

ORIGINAL

CIVIL RIGHTS COMPLAINT  
42 U.S.C.S. SECTION 1983

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

FILED  
IN CLERK'S OFFICE  
US DISTRICT COURT E.D.N.Y.

TROY D. BENNETT

Plaintiff,

CITY OF NEW YORK ET.AL.,  
MAYOR BILL BLASIO,  
COMMISSIONER OF POLICE WILLIAM BRATON,  
PRECIENT 71 ET.AL.,  
DISTRICT ATTORNEY KENNETH P. THOMPSON,  
ASSISTANT DISTRICT ATTORNEY M. PEMBERTON,  
ASSISTANT DISTRICT ATTORNEY P. BARNES,  
SERGEANT LARRY MEYERS #5284,  
SEREGEANT MARRAA BARBEE LEBOUR 71 PCT,  
SEREGEANT VIGILANCE 71 PCT,  
SEREGEANT COMAS 71 PCT,  
SEREGEANT LOCK WAINE 71 PCT,  
SEREGEANT THALL 71 PCT,  
SEREGEANT CHRISTOPHER MARROW 71 PCT,  
POLICE OFFICER KRYSTAL CXLASS #14630,  
POLICE OFFICER REID ASTRIDA 71 PCT,  
POLICE OFFICER NEIL WILLIAMS #3768,  
POLICE OFICER FRITZ ROY VIGILANCE #4583,  
POLICE OFFICER JAMES J. COFFEY 71 PCT,  
POLICE OFFICER CLAGG HOLDER 71 PCT,  
POLICE OFFICER GRATEROL DAVTI 1761,  
POLICE OFFICER LANGLEY 71 PCT,  
POLICE OFFICER GILBERT CASTILLO 71 PCT,  
POLICE OFFICER SEAN NEEDHAM 71 PCT,  
POLICE OFFICER JAMIESON 71 PCT,  
POLICE OFFICER YING 71 PCT,  
COUNSEL AT LAW SONIA TATE-COUSIN'S ESQ,  
ENROY CLARKE,  
BROOKLYN DETENTION CENTER ET.AL,  
DEPARTMENT OF CORRECTIONS ET.AL,  
COMMISSIONER OF CORRECTIONS JOSEPH PONTE,  
CORRECTION OFFICER BROWN,  
CAPTIAN GIVENS # 1424,  
OTIS BONTUN CORRECTION CENTER ET.AL.

DEFENDANTS.

CV 16 - 6653

JURY TRIAL AND

42 U.S.C.S. §§ 1981,  
1983,1985,1986,1987,  
1988, 18 U.S.C.S. §§  
241,242,1001; U.S.  
CONST. AMENDS. 1,4,  
5,6,8,9,13,&14SEC.1;  
CIVIL RIGHTS ACT 1871.

MATSUMOTO, J.

KUO, M.J.



THE COURT OF APPEALS  
FOR THE DISTRICT OF COLUMBIA

Case No. 16-1111  
Date: 11/28/16

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1. The Court of Appeals for the District of Columbia  
has held that the Federal Reserve Bank of New York  
is not a government entity for purposes of the  
Federal Reserve Act.

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11/28/16

This proceedings is brought in the form of forma pauperis pursuant to 28 U.S.C.S. Section 1915 because plaintiff is incarcerated, unable to pay any fees at the present moment. See Affidavit Statement Exhibit \_\_\_\_\_.

Pursuant to the Prison Litigation Reform Act ("PLRA") 42 U.S.C.S. Section 1997e(a), plaintiff exhausted all Administrative Remedies including Grievance procedures due to his confinement at the Department of correction where partial of this claims rises. See Exhibit \_\_\_\_\_.

Plaintiff hereby respectfully move for the entry of preliminary injunction against all defendants pursuant to Rule 65 of the F.R.C.P. enjoining and restraining the above defendants, their agent employees, subordinates and successors and all persons in active concert, pending final disposition of this action.

## THE UNITED STATES CONSTITUTION

### The Constitution of the United States

Note: The following text is a transcription of the first ten amendments to the Constitution in their original form. These amendments were ratified December 15, 1791, and form what is known as the "Bill of Rights."

#### Amendment I

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or ~~abridging the freedom of speech, or of the press;~~ or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

#### Amendment II

A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed.

#### Amendment III

No Soldier shall, in time of peace be quartered in any house, without the consent of the Owner, nor in time of war, but in a manner to be prescribed by law.

#### Amendment IV

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

#### Amendment V

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, ~~without~~ just compensation.

#### Amendment VI

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the Assistance of Counsel for his defence.

#### Amendment VII

In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury, shall be otherwise reexamined in any Court of the United States, than according to the rules of the common law.

#### Amendment VIII

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

**Amendment IX**

The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.

**Amendment X**

The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

**Amendment XI**

*Passed by Congress March 4, 1794. Ratified February 7, 1795.*

Note: Article III, section 2, of the Constitution was modified by amendment 11.

The Judicial power of the United States shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the United States by Citizens of another State, or by Citizens or Subjects of any Foreign State.

**Amendment XII**

*Passed by Congress December 9, 1803. Ratified June 15, 1804.*

Note: A portion of Article II, section 1 of the Constitution was superseded by the 12th amendment.

The Electors shall meet in their respective states and vote by ballot for President and Vice-President, one of whom, at least, shall not be an inhabitant of the same state with themselves; they shall name in their ballots the person voted for as President, and in distinct ballots the person voted for as Vice-President, and they shall make distinct lists of all persons voted for as President, and of all persons voted for as Vice-President, and of the number of votes for each, which lists they shall sign and certify, and transmit sealed to the seat of the government of the United States, directed to the President of the Senate: -- the President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates and the votes shall then be counted. -- The person having the greatest number of votes shall be the President, if such number be a majority of the whole number of Electors appointed, and if no person have a majority, then from the list of those voted for as President, the House of Representatives shall choose immediately, by ballot, the President, but in choosing the President, the votes shall be taken by states, the representation from each state having one vote; a quorum for this purpose shall consist of a member or members from two-thirds of the states, and a majority of all the states shall be necessary to a choice. If the House of Representatives shall not choose a President whenever the right of choice shall devolve upon them, before the fourth day of July next following, then the Vice-President shall act as President as in case of the death or other constitutional disability of the President. -- The person having the greatest number of votes as Vice-President shall be the Vice-President, if such number be a majority of the whole number of Electors appointed, and if no person have a majority, then from the two highest numbers on the list, the Senate shall choose the Vice-President; a quorum for the purpose shall consist of two-thirds of the whole number of Senators, and a majority of the whole number shall be necessary to a choice. But no person constitutionally ineligible to the office of President shall be eligible to that of Vice-President of the United States.

\*Superseded by section 3 of the 20th amendment.

**Amendment XIII**

*Passed by Congress January 31, 1865. Ratified December 6, 1865.*

Note: A portion of Article IV, section 2, of the Constitution was superseded by the 13th amendment.

**Section 1.**

Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.

**Section 2.**

Congress shall have power to enforce this article by appropriate legislation.

**Amendment XIV**

*Passed by Congress June 13, 1866. Ratified July 9, 1868.*

Note: Article I, section 2, of the Constitution was modified by section 2 of the 14th amendment.

**Section 1.**

All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

**Section 2.**

Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for President and Vice President of the United States, Representatives in Congress, the Executive and Judicial officers of a State, or the members of the Legislature thereof, is denied to any of the male inhabitants of such State, being twenty-one years of age, and citizen of the United States, or in any way abridged, except for participation in rebellion or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such State.

**Section 3.**

No person shall be a Senator or Representative in Congress, or elector of President and Vice President, or hold any office civil or military, under the United States, or under any State, who, having previously taken an oath, as a member of Congress, or as an officer of the United States, or as a member of any State legislature, or as a judicial officer or judicial officer of any State, to support the Constitution of the United States, shall have engaged in rebellion, or aided the enemy thereof, or given aid or comfort to the enemies thereof. But Congress may by a vote of two-thirds of each House, remove such disability.

**Section 4.**

The validity of the public debt of the United States, authorized by law, including debts incurred for payment of pensions and bounties for services in suppressing insurrection or rebellion, shall not be questioned. But neither the United States nor any State shall assume or pay any debt of rebellion incurred in aid of insurrection or rebellion, or for the purchase of slaves, or for the transportation of any slave; but all such debts, obligations and claims shall be held invalid and void.

**Section 5.**

The Congress shall have the power to enforce, by appropriate legislation, the provisions of this article.

*\*Changed by section 1 of the 26th amendment.*

**Amendment XV**

*Passed by Congress February 26, 1869. Ratified February 3, 1870.*

**Section 1.**

The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude--

**Section 2.**

The Congress shall have the power to enforce this article by appropriate legislation.

**Amendment XVI**

*Passed by Congress July 2, 1909. Ratified February 3, 1913.*

Note: Article I, section 9, of the Constitution was modified by amendment 16.

The Congress shall have power to lay and collect taxes on incomes, from whatever source derived, without apportionment among the several States, and without regard to any census or enumeration.

**Amendment XVII**

*Passed by Congress May 13, 1912. Ratified April 8, 1913.*

Note: Article I, section 3, of the Constitution was modified by the 17th amendment.



§ 1915. Proceedings in forma pauperis

(a) (1) Subject to subsection (b), any court of the United States may authorize the commencement, prosecution or defense of any suit, action or proceeding, civil or criminal, or appeal therein, without prepayment of fees or security therefor, by a person who submits an affidavit that includes a statement of all assets such [person] prisoner possesses that the person is unable to pay such fees or give security therefor. Such affidavit shall state the nature of the action, defense or appeal and affiant's belief that the person is entitled to redress.

(2) A prisoner seeking to bring a civil action or appeal a judgment in a civil action or proceeding without prepayment of fees or security therefor, in addition to filing the affidavit filed under paragraph (1), shall submit a certified copy of the trust fund account statement (or institutional equivalent) for the prisoner for the 6-month period immediately preceding the filing of the complaint or notice of appeal, obtained from the appropriate official of each prison at which the prisoner is or was confined.

(3) An appeal may not be taken in forma pauperis if the trial court certifies in writing that it is not taken in good faith.

(b) (1) Notwithstanding subsection (a), if a prisoner brings a civil action or files an appeal in forma pauperis, the prisoner shall be required to pay the full amount of a filing fee. The court shall assess and, when funds exist, collect, as a partial payment of any court fees required by law, an initial partial filing fee of 20 percent of the greater of--

(A) the average monthly deposits to the prisoner's account, or

(B) the average monthly balance in the prisoner's account for the 6-month period immediately preceding the filing of the complaint or notice of appeal.

(2) After payment of the initial partial filing fee, the prisoner shall be required to make monthly payments of 20 percent of the preceding month's income credited to the prisoner's account. The agency having custody of the prisoner shall forward payments from the prisoner's account to the clerk of the court each time the amount in the account exceeds \$10 until the filing fees are paid.

(3) In no event shall the filing fee collected exceed the amount of fees permitted by statute for the commencement of a civil action or an appeal of a civil action or criminal judgment.

(4) In no event shall a prisoner be prohibited from bringing a civil action or appealing a civil or criminal judgment for the reason that the prisoner has no assets and no means by which to pay the initial partial filing fee.

(c) Upon the filing of an affidavit in accordance with subsections (a) and (b) and the prepayment of any partial filing fee as may be required under subsection (b), the court may direct payment by the United States of the expenses of (1) printing the record on appeal in any civil or criminal case, if such printing is required by the appellate court; (2) preparing a transcript of proceedings before a United States magistrate [United States magistrate judge] in any civil or criminal case, if such transcript is required by the district court, in the case of proceedings conducted under section 636(b) of this title [28 USCS § 636(b)] or under section 3401(b) of title 18, United States Code; and (3) printing the record on appeal if such printing is required by the appellate court, in the case of proceedings conducted pursuant to section 636(c) of this title [28 USCS § 636(c)]. Such expenses shall be paid when authorized by the Director of the Administrative Office of the United States Courts.

(d) The officers of the court shall issue and serve all process, and perform all duties in such cases. Witnesses shall attend as in other cases, and the same remedies shall be available as are provided for by law in other cases.

- (e) (1) The court may request an attorney to represent any person unable to afford counsel.
- (2) Notwithstanding any filing fee, or any portion thereof, that may have been paid, the court shall dismiss the case at any time if the court determines that--
- (A) the allegation of poverty is untrue; or
  - (B) the action or appeal--
    - (i) is frivolous or malicious;
    - (ii) fails to state a claim on which relief may be granted; or
    - (iii) seeks monetary relief against a defendant who is immune from such relief.
- (f) (1) Judgment may be rendered for costs at the conclusion of the suit or action as in other proceedings, but the United States shall not be liable for any of the costs thus incurred. If the United States has paid the cost of a stenographic transcript or printed record for the prevailing party, the same shall be taxed in favor of the United States.
- (2) (A) If the judgment against a prisoner includes the payment of costs under this subsection, the prisoner shall be required to pay the full amount of the costs ordered.
- (B) The prisoner shall be required to make payments for costs under this subsection in the same manner as is provided for filing fees under subsection (a)(2).
- (C) In no event shall the costs collected exceed the amount of the costs ordered by the court.
- (g) In no event shall a prisoner bring a civil action or appeal a judgment in a civil action or proceeding under this section if the prisoner has, on 3 or more prior occasions, while incarcerated or detained in any facility, brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury.
- (h) As used in this section, the term "prisoner" means any person incarcerated or detained in any facility who is accused of, convicted of, sentenced for, or adjudicated delinquent for, violations of criminal law or the terms and conditions of parole, probation, pretrial release, or diversionary program.



