

RECEIVED  
OCT 3 - 2016  
PRO SE OFFICE  
COMPLAINT

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

X

ROBERT GOLDRING

Plaintiff

-against-

UNDER THE CIVIL RIGHTS  
Act, 42 U.S.C. 1983

CV 16-5651

JURY TRIAL DEMANDED

CITY OF NEW YORK; NEW YORK CITY POLICE  
DEPARTMENT; William Oaullivan, Detective  
#902153; Daru Donawa, Detective, Shield#7916,  
Individually and in their Official Capacities;  
BARRY WEINRID, Deruty Bureau Chief; RICHARD A.  
BROWN, DISTRICT ATTORNEY, QUEENS COUNTY,  
Individually and in their Offical Capacities,  
MANOHER VANUKRISHNAN, Doctor, yamaica Hosital,  
Individually and in His Official Capacity.

MATSUMOTO, J.  
BLOOM, M.J.

Defendant

X

Plaintiff ROBERT GOLDRING, Electing/Acting in the capacity of a  
pro-se Plaintiff.

PRIMIARY STATEMENT

1. Paintiff bring tis action for compensatory demages, punitive demages  
and attorney's fees pursuant to U.S.C. 1983, for wiolation of his Civil  
Rights, Destroying Exclptory Evidence, Malicious Prosecution, Extra-jdicial  
conspiracy, Fabricate Expert Testimony, Denied a fair trial, False  
confinement, as said Rights are secured by said statutes and the Constitution  
of the States of New York and the United States.

JURISDTCION

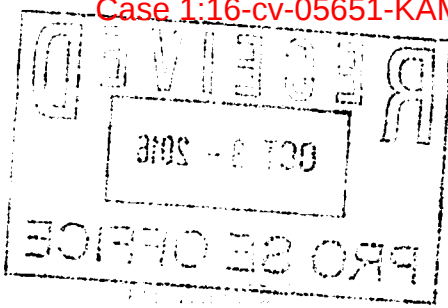
2. This action is brought Pureuant to 42 U.S.C. 1983 and U.S.C.1986.  
1988, of Fourth, Fivith, Sixth, Eighth and Fiuurteenth Amendments of the United  
States Constitution, Jurisdtcion is founded upon U.S.C. 1331. 1343 and 1367.

VENUE

3. Vanue is properly laid in the Eastern District of New Youk Under U.S.  
C. 1391 (b) in that this is the District in which the claim aros.

JURY DEMAND

4. Plaintiff respectfully demand a trial by jury of all ossues in this  
matter Pureuant to Fec R. CIV, P 38 (b).



MATSUMOTO, J.

U.S. DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

TO: [Illegible]

FROM: [Illegible]

SUBJECT: [Illegible]

[Illegible text]

EXHIBIT

[Illegible text]

EXHIBIT

[Illegible text]

PARTIES

5. Plaintiff ROBERT GOLDRING, is an 62 African-American male and a United States Citizen, and has been at all relevant times a resident of the County of Queens, and State of New York.

6. Defendant, THE CITY OF NEW YORK, was and is a municipal Corporation duly organized and existing under and by virtue of the laws of the State of New York.

7. Defendant, THE CITY OF NEW YORK, maintains the New York City Police Department, a duly authorized public authority and/or police Department authorized to perform all function of a police Department as per the applicable section of the New York State Criminal Procedure Law, acting under the direction and supervision of the aforementioned municipal Corporation, The City of New York.

8. At all times hereinafter mentioned, the individually named defendants, (Dt) Daru Donawa, #7916, and (Dt) William Osullivan, Tax#90215, duly sworn Police Detectives of the 105 precinct, Queens County, of said Department and were acting under the supervision of said department and according to their official duties.

9. At all times hereinafter Defendants, Richard A. Brown, District Attorney, Queens County, And Barry Weinrd, Deruty Bureau Chief; the Queens County Distict Attorney's Office (hereinafter refer to as QDAO) policy or practice of failing to properly train, supervis and discipline the Assistant District Attorney's, Franchesca Fernandez, (hereinafter, ADA) either peronally or through thir employess, that employed, Manohar Vanukrisnan, a Doctor form Jamaica Hospital, (Hereinafter, Dr. Vanuk) His willingness to fabricat unreliable expert testimony, were acting under color of State Law and/or in compliance with the official rules, regulation, laws, statuts, custom, usages and/or practices of the State or City of New York.

10. Each and all of the acts of the Defendants alleged herein, (claims for negligence, failure to disclose exculpatory material, submitted fals information that constituted actionable malicious prosecution) were done by said Defendants whil acting within the scope of their employment by Defendants, THE CITY OF NEW YORK.

11. Each and all of the acts of the Defendants, alleged herein, (knowingly destroyed exclpatory evidence, conspiracy, and presented fals, and misleading fabricated testimony, violated Plaintiff's Constitutional right) were done by said defendants while acting in futherance of employment by Defendants, the CITY OF NEW YORK.

