged

12/9/2004

Source

Investigation

Officer 1

RUDOLPH

Officer 2

Target

Lead Instruction

DOWNLOAD TIME WARNER ALARM AT 36 BROCKLEY DRIVE

List Attached Enclosures, Any Statements, Documents, Photos, Notes

If an Item or Evidence was obtained, Describe WHAT it is and WHERE it is Secured

Reviewed By:

Reviewed Date:

Ongoing Lead:



All Partitions	All Times	All Events
System	11/17/2004 4:15:00 AM	Installer Lead Out
System	11/17/2004 4:14:00 AM	Installer Lead In
System	11/17/2004 3:58:00 AM	[*][6] By System Master -
System	11/17/2004 3:50:00 AM	[*][6] By System Master -
System	11/17/2004 3:48:00 AM	[*][6] By System Master -
System	11/17/2004 3:46:00 AM	[*][6] By System Master -
System	11/17/2004 3:46:00 AM	Installer Lead Out
System	11/17/2004 3:46:00 AM	Installer Lead In
System	11/15/2004 4:59:00 PM	TLM Trouble
System	11/15/2004 2:14:00 PM	Opening By System Master -
System	11/15/2004 9:54:00 AM	Special Closing
System	11/15/2004 9:54:00 AM	Armed in Stay Mode
System	11/15/2004 6:17:00 AM	Opening By System Master -
System	11/15/2004 5:21:00 AM	Special Closing
System	11/15/2004 5:21:00 AM	Armed in Stay Mode
System	11/15/2004 12:37:00 A	Opening By System Master -
System	11/14/2004 10:37:00 F	Special Closing
System	11/14/2004 10:37:00 F	Armed in Stay Mode
System	11/14/2004 7:56:00 PM	Opening By System Master -
System	11/14/2004 9:48:00 AM	Special Closing
System	11/14/2004 9:48:00 AM	Armed in Stay Mode
System	11/14/2004 9:04:00 AM	Opening By System Master -
System	11/14/2004 6:06:00 AM	Special Closing
System	11/14/2004 6:06:00 AM	Armed in Stay Mode
System	11/14/2004 6:04:00 AM	Opening By System Master -
System	11/14/2004 6:04:00 AM	Audible Exit Fault
System	11/14/2004 6:04:00 AM	Special Closing
System	11/14/2004 6:04:00 AM	Armed in Stay Mode
System	11/13/2004 9:20:00 PM	Opening By System Master -
System	11/13/2004 9:17:00 PM	Special Closing
System	11/13/2004 9:17:00 PM	Armed in Stay Mode
System	11/13/2004 9:17:00 PM	Opening By System Master -
System	11/13/2004 9:15:00 PM	Special Closing
System	11/13/2004 9:15:00 PM	Armed in Stay Mode
System	11/13/2004 7:06:00 PM	Opening By System Master -
System	11/13/2004 11:35:00 A	Special Closing
System	11/13/2004 11:35:00 A	Armed in Stay Mode
System	11/13/2004 5:40:00 AM	Opening By System Master -
System	11/12/2004 8:11:00 PM	Special Closing
System	11/12/2004 8:11:00 PM	Armed in Stay Mode
System	11/12/2004 7:25:00 PM	Opening By System Master -
System	11/12/2004 11:00:00 A	Special Closing
System	11/12/2004 11:00:00 A	Armed in Stay Mode
System	11/11/2004 8:49:00 PM	Opening By System Master -
System	11/11/2004 11:55:00 A	Special Closing
System	11/11/2004 11:55:00 A	Armed in Stay Mode
System	11/11/2004 5:20:00 AM	Opening By System Master -
System	11/10/2004 8:27:00 PM	Special Closing
System	11/10/2004 8:27:00 PM	Armed in Stay Mode
System	11/10/2004 5:45:00 PM	Opening By System Master -
System	11/10/2004 11:10:00 A	Special Closing
System	11/10/2004 11:10:00 A	Armed in Stay Mode
System	11/10/2004 4:47:00 AM	Opening By System Master -
System	11/9/2004 7:46:00 PM	Special Closing
System	11/9/2004 7:46:00 PM	Armed in Stay Mode
System	11/9/2004 6:22:00 PM	Opening By System Master -
System	11/9/2004 10:38:00 AM	Special Closing
System	11/9/2004 10:38:00 AM	Armed in Stay Mode

11/19/2004 6:57:53 AM

All Partitions	All Times	All Events
System	11/17/2004 4:15:00 AM	Installer Lead Out
System	11/17/2004 4:14:00 AM	Installer Lead In
System	11/17/2004 3:58:00 AM	[*][6] By System Master -
System	11/17/2004 3:50:00 AM	[*][6] By System Master -
System	11/17/2004 3:48:00 AM	[*][6] By System Master -
System	11/17/2004 3:46:00 AM	[*][6] By System Master -
System	11/17/2004 3:46:00 AM	Installer Lead Out
System	11/17/2004 3:46:00 AM	Installer Lead In
System	11/15/2004 4:59:00 PM	TLM Trouble - PHONE LINE TROUBLE
System	11/15/2004 2:14:00 PM	Opening By System Master -
System	11/15/2004 9:54:00 AM	Special Closing — DISARMED BY CODE
System	11/15/2004 9:54:00 AM	Armed in Stay Mode
System	11/15/2004 6:17:00 AM	Opening By System Master -
System	11/15/2004 5:21:00 AM	Special Closing
System	11/15/2004 5:21:00 AM	Armed in Stay Mode
System	11/15/2004 12:37:00 A	Opening By System Master -
System	11/14/2004 10:37:00 F	Special Closing
System	11/14/2004 10:37:00 F	Armed in Stay Mode
System	11/14/2004 7:56:00 PM	Opening By System Master -
System	11/14/2004 9:48:00 AM	Special Closing
System	11/14/2004 9:48:00 AM	Armed in Stay Mode
System	11/14/2004 9:04:00 AM	Opening By System Master -
System	11/14/2004 8:06:00 AM	Special Closing
System	11/14/2004 6:06:00 AM	Armed in Stay Mode
System	11/14/2004 6:04:00 AM	Opening By System Master -
System	11/14/2004 6:04:00 AM	Audible Exit Fault
System	11/14/2004 6:04:00 AM	Special Closing
System	11/14/2004 6:04:00 AM	Armed in Stay Mode
System	11/13/2004 9:20:00 PM	Opening By System Master -
System	11/13/2004 9:17:00 PM	Special Closing
System	11/13/2004 9:17:00 PM	Armed in Stay Mode
System	11/13/2004 9:17:00 PM	Opening By System Master -
System	11/13/2004 9:15:00 PM	Special Closing
System	11/13/2004 9:15:00 PM	Armed in Stay Mode
System	11/13/2004 7:06:00 PM	Opening By System Master -
System	11/13/2004 11:35:00 A	Special Closing
System	11/13/2004 11:35:00 A	Armed in Stay Mode
System	11/13/2004 5:40:00 AM	Opening By System Master -
System	11/12/2004 8:11:00 PM	Special Closing
System	11/12/2004 8:11:00 PM	Armed in Stay Mode
System	11/12/2004 7:25:00 PM	Opening By System Master -
System	11/12/2004 11:00:00 A	Special Closing
System	11/12/2004 11:00:00 A	Armed in Stay Mode
System	11/11/2004 8:49:00 PM	Opening By System Master -
System	11/11/2004 11:55:00 A	Special Closing
System	11/11/2004 11:55:00 A	Armed in Stay Mode
System	11/11/2004 5:20:00 AM	Opening By System Master -
System	11/10/2004 8:27:00 PM	Special Closing
System	11/10/2004 8:27:00 PM	Armed in Stay Mode
System	11/10/2004 5:45:00 PM	Opening By System Master -
System	11/10/2004 11:10:00 A	Special Closing
System	11/10/2004 11:10:00 A	Armed in Stay Mode
System	11/10/2004 4:47:00 AM	Opening By System Master -
System	11/9/2004 7:46:00 PM	Special Closing
System	11/9/2004 7:46:00 PM	Armed in Stay Mode
System	11/9/2004 6:22:00 PM	Opening By System Master -
System	11/9/2004 10:38:00 AM	Special Closing
System	11/9/2004 10:38:00 AM	Armed in Stay Mode

Kate Nye

11/16/2004 5:52:48 PM

1/3

All Partitions	All Times	All Events
System	11/9/2004 4:13:00 AM	Opening By System Master -
System	11/8/2004 7:49:00 PM	Special Closing
System	11/8/2004 7:49:00 PM	Armed in Stay Mode
System	11/8/2004 6:20:00 PM	Opening By System Master -
System	11/8/2004 9:01:00 AM	Special Closing
System	11/8/2004 9:01:00 AM	Armed in Stay Mode
System	11/8/2004 8:41:00 AM	Opening By System Master -
System	11/8/2004 8:30:00 AM	Special Closing
System	11/8/2004 8:30:00 AM	Armed in Stay Mode
System	11/7/2004 10:39:00 PM	Opening By System Master -
System	11/7/2004 7:41:00 PM	Special Closing
System	11/7/2004 7:41:00 PM	Armed in Stay Mode
System	11/7/2004 7:25:00 PM	Opening By System Master -
System	11/7/2004 10:38:00 AM	Special Closing
System	11/7/2004 10:38:00 AM	Armed in Stay Mode
System	11/6/2004 9:21:00 PM	Opening By System Master -
System	11/6/2004 12:08:00 PM	Special Closing
System	11/6/2004 12:08:00 PM	Armed in Stay Mode
System	11/5/2004 8:17:00 PM	Opening By System Master -
System	11/5/2004 7:48:00 PM	Special Closing
System	11/5/2004 7:48:00 PM	Armed in Stay Mode
System	11/5/2004 6:31:00 PM	Opening By System Master -
System	11/5/2004 11:10:00 AM	Special Closing
System	11/5/2004 11:10:00 AM	Armed in Stay Mode
System	11/4/2004 9:16:00 PM	Opening By System Master -
System	11/4/2004 8:42:00 PM	Special Closing
System	11/4/2004 8:42:00 PM	Armed in Stay Mode
System	11/4/2004 6:32:00 PM	Opening By System Master -
System	11/4/2004 11:18:00 AM	Special Closing
System	11/4/2004 11:18:00 AM	Armed in Stay Mode
System	11/4/2004 6:41:00 AM	Opening By System Master -
System	11/3/2004 8:12:00 PM	Special Closing
System	11/3/2004 8:12:00 PM	Armed in Stay Mode
System	11/3/2004 6:42:00 PM	Opening By System Master -
System	11/3/2004 12:22:00 PM	Special Closing
System	11/3/2004 12:22:00 PM	Armed in Stay Mode
System	11/3/2004 10:01:00 AM	Opening By System Master -
System	11/3/2004 6:01:00 AM	Special Closing
System	11/3/2004 6:01:00 AM	Armed in Stay Mode
System	11/3/2004 3:48:00 AM	Opening By System Master -
System	11/3/2004 2:12:00 AM	Special Closing
System	11/3/2004 2:12:00 AM	Armed in Stay Mode
System	11/2/2004 11:38:00 PM	Opening By System Master -
System	11/2/2004 10:09:00 PM	Special Closing
System	11/2/2004 10:09:00 PM	Armed in Stay Mode
System	11/2/2004 5:49:00 PM	Opening By System Master -
System	11/2/2004 11:32:00 AM	Special Closing
System	11/2/2004 11:32:00 AM	Armed in Stay Mode
System	11/2/2004 5:33:00 AM	Opening By System Master -
System	11/1/2004 7:56:00 PM	Special Closing
System	11/1/2004 7:56:00 PM	Armed in Stay Mode
System	11/1/2004 6:38:00 PM	Opening By System Master -
System	11/1/2004 11:11:00 AM	Special Closing
System	11/1/2004 11:11:00 AM	Armed in Stay Mode
System	12/30/1899 12:00:00 AM	[*][6] By System Master -
System	11/1/2004 11:09:00 AM	System Test
System	11/1/2004 11:09:00 AM	System Test
System	11/1/2004 11:10:00 AM	System Test

→ A/E 12 hrs
to.

11/16/2004 5:52:48 PM

All Partitions	All Times	All Events
System	11/1/2004 11:10:00 AM	System Test
System	11/1/2004 11:09:00 AM	System Test
System	11/1/2004 11:09:00 AM	System Test
System	11/1/2004 12:07:00 AM	[*][6] By System Master -
System	11/1/2004 12:06:00 AM	[*][6] By System Master -
System	10/31/2004 1:09:00 PM	Opening By System Master -
System	10/31/2004 10:10:00 A	Special Closing
System	10/31/2004 10:10:00 A	Armed in Stay Mode
System	10/31/2004 7:39:00 AM	Opening By System Master -
System	10/31/2004 12:09:00 A	Special Closing
System	10/31/2004 12:09:00 A	Armed in Stay Mode
System	10/30/2004 7:55:00 PM	Opening By System Master -

11/16/2004 5:52:48 PM

3/3

TOWN OF BETHLEHEM POLICE DEPARTMENT
RECEIPT FOR PROPERTY TAKEN PURSUANT TO A SEARCH WARRANT

Det. P. Bandish a Police Officer with the Town of Bethlehem Police Department, hereby certify that I have taken the following property from 36 Brodley Dr. pursuant to a Search Warrant issued on 11/15/94 By Hon. Judge Torresi Justice of the State of New York.

Items of property taken from 36 Brodley Dr.

1. Mail from kitchen phone area.
2. Alarm panel from kitchen.
3. Alarm Box from Basement.
4. Peter Porco's wallet, master bedroom.
5. PDA - Christopher's bedroom

DATE: 11/22/95

Det. P. Bandish

SIGNED

THIS IS TO VERIFY THAT THE ABOVE IS AN ACCURATE AND COMPLETE LIST OF ANY AND ALL PROPERTY TAKEN FROM ME BY THE ABOVE NAMED OFFICER.

NAME _____

ADDRESS _____

CHARACTER OF CASE <i>Homicide</i>		CASE # <i>0418415</i>
LEAD RECEIVED BY	DATE	SOURCE
LEAD ASSIGNED TO	DATE	LEAD ASSIGNED BY <i>MCMillan</i>
LEAD INSTRUCTIONS <i>Alarm System Manufacturer - OFFICE PANEL IF DESTROYED STILL SEND MASTER CODE DEACTIVATION SIGNAL TIME WARNER & POSS SEARCH WARRANT</i>		
LEAD RESULTS <i>Secured by Det Goodrich</i>		
SIGNATURE OF ASSIGNED MEMBER		
		DATE
FURTHER ACTION REQUESTED YES <input type="checkbox"/> NO <input type="checkbox"/>		
IF "YES" EXPLAIN:		
X-REF WITH	LEAD SHEET #	TITLE
REVIEWED BY	LEAD SHEET #	TITLE

SEARCH WARRANT

STATE OF NEW YORK
COUNTY OF ALBANY
JUSTICE COURT TOWN OF BETHLEHEM

In the Name of the People of the State of New York, and Pursuant to the authority of Article 690 of the Criminal Procedure Law of that State:

To: Any sworn Officer of the Division of State Police of the State of New York, the Sheriff, Undersheriff, or any Deputy Sheriff of the Albany County, Any sworn Officer of the Town of Bethlehem Police Department.

AN APPLICATION IN WRITING HAVING BEEN MADE BEFORE ME THIS DAY BY

Det. Christopher Bowdish of the Town of Bethlehem Police Department indicating that there is reasonable cause to believe that property of a kind or character referred to in section 690.10 of the Criminal Procedure Law, and more particularly described in said application, may be found in or upon the place, premises, vehicle, person or persons described therein.

You are hereby authorized, between the hours of 6:00am and 9:00 pm, and after giving notice of your authority and purpose, to search the following described premises (as well as any person or persons found therein during the execution of this warrant):

36 Brockley Drive, Delmar, New York, single family, two-story colonial including an attached 2-car garage and any attached structures or utility poles located on said property. Also including a Time Warner security system and any devices associated with the system which may be found on said property.

For the following property: : Any security system devices including any computer data and computer data storage devices.

And you are hereby directed to bring any such property seized pursuant to this warrant before me at my office in the Justice Court of the Town of Bethlehem, Albany County, New York, without unnecessary delay.

Issued at Delmar, New York
This 26th Day of NOVEMBER
200 4 at 3:50 am pm
Frank P. Meloni
Town Justice of the Town of Bethlehem

STATE OF NEW YORK
COUNTY OF ALBANY
JUSTICE COURT TOWN OF BETHLEHEM

IN THE MATTER OF _____)

THE APPLICATION OF DET. CHRISTOPHER BOWDISH)
FOR A WARRANT AUTHORIZING A SEARCH OF OF 36)
BROCKLEY DRIVE, DELMAR, NEW YORK INCLUDING)
DEVICES ASSOCIATED WITH A HOME-SECURITY)
SYSTEM LOCATED WITHIN 36 BROCKLEY DRIVE.)

APPLICATION FOR
SEARCH WARRANT
(CPL 690.45)

I, Christopher Bowdish, a police officer with the Bethlehem Police Department, do hereby state that there is reasonable cause to believe that property of a kind or character described in section 690.10 of the Criminal Procedure Law may be found in or upon a designated or described place, vehicle or person.

THE FACTS SUPPORTING MY STATEMENT ABOVE and the request for special authority set out below on my personal knowledge and on information or belief are:

- A. CHARACTER OF PROPERTY: As evidence tending to prove the commission of a violation of Penal Law article 125.
- B. THE PROPERTY: Any security system devices including any computer data and computer data storage device.
- C. DESIGNATION OR DESCRIPTION: 36 Brockley Drive, Delmar, New York, single family, two-story colonial including an attached 2-car garage and any attached structures or utility poles located on said property. Also including a Time Warner security system and any devices associated with the system which may be found on said property.
- D. SOURCE OF INFORMATION AND GROUNDS FOR BELIEF: See attached deposition of Det. Christopher Bowdish.

I THEREFORE REQUEST THAT THE COURT ISSUE A SEARCH WARRANT OF 36 BROCKLEY DRIVE, DELMAR, NEW YORK, INCLUDING A TIME WARNER SECURITY SYSTEM AND ANY DEVICES ASSOCIATED WITH THAT SYSTEM AND DIRECTING A SEARCH FOR EVIDENCE TENDING TO PROVE THE COMMISSION OF A VIOLATION OF PENAL LAW ARTICLE 125, AND THE SEIZURE THEREOF.

APPLICANT



SUBSCRIBED AND SWORN TO BEFORE ME THIS

26TH DAY OF NOVEMBER, 2004

Frank P. Wilson

TOWN JUSTICE OF THE TOWN OF BETHLEHEM

DEPOSITION OF WITNESS
TO ACCOMPANY COMPLAINT OR INFORMATION
CPL

SECTION 100.20

STATE OF NEW YORK
COUNTY OF ALBANY
TOWN OF BETHLEHEM

SS:

Deponent

Of Det. Christopher Bowdish

Age

Occupation Detective- Bethlehem Police Department

States as follows:

That he is a police officer employed by the Town of Bethlehem Police Department in Delmar, New York and has been a police officer for 23 years currently holding the rank of Detective of the Town of Bethlehem Police Department Detective Office.

11/15/04

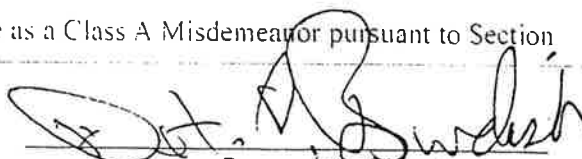
That I have been investigating a Murder and Assault on Peter Porco and Joan Porco in violation of sections 125.25 and 120.10 of the New York State Penal Law and that there is probable cause to believe that Christopher Porco did strike and assault Peter Porco and Joan Porco about his and her person with a weapon. Said belief is based upon my observations of Joan and Peter Porco on today's date in their residence located at 36 Brockley Drive, Delmar, NY, County of Albany. Peter Porco was discovered dead at the base of the stairwell on the first floor of the residence. There was obvious trauma to his head and a substantial amount of blood about the body and throughout the residence. Joan Porco was discovered in an upstairs bedroom on a bed covered with blood, with obvious injuries to her head. While Joan Porco was unable to speak, I was able to communicate with her. I asked her if her son Christopher had done this to her, and she indicated to me by shaking her head in the affirmative. While in 36 Brockley Drive, I did observe an open filing cabinet in the foyer closet. The door to the closet had been pulled off and was lying on the floor covered with blood. There was blood on clothing in the closet and on the floor underneath the open file cabinet drawer. In the kitchen, the security system key-pad was broken, having been smashed with an unknown object. A cell phone was found in the kitchen. There was correspondence and what appeared to be financial documents located in the house. In addition, there was a safe in the basement in the residence with a key in the lock. From the exterior of the house I could see that the screen to the garage window had been cut open and the window was partially opened. Inside the garage there appeared to be blood stains on the garage floor as well as a blue Nissan, bearing New York State Registration number GLS-113.

On the evening of November 15, 2004, I had conversations with Christopher Porco regarding the death of his father Peter Porco. Christopher did indicate to me that he and his father had correspondence via email regarding recent financial matters. Christopher provided me with his email account and password which revealed that the email address that he had communicated to his father through was pporco@courts.state.ny.us.

On November 15, 2004, while investigating the scene at 36 Brockley Drive, I learned that the home is equipped with a Time Warner home security system. I also observed damage to an alarm keypad inside the house. While speaking with a Time-Warner Security technician named Kurt Myer, I learned that the security system was disarmed on the morning of November 15, 2004. I also learned that alarm activity data is stored on a device within 36 Brockley Drive. It is believed that if the keypad and storage device are secured, the data can be preserved.

NOTICE: False statements made herein are punishable as a Class A Misdemeanor pursuant to Section 240.45 of the Penal Law.

Sworn to before me this 26TH day
Of November 2004


Deponent's Signature


Signature

TOWN OF BETHLEHEM POLICE DEPARTMENT
RECEIPT FOR PROPERTY TAKEN PURSUANT TO A SEARCH WARRANT

I, Det Christopher Bowdish, a Police Officer with the Town of Bethlehem Police Department, hereby certify that I have taken the following property from 36 Brookley Dr., Delmar, NY pursuant to a Search Warrant issued on 11/26/04 By Hon. Frank P. M. Milano Justice of the Town of Bethlehem

Mail From Kitchen phone Area
Time Warner Alarm panel from kitchen
Time Warner Alarm box from basement
Peter Porco's wallet
POA from Christopher's Bedroom book shelf

DATE: 11/29/04 Det. Bowdish
SIGNED

THIS IS TO VERIFY THAT THE ABOVE IS AN ACCURATE AND COMPLETE LIST OF ANY AND ALL PROPERTY TAKEN FROM ME BY THE ABOVE NAMED OFFICER.

NAME Frank P. Milano
ADDRESS 441 Delaware Ave. 11/29/04
Delmar, NY 12054

seized evidence at the trial level constituted ineffective assistance of counsel and that the failure to raise this ineffectiveness on appeal denied him the right of effective assistance of appellate counsel.

1. The Warrant

Contrary to defendant's present assertions, the computer data and equipment were seized pursuant to a valid search warrant issued on November 15, 2004. That warrant (Defendant's Exhibit "D") authorized the police to search within 36 Brockley Drive and two cars described in the warrant for a variety of property including:

Biological evidence consisting of blood, hair, semen, saliva, or any other biological evidence; trace evidence; weapons including but not limited to, any guns or blunt or sharp-edged objects; any fiber evidence; *any computer data including, but not limited to any computers, software or files*; any tools; cell phones; *documents including but not limited to any bank records, financial records, telephone records or business records*; clothing; file cabinets and the contents thereof; and any safes.

The language of the warrant clearly encompassed any item in the house which might reasonably be expected to contain "any computer data", including the security system, which by defendant's own description contained data.

The reason for the subsequent search warrant obtained on November 26, 2004 is that it is the common practice of the New York State Police Forensic Investigation Center is to require a search warrant to contain specific language prior to conducting a forensic examination on computer-related equipment. They require the search warrant to specifically name their agency as being authorized to conduct the search. Additionally they require the search warrant to contain specific language. This is why the description of the *place to be searched* in the November 26, 2004 warrant includes the language “including a Time Warner security system and any devices associated with the system which may be found on said property” (Defendant’s Exhibit “C”).

While the language in the original search warrant is unquestionably sufficient to cover such a forensic examination, such supplemental search warrants are routinely obtained to satisfy State Police protocol. The second search warrant is not, as defendant suggests, evidence of some nefarious *ex post facto* justification for an illegal search. Accordingly, there was no reason for trial counsel to raise such an argument or for appellate counsel to criticize the decision not to raise it. Defendant is simply attempting, through uninformed speculation, to create doubt where there is none. This issue was never litigated in the trial court, because it is meritless, and the

SEARCH WARRANT

STATE OF NEW YORK
COUNTY OF ALBANY
JUSTICE COURT TOWN OF BETHLEHEM

In the Name of the People of the State of New York, and Pursuant to the authority of Article 690 of the Criminal Procedure Law of that State:

To: Any sworn Officer of the Division of State Police of the State of New York, the Sheriff, Undersheriff, or any Deputy Sheriff of the Albany County, Any sworn Officer of the Town of Bethlehem Police Department.

AN APPLICATION IN WRITING HAVING BEEN MADE BEFORE ME THIS DAY BY

Sr. Inv. Roger Williams of the Town of Bethlehem Police Department indicating that there is reasonable cause to believe that property of a kind or character referred to in section 690.10 of the Criminal Procedure Law, and more particularly described in said application, may be found in or upon the place, premises, vehicle, person or persons described therein,

You are hereby authorized, at any time of the day or night, and without giving notice of your authority and purpose, to search the following described premises (as well as any person or persons found therein during the execution of this warrant:

A 2004 yellow Jeep, NY reg. CWG-2494.

For the following property: : Biological evidence consisting of blood, hair, semen, saliva, or any other biological evidence; trace evidence; weapons including, but not limited to, any guns or blunt or sharp-edged objects; any fiber evidence; any computer data including, but not limited to any computers, software, or files; any tools; cell phones; documents including, but not limited to any bank records, financial records, telephone records or business records; clothing; file cabinets and the contents thereof; and any safes.

And you are hereby directed to bring any such property seized pursuant to this warrant before me at my office in the Justice Court of the Town of Bethlehem, Albany County, New York, without unnecessary delay.

Issued at Delmar, New York

This 5 Day of November
2004 at 8:18 am/pm. JCT

Joseph C. Linn Jr.
Town Justice of the Town of Bethlehem
acting as local criminal
court judge

APPLICANT Deputy Chief [Signature]

SUBSCRIBED AND SWORN TO BEFORE ME THIS

15th DAY OF November 2004
Joseph C. [Signature] JSC acting as JCS
local criminal court judge

TOWN JUSTICE OF THE TOWN OF BETHLEHEM

STATE OF NEW YORK
COUNTY OF ALBANY
JUSTICE COURT TOWN OF BETHLEHEM

IN THE MATTER OF _____

THE APPLICATION OF SR. INV. ROGER WILLIAMS)
FOR A WARRANT AUTHORIZING A 2004 YELLOW JEEP,)
NY REG. CWG-2494 _____)

APPLICATION FOR
SEARCH WARRANT
(CPL 690.45)

I, Roger Williams, a police officer with the New York State Police, do hereby state that there is reasonable cause to believe that property of a kind or character described in section 690.10 of the Criminal Procedure Law may be found in or upon a designated or described place, vehicle or person.

THE FACTS SUPPORTING MY STATEMENT ABOVE and the request for special authority set out below on information or belief are:

- A. CHARACTER OF PROPERTY: As evidence tending to prove the commission of a violation of Penal Law article 125.
- B. THE PROPERTY: A 2004 yellow Jeep, NY reg. CWG-2494.
- C. DESIGNATION OR DESCRIPTION: : A 2004 yellow Jeep, NY reg. CWG-2494
- D. SOURCE OF INFORMATION AND GROUNDS FOR BELIEF: See attached depositions of Det. Christopher Bowdish and Charles Rudolph.

I THEREFORE REQUEST THAT THE COURT ISSUE A SEARCH WARRANT DIRECTING A SEARCH OF ROOM 222 OF MUNROE HOUSE DORMITORY ON THE UNIVERSITY OF ROCHESTER CAMPUS LOCATED AT 955 HILLCOURT ROAD, ROCHESTER, NY, FOR EVIDENCE TENDING TO PROVE THE COMMISSION OF A VIOLATION OF PENAL LAW ARTICLE 125, AND THE SEIZURE THEREOF.

I FURTHER REQUEST THAT SAID WARRANT BE MADE EXECUTABLE AT ANY TIME OF THE DAY OR NIGHT, BASED UPON THE FOLLOWING FACTS: SAID WARRANT CANNOT BE EXECUTED BETWEEN THE HOURS OF 6 A.M. AND 9 P.M.. BECAUSE THE EVIDENCE COULD BE DESTROYED OR ALTERED AND SAID APPLICATION IS BEING MADE AT APPROXIMATELY 8:00 P.M. IN DELMAR, NEW YORK, AND THE PROPERTY SOUGHT TO BE SEARCHED LOCATED IN ROCHESTER, NY, AND IT IS IMPRACTICAL THAT SAID PROPERTY CAN BE SEARCHED BEFORE 9:00 P.M. ON THIS DATE.