INTRODUCTORY STATEMENT

1. This is a civil litigation action seeking damages sustained by plaintiff a citizen of the United States against all defendant's who knowingly, willfully, intentionally and voluntarily acted in concert and conspiracy to violate and deprive plaintiff Troy D. BENNETT common law rights. An action of law to redress the deprivation of plaintiff constitutional and common law rights and laws of United States and of the State of New York, under the color of law statue, custom, or usage, of a right, privilege, and immunity secured to plaintiff arising from false arrest made in bad faith, prosecution, imprisonment, improper investigation in bad faith, improper searches and seizures in bad faith, trespass, excessive force in bad faith, deprivation of personal liberty, invasion of privacy, intentionally submitted false reports, statements to support and corroborate the fabric cated charges lodged against plaintiff due to prejudice, bias, discriminattion and deliberate indifference. All defendant's violates' plaintiff civil rights and deprive him of rights, privileges, and immunities secured by the constitution of the United States and of the State of New York to the due process and equal protection clause due to the of New York unreasonable acts and conducts of their employee's, supervising officer responsible for meaningful conduct, assure of proper training implementation of meaningful procedures to discourage lawless official condct. As a result, plaintiff suffered and will continue to suffer pains from psychological harm and damage, mental distress and anguish, stress, humiliation, embarrassment, fear, defamation of his character, constitutional injury, and his reputation, financial loss, family ties loss, and from then until now, plaintiff will continue to suffer in the future due to the unreasonable and unconstitutional acts and conducts of all defendant's which is sued as a person individually and oficially under 42 U.S.C.S. Sections 1983; 1981; 1985; 1986; 1987; 1988; 18 U.S.C.S. Secs. 241; 241; 1001 and US & State Constitution.

JURISDICTION

2. This action is brought pursuant to 42 U.S.C.S. §§ 1981; 1983; 1985; 1986; 1987; 1988; 18 USCS §§ 241; 242; 1001 and the First, Fourth, Fifth, Sixth, Eighth, Ninth, Thirteenth, and Fourteenth Amendments to the United States Constitutions and its laws and pursuant to the Civil Rights Act of 1871 et al..

3. The jurisdiction of this court predicated on 28 U.S.C.S. §§ 1343(3) & (4); 1341(3) & (3); 1331, and the aforementioned constitutional and statutory provisions. Plaintiff further invokes supplemental jurisdiction of this court to hear and decide claims arising out of state laws and constitution; Art. I §§ 1;5;6;11;.

PARTIES

4. Plaintiff Troy D. BENNETT a resident of the state of New York, and at all times relevant to the allegations of this complaint a citizen of United States. Plaintiff is presently incarcerated at Rikers Island Hazen Street East Elmhurst New York 11370 and would also like any mailing to go to the address.

5. At all times relevant hereto, all defendant's deprived plaintiff of some right, privileges or immunities secured by the United States and the State of New York Constitution and the laws of the State of New York and of United States; and pursuant Civil and Common law rights of 1871.

6. During all times mentioned herein, all defendant's acted under color of any law, state law, statute, ordinance, regulation, custom, usage or policy of United States and the State of New York. Defendant's knowingly, willfully and intentionally subject plaintiff

to the deprivation of any rights, privileges, or immunities secured or protected by the constitution and laws of the United States and of the State of New York. (18 U.S.C.S. Sec. 242), in violation.

7. During all times mentioned, all defendant's conspire to injure, oppress, threaten and intimidate and to force plaintiff a resident of the State of New York, the free exercise of enjoyment of any right or privilege secured to him by the constitution and laws of the United States and of the State of New York. (18 U.S.C.S. Section 241), in violation. (US & NY Const.)

8. During all times mentioned, all defendant's impair plaintiff of equal rights under the law to give evidence, testify and to confront witness, not to be discriminated, or bias, or prejudice or deliberate indifference against plaintiff, but for him to enjoy the full and equal benefits of all laws and proceedings for the security of persons and property. (18 U.S.C.S. Sections 241; 242; 1001; 42 U.S.C.S. Sections 1981(a)(c); 1983) (US & NY Const.)

9. During all times mentioned, all defendant's conspire to interfere with plaintiff civil and common law rights by obstructing justice deter him, by force, intimidation and threatening him to witness in court and from attending such court, testifying to matters pending against him, freely, fully and truthfully, for the purpose of impeding hindering, obstructing and defeating him in any manner, the due course of justice with the intention to deny plaintiff the equal protection of the laws, to injure him or his property for lawfully enforcing, attempting to enforce, the right of him to the equal protection of the laws of United States and the State of New York. (42 U.S.C.S. Sections 1983; 1985) (Civil Rights Act 1871) (NY Civil Rights Law Art. 2). (U.S. & N.Y. Constitution.)

10. During all times mentioned, all defendant's neglect to prevent the act of conspiracy willfully, but knowingly and intentionally having knowledge of the wrongs conspired against plaintiff about to

be committed, and having power to prevent or aid in preventing the commission of the wrong, neglects or refuses so to do, but allowed such wrongful act to be committed caused plaintiff to be injured and damage from such wrongful act, which such person by reasonable diligence could have prevented, but intentionally furtherance such acts of conspiracy to willfully deprived plaintiff of rights, privileges and immunities secured to plaintiff by the United States Constitution and New York and the laws. (42 U.S.C.S. Sections 1983; 1985;1986) (18 U.S.C.S. Sections 241; 242; 1001);(US & NY Const.)

11. During all times mentioned, all defendant's conspire to deprive plaintiff of some rights, privileges or immunities secured by the United States and the State of new York constitution and of the laws to United States and of the State of New York, for the purpose of depriving, either directly or indirectly the equal protection of the laws, for the purpose of preventing or hindering by force, intimidation by depriving him from exercising any right privileges or immunities. ( 42 U.S.C.S. 1983;1985(3);Civil Rights Act 1871;(US & NY Const.)

12. During all times mentioned, all defendant's acted individually and in concert with others, under pretense and color of law, state law, and his official capacity but the acts were beyond the scope of their jurisdiction and without authorization of law and in abuse of their powers, and each defendant's acted willfully, knowingly, and with specific intent to deprive plaintiff of right to freedom from unlawful arrest, detention and imprisonment, all which are secured by the First, Third, Fourth, Fifth, Sixth, Eight, Ninth, and Fourteenth amendments to the Constitution of *United States* and 42 U.S.C.S. Sections 1981;1983;1985;1986;1988. and of the State of New York Constitution Art. 1 Sec. 1;5;6; 8; 11; 12;:

13. During all times mentioned herein, all defendant's and each of them are sued as a person, acted seperately and in concert individually and in their official capacity, purposely, wilfully, knowingly, intentionally and negligently with specific intent to discrimination of rights and privileges with prejudice, bias and acts of deliberate indifference to reach a mutal understanding to undertake a course of conduct that violated plaintiff common law and civil liberties and constitutional rights, privileges and immunities to the due process, substantive and procedural secured to him to wit:

a. The defendant's agreed and acted with force, threat, manipulation, intimidation, fabricated evidence with inconsistent information and statement to violate plaintiff constitutional and statutory rights and privileges tricking him into illegal waivers, subject him malicious prosecuting him with excessive confinement injuring him in the process.

b. The defendant's agreed and acted to intentionally and purposefully fabricated false information's and statement arresting, detained and imprisoned plaintiff as aforescribed.

c. The defendant's agreed and acted to intentionally to use false data and information's to fabricate the charges against plaintiff and to contrive a conviction as aforescribed.

d. The defendant's agreed and acted negligently and recklessly conducting improper investigation in arresting and prosecuting plaintiff in bad faith failing to interview witnesses, to take into account thrutfull facts which they knew, probable cause, failure to train employees and the preparation of groundless reports and affidavits with incomplete, unsupported evidence as aforescribed.

e. The defendant's agreed and acted to intentionally conduct a warrantless search and arrest on plaintiff based on a

facially defective warrant prosecuting him and confine him with an excessive sentence, as aforescribed.

f. The defendant's agreed and acted to intentionally and purposefully harrase, force, threatened, oppress, intimidate and coharse plaintiff, tricking him into waiving his statuory rights, denying of a state created right, a constitutional protection, rights privileges and immunites to appear and speak in his own behalf, give testimony, to introduce letters and documents, present witnesses give relevant information, gave evidence and the right to confront witnesses and adverse witnessses as aforescribed.

g. The defendants agreed and acted to intentionally and purposefully submit false reports, informations, statements, testimony to support and corroborate the fabric cated charges lodged against plaintiff

h. The defendant's agreed and acted to intentionally and purposefully practice negligent and misconduct acts in failing to properly discipline, restrict, and control employees, including defendant's known to be irresponsible in their dealings with citizens of the community and their ability to be reponsible to follow departmental and constitutional procedures and policies in arrest, representation, proeseution, confinement, medical care, sentencing and the proper conditions in handling prisoners in intake as aforescribed.

i. The supervision defendant's agreed and acted to intentionally and purposefully took no steps to train the employees to correct their abuse of authority or to discourage their unlawful use of authority, including the failure to train and to instruct them in applicable provisions of the State and Federal constitutional law with proper prudent use of force, threat,, arrest, investigation,



searches, seizure, state law, prosecution and the use of valid evidence as aforescribed.

j. The supervision defendant's agreed and acted intentionally and purposefully in failing to take adequate precautions in the hiring, promotion, and retention of police personnel, court personnel, Corrections(DOC) personnel. Failing to establish and/or assure the functioning of a bona fide and meaningful departmental system for dealing with complaint of police officers, correction officers, prosecutors and attorneys for their misconduct and reckless behavior and acts and conduct, but instead responding to such complaints with bureaucratic power and officials - denials calculated to mislead the public, this conduct also constitutes gross negligence under state law.

k. The defendant's agreed and acted to intentionally and purposefully And Wrongfully Arrest plaintiff A Unlawfully Seize And Imprison him with out A warrant As Aforescribed.

l. The defendant's agreed and acted to intentionally and purposefully subject plaintiff to Force in bad faith in Arresting plaintiff Troy D. Bennett with out A grand jury testimony By hiding plaintiff in holding Cell.

M. Purposefully Assaulting plaintiff in Subjecting plaintiff to False Arrest False Imprisonment And Maliciously prosecuting plaintiff denying him of A State Created Right to Appear And Testify due to Counsel in misconduct And Unreasonable Representation with out Cause of justification defendant's was Violating plaintiff Right Under the law and Constitution of the United State

First, Fourth, Fifth, Sixth, Ninth, Fourteenth.  
Amendment And his Rights Under the Constitution.  
And the laws of the State of New York as Aforedescribed  
N. Purposefully Cause Plaintiff to be physical  
Assault by other inmate due to D.O.C. Employee  
Negligent the deny of Medical As Aforedescribed.

14. As a direct and proximate result of the above described unlawful, unreasonable, reckless and negligent and malicious acts of defendant's City of New York employees, police officers, correction officers, assistant district attorney and their supervision officers, all committed under color of their authority, and while acting in that capacity, caused plaintiff to suffer grievous bodily harm, emotional damage, cruel and unusual punishment, nervous shock, mental and psychological disorder, distraction, Insomnia, injuries to the back, waist, unable to cope with reality, restlessness, flashback, shock of the conscience, failing to recognize the difference between right and wrong, mental contradiction, chronic fatigueness, abstract thinking, mental anguish, greatly humiliated, injured in his reputation, became sick, sore and mostly disabled and will suffer great pains now and will continue to suffer in the future, all of which is in violation of his rights under the laws and Constitution of the United States and of the State of New York, in particular the First, Fourth, Fifth, Sixth, Eighth, Ninth, Thirteenth and Fourteenth amendments and 42 U.S.C.S. and §§ 1981, 1983, 1985, 1986, 1987; and 1988 and 18 U.S.C.S. and §§ 241, 242, 1001 and NYS constitution Article 1 §§ 1, 5, 6, 8, 11, 12, 14 and Civil Rights Act 1871 Et. Al. to the common law protection.