STATEMENT OF FACTS

12. On or about November 2, 2010. at approximately 9:00 pm, Plaintiff, ROBERT GOLDRING, was lawfully present in B and B liquor store, located at 145-107 Guy Brewer, Queens County, and state of New York. At the aforesaid time and place Defendant, Dt. Donawa, approached Plaintiff, and ask did he see a incident concernig a man being struck upon the head with a "crow-bar;" Plaintiff said No.

13. It was reported that the complainants were interviewd by or in the presence of defendant, Dt. Donawa, specifically, he meet with and inteviewed Kimberly Knight, numerous of time after the alleged incident and before her husband became conscious. His blood alcohol lavel was .18, twice the state limit. Defendant Donawa, took and kept notes of the inteview~~s~~ and leter transcribed in some from, at least a portion of the notes into DD5's under the supervision of Defendant, Dt, Williem Osullivan.

14. On or about November 4th, 2010. Plaintiff ROBERT GOLDRING. was arrested by defendant Donawa, at his home, 145-90 179th St. Queens, N.Y. and "maliciously charged Plaintiff on official police Department, complait forms, with Assa, in the 1st. Assa, in the 2nd (2 counts) Assa, in the 3ed ( 2 counts) and Crminal possession of a weapon in the 4th. (Plaintiff's Exhibit A) the Acusatory Inastrument, was signed by Defendant, Dt. Donawa, Pursuant to PL. 210.45. false statements, a class A Misdemeanor.

15. At no time did Plaintiff, Assa, any-one, or posass a weapon, nor did he act unawfully in any way, There was no physical evidence at the scene of the crime to link the Plaintiff to the crime.

16. Defendant, Dt. Donawa states in the Acusatory Inastrument, that he is informed by the comlaintants, George Wirt, that on Novmber 2,2010. at 145-107 Guy Brewer Blvd, Queens County, that Plaintiff approached from the rear and struck the complainant, Wirt on the back of his head with a crow-bar, causing his to loose consciouseess. Defendant Donawa, further states, that he is informed by the complainant, Kimberly Knight, that she then threw hereself on top of her husband, to which the Plaintiff struck the complainant Knight, on the right side of her head and the left thigh, with the above mentioned "crow-bar".

(Parenthakical numbers without a ppefix refer to the Transcripts that was use for the Appallate Brief). at.()

17. The fals malicious accusation in the Accuatory Instrument, was contradicted by Knight, in the April 27,2011. Grand Jury praceeding's At. (M.K. 16;17) and at the trial, at. (T.537) of the fabrication, that she threw herself on top of her husband and was struck with a crow-bar. Defendant Dt, Donawa.

18. On September 23rd, 2011. an in-court identification hearing was held, whereupon, the ADA Fernandez called Defendant Dt. Donawa as a witness, that had taken hand-written notes, in his spiral notebook, and interviewes he had with the two alleged complainants. At this point, it was learned that, defendant, Dt. Donawa did'nt have with him siad notes or the case file. On October 6, 2011. doing the proceedings, at. (t. 3) The Cort: When we left off last time we had sent the detective back to get the police reports. ADA, Ms. Fernandez: Thank you Judge, his file has been "shredded". See, Plaintiff's (Exhibit B.)

19. On or about March 13, 2012. a Roserio hearing was held, Defendant Dt. Donawa was only able to assume that his memory was accurate as the items papers, notes, and/or other police documents, inclding but not limited to, DD5's follow up reports, and those of several other Detictives who had been assisted to investigate the case, in total, were destroyed. The destruction of those items was further acknowledged in an extensive colloquy by the ADA, with Counsel and the Court. Amittedly, the QDAO relied on defendant, Dt. Donawa to presrve and produqe the NYPD case file.

20. Upon the revelation of the shradDED Rosario material, and Plaintiff's por se motion, on Rosario and Brady, violations, to preclude the testimony of George Wirt, Kimberly Knight, and Defendant, Dt. Donawa. The Court, on March 14, 2012. based on defendant, Dt. Donawa's loss of the case file and handwritten noted, geated for santion to the exent that an adverse inference charge will be given to the jury to disrege Donawa's testimony. See Plaintiff's (Exhibit C.) The ADA refused to call Defendant, Dt. Donawa to testify.

21. On March 19-23, 2012. the case was triad, in the County of Queens, and the Defendant's QDAO submitted Knight as the allege victum and witness, However, a examination of Knight's Hospital records reveal that there was no evdence of internal or external wounds that she was hit in her face or head with a crow-bar or pipe.

Additionally, the QDAO, was aware that Knight had submitted fals and mislending trstimony in a unrelted Grand Jury proceedings., at (t. 143-4).

22. George Wirt was actually arrest in the Hospital on or about November, 2, 2010. for being in violation of a full order of protection that was in effect as of that date; and on or about November 15, 2010. he appeared in front of Judge Ricidi, Queens County, Criminal Court to answer to the charge of contempt of Court, at (t. 652-3). Wirt was released from Court, however, on the night of November 15, 2010. Wirt disobeyed the order of protection again, at. (t. 656-7) and was sentenced to 90 days in jail as a result. Similarly, On or about April 12, 2011. Wirt was convicted in Queens County, for disobeying the order of protection, and sentenc to ninety 90 days in jail, at. (t. 617).