DEPOSITION OF WITNESS
TO ACCOMPANY COMPLAINT OR INFORMATION
CPL

SECTION 100.20

STATE OF NEW YORK
COUNTY OF ALBANY
TOWN OF BETHLEHEM

SS:

Deponent

Of Deputy Chief Timothy Beebe

Age

Occupation Deputy Chief- Bethlehem Police Department

States as follows:

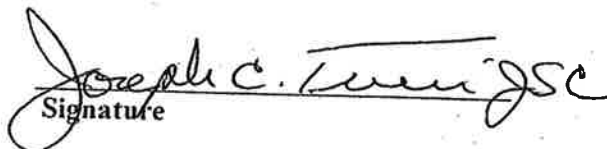
That he is a police officer employed by the Town of Bethlehem Police Department in Delmar, New York and has been a police officer for 22 years currently holding the rank of Deputy Chief of the Town of Bethlehem Police Department Detective Office.

That I have been investigating a Murder and Assault on Peter Porco and Joan Porco in violation of sections 125.25 and 120.10 of the New York State Penal . The New York State Department of Motor Vehicles' records indicate that Peter Porco was the registered owner of a 2004 Jeep, color yellow, bearing NY registration CWG-2494. This vehicle was located on today's date by the City of Rochester Police Department in the City of Rochester in the vicinity of the University of Rochester campus. Specifically in the vicinity of Scottsville Road and Genesee Streets. Christopher Porco is a student at the University of Rochester.

NOTICE: False statements made herein are punishable as a Class A Misdemeanor pursuant to Section 210.45 of the Penal Law.

Sworn to before me this 15th day
Of November 2004


Deponent's Signature


Signature

DEPOSITION OF WITNESS
TO ACCOMPANY COMPLAINT OR INFORMATION
CPL

SECTION 100.20

STATE OF NEW YORK
COUNTY OF ALBANY
TOWN OF BETHLEHEM

SS:

Deponent

Of Det. Christopher Bowdish
Age
Occupation Detective- Bethlehem Police Department
States as follows:

That he is a police officer employed by the Town of Bethlehem Police Department in Delmar, New York and has been a police officer for 23 years currently holding the rank of Detective of the Town of Bethlehem Police Department Detective Office.

That I have been investigating a Murder and Assault on Peter Porco and Joan Porco in violation of sections 125.25 and 120.10 of the New York State Penal Law and that there is probable cause to believe that Christopher Porco did strike and assault Peter Porco and Joan Porco about his and her person with a weapon. Said belief is based upon my observations of Joan and Peter Porco on today's date in their residence located at 36 Brockley Drive, Delmar, NY, County of Albany. Peter Porco was discovered dead at the base of the stairwell on the first floor of the residence. There was obvious trauma to his head and a substantial amount of blood about the body and throughout the residence. Joan Porco was discovered in an upstairs bedroom on a bed covered with blood, with obvious injuries to her head. While Joan Porco was unable to speak, I was able to communicate with her. I asked her if her son Christopher had done this to her, and she indicated to me by shaking her head in the affirmative. While in 36 Brockley Drive, I did observe an open filing cabinet in the foyer closet. The door to the closet had been pulled off and was lying on the floor covered with blood. There was blood on clothing in the closet and on the floor underneath the open file cabinet drawer. In the kitchen, the security system key-pad was broken, having been smashed with an unknown object. A cell phone was found in the kitchen. There was correspondence and what appeared to be financial documents located in the house. In addition, there was a safe in the basement in the residence with a key in the lock. From the exterior of the house I could see that the screen to the garage window had been cut open and the window was partially opened. Inside the garage there appeared to be blood stains on the garage floor as well as a blue Nissan, bearing New York State Registration number GLS-113.

NOTICE: False statements made herein are punishable as a Class A Misdemeanor pursuant to Section 210.45 of the Penal Law.

Sworn to before me this 15th day

Of January 20th
November 2004

Joseph C. Tungs
Signature

Det. Christopher Bowdish #329
Deponent's Signature

DEPOSITION OF WITNESS
TO ACCOMPANY COMPLAINT OR INFORMATION
CPL

SECTION 100.20

STATE OF NEW YORK
COUNTY OF ALBANY
TOWN OF BETHLEHEM

SS:

Deponent

Of Det. Charles Rudolph

Age 39

Occupation Detective -Bethlehem Police Department

States as follows:

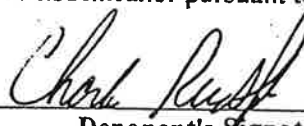
That he is a police officer employed by the Town of Bethlehem Police Department in Delmar, New York and has been a police officer for 16 years currently holding the rank of Detective of the Town of Bethlehem Police Department Detective Office.

That I have been investigating a Murder and Assault on Peter Porco and Joan Porco in violation of sections 125.25 and 120.10 of the New York State Penal Law. That on today's date I did have a conversation with Judge Joseph Cannizzaro, a Supreme Court Justice with chambers in the City of Albany. Judge Cannizzaro is a personal friend of Peter Porco. Judge Cannizzaro did relate to me that he spoke to Peter Porco recently, and Peter Porco did indicate to him that he was having problems with his son, Christopher. Specifically, Judge Cannizzaro told me that Christopher Porco had tried to take out a loan in Peter's name without Peter's permission. Peter had been trying via e-mail messages to arrange a meeting with Christopher to discuss the situation.

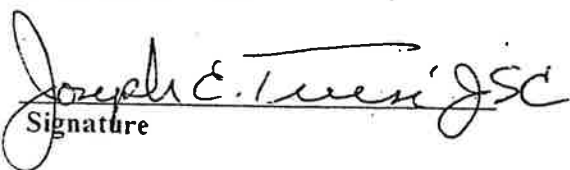
On today's date I spoke with Christopher Porco over the telephone. He told me he was in Rochester, N.Y. He said he had sent an e-mail and instant-messages to his father four or five days ago regarding a student loan. He further stated that he sent his father an e-mail message today, and there was no reply.

NOTICE: False statements made herein are punishable as a Class A Misdemeanor pursuant to Section 210.45 of the Penal Law.

Sworn to before me this 15th day
Of November 2004



Deponent's Signature



Signature

SEARCH WARRANT

STATE OF NEW YORK
COUNTY OF ALBANY
JUSTICE COURT TOWN OF BETHLEHEM

In the Name of the People of the State of New York, and Pursuant to the authority of Article 690 of the Criminal Procedure Law of that State:

To: Any sworn Officer of the Division of State Police of the State of New York, the Sheriff, Undersheriff, or any Deputy Sheriff of the Albany County, Any sworn Officer of the Town of Bethlehem Police Department.

AN APPLICATION IN WRITING HAVING BEEN MADE BEFORE ME THIS DAY BY

Detective Christopher Bowdish of the Town of Bethlehem Police Department indicating that there is reasonable cause to believe that property of a kind or character referred to in section 690.10 of the Criminal Procedure Law, and more particularly described in said application, may be found in or upon the place, premises, vehicle, person or persons described therein.

You are hereby authorized, between the hours of 6:00am and 9:00 pm, and after giving notice of your authority and purpose, to search the following described vehicle (as well as any person or persons found therein during the execution of this warrant:

A 2004 yellow Jeep, NY reg. CWG-2494, including the contents of it's gas tank.

For the following property: : Fuel and any other evidence tending to indicate the times and areas of travel of said vehicle between November 14, 2004 and November 15, 2004.

And you are hereby directed to bring any such property seized pursuant to this warrant before me at my office in the Justice Court of the Town of Bethlehem, Albany County, New York, without unnecessary delay

Albany
Issued at Delmar, New York

This 4th Day of November
2004 at 1:15 pm

Joseph C. Tamm, Jr.
Town Justice of the Town of Bethlehem

STATE OF NEW YORK
COUNTY OF ALBANY
JUSTICE COURT TOWN OF BETHLEHEM

IN THE MATTER OF _____)

THE APPLICATION OF DETECTIVE CHRISTOPHER)

BOWDISH FOR A WARRANT AUTHORIZING A 2004)

YELLOW JEEP, NY REG. CWG-2494, INCLUDING THE)

CONTENTS OF IT'S GAS TANK _____)

APPLICATION FOR
SEARCH WARRANT
(CPL 690.45)

I, Detective Christopher Bowdish, a police officer with the Town of Bethlehem Police Department, do hereby state that there is reasonable cause to believe that property of a kind or character described in section 690.10 of the Criminal Procedure Law may be found in or upon a designated or described place, vehicle or person. It is believed that a search of the above-mentioned vehicle, including the contents of the gas tank, will help determine when the vehicle stopped to fill up with gas, which may lead to witnesses as to the vehicle's whereabouts on November 14th and 15th, 2004.

THE FACTS SUPPORTING MY STATEMENT ABOVE and the request for special authority set out below on information or belief are:

- A. CHARACTER OF PROPERTY: As evidence tending to prove the commission of a violation of Penal Law article 125.
- B. THE PROPERTY: A 2004 yellow Jeep, NY reg. CWG-2494.
- C. DESIGNATION OR DESCRIPTION: : A 2004 yellow Jeep, NY reg. CWG-2494, including the contents of it's gas tank.
- D. SOURCE OF INFORMATION AND GROUNDS FOR BELIEF: See attached depositions of Det. Christopher Bowdish.

I THEREFORE REQUEST THAT THE COURT ISSUE A SEARCH WARRANT DIRECTING A SEARCH OF A 2004 YELLOW JEEP, NY REG. CWG-2494, INCLUDING THE CONTENTS OF IT'S GAS TANK, FOR EVIDENCE TENDING TO PROVE THE COMMISSION OF A VIOLATION OF PENAL LAW ARTICLE 125, AND THE SEIZURE THEREOF.

APPLICANT

Det. Bando

SUBSCRIBED AND SWORN TO BEFORE ME THIS

14th DAY OF December 2004

Joseph C. Smith JSC

TOWN JUSTICE OF THE TOWN OF BETHLEHEM

DEPOSITION OF WITNESS
TO ACCOMPANY COMPLAINT OR INFORMATION
CPL

SECTION 100.20

STATE OF NEW YORK
COUNTY OF ALBANY
TOWN OF BETHLEHEM

SS:

Deponent

Of Det. Christopher Bowdish
Age
Occupation Detective- Bethlehem Police Department
States as follows:

That he is a police officer employed by the Town of Bethlehem Police Department in Delmar, New York and has been a police officer for 23 years currently holding the rank of Detective of the Town of Bethlehem Police Department Detective Office.

That I have been investigating a Murder and Assault on Peter Porco and Joan Porco in violation of sections 125.25 and 120.10 of the New York State Penal Law and that there is probable cause to believe that Christopher Porco did strike and assault Peter Porco and Joan Porco about his and her person with a weapon. Said belief is based upon my observations of Joan and Peter Porco on ~~11/15/04~~ ^{11/15/04} in their residence located at 36 Brockley Drive, Delmar, NY, County of Albany. Peter Porco was discovered dead at the base of the stairwell on the first floor of the residence. There was obvious trauma to his head and a substantial amount of blood about the body and throughout the residence. Joan Porco was discovered in an upstairs bedroom on a bed covered with blood, with obvious injuries to her head. While Joan Porco was unable to speak, I was able to communicate with her. I asked her if her son Christopher had done this to her, and she indicated to me by shaking her head in the affirmative. While in 36 Brockley Drive, I did observe an open filing cabinet in the foyer closet. The door to the closet had been pulled off and was lying on the floor covered with blood. There was blood on clothing in the closet and on the floor underneath the open file cabinet drawer. In the kitchen, the security system key-pad was broken, having been smashed with an unknown object. A cell phone was found in the kitchen. There was correspondence and what appeared to be financial documents located in the house. In addition, there was a safe in the basement in the residence with a key in the lock. From the exterior of the house I could see that the screen to the garage window had been cut open and the window was partially opened. Inside the garage there appeared to be blood stains on the garage floor as well as a blue Nissan, bearing New York State Registration number GLS-113.

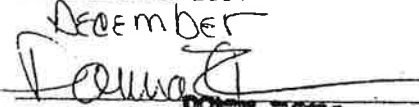
On the evening of November 15, 2004, I had conversations with Christopher Porco regarding the death of his father Peter Porco. Christopher did indicate to me that he and his father had correspondence via email regarding recent financial matters. Christopher provided me with his email account and password which revealed that the email address that he had communicated to his father through was pporco@courts.state.ny.us.

Through my investigation of this alleged crime I developed information that Christopher Porco operates a 2004 yellow Jeep NY reg. CWG2494. Information was also developed by detectives that a yellow Jeep matching the description of the one operated by Christopher Porco was seen in the driveway of 36 Brockley Drive, Delmar, NY on or about 4:00 AM on November 15, 2004.

NOTICE: False statements made herein are punishable as a Class A Misdemeanor pursuant to Section 210.45 of the Penal Law.

Sworn to before me this ^{14th} day
Of ~~November~~ December 2004


Deponent's Signature


Notary Public, State of New York
No. 0121808008
Qualified in Albany County
Commission Expires 12/31/07

BETHLEHEM POLICE DEPARTMENT
DELMAR, N.Y.

RECEIPT FOR PROPERTY TAKEN PURSUANT TO SEARCH WARRANT

I, Det. P. Bowditch, a Police Officer with the
Town of Bethlehem Police Department, hereby certify that I have
taken the following property from a Jeep Wrangler
1J4FAZ9194P74865, pursuant to a Search Warrant
issued on December 14th, 2004, by Hon. _____
Justice of the _____ of _____:

Weighed gas in tank of
2004 Jeep Wrangler VIN #1J4FAZ9194P74865
Determined to have 4.82 gal. of gas.
Returned gas to Jeep tank.

DATE: 12/30/04

Det. P. Bowditch

THIS IS TO VERIFY THAT THE ABOVE IS AN ACCURATE AND COMPLETE LIST
OF ANY AND ALL PROPERTY TAKEN FROM ME ON THIS DATE BY THE ABOVE
NAMED OFFICER.

NAME _____

ADDRESS _____

Major Crime Lead Sheet

Title

Porco Homicide

Lead Number

64

Assigned By

Bethlehem PD

Date Logged

12/9/2004

Source

Investigation

Officer 1

R HORST-SP ROC

Officer 2

Target

Lead Instruction

CRIME SCENE LOG ROOM 222 UNIVERSITY OF ROCHESTER

List Attached Enclosures - Any Statements, Documents, Photos, Notes

If an Item or Evidence was obtained, Describe WHAT it is and WHERE it is Secured

Reviewed By:

Reviewed Date:

Ongoing Lead:

☐

ID Lead Case # _____
 Station Case # _____
 Prepared By Tpr Stephen C Hagg

Location University of Rochester Rm #222 (Munroe Hall)
 CTV C Rochester
 Scene/Location Code E2801

Item #	Description	Obtained at	Obtained by			Observed By (Initials)
			Name	Date	Time	
P-1	CORNER Innovation, TFTLCD, CT1702T, mpk102390480 Desk top - Samsung D161max 130, 82231191 Camera - Aeon Keyboard - 16090106784 - one touch visioneer 3455714313014804 - CPU - SS1600411000575-shuttle x - Logitech optical mouse		HAPP / Strachan	11/15	11:10 PM	
P2	Financial + investment Document + Spine notebook (2) on Desktop	Desk top	HAPP / Strachan	11/15	11:40 P	
P3	Wanted + 10 Fm Desk top	Desk top	HAPP / Strachan	11/15	11:43 P	
P4	Items Fm Top Desk drawer	Large Thin Desk Drawer	HAPP / Strachan	11/15	11:56 PM	
P5	Item Fm Top Rt Desk Drawer	Right Top Desk Drawer	HAPP / Strachan	11/15	11:53 PM	
P6	Item Fm middle desk drawer	middle drawer	HAPP / Strachan	11/15	11:54 PM	
P7	Item Fm bottom Lt drawer	bottom drawer	HAPP / Strachan	11/15	11:56 PM	
P8	Red laundry bag w/ dirty laundry	bottom of closet	HAPP / Strachan	11/15	11:59 PM	
P9	black laundry bag w/ dirty laundry	bottom of closet	HAPP / Strachan	11/16	12:01 PM	
P10	Investment info + mail	Floor next to bed	HAPP / Strachan	11/16	12:04 PM	
P11	dirty laundry box on bottom of closet floor	bottom of closet	HAPP / Strachan	11/16	12:05 PM	
P12	Computer Laptop SLW CNF3341817 w/ black case w/ AC Power cable	under bed	HAPP / Strachan	11/16	12:20 PM	
P13	brown T-shirt on towel rack side of closet	on towel rack side of closet	HAPP / Strachan	11/16	12:21 PM	
P14	Camu gloves	under desk	HAPP / Strachan	11/16	12:24 PM	
P15	Size 13 white PEGASUS	under desk	HAPP / Strachan	11/16	12:26 PM	
P16	Toshiba Laptop SLW 80892156 U / AND Docking Station SLW SCW376065	under desk	HAPP / GEAR	11/16	12:51 PM	

**36 BROCKLEY DRIVE
PROPERTY OBTAINED FOR EVIDENCE PURPOSES**

1. Pocketbook and contents
2. Shotgun, unknown make and serial # w/ case
3. Area carpet
4. Key – dead bolt
5. Towel/Mat
6. Dog collar
7. Verizon cell phone
8. Tissue box from master bathroom bedroom
9. Tissue on love seat
10. Comforter cover
11. Top sheet
12. Fitted sheet (bed)
13. Watch (Timex Expedition)
14. Blue/White pillowcase
15. White and Blue pillowcase
16. White w/ Blue stripes pillowcase
17. Pillowcase white w/ blue pattern
18. Blue Temper Pedic Slippers size S
19. Blue Temper Pedic Slippers size L
20. Pillowcase white w/ multiple blue pattern
21. Breath apparatus head piece
22. Grey pinstripe pillowcase
23. Panasonic cordless phone
24. Drinking glass
25. Nissan TVL Mug upright w/lid
26. Nissan TVL Mug on side and lid from sink
27. Cannon Powershot S230 digital camera
28. Tissue box
29. Foyer closet door
30. Lower stairs carpet section
31. Lower stairs landing carpet
32. Garage window screen
33. Laptop computer – Dell serial #99103
34. Laptop computer – Apple serial #003020
35. Hard drive tower – HP serial #11/VKQ23/0619B
36. Axe



HL 12/02/2005

BETHLEHEM TOWN PD
0418415

Item 419

Investigating Agency <u>Bethlehem</u>	Case Officer/Officer <u>Det. A. Bowditch</u>	Case Officer Contact Info (e-mail, phone)
Name of Chief, Sheriff, Director, etc. <u>Chief Corsi</u>	Incident # <u>04-18415</u>	Submission Type - Lab Use Only <u>HD-Det Bowditch</u>
Type of Offense (Murder, Rape, Burglary, DWI etc.) <u>Murder</u>	Offense Date <u>11/15/04</u>	County of Incident <u>Albany</u>
Submitting Officer & Rank <u>Det. A. Bowditch</u>	Submitting Agency (if different) <u>Bethlehem</u>	
Victim/Deceased Name(s) Last, First, M. (add additional names below): <u>Rocco, Peter</u>		Suspect/Defendant Name(s) Last, First, M (add additional names below): <u>Rocco, Chris</u>

DESCRIPTION OF EVENTS: Victim found deceased in residence was beaten wife. House alarm panel was smashed. Will submit alarm w/ flash light to compare with marks on alarm panel.

Item #	Item Description (Include source if applicable) ... ie. victim, suspect, owner	Lab Use Only	Analysis Requested Tox (Alcohol or Drugs), Firearms, Serology, DNA, Latents Questioned Documents, Trace, Drugs, Arson, Photos
19	House alarm		
39	Flashlight		to compare marks, dents with submitted flashlight
	Item 139 - one sealed bag (resub) LISITFA UKR		
	Item 419 - one sealed box USITFA UKR		

04HL-04740 - 2



BETHLEHEM TOWN PD
0418415

HL 11/22/2004

Item 139

Resub 12/2/05

Has other EVIDENCE pertaining to this case been previously submitted? Yes / No If yes, provide: Lab Case #

Is there a previous CASE submission that this case should be compared to? Yes / No

Lab Case #

Victim(s) Name

Remarks / Comments: (other offense(s) committed, additional localities)

Additional names of suspects, defs, victims, deceased) or other information

COPY

(2) 11/15/04 - Chris Dorm Room - Room 222 Monroe House
double room

this
appears
to be
a copy

Warrant - said app by Williams
- signed by Teresi - 8:02 pm

Application - by NYSP Rep. Williams (same)
- referred to depts of Bowditch + Ruckelshaus

***? *** - doesn't say it was Chris' dorm room or mention him
- ie no nexus b/w prob. cause + place to be searched is contained in app or any supp. depts.

Return - ~~laptops~~
- ~~Monitor~~ dig. cam
- fin. papers
? - some computer equip but ~~no actual~~
~~computer or hard drive~~
inc. a CPU + scanner
? - some other items

Ask
Barry -
w/ nexus
in app.
to place to
be searched

(3) 11/26/04 36 Brockley Dr - security systems
+ computer data

- waited
14 days

Warrant - app. by Bowditch for security systems inc.
- signed by Beth T.C. Justice Frank P. Milon ^{comp. data}
3:50 pm

Application - Bowditch - copied what was in his earlier dep.
- added re speaking w/ Chris eve of 11/15 +
got Peter's e-mail address from Chris
- said on 11/15 learned house has security s/system
+ wanted alarm data - learned was disarmed
from T-W Kart Myer

Return - took mail
- Peter's wallet
* - POA from Chris' room
- alarm stuff (333)

went
beyond
scope of
warrant

From: Fabio Auffant
To: David Madden
Date: 12/13/2004 5:00:51 PM
Subject: Porco case

LT Ron Stevens
457-5712

** Proprietary **

Reply requested when convenient

Dave;

I'm doing analysis on the victim's computers and suspect's computers, but have no direction. Since you guys took over this investigation I would like to sit down with you to determine what I need to be looking for besides the usual (email, timeline).

Thanks, Fabio

New York State Police
Computer Forensic Laboratory
Bldg. 30, 1220 Washington Ave
Albany, NY 12226-3000

518-457-5712
518-485-5280 fax

=====

This electronic transmission from the New York State Police may contain information that is privileged or confidential. The information contained herein is intended for the exclusive use of the addressee named above. If you are not the intended recipient, be aware that any disclosure, copying, distribution or use of this information is unauthorized and prohibited. If you have received this email transmission in error, please notify sender by telephone or email immediately.

2:20P 12/13

453P 12/13
RON STEVEN

457 5712

7:36 12/14

TOWN OF BETHLEHEM POLICE DEPARTMENT
RECEIPT FOR PROPERTY TAKEN PURSUANT TO A SEARCH WARRANT

I, Detective C. Bowdich, a Police Officer with the Town of Bethlehem Police Department, hereby certify that I have taken the following property from 36 Brockley Dr. pursuant to a Search Warrant issued on 11/15/04 By Hon. Judge Teresa Justice of the State of New York

The following property taken from
36 Brockley Dr.

1. Pocketbook of Joans (Chadels) credit cards, cash.
2. checkbook from safe (Chris's)
3. Assorted papers from Chris's
4. ID Driver license Nicholas Grow.
5. C.D. from safe (Chris's)
6. Photo Album from Basement
7. Contents of drawer from basement floor.
8. Contents from file cabinet under stairs.
9. Contents from file cabinet 1st floor 1st pr.
10. Drawer #2 Bx. A
11. Drawer #2 Bx. B
12. License (forged), key, Shipping receipt, Verizon phone.
13. Misc. paper work from Jeep Wrangler

DATE: 11/22/05

Det. C. Bowdich

SIGNED

THIS IS TO VERIFY THAT THE ABOVE IS AN ACCURATE AND COMPLETE LIST OF ANY AND ALL PROPERTY TAKEN FROM ME BY THE ABOVE NAMED OFFICER.

NAME _____

ADDRESS _____

TOWN OF BETHLEHEM POLICE DEPARTMENT
RECEIPT FOR PROPERTY TAKEN PURSUANT TO A SEARCH WARRANT

I, Detective P Bowdich, a Police Officer with the Town of Bethlehem Police Department, hereby certify that I have taken the following property from 36 Brockley Dr. pursuant to a Search Warrant issued on 11/15/64 By Hon. Judge Teresi Justice of the State of New York

The following property from Chris Porco's bedroom.

1. C.D. card-Dice gambling.
2. Assorted papers in box.
3. Floppy discs
4. C.D. 3
5. Folder w/papers
6. Book
7. C.D. David Woods
8. Wires
9. Cell phone Sam Sung
10. Watch from Man
11. mail
12. Plastic Box w/ Assorted papers w/ ID Alma Mater
13. Book cover and research papers

DATE: 11/22/65

Detective P. Bowdich

SIGNED

THIS IS TO VERIFY THAT THE ABOVE IS AN ACCURATE AND COMPLETE LIST OF ANY AND ALL PROPERTY TAKEN FROM ME BY THE ABOVE NAMED OFFICER.

NAME _____

ADDRESS _____

TOWN OF BETHLEHEM POLICE DEPARTMENT
RECEIPT FOR PROPERTY TAKEN PURSUANT TO A SEARCH WARRANT

I, Detective P. Bowdich, a Police Officer with the Town of Bethlehem Police Department, hereby certify that I have taken the following property from 36 Brocton Dr. pursuant to a Search Warrant issued on 11/15/64 By Hon. Judge Teresi Justice of the State of New York.

The following property from Chris Borco's bedroom:

1. Lock smith tool instructions.
2. Muzzle Sound Suppressor instructions.
3. Postal shipping order.

DATE: 11/22/65

P. Bowdich

SIGNED

THIS IS TO VERIFY THAT THE ABOVE IS AN ACCURATE AND COMPLETE LIST OF ANY AND ALL PROPERTY TAKEN FROM ME BY THE ABOVE NAMED OFFICER.

NAME _____

ADDRESS _____

Theresa L. Egan
Town Supervisor

Louis G. Corsi
Chief of Police

TOWN OF BETHLEHEM

Albany County - New York
POLICE DEPARTMENT
447 DELAWARE AVENUE
DELMAR, NEW YORK 12054
(518) 439-9973
Fax: (518) 439-6965



EVIDENCE RECOVERY LOG

NAME Rorco, Chris ADDRESS Adams St. Garage.
DATE 11/2/05 CASE # 04-1845 OFFICER Bowditch

ITEM #	DESCRIPTION	FOUND	PHOTO	INITIALS
1	U.S. Postal receipt	int. p. f.		CB
2	U.S. Postal register receipt	int. p. f.		CB
3	4 C.D.'s	int. p. f.		CB
4	Letter from Appell. Court	int. p. f.		CB
5	Assort. papers	int. p. f.		CB
6	Arrest application papers	int. p. f.		CB
7	Escort Report 8500	int. p. f.		CB
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26				

SUBPOENA DUCES TECUM
THE PEOPLE OF THE STATE OF NEW YORK

TO: SPRINT PCS
Attn: Subpoena Compliance Department
Fax: (518) 218-0523

GREETINGS:

WE COMMAND YOU, that all business and excuses being set aside, you appear before an Albany County Grand Jury, Albany County Courthouse, Columbia and Eagle Streets, Albany, New York 12207, on the 10th day of December, 2004 at 9:00 o'clock in the forenoon and at any adjourned date to testify and give evidence in an action entitled as follows:

**INVESTIGATION INTO THE DEATH OF
PETER PORCO**

on the part of the People and that you bring with you, and produce at the time and place aforesaid, a certified copy of the following:

Any and all stored voice mail, historical SM/S/text messages, historical e-mail usage, stored photos/video and contemporaneous billing pertaining to telephone number (518) 221-5062 from November 1, 2004 to present;
now in your custody, and all evidence and writings, which you have in your custody or powers.


You are not to disclose the existence of this request, as any such disclosure could impede the investigation being conducted and thereby interfere with the enforcement of the law.

Failure to comply with this subpoena is punishable as contempt of Court and shall make you liable to the person on whose behalf this subpoena was issued for a penalty not to exceed fifty dollars and all damages sustained by reason of your failure to comply.

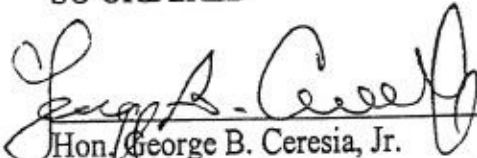
A certification must attach all items presented in response to this subpoena. And for a failure to attend, you will be deemed guilty of contempt.

Dated:
December 8, 2004

PAUL A. CLYNE
ALBANY COUNTY DISTRICT ATTORNEY

By: 
MICHAEL P. McDERMOTT
Chief Assistant District Attorney
Room 218, Columbia & Eagle Streets
Albany County Courthouse
Albany, New York 12207
(518) 487-5460

SO ORDERED


Hon. George B. Ceresia, Jr.
Supreme Court Justice

12-8-04
Trey, NY.

**SUBPOENA DUCES TECUM
THE PEOPLE OF THE STATE OF NEW YORK**

TO: SPRINT PCS
Attn: Subpoena Compliance Department
Fax: (518) 218-0523

GREETINGS:

WE COMMAND YOU, that all business and excuses being set aside, you appear before an Albany County Grand Jury, Albany County Courthouse, Columbia and Eagle Streets, Albany, New York 12207, on the 7th day of January, 2005 at 9:00 o'clock in the forenoon and at any adjourned date to testify and give evidence in an action entitled as follows:

**INVESTIGATION INTO THE DEATH OF
PETER PORCO**

on the part of the People and that you bring with you, and produce at the time and place aforesaid, a certified copy of the following:

Any and all stored voice mail, historical SM/S/text messages, historical e-mail usage, stored photos/video and contemporaneous billing pertaining to telephone number (518) 221-5062 from December 8, 2004 to present;
now in your custody, and all evidence and writings, which you have in your custody or powers.