15. As a further result of the above described acts, plaintiff was deprived of his rights and immunities and privileges secured to him under the Constitution and laws of the United States and the State of New York including, but not limited to his rights under the Fourteenth amendment to be secure in his person, to be free from punishment without due process, and to the equal protection of the laws, rights under the First amendments to the freedom of speech, rights under the Fourth amendments to be secure in his person against unreasonable searches and seizures, rights under the Fifth amendment Not to be held for an infamous crime, nor put in jeopardy of life or limb; nor be deprived of life, liberty, or property, without the due process of law, rights under the Sixth amendments to a speedy trial, to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor; to the assistance of Counsel for his defence and to understand the nature and to be informed of the cause of the accusation, rights under the Eighth amendments to be free from cruel and unusual punishment, and rights under the Ninth amendment to family integrity, privacy, and rights under the Thirteenth amendments of certain rights not to be denied but to be retained, and rights under the common law rights and of the New York Constitution and of New York Civil Law Rights.

16. The defendant City of New York is a municipal corporation within the State of New York and at all times relevant hereto, employed the other defendants, mayor, police officers, correction officers, ADA, comptroller and their supervision officials.

17. The defendant Mayor of the City of New York Bill Blasio is employed by the City and elected by the people to adequately hire, appoint, train, supervise, discipline or in any other way control the behavior of their subordinate defendants to enforce the laws of the State of New York and the regulations of the City of New York in exercising of their police function, correction officers function, ADA functions is evidence of the reckless lack of cautious

regard for the rights of the public including plaintiff and exhibited a lack of that degree of due care which prudent and reasonable individuals would show in executing the duties of Mayor and of the Police Commissioner, Captain Commissioner of Correction and the district attorney office of New York County, and such act was carried out willfully, wantonly, maliciously and with such reckless disregard for the consequences as to display a conscious disregard for the dangers of harm and injury to the citizens of New York, including plaintiff.

18. The defendant Commissioner of Police William Braton is employed by the City of New York Police Department. At all times relevant, he was acting as the commissioner of police as the commanding officer of defendant's police officer and was responsible for their training, supervision, and conduct. He was also responsible by law for enforcing the regulations of the City of New York Police Department and for ensuring that New York County police personnel obey the laws of the State of New York and of the United States. At all relevant times, he was acting in such capacity as the agent, servant, and employee of the defendant of New York. He is sued individually and in his official capacity.

19. The defendant District Attorney is appointed as the Attorney for the county of and was responsible for the ADA training, supervision, and conduct, and also responsible by law for enforcing the regulations of the County District Attorney Office ensuring that ADA personnel obey the laws of the State of New York and of the United States. At all relevant times, he was acting in such capacity as the agent, servant, and employee of the defendant County of New York District Attorney Office. He is sued individually and in his official capacity.

20. The defendant Joseph Ponte was duly appointed Commissioner of the City of New York Department of Correction. As such he was the commanding officer of defendants and the

and was responsible for their training, supervision, and conduct. He was also responsible by law for enforcing the regulations of the City of New York Corrections Department and for ensuring that City of New York Personnel obey the laws of the State of New York and of the United States. At all times relevant, he was acting as the agent, servant, and employee of the defendant City of New York. He is sued individually and in his official capacity.

21. At all times relevant hereto, defendant'

employed by the City of New York Police Department to perform duties in the County of New York and was assigned to the Precinct. At all relevant times, he they was acting in such capacity as the agent, servant, and employee of defendant City of New York. They are sued, each and every one individually and in their official capacity.

22. At all times relevant hereto, defendant's

are Correction Officers employed by the City of New York Department of Corrections to perform duties in the City of New York Corrections department and was assigned to at Rikers Island jail. At all relevant times, they was acting in such capacity as the agent, servant, and employee of defendant's City of New York Department of Corrections Office of the Commissioner Joseph Ponte. Each and every defendant's are sued individually and in their official capacity.

23. At all times relevant hereto, defendant Scott M. Stringer was a Comptroller employed by the City of New York to perform duties in the City of New York. At all relevant times, he was acting in such capacity as the agent, servant, and employee of defendant City of New York. He is sued individually and in his official capacity.

## FACTUAL ALLEGATIONS.

24. ON the 27 DAY of February 2015 about 7:00AM. plaintiff Troy D. Bennett exiting his apartment Suddenly defendant Elroy Clarke attacked plaintiff pulling out a knife, threatening him, to opening his apartment door. He WAS going to work when Plaintiff refused defendant Force plaintiff to the floor robbing him Stabbing his hand plaintiff Fought back defending him SELF PLAINTIF WAS ASSAULTED AND WAS Robed of \$167.00

25. Plaintiff call Police officer of the 71st Police Present who respond to the scene. officer of Badge # 19999 Refused to write plaintiff complain or to write a report. the officer neglect plaintiff Statement leaving the scene making racial remarks against plaintiff when plaintiff display his injurie AND WAS ASK TO BE TAKEN to hospital.

26. ON The 27 DAY of February 2015 about 9:30AM plaintiff visded Kings. county hospital. Plaintiff WAS TREATED and examined for his injuries to his right hand that WAS cut by a knife. the Hospital reported the incident to the Police He left the hospital the Next DAY.



27. ON the 1st day of March 2015 about 9:00 AM PLAINTIFF Revisited hospital Emergency Room due to excessive pains, bleeding, swelling and infection. Plaintiff was treated with a cast to his finger.

28. ON the 1st day of March 2015 about 11:30 AM Plaintiff left the Hospital going home. While Plaintiff was walking home defendant's KRYSTAL-CLASS # 14630 and Larry Meyers # 5284 with out reasonable cause or probable cause Approached Plaintiff while he was entering his address, got out of the police car pointing guns. At Plaintiff screaming "Freeze before I Shoot".

29. Plaintiff ask whether He did something wrong when defendant's did not Respond Plaintiff continue walking Suddenly defendant's CLASS chase plaintiff pulling her gun out pointing toward plaintiff head saying "stop or else I will shoot." Plaintiff was terrified Scared shocked AND intimidated and threatening by acts of defendant's Plaintiff put hand on his head.

30.

Plaintiff was physically detained and, without permission suddenly plaintiff was pushed to the ground by defendant. In doing so defendant's kick plaintiff punched him to the head while the other defendants arrived. Approached plaintiff and wrestled him to the ground while officer class applied a choke hold on plaintiff's throat temporarily cutting off his air supply and causing him extreme alarm pain and injuries the acts conducted by defendant's done in bad faith was unconstitutional unreasonable. Illegal and in violation of laws of United States and State of New York and their procedure in police.

31

Plaintiff was then handcuffed and transported to the 71st precinct although there was no ground for the arrest search

. Defendant's fail to read plaintiff arrest rights Plaintiff sustained serious emotional mental, physical and injuries from defendant's acts.

32

That the arrest were made by the defendant's without any warrant or other legal process directing or authorizing the plaintiff arrest or legal detention.

33. That upon information and belief the arrests were made pursuant to an erroneous and falsely report by an unknown person or Elroy Clarke report did falsely state defendant Elroy Clarke complained about his injuries on the 27<sup>th</sup> Day of Feb 2015 in a fight with plaintiff although defendant Elroy Clarke do not live in the building were plaintiff resides or does he know any one who reside in the building. Defendant Elroy Clarke was trespassing staging a robbery againsts plaintiff

34. That the charge againsts plaintiff are unholly untrue and false.

35. That defendant Elroy Clarke not resided at the address 332 Authwb R.D. Brooklyn New York. where plaintiff lives Elroy Clarke was conducting a robbery.

36. That the defendant's could have ascertained the falsity of the charge had the defendant's reasonable diligence in performing their duties and not neglected to make reasonable and necessary factual investigation of the

37.

ON the 1st day March 2015 about 12:00 pm plaintiff was handcuffed and pull out of the police car by defendants at the 71<sup>st</sup> precinct parking lot. Defendant's Class and Meyers maliciously and without reasonable or probable cause therefor went before a sergeant of the City of New York 71<sup>st</sup> police precinct, a person duly authorized to administer oaths, and charged plaintiff with Violation of penal law 120.05(3); 205.30; 215.52(1); 110-125.25; 120.05(1) and 215.51(135). While defendant's Class and Meyers and other members of the City of New York police Department were acting or attempting to act in defendant City of New York interest, defendant's and other police personnel there upon proceeded to cause allow and persoit the herein before described process to be issued and thereafter filed against plaintiff at the Brookly Court House. Kings County, City of New York causing restrictions on plaintiff liberty including the necessity of posting unreasonable bail the precinct following his arrest.

38.

While moving plaintiff to the holding cell plaintiff continue to asked he had done anything wrong. That he was defendant Elroy Clarke robbed him of money that he was defending himself that you are wrongfully arresting him plaintiff try to explain his side of the story defendant's Class and Mayers dragged plaintiff to the cell, slapped plaintiff face hit plaintiff on his head with their fist, bang plaintiff head against the wall of the cell, kicked plaintiff, shoving him to the floor plaintiff then was shackle plaintiff during the the Defendant's Class and Mayers use force with plaintiff saying to stop hitting him defendant. Class. continue to punch plaintiff in the back of his head and ribs class choking plaintiff temporarily cutting of his air supply Plaintiff fell into a state of unconscienceness plaintiff was physical attacked and assaulted by defendant's class and Mayers Plaintiff suffer mental injuries to the mind and emotional injuries and psychological injuries and medical problem including body pain great physical mental and emotional pain and distress as result of the defendant's acts and conduct Plaintiff was sent to Kings county Hospital for assault and battery.

39.

The defendants conspired together to violated the due process and equal protection rights and other civil rights of the plaintiff and to charge him with a crime which he did not commit and which the defendants should have recognized he did not commit

40.

The Investigation conducted by the defendants and their action taken thereon were taken in bad faith or in the alternative negligently and the plaintiff was damaged by reason, by pain and suffering, both physical and emotional loss of freedom loss of reputation in community

41.



42.

After the aforementioned arrest of plaintiff, defendant's City of New York maliciously and without reasonable or probable cause therefor went before a grand jury of the Supreme court of Brooklyn without affording plaintiff an opportunity to appear and testify a state created right but conspired with State appointed defense counsel to waive plaintiff statutory rights pursuant to Criminal Procedure Law Article 188.00 and 190.00 Violating plaintiff due process and constitutional right to speak, to confront with witness against him and to have compulsory process for obtaining witness in his favor not to be deprived to life liberty or property, and to be informed of the nature and cause of the accusation but charged plaintiff with a 5 counts felony indictment that took over 8 months Defendant's and other member of the city of New York, Police Department and Kings County District Attorney office and other members were acting or attempting to act in defendant City of New York interest defendant's and other assistant district attorney personal thereupon proceeded to cause, allow, and permit the hereinbefore described process to be issued and thereafter filed against plaintiff at the Brooklyn, Kings County Supreme court causing restriction on plaintiff liberty, including the necessity of posting an unreasonable bail that plaintiff cannot afford.

42. The wrongful acts of defendant's complained of here in were undertaken maliciously and include with out limitation.

43 A. Intentionally causing the arrest of plaintiff when the defendant's knew or should have known there were no grounds nor probable cause for his arrest.

B. The Failure of the defendant's to take into to interview witnesses who substantiated the plaintiff accounts of his activities.

C. The intent of the defendant's from the beginning of their investigation to charge the plaintiff with a crime.

D. The Failure of the defendant's to take into the account facts which they knew cleared the plaintiff

E. The Failure of defendant's City of New York and the police Department and the District Attorney office to properly and adequately train the officer in the Police Department and the District Attorney Office in investigative techniques and procedures

F. Preparation of groundless reports affidavits and statements in order to obtain an arrest against plaintiff.

G. The procurement of groundless charges against plaintiff based upon incomplete unsupported evidence which the defendant's knew or should have known was false distorted or fabricated

H. Plaintiff have been compelled to employ attorney to represent him in this matter.

44. On or about the 4 day of August 2015 plaintiff was transfer to Brooklyn Detention Center by defendant's based on a classification process. Defendant's placed plaintiff in a house full of gang members. Plaintiff is not associated with gang members or is classified as a gang member. As a result of plaintiff placement in a house of gangs, plaintiff was assaulted, battered, brutalize by gang member. Plaintiff Sustained pain and suffering injuries to the face a broken nose badly pains. damage on his nerves, hand and neck pain. plaintiff suffer emotial distress, mental anguish depressin, nervousness, psychological shock to the brain from the negligence acts of defendant's DOC and officer Brown and other officer who failed to house plaintiff to proper housing unit according to his classification. Plaintiff Suffered severe and permanent physical, and imental pain and distress. Plaintiff was not charged with any tickets. See Exh-1st. -

172

45. Defendant's, DOC Correction Officer, Captian and under cold. of law, intentionally, negligently and with complete and deliberate indifference for Plaintiff is Nisht authorized permitted and tolerated the custom and practice of the Department of Correction unconstitutional Failure to supervise and control the conduct of correction officers.