23. In exchange for his testimony, Wirt was allegedly , given immunity with respect to the order of protection violation, that was in effect March 25, 2010. until March 24, 2011, See Plaintiff's (exhibit D) for (extra-judicial conspiracy) here, Pursuant to a cooperation agreement with Defendant's QDAO, and signed by ADA Fernadez and defendant, Barr Weinrg, it was agree that Wirt was not to be prosecuted for any contact with Knight on November 2, 2010. for his testimony in this case. It is clear and convincing evidence that Wirt entered a plea of guilty, at (t. 596;652-3) in violation of the order, and was sentence to 90 days in November 15, and April 12, 2011. at. (t. 617).

24. During the trial of March 21, 2012. ADA Fernadez, submitted Dr, Venuk, as a expert witness and the treating physician, with the Hospital records, People's Exhibit 4. His testimony is that he worked as a physician at Jamaica Hospital, and assigned to the Neurosurgery Department, and basically evaluate all trauma patient that come in with neurosurgical issues, at. (T.819;820). Dr. Venuk testified that he treated and diagnosed George Wirt on November 2, 2010. in the emergency room, and his stay at Jamaica Hospital, at. (t. 822-3;824).

25. A physicians signature in the Hospital records certifies that the physician's services were personally rendered by him or under his personal direction. However, Each claim submitted by Defendant, Dr. Venuk, that he treated or diagnosis the complainant Wirt, is not supported in the Hospital records, (t.822-3;828;830;850;854;864) and ADA Fernadez stood silent and did nothing to expose the lie. See Plaintiff's (exhibit E) the medical record signature sheet.

26. Defendant, Dr. Venuk's testimony is that he is assigned to the Neurosurgery department, at. (t. 864) Mr. Siff: Did you actually examine Mr. Wirt, you his body, or did you deal with his neurological issues. A: This is neurosurgery, See Plaintiff's (Exhibit's F) the Neurosurgery report signed by Dr. J. Milles, as the treating physician. The transcripts reveals, there was no stipulations of the treating physician's unavailability, of Dr. Johnson Richards, and Dr. Frctwill Kenneth, that signed the Hospital records and report. The Sixth Amendment's Confrontation Clause, confers upon an accused in all criminal prosecutions the right to be confronted with the witnesses against him.

27. The ADA relied on Wirt's testimony that Plaintiff struck him with a pipe in his right hand and on Dr. Venuk's explanation that Wirt was injured when he was allegedly hit by a right-hand, (Wirt: 705; Dr. Venuk: 847-8) The jury had before it evidence showing that Plaintiff, allegedly used his right hand to strike Wirt, and no evidence that Plaintiff is left-handed and could not have caused Wirt's injuries.

28. As a result of the forgoing, on March 23, 2012. the jury acquitted Plaintiff, of first degree Assault and Assault in the second, as to Knight, do to admission of perjurious testimony at the Grand Jury, but convicted him of second degree Assault, and fourth degree weapon possession, as to Wirt, Plaintiff was sentence to seven years, and five years post-release supervisor inter alie, mental anguish, depression, excessive confinement, homelessness, and deprivation of his Constitutional Rights.

29. In a decision dated November 12, 2015. The Appellate Division-Second Department, ordered that the judgment is reversed, (People v. Goldring, 133 A.D.3d 694) Defendants QDAO file leave to appeal on December 8, 2015, and was denied on March 16, 2016. Plaintiff submitted a pro se Motion on December 12, 2015. pursuant to CPL. 190.30 and 210.20, in violation, to warrant the return for a new trial. See Plaintiff's (Exhibit G)

**FIRST CLAIM FOR RELIEF**  
**DERIVATION OF FEDERAL RIGHTS UNDER 42 U.S.C. 1983**

30. Plaintiff repeats, reiterates and realleges each and every allegation contained in paragraphs numbered "1" through "29" with same force and effect as if fully set forth herein.

31. All of the aforementioned acts of Defendants, their agents, servants, and employees, were carried out under the color of law.

**FIRST CLAIM FOR RELIEF  
DERIVATION OF FEDERAL RIGHTS UNDER 42 U.S.C. 1983**

32. Plaintiff repeats, reiterates and realleges each and every allegation contained in paragraphs numbered "1" through "31" with same force and effect as if fully set forth herein.

33. All of the aforementioned acts of Defendants, their agents, servants and employees, were carried out under the color of law.

34. All the aforementioned acts deprived Plaintiff ROBERT GOLDRING, of the rights, privileges and immunities guaranteed to Citizens of the Fourth, Fifth, Sixth, and Fourteenth Amendments of the United States of America, and in violation of 42 U.S.C. 1983, 1986, and 1988.

35. The acts complained of were carried out by the aforementioned Defendants, gross negligence and deliberate indifference, in their capacities as Police officers/Detective's with all the actual and or apparent authority attendant thereto.