You are not to disclose the existence of this request, as any such disclosure could impede the investigation being conducted and thereby interfere with the enforcement of the law.

Failure to comply with this subpoena is punishable as contempt of Court and shall make you liable to the person on whose behalf this subpoena was issued for a penalty not to exceed fifty dollars and all damages sustained by reason of your failure to comply.

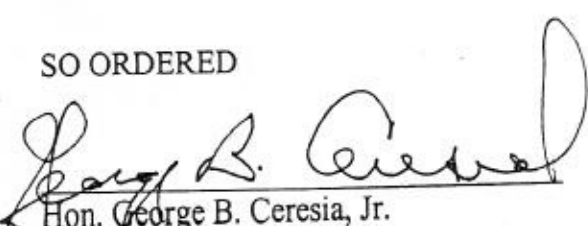
A certification must attach all items presented in response to this subpoena. And for a failure to attend, you will be deemed guilty of contempt.

Dated:
January 4, 2005

**PAUL A. CLYNE
ALBANY COUNTY DISTRICT ATTORNEY**

By: 
MICHAEL P. McDERMOTT
Chief Assistant District Attorney
Room 218, Columbia & Eagle Streets
Albany County Courthouse
Albany, New York 12207
(518) 487-5460

SO ORDERED


Hon. George B. Ceresia, Jr.
Supreme Court Justice
Troy, New York
January 4, 2005

CLD

STATE OF NEW YORK
COUNTY COURT: ALBANY COUNTY



-----X
THE PEOPLE OF THE STATE OF NEW YORK,

**DECISION AFTER HEARING
ON MOTION TO SUPPRESS**

-against-

CHRISTOPHER PORCO,

Defendant.
-----X

BERRY, JEFFREY G., Judge.

IND. NO. 05-848

INDEX NO. 05-18618

DA 848-05

OFFICE OF
ALBANY COUNTY
CLERK
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ALBANY, N.Y.

On the 16th, 17th and 18th days of May, 2006, a Hearing was held with regard to the above entitled matter. Hearing issues concerned the admissibility of oral statements and videotaped statements made by defendant. Appearing for the People were Michael P. McDermott, Esq., Chief Assistant District Attorney for the County of Albany and David M. Rossi, Esq., Assistant District Attorney for the County of Albany. Appearing for defendant was Terence Kindlon, Esq. and Laurie Shanks, Esq. of Kindlon & Shanks, P.C., attorneys for defendant.

Defendant is charged with Murder in the Second Degree (Penal Law § 125.25[1]) and Attempted Murder in the Second Degree (Penal Law §§ 110/125.25[1]). The People called John Balzano, Rev. David Noone, Mary Louise Ruby and Lt. Robert Berben, Sgt. Charles Rudolph and Detective Christopher Bowdish of the Town of Bethlehem Police Department as witnesses for the Hearing. Defendant called John Polster, Esq., Elaine LaForte, Michael P. McDermott, Esq. and David M. Rossi, Esq. as witnesses for the Hearing.

FINDINGS OF FACT

1) In the early morning hours of November 15, 2004, Peter Porco was bludgeoned to death and his wife, Joan Porco was violently and severely assaulted at their home located at 36 Brockley Drive in the Town of Bethlehem, Albany County, New York. Through certain nodding

movements of her head, Joan Porco led police to believe that defendant, CHRISTOPHER PORCO, was her assailant and, as such, defendant was immediately considered a suspect in the aforestated crimes.

2) Defendant, a student at the University of Rochester, was contacted by telephone by the news media concerning the death of his father and mother's condition. Defendant telephoned the Town of Bethlehem Police Department to confirm the fact that his parents had been attacked. Thereafter, defendant's uncle, John Balzano, picked up defendant at the University of Rochester and drove him to the Albany Medical Center (hereinafter referred to as "hospital") where Joan Porco was undergoing emergency surgery for her injuries. During the drive from Rochester to Albany, John Balzano received calls on his cellular telephone from his wife and from Rev. David Noone, a Roman Catholic priest and cousin of Joan Porco who told him that defendant was a suspect.

3) John Polster, an attorney and a close and long time- friend of Peter and Joan Porco and the Porco family was present at the hospital. He introduced himself to Detective Charles Rudolph of the Town of Bethlehem Police Department and disclosed to Detective Rudolph that he was an attorney who practiced criminal law and a long-time friend of the Porco family. He told Detective Rudolph that he would be representing Christopher Porco if defendant wanted him. Detective Rudolph gave Mr. Polster his card with his pager number written on it.

4) John Polster, a 1977 graduate of Albany Law School, was admitted to practice law in the State of New York in 1978, worked as an Assistant District Attorney for the Schenectady County District Attorney from 1978 to 1991 and served as Chief Assistant District Attorney for Schenectady County for one and one-half years. Since 1991, Mr. Polster has been engaged in the private practice of law and regularly represents defendants in criminal litigation.

5) At approximately 7:30 P.M., John Balzano and defendant arrived at the Albany Medical Center. They were greeted by and spent time with Rev. Noone, Mary Louise Ruby, a cousin of Joan Porco and other family members and friends. Said individuals discussed, in defendant's presence, the fact that defendant was considered a suspect and that defendant should have an attorney with him during police questioning.

6) John Polster directed defendant into a small room and told defendant that he heard on the news that defendant was a suspect. He explained to defendant that defendant had the right to have an attorney present with him during police questioning and told defendant that he was willing to be with defendant during police questioning. Dr. Elaine LaForte, a family friend, was also present and told defendant he should have an attorney. Defendant responded to Ms. LaForte "he (Polster) can represent me".

7) During the conversation between defendant and John Polster, Lt. Robert Berben, Detective Christopher Bowdish and Detective Rudolph, of the Town of Bethlehem Police Department approached defendant in the hospital. One of the police officers held defendant's arm and informed him that they were taking defendant to the police station to interview him. Mr. Polster asked the officers where they were taking defendant and offered to transport defendant to the location. Police officers stated that they were taking defendant to the police station and declined Mr. Polster's offer and left the Albany Medical Center with defendant.

8) After the police escorted defendant from the hospital, Mr. Polster, John Balzano, Rev. Noone and others discussed and agreed that defendant should be represented by an attorney. John Polster immediately agreed and left the hospital to be with defendant during police questioning.

9) Within minutes, John Polster paged Detective Rudolph. Detective Rudolph

immediately telephoned Mr. Polster. John Polster identified himself and asked to speak to Christopher Porco. Detective Rudolph handed the phone to defendant. Mr. Polster engaged in a conversation with defendant while he was in the police vehicle. Mr. Polster told defendant that he was being brought in for questioning by the police and asked defendant whether he wanted him to be there. Defendant asked Mr. Polster if that would be appropriate. Mr. Polster stated that it would be. Defendant then stated to Mr. Polster "Yes". Mr. Polster told defendant to pass the telephone to Detective Rudolph. Mr. Polster then told Detective Rudolph that defendant wanted him to represent him and that he (Polster) was going to represent defendant. Mr. Polster specifically told Detective Rudolph that he did not want the police to question defendant until he arrived at the station. Polster further asked Detective Rudolph where specifically they were taking defendant. Detective Rudolph responded that they were taking defendant to the Town of Bethlehem police station. Mr. Polster then told Detective Rudolph to wait for him to arrive at the police station. Detective Rudolph responded "okay".

10) At approximately 8:30 P.M., John Polster arrived at the Town of Bethlehem Police Headquarters and told the dispatcher that he was representing defendant. A few minutes later, Lt. Berben approached Mr. Polster and told him that defendant waived his right to an attorney. Mr. Polster told Detective Berben that he was representing defendant and that all questioning of defendant must cease until he meets with defendant. Lt. Berben ignored Mr. Polster's request.

11) John Polster called Detective Rudolph's cell phone at 8:55 P.M. and left a message on Detective Rudolph's voice mail identifying himself as defendant's attorney and directing that all questioning of defendant cease until he meets with defendant. Mr. Polster's phone call was not returned by Detective Rudolph. Mr. Polster remained in the courtroom adjoining the Police Headquarters during defendant's interrogation. He approached the dispatcher's window

approximately every one-half hour requesting to speak with defendant. Notwithstanding all his requests, John Polster was never afforded an opportunity to meet with defendant that night.

12) At approximately 8:25 P.M., defendant was brought into the police interview room at the Town of Bethlehem Police Department. The interview room was equipped with a video camera and microphone which recorded the interview between defendant and members of the Town of Bethlehem Police Department. The police interview of defendant was preserved on video as People's Exhibits 5 & 6.

13) Prior to any questioning, Detective Bowdich stated the following to defendant:

DETECTIVE BOWDISH: . . . whenever we talk to anybody, we always have to -- we're supposed to read everybody their rights. All right? Nobody is under arrest. Nobody -- that's not the deal here. I'm trying to gather information, but if I don't do it, all right ---

MR. PORCO: I understand.

DETECTIVE BOWDISH: -- then I get -- it's a procedure that we have to do, and basically, it's a sheet, all right, look at it like this. And you know, it says, you've got the right to remain silent, refuse to answer questions. Anything you say can be used against you in a court of law. I'm trying to gather information here, all right? That's all I'm trying to do.

MR. PORCO: I understand.

DETECTIVE BOWDISH: All right? Here. Just take a look at it.

(People's Exhibits 5 & 6, approximate time stamp 0:02:47, [Revised Transcript, page 2, line 18 to page 3 line 7]).

14) The defendant then looked at the written *Miranda* Warnings Form (People's Exhibit 1) for approximately ten seconds and at the Detective's request, signed his name under the *Miranda* warnings.

15) Prior to defendant's signing the *Miranda* waiver form, no police officer orally advised defendant of his full *Miranda* Warnings, *i.e.*, that defendant he had a right to have an attorney present with him during questioning and if he could not afford an attorney, one would be provided to him without cost.

16) Thereafter, the following conversation took place with respect to defendant's legal

representation:

DETECTIVE RUDOLPH: "... did you hire -- you didn't hire an attorney or anything today, did you."

DEFENDANT: No. The guy I generally talk to, he is an attorney, like he's a friend.

DETECTIVE RUDOLPH: Is he representing you?

DEFENDANT: He couldn't probably because of his relationship with my family.

DETECTIVE. RUDOLPH: Okay, but you're okay talking with us?

DEFENDANT: Uh-huh.

(Exhibits 5 & 6, approximate time stamp 0:16:20, [Revised Transcript, page 22, line 25 to page 23, line 13]).

17) Thereafter defendant was interviewed by the Detectives for approximately 6½ hours.

During the entire time, John Polster waited in the Courtroom of the Town of Bethlehem Justice Court. Said courtroom adjoins the Town of Bethlehem Police Department.

18) Defendant was never told by the Detectives that John Polster was at the police station, that John Polster had requested to speak to him and that John Polster stated that he would be representing defendant.

19) During the initial part of the police interview, defendant, not being properly and completely informed of his right to counsel under *Miranda* and/or that John Polster, an attorney, was present and invoked defendant's Right to Counsel, never specifically requested to speak with an attorney.

20) However, defendant first mentioned his desire to consult with an attorney when Detective Bowdish suggested that defendant take a polygraph. When defendant expressed his desire to speak with an attorney before taking the polygraph, Detective Bowdish stated "Why do you need to speak to one first" (People's Exhibits 5 & 6, approximate time stamp 3:33:00, [Revised Transcript, page 209, line 25 to page 210, line 2]). Notwithstanding defendant's stated desire to consult with an attorney before taking a polygraph, the interviewing police officers

continued to encourage defendant to submit to a polygraph without the presence of an attorney (People's Exhibits 5 & 6, approximate time stamp 3:33:00 - 3:40:00, [Revised Transcript page 210, line 20, to page 218, line 14]).

21) When the interviewing Detectives again pressed defendant to submit to a polygraph and defendant expressed his desire to consult with an attorney, the police did not inform John Polster of defendant's request nor did they inform defendant of Mr. Polster's presence at the police station and that Mr. Polster had stated that he wanted to speak to and represent defendant.

22) It is clear that throughout the 6½ hour interview, defendant was not afforded an opportunity to consult with John Polster even though the police were aware that Mr. Polster was present in an adjoining room and stated that he wanted to consult with defendant.

23) At the conclusion of the interview, defendant was permitted to leave the police station through a side door.

24) At no time did any member of law enforcement make a threat or promise or use force or coercion to induce defendant to make his statement.

CONCLUSIONS OF LAW

1) Police had probable cause to detain and arrest defendant based on Joan Porco's nodding in a positive manner that defendant was her assailant.

2) Defendant was placed in custody when police officers took him by the arm from the waiting room at Albany Medical Center and escorted him to a police vehicle and refused John Polster's request to allow Polster to transport defendant to Police Headquarters.

3) Defendant's statements made to attorney John Polster in the waiting room of Albany Medical Center and on the telephone while defendant was being transported to the Town of Bethlehem Police Headquarters authorized Mr. Polster to assert defendant's Right to Counsel to police officials.

4) Defendant's Right to Counsel attached when John Polster advised Detective Charles

Rudolph by telephone that he was defendant's attorney and wished to be present during police questioning of defendant.

5) Assuming, *arguendo*, that defendant's Right to Counsel did not attach, defendant did not make a knowing and intelligent waiver of his *Miranda* rights due to the fact that the police Detective did not fully and completely advise defendant of all of his *Miranda* rights, *ie.* his right to have counsel present during questioning and if he could not afford an attorney, one would be provided to him without cost.

CONCLUSION

Based upon the foregoing, defendant's Motion to Suppress oral and videotaped statements made by him during the police interview at the Police Headquarters of the Town of Bethlehem is granted on the ground that the statement was obtained in violation of defendant's Right to Counsel and his Fifth Amendment rights under *Miranda*.

The Court of Appeals of the State of New York has extended the constitutional protection of an accused's Right to Counsel beyond those afforded by the United States Constitution, the Federal Courts and the majority of other State Courts in the United States (See, *People v. Donovan*, 13 NY2d 148, *People v. Arthur*, 22 NY2d 325, *People v. Hobson*, 39 NY 479). Under New York law a defendant's Right to Counsel indelibly attaches at an attorney's unequivocal assertion of representation of the accused (See, *People v. Grice*, 100 NY2d 318, *People v. Garofolo*, 46 NY2d 592). The Court credits the testimony John Polster and finds that at approximately 8:11 P.M. on November 15, 2006, Mr. Polster unequivocally invoked defendant's Right to Counsel during a telephone conversation with Detective Rudolph and prior to any questioning of defendant by the Town of Bethlehem Police. John Polster reaffirmed his representation of defendant minutes later when he arrived at the Town of Bethlehem Police Headquarters. The members of the Town of Bethlehem Police Department were obligated to

obtain a Fifth Amendment waiver of defendant's *Miranda* rights either in the presence of defendant's attorney or from defendant after advising defendant that an attorney was present in the adjoining room to represent him (*People v. Garofolo*, 46 NY2d 592, *People v. Pinzon*, 44 NY2d 458, Cf. *People v. Lennon*, 243 A.D.2d 495). Since defendant's waiver of his *Miranda* rights was not done in the presence of his attorney, was without defendant's knowledge that John Polster, an attorney, was available and waiting to see him and without a full and complete recitation of his rights under *Miranda*, such a waiver of *Miranda* rights was ineffective (*People v. Hobson*, supra., *People v. Lennon*, supra.)

Assuming *arguendo*, that defendant's Right to Counsel did not indelibly attach prior to the police interview of him, the oral and videotaped statements obtained at the Town of Bethlehem Police Headquarters would nonetheless be suppressed, in as much as defendant's waiver of his Fifth Amendment rights was not knowingly and intelligently rendered. It is clear and unrefuted that defendant was not properly advised of all of his *Miranda* Warnings, *i.e.*, that he had the right to have an attorney present during questioning and if he could not afford an attorney one would be provided to him without cost. Rather defendant was asked whether he “retained” an attorney or “hired” an attorney. Under these circumstances, defendant's waiver of his rights under *Miranda* was not a knowing, intelligent or voluntary waiver.

Based on the foregoing, defendant's Motion to Suppress Oral and Videotaped Statements is granted. It is hereby Ordered that the District Attorney is precluded from offering said statements as evidence in its direct case against defendant.

Since defendant's statements were voluntary in fact, said statements may be used as impeachment in the event that defendant should chose to testify at Trial (See, *Harris v. New York*, 401 US 222).

TRIAL DATE

The matter is scheduled for Jury Trial for June 26th, 2006 at 9:30 A.M.

The aforesaid constitutes the Decision and Order of the Court

Dated: June 26th, 2006
Goshen, New York

ENTER.


HON. JEFFREY G. BERRY
Judge of the County Court

TO: ALBANY COUNTY DISTRICT ATTORNEY
Attorney for the People
Albany County Judicial Center
6 Lodge Street
Albany, New York 12207

KINDLON AND SHANKS
Attorney for Defendant
74 Chapel Street
Albany, New York 12207


gs 7.5.06

Albany County Clerk
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**MITOTYPING TECHNOLOGIES**

Mitotyping Technologies, LLC
2565 Park Center Blvd., Suite 200 • State College, Pennsylvania, USA 16801
www.mitotyping.com T: 814.861.0676 F: 814.861.0576

Case 2613

June 2, 2006

Dave Rossi
Assistant District Attorney
Office of the District Attorney
Albany County Judicial Center
6 Lodge Street
Albany, NY 12207

Re: State Police Lab number 0418415, toll ticket
Test report for Mitotyping Technologies Case Number 2613

Items of Physical Evidence and Background

On March 9, 2006, Mitotyping Technologies, LLC received via UPS 1Z 120127014320 3626 from the NYSP Forensic Investigation Center the following items:

- 1) One large heat-sealed plastic bag containing three heat-sealed plastic bags:
 - a. One heat-sealed bag labeled "199A tubes DNA extraction tubes neat & 1:25 dilution" containing 2 tubes. The "neat" tube was designated 2613Q1.
 - b. One heat-sealed bag labeled "RB-extraction tubes" containing one tube. This sample was tested in parallel with 2613Q1.
 - c. One heat-sealed bag labeled "199A original extract 50 ml tube" containing 1 50 ml tube with paper material inside. This sample (toll ticket) was designated 2613Q2.

On May 16, 2006, the laboratory received from the Evidence Unit at the NYSP Forensic Investigation Center via UPS 1Z 1201270142448865 the following item:

- 1) One bubble wrapped envelope containing a brown paper-wrapped box, containing a DNA buccal swab kit under seal of the New York State Police, labeled "Porco, Christopher S Date of crime 11/15/04 Item #1 Complaint B4-18415". This sample was designated 2613K1.

It was requested that the laboratory develop a mitochondrial DNA profile from a toll ticket and compare the profile to the mitochondrial DNA profile of Christopher Porco to determine if he could be excluded as the contributor of biological material on the questioned sample.

Mitochondrial DNA (mtDNA) Analysis

Case 2613

All samples were analyzed according to standard protocol. The 2613Q1 and 2613Q2 samples were analyzed prior to opening or handling the known swab sample.

A single PCR amplification and sequencing of the neat extract (2613Q1) and its reagent blank negative indicated that the accompanying reagent blank negative extraction contained mtDNA of a type consistent with one of the possible types found in the 2613Q1 sample itself. This result precluded further use of this sample and resulted in an inability to report the results from the 2613Q1 sample.

The toll ticket (2613Q2) was extracted and the mtDNA recovered from this sample was both minimal and degraded. Two small mtDNA fragments (amplicons) were recovered in duplicate for positions 16056-16141 (partial hypervariable region 1; HV1). All reagent blank negative controls and PCR negative controls that accompanied these amplifications remained free of contaminating DNA throughout the testing.

For the 2613K1 sample, a complete mitochondrial DNA profile was obtained, comprising nucleotide positions 15998-16400 (hypervariable region 1; HV1) and nucleotide positions 30-407 (hypervariable region 2; HV2).

Table 1 shows the nucleotide substitutions with respect to the standard published reference sequence for the samples in this case.

Table 1. Case 2613: Nucleotide substitutions in HV1 and HV2 for samples 2613Q2 and 2613K1.

Sample	Hypervariable Region 1							Hypervariable Region 2							
	16051	16081	16129	16183	16189	16193.1	16362	73	152	217	263	309.1	309.2	315.1	340
Standard	A	A	G	A	T	-	T	A	T	T	A	-	-	-	C
2613Q2	nd	R	C	nd	nd	nd	nd	nd	nd	nd	nd	nd	nd	nd	nd
2613K1	G	.	C	C	C	C*	C	G	C	C	G	C	C*	C	T

Table Notes: (-) means that at this position in the published reference sequence there is no nucleotide and the nucleotide in the sample is an insertion.

(.) means that at this position the nucleotide is the same as in the Standard.

(nd) means not determined.

(R) means both an A and a G were observed.

(*) means that length heteroplasmy was observed in the homopolymeric C-stretch associated with this site in this sample.

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Case 2613

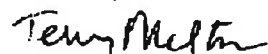
Interpretation of Results

The mitochondrial DNA recovered from 2613Q2 was both minimal and degraded, however, a small reproducible partial profile was obtained by use of mini-primer sets in an "ancient DNA approach". The mitochondrial DNA profile of this region shared a common nucleotide at all nucleotide positions within the comparable region in the 2613K1 sample. Therefore, Christopher Porco and his maternal relatives are not excluded as the contributor of the biological material recovered from the toll ticket.

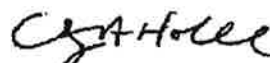
The SWGDAM database of human mitochondrial DNA sequences (The mtDNA Population Database: An Integrated Software and Database Resource for Forensic Comparison, Keith L. Monson, Kevin W. P. Miller, Mark R. Wilson, Joseph A. DiZinno, and Bruce Budowle, 2002, Forensic Science Communications, Vol. 4, No. 2) was searched for the partial profile observed in the 2613Q2 and 2613K1 samples. This sequence has been observed twelve (12) times in the current database, which includes 4839 sequences of North American forensic significance.

Unless other arrangements are made in advance, we will return all remaining evidence to the submitting agency within 30 days via FedEx.

Sincerely,



Terry Melton, PhD
Laboratory Director
Forensic Examiner



Charity Holland, MPH
Quality Manager
Forensic Examiner

End of Report.

Case 2613

Statistical Reporting

The statistical calculations used in mitochondrial DNA analysis are based on equations in Holland and Parsons (1999), Forensic Science Reviews 11:21-50, Mitochondrial DNA Sequence Analysis: Validation and Use for Forensic Casework, page 32.

A. For cases where the observed and matched type has never been observed in the database ("zero proportion") the calculation is:

Confidence limit from zero proportion = $1 - \alpha^{1/N}$ where

$\alpha = 0.05$ for a 95% confidence level *or*

$\alpha = 0.01$ for a 99% confidence level (more conservative)

N = number of samples in the database

With the current database, N = 4,839.

Where $\alpha = 0.05$, the 95% confidence limit is 0.06%. This is sometimes referred to as the 95% upper bound frequency. This is interpreted in the following way: there is a 5% chance that the true frequency in the population exceeds 0.06%. The confidence limit allows for inherent uncertainty as to the true population frequency because not everyone can be typed. The greater the size of the database, the smaller this number will become for novel types. Based on the above calculation, by extension we can exclude 99.94% of the population as contributors of the questioned sample.

Where $\alpha = 0.01$, the 99% confidence limit is 0.10%. This is interpreted in the following way: there is a 1% chance that the true frequency in the population exceeds 0.10%.

B. For cases where the observed and matched type has previously been observed in the current database, the calculation is:

Confidence interval = $p \pm x \sqrt{\frac{p(1-p)}{N}}$ where

p = no. of observations of type in database / N

x = 1.96 for a 95% confidence interval *or*

x = 2.54 for a 99% confidence interval (more conservative)

N = number of samples in the database

With the current database, N = 4,839.

For example, where there have previously been two observations of the type, the 95% confidence interval is 0 - 0.10%. The upper bound of this range is the upper bound

Case 2613

frequency. This is interpreted in the following way: there is a 5% chance that the true frequency of this previously observed type in the population exceeds 0.10%. The confidence interval allows for inherent uncertainty as to the true population frequency because not everyone can be typed. The larger the database becomes, the smaller the confidence interval becomes. Based on the above calculation, by extension we can exclude 99.90% of the population as contributors of the questioned sample. The 99% confidence interval is 0 - 0.12%. This is interpreted in the following way: there is a 1% chance that the true frequency in the population exceeds 0.12%.

In the present case, State of New York v. Porco:

The partial mitochondrial DNA sequence observed in the 2613Q2 sample and 2613K1 Christopher Porco known has been observed 12 times in the current database where $N=4,839$. The upper bound frequency for the 95% confidence interval for a type that has not been observed before is 0.39%. This means that there is a 5% chance that the true frequency in the population exceeds 0.39%. For the 95% confidence interval, therefore, we can exclude at least 99.61% of the population as having this mitochondrial DNA type.

The upper bound frequency for the 99% confidence interval for a type that has been observed 12 times before is 0.43%. This means that there is a 1% chance that the true frequency in the population exceeds 0.43%. For the 99% CI, we can exclude at least 99.57% of the population as having this type.

Terry Melton

Terry Melton, Ph.D.
Forensic Examiner

CAM
6-2-06

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MITOTYPING TECHNOLOGIES L 8148610576

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Mitotyping Technologies, LLC

2585 Park Center Blvd., Suite 200 • State College, Pennsylvania, USA 16801

www.mitotyping.com T: 814.861.0676 F: 814.861.0576

**MITOTYPING TECHNOLOGIES**

Case 2613

June 23, 2006

Dave Rossi
Assistant District Attorney
Office of the District Attorney
Albany County Judicial Center
6 Lodge Street
Albany, NY 12207

Re: State Police Lab number 0418415, toll ticket
Test report #2 for Mitotyping Technologies Case Number 2613

Items of Physical Evidence and Background

On June 7, 2006, Mitotyping Technologies, LLC received via UPS 1Z 120 127 03 4120 3840 from the NYSP Forensic Investigation Center the following items:

- 1) One DNA Buccal Swab Collection Kit box sealed with evidence tape, labeled in part "Homicide-Porco Kelly Strack". This sample was designated 2613K2.
- 2) One DNA Buccal Swab Collection Kit box sealed with evidence tape, labeled in part "Porco Homicide Michael MacIntosh". This sample was designated 2613K3.
- 3) One DNA Buccal Swab Collection Kit box sealed with evidence tape, labeled in part "Porco Homicide James G. Buono Sr.". This sample was designated 2613K4.
- 4) One DNA Buccal Swab Collection Kit box sealed with evidence tape, labeled in part "Porco Homicide Craig Slezak". This sample was designated 2613K5.
- 5) One DNA Buccal Swab Collection Kit box sealed with evidence tape, labeled in part "Porco Homicide John R. Fallon". This sample was designated 2613K6.

On June 13, 2006, Mitotyping Technologies, LLC received via UPS 1Z 120 127 01 4129 9788 from the NYSP Forensic Investigation Center the following item:

- 1) One New York State DNA Buccal Swab Collection Kit box sealed with evidence tape, labeled in part "Porco Homicide Karen Russell". This sample was designated 2613K7.

On June 14, 2006, Mitotyping Technologies, LLC received via UPS 1Z 120 127 01 4289 0449 from the NYSP Forensic Investigation Center the following items:

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MITOTYPING TECHNOLOGIES L 8148610576

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Case 2613

- 1) One New York State DNA Buccal Swab Collection Kit box sealed with evidence tape. Kit labeled in part "Porco Homicide Cheryl Moorhead". This sample was designated 2613K8.
- 2) One New York State DNA Buccal Swab Collection Kit box sealed with evidence tape. Kit labeled in part "Homicide/Assault Urfan Mukhtar". This sample was designated 2613K9.

On June 20, 2006, Mitotyping Technologies, LLC received via UPS 1Z 120 127 01 4142 6381 from the NYSP Forensic Investigation Center the following item:

- 1) One New York State DNA Buccal Swab Collection Kit box sealed with evidence tape. Kit labeled in part "Porco Homicide Christopher Porco" with yellow bar code sticker labeled in part "04HL-04740 #288". This sample was designated 2613K10.

It was requested that the laboratory develop mitochondrial DNA profiles from these additional known samples and compare the profiles to the previously developed mitochondrial DNA profile of the questioned toll ticket to determine if they could be excluded as the contributor of biological material on the questioned toll ticket sample (see previous report dated June 2, 2006). Samples new to this round of testing are **bolded**.

Mitochondrial DNA (mtDNA) Analysis

All known samples were analyzed individually according to standard protocol. For the 2613K2-K9 samples, a partial mtDNA was developed for comparison to the questioned toll ticket sample, comprising nucleotide positions 15998-16400 (HV1 only).

For the 2613K10 sample, a complete mitochondrial DNA profile was obtained, comprising nucleotide positions 15998-16400 (hypervariable region 1; HV1) and nucleotide positions 30-407 (hypervariable region 2; HV2).

All reagent blank negative controls and PCR negatives that accompanied the samples throughout testing remained free of contaminating DNA. Table 1 shows the nucleotide substitutions with respect to the standard published reference sequence for the samples in this case.