46 ON or about October 2015 plaintiff was transfer to Otis Bantum Correctional Center Department of Correction In a unit of gang member and Violent offenders. Plaintiff again was placed in unclassified housing unit on October 15 2015 on aggressive comb approach plaintiff in a closed fist plaintiff in the facial area. Plaintiff fell to the ground suffering from pain. Plaintiff sustant injuries to the face emotional distress, physical pains, mental anguish injuries that are permanent due to Depeurat of Corretion Captian and corretion neglight act's and conduct. in placing inmates to proper housing unit plaintiff suffered from defendant. Failure to properly train supervise and control the conduct of correction officers. see exhibit →

47. Defendant's City of New York, Mayor Department of Correction Commissioner chraged with and responsible for appainting and promoting through the Mayor and Captian the members of Department of Correction at Otis Bantum Correctional Center training; instruction, discipline, control, and, conduct of employees of the City of New York.

FEDERAL CAUSES OF ACTION

48. The allegations set forth in paragraphs 1 through are incorporated herein by reference.

49. The hereinabove described actions and omissions, engaged in under color of state authority by the defendants, including defendant City of New York, County District Attorney Office, New York City Police Department, New York City Correction Department and sued as a person, responsible because of its authorization, condonation, and ratification thereof for the acts of its agents, deprived the plaintiff of rights secured to him by the Constitution and laws of the United States and privileges and immunities protected under the due process and equal protection clause, his first amendment right to freedom of speech, of expression, his fourth amendment right to be free from unlawful search and seizure, his fifth amendment right to a valid charges, life, liberty and happiness, due process, his sixth, ninth, eight, thirteenth and fourteenth amendments rights to due process of law and equal protection, including the right to be free from unjustified and excessive force, investigation, proper medical care placement in a housing unit timely, and excessive force utilized by police, correction officers and ADA and supervising officials, and the right to be free from cruel and unusual punishment.

PENDENT CAUSES OF ACTION

50. The allegations set forth in paragraphs 1 through 47 are repeated and realleged.

51. Hereto fore and on or about *NOVEMBER 04, 2015* plaintiff *TROY D. BENNETT* caused a writted verified Notice of Claim to be filed with and served upon the proper officers, agents, and employees of the defendant's City of New York pursuant to the

statutes in such cases made and provides. A copy of the Notice is annexed hereto as Exhibit and made a part hereof.

52. That more than thirty days have elapsed since the service of such Notice of Claim, and adjustment or payment thereof has been neglected or refused.

53. The acts and conduct hereinbefore alleged constitute false arrest, unlawful or illegal search and imprisonment, assault and battery, medical care denial, excessive force, extended stay in holding cell, medication refusal, abuse of process, excessive sentence, illegal sentence, prima facie tort, conspiracy tort, gross negligence under the laws of the State of New York. This Court has pendent jurisdiction to hear and adjudicate these claims.

54. Plaintiff demand compensatory damages against the defendants and each of them, jointly and severally, in the amount of \$9,990,000, and they further demand further punitive damages against the defendants, and each of them, jointly and severally in the amount of \$7,990,000.00.(Exemplary Damages). Attorney's fees pursuant to 42 U.S.C.S. § 1988. Entering a judgement against all defendant's, of \$8,990,000.00, and each of them, jointly and severally.

55. Declaring as unconstitutional the arrest, the search, the denial of medical care and medication to plaintiff,

56. Entering a preliminary injunction and permanent restraining and enjoining all defendants from undertaking, enforcing, maintaining, or adopting any policies, procedures, practices, or acts of stopping or arresting or imprison or  
or in providing proper medical care or medications to inmate in holding cell or detention or or in in investigation or



in sentencing where enforcement officials have probable cause to believe that citizens of the United States conducting a violation of the laws. Releasing plaintiff from City of New York Department of Correction, Commissioner Joseph Pontie where he has authority until, pending final disposition of this action.

FIRST CAUSE OF ACTION

57. Plaintiff repeat, reiterate, and reallege as part of this cause of action each and every allegation contained in paragraphs 1 through 56 inclusive of this complaint with the same force and effect as if fully set forth herein.

58. That as a result of the trespass, assault, battery, search, seizure, false arrest and illegal imprisonment, denial of medical care and medication, improper investigation, extensive delays in holding cell before placing inmates to housing units violates the corrections policies

plaintiff  
Troy D. BENNETT being a citizen of the United States, was subjected to deprivation of his freely exercise rights, privileges, and immunities and to the due process and equal protection clause secured by the Constitution of the United States and the laws of the United States, sustained deprivations of his personal liberty, invasions of his privacy, unlawfull arrest, illegal confinement, and violations of his civil rights, has suffered and will continue to suffer from psychological harm, emotional injury, physical pains, mental distress, humiliation, embarrassment, fear, and defamation of his character and reputation, was prevented from attending to his duties and underwent psychological, emotional, physical and medical treatment, all to her damages as stated in paragraph 54 a total sum of \$26,970,000.00.

SECOND CAUSE OF ACTION

59. Plaintiff repeat, reiterate, and so reallege as part of this cause of action each and every allegation contained in paragraphs 1 through 58 inclusive of this complaint with the same force and effect as if fully set forth herein.

60. That as a result of the trespass, assault, battery, unreasonable search and seizure, false arrest, illegal imprisonment, extensive delays in holding cell, denial of medical care, wrongful improper investigation, and wrongful plaintiff TROY D. BENNETT being a citizen of the United States, was subjected to deprivations of his rights, privileges, and immunities secured by the Constitution of the United States and the laws of the United States, sustained deprivations of his privacy and violations of his civil rights, has suffered and will continue to suffer from mental distress, humiliation, mental anguish, fear, emotional distress, psychological that are protected under the First, Fourth, Fifth, Sixth, Eighth, Ninth, Thirteenth, and Fourteenth amendments to the United States Constitution and protection under the Civil Rights Act 42 U.S.C.S. §§ 1981, 1983, 1985, 1986, 1987, 1988.

61. That plaintiff sustained damages as stated in paragraph 58 for a total amount of each and every defendant's totaling the sum of \$26,970,000.00.

THIRD CAUSE OF ACTION

62.. Plaintiff repeat, reiterate, and reallege as part of this cause of action each and every allegation contained in paragraphs 1 through 61 inclusive of this complaint with the same force and effect as if fully set forth herein.

63. The failure of the City of New York supervision officials, Commissioners, Captain, Sergeant and Detective and District Attorney

to adequately train, supervise, discipline or in any other way control the behavior of the supervisors and sub-ordinate officers, the defendant's in the exercise of their authoritative or police functions, and their failure to enforce the laws of the State of New York and the regulations of their offices or the municipalities is the evidence of the reckless lack of cautious regard for the rights of the public including plaintiff and exhibited a lack of that degree of due care which prudent and reasonable individuals would show in executing the duties of Police Commissioner or Mayor or Correction Commissioner or Captain or District Attorney or Sergeant or Detective and of the Municipalities and that such acts and conduct was carried out wilfully, wantonly, maliciously and with such reckless disregard for the consequences as to display a conscious disregard for the dangers of harm and injury to the citizens of New York City including plaintiff and because of the acts alleged herein, their failure to discipline the defendants and the continued employment of the defendants present a clear and present danger to citizens of the City of New York.

sustained injuries resulted from the negligence of defendant's City of New York in employing and continue to employ without adequate training and supervision, police officers and assistant district attorney, correction officers of a violent character, unsuitable temperament, and insensitive disposition. Each and every defendant's are sued individually and separately for injuries and damages including constitutional injury against plaintiff for a total amount of a total sum of \$26,970,000.00 as stated in paragraph 54 including Compensatory and Punitive damages.

64. Plaintiff demands a preliminary and permanent injunction preventing defendant City of New York from employing the defendants and police officers and correction officers, releasing plaintiff until the outcome of this case. And a declaratory judgement that the policies, practices and acts complained are illegal and unconstitutional.

65. Plaintiff seeks a criminal sanction for defendant's who subject plaintiff to the deprivation of a freely exercise rights secured under the due process and equal protection clause to the United State Constitution and the laws of United States pursuant to 18 U.S.C.S. §§ 241, 242, 1001 & U.S. Constitution Amendments 1, 4, 5, 6, 8, 9, 13, & 14 Sec. 1 and 42 U.S.C.S. §§ 1981, 1983, 1985, 1986, 1987, 1988.

#### FOURTH CAUSE OF ACTION

66. The allegations set forth in paragraph 1 through 6. include are incorporated as fully set forth.

67. Defendant's Police Officers, acting as agents and on behalf of defendant City of New Police Department, within their scope of their employment, wrongfully, maliciously and unlawfully investigate plaintiff case and place plaintiff under arrest, transported him to the precinct where he was confined.

68. As a proximate result of defendant's unlawful arrest and imprisonment, plaintiff was greatly humiliated, injured and became sick, sore and , and has suffered great pain and mental anguish all to plaintiff damage in the the total sum of amount as stated in paragraph 54, a total sum of \$26,970,000.00

#### FIFTH CAUSE OF ACTION

69. The allegations set forth in paragraphs 1 through 63 inclusive, are incorporated herein as if fully set forth.

70. Defendant's Correction Officers, acting as agents and on behalf of City of New York Department of Correction an  
within the e scope of their employment, wrongfully, maliciously and unlawfully

of the Department of Correction law before placing him in a housing unit and in the process they wilfully and intentionally deprive him of medical care and treatment and medications causing him to be extreme sick.

71. As a proximate result of the acts and conduct of defendant's, plaintiff was greatly sick, suffer from cruel and unusual pains and punishment, mental anguish, emotional and psychological injury. These defendant's are sued individually and seperately in the total sum of the amount as stated in paragraph 54, a total sum of \$26,970,000.00. for violation of plaintiff constitutional rights.

#### SIXTH CAUSE OF ACTION

72. The allegations set forth in paragraphs 1 through inclusive, are incorporated as fully set forth.

73. Defendant's ADA acting as agents and on behalf of the City of New York County of New York District Attorney Office, within the scope of his employment, wrongfully, maliciously and unlawfully cause plaintiff to a non arraignment charge and cause him him to be trick the court and plaintiff and department of correction also tricking corrections to have plaintiff of the Criminal Procedure Law e and constitutional law. (US Const Amend 1,4,5,6,8,9,13,14) and laws of United States.

74. As a proximate result of defendant's fraud or unlafull detainment, plaintiff suffered great pains, constitutional injury, mental anguish, emotional distress, pyschological sufering, physical injury under cruel and unusual punishment without medical care. The defendant is sued individually and seperately as stated in paragraph 54., a total sum of \$26,970,000.00(18 U.S.C.S. §§ 241,242,1001).

RELIEF REQUESTED

WHEREFORE, Plaintiff Troy D. Bennett demands the following relief jointly and severally, against all the defendants: All Remedies have Exhausted; No prior law suit filed.

- A. Compensatory damages in the amount of \$9,990,000.00.
- B. Punitive damages in the amount of \$7,990,000.00.
- C. Additional judgements against all defendant's in the amount of \$8,990,000.00/
- D. Attorney's fees pursuant to 42 U.S.C.S. §1988.
- E. Entering a preliminary injunction against all defendant's pursuant to Rule 65 of F.R.C.R. releasing plaintiff from imprisonment, pending final disposition of this action.
- F. Entering a declaratory judgement that the policies, practices, and acts and conducts complained of herein are illegal and unconstitutional.
- G. Such other and further as this Court deem appropriate under the circumstances.

Respectfully submitted,

Troy D. Bennett





DISTRICT ATTORNEY  
KINGS COUNTY  
350 JAY STREET  
BROOKLYN, NY 11201-2908  
(718) 250-2000  
WWW.BROOKLYNDA.ORG

Kenneth P. Thompson  
District Attorney

**CRIMINAL PROCEDURE LAW § 190.50 NOTICE TO THE  
DEFENDANT AND DEFENDANT'S ATTORNEY**

Pursuant to Criminal Procedure Law Section 190.50 (5) (a), notice is hereby given that the criminal charges pending against the defendant and upon which he/she has been arraigned will be submitted to the Grand Jury prior to its disposition in the Criminal Court.

If the defendant wishes to exercise the right to appear before the Grand Jury as a witness in his/her own behalf, a written notice, specifying the defendant's name, docket number, an address to which communications may be sent, indicating the desire to testify before the Grand Jury, must be served upon:

**Kenneth P. Thompson  
District Attorney  
GRAND JURY BUREAU  
350 Jay Street  
Brooklyn, New York 11201  
Attn: Grand Jury Bureau Clerk's Office**

Alternatively, this written notice may be faxed to the Grand Jury Bureau at 718- 250 - 2906. The People do not consent to notice by fax to any other telephone number.

**The defendant is scheduled to testify on 3/5 (180.80 date).**

The attorney for an incarcerated defendant, who desires to exercise the right to testify before the Grand Jury, is required to appear on the 16<sup>th</sup> floor at 320 Jay Street prior to 5:00 p.m. to provide such testimony on the above date. Preparation of defendant's testimony before the Grand Jury must be done prior to 5 p.m.

If the defendant is incarcerated and wishes to waive the requirements under C.P.L. § 180.80 and testify on an alternative date, the Grand Jury Bureau must be contacted to determine an alternative date acceptable to the People and within the term of the Grand Jury.