36. The acts complained of were carried out by the aforementioned individual Defendants in their capacities as Police officers, pursuant to the custom, usages, practice, procedures, and the rules of the City of New York and the New York City Police Department,, all under the supervision of ranking officers of said, Department.

37. Defendants collectively and individually, while acting under color of state law, engaged in conduct which constituted a custom, usage, practice, procedure or rule of the respective municipality/authority, which is forbidden by the Constitution of the United States.

**SECOND CLAIM FOR RELIEF  
MALICIOUS PROSECUTION UNDER 42 U.S.C. 1983**

38. Plaintiff repeats, reiterates and realleges each and every allegation contained in paragraphs numbered "1" through "37" with the same force and effect as if fully set forth herein.

39. Defendants misrepresented and falsified evidence before the Queens County District Attorney's Office. Defendants did not make a complete and full statement of facts to the Queens County, District Attorney's Office.

40. Defendants were directly and actively involved in the initiation of Criminal Proceeding against Plaintiff ROBERT GOLDRING, as a result, excessive confinement.

41. Defendants acted malice, and were actively involved in the continuation of Criminal Proceeding against Plaintiff ROBERT GOLDRING.



42. Defendants were directly and actively involved in the destruction of exculpatory evidence, denied a reasonable possibility, and malicious prosecution as it relates to every major contested issue in the case against Plaintiff ROBERT GOLDRING.

43. As a result of the foregoing, Plaintiff's liberty was restricted for an extended period of time, incarcerated unlawfully for six years, homeless, mental anguish, depression, and deprivation of his Constitutional Rights.

THIRD CLAIM FOR RELIEF  
DENIAL OF CONSTITUTIONAL RIGHT TO FAIR TRIAL  
UNDER 42 U.S.C. 1983

44. Plaintiff reiterates and relleges each and every allegation contained in paragraphs "1" through "43" as if the same were more fully set forth at length herein.

45. Defendants created false evidence against Plaintiff ROBERT GOLDRING, Specifically, Defendants falsely alleged Plaintiff struck the complainants with a pipe.

46. Defendants "blatantly careless" manner in with the QDAO agents failed to preserve evidence to which the Plaintiff was entitled to have for trial, was prejudicial.

47. Defendants misrepresented and had a high duty to diligently preserve and disclose material that they know was needed in litigation of the matter, and thereafter, extra-judicial conspiracy, providing false testimony throughout the criminal proceedings.

48. Defendants denied Plaintiff ROBERT GOLDRING, the ability to confront his accusers, and develop a defense strategy through cross examination of false testimony, and acted with malice throughout the criminal proceedings.

49. Defendants policy or practice of failing to properly train, supervise and discipline the ADA's, which failure to safeguard and disclose exculpatory evidence, in addition, perjury before a grand jury, submitting Dr. Vauk, with false testimony, violation of right to due process, denied a fair trial, equal protection of the laws, misrepresented and falsified evidence throughout all phases of the criminal proceedings.

50. Plaintiff repenates, that these violation of his constitutional rights were directly and proximately caused by the gross negligent supervision, and deliberate indifference of the City of New York, New York City Police Department; the captioned supervisory officials in the NYPD; the NARCOTICS trials

Bureau Prosecutor, Barry Weinrib, Of Queens County, The Queens County District Attorney, Richard A. Brown and his office in training of the assistant district attorney's is an administrative function as supervising their respective staffs.

52. Defendant's gross negligence, and deliberate indifference, for the purpose of depriving, either directly or indirectly, any person or class or persons of equal protection of the laws, or equal privileges and immunities under the laws.

53. § 1986 provides a cause of action against anyone who having power to prevent or aid, neglects to do so, that present and did present false testimony destroyed exculpatory evidence, extrajudicial conspiracy, denied Plaintiff's his right to confront and obtain witnesses, malicious prosecution, and violated his Constitutional right to a fair trial under the Due Process Clause of the Fifth, Sixth, Eighth, and Fourteenth Amendments of the United States Constitution.

54. Section 1983, which derives from 1 of the Civil Rights Act of 1871, 17 stat. 13, creates a private right of action to vindicate violations of rights privileges, or immunities secured by the Constitution and Laws of the United States. Under the terms of the statute every person who acts under color of state law to deprive another of a Constitutional Right is answerable to that person in a suit for damages. As incarcerated unlawfully for six years, mental anguish, depression, excessive confinement, homelessness and deprivation of his Constitutional Rights

55. A municipality is liable for failure to train, supervise and discipline its Police officers and ADA's where the Plaintiff proves that the municipality acted recklessly, intentionally or with gross negligence and the lack of training was so reckless or grossly negligent that deprivation of person's Constitutional Rights was substantially certain to result, that the policymaker of the City can reasonably be said to have been deliberately indifferent to the need. See Exhibit's A.B.C.D.E.F.G.