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Case 2613

Table 1. Case 2613: Nucleotide substitutions in HV1 and HV2 for samples 2613Q2 and 2613K1-K10.

Sample	Hypervariable Region 1															
	16037	16051	16069	16081	16093	16126	16129	16145	16172	16183	16188	16189	16192	16193.1	16207	16222
Standard	A	A	C	A	T	T	G	G	T	A	C	T	C	-	A	C
2613Q2	nd	nd	.	R	.	.	C	nd	nd	nd	nd	nd	nd	nd	nd	nd
2613K1	.	G	.	.	.	.	C	.	.	C	.	C	.	C*	.	.
2613K10	.	G	.	.	.	.	C	.	.	C	.	C	.	.	.	.
2613K2	.	.	T	.	.	C	.	A	.	.	.	.	.	.	T	.
2613K3	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.
2613K4	.	.	T	.	.	C	.	.	.	.	.	.	.	.	.	.
2613K5	.	.	.	.	Y	.	.	.	C	.	.	.	.	.	.	C
2613K6	.	.	.	.	.	.	.	.	.	.	.	.	T	.	G	.
2613K7	.	.	.	.	.	C	.	.	.	.	.	.	.	.	.	.
2613K8	G	.	.	.	.	.	.	.	.	.	G	.	.	.	.	T
2613K9	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.

Sample	Hypervariable Region 1 (cont.)									Hypervariable Region 2							
	16261	16274	16289	16290	16294	16298	16304	16311	16362	73	152	217	263	309.1	309.2	315.1	340
Standard	C	G	A	C	C	T	T	T	T	A	T	T	A	-	-	-	C
2613Q2	nd	nd	nd	nd	nd	nd	nd	nd	nd	nd	nd	nd	nd	nd	nd	nd	nd
2613K1	.	.	.	.	.	.	.	.	C	G	C	C	G	C	C*	C	T
2613K10	.	.	.	.	.	.	.	.	C	G	C	C	G	C	C*	C	T
2613K2	T	.	.	.	.	.	.	.	.	nd	nd	nd	nd	nd	nd	nd	nd
2613K3	.	.	.	.	.	C	.	.	.	nd	nd	nd	nd	nd	nd	nd	nd
2613K4	.	.	.	T	.	.	.	.	.	nd	nd	nd	nd	nd	nd	nd	nd
2613K5	.	.	.	.	.	.	.	C	.	nd	nd	nd	nd	nd	nd	nd	nd
2613K6	.	.	.	.	.	.	.	.	.	nd	nd	nd	nd	nd	nd	nd	nd
2613K7	.	A	.	.	T	.	C	.	.	nd	nd	nd	nd	nd	nd	nd	nd
2613K8	.	.	.	.	.	.	.	.	.	nd	nd	nd	nd	nd	nd	nd	nd
2613K9	.	.	G	.	.	.	.	.	.	nd	nd	nd	nd	nd	nd	nd	nd

Table Notes: (-) means that at this position in the published reference sequence there is no nucleotide and the nucleotide in the sample is an insertion.
 (.) means that at this position the nucleotide is the same as in the Standard.

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Case 2613

(nd) means not determined.

(R) means both an A and a G were observed.

(Y) means both a C and a T were observed.

(*) means that length heteroplasmy was observed in the homopolymeric C-stretch associated with this site in this sample.

Interpretation of Results

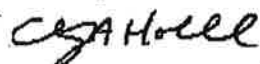
The mitochondrial DNA profiles of 2613K2, 2613K4, and 2613K7 are different from the mitochondrial DNA profile of 2613Q2. Therefore, Kelly Strack, James G. Buono Sr., Karen Russell, and their maternal relatives are excluded as the contributor of the biological material recovered from the toll ticket.

The comparisons of the 2613Q2 toll ticket sample to the known reference samples of Michael MacIntosh, Craig Slezak, John R. Fallon, Cheryl Moorhead, and Urfan Mukhtar (2613K3, K5, K6, K8, and K9) are *inconclusive*. There is only a single nucleotide difference between each of these known samples and the toll ticket sample (2613Q2). According to current guidelines, this single difference must be interpreted as *inconclusive*. However, it should be noted that none of these known samples had the 15129 C nucleotide substitution that was present in the 2613Q2 toll ticket sample.

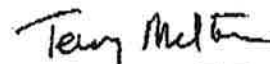
The mtDNA profile obtained from the 2613K10 known sample is the same as the profile previously obtained from the 2613K1 known sample from Christopher Porco. All previous conclusions regarding the failure to exclude Porco and his maternal relatives as the donor of the biological material on the toll ticket are unchanged.

Unless other arrangements are made in advance, we will return all remaining evidence to the submitting agency within 30 days via FedEx.

Sincerely,



Charity A. Holland, MPH
Quality Manager
Forensic Examiner



Terry Melton, PhD
Laboratory Director
Forensic Examiner

End of Report.

Enclosure: Invoice.

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Mitotyping Technologies, LLC

2565 Park Center Blvd., Suite 200 • State College, Pennsylvania, USA 16801

www.mitotyping.com T: 814.861.0676 F: 814.861.0576

**MITOTYPING TECHNOLOGIES™**

Case 2613

June 23, 2006

Dave Rossi
Assistant District Attorney
Office of the District Attorney
Albany County Judicial Center
6 Lodge Street
Albany, NY 12207

Re: State Police Lab number 0418415, toll ticket
Invoice #2 for Mitotyping Technologies Case Number 2613

Invoice for mitochondrial DNA analysis in the above-referenced case:

Eight (8) known samples @ \$1,000	\$8,000
One known sample @ \$1,500	\$1,500
TOTAL	\$9,500

Payable on receipt. Please make payable to Mitotyping Technologies, LLC, 2565
Park Center Boulevard, Suite 200, State College, PA 16801

EIN 25-1818743

ID Lead Case # 04-409

Station Case # BETHLEHEM PD 04-18415

Prepared By GFU

Location 36 Brockley Ave T/Bethlehem

CTV

Scene/Location Code Scene

Item #	Description	Obtained at	Obtained by			Observed By (Initials)
			Name	Date	Time	
171	FITTED SHEET (BED)	MASTER BEDROOM	MCDONALD	11/17/04	5:12/P	K.S.
105	WATCH (TIMEX EXPEDITION)	MASTER BEDROOM ON BED	MCDONALD	11/17/04	5:14/P	K.S.
172	MEDICAL DEBRIS	MASTER BEDROOM	STRACK	11/17/04	5:20/P	T.A.N.
173	BLUE/WHITE PILLOW CASE	LEFT SIDE OF BED M.B. (Floor)	STRACK	11/17/04	5:32/P	T.A.N.
174	WHITE AND BLUE PILLOW CASE	LEFT SIDE OF BED	STRACK	11/17/04	5:34/P	T.A.N.
175	WHITE W/BLE STRIPES PILLOW CASE	CENTER OF BED	STRACK	11/17/04	5:35/P	D.H.M.
176	PILLOWCASE WHITE W/BLE PATTERN	RIGHT SIDE MASTER BED	MCDONALD	11/17/04	5:36/P	T.A.N.
177	BLUE TEMPER PEDIC SLIPPERS SIZE S	LEFT SIDE OF BED	STRACK	11/17/04	5:37/P	T.A.N.
178	BLUE TEMPER PEDIC SLIPPERS SIZE L	RIGHT SIDE FOOT OF BED	STRACK	11/17/04	5:39/P	T.A.N.
179	PILLOWCASE WHITE W/MULTIPLE BLUE PATTERN	RIGHT SIDE OF M.B.	MCDONALD	11/17/04	5:39/P	T.A.N.
180	BREATH APPERATICE HEAD PIECE	FLOOR RT M.B.	MCDONALD	11/17/04	5:42/P	T.A.N.
181	GREY PIN STRIPE PILLOW CASE	FLOOR RT M.B.	MCDONALD	11/17/04	5:44/P	T.A.N.
182	Side table	LOWER AK HANDLE	MAEINOSH	11/17/04	5:38 P	JLC
183	PANASONIC CORDLESS PHONE	FAMILY ROOM RECLINER	Smith	11/17/04	8:15/P	K.S.
184	SECTIONS OF CUT TELEPHONE WIRE	KITCHEN UP LULLER	STRACK	11/18/04	12:37 P	JLC
185	Black leather watch	KITCHEN UP LULLER	STRACK	11/18/04	11:05/P	JLC
186	DRINKING GLASS	KITCHEN COUNTER NEAR BS28	NORTHROP	11/18/04	3:16/P	JLC
187	NISSAN TVL MUG UPRIGHT W/LID (JP)	KITCHEN COUNTER NEAR BS28	NORTHROP	11/18/04	3:18/P	J.L.C.
188	NISSAN TVL MUG ON SIDE + LID FROM SINK (PRP)	KITCHEN COUNTER NEAR BS28	NORTHROP	11/18/04	3:19/P	J.L.C.
190	toilet contents samples (2) - MBR	Master Bedroom Bathroom	Strack	11/19/04	11:07/A	JLC
191	toilet contents sample - downstairs BR	downstairs bathroom	Strack	11/19/04	11:43/A	JLC
192	Canon Powershot S230 digital camera	Kitchen telephone cabinet	Strack	11/19/04	12:05/P	JLC
193	Tissue box	Garage next to garbage can	Schmidt	11/19/04	1:41/P	T.A.N.
194	Bloody paper products	Blue bucket in garage	Schmidt	11/19/04	1:43/P	T.A.N.
195	Bloody paper product	Recycle bin in garage	Schmidt	11/19/04	1:44/P	T.A.N.
196	Foyer closet door	Foyer	Bowdich	11/19/04	2:25/P	JLC
197	Lower stairs carpet section	STAIRWAY OF 1ST + 2ND FLOOR	Bowdich	11/19/04	2:34/P	T.A.N.
198	LOWER STAIRS LANDING CARPET	STAIRWAY OF 1ST + 2ND FLOOR	Bowdich	11/19/04	2:38/P	T.A.N.

ID-3 (3/01) PROPERTY/LATENT LIFT LOG

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ID Lead Case # 04-409

Station Case # Bethlehem PD 04-18415

Prepared By Itach

Location[illegible]

Scene/Location Code Porco/Homicide Inv.

[illegible]

Prepare in Triplicate: Copy 1 - Toll Audit		Copy 2 - Division Toll		Copy 3 - Toll Station	
COLLECTOR NAME (Print) Karen Russell		COLLECTOR # 3309	STATION # 24	DATE 11.15.04	SHIFT 22
LANE LOG USED? <input type="checkbox"/> YES, (See attached) <input checked="" type="checkbox"/> NO			TEMPORARY CARD # (If Used):		

LANE LOG USED? ☐ YES, (See attached)

☒ NO

TEMPORARY CARD # (If Used):

LANE LOG USED? ☐ YES, (See attached) ☒ NO

List any occurrence that might affect the cash or axle balance of your work as well as any issue(s), you wish to bring to the attention of your Toll Division Manager, Toll Plaza Manager or the Toll Audit Section.

REMARKS:

Money Bag Number(s)

~~C#~~ C15YB C2172

[illegible]

CHANGE FUND TRANSFER

CHANGE FUND TRANSFER			
The undersigned verifies delivery of stated amount(s) to above collector.		The undersigned verifies receipt of stated amount(s) from above collector.	
UNDERSIGNED SIGNATURE		Collector #	Amount

[illegible]

I affirm the correctness of all information entered on this Report to the best of my knowledge.

X

COLLECTOR'S SIGNATURE

Major Crime Lead Sheet

Title Porco Homicide		Lead Number <div style="border: 1px solid black; padding: 5px; font-size: 24px; margin: 0 auto;">104</div>
Assigned By Bethlehem PD	Date Logged 12/9/2004	Source Investigation Target
Officer 1 Brazish	Officer 2 C. P. [Signature]	
Lead Instruction COMPLETE TIMELINE.		
List Attached Enclosures - Any Statements, Documents, Photos, Notes		
If an Item or Evidence was obtained, Describe WHAT it is and WHERE is it Secured		
Reviewed By:	Reviewed Date:	Ongoing Lead: <input type="checkbox"/>

University of Rochester witness Time-Line.

Friday, November 12th

12:30-2:30 P.M.: Chris is at "Chapter" (_____)(name not on dep.)

Saturday, November 13th

10:00 P.M.- 2:00 A.M.- Chris is in lounge. (Jonathan Jochnowitz-Kahn)

6:00 P.M.- Chris is seen at _____ ? (Jonathan Jochnowitz-Kahn)

10:30 P.M.-2:00 A.M.- Chris is seen off and on in hall of dorm (Mathew Ambrosio)

Sat. night- Chris sleeps in his room. (Mathew Ambrosio)

Sunday, November 14th

10:00 A.M.- Chris is on campus (Luis Ortiz)

12:30 P.M.- Chris is in his room. (Matthew Ambrosio)

1:00 P.M.-3:00 P.M.- Chris is at fraternity chapter meeting (Luis Ortiz)

1:30 P.M.-3:00 P.M.- Chris is at fraternity chapter meeting (Jonathan Jochnowitz-Kahn)

1:00 P.M.- 3:00 P.M.- Chris is at fraternity chapter meeting. (Aaron Oliver-Olsen)

1:00 P.M.-2:00 P.M.- Chris is at fraternity chapter meeting. (Benjamin Soler)

3:15 P.M.- Chris is in the lounge area of Munroe (Daniel Boyar)

4:15 P.M.- Chris is at the pool complex on the university grounds.(Brandon Mustardo)

5:30 P.M.- Chris is in the pool area- (Kevin Klein)

7:00 P.M.-Chris is at his dorm room at Munroe (Eric Rivera)

7:00 P.M.- Chris is at his dorm room at Munroe (Matthew Ambrosio)

8:05 P.M.-Chris is spoken to at _____ ? (Eric Rivera)

8:20 P.M.-8:40 P.M.- Chris leaves after having dinner. (James Travis-Thompson)

9:00 P.M.- Chris eats dinner at Wilson Commons (Marshall Crumiller)

9:30 P.M.-Chris is in his dorm room working on his computer. (Jason Wortham)

10:00 P.M.-Chris is in dorm room-leaves (Matthew Ambrosio)

10:00 P.M.- Chris is taken to his Jeep (Marshall Crumiller)

10:30 P.M.- Chris is out in the lounge. (Jason Wortham)

10:30 P.M.- Chris is in the hall (Jason Novak)

10:30 P.M. -Chris says he is worried that he can't get in touch with his parents. (Matthew Ambrosio)

10:45ish- 3:30 A.M.- Chris is NOT in the lounge. (Jason Novak)

11:30 P.M.- 2:00 A.M.- Chris not in lounge. (Thomas Powers)

11:45 P.M.-1:45 A.M.- Chris was NOT in the lounge (Christopher Halas)

3:30 A.M.- Chris is NOT in the lounge. (Thomas Powers)

4:30-5:00 A.M.- Chris is not seen in the lounge. (Benjamin Soler)

Monday, November 15th

9:20 A.M.- Chris is on couch in lounge. and says he slept there. (Christopher Halas)

10:00 A.M.- Chris seen in the lounge of Luis Ortiz' floor (Luis Ortiz)

10:45 A.M.- Chris is seen in lounge. (Thomas Powers)

11:00 A.M.- Chris complains that he can't get in contact with his parents through house phone or cell phones. Regional director suggests he call a neighbor, but he says he will after a few minutes. (Luis Ortiz)

11:00 A.M.-12:00 P.M.- Chris is in lounge, then goes to get lunch with Kahn at Melora, expressing worry that he is calling his mom and dad at their offices and on their cell phones, and he can't reach them. Chris changes his mind about lunch saying he doesn't feel well. (Jonathan Jochnowitz-Kahn)

11:30 A.M.-12:00 P.M.- Chris is in dorm room. (Matthew Ambrosio)

12:00 P.M.- Chris is seen walking to lunch. Says he is still feeling sick. (Jason Wortham)

12:45 P.M.- Chris is seen in the lounge of Munroe building. (Marshall Crumiller)

1:45 P.M.- Chris is seen in lounge outside of Marshall Crumiller's suite. Chris was complaining that he couldn't reach his parents and he heard there was a homicide on his street. Says he saw some articles online. Chris then gets a phone call. He hangs up and says his parents are dead.

3:15 P.M.- Chris receives call in room. After call he says his parents are dead. Chris goes into his room and has "Bethlehem Police Web site" up. (Jason Wortham)

**State of New York
Office of the Inspector General**



**Report of Investigation of Improprieties
in Student Loan Collection Activities
at the New York State
Higher Education Services Corporation**

August 2010

**Joseph Fisch
State Inspector General**

**State of New York
Office of the Inspector General**



**JOSEPH FISCH
State Inspector General**

**KELLY DONOVAN
First Deputy
Inspector General**

**DENNIS MARTIN
Chief of Staff**

**NELSON R. SHEINGOLD
Chief Counsel**

STAFF FOR THIS INVESTIGATION AND REPORT

NELSON R. SHEINGOLD
Chief Counsel

PATRICIA RHODES HOOVER
Investigative Counsel

SHERRY AMAREL
Deputy Chief Investigator

STEPHEN DEL GIACCO
Director of Quality Assurance
(Albany)

I. EXECUTIVE SUMMARY

The Inspector General determined that at the instigation of Joseph Catalano, Assistant Vice President of Collection and Default Management of the New York State Higher Education Services Corporation (HESC), HESC employees Dantaida de Guzman and Mattie Douglas took unlawful actions to provide preferential treatment to Michael P. McDermott, a former Albany County Assistant District Attorney, to reduce the payments McDermott owed on his defaulted student loans.

The Inspector General also determined that de Guzman, with Catalano's approval, unlawfully waived legally required collection fees on the defaulted student loan of HESC employee Brian Cox.

The Inspector General further determined that HESC employee Donald Traver made false entries in HESC's computer system to thwart the transfer of defaulted student loans to outside collection vendors.

HESC and the Federal Family Education Loan Program

HESC serves as the guarantee agency in New York State for the Federal Family Education Loan Program (FFELP). Under FFELP, loans were made by private banks and other lenders and guaranteed by federal funds. Among its responsibilities under FFELP, HESC engages in various collection activities on defaulted student loans. In accordance with federal law and regulations, HESC assesses a collection cost on all payments made by defaulted borrowers, most recently amounting to 15.65 percent of each payment.

To assist borrowers in financial distress, HESC is permitted under federal law to reduce the defaulted borrower's required payment in certain circumstances under the "reasonable and affordable" program, if the borrower qualifies. Under the "reasonable and affordable" program, HESC could allow a reduced payment plan for a maximum of

one year, subject to renewal, if the borrower proves his or her inability to make payments as due and provides documentation supporting their qualification.

Michael P. McDermott

Michael P. McDermott served as lead prosecutor for the Albany County District Attorney's Office in the 2006 trial of Christopher Porco, who was convicted of murdering his father, Peter Porco, and attempting to murder his mother in November 2004 in their home in an Albany suburb. Catalano, a family friend of the Porcos, testified as a witness for prosecution, and McDermott and Catalano became friends during the trial. In November 2006, McDermott left the District Attorney's Office for private practice with an Albany law firm.

McDermott has had defaulted student loans with HESC since 1991. Between 1994 and 2007, HESC took various appropriate collection actions in regard to McDermott's failure or inability to make loan payments. However, commencing in May 2007, after the Porco trial and Catalano's intervention, McDermott started receiving benefits to which he was not entitled.

In May 2007, McDermott contacted Catalano, who in his HESC position has authority to waive fees on defaulted student loans under appropriate circumstances. McDermott told Catalano that he was having difficulty repaying his loans and asked if Catalano could provide him with the name of a HESC employee to whom he could speak and whether Catalano could "help him out." Catalano put McDermott in contact with his subordinate de Guzman. Catalano directed de Guzman to "do what you can for him," which de Guzman understood to mean, "basically make Mr. McDermott's life easy. . . ."

After receiving this direction from Catalano, de Guzman implemented a reduced payment plan for McDermott, even though McDermott failed to provide required evidence that he was entitled to this benefit due to financial difficulty. In fact, McDermott was in private law practice earning substantially more than he had in

government service. By 2009, McDermott was making over \$78,000 more than he had in 2006. Under the improperly granted reduced payment plan in effect from 2007 to the present, McDermott was billed \$400 per month rather than \$1,030.

In 2007, de Guzman also unlawfully removed collection costs from McDermott's loan account. As a result, between November 2007 and August 2010, McDermott was improperly exempted from paying \$2,111.35 in collection costs on his defaulted loans. This number, however, is misleading and in reality would be much greater. Collection costs are only assessed if a payment is made, so this number is artificially deflated because McDermott failed to make payments on some occasions and was granted a reduced payment plan as noted above. Between November 7, 2007, and August 6, 2010, McDermott should have made at least \$26,430 in payments on his student loan but, because of the special privileges afforded him by de Guzman at Catalano's instigation, McDermott only paid \$13,030, over \$13,000 less than appropriately due.

Further, de Guzman and Mattie Douglas, another subordinate of Catalano, improperly prevented McDermott from having his wages garnished. McDermott's account was removed from wage garnishment at least six times from May 2007 to October 2008, and delinquency or past due amounts were waived. McDermott should have been required to make up these payments, but he was not.

In October 2008, and again in January 2010, after de Guzman had been assigned to other duties, Catalano referred McDermott's account to Douglas. After speaking with McDermott in October 2008, Douglas also unlawfully removed McDermott from wage garnishment and further extended his unwarranted reduced payment plan.

De Guzman testified and Catalano concurred that she informed him of the steps she was taking on McDermott's behalf. Catalano claimed that he was ignorant of the relevant laws and guidelines and did not understand everything that de Guzman was informing him that she intended to do on McDermott's behalf. That claim is belied, however, by Catalano's acknowledged expertise and 30 years experience in student loan

collections and the fact that the two subordinates to whom he directly referred the matter took similar improper actions.

Brian Cox

Brian Cox is employed by HESC as a Student Loan Control Representative 1. Cox also had a defaulted student loan in HESC's portfolio.

The FFELP loan rehabilitation process provides a borrower with an opportunity to repair his or her credit rating. If accepted into the rehabilitation program, the loan is purchased from HESC by a private lender which pays HESC for the principal, current interest and 18.5 percent rehabilitation collection costs. These amounts are capitalized into a new loan for the borrower and the default is removed from the borrower's credit report.

Although Cox legitimately qualified for the rehabilitation program, HESC officials took improper and remarkable action to remove the rehabilitation collection costs which Cox was lawfully required to pay. Specifically, de Guzman, after obtaining Catalano's approval, unlawfully waived the rehabilitation collection costs on Cox's loan. This removal of rehabilitation collection costs was so unprecedented that HESC's computer system could not process the attempt to remove them. Donald Dugan, HESC's Director of Collections Support and Federal Reporting, devised a manner to circumvent the system's inability to process the novel waiver afforded Cox – HESC was to issue a check to the private lender to cover Cox's rehabilitation collection costs. On January 23, 2008, HESC sent a check to the lender for \$7,150.80 to cover Cox's collection costs. Under federal law, HESC did not have the discretion to waive rehabilitation collection costs.

Donald Traver

Commencing in late 2008, HESC began a reorganization and computer upgrade resulting in changes to many HESC job assignments, which certain employees saw as a threat to their employment. The employees were concerned that Catalano was giving their work away to outside collection vendors.

Donald Traver is a HESC Student Loan Control Representative 2. On April 2 and 3, 2009, Traver made false entries in HESC's computer system concerning 31 defaulted student loan accounts. Namely, targeting the largest accounts at HESC scheduled to be sent to outside collection vendors, Traver falsely entered in HESC's computer system that all of these borrowers had been contacted and had promised to make payments, thus removing their accounts from being transmitted to the outside collection agencies. In reality, Traver never contacted any of these borrowers. When confronted by another HESC employee about his actions, Traver declared, "Joe Catalano is trying to take our jobs and refer them to the vendors..." and that he took his improper actions to save jobs at HESC.

After the confrontation, Traver attempted to conceal his misconduct by causing further false entries to be made in the system pretending that the prior entries were made as part of a "pilot program" and the resultant letters sent to borrowers in error.

At the time of Traver's fraud, the 31 accounts were worth over \$1.25 million. His actions delayed, and in most cases obstructed, HESC's collection activities.

Inspector General's Recommendations

The Inspector General recommended that HESC take appropriate disciplinary action against Catalano, de Guzman, Douglas, Dugan, Cox, and Traver. The Inspector General also recommended that HESC take action to recover improperly waived or reduced payments from McDermott and Cox.

The Inspector General is forwarding these findings to the New York State Attorney General's Office and the New York State Commission on Public Integrity for review.

II. INTRODUCTION

Allegations

Beginning in April 2009, the Inspector General received multiple anonymous complaints that the Collections Unit at the New York State Higher Education Services Corporation, under the supervision of Joseph Catalano, Assistant Vice President of Collection and Default Management, afforded selected borrowers who had defaulted on their student loans preferential treatment based upon their acquaintance with either Catalano or his subordinate, Dantaida de Guzman. The first anonymous complaint was referred to the Inspector General by HESC Acting President Elsa Magee and Chief Financial Officer Matthew Downey. Specifically, the complaint alleged that HESC employee Brian Cox was not required to pay collection costs on his student loan while all other borrowers were assessed the fees. During the course of the investigation, the Inspector General discovered through another anonymous source that Michael P. McDermott might have already received preferential treatment, similar to Cox, at the behest of Catalano. The Inspector General received a subsequent anonymous complaint, forwarded by Downey, that HESC Collections employee Donald Traver made false entries into the HESC's computer system to thwart the transfer of defaulted student loan accounts to outside collection vendors.

Background

HESC and the Federal Family Education Loan Program

In order to understand the undue benefits conferred upon McDermott and Cox, a general understanding of the guaranteed student loan program as administered by HESC is necessary. Specifically, a discussion of the various programs which defaulted borrowers may attempt to avail themselves of, the strict prerequisites for qualification for these programs, and the costs associated with these options is required.

The Higher Education Services Corporation was established by the Legislature of the State of New York in 1974 to, among other things, guarantee federal student loans under the Federal Family Education Loan Program, 34 U.S.C. §1071 et seq. The FFELP program was established in 1965 as the single largest source of funds for education. Under FFELP, loans are made by private banks and guaranteed by federal funds. The process is administered at the state and local levels by guaranty agencies; in New York HESC serves as such a guarantee agency.¹

As a guarantee agency under the FFELP program, HESC does not loan money to any individual borrower.² Rather, individual banks make loans to student borrowers and HESC guarantees the loan at the time it is obtained by the borrower. Because of this guarantee, credit review is not required for most FFELP loans, which enables students who otherwise might not be able to do so to obtain monies to fund their education. After guaranteeing the loan, HESC only becomes involved directly with the borrower after notification from the lender that the borrower is 60 to 120 days delinquent on repayment of the loan.

Once HESC is notified by the lending institution that a borrower is 60 to 120 days delinquent, HESC commences the "aversion" or "default avoidance" process. In aversions, HESC works with the individual bank and attempts to steer the borrower back into repayment. If the aversion process is successful, HESC will close its file and take no further action. If HESC and the originating bank are unable to get the borrower back into repayment within 270 days, the loan is considered in default and HESC will purchase the loan from the lending institution. Under the FFELP program, the federal government reimburses HESC for defaulted loans it purchases.

¹ Effective June 30, 2010, no new loans could be issued under the FFELP program pursuant to the terms of the federal Health Care and Education Reconciliation Act of 2010. As of July 1, 2010, all guaranteed student loans are made directly from the federal government using taxpayer funds.

² HESC administers programs other than FFELP, including NYHELPS and TAP which may offer loans, grants or scholarships directly to students.

Once HESC purchases a loan because the borrower has defaulted, the loan enters HESC's "collections" process. In accordance with federal law and regulations, HESC assesses a collection cost on all payments made by borrowers, which costs currently amount to 15.65 percent of each payment.³ The purpose of collection costs is to cover the expense of HESC's collection efforts resulting from the borrower's default. Although collection costs, interest and principal collected by HESC are paid to the federal government (which already reimbursed HESC for the purchase of the loan), HESC retains a portion of every dollar generated from its collection efforts. Collections fees represent the largest source of revenue for HESC.⁴ For the year ending March 31, 2009, HESC's total gross default collection revenue was \$280.4 million. A total of \$344.6 million was collected the previous year.

Under federal regulations as interpreted in various advisory opinions, HESC has the discretion to waive "in-house" collection costs for borrowers in default under two scenarios:⁵ 1) if the borrower commences payment within the first 60 days after the loan is purchased by HESC and makes timely payments thereafter, or 2) when the account is paid in full through compromise and settlement. A settlement results in an account being deemed to be paid in full. Sometimes as part of a settlement, a portion of the collection costs, or possibly even the interest or principal, are "compromised" or 'written off.' Compromise may only occur under specific circumstances not relevant to this report other than to note that compromise and settlement always lead to the cessation of all collection activity. HESC has historically applied collection costs to payments received under a payment plan regardless of when that plan was initiated, but periodically has waived collection costs when an account is being closed through compromise or settlement.

³ The collection cost percentage is recalculated on a yearly basis dependent on the cost of loan collection experienced in the prior year. Collection costs may not be assessed on payments where a court order specifically prohibits collection costs or when HESC obtains a federal tax offset. In order to obtain a federal tax offset, HESC refers the names of borrowers in default to federal taxing authorities who will attach federal tax refunds and other federal payments. HESC also refers borrowers' names to New York State taxing authorities. State tax offsets, however, are subject to collection costs.