If the defendant is not incarcerated on the above date, be advised that if the defendant does not testify on the above date you will be notified of a future date for the defendant's testimony before the Grand Jury. The notification will be to the defendant's attorney of record who will be given an appointment, on three days notice, of the date and time to appear at the Grand Jury. It is the responsibility of the defendant and his/her attorney to remain in contact so that the appointment can be satisfied. Failure to appear at the date and time of the appointment will be considered a waiver of the defendant's right to testify.

Kenneth P. Thompson  
District Attorney, Kings County

Dated: 3/3

# New York State Unified Court System

## WebCrim

### Case Details - Summary

#### CASE INFORMATION

**Court:** Kings Supreme Court - Criminal Term  
**Case #:** 01707-2015  
**Defendant:** Bennett, Troy

<b>Defendant</b>	
<b>Name:</b>	<b>Bennett, Troy</b>
<b>Birth Year:</b>	<b>1976</b>
<b>NYSID:</b>	<b>2226479M</b>

<b>Incident and Arrest</b>	
<b>Incident</b>	
<b>Date:</b>	<b>February 27, 2015</b>
<b>CJTN:</b>	<b>67032569Q</b>
<b>Arrest</b>	
<b>Date &amp; Time:</b>	<b>March 1, 2015 11:50</b>
<b>Arrest #:</b>	<b>K15614631</b>
<b>Officer</b>	
<b>Agency:</b>	<b>NYPD</b>
<b>Command:</b>	<b>71</b>

<b>Attorney Information</b>	
<b>Defense Attorney</b>	
<b>Name:</b>	<b>Tate-cousins,</b>
<b>Type:</b>	<b>Brooklyn Defender Service</b>
<b>Court Date:</b>	<b>April 6, 2015</b>
<b>Court Part:</b>	<b>85</b>
<b>Phone:</b>	<b>000 - 000 - 0000</b>
<b>Assistant District Attorney</b>	
No Information on File	

<b>Next Appearance</b>	
<b>Date:</b>	<b>June 8, 2015</b>
<b>Court:</b>	<b>Kings Supreme Court - Criminal Term</b>
<b>Judge:</b>	<b>Murphy, Martin</b>
<b>Part:</b>	<b>40</b>

# New York State Unified Court System

## WebCrim

### Case Details - Charges

#### CASE INFORMATION

Court: Kings Supreme Court - Criminal Term  
 Case #: 01707-2015  
 Defendant: Bennett, Troy

Charge	Detail	Disposition/Sentence
PL 120.05 03	<b>D Felony, 1 count, Not an arrest charge, Not an arraignment charge</b> Description: <i>Aslt-2-Int Caus Ph Inj To Off</i> Indictment Count: 5 Date Added: 03/17/2015	
PL 205.30 00	<b>A Misdemeanor, 1 count, Not an arrest charge, Not an arraignment charge</b> Description: <i>Resisting Arrest</i> Indictment Count: 6 Date Added: 03/17/2015	
PL 215.52 01	<b>D Felony, 1 count, Not an arrest charge, Not an arraignment charge</b> Description: <i>Agg Contempt-violate Op-Injury</i> Indictment Count: 3 Date Added: 03/17/2015	
PL 110-125.25 00 **TOP CHARGE**	<b>B Felony, 1 count, Not an arrest charge, Not an arraignment charge</b> Description: <i>Attempted Murder - 2nd Deg</i> Indictment Count: 1 Date Added: 03/17/2015	
PL 120.05 01	<b>D Felony, 1 count, Not an arrest charge, Arraignment charge</b> Description: <i>Aslt W/Int Caus Serious Ph Inj</i> Indictment Count: 2	
PL 215.51 85	<b>E Felony, 1 count, Not an arrest charge, Not an arraignment charge</b> Description: <i>Crim Contempt-1st:phy Contact</i> Indictment Count: 4 Date Added: 03/17/2015	

CRIMINAL COURT OF THE CITY OF NEW YORK  
PART APAR COUNTY OF KINGS

THE PEOPLE OF THE STATE OF NEW YORK

STATE OF NEW YORK  
COUNTY OF KINGS

v

TROY BENNETT

SERGEANT LARRY MEYERS SHIELD NO.5284, OF 071 COMMAND SAYS THAT ON OR ABOUT MARCH 01, 2015 AT APPROXIMATELY 11:50 AM AT 342 RUTLAND ROAD COUNTY OF KINGS, STATE OF NEW YORK,

THE DEFENDANT COMMITTED THE OFFENSE(S) OF:

PL 205.30 RESISTING ARREST

IN THAT THE DEFENDANT DID:

INTENTIONALLY PREVENT OR ATTEMPT TO PREVENT A POLICE OFFICER OR PEACE OFFICER FROM EFFECTING AN AUTHORIZED ARREST OF THE DEFENDANT OR ANOTHER PERSON.

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

DEPONENT STATES THAT, AT THE ABOVE TIME AND PLACE, WHILE DEPONENT WAS PLACING DEFENDANT UNDER ARREST FOR ARREST NUMBER K15614631. THE DEFENDANT FLAILED DEFENDANT'S ARMS AND KICKED DEFENDANT'S LEGS WHILE THE DEPONENT ATTEMPTED TO PLACE THE DEFENDANT IN HANDCUFFS.

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

02/21/15  
DATE  
8  
Signature  
SIGNATURE

2015KNO12626



Printed 03/02/2015 15:59 K15614835 Arrested: 03/01/2015 11:50

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# New York State Unified Court System

## WebCrims

### Case Details - Appearances

#### CASE INFORMATION

Court: Kings Supreme Court - Criminal Term  
 Case #: 01707-2015  
 Defendant: Bennett, Troy

Date/ Part	Judge	Calendar Section	Arrestment/ Hearing Type	Court Reporter	Outcome/ Release Status
10/26/2015 40	Murphy, Martin	TRIALS AM	No Type		
09/10/2015 40	Murphy, Martin	TRIALS AM	No Type	Delvalle, M	Adjourned - Temporary Order Of Protection Issued Remanded
08/06/2015 40	Murphy, Martin	TRIALS AM	No Type	Kurowski,	Adjourned - Temporary Order Of Protection Issued Remanded
06/08/2015 40	Murphy, Martin	TRIALS AM	No Type	Turner-malloy,	Adjourned - Temporary Order Of Protection Issued Remanded
04/06/2015 85	Gubbay, J	ARRAIGNMENTS	Regular	Adams, D	Pled Not Guilty - Temporary Order Of Protection Issued Remanded
03/17/2015 GRAND JURY		MISCELLANEOUS	No Type		True Bill - Temporary Order Of Protection Issued Remanded

ORI No: NY023015J  
Order No:  
NYSID No: 02826979M  
CITN No:  
Present: Hon Brennan Monahan

At a term of the Supreme Court County of WINGS 9/2009  
at the Courthouse at (address) 300 Jay Street State of New York

People of the State of New York  
-against-

Troy Bennett  
Defendant

Date of Birth: 10/5/76

ORDER OF PROTECTION  
Non-Family Offense - C.P.L. 530.13  
(Not involving victims of domestic violence)  
Youthful Offender (check if applicable)  
Part 23 Index/Docket No.  
Indictment No., if any: 10898/2011  
Charges PLS 10/120.050 et al  
(Check one):  Ex parte

NOTICE: YOUR FAILURE TO OBEY THIS ORDER MAY SUBJECT YOU TO MANDATORY ARREST AND CRIMINAL PROSECUTION, WHICH MAY RESULT IN YOUR INCARCERATION FOR UP TO SEVEN YEARS FOR CONTEMPT OF COURT. IF THIS IS A TEMPORARY ORDER OF PROTECTION AND YOU FAIL TO APPEAR IN COURT WHEN YOU ARE REQUIRED TO DO SO, THIS ORDER MAY BE EXTENDED IN YOUR ABSENCE AND THEN CONTINUES IN EFFECT UNTIL A NEW DATE SET BY THE COURT.

TEMPORARY ORDER OF PROTECTION. Whereas good cause has been shown for the issuance of a temporary order of protection (as a condition of  recognizance  release on bail  adjournment in contemplation of dismissal),  
 ORDER OF PROTECTION. Whereas defendant has been convicted of (specify crime or violation):  
Attempted Assault 2

And the Court having made a determination in accordance with section 530.13 of the Criminal Procedure Law, IT IS HEREBY ORDERED that the above-named defendant observe the following conditions of behavior:

- (Check applicable paragraphs and subparagraphs):
- Stay away from  [name(s) of protected person(s) or witness(es)]: Enroy Clarke  
 home of  
 school of  
 business of  
 place of employment of  
 other
  - Refrain from communication or any other contact by mail, telephone, e-mail, voice-mail or other electronic or any other means with [specify protected person(s)]:
  - Refrain from assault, stalking, harassment, aggravated harassment, menacing, reckless endangerment, disorderly conduct, criminal mischief, sexual abuse, sexual misconduct, forcible touching, intimidation, threats or any criminal offense or interference with the victim or victims of, or designated witnesses to, the alleged offense and such members of the family or household of such victim(s) or witness(es) as shall be specifically named [specify]:
  - Refrain from intentionally injuring or killing without justification the following companion animal(s) (pet(s)) (specify type(s) and, if available, name(s)):
  - Surrender any and all handguns, pistols, revolvers, rifles, shotguns and other firearms owned or possessed, including, but not limited to, the following: and do not obtain any further guns or other firearms. Such surrender shall take place immediately, but no later than [specify date/time]:  
at:
  - Specify other conditions defendant must observe for the purposes of protection:

IT IS FURTHER ORDERED that the above-named Defendant's license to carry, possess, repair, sell or otherwise dispose of a firearm or firearms, if any, pursuant to Penal Law §400.00, is hereby  suspended or  revoked (note: final order only), and/or  the Defendant shall remain ineligible to receive a firearm license during the period of this order. (Check all applicable boxes). NOTE: If this paragraph is checked, a copy of this form must be sent to: New York State Police, Pistol Permit Section, State Campus Building #22, 1220 Washington Avenue, Albany, New York 12226-2252.

IT IS FURTHER ORDERED that this order of protection shall remain in force until and including [specify date]: 7/13/20  
DATED: 6/13/12

JUDGE / JUSTICE  
COURT (COURT SEAL)

- Defendant advised in Court of issuance and contents of Order
- Order personally served on Defendant in Court Troy Bennett  
(Defendant's signature)
- Order to be served by other means [specify]:
- Warrant issued for Defendant
- ADDITIONAL SERVICE INFORMATION: [specify]:

The Criminal Procedure Law provides that presentation of a copy of this order of protection to any police officer or peace officer acting pursuant to his or her special duties shall authorize, and in some situations may require, such officer to arrest a defendant who has violated its terms and to bring him or her before the Court to face penalties authorized by law.

Federal law requires that this order must be honored and enforced by state and tribal courts, including courts of a state, the District of Columbia, a commonwealth, territory or possession of the United States, if the person against whom the order is sought is an intimate partner of the protected party and has been or will be afforded reasonable notice and opportunity to be heard in accordance with state law sufficient to protect that person's rights (18 U.S.C. §§2265, 2266).

It is a federal crime to:  
- cross state lines to violate this order or to stalk, harass or commit domestic violence against an intimate partner or family member;  
- buy, possess or transfer a handgun, rifle, shotgun or other firearm or ammunition while this Order remains in effect (Note: there is a limited exception for military or law enforcement officers but only while they are on duty); and  
- buy, possess or transfer a handgun, rifle, shotgun or other firearm or ammunition after a conviction of a domestic violence-related crime involving the use or attempted use of physical force or a deadly weapon against an intimate partner or family member, even has expired. (18 U.S.C. after this Order C. §§922(g)(8), 922(g)(9), 2261, 2261A, 2262).

Use this form for non-family offense orders of protection, issued pursuant to CPL §530.13, that are not issued to protect victims of family offenses, intimate partners and family and household members and are not entered onto the statewide domestic violence registry. See Exec. L. §221-a(1); CPL §§530.11(1), 530.12(1), 530.13.





# e911 - POLICE DEPARTMENT

NYPD >> Gilbert Castillo >> Home >> >> Request Listing >> Details

| Logout

TRJ Number	2015/13714
Technician	Gilbert Castillo
Production Date	2015-03-03 21:02:49 327
Contact Name	Gwen Barnes
Contact Email	911pilot@brooklynda.org
DA Reference #	N/A
Defendant	TROY BENNETT
Index Number	
Docket Number	N/A
Arrest Number	
Comments	
Package Size	18372520
File Name	911 - NVA1495529592.mps
Operator Number	1317
Start Time	07:27:25
End Time	
Duration	00:01:11
Recorder	CP025
Incident Location	332 RUTLAND RD
Channel Number	A
PD Job Number	03963
File Name	RAD10MSG 02.mps
Operator Number	
Start Time	11:36:19
End Time	12:44:54
Duration	
Recorder	D20-COMB
Incident Location	332 RUTLAND RD

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF KINGS:

-----X  
THE PEOPLE OF THE STATE OF NEW YORK,

- against -

IND. # 1707/2015

TROY BENNETT,

Defendant.  
-----X

MEMORANDUM OF LAW

I. AN INDICTMENT HAS THREE PURPOSES

An indictment is an accusatory instrument which has three purposes: (1) to provide a defendant with fair notice of any accusation(s) against him so that he be allowed to prepare his defense; (2) to assure that any crime for which a defendant is tried is the same as that intended by the Grand Jury; and (3) to protect a defendant against double jeopardy by setting forth the specific crime or crimes for which he is to be tried (*People v Iannone* 45 NY2d 589, 598; 384 NE2d 656; 412 NYS2d 110 [1978]). To that effect, C.P.L. §200.50 lists all of the components that an indictment *must* contain including the name of the court, the title of the action, the offense(s) committed that the defendant stands accused of, the designated county that the offense(s) was committed, a factual statement asserting facts, supporting every element of the offense charged and the signature of the foreman of the grand jury.