RELIEF TO BE GRANTED

56. All of the foregoing acts by Defendants deprived Plaintiff, ROBERT GILDRING, of federally protected Rights, including, but not limited to the Right:

- i. Not to be deprived of liberty without due process of law.
- ii. To confront his accusers, and witnesses against him.
- iii. To be free from unwarranted and malicious criminal prosecution.
- iiii. To be free from cruel and unusual Punishments inflicted.
- iiiii. To receive equal protection under the law.

57. As a result of the forgoing, Plaintiff, ROBERT GOLDRING, is entitled to Compensatory damages in the sum of four million dollars (\$4,000,000.00) and is further entitled to Punitive damages against the individual Defendants in the sum of two hundred thousand dollars (\$ 200,000).

WHEREFORE, Plaintiff, ROBERT GOLDRING, demands judgment in the sum of four million dollars (\$4,000,000.00) in Compensatory damages, and two hundred thousand dollars (\$ 200,000) in Punitive damages, plus Attorney's fees costs, and disbursements of this action.

9/22/2016  
Date

RESPECTFULLY SUBMITTED

  
ROBERT GOLDRING, Plaintiff.

Q10666237

CRIMINAL COURT OF THE CITY OF NEW YORK  
PART APAR, COUNTY OF QUEENS

EXHIBIT A

THE PEOPLE OF THE STATE OF NEW YORK

v.

ROBERT J GOLDRING  
DEFENDANT

STATE OF NEW YORK  
COUNTY OF QUEENS

DETECTIVE DARU DONAWA OF QNS DET AREA 105, TAX REG#: 918962, BEING DULY SWORN, DEPOSES AND SAYS THAT ON OR ABOUT NOVEMBER 2 2010 AT ABOUT 3:30PM, IN FRONT OF 145-88 BREWER BOULEVARD, COUNTY OF QUEENS, STATE OF NEW YORK

THE DEFENDANT COMMITTED THE OFFENSES OF:  
PL 120.10-1 ASSAULT IN THE FIRST DEGREE  
PL 120.05-2 ASSAULT IN THE SECOND DEGREE (2 COUNTS)  
PL 120.00-1 ASSAULT IN THE THIRD DEGREE - DNA SAMPLE REQUIRED UPON CONVICTION (2 COUNTS)  
PL 265.01-2 CRIMINAL POSSESSION OF A WEAPON IN THE FOURTH DEGREE

IN THAT THE DEFENDANT DID: WITH INTENT TO CAUSE SERIOUS PHYSICAL INJURY TO ANOTHER PERSON, CAUSE SUCH INJURY TO SUCH PERSON OR A THIRD PERSON BY MEANS OF A DEADLY WEAPON OR DANGEROUS INSTRUMENT; WITH INTENT TO CAUSE PHYSICAL INJURY TO ANOTHER PERSON, CAUSE SUCH INJURY TO SUCH PERSON OR A THIRD PERSON BY MEANS OF A DEADLY WEAPON OR A DANGEROUS INSTRUMENT; WITH INTENT TO CAUSE PHYSICAL INJURY TO ANOTHER PERSON, CAUSE SUCH INJURY TO SUCH PERSON OR A THIRD PERSON; POSSESS A DAGGER, DANGEROUS KNIFE, DIRK, RAZOR, STILETTO, IMITATION PISTOL, SHIRKEN OF KUNG FU STAR OR ANOTHER DANGEROUS OR DEADLY INSTRUMENT OR WEAPON WITH INTENT TO USE THE SAME UNLAWFULLY AGAINST ANOTHER PERSON

THE SOURCE OF DEPONENT'S INFORMATION AND THE GROUNDS FOR DEPONENT'S BELIEF ARE AS FOLLOWS:

DEPONENT STATES THAT HE IS INFORMED BY THE COMPLAINANT, GEORGE WIRT, THAT ON THE ABOVE MENTIONED DATE, TIME AND PLACE OF OCCURRENCE, WHILE STANDING AT SAID LOCATION WITH HIS WIFE, KIMBERLY KNIGHT, THE DEFENDANT, ROBERT GOLDRING, APPROACHED FROM THE REAR AND STRUCK THE COMPLAINANT, GEORGE WIRT, ON THE BACK OF HIS HEAD WITH A CROW BAR, CAUSING THE COMPLAINANT TO LOOSE CONSCIOUSNESS AND TO FALL TO THE GROUND.

DEPONENT FURTHER STATES THAT HE IS INFORMED BY THE COMPLAINANT, KIMBERLY KNIGHT, THAT SHE THEN THREW HERSELF ON TOP OF HER HUSBAND AND STATED TO THE DEFENDANT, "YOU WOULDN'T HIT A GIRL WOULD YOU?" TO WHICH THE DEFENDANT REPLIED, "HELL, YEAH BITCH", AND STRUCK THE COMPLAINANT, KIMBERLY KNIGHT, ON THE RIGHT SIDE OF HER HEAD AND ON THE LEFT THIGH WITH THE ABOVE MENTIONED CROW BAR, CAUSING THE COMPLAINANT TO SUFFER SWELLING TO THE FACE AND TEMPLE AREA AND SUBSTANTIAL PAIN.