⁴ HESC also receives fees from the federal government for its guarantee and aversion activity. HESC administers state funds for New York State specific grant, loan and scholarship programs.

⁵ "In-house" collection costs, as opposed to "rehabilitation collection costs" (discussed below), refer to the aforementioned collection costs assessed by HESC when collecting from a borrower on a defaulted loan.

Borrowers default on their student loans for a variety of reasons. Most often, the reason provided for the default is financial hardship. Some loans qualify for forbearance or deferment. In sum, forbearance is a situation where a lender, at its discretion, may allow the borrower to delay all or part of the borrower's loan payment; deferment is a government program which requires the lender to permit the borrower to delay repayment under limited circumstances, including military service.⁶ These programs rarely apply to loans once they are in HESC's portfolio as HESC only obtains loans after default and these options are usually exercised well before that time.

To assist borrowers in financial distress, HESC may also reduce the defaulted borrower's required payment under the "reasonable and affordable" program, also known as "income contingent" and "token arrangement", if the borrower qualifies.⁷ In brief, under the "reasonable and affordable" program, HESC in certain specific circumstances may allow a reduced payment plan for a maximum of one year, subject to renewal upon proper presentation of then-current financial data. In order to determine whether the borrower qualifies for a reduced payment plan, HESC is required to obtain proof of financial difficulty, usually supplied by the borrower. It is the borrower's burden to prove his or her inability to make required payments to qualify for a reduced payment plan. A borrower qualifies for a reduced payment plan only if his or her expenses exceed 75 percent of income. While, with some exceptions, only necessities qualify as expenses for this calculation, HESC does not determine if the amount of the expense is reasonable. For example, HESC does not examine the size of a house to consider a mortgage payment a necessity and considers any size or amount of mortgage on a residence as an expense; therefore, payments made on a million-dollar mortgage are treated the same as payments made on a \$100,000 mortgage.

⁶ For further information about forbearance see <http://www.hesc.com/content.nsf/SFC/3/Forbearance> and 34 CFR §682.210; and deferment see <http://www.hesc.com/content.nsf/SFC/3/Deferment> and 34 CFR §682.211. See also, <http://www.studentloanborrowerassistance.org/default-and-delinquency/compromise-settlement/>.

⁷ For further information on the reasonable and affordable payment program, see [http://www.hesc.com/content.nsf/SFC/3/Reasonable and Affordable Repayment](http://www.hesc.com/content.nsf/SFC/3/Reasonable_and_Affordable_Repayment) and 34 CFR §682.405(b)(1)(iii).

Having one's loan placed in default has substantial financial implications for the borrower. HESC notifies credit agencies of student loans that are in default causing an adverse impact on the borrower's credit rating which affects the ability of a borrower to obtain future credit. As an option to ameliorate the effects of a default, pursuant to federal law as administered by HESC, a borrower may have the default expunged from his or her account (have the loan wiped clean) if the borrower "rehabilitates" the loan. The rehabilitation process, once completed, places the borrower in the same financial position, with the same credit rating, enjoyed prior to defaulting on the student loan.

Under federal law, specific enumerated steps must be taken to rehabilitate a loan.⁸ First, the borrower must agree to a payment plan. The payment plan may be for either the full monthly amount due or a reduced amount if the borrower qualifies. The borrower must make nine out of 10 consecutive payments to qualify for a rehabilitation loan. After the borrower makes the required payments, the borrower will be mailed a rehabilitation application. If the application is submitted and accepted, the borrower must file an "Acknowledgement of Debt" whereby he or she admits the debt and agrees to pay 18.5 percent collection costs upon the rehabilitation of the loan.⁹ If the borrower is qualified and accepted for rehabilitation, a lending institution will repurchase the loan if practicable. When the rehabilitation lender purchases the account from HESC, the lender pays HESC the agreed upon balance of the loan, any interest outstanding, plus a lump sum payment of 18.5 percent which constitutes rehabilitation collection costs, a sum paid to HESC to compensate the agency for the effort of rehabilitating the loan. HESC remits the principal and interest received from the new lender to the federal government minus its normal collection fee, but retains the entire 18.5 percent rehabilitation collection costs paid to it by the new lender. During the repayment of the rehabilitated loan, the borrower pays the new lender the principal, accrued interest, plus the amount assessed as rehabilitation collection costs which the new lender previously paid to HESC upon purchase of the loan. In a successful rehabilitation, HESC is repaid for the loan in its

⁸ See, 34 CFR § 682.405.

⁹ Rehabilitation collection costs serve the same general purpose as regular collection costs: to mitigate the costs to the taxpayers of collecting on student loans. Rehabilitation collection costs are paid up front when the loan is purchased by the new lender rather than when the borrower makes each payment.

portfolio plus the added rehabilitation collections costs while the borrower has the default immediately removed from his or her credit report.¹⁰ This "win-win" situation is the single most lucrative debt recovery tool for HESC.

As a general rule, HESC attempts to collect on a defaulted loan for approximately 90 days.¹¹ If HESC is successful in its in-house collection attempts through contact with the borrower, promises to pay, payment plans, garnishment or similar activities, it will retain and work the account. Payment plans are established for a maximum of 10 years with HESC, or the borrower may consolidate¹² or rehabilitate the loan with HESC's assistance to obtain a longer payment term. If HESC is unsuccessful in its collection efforts, it may refer the account to one of eight private collection vendors currently under contract with HESC. HESC has employed various collection agencies over the years which are only paid if they collect on an account. Vendors are paid a percentage of the amount they collect. The vendor's fee is less than the amount paid to HESC by the federal government.

Joseph Catalano, Dantaida de Guzman, and Mattie Douglas

HESC is overseen by a Board of Trustees which meets semi-annually. Its day-to-day operations are run by a President, an Executive Vice President, and various other staff. In 2009, HESC employed a total of approximately 600 staff.

Joseph Catalano is currently the Assistant Vice President of Collection and Default Management at HESC. Catalano commenced employment with HESC in 1980 as part of its Accounting Unit. He rose through the ranks at HESC where his duties included, among other things, training staff in compliance with state and federal

¹⁰ For more information on the rehabilitation process for student loans, see <http://ed.gov/offices/OSFAP/DCS/rehabilitation.html>.

¹¹ The minimum time period which HESC devotes to collection of defaulted accounts has varied over the last decade. The general process, however, has not changed.

¹² Loan consolidation allows borrowers to combine multiple loans of differing types and repayment schedules into a single loan. Consolidation can be done at any time, including after default. For more information on consolidation, see http://www.hesc.com/content.nsf/SFC/2/Loan_Consolidation_Center.

regulations regarding student loans, drafting HESC policies regarding collections, and managing in-house and outside collection activities. In 1994, Catalano accepted employment with the State University of New York in Albany where he was the Director of the Student Loan Service Center, which duties included loan collections. He then spent five years as the Director of Collections at Solomon & Solomon, P.C., a major private collection vendor in New York, where he continued to work on student loan collection. In 2000, Catalano briefly left the collections field before returning to employment with HESC in 2004. Since 2004, Catalano has been in charge of student loan collection at HESC. Based upon his decades of experience in the field, Catalano's knowledge of the student loan process and HESC's policies and practices is vast. Robert Butler, HESC's former Chief of Operations and the staff member who recommended Catalano for his current position, informed the Inspector General that, "[Catalano] knew his business, he was perhaps one of the best people" in the field of loan collections.

By virtue of his official position at HESC, Catalano has considerable authority in the utilization of collection tools to obtain payment on student loan accounts and possesses the ability to settle student loans and to waive fees, interest and principal when the loans are paid off. Although his official status affords him wide latitude, Catalano's authority is constrained by federal law and regulations and HESC policy. Depending on the nature of the contemplated settlement, Catalano may be required to seek approval from his superiors, including the President of HESC, in order to take action to mitigate or settle a loan. When interviewed during this investigation, Catalano claimed that he is not conversant in how to use the various HESC computer systems and admitted to the Inspector General that he directs subordinate staff to make entries in the computer system to carry out his directives.

Dantaida de Guzman was the Director of Collections at HESC reporting directly to Catalano until late 2009. She is currently in charge of HESC's Aversions Unit. In 2007, Mattie Douglas became Catalano's assistant. She has since been promoted, but continues to work for Catalano in collections. For all events relevant to this report, both

de Guzman and Douglas took direction from Catalano and often worked specific accounts at his behest.

Scope and Methodology of the Inspector General's Investigation

In order to investigate these multiple complaints, the Inspector General took voluntary, sworn testimony from 37 witnesses, including HESC's current and former management staff and other key individuals. In addition, the Inspector General consulted the U.S. Department of Education for this report. Several individuals were interviewed multiple times, as they possessed information relevant to more than one subject under investigation.

In conjunction with testimony from witnesses, the Inspector General examined approximately 5,000 documents obtained from HESC including policies, memoranda, internal and external correspondence, telephone records, personnel and disciplinary files, financial documents, training material, and staff e-mails, as specific communications were an integral part of the allegations. The Inspector General also reviewed thousands of pages of student loan financial records from more than 40 borrowers generated from HESC's computer systems and microfilm records.

HESC Chief Financial Officer Matthew Downey, Counsel Thomas Brennan and current Director of Collections Frank Brockley cooperated fully in this investigation and assisted the Inspector General with the interpretation of HESC records and financial data used in this report. Acting President Elsa Magee, Downey, Brennan and Brockley are also responsible for ongoing reforms at the agency.

HESC maintains two computer software systems which are relevant to this investigation. The new system, the DRS system, is a collections tool and has been in use at HESC since late 2008 and, as of late 2009, all collection activity has been migrated to the DRS system. The former collection system, the DMCS system, is still in use as the accounting system and official record of HESC activity. There is no separate paper

record of HESC activities pertaining to borrowers' accounts other than retention of incoming mail. The DMCS system has multiple internal reports. The Inspector General utilized three main report screens in its investigation: the case comments screen, the critical change screen, and the transaction history file. HESC employees are required to record all contacts with borrowers, by letter, phone, or email on the case comments screen. To the extent that any change is made to an account beyond a mere comment, the critical change screen automatically captures the change and logs the computer identification code of the person who made the change. The transaction history file shows billing amounts and payments received and credited to the account.

III. FINDINGS OF THE INSPECTOR GENERAL

Abuse of Authority by Catalano and de Guzman Regarding Michael P. McDermott

On November 15, 2004, Peter Porco was murdered and his wife brutally assaulted in their home in an Albany suburb. Porco's son, Christopher, was tried during the summer of 2006 and convicted of the crimes of Murder in the Second Degree and Attempted Murder in the Second Degree on August 10, 2006. One of the witnesses for the prosecution was Catalano, a family friend of the Porcos who testified about his conversations with Christopher Porco around the time of his murder of his father.¹³ The lead prosecutor in the case for the Albany County District Attorney's Office was Chief Assistant District Attorney Michael P. McDermott. In November 2006, McDermott left the District Attorney's Office for private practice with an Albany law firm.

McDermott and Catalano live in the same Albany suburb where the murder took place. Both men testified that they did not meet until the investigation of the Porco murder. McDermott interviewed Catalano at least three times during the investigation: as part of the original criminal investigation, as part of witness preparation, and on the stand during the trial. At some point, McDermott became aware that Catalano worked for HESC, and he retained Catalano's direct telephone number at work.

McDermott has student loans in default within HESC's portfolio. McDermott's loan balance as of August 2010 is \$59,192 including \$8,195.76 of accrued interest. McDermott's loans originally defaulted in 1991. McDermott failed to make payment on his loan and HESC took a judgment against him in 1994. HESC received payments through the Albany County Sheriff's Department collection processes at such times when McDermott was employed and the Sheriff's Department was able to locate him. In 2002, at McDermott's request and with his assurance that he was going to consolidate or rehabilitate his loan, HESC voluntarily agreed to vacate the judgment. Once the

¹³ *Porco Family Friend Testifies*, Albany Times Union, July 17, 2006.

judgment was vacated, McDermott again failed to pay the loan and refused to enter into a consolidation or rehabilitation. In April 2003, in an effort to avoid garnishment of his wages, McDermott entered into a reduced payment plan with HESC and made some payments. At the time of the Porco trial in 2006, McDermott was making payments under a properly approved reduced payment plan.

After the trial, most likely in May 2007,¹⁴ McDermott contacted Catalano. McDermott told the Inspector General that, “[My] student loans have been an issue since after I graduated from law school.” Through the years, McDermott spoke to several different HESC employees regarding his loan, including de Guzman, Deane Fish, and Robert Bates. By mid-2007, Fish had left HESC and Bates was deceased. McDermott expressed frustration with using the 1-800 number automated system at HESC, testifying, “It’s a nightmare. So I was always looking for somebody who’s like a live body that I could deal with.” Interestingly, McDermott did not explain why in 2007 he did not directly contact de Guzman, who had previously assisted him for years with his loans. Rather, McDermott contacted Catalano. McDermott told the Inspector General that, “I don’t even remember having anything but a very general conversation with Mr. Catalano saying, ‘Listen, I’ve got these student loans – trying to deal with Higher Education is a nightmare, is there somebody that I – a real person I can speak to?’ – and then having him put me in touch with Ms. de Guzman.” When asked why he contacted Catalano, McDermott stated, “Simply because I found out he worked at Higher Education and he was like a person I knew I could call and say, ‘Have you got a name with a phone number besides an 800 number?’”

¹⁴ McDermott and Catalano both testified to the Inspector General that the contact was made after the trial concluded, but neither was able to pinpoint the date. Their testimony that the conversation occurred after the conclusion of the trial is confirmed by the evidence. In addition to de Guzman’s testimony that Catalano referred to McDermott as a person who had been previously employed by the District Attorney’s Office, HESC records assist in narrowing the possible dates when this discussion occurred. Upon review of the file, the Inspector General determined that the most likely time for the contact is between May 1, 2007, when de Guzman noted in McDermott’s account that she was awaiting financial documentation in support of an application for a reduced payment plan, and May 7, 2007, when she made a contradictory entry in McDermott’s account alleging that there were new rules and no documentation was necessary. She further granted McDermott a reduced payment amount of \$400 for two years, a period inconsistent with both federal regulations and HESC policy.

Catalano provided a similar account of his conversation with McDermott. Catalano testified that he and McDermott had become "friends" during the Porco trial and McDermott called and informed him that he was having "financial troubles" and asked if "there are any opportunities" and "is there anything that can be done to help out in this case." Catalano averred that he informed McDermott that he did not "want to get involved" due to their friendship and that he would "hand it over to another director" and "I'm sure that . . . she will do everything in her power to take care of this in a way that's . . . appropriate, you know, to help you in any way, just to make sure he's been offered all the opportunities."

Catalano Directs de Guzman to Assist McDermott

After Catalano and McDermott spoke, Catalano contacted his subordinate de Guzman. De Guzman recalled initially receiving the account from Catalano, describing their conversation as follows: "Taida, can you call this guy Michael McDermott? I guess, um, ya know, he goes 'I don't know what's going on with this account . . . Take a look at it.' I go 'Anybody special?' Something that we kinda say. He said, 'Well he's that guy, he worked for the ADA.'"¹⁵ Catalano admitted giving the assignment to de Guzman, testifying, "I told Taida to take care of it and I wanted to just — myself from it 'cause I knew Mike personally, I didn't think it would be appropriate for me to get into any negotiations with him." De Guzman stated that Catalano told her to "do what you can for him," which she testified she understood to mean, "basically make Mr. McDermott's life easy."

Both de Guzman and Catalano admitted that de Guzman looked at McDermott's account and advised Catalano in several conversations of steps she wanted to take on McDermott's behalf. These steps included providing McDermott with a reduced payment plan (to which he was not entitled and not available to other borrowers), removing collection costs from the account (without any legal basis), and keeping

¹⁵ De Guzman advised the Inspector General that she attended the Porco trial on the day Catalano testified.

McDermott out of wage garnishment (despite the fact that any other borrower under similar circumstances would have been referred for garnishment).

The Reduced Payment Plan

After the conversation between McDermott and Catalano, McDermott spoke to de Guzman on numerous occasions to obtain assistance with his account. McDermott stated that he repeatedly requested reduced payment plans from de Guzman but admitted that he did not provide any documentation in support of his applications.

Prior to Catalano's intervention in 2007, any reasonable and affordable payment plans provided to McDermott were granted in accordance with federal law. Starting in May 2007, however, after McDermott contacted Catalano, McDermott received preferential treatment inconsistent with federal law. As discussed above, in order to qualify for a reduced payment plan, a borrower must prove that reduced payments are warranted due to financial necessity. HESC has no record of the receipt of financial documentation in support of McDermott's request for a reduced payment plan after 2006. Indeed, according to entries in the computer system and copies of financial data retained on microfilm, former HESC supervisor Robert Bates was the last person to require McDermott to provide financial documentation in support of his claim of financial difficulties. If McDermott had not been granted the reduced payment plan after his conversation with Catalano, he would have been billed \$1,030 per month from May 2007 onward instead of the \$400 he was actually billed.

De Guzman admitted that after her direction from Catalano in 2007, she never asked McDermott to provide required documentation regarding his financial status to support a reduced payment plan. In fact, although de Guzman noted in the account that McDermott repeatedly told her that his finances had not changed, McDermott, during his interview, emphatically denied ever making that statement to de Guzman. De Guzman, equally emphatic, stated that he made the representation to her and that she relied upon

McDermott's claims of financial hardship to approve his reduced payment plan. As de Guzman stated, "He's a district attorney, I think I'd be able to trust him."

The granting of a reduced payment plan to McDermott at that time is particularly troubling in that his finances had in fact appreciably changed for the better: He had left government service for a more lucrative position at a private law firm. Indeed, not only was McDermott granted four years of reduced payments without any proof of financial distress, but he failed to notify HESC of a change in employment as required by his promissory note. About November 2006, McDermott left the employ of the Albany County District Attorney's Office, where he was earning approximately \$110,224 per year. Given his prominence as the lead prosecutor in the Porco case, his new employment was the subject of an article in the *Albany Times Union*.¹⁶ HESC did not officially become aware of McDermott's new job until October 2007, almost a year after he ceased employment with the District Attorney's Office. HESC only formally learned of McDermott's change in employment when he failed to make payment on his account and HESC attempted to garnish his wages from Albany County. On October 24, 2007, HESC was finally advised by Albany County that McDermott was working with a private law firm. Notwithstanding this notice, HESC did not, on that date or at any later time, seek financial documentation from McDermott despite the great probability that he was earning more money in private practice than as a public employee.

The Inspector General reviewed HESC's records regarding McDermott's student loan account with Joseph Bradley, HESC's Director of Regulatory Compliance, and Matthew Downey, HESC's Chief Financial Officer, to determine whether McDermott received special treatment at HESC due to the intervention of Catalano and de Guzman. Preliminarily, Downey and Bradley both confirmed that all actions taken on the McDermott account prior to Catalano's intervention in 2007 appeared appropriate, including the granting of a reduced payment plan. Bradley confirmed that under the

¹⁶ *Albany Times Union, Soares Losing a Steady Hand – Michael McDermott's Departure Raises Questions About Experience in County*, November 4, 2006. The story was picked up by multiple news outlets and reported on local television news programs.

circumstances fully documented in the file, any other borrower with similar financial circumstances as McDermott prior to May 2007 would have been given a reduced payment plan "consistent with policy and regulation." Bradley confirmed that McDermott provided documentation to HESC in support of his reduced payment plan up to and including his 2006 application.

Bradley expressed concern about de Guzman's May 7, 2007 computer entry granting McDermott a continued reduced payment plan. Bradley explained, "The collector at the time [de Guzman] on [the computer entry] stated there is no need for Reasonable and Affordable documents to be submitted and OK'd the borrower for two years of reduced payment." Bradley continued, "There is no regulation to waive the request for documentation and I'm unaware of any HESC policy." Bradley further stated, "I believe the policy has always been that anything more than a year, you would ask for new documentation because there could be changes in the borrower's employment or other expenses that would impact the amount." In fact, McDermott changed employment, as noted above, between his 2006 and 2007 requests for a reduced payment plan.

Consistent with Bradley's assertion, the Inspector General determined that no regulation or HESC policy supported the claim that documentation for a reasonable and affordable payment plan was no longer required as of May 2007 as claimed by de Guzman in her entry in McDermott's account. Inexplicably, however, HESC's "Collections Training Manual" states, "If the monthly reasonable and affordable payment requested is: \$50 or greater, meets the monthly interest and borrower shows hardship, documentation is not needed." There is no explanation about how the borrower is capable of showing hardship without providing documentation. As this provision of the manual is inconsistent with federal law and illogical, the Inspector General sought the identity of the author of this section of the manual. While the actual author could not be ascertained, not coincidentally, the Inspector General determined that this provision was placed in the manual and approved by de Guzman at about the same time she was placing a similar incorrect entry in McDermott's computer record as justification for her actions.

While it is not within the purview of the Inspector General to determine the exact payment that McDermott should have made on his student loan, in order to determine whether McDermott received a payment plan to which he was not entitled, the Inspector General obtained W-2 forms and an estimate of expenses for the years 2007, 2008 and 2009 from McDermott.¹⁷ The Inspector General confirmed that McDermott earned substantially more money in private practice than he did working for the Albany County District Attorney's Office. In both 2007 and 2008, McDermott made over \$40,000 more in the private practice of law than he did while employed at the District Attorney's Office. In 2009, McDermott also taught a class at an area college and worked in private practice making \$188,196.87, approximately \$78,000 more than he made at the District Attorney's Office.¹⁸

The Inspector General solicited the assistance of Frank Brockley, the current HESC Director of Collections, to ascertain whether McDermott should have been granted a reduced payment plan at his income levels in 2007-2009. Brockley compared McDermott's expenses to his income. Many of the expenses that McDermott claimed, Brockley disallowed.¹⁹ Brockley determined that, even given generous expense allowances, McDermott was only entitled to a reduced payment on his student loan from July 2007 to June 2008, as during that period, due to circumstances beyond his control, McDermott was paying mortgages on two homes, which is a legitimate basis for a reduced payment plan. Brockley reiterated his position that many of the other "expenses"

¹⁷ The Inspector General only asked McDermott for documentation of his income. According to federal regulations, spousal income is included in household income to determine a borrower's eligibility for a reduced payment plan. Thus, the income levels used to determine the applicability of a reduced payment plan for McDermott may be artificially deflated.

¹⁸ It should be noted that McDermott fully cooperated in this investigation and voluntarily provided this information.

¹⁹ Brockley stated that there was a subjective component to negotiations between HESC and a borrower regarding a reduced payment plan. Not all HESC collections employees agreed on what was a reasonable expense. For example, Brockley disallowed McDermott's payment for private high school and multiple gym memberships, and reduced McDermott's allowance for a cell phone plan. Brockley allowed payment on a credit card and cable television. Brockley stated that all collections employees should allow home mortgages, food, car, child support, insurance, utilities, and similar such payments as necessities. After the Inspector General's investigation, in order to reduce the level of subjectivity in the process and to increase consistency, Brockley removed the review of applications for reduced payment plans from rank-and-file collectors. All reviews are now conducted by a Senior Accountant on Brockley's staff.

that McDermott had claimed were not necessities and that if he were reviewing the account today, he would not allow a reduced payment during any of the four years in question.

The Removal of Collection Costs

In October 2007, de Guzman and McDermott spoke again after McDermott failed to make required payments in May and September 2007. Neither party to the telephone call was able to remember the catalyst for discussing collection costs, but both admitted that the subject was discussed. Subsequent to this discussion, on October 23, 2007, de Guzman made the following entry in HESC's computer system:

ALSO DISC COLL COST. B VOL PAYES YEARS. ASK FOR COLL
COST. B HAS BEEN VOLUN PAYING - REMOVE COLL COST

This entry translates from HESC jargon as: "Also discuss collections costs. Borrower voluntarily pays for years. Ask for collections costs. Borrower has been voluntarily paying. Remove collection costs."

According to de Guzman, she removed the collection costs because McDermott raised the issue and Catalano approved the action. She admitted that the entry indicates that McDermott had been voluntarily paying for years. When asked if that was a truthful entry, de Guzman admitted that her entry was false, testifying "Well, no, because he hasn't been paying for years – he's missed payments, yes." In fact, McDermott had missed the previous month's payment. Later in her interview, de Guzman became concerned about her admission of making false entries in HESC's records and attempted to defend her entry based upon an untenable semantic argument by claiming that when McDermott actually made payments they were made "voluntarily", in contrast to payments obtained through garnishment. Ironically, in addition to the fact that McDermott repeatedly missed payments, the very reason McDermott was not in garnishment was because de Guzman, her subordinates, or Douglas improperly removed

McDermott from that status. De Guzman admitted that there was no legal basis for any of her actions, but averred that she was effectuating the directions of her boss, Catalano.

For his part, McDermott claimed that it was his understanding that collection costs were discretionary and HESC could waive them if it chose to do so.²⁰ McDermott stated that de Guzman offered to remove the collection costs because he was paying at least the interest on a monthly basis. Regardless of his actual knowledge of HESC's discretion to lawfully remove collections costs, McDermott had to know that this justification for removing the costs was invalid as he repeatedly missed payments altogether. In fact, the reason he and de Guzman spoke on the telephone in October 2007 was because McDermott had failed to make his September payment. Moreover, McDermott, a lawyer with over 15 years of experience, signed a repayment agreement with HESC in May 2007 in which he agreed to pay \$400 per month for one year which included interest *and collection costs*.

The Inspector General discussed de Guzman's removal of collection costs on the McDermott account with HESC officials Bradley and Downey. Both men informed the Inspector General that there was no lawful basis to remove the collection costs. Bradley explained that if a borrower began making payments within the first 60 days after the loan was purchased by HESC and continued to make payments, collection costs may be waived. Downey stated that the only other basis for removing collection costs from an account is if the account is paid in full as part of a settlement and compromise. Neither situation remotely applied to McDermott.

With regard to de Guzman's entry that McDermott had been voluntarily paying, Downey noted that contrary to McDermott voluntarily paying, "We had actually gone through the income execution with the sheriff, garnished his wages when the judgment was in place. HESC subsequently vacated the judgment at McDermott's request, because

²⁰ To the extent that HESC had the discretion to waive collection costs, those limited circumstances were not applicable to Michael McDermott; McDermott was not involved in a compromise and settlement of his account nor was he involved in a payment plan which commenced within 60 days of default under which he made faithful and consistent payments.

McDermott agreed to consolidate his loan; which McDermott failed to do.” Both Bradley and Downey confirmed that McDermott missed numerous payments after HESC vacated the judgment. Further, McDermott did not pay off his account. In fact, remarkably, McDermott’s account has been with HESC for over 20 years, yet he has never made a voluntary payment against principal.

To date, McDermott continues to be afforded reduced payments (\$400 per month), despite earning an additional \$78,000 in 2009 above his 2005 income. McDermott missed multiple payments between 2007 and 2010, but continues to enjoy the benefit of not having collection costs applied to his account. Between November 7, 2007, and August 6, 2010, McDermott failed to pay \$2,111.35 in collection costs directly attributable to his loan payments. This number, however, is misleading. Collection costs are only assessed if a payment is made, so this figure is artificially deflated because McDermott missed payments and was not required to make up those payments. McDermott was also permitted to make reduced payments in the amount of \$400 per month rather than the \$1,030 monthly that was due in 2007, 2008 and 2009. If McDermott had made payments consistent with his promissory note, either voluntarily or through wage garnishment, he would have paid collection costs in the amount of at least \$4,225.49 based on the revised payment plan prepared by Brockley.²¹ According to Brockley, between November 7, 2007, and August 6, 2010, McDermott should have made at least \$26,430 in payments on his student loan. McDermott only paid \$13,030 during that period, less than half what was appropriately due.

²¹ As noted, under the revised payment plan, Brockley stated that at most McDermott would have been permitted to make reduced payments during the period when McDermott was making mortgage payments on two houses.

Catalano Intercedes on McDermott's Behalf Allowing McDermott to Avoid Wage Garnishment

McDermott's account was removed from wage garnishment²² at least six times from May 2007 to October 2008, bringing his account current and removing any delinquency or past due payments that accrued after May 2007. An account is "brought current" when delinquency or past due payments are cleared from the account and the borrower permitted to commence repayment anew. The appropriate process to bring an account current is for the borrower to make the past due payments. Although HESC collectors have the authority to make a manual entry on the computer system to bring an account current without payment being made, this usually occurs only when a borrower is legitimately entering into a repayment plan, not when the borrower periodically fails to make a payment as was the case with McDermott.

De Guzman personally removed McDermott from garnishment or ordered that his account be brought current to avoid garnishment on at least five occasions. Mattie Douglas, another subordinate of Catalano, brought McDermott out of garnishment at least once. Allegedly, McDermott was unable to make even the reduced \$400 payment he was unlawfully granted on all of these occasions.

McDermott admitted to the Inspector General that he missed payments, even when the payment amount was reduced by de Guzman, and that he would contact her in those instances, relating that, "[D]uring the number of years I've been dealing with Ms. de Guzman there've been a couple occasions where I've missed a payment, I've called Ms. de Guzman and she's like, 'OK, make sure you make the next payment.'" When the Inspector General asked de Guzman why she continued to bring McDermott's account current, she related a conversation she had with Catalano, "I said 'Joe listen, he missed a payment' . . . 'I go, 'What do you want me to do, bring him current so to stop the AWG

²² Wage garnishment occurs when an employer is required by court order or other legal process to withhold a portion of an employee's wages to pay an employee's debt. The debt may be for taxes, a private debt, or a student loan. For further information on wage garnishment, see <http://www.dol.gov/compliance/guide/garnish.htm>.