At no point, in C.P.L. §200.50, nor in any other section of the C.P.L., does that statute require that a docket number, arrest number, or any other identifying number associated with the case pre-indictment be included on the indictment. Such numbers do not have any bearing on the charges in the indictment or the evidence presented to the grand jury. In fact, the grand jury



is not apprised of docket numbers as the grand jury number is used to track the case from the presentation to the grand jury through indictment. Furthermore, once a defendant is indicted, the case proceeds under the grand jury number, which becomes the indictment number rather than under any previous identifying number associated with the case. There are often indictments with no previous identifying number, when the case is presented to the grand jury prior to the defendant being placed under arrest. The People, however, have routinely included the previous docket number in the indictment case caption as a matter of convenience, if one exists, to facilitate and assist the tracking of a matter from its original inception through indictment. The included docket numbers allow the people, the defendant and the Courts to ensure that defendants are not simultaneously prosecuted in multiple courts for the same incident.

Here, the Defendant was arrested on March 1, 2015 pertaining to two separate incidents, one being of an assaultive nature against Enroy Clarke, which occurred on February 27, 2015 and the other being for Resisting Arrest, which occurred on March 1, 2015. The separate incidents were assigned separate docket numbers. Prior to presenting the incidents to the grand jury, the people became aware that during the March 1, 2015 incident, Police Officer Krystal Class sustained injuries during her interaction with the defendant. Subsequently, the People presented both incidents to the grand jury under one indictment number, clearly illustrating the people's theory of prosecution and placing the defendant on notice of the accusations against him. When the indictment was filed, however, the People inadvertently included only one docket number in the caption of the indictment, the docket number pertaining to the February 27, 2015 incident with Enroy Clarke, even though evidence was presented to the grand jury regarding both incidents and the defendant was charged with offenses pertaining to both incidents.

II. THE INDICTMENT CAN BE AMENDED TO INCLUDE THE INDICTMENT NUMBER

C.P.L. §200.70 allows for amendments to be made to indictments, provided that the amendment does not change the theory or theories of prosecution as reflected in the evidence before the grand jury which filed the indictment, and that the amendment does not prejudice the defendant on other merits (*People v Perez* 168 Misc. 2d 162; 636 N.Y.S.2d 562; 1995 N.Y. Misc. LEXIS 620, (1995), (*People v Feliz*, 136 Misc. 2d 701; 519 N.Y.S.2d 290; 1987 N.Y. Misc. LEXIS 2485 (Queens County, 1987)).

Specifically C.P.L. §200.70 states:

“ that at any time before or during trial, the court may, upon application of the people and with notice to the defendant and opportunity to be heard, order the amendment of an indictment with respect to defects, errors or variances from the proof relating to matters of form, time, place, names of persons and the like, when such an amendment does not change the theory or theories of the prosecution as reflected in the evidence before the grand jury which filed such indictment, or otherwise tend to prejudice the defendant on the merits. Where the accusatory instrument is a superior court information, such an amendment may be made when it does not tend to prejudice the defendant on the merits. Upon permitting such an amendment, the court must, upon application of the defendant, order any adjournment of the proceedings which may, by reason of such amendment, be necessary to accord the defendant adequate opportunity to prepare his defense.

C.P.L. §200.70 goes on to state that an indictment may not be amended in any respect which changes the theory or theories of the prosecution as reflected in the evidence before the grand jury which filed it; nor may an indictment or superior court information be amended for the purpose of curing (a) a failure thereof to charge or state an offense; or (b) legal insufficiency of the factual allegations; or (c) A misjoinder of offenses; or (d) A misjoinder of defendants.

Here, the inadvertent error of failing to add a docket number to the indictment caption clearly does not change the theory or theories of prosecution as reflected in the evidence before

the grand jury which filed the indictment. In fact, the addition of docket number 2015KN012626 would allow the indictment to accurately reflect the second incident that charges in the indictment and evidence before the grand jury pertain to. Although C.P.L. §200.70 allows for errors to be corrected in the charges of the indictment, such as form, time, places, and names of persons, here, the People are not even requesting an amendment to the charges. The amendment is one of a superficial nature in that nothing pertaining to the charges in the indictment would be changed, rather just the docket number would now be associated with the indictment for administrative purposes. The people's request to amend the indictment to include the second docket number is solely for the purposes of accurately tracking the incident and protecting the defendant from simultaneously being prosecuted in more than one court. The charges of the indictment will remain as is and thus there can be no prejudice towards the defendant whatsoever.

III. THE INDICTMENT MUST BE AMENDED TO INCLUDE THE DOCKET NUMBER AS  
A MATTER OF LAW

C.P.L. §170.20(1) states that if at any time before entry of a plea to guilty or commencement of a trial of a local criminal court accusatory instrument containing a charge of misdemeanor, an indictment charging the defendant with such misdemeanor is filed in a superior court, the local criminal court is thereby divested of jurisdiction of such misdemeanor charge and all proceedings therein with respect thereto are terminated. The people are not required to serve notice to the defendant or the court that the people are presenting a case originally arraigned in criminal court as a misdemeanor to the grand jury. And therefore, the people are also not required to serve notice to the defendant pursuant to C.P.L.190.50 (*People v. Bowye* 72 Misc. 2d

35; 660 N.Y.S.2d 657; 1997 N.Y. Misc. LEXIS 236, (Kings County, 1997); *People v Ortiz* 150 Misc. 2d 602; 570 N.Y.S.2d 262; 1991 N.Y. Misc. LEXIS 204 (Kings County, 1991)).

Here, the defendant was arraigned in criminal court on March 3, 2015 on docket number 2015KN012626 which contained a misdemeanor complaint. Although the people subsequently decided to present the incident to the grand jury with felony charges, the people were under no obligation to inform the defendant of such. As a matter of law, pursuant to C.P.L. §170.20, once the March 1, 2015 incident was presented to the grand jury, the grand jury indicted the defendant on charges pertaining to that incident, and said indictment was filed, the jurisdiction of the March 1, 2015 incident transferred to the Supreme Court, where the indictment was filed, which is superior to the Criminal Court. The docket number needs to be added to the indictment so that the court's system can accurately reflect that the docket number is no longer proceeding in Criminal Court and so that the case can be properly tracked as it proceeds through Supreme Court, the superior court with jurisdiction.

WHEREFORE, this Court should grant the District Attorney's application for the caption of the indictment number 1707/2015 to be amended to include docket number 201KN012626.

Dated: June 29, 2015  
Brooklyn, New York

Respectfully submitted,



Sasha M. Pemberton  
Assistant District Attorney





SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF KINGS:

-----X

THE PEOPLE OF THE STATE OF NEW YORK,

- against -

AFFIRMATION

TROY BENNETT

IND. # 1707/15

Defendant.

-----X

SASHA M. PEMBERTON, an attorney duly admitted to practice law before the Courts of the State of New York, hereby affirms the following to be true under the penalties of perjury:

1. I am an Assistant District Attorney in Kings County, and fully familiar with this case by virtue of a review of the records and files maintained by the District Attorney of Kings County and the New York City Police Department.

2. This affirmation is submitted in support of the attached motion for an order amending the caption of indictment number 1707/2015 to include the inadvertently omitted docket number 2015KN012626.

3. On May 16, 2012, the defendant pled guilty to Attempted Assault in the Second Degree. The defendant was sentenced on the plea on June 13, 2012. As part of the plea agreement, the defendant was informed that an order of protection would be issued against the defendant on behalf of Enroy Clarke and would be in effect between June 13, 2012 and July 13, 2020. The order of protection was not subsequently vacated.

4. On or about February 27, 2015 between the hours of 2:00am and 11:00am, the defendant, who was residing at 332 Rutland Road, Kings County, went to the apartment of Enroy

Clarke, who also resided at 332 Rutland Road, Kings County, and repeatedly struck Mr. Clarke about the head with an unknown object. The defendant removed Mr. Clarke's pants and shoes from Mr. Clarke's body and walked down the street with said clothes and threw the clothes into a garbage receptacle. As the defendant was walking, he stated in sum and substance, that he was going to kill Mr. Clarke. An eyewitness, observed the defendant walking and heard the defendant's statement and asked the defendant in sum and substance where Mr. Clarke was currently located. The defendant replied in sum and substance that the Mr. Clarke made the defendant lose his daughter, and remarked on how dare Mr. Clarke come into the defendant's building. The defendant went on to say in sum and substance, that Mr. Clarke was in the basement gagging on his own blood and that the defendant beat Mr. Clarke, took Mr. Clarke's clothes and keys and locked Mr. Clarke in the basement. 911 was called.

5. The police arrived to find Mr. Clarke locked in his basement apartment; the defendant was not on scene at the time. Mr. Clarke was transported to the hospital and subsequently entered a comatose state. Mr. Clarke sustained multiple injuries including bleeding to the brain, fractured ribs, and scratched to the head, arms, legs and stomach.

6. On or about March 1, 2015 at approx. 11:50am, in the vicinity of 342 Rutland Road, the defendant was spotted by an individual who called the police. Police Officer Krystal Class and Sergeant Larry Meyers responded to the location and observed the defendant. The police officers told the defendant to stop and that the defendant was under arrest. The defendant subsequently fled on foot and the officers chased the defendant. The police officers attempted to apprehend the defendant when the defendant flailed his arms and kicked his legs causing Police Officer Class to sustain a fracture to the finger. The defendant was placed under arrest.

7. Two (2) arrest numbers were generated for the defendant. The first arrest number

was for the defendant's arrest with respect to the incident that occurred on February 27, 2015. The second arrest number was for the defendant's arrest with respect to the incident that occurred on March 1, 2015.

8. The February 27, 2015 was assigned to docket number 2015KN012625 and the defendant was charged with Assault in the First Degree, a class B felony, and other related charges. The March 1, 2015 incident was assigned to docket number 2015KN012626 and the defendant was charged with Resisting Arrest, a class A misdemeanor. The defendant was arraigned in criminal court on both docket numbers on March 3, 2015.

9. The defendant was subsequently indicted under indictment number 1707/2015. Evidence was presented to the grand jury regarding both incidents under said indictment number. With respect to the February 27, 2015 incident, the grand jury returned an indictment of Attempted Murder in the Second Degree (P.L. 110/125.25), a class B felony, and other related charges. With respect to the March 1, 2015 incident, the grand jury returned an indictment of Assault in the Second Degree (P.L. 120.05(3), a class D felony, and other related charges.

10. The People filed the indictment with the Court and included docket number 2015KN012625 on the indictment, but inadvertently left docket number 2015KN012626 off of the indictment.

11. The defendant was arraigned on the indictment on April 6, 2015 and pled not guilty. The case was adjourned to June 8, 2015.

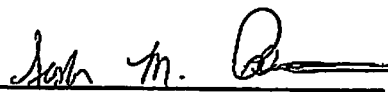
12. On June 8, 2015, the People made an oral application to amend the indictment. Defense counsel opposed to the amendment on the grounds that the indicted charges pertaining to the March 1, 2015 incident include a higher class of charges than originally charged against the defendant. The Court set a motion schedule and adjourned the case to August 6, 2015.

13. The People file the instant motion seeking to have indictment 1707/2015 amended to include docket number 2015KN012626 so that the indictment may reflect both of the incidents that the evidence placed before the grand jury and that the indicted charges pertain to.

14. Pursuant to C.P.L. § 200.70, § 200.50, § 170.20, and for the reasons in the attached memorandum of law, the prosecution requests the Court grant the motion in its entirety.

**WHEREFORE**, the District Attorney of Kings County requests this Court issue in order amending the caption of indictment number 1707/2015 to include docket number 2015KN012626.