GOLDRING, ROBERT J Q10666237

DEPONENT FURTHER STATES THAT HE IS INFORMED BY THE COMPLAINANT, KIMBERLY KNIGHT, THAT BOTH HERSELF AND HUSBAND WERE TRANSPORTED TO A LOCAL HOSPITAL, WHERE THE COMPLAINANT KNIGHT, WAS TREATED FOR SWELLING TO THE FACE AND TEMPLE AREA AND HER HUSBAND HOSPITALISED IN AN UNCONSCIOUS CONDITION.

DEPONENT ALSO STATES THAT HE INTERVIEWED AN ATTENDING PHYSICIAN OF THE LOCAL HOSPITAL WHERE DEFENDANT, WIRT, IS HOSPITALISED, AND WHO DIAGNOSED THAT THE COMPLAINANT IS SUFFERING FROM A FRACTURED SKULL.

FALSE STATEMENTS MADE IN THIS DOCUMENT ARE PUNISHABLE AS A CLASS A MISDEMEANOR PURSUANT TO SECTION 210.45 OF THE PENAL LAW

11/4/10  
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MR. SIFF: Let's do it.

V

EXHIBIT B

THE COURT: 24th?

MS. FERNANDEZ: Okay.

THE COURT: When we left off last time we had sent the detective back to get police reports.

MS. FERNANDEZ: Thank you. Judge, his file has been shredded.

THE COURT: I thought you ought to know that.

MS. FERNANDEZ: I'm sorry --

MR. SIFF: I'll ask for a blanket adverse on this whole case.

THE COURT: Sit there and think about it.

In the interim, I believe you located your complainant?

MS. FERNANDEZ: Yes. As I informed Mr. Siff he's currently incarcerated.

MR. SIFF: Understand.

THE COURT: Where is Mrs. Complainant?

MS. FERNANDEZ: I did contact her; she wasn't available to come in today because she had a Family Court proceeding.

THE COURT: Is she a petitioner or respondent?

MS. FERNANDEZ: I'm not sure. My inclination is she's a respondent.

THE COURT: This should be fun.

SUPREME COURT OF THE STATE OF NEW YORK  
QUEENS COUNTY, CRIMINAL TERM, PART K-23  
125-01 QUEENS BOULEVARD, KEW GARDENS, NEW YORK 11415

EXHIBIT  
C

P R E S E N T :

HON. JOEL L. BLUMENFELD, Acting Justice

-----X

THE PEOPLE OF THE STATE OF NEW YORK

- against -

INDICTMENT NUMBER: 1049-11

ROBERT GOLDRING,

MOTION: In limine for sanctions for  
loss of Rosario material and possible  
Brady material

Defendant.

-----X

For the reason stated on the record and after a hearing conducted on March 12, 2012, March 13, 2012 and on this date, defendant's motion in limine for sanctions based on Detective Daru Dawana loss of the case file and handwritten notes in his spiral notebook regarding this case is granted to the extent that an adverse inference charge will be given to the jury and denied as to the request that the two complaining witnesses be precluded from testifying.

The Clerk of the Court is directed to enter this Order. IT IS SO ORDERED.

DATE: March 14, 2012  
Kew Gardens, New York

  
\_\_\_\_\_  
JOEL L. BLUMENFELD,  
Acting Justice of the Supreme Court

Knight - People - Cross

EXHIBIT DI

1 time range, right?

2 A Correct.

3 Q On that night of November 15, 2010 you didn't call the  
4 police on him for coming into the house, punching holes in the  
5 wall, pushing your head into the wall and choking you with a  
6 stick?

7 A I called the police.

8 Q You called the police that exact day, that night?

9 A Yes.

10 Q Did they come?

11 A Yes.

12 Q Did they tell you he was a figment of your imagination  
13 then too?

14 A No.

15 Q Now, in fact on November 15, 2010, George had appeared  
16 in front of Judge Ricidi in front of Criminal Court in this  
17 building to answer charges of contempt of the court for  
18 disobeying the order of protection against you?

19 A I don't remember. I wasn't in court.

20 Q You remember as a result of this November 15 incident  
21 he was sentenced to 90 days; isn't that true?

22 A I don't recall that.

23 Q Do you recall that when George came to the house on  
24 11/15, 2010 at around 11:30 p.m. that he was drunk?

25 A Yes.



EXHIBIE D2



DISTRICT ATTORNEY  
QUEENS COUNTY  
125-01 QUEENS BOULEVARD  
KEW GARDENS, NEW YORK 11415-1568

**Richard A. Brown**  
District Attorney

(718) 286-6000  
[www.queensda.org](http://www.queensda.org)

**Agreement Not to Prosecute  
Between the Office of the Queens County District Attorney  
And GEORGE ORTIZ-WIRT  
Rights and Responsibilities**

Dated: March 13, 2012

Subject:  
Attorney:

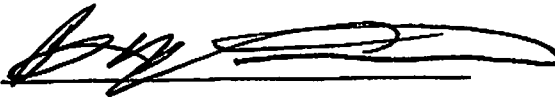
George Ortiz-Wirt  
Joel Schmidt, Esq.  
The Legal Aid Society  
120-46 Queens Boulevard  
Kew Gardens, NY 11415

Dear Mr. Schmidt:

This letter confirms the agreement entered into between the Office of the District Attorney of Queens County [hereinafter: the District Attorney] and your client, George Ortiz-Wirt. It is agreed that the District Attorney will not prosecute your client for any contact he had with Kimberly Knight on November 2, 2010, which was in violation of a full order of protection that was in effect as of that date. More specifically, said order was issued in the Criminal Court of the City of New York, County of Queens by the Honorable Melendez on March 25, 2010 and was in effect until March 24, 2011 under Docket No. 2009QN035814. It is agreed that no other agreement or promises have been made to your client except for that which is outlined above and specifically this agreement applies only to the date of November 2, 2010 and no other date.

No alteration to this agreement will be valid unless in writing and signed by the Assistant District Attorney(s) assigned to the prosecution of the case entitled the People of the State of New York vs. Robert Goldring, Indictment No. 1049/2011 and no promises may be made to George Wirt other than by the Assistant District Attorney(s) assigned to the prosecution of the aforementioned case.

  
Assistant District Attorney  
FRANCHESCA FERNANDEZ


  
Barry Weinrib  
Deputy Bureau Chief,  
Narcotics Trials Bureau

I, George Ortiz-Wirt, have read this letter and discussed it with my attorney, Joel Schmidt, Esq., who has explained it to me. I hereby acknowledge that it sets forth my entire agreement with the Office of the Queens County District Attorney. There have been no other promises or representations made to me by any person in connection with this matter. I agree to the above terms and conditions.

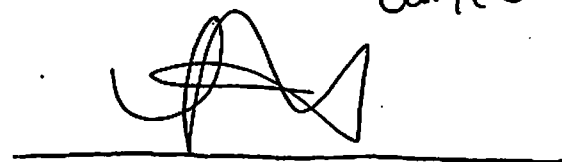
Dated: March 13, 2012  
Kew Gardens, New York

  
GEORGE ORTIZ-WIRT

Dated: March 13, 2012  
Kew Gardens, New York

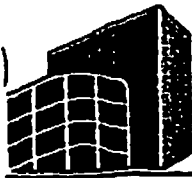
  
Joel Schmidt, Esq.  
Attorney for ~~DARNELE BLACK~~

*George Ortiz-Wirt* (circled)

  
Juliette-Noor HAJI  
Attorney for ~~Darnele Black~~  
George Ortiz-Wirt



# NEUROSURGERY Consultation Report



**JAMAICA HOSPITAL MEDICAL CENTER**  
8900 Van Wyck Expressway, Jamaica N.Y. 11418  
Division of Neurosurgery

EXHIBIT F  
WIRT, GEORGE  
M/R: 1327058 PT#: 850106881  
DO: [redacted] M FIC: 10  
ADM: 11/02/2010 16:22 081X  
STAFF, PHYSICIAN

Date of Request: 11/2/10 Requesting Physician: \_\_\_\_\_

Reason: \_\_\_\_\_ Service: Trauma

Patient Name: Wirt, George Age: 28  Male  Female  
Trauma Notification:  Yes  No

Brief History: 28 y/o male S/P assault Hit over the head in a fight  
allegedly brought to the ER Awake, alert ORS pt. is EDU  
intubated

Pertinent Medical/Social History: \_\_\_\_\_  
Prison P  
had 20  
Ally's car

Medications: \_\_\_\_\_

### Neurologic Exam:

1. GCS: Eyes:  (4) Open      Motor:  (6) Obeys      Verbal:  (5) Oriented and Converses
- (3) Open to Voice       (5) Localizes Pain       (4) Disoriented, Converses
- (2) Open to Pain       (4) Flexion - Withdrawal       (3) Inappropriate Words
- (1) No Response       (3) Flexion - Abnormal       (2) Incomprehensible Sounds
- (2) Extension       (1) No Response
- (1) No Response

2. Pupils:  Normal 3x3 mm      Total Score: 15  
reactive
- Asymmetric
- One Dilated (> 4mm)
- Both Dilated (> 4mm)

3. Sensory: Hearing: Right: + Left: + Present (P) or Absent (A)
- Sight: Right: + Left: +
- Extremities: Upper Right: + Left: +
- Lower Right: + Left: +
- Pain:  No  Yes Location: \_\_\_\_\_ Score (1-10): \_\_\_\_\_

4. Motor: Cranial: Extraocular movement: Right: NL Left: NL
- Facial movement: Right: NL Left: NL
- Upper Extremity: UE Deltoids: Right: + Left: +
- UE Biceps: Right: + Left: +
- UE Triceps: Right: + Left: +
- UE Handgrip: Right: + Left: +



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 STAFF, PHYSICIAN

4. Motor: Continued...

EXHIBIT F

Lower Extremity:

LE Extension:  
 LE Flexion:  
 Foot Dorsiflexion  
 Foot Plantar Flexion

Right: [Handwritten 'R']  
 Right: [Handwritten 'R']  
 Right: [Handwritten 'R']  
 Right: [Handwritten 'R']

Left: [Handwritten 'L']  
 Left: [Handwritten 'L']  
 Left: [Handwritten 'L']  
 Left: [Handwritten 'L']

Head CT scan:  Normal  
 Abnormal

*Small amount of  
 APT @ posterior  
 small APT. along  
 leaf of the tentorium*

Description:

- mm shift  none  left to right  right to left
- Basal Cisterns:  Open  Partial Open  Closed
- IVH:  No  Yes  Right  Left
- SAH:  No  Yes  Right  Left
- Epidural:  No  Yes, <1cm.  Yes, >1cm.  Right  Left
- Subdural:  No  Yes, <1cm.  Yes, >1cm.  Right  Left
- Parenchymal:  No  Single  Multiple
- Hydrocephalus:  Location leaf of tentorium

- Spinal:  C-Spine  X-Ray  Fracture (s) Level: \_\_\_\_\_  
 Thoracic  CT Scan  Subluxation Level: \_\_\_\_\_  
 Lumbar  MRI  Compression Level: \_\_\_\_\_  
 Other  Other \_\_\_\_\_

Impression Houseofficer: 28 y.o male BPPV indicated 2nd - 3rd occurr  
cellitis head CT small APT @ posterior + no pt along leaf of tentorium

Impression Attending: D/W Neurosurgery attending

Plan Houseofficer: No Neurology int rep.  
MSF as Admin

Plan Attending: Hourly Neurocheck  
Flu Head CT w/ scan

Print Name: Dr. J. Miller  
 Signature: [Signature] 10/2/10 Dr. J. Miller  
 Houseofficer, Neurosurgery Date Attending, Neurosurgery Date

EXHIBIT G

AFFIDAVIT OF SERVICE

STATE OF NEW YORK)

ss:

COUNTY OF BRONX )

I, ROBERT GOLDRING, being duly sworn, deposes and says:

That I have on this 12 day of DECEMBER 20/15 placed and submitted in the postal in the New York City Correctional Facility known as RNDC 11-11 Hazen Street Elmhurst, N.Y. 11370. Notice of Motion, with Affidavit, and statement of facts and memorandum of law, to be duly mailed via the United States Postal Service to the following parties in the above action:

To:

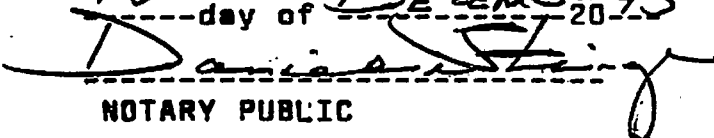
Richard A, Brown  
District Attorney, Queens County  
125-01 Queens Blvd,  
Kew Gardens, N.Y. 11415

Respectfully Submitted

  
Robert Goldring

Sworn to before me this

12TH day of DECEMBER 20/15

  
NOTARY PUBLIC

DANIELLE STRINGER  
Notary Public State of New York  
No 01ST6131234  
Qualified in Queens County  
Commission Expires August 1, 2017

EXHIBIT G

Form: Robert Goldring 8951501998  
R.N.D.C.  
11-11 Hazen Street  
East Elmburst<sup>ll</sup> N.Y. 11370

People v. Golderig  
Ind No. 1049/2011

To: Hon. Joel L. Blumenfeld  
Suprem Court<sup>ll</sup> Queens County K-23  
125-01 Queens Blvd Kew Gardens; N.Y. 11415

January 12, 2016

Sub: Request That the Court make inquiry and ascertain  
whethe defense Counsel is aware of pro se Motion,  
and decision to adopt or amend, and if not, state  
his reasons for the record.

Dear, Honorable Blumenfeld:

PLEASE BE KINDLY ADVISED, that on December 12, 2015. I  
Robert Goldring, the Defendant submitted to this Court, K-23 a  
pro se Motion to dismiss a defective Indictment that was used in  
my trial, against me, pursuant to CPL 190.30 (3) (6) and 210.20 (1)  
(c) (i) on the grounds of insufficient evidence before the Grand Jury  
that was misleading, inadequate and illegal; Thus, in violion of  
the Constitutional Rights of the Defendant, to warrant the return  
for trial.

However, Defendant is requesting that his defense attorney,  
Mr. Kenneth Deane, of the Queens Law Associates, adopt his pro se  
Motion, and if not, state his reasons on the record, to discusse its  
contents in the present matter of his option and decision for the  
merits of the instant Motion.

Genuinely, I am grateful of this extended request, Your time and effort  
that you spend in assisting me in this matter of mine will be kindly  
and sincerely appreciated.

To: Richard A. Brown  
District Attorney, Queens Cunty

Respectivel Submitted

  
Robert Goldring 8951501996

To: Kennth Deane  
Queens Law Associates  
118-21 Queens Blvd, Suite 212  
Forest Hills, N.Y. 11375