[Wage Garnishment] because he's already in AWG?" According to de Guzman, Catalano responded, "Yeah, go do what you have to do."

McDermott was well aware that if he continued to miss payments his wages should be garnished. De Guzman testified to the Inspector General, "I told Mr. McDermott that. I said, 'Look it.' I go, 'At anytime you stop making monthly payments, collections costs is going to go back up. If you stop making payments within 60 days, you're going to be set for AWG [wage garnishment] again.'" Unsurprisingly, due to his continued ability to skirt collections costs and wage garnishment through the intervention of Catalano and de Guzman, de Guzman's threat was never realized. McDermott simply called de Guzman when he missed a payment, his account was brought current, and he was removed from wage garnishment.

De Guzman brought McDermott current twice in 2007, in May and September. In fact, it was after his failure to make his September 2007 payment that de Guzman removed his collection costs. In May 2008, McDermott missed another payment. De Guzman directed HESC employee William Mitchel to bring the account current in May 2008, and then again in June and July 2008 in response to calls from McDermott purporting that he was experiencing financial difficulties. Mitchel confirmed to the Inspector General that he made manual entries in McDermott's account in May, June and July 2008 to bring the account current and avoid both garnishment and past due amounts at de Guzman's direction. Mitchel, who has worked for HESC for 27 years, confided in the Inspector General that in the course of his entire career he knew of no borrower being brought current without making payment for three months, or any borrower being afforded a reduced reasonable and affordable payment for two years, let alone four, without proper documentation.

Catalano Directs a Second Subordinate to Assist McDermott

In October 2008, de Guzman advised Catalano that she could no longer handle McDermott's account as she had been assigned to new duties within HESC. In response,

Catalano referred McDermott's account to another subordinate, Mattie Douglas, a Student Loan Control Representative 3 who also served as Catalano's assistant. Catalano e-mailed Douglas on October 3, 2008, about McDermott, directing her to "see me on this." On October 16, 2008, according to telephone records, Douglas made three calls to McDermott's office, the third call lasting over 10 minutes. Two days later, Douglas unlawfully took McDermott out of garnishment and extended McDermott's reduced payment plan. No entry for these changes exists in the case remarks screen of the computer system despite Douglas' protestations that she would have made such an entry. Her actions were automatically captured, however, by the critical change screen and the transaction review screen. Douglas blamed computer error for her failure to place an entry in the case review screen. McDermott testified that he did not recall ever speaking to Douglas about his student loan account.

Despite her previous refusal to work on the account due to her reassignment to other duties, on August 17, 2009, de Guzman again spoke with McDermott. According to contemporaneous entries made by de Guzman in HESC's official records, McDermott told de Guzman that his income and expenses remained essentially unchanged and requested continuation of the \$400 payment plan. De Guzman and McDermott purportedly agreed to speak the next day. De Guzman did not record in HESC's records a subsequent phone call. However, on August 24, 2009, de Guzman directed a subordinate to approve a new reduced payment plan for McDermott. The subordinate recorded his conversation with de Guzman in HESC's electronic records noting that de Guzman told him that McDermott's monthly income was \$8,150 and his monthly expenses, excluding his student loan, were \$7,500. As per de Guzman's direction, her subordinate granted McDermott a reduced payment plan, again in the monthly amount of \$400. According to de Guzman's testimony, she obtained the financial information from McDermott. McDermott denied providing this information to de Guzman. Whatever the source of the information, it was false and drastically understated McDermott's income, which by this time was nearly twice the amount entered in the official HESC record.

In January 2010, de Guzman again told Catalano that she would not work on McDermott's account, repeating her explanation that she had been reassigned to other duties. After this time she had no further involvement in McDermott's account, causing Catalano once again to utilize Douglas to work on McDermott's account.

Douglas was highly emotional and defensive when she spoke to the Inspector General. She initially denied having any involvement with the McDermott account until 2010. When confronted with a log of McDermott's account that revealed that she had in fact reviewed and made alterations to the account in October 2008, Douglas became flustered and wept.

Based upon the intervention of de Guzman and Douglas at Catalano's behest, McDermott avoided garnishment at least six times beginning in May 2007. If the account had been placed under administrative wage garnishment, McDermott's employer would have been required to deduct at least the \$400 payment on a monthly basis from his wages, and the decision of when and how to make a payment would have been removed from McDermott's control. His only recourse would have been to request an administrative hearing before an administrative law judge to avoid payment. While it is conjecture, it is doubtful that an administrative law judge, taking into account McDermott's income, would have been sympathetic to McDermott's protestations of financial need. Notably, HESC is currently collecting payments on 27,742 loan accounts through garnishment.

Catalano's Role in Granting McDermott Unlawful Benefits

It is clear that de Guzman and Douglas knowingly and unlawfully afforded McDermott advantages to which he was not entitled and which were not available to any other HESC borrower before or since. It is further clear that de Guzman and Douglas took these actions after Catalano directed them to assist McDermott. Despite his vast experience in the field, Catalano disclaimed any improper actions and professed ignorance of the relevant rules and regulations violated at his instigation.

De Guzman testified that after Catalano directed her to "do what you can" for McDermott in May 2007, she looked at McDermott's account and advised Catalano what options were available, including reduced payments and the removal of collection costs. De Guzman admitted to the Inspector General that she had no legal basis to remove collection costs from McDermott's account, but claimed that the actions she took on the McDermott account were approved by Catalano.

De Guzman testified and Catalano confirmed that de Guzman kept Catalano apprised of the actions she took on McDermott's account. For example, in May 2008, de Guzman spoke with Catalano informing him that McDermott had missed another payment and was concerned about the consequences. De Guzman suggested and Catalano agreed that they should bring McDermott current, avoiding both accruing past due payments and wage garnishment, and keep collection costs off the account. McDermott's account, at the direction of de Guzman, was then brought current three consecutive months in 2008 after he missed payments on his student loans.²³ De Guzman advised the Inspector General that she spoke with Catalano each time McDermott missed a payment and, in response, Catalano mentioned various personal problems that McDermott was experiencing, either divorce or purchasing a home. Interestingly, both Catalano and McDermott claimed in their testimony to the Inspector General that they did not speak with one another during this period.

De Guzman averred that she did not remember speaking with Catalano regarding her actions on the McDermott account in 2009, because the conversation would have been superfluous: "In 2009, why ask? You know what's going to be told."

The Inspector General interviewed Catalano on three occasions: twice on the same day and then several weeks later. During his first interview with the Inspector General on March 11, 2010, Catalano, befitting his years of experience, provided the Inspector General with detailed information about processes and procedures for

²³ McDermott's account was brought current four times in 2008. The fourth time, de Guzman refused to be involved and Catalano referred the problem to Douglas.

reasonable and affordable payment plans, promises to pay, consolidation programs, collection costs, telephone usage, and file documentation, as well as many other HESC programs. His knowledge was substantial and corresponded with his 20-plus years of experience with the agency and 30-plus years in the collections field with HESC, SUNY, and the private collection firm of Solomon & Solomon, P.C. In reviewing numerous files, Catalano readily provided his opinion about whether a particular subordinate took appropriate or inappropriate action under the circumstances reviewed.

During that same interview, Catalano admitted that he spoke with McDermott and directed de Guzman to "take care" of McDermott. Catalano further conceded that de Guzman outlined the steps she was going to undertake on McDermott's behalf. Catalano also confirmed de Guzman's claim he spoke with de Guzman more than once about actions she was taking on McDermott's behalf.

Catalano again met with investigators several hours after his first interview. During his second interview, he again admitted to speaking with de Guzman. Catalano admitted that he said to de Guzman, "He (McDermott) was having financial distress, you know, is there anything you can offer this guy that hasn't been offered before?" Still admitting that de Guzman apprised him of every action she took on the McDermott account, Catalano claimed that he did not understand what de Guzman was saying to him or did not understand the import of her activities. Catalano disclaimed any intention of directing de Guzman to take any improper actions, stating, "Perhaps that choice of words implied to her that, you know, something more than it was, but it certainly wasn't my intention." Catalano further attempted to minimize his knowledge of applicable rules: "I don't get involved with the rules and regulations 'cause that's what they do, they're familiar with them, I am not. I mean, I know that there are rules, I know the broad picture of the rules, but I honestly don't know. You could rattle off a million things, uh, uh, it's like talking Greek to me." Catalano's claims of ignorance, however, are called into question by his wealth of experience and the high degree of detail he displayed regarding collection costs and reasonable and affordable payments several hours earlier in his first interview on March 11, 2010. Additionally, Catalano specifically conceded in his

interview that it "wouldn't be a good thing" for HESC to bring a borrower current who had not made required payments, as was done for McDermott.

While conceding that he discussed the matters with de Guzman, Catalano also alternatively maintained that he was not informed of "the particulars" of what actions de Guzman was taking regarding McDermott's account. De Guzman directly contradicted this claim. Regarding collection costs, de Guzman testified that she would not "go off the normal stream of things" without "covering [her] butt" and therefore spoke to Catalano and specifically obtained his permission before she turned off McDermott's collection costs. De Guzman further testified that she informed Catalano of the fact that McDermott continued to miss payments and that she had to alter HESC records to keep McDermott's account current and keep him out of garnishment on each occasion.

Catalano's testimony regarding his conversations with de Guzman was not wholly clear or consistent, and, at times, was contradictory. Although claiming at different times that he either did not know the particulars of the actions taken to aid McDermott or that he did not comprehend their meaning, Catalano specifically admitted that de Guzman informed him that McDermott was making "reduced payments." Catalano further admitted that de Guzman "probably did" talk to him about McDermott's missed payments but then posited that "it's not unusual for somebody to miss payments," and that "there are people that we would have adjusted accounts for based on their circumstances, we do adjust collection costs."

Catalano also tried to claim that he did not treat McDermott in any special manner and that McDermott was not a special friend. Catalano tried to compare his actions on the McDermott account to the actions he would take on any referral of a disgruntled borrower from the HESC President's Office. Catalano conceded, however, that the McDermott matter was not a referral from the President of HESC or a member of the general public, rather this was a person who had Catalano's telephone number, who contacted him directly, and asked for his assistance – and Catalano gave McDermott his assistance.

During his third interview, Catalano claimed that what was done for McDermott would have been done for anyone who called him. Catalano testified, "I do what I . . . I do what I always do . . . I said, I'll send it up to the program area." Catalano admitted that if an account or borrower is referred to him or a person calls him directly, he does not send him or her through the normal protocols of the 800 number. He testified:

We never do that. I mean, I can't tell you one time anybody's ever sent me an account or anybody's written to me personally where I've sent them back to the 800 number. And I can guarantee you my boss doesn't do it and my boss's boss doesn't do it. We never do that. . . .

By his third interview, Catalano admitted that he also forwarded McDermott's account to Douglas on two occasions but now claimed that he never spoke to Douglas about any action she took on the McDermott account. Catalano's testimony is contradicted by the evidence. Namely, Catalano sent Douglas an e-mail on October 3, 2008, with the subject "Fw: Michael McDermott" stating, "Please see me on this, Joe". This e-mail was a forward of an e-mail from de Guzman in which she indicated she could no longer take action on the account. Douglas spoke to McDermott by telephone on October 16, 2008, but did not make any changes in McDermott's account until October 18, 2008. Not coincidentally, after receiving direction from Catalano, Douglas took the same improper actions which de Guzman had previously taken: removing McDermott from garnishment and approving a new \$400 reduced payment plan without requesting required financial documentation. It strains credulity to believe that two subordinates of Catalano engaged in the same inappropriate conduct after speaking with Catalano, but that Catalano was wholly ignorant of any preferential treatment afforded. Moreover, given that de Guzman and Douglas are anything but friends, it appears highly unlikely that they discussed the matter and conspired to provide this benefit on their own. The common factors linking their actions are Catalano and McDermott. The results are identical: McDermott was allowed to skip a payment on his student loan and he was given a reduced payment plan without documentation. The only difference was that de Guzman documented her actions; Douglas did not.

The Cost to HESC of the Preferential Treatment for McDermott

Based on the improper reduced payment plan he was afforded, McDermott paid between \$13,000 and \$16,500 less than was due on his account between November 2007 and August 2010. Absent any reduced payment plan, McDermott would have been required to pay \$4,765.13 in collection costs. However, McDermott was even excused from paying collection costs totaling \$2,111.35 on his underserved reduced payment plan. Moreover, without intervention, these charges would have been directly garnished from McDermott's salary, removing his ability to avoid payment.

HESC Unlawfully Pays \$7,150 in Collection Costs for HESC Employee Brian Cox

HESC has implemented two policies regarding employees who have defaulted on their own student loans. The first policy, entitled "Policy for Employees with Student Loan Obligations", prohibits HESC employees from accessing their personal accounts or the accounts of family members. The policy requires that any employee with a defaulted student loan must either be in a voluntary repayment program or placed in administrative wage garnishment. The second policy describes HESC's internal procedures for dealing with employees with defaulted student loans. A designated management representative receives a quarterly report on all HESC employees with loans in the aversion process or loans which have defaulted. The representative meets with the employees and counsels them regarding repayment options. The management representative also monitors employee defaulted accounts and will divert the account into wage garnishment if necessary.

At all times relevant to this report, Jeffrey Hazzard, a Student Loan Control Representative 3, was the management representative designated to manage HESC employee student loan accounts.

Brian Cox's Defaulted Student Loan Account

Brian Cox commenced employment with HESC on June 29, 2006, as a Student Loan Control Representative 1 and continues to serve in that capacity.

A review of Cox's student loan account reveals that within weeks of Cox being hired by HESC, Cox's student loan entered the aversion process, and he agreed to rehabilitate the loan as soon as it defaulted. On February 3, 2007, Cox's student loan went into default and was purchased by his employer, HESC. Cox made his first payment on the account on February 26, 2007. Cox made 10 timely payments on the loan at a properly approved reduced amount of \$300 per month. On a quarterly basis, Hazzard noted that Cox was making timely payments. As per his promise, Cox received an application to rehabilitate his loan, applied for loan rehabilitation, and was approved.

When Cox received the application for the loan rehabilitation, he spoke to William Christopher, an HESC supervisor in charge of the rehabilitation program. Cox and Christopher agree they discussed the rehabilitation process, but their accounts diverged when the topic of collection costs, both in-house and rehabilitation, was raised.²⁴

Christopher advised the Inspector General that he first became aware of Cox's defaulted loan when Cox approached him and told him he received a letter in the mail indicating he qualified for loan rehabilitation. Christopher claimed that Cox asked about waiving collection costs because he began repayment within the first 60 days of the loan being purchased by HESC. Christopher told Cox that he would look into the matter. Christopher testified that because he had never removed collection costs before for any borrower, he sought the approval of his superior, de Guzman, Director of Collections at the time. Christopher averred that he reviewed the account with de Guzman, verifying

²⁴ As discussed above, rehabilitation collection costs, as opposed to the "in house" collection costs relevant to McDermott, refer to the costs imposed on a borrower whose loan is rehabilitated (purchased by a second lending institution).

that Cox began making payments within the first 60 days and was making monthly payments. Christopher stated it was his intention to waive both in-house and rehabilitation collection costs.

De Guzman confirmed that Christopher spoke with her about the collection costs on Cox's account. Because of the nature of the transaction proposed by Christopher, de Guzman stated that she needed approval of her supervisor, Catalano. De Guzman testified that she informed Catalano, "This is the situation — and [Catalano] said 'Oh, he works for us', and I removed the collection costs." De Guzman admitted that she intended to waive both in-house and rehabilitation collection costs on the Cox account, but that she was unaware of the steps necessary to waive rehabilitation collection costs.

Catalano denied all knowledge of the Cox account and denied speaking to de Guzman about Cox's collection costs. Undermining Catalano's denial, the Inspector General was informed by numerous witnesses that Cox's arrangement was widely known within HESC so it appears unlikely that Catalano would remain ignorant of the matter.

Cox signed an Acknowledgement of Debt for Rehabilitation of Defaulted Student Loans, a document which acts as a promissory note on the rehabilitated loan, on October 30, 2007. On that form, Cox agreed to pay 18.5 percent collection costs of \$7,179.48.²⁵ Despite Cox's agreement as formalized on the form he signed, Christopher acknowledged that he expected the collection costs to be removed from Cox's account. Christopher stated that when he turned off the collection costs on Cox's account, he believed that he waived both the in-house and rehabilitation collection costs.

The HESC computer system accepted the waiver of in-house collection costs and did not assess the costs on Cox's November and December 2007 payments. Problems arose, however, when Christopher tried to waive the rehabilitation collection costs Cox was due to pay. As removal of these costs had never been done before for any borrower, HESC's computer system was not programmed to perform this function and Christopher

²⁵ The amount of collection costs on the form was estimated.

was prevented from making the necessary entry in the computer system. Christopher therefore sought assistance from Ashanti Henry, a Senior Accountant. Henry, who stated the transaction was unusual, testified, "I will not forget this. Only because at the time I asked a lot of questions – just to make sure – I'm going to cover my ass." According to Henry, Christopher told her that de Guzman ordered that the costs be waived.

Henry stated that because Cox commenced payment within the first 60 days of default and never missed a payment, in-house collection costs should have been waived while the account was held by HESC. Henry was unaware of any other situation (except in the case of a judicial order or stipulation settling a lawsuit) where rehabilitation collection costs were waived, except Cox. "This was different," she added. Indeed, it was so novel, that HESC's computer program could not process the transaction.

Henry explained that she conferred with Donald Dugan, HESC's Director of Collections Support and Federal Reporting, regarding how to handle the situation. Evincing the unprecedented nature of HESC seeking to remove rehabilitation collections costs from a borrower's account as reflected in the inability of their computer system to process the transaction, Dugan told Henry that in order to do so, HESC would be required to take the remarkable step of issuing a check to the private lender to cover the rehabilitation collection costs. Henry stated that it was not Dugan who decided to waive the collection costs; he merely devised a means of accomplishing that goal.

Cox's loan was rehabilitated on December 19, 2007. Even though Cox's rehabilitation lender initially paid HESC for rehabilitation collection costs on the loan, on January 23, 2008, HESC sent a check to the lender for \$7,150.80 to cover Cox's collection costs.²⁶ The transaction history file notes the payment and states "waived CC"

²⁶ The Inspector General interviewed Warren Wallin, HESC's Chief Financial Officer at the time the \$7,150.80 check was written for the rehabilitation collection costs. Wallin stated that once the check was approved by Henry and her supervisor Dugan, there was no procedure at HESC to "double check" on the propriety of the payment before it was sent. The check amount was below the normal threshold for a second signature and was a transfer to a bank. HESC transfers hundreds of thousands of dollars to banks on student loan accounts on a daily basis. The single signature on the account was a facsimile signature affixed in the normal course of business for checks to institutions for miscellaneous payments under \$100,000.

or as explained to the Inspector General, "waived collection costs." The check advice states "refund collection costs for a/c # [Cox's social security number]."

De Guzman and Christopher denied any knowledge that a check was issued to cover Cox's collection costs. Despite the fact that Henry stated that she issued the check at de Guzman's direction, de Guzman claimed that she did not have the authority to direct that a check be written to cover rehabilitation collection costs.

Cox's version of events regarding the collection costs is drastically different from Christopher's account. Cox denied knowledge of the fact that his collection costs were waived by HESC. Cox acted befuddled when shown a copy of his account and directed to the entries where the in-house collection costs were removed and where a check was issued to his lender to cover assessed rehabilitation collection costs. Cox denied asking to have collection costs removed adding, "I would have no reason to. I was well aware of what happened with my loan going into default status. I was ready to take responsibility for the fact that it went into default status. I have no reason to even consider collection costs being removed." Cox reaffirmed, "I definitely did not request that collections costs be removed." Cox claimed he was "completely unaware" that HESC paid \$7,150.80 to his lender for collection costs. Cox claimed that he never tracked the balance of his loan, either before or after the loan was rehabilitated. He further claimed that he never noticed that the principal amount of his rehabilitated loan was approximately \$38,000 rather than approximately \$45,000, the amount that was due according to his Acknowledgement of Debt for Rehabilitation of Defaulted Student Loans. Cox stated, "I got to be honest with you I never - I made payments - and then shortly after I stopped making payments - I wasn't even watching my account."

Notably, in violation of HESC policy, the Inspector General determined that Cox not only "watched" his HESC account, but that Cox accessed his account despite HESC policy to the contrary and updated some personal information. While the entry appears harmless, it was clearly improper. Cox claimed ignorance of any policy prohibiting him from accessing his account.

In a follow-up interview, Christopher was told that Cox flatly denied speaking to anyone at HESC about collection costs. Christopher replied, "That's not true." Christopher opined that the reason Cox got his collection costs paid for by HESC, unlike every other borrower in the agency's history, was, "[Cox] asked me. I think he's a very hard worker. I believe he gets the same opportunity as the other person gets. If he didn't ask me, I wouldn't have asked the Director to turn them off." Christopher repeated that he treated Cox the same as he would have treated anyone else who got in touch with him, but also averred that no one else ever asked. Christopher confirmed that Cox had worked for HESC for a very short time when his loan was rehabilitated. Christopher claimed he did not know Cox outside of work and had no interest in doing Cox a favor.

Cox's claim of ignorance regarding the waiver of collection costs on his account is unconvincing. It is simply not believable that Cox did not notice that he was billed over \$7,000 less on his rehabilitated loan than what he acknowledged as due on his rehabilitation application. The Inspector General, therefore, spoke with the Principal Accountant who oversees the rehabilitation unit, Debra Mead. Mead is a close personal friend of Cox. Mead initially stated that she never heard of anyone having rehabilitation collection costs waived. Then she corrected herself, directly contradicting Cox, and said, "I do know that those collection costs for Brian [Cox] were waived because, I believe, he told me that after it was done. I know nothing about how it happened or whatever. And no, I don't know of it happening to any other rehabilitation loan."

While the Inspector General does not fault Cox for inquiring into the waiver of collection costs, – in fact, for in-house collection costs Cox may have been correct to have them removed²⁷ – Cox cannot be excused for providing untruthful answers about

²⁷ Prior to January 1, 1998, in-house collection costs were required by the federal regulations but not enforced. Some time in 1997, the United States Department of Education advised all guarantee agencies that it was going to apply collection costs to all payments received from borrowers unless there was some type of exception. From January 1, 1998 forward, payments would be credited first to collection costs, then to interest, then to principal. On July 28, 1997, the Department Education identified one exception to the mandatory application of collection costs: when a borrower enters into repayment plan within 60 days of default and makes acceptable payment thereon by the required due date. During this investigation, HESC employees repeatedly advised the Inspector General that HESC did not impose collection costs under the payment plan scenario outlined by the Department of Education on July 28, 1997. Several employees provided the Inspector General with the same letter outlining the exception. During its investigation,

the transaction. Cox told investigators that he had no idea that collection costs were removed from his in-house account and paid for him upon his loan's rehabilitation. That assertion is contradicted by the overwhelming evidence that Cox asked for the waiver of collection costs and knew that it had been approved. Indeed, apparently everyone in the Collections Unit at HESC knew about the special treatment afforded Cox.

Collection Costs Required on Rehabilitated Loans Under Federal Law

The Inspector General inquired into whether any borrower other than Cox ever had his or her rehabilitation collection costs paid by HESC. No one at HESC was able to provide a single record of another instance where rehabilitation collection costs were waived or paid for by HESC.

Based on Henry's testimony that Dugan developed the unprecedented mechanism for waiving Cox's rehabilitation collection costs (the state issuing a check to a private lender), the Inspector General interviewed Dugan. Initially, Dugan conceded that, "the only time that we would pay a rehabilitation lender is if for whatever reason the rehabilitation should not have been done." Dugan acknowledged, however, that Cox's loan was properly rehabilitated. Dugan denied any knowledge of, or involvement in, the waiving of collection costs for Cox. He confirmed, however, that the only way HESC could have paid for the rehabilitation collection costs would have been through manual intervention. Contradicting his testimony, e-mails obtained during the Inspector General's investigation revealed that Dugan participated in the decision to issue the check and, in fact, demonstrate that it was Dugan's idea to do so.

however, the Inspector General, working with HESC staff, was only able to find a single instance, that of Brian Cox, where collection costs were turned off because the borrower entered into a repayment plan within 60 days of purchase. In every other instance where collection costs were turned off, other than for McDermott, the borrower had entered into a compromise and settlement of the account. There appeared to be a disconnect between HESC's practice as it was described to the Inspector General and the implementation of that practice in HESC's computer operating system. HESC revised its computer operating system in the fall of 2009 and collection costs are currently being waived for borrowers who enter into a repayment program within 60 days of default and make continuous on-time payments. HESC has not decided what course of action it will take regarding defaulted accounts between 1998 and 2009, if any. HESC and the Department of Education are in discussions about the matter.

While the issue of whether in-house collection costs may lawfully be waived by HESC is currently under review,²⁸ it is incontrovertible that HESC lacks the authority to waive rehabilitation collection costs under federal law. Federal regulations require collection costs on rehabilitated loans.²⁹ Accordingly, HESC policy requires collection costs on rehabilitated loans and HESC's forms and notices advise borrowers that collection costs will be applied to rehabilitated student loans. Further, the application for a loan rehabilitation, like the one signed by Cox, includes a computation of collection costs and requires that the borrower promise to pay that amount as capitalized principal on the rehabilitated loan. Current and former members of HESC's management confirmed that all rehabilitated students loans, from the inception of the program, have included collection costs. Without a doubt, Cox's rehabilitation collection costs should not have been paid by HESC.

Ethical Implications of Unwarranted and Unlawful Benefits Provided McDermott and Cox

In addition to potential criminal charges related to the entering of false information in official records, official misconduct, and larceny of state funds, the state's ethics guidelines contained in Public Officers Law § 73(3) provide, in relevant part:

d. No officer or employee of a state agency, member of the legislature or legislative employee should use or attempt to use his or her official position to secure unwarranted privileges or exemptions for himself or herself or others, including but not limited to, the misappropriation to himself, herself or to others of the property, services or other resources of the state for private business or other compensated non-governmental purposes.

f. An officer or employee of a state agency, member of the legislature or legislative employee should not by his conduct give reasonable basis for the impression that any person can improperly influence him or unduly enjoy his favor in the performance of his official duties, or that he is affected by the kinship, rank, position or influence of any party or person.

h. An officer or employee of a state agency, member of the legislature or legislative employee should endeavor to pursue a course of conduct which will

²⁸ See footnote 27.

²⁹ 34 CFR 682.405(b)(vi)

not raise suspicion among the public that he is likely to be engaged in acts that are in violation of his trust.

McDermott and Cox were undeniably afforded unwarranted privileges unavailable to any other borrower. The Inspector General, therefore, is referring these findings to the Commission on Public Integrity, the state agency charged with adjudicating violations of the state's ethics laws.

HESC Employee Donald Traver Alters HESC Records and Interferes with Collection of Student Loans

Commencing in late 2008, HESC began a reorganization and computer upgrade which changed many job assignments of HESC employees. Certain employees felt threatened by the changes and became concerned for their jobs. The thrust of their complaint was that Catalano was giving their work away to outside collection vendors.³⁰

Donald Traver is a Student Loan Control Representative 2. Until August 2008, Traver supervised staff in the collections area at HESC, and he continued to take incoming collection telephone calls until the end of 2009. Traver currently supervises staff in the aversions area. Until 2010, Traver also supervised clerical staff performing support functions for both the collection and aversion operations.

Traver's False Entries in HESC's Computer System

On April 2 and 3, 2009, Traver made unusual computer entries on the DMCS system in regard to 31 defaulted student loan accounts, most of which had been in HESC's possession for over a year. Traver made entries in three accounts on April 2 and in 28 accounts on April 3. Specifically, Traver targeted the largest accounts at HESC scheduled to be sent to outside collection vendors. The entries stated "BC" and "PP"

³⁰ The Inspector General will not comment on the propriety of the decision to retain collection vendors by HESC but notes that: 1) HESC makes a "profit" on every collection dollar brought into HESC by a collection vendor, and 2) every HESC employee interviewed regarding this report, including Traver, recognized that collection vendors are a necessary component of HESC's collection efforts.

with no further elaboration. In HESC jargon, BC stands for “borrower contact” and means that the person making the entry spoke to the borrower. The PP notation stands for “promise to pay” and means that the borrower promised to make a payment to HESC on a specific date. A promise to pay entry automatically stops the referral of an account to a collection vendor. The promise to pay entry also generates an automatic letter to the borrower advising the borrower of his promise to pay.

The Inspector General first sought to determine whether Traver had actually spoken with these borrowers as he indicated in official HESC records (“BC”). The Inspector General obtained telephone usage records for Traver’s telephone on April 2 and 3. On April 2 there were 13 outgoing calls, four of which went outside the state’s internal Capnet system,³¹ and two incoming calls. On April 3, there were only four incoming and seven outgoing calls. Of the seven outgoing calls, only one extended beyond the Capnet system. The Inspector General then compared Traver’s telephone usage to the contact information for all 31 accounts he altered. None of the contact telephone numbers for any of the borrowers were telephoned by Traver — five of the accounts did not even have a contact telephone number listed in HESC’s records. Therefore, contrary to Traver’s official entries in HESC’s computer system indicating that he contacted these 31 borrowers, there was no evidence he had done so.