Dated: Brooklyn, New York  
June 29, 2015

  
\_\_\_\_\_  
Sasha M. Pemberton  
Assistant District Attorney

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF KINGS: CRIMINAL TERM PART 40

-----X  
THE PEOPLE OF THE STATE OF NEW YORK

-against-

OPEN FILE DISCOVERY  
INDICTMENT 1707/2015

TROY BENNETT  
Defendant

-----X

Sasha M. Pemberton, an Assistant District Attorney, hereby states the following under penalties of perjury:

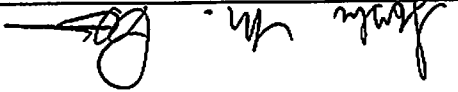
1. I am an Assistant District Attorney with the Office of the District Attorney of Kings County and am familiar with the facts and circumstances of this case by virtue of a review of the files and records maintained by the office of the District Attorney in Kings County.
2. In compliance with C.P.L. 240.20, C.P.L. 240.45(1)(a) and People v. Rosario, 9 N.Y.2d 286 (1961), the People hereby attach photocopies of the documents listed below :
  - 1) AIDED REPORT (1 PAGE)
  - 2) REFUSED PRINTS (1 PAGE)
  - 3) OMNIFORM COMPLAINT - 1331 (2 PAGES)
  - 4) PO CLASS'S MEMOBOOK ENTRIES (6 PAGES)
  - 5) AIDED REPORT WORKSHEET (2 PAGES)
  - 6) PO YING'S MEMOBOOK ENTRIES (3 PAGES)
  - 7) PO OH'S MEMOBOOK ENTRIES (2 PAGES)
  - 8) SGT LAM'S MEMOBOOK ENTRIES (2 PAGES)
  - 9) PO NEEDHAM'S MEMOBOOK ENTRIES (4 PAGES)
  - 10) PO PUHL'S MEMOBOOK ENTRIES (3 PAGES)
  - 11) PO REID'S MEMOBOOK ENTRIES (4 PAGES)
  - 12) WITNESS STATEMENT (1 PAGE)
  - 13) LINE OF DUTY PAPERWORK (3 PAGES)
  - 14) MEDICAL RECORDS (221 PAGES)
- PREVIOUSLY SERVED ON D/C

  - 15) ORDER OF PROTECTION (1 PAGE)



Receipt Acknowledged: \_\_\_\_\_

Sasha M. Pemberton  
Assistant District Attorney  
Trial Division IV/Green Zone  
(718) 250-5275



Dated: October 26, 2015  
Brooklyn, New York

undercover police officers have been redacted.

The photocopies are exact reproductions of the original documents, except to the extent that witnesses' addresses and telephone numbers, and the names of confidential informants and

- 16) OMNIFORM COMPLAINT - 1312 (3 PAGES)
- 17) OMNIFORM ARREST REPORT - K15614631 (3 PAGES)
- 18) ONLINE BOOKING WORKSHEET - K15614631 (2 PAGES)
- 19) VSA SUPERFORM - K15614631 (2 PAGES)
- 20) COMPLAINT FOLLOW UP (1 PAGE)
- 21) OMNIFORM ARREST REPORT - K15614635 (3 PAGES)
- 22) ONLINE BOOKING WORKSHEET - K15614635 (2 PAGES)
- 23) VSA SUPERFORM - K15614635 (2 PAGE)
- 24) MEDICAL TREATMENT OF PRISONER (1 PAGE)
- 25) CONFIRMATORY PHOTOGRAPHS (2 PAGES)
- 26) OMNIFORM COMPLAINT - 1306 (3 PAGES)
- 27) COMPLAINT FOLLOW UP (1 PAGE)
- 28) SPRINT REPORT (11 MINUTES)
- 29) SCREENING SHEET (2 PAGE)
- 30) GRAND JURY SYNOPSIS (4 PAGES)
- 31) GRAND JURY MINUTES (26 PAGES)
- 32) PICTURES OF COMPLAINANT IN COLOR (4 PAGES)
- 33) PICTURES OF COMPLAINANT IN BLACK & WHITE (4 PAGES)
- 34) PICTURES OF LOCATION IN COLOR (13 PAGES)
- 35) PICTURES OF LOCATION IN BLACK AND WHITE (13 PAGES)

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF KINGS: CRIMINAL TERM PART 40

-----X  
THE PEOPLE OF THE STATE OF NEW YORK

-against-

OPEN FILE DISCOVERY  
INDICTMENT 1707/2015

TROY BENNETT  
Defendant

-----X  
Sasha M. Pemberton, an Assistant District Attorney, hereby states the following under penalties of perjury:

1. I am an Assistant District Attorney with the Office of the District Attorney of Kings County and am familiar with the facts and circumstances of this case by virtue of a review of the files and records maintained by the office of the District Attorney in Kings County.
2. In compliance with C.P.L. 240.20, C.P.L. 240.45(1)(a) and People v. Rosario, 9 N.Y.2d 286 (1961), the People hereby attach photocopies of the documents listed below :

**CURRENT PACKET**

- 1) SGT. MEYER'S MEMOBOOK ENTRIES (3 PAGES)
- 2) DEFT'S RIKERS MEDICAL RECORDS (82 PAGES)
- 3) 911/RADIO RUN FROM 2/27/15 (1 DISK)

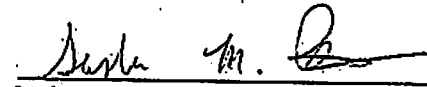
**PREVIOUSLY SERVED ON D/C**

- 4) BCI PHOTO IN COLOR (1 PAGE)
- 5) BCI PHOTO IN BLACK & WHITE (1 PAGE)
- 6) DET. O'SULLIVAN'S DD5 (1 PAGE)
- 7) CERTIFIED EMS RECORDS (6 PAGES)
- 8) AIDED REPORT PRINTOUT (1 PAGE)
- 9) RECENT PHOTOS OF CW IN COLOR (7 PAGES)
- 10) RECENT PHOTOS OF CW IN BLACK & WHITE (7 PAGES)
- 11) C/W'S ADDITIONAL MEDICAL RECORDS (186 PAGES)
- 12) 911 CALL FROM 3/1/15 (1 DISK)
- 13) AIDED REPORT (1 PAGE)
- 14) REFUSED PRINTS (1 PAGE)

- 15) OMNIFORM COMPLAINT – 1331 (2 PAGES)
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Dated: April 20, 2016  
Brooklyn, New York



---

Sasha M. Pemberton  
Assistant District Attorney  
Trial Division IV/Green Zone  
(718) 250-5275

Receipt Acknowledged: \_\_\_\_\_



Kenneth P. Thompson  
District Attorney

DISTRICT ATTORNEY  
KINGS COUNTY  
350 JAY STREET  
BROOKLYN, NY 11201-2908  
(718) 250-2800  
WWW.BROOKLYNDA.ORG

PRECINCT OF OCCURRENCE: 71  
SPECIALIZED BUREAU: GREEN ZONE  
(IF NOT TRIAL DIVISION)

**GRAND JURY SYNOPSIS SHEET**

INDICTMENT No: 1707/15 SUPERCEDING No. \_\_\_\_\_ RESUBMISSION No. \_\_\_\_\_  
GRAND JURY LETTER: D TERM: 3 A.D.A. GWEN BARNES  
TYPE OF INSTRUMENT:  INDICTMENT  PROS. INFO.  S.C.I.  FAM. CT.

NAME	DOCKET	STATUS										190.50 SERVED				
		X	XC	J	P	B	AFO	VFO	JO	Y	N	W/D				
BENNETT, TROY (M/38)	2015KN012625			✓										✓		

**TWO TPOs: ATTEMPTED MURDER AND ASSAULT ON A POLICE OFFICER**

**TPO 1: ON OR ABOUT 2/27/2015 ON OR ABOUT AND BETWEEN 02:00 HOURS AND 11:00 HOURS IN VICINITY OF 332 RUTLAND ROAD**

- RELATIONSHIP: DEFENDANT AND C/W LIVE IN THE SAME BUILDING; DEFENDANT, C/W AND E/W GARRICK HAYE ARE NEIGHBORS
- THERE IS AN ORDER OF PROTECTION IN EFFECT AGAINST DEFENDANT AND IN FAVOR OF C/W THAT WAS ISSUED ON 6/13/2012 AND THAT IS IN EFFECT UNTIL 7/13/2020 UNDER INDICTMENT NUMBER 10898/2011
- AT TPO, DEFENDANT WENT TO C/W'S APARTMENT WHICH IS LOCATED IN THE BASEMENT OF 332 RUTLAND ROAD AND HIT C/W REPEATEDLY WITH AN UNKNOWN OBJECT
- DEFENDANT TOOK C/W'S PANTS AND SHOES OFF OF C/W AND WALKED DOWN THE STREET WITH SAID CLOTHES
- DEFENDANT STATED IN SUM AND SUBSTANCE, I'M GOING TO KILL 'SOCA' (THE C/W'S NICKNAME) TO THE E/W
- DEFENDANT WALKED TO THE END OF THE BLOCK AND THREW C/W'S CLOTHES IN THE GARBAGE
- DEFENDANT WAS WEARING ALL WHITE AND HAD WHAT APPEARED TO BE BLOOD ON THE DEFENDANT'S SHIRT
- E/W OBSERVED THE DEFENDANT AND ASKED THE DEFENDANT WHERE SOCA IS
- DEFENDANT STATED IN SUM AND SUBSTANCE, HE MADE ME LOSE MY DAUGHTER, HOW DARE HE COME INTO MY BUILDING, THAT MOTHER FUCKER IS IN THE BASEMENT GAGGING ON HIS OWN BLOOD, I BEAT THE SHIT OUT OF HIM, TOOK HIS CLOTHES, TOOK HIS KEY AND LOCKED HIM IN THERE
- E/W WENT TO A NEIGHBOR'S HOUSE AND THE NEIGHBOR OSWALD CUMBERBATCH CALLED 911
- OFFICER REID, SERGEANT VIGILANCE AND SERGEANT LAM ARRIVED AND CONDUCTED A CANVASS WITH OSWALD CUMBERBATCH FOR THE DEFENDANT WITH NEGATIVE RESULTS
- OFFICERS WENT TO THE BASEMENT OF 332 RUTLAND ROAD AND OBSERVED THE DOOR TO THE C/W'S APARTMENT TO BE LOCKED
- THE SUPER UNLOCKED THE DOOR TO THE C/W'S APARTMENT
- OFFICER REID OPENED THE DOOR AND OBSERVED THAT THERE WAS WHAT APPEARED TO BE BLOOD ON THE DOOR KNOB
- OFFICER REID PUSHED THE DOOR OPEN AND HAD TO USE SOME FORCE AS THE C/W WAS DIRECTLY BEHIND THE DOOR
- THE C/W WAS LYING ON THE FLOOR WITH NO PANTS OR SHOES ON AND COVERED IN BLOOD
- EMS TOOK THE C/W TO KINGS COUNTY HOSPITAL WHERE HE WENT INTO A COMA
- C/W'S CLOTHING NOT RECOVERED ✓
- ECT DID NOT RESPOND ✗
- C/W SUSTAINED BLEEDING TO THE BRAIN, FRACTURED RIBS, AND BRUISING AND SCRATCHES TO THE

Patient Discharge Report  
Kings County Hospital Center Emergency Department

Printed on: Fri 02/27/2015 21:27  
Disposition Time 02/27/2015 21:22

Patient Bennett, Troy  
MR# 2220756

Visit healthcare provider: Moran, Jaime

Attending Physician: Johnson, Elma

Diagnosis: Injury, Hand

Disposition: Discharged to Home or Self Care

Tests Performed: Right Finger XR Routine, Right Hand XR Routine  
Procedure(s): no procedures performed

Your doctor wants you to follow the custom instructions below:

Please take your antibiotic medication as prescribed. Please follow up in Orthopedic Hand clinic on Monday morning, 8am, E-Building, 8th Floor, Suite D for follow up. If they are unable to accommodate your visit, please come down to the emergency department for a wound check. Return to the emergency department sooner if you develop increased pain or swelling, bleeding, drainage, pus, inability to move the fingers, fevers, or any concerns or worsening symptoms or signs of infection to the laceration site. Thank you. In the ED, we gave you the following new prescriptions:

Cephalexin 250 mg Capsule 2 cap oral qid x7day

Your doctor has requested an appointment for you in Hand - 265

Timeframe: < 72 hours or next clinic

Appointment date/time: As above


ED Clerk: please complete the Discharge Planning note

Important Notes:

In addition to following up as instructed, please contact your primary doctor if your insurance assigns you one. If you are having difficulty making an appointment at Kings County, please call the Central Appointment Scheduling office during business hours at (718)245-3325.

Only you can know when you are having an emergency. If signs and symptoms suggest that your condition is worsening, please contact a doctor immediately. If you believe it is an emergency, please return to the ER or call 911.

\_\_\_\_\_  
Patient/Guardian signature

  
\_\_\_\_\_  
Physician/Provider signature

I have received these instructions and had my questions answered

I have reviewed these instructions with the patient.