On April 6 and 7, Traver directed two Student Loan Control Representatives to issue consolidation applications to the 31 borrowers. One of the Student Loan Control Representatives working at Traver’s direction stated that only some of the accounts qualified for consolidation. This HESC employee told the Inspector General that she noticed questionable entries on the accounts referred to her by Traver and confronted him about them. According to the employee, Traver said, “Joe Catalano is trying to take our jobs and refer them to the vendors” and declared that he was doing this to save jobs at HESC. The employee remained concerned about Traver’s actions and reported it to her supervisor, Mattie Douglas. Douglas confirmed that she was advised of the fraud and

³¹ Capnet is the internal New York State government telephone system serving the Albany area.

that shortly thereafter she referred it to HESC's then-Senior Vice President Elsa Magee who appropriately referred this matter to the Inspector General.

After Traver spoke with the aforementioned employee, he became concerned about his actions and spoke to Beverly Berghela, who at the time was a mid-level supervisor in HESC's Collections Unit. Several years earlier she had been Traver's supervisor, and the two had remained friendly. Both Berghela and Traver told the Inspector General that he advised Berghela of the entries he placed in HESC's records regarding the 31 accounts and that she told him that he could not place a promise to pay on an account if he did not speak to the borrower. Berghela admitted that she told Traver to remove the promise to pay indicator and to pull the promise to pay letters so that they would not be mailed out to borrowers. Traver testified that Berghela told him not to touch the accounts.

Despite Berghela's direction that Traver make no further entry in the accounts, on April 7, 2009, Traver ordered a member of his clerical staff to make an entry in all 31 accounts which read as follows:

PILOT PROJECT PROMISE TO PAY LETTER SENT IN ERROR.

Traver also ordered a mail clerk to remove the promise to pay letters automatically generated as a result of his prior false entries and place them in the shredding bin. The mail clerk did so. The consolidation letters, for those of the 31 accounts to which consolidation was applicable, were mailed. None of the 31 accounts have applied for a loan consolidation to date.

The Inspector General interviewed Traver. Traver admitted that on April 2 and 3, 2009, he identified the largest collection accounts³² about to be referred to a vendor and entered a promise to pay on HESC's system without contacting the borrowers. Traver

³² Traver used Enterprise Guide Access which enabled him to identify accounts that fit certain parameters. The Enterprise Guide Access is a licensed information source used by a limited number of staff at HESC.

advised the Inspector General that he wanted to solicit large accounts for consolidation. He further admitted that he entered a promise to pay notation on the accounts to hold the accounts within HESC rather than refer them to a vendor purportedly so that the borrowers would have time to consolidate the loans while they were still in-house at HESC. Traver stated that he believed that referring collection work to outside collections vendors could result in the reduction of staff at HESC.

Traver admitted the entries he made on the 31 accounts were false as he never had any contact with any of the borrowers. Traver confessed that, "These were to save accounts from going to collection agencies that had a high balance and to do that you had to put a PP . . . by my putting the PP there was not a valid entry. . . ." Traver also acknowledged that although Berghela told him not to make further entries into the accounts, he ordered a clerical employee to make further false entries on April 7 alleging that the promise to pay letters were sent in error. Traver admitted that he gave the order to "protect himself." Traver also admitted directing another staff member to shred the promise to pay letters created by his fraudulent entries.

Traver attempted to explain his actions by claiming that he was conducting a personal "pilot" or test program in which consolidation would be used as a collection tool rather than sending accounts to outside collection vendors. He further claimed that if his idea worked, he would have informed upper management of his actions. Traver's defense defies belief. Traver admitted that he never advised anyone in management or requested permission from any manager to conduct a personal pilot program or to enter false data in the DMCS system, or to divert collections accounts from outside collection vendors. Traver admitted that he did not have the authority to unilaterally engage in a pilot project without management's approval.

At the time of Traver's fraud, the 31 accounts were worth over \$1.25 million. His actions delayed, and in most cases obstructed, HESC's collection activities. Subsequently, between July 2009 and February 2010, HESC referred 25 of the 31 accounts to collection vendors. Of the six remaining accounts, HESC continues its own

collection activities on four accounts, one account has been rehabilitated, and one account has been recalled by the U.S. Department of Education.

IV. FINDINGS AND RECOMMENDATIONS

The McDermott Account

The Inspector General determined that at the instigation of Joseph Catalano and the direct intervention of Dantaida de Guzman and Mattie Douglas, Michael P. McDermott obtained four years worth of improper reduced payment plans on his student loans without required documentation. For most of the time, McDermott was not entitled to the reduced plans based on his income and expenses as required by federal regulation and HESC policy, and he received that reduced payment plan solely due to his acquaintance with Catalano. The Inspector General further determined that McDermott was illegally excused from paying required collection costs on his student loan due to the intervention of Catalano and de Guzman. The Inspector General further determined that McDermott repeatedly failed to make payments on his student loan account; yet, McDermott's account was repeatedly brought current to keep him out of garnishment and to avoid past due payments. He received this preferential treatment solely due to his acquaintance with Catalano.

The Inspector General determined that de Guzman made false entries in the official HESC record to facilitate the special privileges given McDermott at Catalano's direction

The Inspector General recommended that HESC immediately review the McDermott account and apply a payment rate consistent with federal law and take any and all action to obtain delinquency payments and collection costs owed by McDermott.

The Inspector General recommended that HESC take appropriate disciplinary action against Catalano, de Guzman, and Douglas.

The Inspector General recommended that HESC review its training manuals and policies to ensure compliance with state and federal law and regulations concerning student loan collection practices.

The Inspector General has forwarded this matter to the New York State Attorney General's Office for consideration of possible criminal action.

The Inspector General further is referring this matter to the New York State Commission on Public Integrity for its review of potential violations of the state's ethics law by Catalano, de Guzman, and Douglas.

The Cox Account

The Inspector General determined that Brian Cox improperly received \$7150.80 from HESC in the form of payment of his rehabilitation collection costs on his student loan. Cox is the only person to ever receive this benefit from HESC. Cox received this benefit solely because of his inside knowledge and employment at HESC.

The Inspector General determined that Cox provided untruthful testimony to investigators during the course of the investigation in an attempt to avoid liability for the improperly paid collection costs.

The Inspector General further determined that de Guzman and Donald Dugan acted in violation of federal law by directing the payment of HESC funds for the benefit of a HESC employee.

The Inspector General recommended appropriate discipline for Cox, de Guzman and Dugan.

The Inspector General recommended that HESC take any and all action necessary to recover the illegally paid rehabilitation collection costs from Cox.

The Inspector General has forwarded this matter to the Attorney General of the State of New York for consideration possible criminal action.

The Inspector General further is referring this matter to the New York State Commission on Public Integrity for its review of potential violations of the state's ethics law.

Donald Traver

The Inspector General determined that Donald Traver made false entries in 31 accounts maintained as part of HESC's official records.

The Inspector General further determined that Traver ordered subordinates to make additional false entries on the same accounts to hide his actions, and directed other subordinates to destroy the correspondence produced by the computer system as a result of his actions.

The Inspector General recommended that HESC take appropriate disciplinary action against Traver.

The Inspector General has forwarded this matter to the Attorney General of the State of New York for potential criminal action.

Response of the Higher Education Services Corporation

The response by the Higher Education Services Corporation to the Inspector General's findings and recommendations is attached.



August 6, 2010

Inspector General Joseph Fisch
Office of the Inspector General
Empire State Plaza
Agency Bldg. 2, 16th Floor
Albany, New York 12223

Dear Inspector General Fisch:

I am in receipt of your report of investigation into allegations of improprieties on the part of HESC employees in the administration of certain defaulted loan accounts. HESC very much appreciates your assistance and the effort expended by your staff in conducting a thorough and diligent review of the matters originally identified and referred by HESC, as well as additional matters that came to the attention of your office during the course of the investigation.

HESC takes extremely seriously its obligations as a guarantor in the Federal Family Education Loan (FFEL) program, in particular, its obligation to administer programs in a fair and consistent fashion according to applicable laws and regulations. The Inspector General's report of investigation clearly establishes that certain HESC employees failed to meet this standard. The conduct described is unacceptable to HESC management, as well as to the hundreds of HESC employees who perform their duties on a daily basis in a fair, equitable and lawful manner. The FFEL program provides HESC and borrowers with many tools to help students manage their student debt consistent with the borrower's financial means. It is fundamentally unfair to provide advantages to individual borrowers not available to all borrowers based on position and personal relationships.

HESC will, as recommended, pursue appropriate disciplinary action against all employees identified as having engaged in improper conduct and concurs that the conduct described in the report warrants full review by the Attorney General and the Commission on Public Integrity.

On behalf of HESC, I want to express my thanks for the professional and cooperative manner in which the investigation of these serious allegations was conducted. The agency will be taking appropriate steps to help ensure that such conduct is not repeated.

Sincerely,

Elsa Magee
Acting President

NEW YORK STATE HIGHER EDUCATION SERVICES CORPORATION
99 Washington Avenue, Albany, NY 12255 • 888-NYS-HESC • www.hesc.org

Major Crime Lead Sheet

Title:

Porco Homicide

Lead Number

154

Assigned By:

Bethlehem PD

Date Logged

12/9/2004

Source

Investigation

Officer 1

RUDOLPH

Officer 2

Target

Lead Instruction

INTERVIEW PETER ROSSMAN - SAW A YELLOW JEEP ON DELAWARE AVE ON 11/15/04 AROUND 5:15AM

List Attached Enclosures: Any Statements, Fingerprints, Photos, etc.

If an Item of Evidence was obtained, Describe What it is and What it is in Relation to

Reviewed By:

Reviewed Date:

Ongoing Lead:

☐

CHARACTER OF CASE <i>Homicide</i>		This form may be handwritten	
LEAD RECEIVED BY	DATE	CASE # <i>0418115</i>	LEAD SHEET # <i>154</i> OF
LEAD ASSIGNED TO <i>Rudolph</i>	DATE	SOURCE	LEAD ASSIGNED BY <i>McMiller</i>

LEAD INSTRUCTIONS

Interview / Statement Peter Kossman

LEAD RESULTS

See Attached

SIGNATURE OF ASSIGNED MEMBER

DATE

ENC

FURTHER ACTION REQUESTED
YES ☐ NO ☐

IF "YES" EXPLAIN:

X-REF WITH LEAD SHEET #

TITLE

LEAD SHEET #

TITLE

REVIEWED BY

*List all persons interviewed; include date, time, DOB, address, employment, telephone #(home & business).
*List all places checked, (e.g. taverns, gas stations, businesses, etc.).

007-DC121

DEPOSITION OF WITNESS
TO ACCOMPANY COMPLAINT OR INFORMATION
CPL

SECTION 100.20

STATE OF NEW YORK
COUNTY OF ALBANY
TOWN OF BETHLEHEM

SS: Peter F Rossman

Deponent

Of [REDACTED]
Age 54

Occupation Equipment Operator/Truck Driver

States as follows:

On November 15th, 2004 I was driving down Delaware Avenue in Delmar like I always do headed to Stewarts by the Veterans Park. I was early, it was 5:15am. I knew the Stewarts shop wasn't open yet so I pulled over on Delaware Avenue opposite the Delmar Martet Place. Right after I pulled over I noticed a couple of cars go by me and than a yellow jeep with wide tires. I paid attention to it because it was a sharp looking vehicle. It proceeded west on Delaware past Kenwood Avenue. I pull over at that location and wait for the Stewarts shop to open as a routine. I do not recall seeing this jeep or any other like it at this hour. I would have noticed it because the traffic is so light at that hour.

NOTICE: False statements made herein are punishable as a Class A Misdemeanor pursuant to Section 210.45 of the Penal Law.

Sworn to before me this 2nd day
Of December 2004

Peter Rossman

Deponent's Signature

Det Chuck Ruff
Signature

Major Crime Lead Sheet

<i>Title</i> Porco Homicide		<i>Lead Number</i> 421
<i>Assigned By</i> Bethlehem PD	<i>Date Logged</i> 6/5/2006	<i>Source</i> Investigation
<i>Officer 1</i> Bowdish	<i>Officer 2</i> Kelly	<i>Target</i>
<i>Lead Instruction</i> Interview MICHAEL MCKINLEY of 5927 Johnston Rd Guilderland 456-3765 reference to a yellow jeep sighting		
<i>List Attached Enclosures - Any Statements, Documents, Photos, Notes</i> 		
<i>If an Item or Evidence was obtained, Describe WHAT it is and WHERE is it Secured</i> 		
<i>Reviewed By:</i>	<i>Reviewed Date:</i>	<i>Ongoing Lead:</i> <input type="checkbox"/>

LEAD SYNOPSIS

Lead Instruction: Lead 421 - Interview MICHAEL MCKINLEY reference to a yellow jeep sighting

Lead Completed By: Bowdish /Kelly

Results:

MICHAEL MCKINLEY was interviewed at SP Guilderland on 06/05/06. He had contacted the Bethlehem Police on 06/02/06 to report seeing a subject driving a jeep (reportedly matching the description of Chris Porco and his jeep) on Hamburg St in Schenectady on 11/14/04. Mckinley stated that it was at approximately 4:30pm on 11/14/04 while he was on his way to the U Haul business to return a rented tow dolly. He stated the jeep was yellow, but could not describe it any further. He also stated the operator was a white male, skinny, wearing glasses, and with hair similar to Inv Kelly, which he felt matched the description of Chris Porco.

A check of records with U Haul indicated that McKinley had rented a tow dolly on 11/14/04 at 1:14pm at the Hamburg St store and he returned it on 11/14/04 at 4:19pm. There were no other historical records for McKinley at that U Haul location.

U-HAUL EQUIPMENT CONTRACT**In-Town From Reservation**

Contract Number: 00240591
Sunday 11/14/04 1:14PM

U-HAUL SCHENECTADY
(800055)

2516 HAMBURG ST (518)355-
SCHENECTADY NY, 3560
12303

linda mckinnley
5927 johnston
slingerland, NY 12159

518-456-3767

560762412
NY
0605

Jun 25 1984

2000 41119jp
Dodge
Dakota

NY

1992
ford
Explorer

123

NY

U-Haul's policy is to not rent towed equipment behind Ford Explorers.

Rental Out Date/Time: 11/14/2004 1:11PM

Rental Due Date/Time: 11/15/2004 7:00AM

Equipment	MI Out	MI Rate	MI Charge	SafeMove/SafeTow/CDW	Rental Rate	Rental Charge	Estimated Tax:	Estimated Charges	Actual Charges
TOW DOLLY TD 2581K Plate: State:				Customer agrees to pay for damage by CreditCard	\$39.95	\$39.95	\$3.30	\$39.95	

Estimated Subtotal: \$39.95

Estimated Tax: \$3.30

Estimated Total Charges: \$43.25

Rental Deposit Paid: \$60.00

Cash Payment: \$60.00

Net Paid Today: \$60.00

SafeTow Declined for Equipment TD 2581K  (Customer Initials)

THE CITY OF NEW YORK RESTRICTS OVERNIGHT (9PM - 5AM) PARKING OF U-HAUL TRUCKS ON CITY STREETS. IT IS THE CUSTOMER'S RESPONSIBILITY TO ENSURE THEIR EQUIPMENT IS PARKED LEGALLY. ANY SUMMONS OR VIOLATIONS ISSUED AS A RESULT OF PARKING U-HAUL EQUIPMENT ILLEGALLY IN NEW YORK CITY WILL BE THE RESPONSIBILITY OF THE CUSTOMER

BY SIGNING BELOW, I ACKNOWLEDGE I HAVE RECEIVED, AGREED TO AND UNDERSTAND THE TERMS AND CONDITIONS IN THIS RENTAL CONTRACT AND THE RENTAL CONTRACT ADDENDUM AND HAVE READ AND UNDERSTAND THE APPROPRIATE USERS GUIDES.


Customer Signature


UHaul Signature - (Stephanie Snyder)

Cash Drawer Detail Report

Entity: 800055

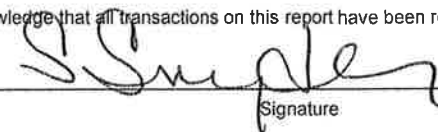
11/14/2004 5:00:37 PM

drawer03

Date	Contract	Document Type	ID	Cash	Check	Cnt	Card	Revenue	Total Amt
11/14/2004 9:08:48 AM	00240537 CU	In-Town Rental (OUT)	89910	0.00	0.00		0.00	0.00	0.00
11/14/2004 9:15:18 AM	00240516 CU	In-Town Return (IN)	89910	0.00	0.00		43.77	0.00	43.77
11/14/2004 9:18:45 AM	29227886 CU	In-Town Return (IN)	89910	0.00	0.00		109.05	0.00	109.05
11/14/2004 9:21:16 AM	00240538 CU	In-Town Rental (OUT)	89910	0.00	0.00		0.00	0.00	0.00
11/14/2004 9:54:07 AM	00240080 CU	In-Town Rental (OUT)	89910	0.00	0.00		0.00	0.00	0.00
11/14/2004 9:58:00 AM	00030603 CU	One-Way Return (IN)	89910	0.00	0.00		0.00	0.00	0.00
11/14/2004 10:03:14 AM	00240482 CU	In-Town Rental (OUT)	89910	0.00	0.00		0.00	0.00	0.00
11/14/2004 10:55:47 AM	00240590 CU	In-Town Return (IN)	89910	0.00	0.00		41.84	0.00	41.84
11/14/2004 11:09:05 AM	00240595 CU	Cancel In-Town Reservation	89910	0.00	0.00		0.00	0.00	0.00
11/14/2004 11:11:21 AM	00240600 CU	In-Town Rental (OUT)	89910	0.00	0.00		0.00	0.00	0.00
11/14/2004 11:25:29 AM	00240603 CU	Sales Items	89910	0.00	86.39		0.00	0.00	86.39
11/14/2004 11:34:34 AM	29244176 CU	One-Way Rental (OUT)	89910	95.26	0.00		0.00	0.00	95.26
11/14/2004 11:51:50 AM	00240604 CU	In-Town Rental (OUT)	89910	0.00	0.00		0.00	0.00	0.00
11/14/2004 12:04:33 PM	00240612 CU	One-Way Reservation	89910	0.00	0.00		0.00	0.00	0.00
11/14/2004 12:08:10 PM	00216763 CU	One-Way Return (IN)	89910	0.00	0.00		0.00	0.00	0.00
11/14/2004 12:35:56 PM	00240605 CU	In-Town Rental (OUT)	89910	0.00	0.00		0.00	0.00	0.00
11/14/2004 12:37:48 PM	00240606 CU	Sales Items	89910	10.17	0.00		0.00	0.00	10.17
11/14/2004 12:45:41 PM	00240584 CU	In-Town Return (IN)	89910	0.00	0.00		36.03	0.00	36.03
11/14/2004 12:50:51 PM	00240538 CU	In-Town Return (IN)	89910	27.32	0.00		0.00	0.00	27.32
11/14/2004 12:53:31 PM	00240607 CU	Sales Items	89910	-24.36	0.00		0.00	0.00	-24.36
11/14/2004 12:56:57 PM	00240608 CU	Sales Items	89910	29.17	0.00		0.00	0.00	29.17
11/14/2004 1:02:31 PM	00240609 CU	In-Town Reservation	89910	0.00	0.00		0.00	0.00	0.00
11/14/2004 1:08:20 PM	00240609 CU	In-Town Reservation	89910	0.00	0.00		0.00	0.00	0.00
11/14/2004 1:08:39 PM	00240610 CU	Sales Items	89910	17.37	0.00		0.00	0.00	17.37
11/14/2004 1:11:19 PM	00240600 CU	In-Town Return (IN)	89910	42.21	0.00		0.00	0.00	42.21
11/14/2004 1:14:30 PM	00240591 CU	In-Town Rental (OUT)	89910	60.00	0.00		0.00	0.00	60.00
11/14/2004 1:25:26 PM	07973187 CU	One-Way Rental (OUT)	89910	0.00	0.00		96.34	0.00	96.34
11/14/2004 1:43:21 PM	00240611 CU	In-Town Rental (OUT)	89910	100.00	0.00		0.00	0.00	100.00
11/14/2004 2:40:02 PM	00240542 CU	In-Town Rental (OUT)	89910	0.00	0.00		0.00	0.00	0.00
11/14/2004 2:47:42 PM	00240249 CU	In-Town Return (IN)	89910	15.38	0.00		0.00	0.00	15.38
11/14/2004 3:04:46 PM	00240613 CU	Sales Items	89910	0.00	0.00		41.02	0.00	41.02
11/14/2004 3:37:26 PM	00240614 CU	In-Town Rental (OUT)	89910	0.00	0.00		0.00	0.00	0.00
11/14/2004 3:51:53 PM	00240615 CU	In-Town Rental (OUT)	89910	0.00	0.00		0.00	0.00	0.00
11/14/2004 4:16:25 PM	00240616 CU	In-Town Rental (OUT)	89910	0.00	0.00		0.00	0.00	0.00
11/14/2004 4:19:27 PM	00240591 CU	In-Town Return (IN)	89910	-16.75	0.00		0.00	0.00	-16.75
11/14/2004 4:36:37 PM	00240617 CU	In-Town Rental (OUT)	89910	0.00	0.00		0.00	0.00	0.00
11/14/2004 4:51:08 PM	00240519 CU	In-Town Return (IN)	89910	0.00	0.00		39.63	0.00	39.63
11/14/2004 4:53:29 PM	00240604 CU	In-Town Rental Reversal	89910	0.00	0.00		0.00	0.00	0.00
11/14/2004 4:54:07 PM	00240618 CU	Sales Items	89910	3.24	0.00		0.00	0.00	3.24
11/14/2004 4:55:42 PM	00240570 CU	In-Town Return (IN)	89910	-27.58	0.00		0.00	0.00	-27.58
11/14/2004 5:00:37 PM		Cash Drawer Totals.....		331.43	86.39		407.68	0.00	825.50

I acknowledge that all transactions on this report have been reviewed and are legitimate.

x



Signature

Daily Shift Log Report

Entity: 800055

11/14/2004 5:04 PM

CONTRACT	STAT	DATE/TIME	EMP.	DRW ID	CASH	CHECKS CNT	CARDS CNT	REVENUE	TOTAL AMT
In-Town Rental									
00240537		11/14/200 9:08 AM	89910	03	0.00	0.00 0	0.00 0	0.00	0.00
00240538		11/14/200 9:21 AM	89910	03	0.00	0.00 0	0.00 0	0.00	0.00
00240080		11/14/200 9:54 AM	89910	03	0.00	0.00 0	0.00 0	0.00	0.00
00240482		11/14/200 10:03 AM	89910	03	0.00	0.00 0	0.00 0	0.00	0.00
00240600		11/14/200 11:11 AM	89910	03	0.00	0.00 0	0.00 0	0.00	0.00
00240604		11/14/200 11:51 AM	89910	03	0.00	0.00 0	0.00 0	0.00	0.00
00240605		11/14/200 12:35 PM	89910	03	0.00	0.00 0	0.00 0	0.00	0.00
00240591		11/14/200 1:14 PM	89910	03	60.00	0.00 0	0.00 0	0.00	60.00
00240611		11/14/200 1:43 PM	89910	03	100.00	0.00 0	0.00 0	0.00	100.00
00240542		11/14/200 2:40 PM	89910	03	0.00	0.00 0	0.00 0	0.00	0.00
00240614		11/14/200 3:37 PM	89910	03	0.00	0.00 0	0.00 0	0.00	0.00
00240615		11/14/200 3:51 PM	89910	03	0.00	0.00 0	0.00 0	0.00	0.00
00240616		11/14/200 4:16 PM	89910	03	0.00	0.00 0	0.00 0	0.00	0.00
00240617		11/14/200 4:36 PM	89910	03	0.00	0.00 0	0.00 0	0.00	0.00
00240604	REV	11/14/200 4:53 PM	89910	03	0.00	0.00 0	0.00 0	0.00	0.00
In-Town Rental Totals:					160.00	0.00 0	0.00 0	0.00	160.00

In-Town Rental Modify

00240519		11/14/200 10:46 AM	Sched	saf	0.00	0.00 0	0.00 0	0.00	0.00
00240600		11/14/200 11:27 AM	Sched	saf	0.00	0.00 0	0.00 0	0.00	0.00
In-Town Rental Modify Totals:					0.00	0.00 0	0.00 0	0.00	0.00

One-Way Rental

29244176		11/14/200 11:34 AM	89910	03	95.26	0.00 0	0.00 0	0.00	95.26
07973187		11/14/200 1:25 PM	89910	03	0.00	0.00 0	96.34 1	0.00	96.34
One-Way Rental Totals:					95.26	0.00 0	96.34 1	0.00	191.60

One-Way Rental Modify

07973187		11/14/200 1:28 PM	89910	03	0.00	0.00 0	0.00 0	0.00	0.00
One-Way Rental Modify Totals:					0.00	0.00 0	0.00 0	0.00	0.00

In-Town Return

00240468		11/14/200 9:04 AM	67466	01	0.00	0.00 0	10.77 1	0.00	10.77
00240516		11/14/200 9:15 AM	89910	03	0.00	0.00 0	43.77 1	0.00	43.77
29227886		11/14/200 9:18 AM	89910	03	0.00	0.00 0	109.05 1	0.00	109.05
00240590		11/14/200 10:55 AM	89910	03	0.00	0.00 0	41.84 1	0.00	41.84
00240584		11/14/200 12:45 PM	89910	03	0.00	0.00 0	36.03 1	0.00	36.03
00240538		11/14/200 12:50 PM	89910	03	27.32	0.00 0	0.00 0	0.00	27.32
00240600		11/14/200 1:11 PM	89910	03	42.21	0.00 0	0.00 0	0.00	42.21
00240249		11/14/200 2:47 PM	89910	03	15.38	0.00 0	0.00 0	0.00	15.38
00240591		11/14/200 4:19 PM	89910	03	-16.75	0.00 0	0.00 0	0.00	-16.75
00240519		11/14/200 4:51 PM	89910	03	0.00	0.00 0	39.63 1	0.00	39.63
00240570		11/14/200 4:55 PM	89910	03	-27.58	0.00 0	0.00 0	0.00	-27.58
In-Town Return Totals:					40.58	0.00 0	281.09 6	0.00	321.67

One-Way Return

00030603		11/14/200 9:58 AM	89910	03	0.00	0.00 0	0.00 0	0.00	0.00
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Daily Shift Log Report

Entity: 800055

11/15/2004 7:21 PM

CONTRACT	STAT	DATE/TIME	EMP.	DRW ID	CASH	CHECKS CNT	CARDS CNT	REVENUE	TOTAL AMT
In-Town Rental									
00240625		11/15/200 8:42 AM	67466	01	0.00	0.00 0	0.00 0	0.00	0.00
00240636		11/15/200 12:08 PM	67466	01	0.00	0.00 0	0.00 0	0.00	0.00
00240637		11/15/200 12:48 PM	67466	01	0.00	0.00 0	0.00 0	0.00	0.00
07983083		11/15/200 3:23 PM	89910	03	0.00	0.00 0	0.00 0	0.00	0.00
00240648		11/15/200 3:36 PM	89910	03	141.57	0.00 0	0.00 0	0.00	141.57
00240629		11/15/200 5:30 PM	67466	01	0.00	0.00 0	0.00 0	0.00	0.00
00240399		11/15/200 5:32 PM	89910	03	0.00	0.00 0	0.00 0	0.00	0.00
00240640		11/15/200 6:22 PM	89910	03	0.00	0.00 0	0.00 0	0.00	0.00
In-Town Rental Totals:					141.57	0.00 0	0.00 0	0.00	141.57

In-Town Rental Modify

00240542		11/15/200 7:02 AM	67466	01	0.00	0.00 0	0.00 0	0.00	0.00
00240576		11/15/200 12:57 PM	Sched	saf	0.00	0.00 0	0.00 0	0.00	0.00
In-Town Rental Modify Totals:					0.00	0.00 0	0.00 0	0.00	0.00

One-Way Rental

29247610		11/15/200 12:28 PM	67466	01	0.00	0.00 0	125.57 1	0.00	125.57
29247610	REV	11/15/200 2:30 PM	89910	03	0.00	0.00 0	-125.57 1	0.00	-125.57
29247610		11/15/200 2:34 PM	89910	03	0.00	0.00 0	140.57 1	0.00	140.57
One-Way Rental Totals:					0.00	0.00 0	140.57 3	0.00	140.57

In-Town Return

00240526		11/15/200 7:20 AM	67466	01	0.00	0.00 0	43.30 1	0.00	43.30
00240617		11/15/200 7:27 AM	67466	01	0.00	0.00 0	0.00 0	0.00	0.00
00240614		11/15/200 7:56 AM	67466	01	0.00	0.00 0	57.14 1	0.00	57.14
00240482		11/15/200 7:58 AM	67466	01	0.00	0.00 0	28.79 1	0.00	28.79
00240542		11/15/200 7:59 AM	67466	01	0.00	0.00 0	18.20 1	0.00	18.20
00240537		11/15/200 8:23 AM	67466	01	-26.72	0.00 0	0.00 0	0.00	-26.72
00240446	REV	11/15/200 8:43 AM	67466	01	0.00	0.00 0	-37.76 1	0.00	-37.76
00240611		11/15/200 9:02 AM	67466	01	-43.69	0.00 0	0.00 0	0.00	-43.69
00240625		11/15/200 10:42 AM	67466	01	0.00	0.00 0	30.62 1	0.00	30.62
00240446		11/15/200 11:02 AM	67466	01	37.76	0.00 0	0.00 0	0.00	37.76
00240636		11/15/200 2:42 PM	89910	03	0.00	20.52 1	0.00 0	0.00	20.52
00240080		11/15/200 4:09 PM	89910	03	0.00	0.00 0	90.49 1	0.00	90.49
00240576		11/15/200 4:21 PM	89910	03	0.00	0.00 0	145.37 1	0.00	145.37
00240421		11/15/200 5:12 PM	67466	01	0.00	0.00 0	569.33 1	0.00	569.33
00240542	REV	11/15/200 5:15 PM	89910	03	0.00	0.00 0	-18.20 1	0.00	-18.20
00240542		11/15/200 5:16 PM	89910	03	18.20	0.00 0	0.00 0	0.00	18.20
00240616		11/15/200 5:24 PM	89910	03	0.00	0.00 0	82.13 1	0.00	82.13
In-Town Return Totals:					-14.45	20.52 1	1009.41 11	0.00	1015.48

One-Way Return

00640867		11/15/200 7:42 AM	67466	01	0.00	0.00 0	0.00 0	0.00	0.00
00235123		11/15/200 7:55 AM	67466	01	0.00	0.00 0	0.00 0	0.00	0.00
07975627		11/15/200 9:14 AM	67466	01	0.00	0.00 0	0.00 0	0.00	0.00
00010973		11/15/200 4:36 PM	89910	03	0.00	0.00 0	0.00 0	0.00	0.00

447-7712

U-Haul equipment rental contract

Attn: Gary Kelly

Reservation number: 240591
 Contract number: 240591
 In-Town (Receive)

Customer:
 Linda Mckinnley
 5927 Johnston
 Slingerland, NY 12159
 Primary Phone: (518) 456-3767
 License: 560762412 State: NY Exp: 06/05
 BirthDate: 06-25-84

Entity:
 800055
 U-Haul Schenectady
 2516 Hamburg St
 Schenectady, NY 12303
 Phone: (518) 355-3560
 WebBEST

Rental information

	Location	MCO	Date
Reservation:	800055	800	11/13/2004 3:56:06 PM
Dispatch:	800055	800	11/14/2004 1:14:30 PM
Expected:	800055	800	11/15/2004 7:00:00 AM
Received:	800055	800	11/14/2004 4:19:26 PM

Equipment Id	Status	Qty.	Rate	\$/Mile	Safe Cvg.	Fuel Out	Fuel In	Miles Out	Miles In	Total
0000 TD 2581K	Recv	1	\$39.95	\$0.00						

Payment information

Pmt. Type	Status	Pmt. Date	Card	Card Exp. Date	Pmt. Loc.	Paid Amount
Cash	APPROVED	11/14/2004			800055	\$60.00
Cash	APPROVED	11/14/2004			800055	(\$16.75)

Days Allowed	Rental Amount	Miles Allowed	Total Amount Collected
1	\$39.95	0	\$43.25

Meaningful Assurance

Assurance type	
Local Drivers License	560762412 Exp: 0605
Other OK with Manager	CC

Notes

There are no notes for this contract.

Hotline calls for this contract

There are no hotline calls for this contract.

https://uhaul.net/equipment/equip_id_history/contract.aspx?mode=dl&recordkey=80005500... 6/5/2006

6/5/06

Dep. Chief Beebe - call to PD on Fri
6/2/06
430 p night of homicide
jeep operator had glasses
pulled out of Liquor Store

Michael J. McKinley

6/22/54

(H) 456-3765

(C) 364-0767

5927 Johnston Rd

U haul Curry Rd to Hamburg St

Rotterdam

11/15/04 4³⁰a?

Not

called Beth PD mon?

Sunday between 4³⁰pm - 5⁰⁰pm

Tow Dolly 11/14/04

Due before closing 11/14/04 5p

Michael J. McKinley Jr. 6/23/84
age 21

yw jeep

431w (m glasses) looked skinny, hair similar

U Haul
(800) 528-0463 Corporate

355-3560 Local

David Wayand
green rep
district

(800) 451-1577 ~~Russell Dumas~~

regional office Albany

Jeffrey O'shea
Traffic Control mgr

11/14/04 1:14p
11/14/04 4:19p

to both spellings

inley
innley
el- 10/2005

To Rotterdam

Overhead doors
Deli
Wine store
Barber shop

to Guilderland

.2mi
Getty
□
.5
Stewarts
□
.8mi
business
□
.9
U haul
□

Diner

□
mobi

Rt 46
Hamburg
st
(Houses)

→
Cargle Sm.
Indiv. businesses

Curry
Rd

Major Crime Lead Sheet

<i>Title</i>		<i>Lead Number</i>
Porco Homicide		408
<i>Assigned By</i>	<i>Date Logged</i>	<i>Source</i>
Bethlehem PD	1/5/2006	Investigation
<i>Officer 1</i>	<i>Officer 2</i>	<i>Target</i>
Bowdish		
<i>Lead Instruction</i>		
Contact Howard James of Albany Police Department reference to Bethlehem Police call ticket listing a yellow jeep sighting on Rt 32		
<i>List Attached Enclosures - Any Statements, Documents, Photos, Notes</i>		
<i>If an Item or Evidence was obtained, Describe WHAT it is and WHERE is it Secured</i>		
<i>Reviewed By:</i>	<i>Reviewed Date:</i>	<i>Ongoing Lead:</i> <input type="checkbox"/>

7/28/05

Unit Log Inquiry

ORI #: NY0015100 B P D

Reset Date/Time: _____

Unit : PHON Type:

More: + -

Date	Time	Secondary Location
11/15/04	23:56:14	319 FOR 353 NUMBER
11/15/04	23:37:26	SI DALE/INV RODGERS/214
11/15/04	23:10:21	NEWS 6
11/15/04	23:05:58	HOWARD JAMES 797-3586 RE YELLOW JEEP ON RT 32 EARLIER
11/15/04	22:57:49	319/333
11/15/04	22:36:37	WATER PLANT//OK
11/15/04	22:28:15	VICTORIA /DAILY GAZETTE
11/15/04	22:24:57	39 LONGMEADOW/RE PORCO
11/15/04	22:05:51	5853348719/WOKR TVFAX FOR RELEASE
11/15/04	21:31:12	WATER PLANT//OK
11/15/04	21:06:19	603 ELM AV/GARAGE DOOR OPEN ALL OKAY
11/15/04	20:53:44	NYSP/WILLIAMS
11/15/04	20:27:01	WATER PLANT//OK
11/15/04	20:22:26	KEITH BENNETT/15/WHI JEEP CHEROKEE/RSPNDR

More...

F3=Exit F11=View3 F12=Cancel F17=Print

7/28/05

Unit Log Inquiry

ORI #: NY0015100 B P D

Reset Date/Time: _____

Unit : PHON Type:

More: + -

Date	Time	Secondary Location
11/15/04	23:56:14	319 FOR 353 NUMBER
11/15/04	23:37:26	SI DALE/INV RODGERS/214
11/15/04	23:10:21	NEWS 6
11/15/04	23:05:58	HOWARD JAMES 797-3586 RE YELLOW JEEP ON RT 32 EARLIER
11/15/04	22:57:49	319/333
11/15/04	22:36:37	WATER PLANT//OK
11/15/04	22:28:15	VICTORIA /DAILY GAZETTE
11/15/04	22:24:57	39 LONGMEADOW/RE PORCO
11/15/04	22:05:51	5853348719/WOKR TVFAX FOR RELEASE
11/15/04	21:31:12	WATER PLANT//OK
11/15/04	21:06:19	603 ELM AV/GARAGE DOOR OPEN ALL OKAY
11/15/04	20:53:44	NYSP/WILLIAMS
11/15/04	20:27:01	WATER PLANT//OK
11/15/04	20:22:26	KEITH BENNETT/15/WHI JEEP CHEROKEE/RSPNDER

More...

F3=Exit F11=View3 F12=Cancel F17=Print

Lead Results of #408

Contact Howard James of APD to inquire about yellow jeep he saw on Rt.32 the evening of 11/15/04.

James states he was returning home from his shift at about 9:30 P.M. driving from Albany towards FeuraBush on Rt32 and was tail gated by what he believed to be a yellow Jeep. This Jeep stayed behind him until turning off as they drove through FeuraBush. James thinks the Jeep was yellow but does not have anything further.

Major Crime Lead Sheet

Title Porco Homicide		Lead Number 41
Assigned By Bethlehem PD	Date Logged 12/9/2004	Source Investigation
Officer 1 RINALDI	Officer 2	Target
Lead Instruction OBTAIN STATEMENT FROM BRITTANY HOWLAND AGE 14 23 SUMMIT RD, DELMAR, NY REFERENCE TO A YELLOW JEEP SITING		
List Attached Enclosures - Any Statements, Documents, Photos, Notes		
If an Item or Evidence was obtained, Describe WHAT it is and WHERE is it Secured		
Reviewed By:	Reviewed Date:	Ongoing Lead: <input type="checkbox"/>

This form may be handwritten

CHARACTER OF CASE <i>Homicide</i>		CASE # <i>6418415</i>	
LEAD RECEIVED BY	DATE	SOURCE	LEAD SHEET # <i>41</i> OF
LEAD ASSIGNED TO	DATE	LEAD ASSIGNED BY	

LEAD INSTRUCTIONS *Stakeout Brittany Howland*

LEAD RESULTS *See Attached*

SIGNATURE OF ASSIGNED MEMBER *Rinaldi* DATE

ENC

FURTHER ACTION REQUESTED YES ☐ NO ☐ IF "YES" EXPLAIN:

X-REF WITH	LEAD SHEET #	TITLE	LEAD SHEET #	TITLE
REVIEWED BY				

*List all persons interviewed: include date, time, DOB, address, employment, telephone #(home & business).
 List all places checked, (e.g. taverns, gas stations, businesses, etc.).

DEPOSITION OF WITNESS
TO ACCOMPANY COMPLAINT OR INFORMATION
SEC. 100.20 CPL

STATE OF NEW YORK

County of Albany } ss.
Town of Bethlehem }

Brittany Howland
DEPONENT

01/04/90

of 23 Summit Rd, Delmar, N.Y.

age 14 years

occupation Student, states as follows:

Bethlehem Central High School 700 Delaware Ave. Delmar N.Y.

BH I was leaving my residence, 23 Summit Rd going to school at BC HS. I left at 7:12 am. I was walking down Longmeadow Drive when I was about six houses away from Delaware Avenue; when I noticed a yellow jeep coming from Clarksville area going to Cherry Avenue on Delaware Avenue, at approximately 7:15 am. The jeep that I saw was similar to the jeep the Bethlehem police were looking for. I could not identify a driver or any occupants that were in the jeep. I am making this case because of a murder that happened on Brockley Drive, Porco residence. BH

NOTICE: False statements made herein are punishable as a Class A misdemeanor pursuant to Section 210.45 of the Penal Law.

*Sworn to before me this 17th

day of November, 2004
Wm. J. Rinaldi
Detective
1111

ADDRESS:

Brittany Howland
(SIGNATURE OF DEPONENT)

23 Summit Rd.
(STREET OR RURAL ROUTE)

Delmar, N.Y.
(POST OFFICE, STATE, ZIP CODE)

*NOTE: THIS FORM MUST BE SWORN ONLY IF COMPLETION OF THIS FORM IS REQUIRED BY THE COURT

mother: Maria Howland

Major Crime Lead Sheet

Title

Porco Homicide

Lead Number

173

Assigned By

Bethlehem PD

Date Logged

12/13/2004

Source

Investigation

Officer 1

OFFICER NORNICK

Officer 2

Target

Lead Instruction

OBSERVE TRAFFIC AT INTERSECTIONS OF DELAWARE AVE AND ELM, AND DELAWARE AVE AND KENWOOD FROM 12/06/04 AND 12/13/04 DURING HOURS OF APPROXIMATELY 4:30AM-5:30AM

information reviewed w/ negative results.

INVEST

List Attached Enclosures - Any Statements, Documents, Photos, Notes

If an Item or Evidence was obtained, Describe WHAT it is and WHERE it is Secured

Reviewed By:

Reviewed Date:

Ongoing Lead:

☐

From: Thomas Heffernan/TOBNOTE
To: Christopher Bowdish/TOBNOTE@TOBNOTE
cc: Michael McMillen/TOBNOTE@TOBNOTE
Date: Monday, December 13, 2004 09:06AM
Subject: Fw: Re:Information

Det. Bowdish,

Over the last 7 days Off. Hornick was assigned to monitor traffic in the area of Delaware/Elm and Delaware/Kenwood from approx. 0445-0530. The following are his findings for you to review and follow up on if you feel the information may be helpful.

Thank you,
L. L. Heffernan

----- Forwarded by Thomas Heffernan/TOBNOTE on 12/13/2004 09:10 AM -----

Adam N
Hornick/TOBNOTE

To: Thomas Heffernan/TOBNOTE@TOBNOTE
cc
Subject: Re: Information

12/13/2004 05:51
AM

Lieutenant Heffernan.

Here is the information on the vehicles that have been observed to travel through the intersection (Delaware and Elm and Delaware and Kenwood) regularly.

Every Monday-Cherry Ave to eastbound Delaware then makes pick ups at the four corners businesses - Robert Wright Truck driven by Michael R. Demmers 06/28/66 16 Paulsey Ct. Selkirk.

Every Monday- Accurate Waste Trash company 355-1851, westbound Delaware to trash pick up at Cherry Arms Appts.

Daily-

1) Eastbound on Delaware Ave. about 0450-0455
LIC/LABRADRS. LIY/082306. LIT/PE.
RUDGE.JAMES.W

255 JOSELYN SCHOOL RD. E DENNE NT. 12039

~~DOB# 22658-GLA/M~~

VIN/YV1SZ59H941135976. VYR/04. VMA/VOLV. VST/SW. VCO/BLK
INS/351 TTTTSS INSGO
STATUS:VALID

2) Eastbound Delaware to St. Thomas Lot-Post Office employee (female) about 0450-0455
LIC/BWZ1915. LIY/081106. LIT/PC.
BECK,RICHARD.A

220 TOLSON RD. TAVENNER, IL 62453

CONFIDENTIAL

VIN/JF1SF635XXG717823. VYR/99. VMA/SUBA. VST/SW. VCO/RED/GRY
INS/273 ~~XXXXXXXXXXXX~~
STATUS:/VALID

3) Delaware and Kenwood Newspaper delivery about 0450-0505
LIC/CCP6180, LIY/102506, LIT/PC.
FULLER,JUDY,A

~~007 SECOND AVE ALBANY NY 12203~~

~~DDP/022246 DEWH~~

VIN/1FMZU72E2YZA99081, VYR/00, VMA/FORD, VST/SW, VCO/RED

INS/479 [REDACTED]
STATUS:/VALID

4) Elm Ave to Cherry Ave about 0505-0510
LIC/BHT3241. LIY/041006. LIT/PC.
FISCHER,DARIN,B

500 BLOSSOM HILL RD. FAVENHANT, NY 12143
DOB/121165. SEX/M

VIN/1FMYU24EXXUC47274. VYR/99. VMA/FORD. VST/SW. VCO/RED
INS/328 STATE FARM MUT AUTO CO
STATUS:/VALID

5) Eastbound Delaware Ave about 0507-0512 (subject lives in the Mansions)
LIC/DA18YR.LIY/2005.LIT/PC.EXPIRES/20050606.
MALHOTRA*NITIN,G

445 WEYBRIDGE RD EAST C, COLUMBUS, OH 432060000
VIN/SHSRD78833U148270.VYR/2003.VMA/HOND.VST/SW.

6) Eastbound Delaware Ave about 0505-0515
LIC/AXA4709. LIY/100805. LIT/PC.
PARRY,RICHARD,S

604 STOVER HILL RD. HOSCHESVILLE NY 12136
DOB/111470. SEX/M

VIN/1GCEK14V7YZ194979. VYR/00. VMA/CHEV. VST/PK. VCO/GRY
INS/113 [REDACTED] INSURANCE COMPANY
STATUS:/VALID

7) Elm Ave to Cherry Ave about 0515-0520
LIC/CSK7040. LIY/102605. LIT/PC.
SANGIOVANNI,ANTHONY

101 ELM HILL BLVD ELKRIK NY 12138
DOB/081000. SEX/M

VIN/2G4WS52J131296884. VYR/03. VMA/BUIC. VST/4D. VCO/TAN
INS/479 [REDACTED]
STATUS:/VALID

Major Crime Lead Sheet

Title Porco Homicide		Lead Number 43
Assigned By Bethlehem PD	Date Logged 12/9/2004	Source Investigation
Officer 1 RADLIFF	Officer 2	Target
Lead Instruction INTERVIEW MARSHALL GOKEY REFERENCE TO A YELLOW JEEP SITING		
List Attached Enclosures - Any Statements, Documents, Photos, Notes		
If an Item or Evidence was obtained, Describe WHAT it is and WHERE is it Secured		
Reviewed By:	Reviewed Date:	Ongoing Lead: <input type="checkbox"/>

CHARACTER OF CASE <i>Homicide</i>		CASE # <i>0418415</i> +	
LEAD RECEIVED BY	DATE	SOURCE	LEAD SHEET # <i>43</i> OF
LEAD ASSIGNED TO	DATE	LEAD ASSIGNED BY	

LEAD INSTRUCTIONS	<i>statement of Marshall Gokey</i>
-------------------	------------------------------------

LEAD RESULTS	<i>See Attached</i>
--------------	---------------------

SIGNATURE OF ASSIGNED MEMBER	DATE
E N C	

FURTHER ACTION REQUESTED YES <input type="checkbox"/> NO <input type="checkbox"/>	IF "YES" EXPLAIN:			
X-REF WITH	LEAD SHEET #	TITLE	LEAD SHEET #	TITLE
REVIEWED BY				

*List all persons interviewed: include date, time, DOB, address, employment, telephone #(home & business).
List all places checked, (e.g. taverns, gas stations, businesses, etc.).

DEPOSITION OF WITNESS
TO ACCOMPANY COMPLAINT OR INFORMATION

SECTION 100.20 CPL

STATE OF NEW YORK
COUNTY OF ALBANY
TOWN OF BETHLEHEM

SS:

MARSHALL L. COOPER
Deponent

Of

Age 49

Occupation Construction Superintendent

States as follows:

On Monday 11-15-04 At 3:55 to 4:00 AM, while
leaving for work, I always check Gantwood and
pumping station road for parked cars. The jeep of
question was parked at the yellow house on the right.
Jeep was parked face in on the driveway. This house
is opposite the pumping station driveway. I'm aware
of this jeep because it always drives too fast for the
street. The jeep of question is a yellow renegade ranch
model. I was shown picture of a yellow jeep by Sargent
Keen of the Bethlehem Police Department which I I.D.
as the yellow jeep that I saw in the driveway Monday
morning. MLC

MLC

NOTICE: False statements made herein are punishable as a Class A Misdemeanor pursuant to Section 210.45 of
the New York State Penal Law.

Sworn to before me this 17th day
Of November, 2004.

m/Sgt James W. Keen
Signature

Marshall L. Cooper
Deponent's Signature

STATE OF NEW YORK

COUNTY COURT

COUNTY OF ALBANY

INVESTIGATION: DEATH OF PETER PORCO.

October Term

VOLUME III PRESENTATION

PRESENTED: December 17, 2004

PRESENTED BY: HON. PAUL A. CLYNE,
District Attorney of the
County of Albany.

MICHAEL MCDERMOTT, ESQ.
DAVID M. ROSSI, ESQ.,
Assistant District Attorneys.
Appearing for the People of
the State of New York.

PRESENT: THE GRAND JURY, A QUORUM.

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Gokey - Witness

MR. ROSSI: Folks, we're going to continue in the investigation of the death much Peter Porco. You will hear from several witnesses today. The first witness you will hear from is Marshall Gokey.

MARSHALL GOKEY, having been called as a witness, being first duly sworn by the Foreman of the Grand Jury, was examined and testified as follows:

EXAMINATION BY MR. ROSSI:

Q Good morning, sir. Can you state your name for the grand jury, please?

A Marshall Gokey.

Q And where do you live, sir?

A 53 Brockley Drive.

Q That's in Delmar, New York?

A Yep.

Q And what do you do for a living?

A Construction superintendent.

Q Okay. Does your job take you out of the area?

A I work all over the country, I'm based out of Boston, work up and down the east coast.

Q And can you describe your house for us just generally?

A My house?

Q Yes.

Gokey - Witness

A Yes. As you're coming from Bethlehem School, it's on the right-hand side, white with red shutters.

Q Is it somewhat in the vicinity of 36 Brockley Drive?

A It's farther down the street from the school.

Q Maybe four or five houses?

A Yep.

Q On the opposite side of the street?

A On the opposite side.

Q And do you have some sort of deck on the front of your house?

A Yes, we've got a 10 by 10 deck.

Q And I want to direct your attention to earlier this year throughout the summer; okay? Do you spend a lot of time out on that deck?

A Yes. I smoke, so I don't smoke in the house, the wife makes sure I don't smoke in the house, so we built a deck. I spend ninety percent of the summer out on the deck.

Q Now, I want to ask you if you're familiar with a yellow Jeep that belongs to someone who lives at 36 Brockley Drive.

A There's a yellow Jeep that over the summer went up and down our street quite often, yes.

Q Is there some reason you took notice of that

Gokey - Witness

yellow Jeep over the summer?

A Yeah; the kid was driving it with a little lead foot, speeding up and down the street.

Q Lead foot, you said?

A Yeah, lead foot.

Q And you would be out on the deck smoking and would you notice that?

A Yes.

Q Now, I want to direct your attention to November of this year. What project were you working on in November of this year?

A Bethel Woods project in Bethel, New York, down by the Pennsylvania border.

Q How far away from Delmar is that?

A Normal people driving, two-and-a-half hours.

Q Okay. I want to specifically direct your attention to the week of November 15th of 2004. Were you working on that project that week?

A Yes, sir.

Q And do you have a routine over the course of this project, a routine in terms of when you leave your home and when you come back into town?

A Yes. I always try to leave anywhere from 3:45 to 4:15 every week, anywhere in that area.

Q Okay. So you leave town on Monday morning?

Gokey - Witness

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A Yes.

Q And are you out of town all week?

A Yes.

Q You come back Friday or Saturday?

A Come back Friday afternoon.

Q And that's what you have been doing each week leading up to November 15th; is that correct?

A Yes.

Q Now, you're familiar with the address of 36 Brockley Drive; correct?

A Very familiar now, yeah.

Q Okay. And even before November 15th is there something across the street from 36 Brockley Drive that you're familiar with?

A Yeah, there's a little what I call a pumping station down there for the town; that and the deer come out almost constantly in the morning.

Q Directly across the street from 36 Brockley Drive is, you said, a pumping station?

A Yeah.

Q There's some sort of a dirt road you can take?

A There's a little access road to go down to the pumping station.

Q Does that actually lead out to another road?

Gokey - Witness

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2 A If you keep going. You can't drive, it's a
3 brook that goes across it.

4 Q And you said there would often be deer at
5 that pumping station? Deer near the pumping station?

6 A Yeah; as you go out probably any street in
7 Delmar, there's deer on the front lawn at that hour
8 constantly.

9 Q Now, specifically on November 15th, do you
10 recall what time you left your home that morning?

11 A I believe I left about 3:55, just right
12 around four o'clockish.

13 Q AM?

14 A AM.

15 Q And I assume it was dark at that time?

16 A Oh, yeah.

17 Q Now, let me ask you this: Are you the type of
18 person who takes notice of your surroundings?

19 A Constantly all the time because of my job.
20 I'm responsible for 50 to 150 guys and I want them to go
21 home safe, so I look constantly around; cranes are
22 swinging around us all the time, equipment moving around
23 us. I'm aware of my surroundings.

24 Q Specifically, when you leave your home in the
25 morning, when you leave for the week, is there any sort
26 of routine you do in terms of looking around?

Gokey - Witness

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2 A I get my car started, the lights flash on and
3 off all the time. I always look around, I don't just get
4 in the vehicle; look around and see what's in the
5 neighborhood and then get in my vehicle.

6 Q Was there a time that you were ever a victim
7 of a crime?

8 A Yeah, I was working in Philadelphia and this
9 gentleman come up behind me, kind of unexpectedly, tried
10 to rob me. He wasn't successful.

11 Q So since then have you been the type of
12 person--

13 A Yeah, I make sure my lights are flashing when
14 I go out to the vehicle in the morning.

15 Q Now, November 15th you left sometime before
16 four; correct?

17 A Yeah, just before four, yep.

18 Q And you went off to Bethel; correct?

19 A Yes.

20 Q And did there come a time later that day that
21 you received some information regarding an incident that
22 occurred down the street?

23 A Yes. My wife called me about somewhere around
24 noon, between 11:30 and twelve o'clock, and says,
25 "There's police all over the place, the news is there."
26 And she wasn't really sure what was going on.

Gokey - Witness

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2 Q Now, when your wife first called you and told
3 you something occurred, did you know which house she was
4 talking about?

5 A No.

6 Q All right. Did there come a time later that
7 week that you learned which house she was talking about?

8 A Yes.

9 Q All right. And did you also learn some
10 information about a yellow Jeep?

11 A Yes. I heard it was the-- my wife even told
12 me again which place it was, then she said, "It's the kid
13 with the yellow Jeep."

14 Q Okay. Now, when you heard about this yellow
15 Jeep, did you notify law enforcement that you had some
16 information for them?

17 A No. At first I told my wife that, that I saw
18 the vehicle there in the morning. Then she got talking to
19 her cousin, her cousin there, and when she mentioned to
20 him, he says, "Well, maybe you should come forward with
21 this information."

22 Q Her cousin is in law enforcement?

23 A Yes.

24 Q And, so, what is the information that you
25 have relative to the case?

26 A The Jeep was parked in that driveway at four

Gokey - Witness

o'clock that Monday morning.

Q That's Monday, November 15th, 2004?

A Yes.

Q Now, I want to show you what's been received in evidence as People's 80. Do you recognize that?

A That's the Jeep.

Q That's a photograph of the Jeep that you're talking about?

A Yep.

Q All right. And that's the same Jeep you testified that you had seen speeding up and down the street all summer; is that correct?

A Yes, sir.

Q All right. As you left for work Monday morning you say you saw the Jeep parked in the driveway it usually parks in; correct?

A Yes, on the right-hand side as I was going out.

Q And do you recall where in the driveway that it was?

A It was parked on the right-hand side, probably two-thirds of the way up the driveway; I could see the back end of the Jeep clearly when I went by.

Q And when you came back into town later that week of the 15th, did you see-- was the house still-- was

Gokey - Witness

there still police-- was there still a police presence at the house?

A Yes.

Q And they still had crime scene tape up; is that correct?

A Yes.

Q And that's how you know it's the same house that you saw the yellow Jeep at?

A Yes.

MR. ROSSI: That's all the questions I have. Anybody have any questions for the witness?

BY A JUROR: When you leave the development to go to work, do you drive right by his house?

THE WITNESS: Yes, ma'am.

MR. ROSSI: Go ahead, sir.

BY A JUROR: What time of weekends-- you're normally home all weekend; correct?

THE WITNESS: Yes, I'm home.

BY A JUROR: What time do you get up normally on the weekend?

THE WITNESS: Six, 6:30.

BY A JUROR: Not three or four in the morning?

THE WITNESS: No. Monday is the morning that I get tortured and work until six o'clock at

Gokey - Witness

night.

BY A JUROR: Can you see that other house from your deck, or not?

THE WITNESS: Not really, because it's like on the little bit of a corner.

BY A JUROR: Thank you.

MR. ROSSI: Ma'am?

BY A JUROR: Did you notice the Jeep at anytime during the day before, on Sunday?

THE WITNESS: No. I didn't, because I was pretty much hanging around the house. I didn't leave the house on Sunday.

MR. ROSSI: Anybody else?

BY A JUROR: So your truck lights actually shined right on the Jeep as you passed by the driveway?

THE WITNESS: Yes. I go out with my high beams on because of the deer.

BY A JUROR: Go ahead.

THE WITNESS: The deer are all over pretty much all those front lawns right in that area. So once you hit one, they seem to follow each other across the road. But I had my high beams on, yes.

BY A JUROR: And then is there any street lights on your street?

1 Hubbard - Witness

2 THE WITNESS: No. There's no town street
3 lights. There's a couple of house lights out by
4 the driveway, but pretty much it's pretty dark.

5 MR. ROSSI: Anybody else?

6 All right, sir, you're all set. Thank you.

7 JEFFREY HUBBARD, having been called as a witness,
8 being first duly sworn by the Foreman of the Grand Jury,
9 was examined and testified as follows:

10 EXAMINATION BY MR. MCDERMOTT:

11 Q Good morning.

12 A Good morning, Mr. McDermott.

13 Q Could you state your name and occupation for
14 the jury, please?

15 A My name is Jeffrey Hubbard and I'm a
16 physician.

17 Q And, Dr. Hubbard, are you duly licensed to
18 practice medicine in the State of New York?

19 A Yes.

20 Q Can you please share with the members of the
21 grand jury your background and training in the field of
22 medicine?

23 A I graduated there Albany Medical College in
24 1968, I have trained in pathology at the Boston City
25 Hospital and the New England Deaconness Hospital, with a
26 two-year term in-between at the National Cancer Institute