**Bennett, Troy**  
 DOB: 10/05/1976 M  
 ER: 03/01/2015 6022207567  
 VST#: 2220756-17 MR#: 2220756

**Bennett, Troy**  
 DOB: 10/05/1976 M  
 ER: 03/01/2015 6022207567  
 VST#: 2220756-18 MR#: 2220756

OFFICIAL NEW YORK STATE PRESCRIPTION

NYC HHC Kings County Hospital Center  
 451 Clarkson Avenue Brooklyn, NY 11203 (718) 245-316  
 Pt. 02/27/2015 Prov. Lic. DEA AK4148884, 956136 1790125284  
 Attnd Johnson, Rima Lic. 216907 DEA B36702436 NPI 1790777134  
 MR#: 2220756 Pt: Bennett, Troy Age: 38Y  
 Sex: M Addr: 332 Rutland Road Brooklyn, NY 11225  
 DOB: 10/05/1976  
 Dx: 283034002 Injury, Hand, 914.8 Injury, Hand, 860.929A Inju

Rx All prescriptions filled by the Kings County Hospital Center Pharmacy will be filled generically, when available.

**Cephalexin 250 mg Capsule**

2 cap oral  
 qid x7day

Quantity: 56 Max Daily Dose \_\_\_\_\_

Provider Sig. *[Signature]*  
 Momen, Dalme MD 956136

THIS PRESCRIPTION WILL BE FILLED GENERICALLY UNLESS PRESCRIBER WRITES "DAN" IN BOX BELOW

Refills 0

LEP Preferred Language  
 Pharmacist Test Area  
 Dispense As Written

**05DK67 27**



Patient Discharge Report  
Kings County Hospital Center Emergency Department

Printed on: Sun 03/01/2015 05:32  
Disposition Time 03/01/2015 05:31

Patient Bennett, Troy  
MR# 2220756

Visit healthcare provider: Kerolle, Harold

Attending Physician: Kerolle, Harold

Diagnosis: Injury, Hand

Disposition: Discharged to Home or Self Care

Tests Performed:

Procedure(s): no procedures performed

Your doctor wants you to follow the custom instructions below:

KEEP YOUR FOLLOW UP APPOINTMENT WITH HAND CLINIC FOR TOMORROW.

Important Notes:

In addition to following up as instructed, please contact your primary doctor if your insurance assigns you one. If you are having difficulty making an appointment at Kings County, please call the Central Appointment Scheduling office during business hours at (718) 245-3325.

Only you can know when you are having an emergency. If signs and symptoms suggest that your condition is worsening, please contact a doctor immediately. If you believe it is an emergency, please return to the ER or call 911.

\_\_\_\_\_  
Patient/Guardian signature

I have received these instructions and had my questions answered

\_\_\_\_\_  
Physician/Provider signature

I have reviewed these instructions with the patient.

**KINGSBROOK**  
 JEWISH MEDICAL CENTER  
 EMERGENCY DEPARTMENT  
 585 Schenectady Ave, Brooklyn, NY 11203  
 718.604.5000 www.kingsbrook.org

Patient: Bennett, Troy  
 Med Rcd: 070073  
 Pt Acct: 105557

**Disposition Summary (for discharged patient; English)**

Patient: Bennett, Troy SS #: \_\_\_\_\_  
 Mailing Address: 332 Rutland Road DOB: 10/5/1976  
 Ph: \_\_\_\_\_ Age: 38yr  
 City: Brooklyn NY 11225 Home Ph: \_\_\_\_\_  
 Arrival Time: 3/2/2015 6:38am Disposition: Home  
 Time Left ED: \_\_\_\_\_ Rm (last): 15  
 Dispo Summary Printed: 3/2/2015 9:08am  
 Admit Order Time: \_\_\_\_\_ RN Triage: Spence, Ingrid R.N. RN Eval: Grenade Alisha R.N.  
 RN Dispo: \_\_\_\_\_ Mlp/Res: \_\_\_\_\_  
 MD ED: Barney, David M.D. PMD Ph: \_\_\_\_\_  
 Referring MD: Emergency Dept Physician Referring MD Ph: \_\_\_\_\_  
 Chief Cmplnt: Right Arm Pain/Spasms All Over Body, Painful Rt Arm, Body Sp Engl Dx 1: \_\_\_\_\_ ICD-9 1: 729.1  
 Dx 1: Myalgia (Not Otherwise Specified)  
 MD Sgntr: Barney, David M.D. 3/2/2015 8:24am

**Disposition**

Follow-up 1: Medical Clinic F/U MD Ph: (718) 604-5700  
585 Schenectady Avenue F/U MD Fax: 718 363-6548  
Brooklyn N.Y. 11203  
 Follow-up 1 Date: 1-2 Days

Calls						
Name	Comments	Requested By	Call #1	Call #2	Call #3	Returned
No Entries						

Other Instr: Return to ER if you have worsening symptoms, follow up with your doctor  
 Restrictions: \_\_\_\_\_

Procedures During This ED Visit:	
Procedure	
No Entries	

Orders During This ED Visit:	
Order	
No Entries	

**MY SIGNATURE BELOW INDICATES:**  
 > I have received and understood the oral instructions regarding my current medical problem.

**NYSID No:** 02226479M **B&C No:**  
1411502136

**BENNETT, TROY**  
332 RUTLAND ROAD, 2B, 2B, BK, NY 11225

**DOB:** 10/05/1976 **Age:** 38 Y **Sex:** male

**Home:**

**Work:**

**Cell:**

**Email:**

**Advance Directive:** -

**Primary Insurance:**  
**PCP:**

**Allergies :** N.K.D.A

**Medical History**

Active Problem List						
Code	Name	Specify	Notes	Added On	Modified On	Modified By
V70.0	ROUTINE MEDICAL EXAM			03/04/2015	03/04/2015	Bhatti, Harjinder
959.4	HAND INJURY NOS			03/04/2015	08/05/2015	Wachtel, Peter
525.9	DENTAL DISORDER NOS			03/04/2015	03/04/2015	Bhatti, Harjinder
714.9	Arthralgias	R Thumb Tenderness		03/19/2015	03/19/2015	Janvier, Jean-Joseph
719.41	Joint pain, shoulder	Left Shoulder		05/08/2015	05/08/2015	Massillon (Inactive), Arlie
840.4	Rotator cuff (capsule) sprain and strain	left		05/28/2015	05/28/2015	Gordon, Kennedy F
815.03	Closed fracture of shaft of metacarpal bone(s)	left 4rth	required ORIF	05/28/2015	05/28/2015	Gordon, Kennedy F
V62.6	REFUSAL OF TREATMENT			07/07/2015	07/07/2015	Jean Gilles, Lesly
E958.9	INJURY-NOS	Facial contusion r/o nasal bone fracture?		08/04/2015	08/04/2015	Shpits, Iosif
802.0	Closed fracture of nasal bones			08/05/2015	08/05/2015	Wachtel, Peter
726.10	ROTATOR CUFF SYND NOS	left shoulder in rt. handed male		08/17/2015	08/17/2015	Lieberman, Lester

**Medications**

Name	strength	formulation,	Sig:	take	route	frequency
Flonase	50 MCG/ACT	Suspension,	Sig: 1 puff	Nasally	Every 12 Hours	Start Date: 09/08/2015

# CORRECTION DEPARTMENT CITY OF NEW YORK



## HEARING REPORT AND NOTICE OF DISCIPLINARY DISPOSITION

Page 1  
of  
2 Pages

Form: 6500D  
Rev.: 02/09/07  
Ref.: Dir. #6500R-B

Infraction #: <u>927/15</u>	Institution: <u>DBCC</u>
Inmate Name (Last, First): <u>Bennett, Troy</u>	B&C/Sentence #: <u>14115.0213e</u> NYSID #: <u>02236479M</u>
Location: <u>Supper</u>	Disposition Date: <u>8/1/15</u> Disposition Time: _____ Hrs.
Adjudication Captain (Print Name, Rank & Shield #): <u>Walker Capt 359</u>	

Tape Data (Tape #): \_\_\_\_\_ Counter # at Start: \_\_\_\_\_ Counter # at End: \_\_\_\_\_

Inmate's Accompanying card indicates Inmate Received Rule Book:  Yes  No

Inmate requested Witness(es):  Yes  No  Waived  Request Granted  Denied (If waived, inmate must sign. If denied, state reason.)  
Reason: \_\_\_\_\_

Inmate requested Hearing Facilitator:  Yes  No  Waived  Request Granted  Denied (If yes, Hearing Facilitator must sign. If waived, inmate must sign. If denied, state reason.)  
Reason: \_\_\_\_\_

Inmate Requested Interpreter:  Yes  No  Waived  Request Granted  Denied (If yes, interpreter must sign. If waived, inmate must sign. If denied, state reason.)  
Reason: \_\_\_\_\_

If inmate advised of right to remain silent was inmate advised that statements could be used against him/her.  Yes  No  Not Applicable

### Special Situations

Hearing in Absentia:  Inmate Refused to Appear  Removed from Hearing Due to \_\_\_\_\_ Specify Reason

Adjournment:  By Adjudication Captain Date Reconvened \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_  
 By inmate Waived Time Limits to Facilitate Adjournment (Inmate Signature) \_\_\_\_\_

Referral:  Security  Mental Health  Inspector General

Inmate Pled:  Guilty  Not Guilty  Guilty with an Explanation

Summary of inmate's Testimony: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

### The following witness(es) testified at your hearing. (If additional witnesses testified, attach additional sheets.)

Witness Name (Last Name, First Name): \_\_\_\_\_ Rank/Title, Shield/ID # (if staff), B&C/Sentence # (if inmate): \_\_\_\_\_

Witness Signature (Present at Hearing): \_\_\_\_\_

Witness testified in the presence of the charged inmate:  Yes  No If no, state reason: \_\_\_\_\_

Summary of Testimony: \_\_\_\_\_  
\_\_\_\_\_

Testimony was:  Credited  Rejected Reason: \_\_\_\_\_  
\_\_\_\_\_



Witness Name (Last Name, First Name): \_\_\_\_\_ Rank/Title, Shield/ID # (if staff), B&C/Sentence # (if inmate): \_\_\_\_\_

Witness Signature (Present at Hearing): \_\_\_\_\_

Witness testified in the presence of the charged inmate:  Yes  No If no, state reason: \_\_\_\_\_

Summary of Testimony: \_\_\_\_\_  
\_\_\_\_\_

Testimony was:  Credited  Rejected Reason: \_\_\_\_\_  
\_\_\_\_\_

	CORRECTION DEPARTMENT CITY OF NEW YORK	
HEARING REPORT AND NOTICE OF DISCIPLINARY DISPOSITION		Page 2 of 2 Pages
		Form: 6500D Rev.: 02/09/07 Ref.: Dir. #6500R-B

**DOCUMENTARY EVIDENCE (Where applicable)**

Photograph of Injury:	<input type="checkbox"/> Yes <input type="checkbox"/> No	Shown to Inmate:	<input type="checkbox"/> Yes <input type="checkbox"/> No
Photocopy of Weapon:	<input type="checkbox"/> Yes <input type="checkbox"/> No	Shown to Inmate:	<input type="checkbox"/> Yes <input type="checkbox"/> No
Reports - Specify Types:	<input type="checkbox"/> Yes <input type="checkbox"/> No	Shown to Inmate:	<input type="checkbox"/> Yes <input type="checkbox"/> No
Logbooks - Specify Types:	<input type="checkbox"/> Yes <input type="checkbox"/> No	Shown to Inmate:	<input type="checkbox"/> Yes <input type="checkbox"/> No
Infraction Investigation:	<input type="checkbox"/> Yes <input type="checkbox"/> No	Shown to Inmate:	<input type="checkbox"/> Yes <input type="checkbox"/> No
Physical Evidence (List):	<input type="checkbox"/> Yes <input type="checkbox"/> No	Shown to Inmate:	<input type="checkbox"/> Yes <input type="checkbox"/> No
Witness Statements (List Witnesses):	<input type="checkbox"/> Yes <input type="checkbox"/> No	Shown to Inmate:	<input type="checkbox"/> Yes <input type="checkbox"/> No

On this date and time following disposition was reached after a hearing on the charges listed below: 1500 8/11/15

Charge #	Dismissed	Guilty	Penalty	Basis for Findings & Evidence Relied On
<del>DISMISSED NHR</del>				

Twenty Five Dollar (\$25) Disciplinary Surcharge Grade I or Grade II offenses only:  Yes  No

If you have been found guilty of multiple rule violations, these penalties will be served:  Consecutively  Concurrently

Infraction Dismissed:  Yes  No

Reason:  
Based on the investigating Captain (Johnson) recommendation No hearing is recommended.

Pre-Hearing Detention Time Credit: \_\_\_\_\_ Days.

Adjudication Captain (Print Name, Rank, Shield #): Walter Capt 359      Signature of Adjudication Captain: [Signature]

You have the right to appeal an adverse decision rendered by the Adjudication Captain within two (2) days of service of this decision. If you have been sentenced to a total of thirty (30) days or more of punitive segregation or loss of all your good time on any one (1) Notice of Disciplinary Disposition (6500D), your appeal shall be forwarded to the General Counsel in the Legal Division. Within five (5) business days of the receipt of your appeal, you will receive a written decision from the General Counsel regarding such appeal unless further documentation/information is required by the General Counsel to decide your appeal. In those cases, the five (5) business day time limit shall be extended and the reasons for the extension will be noted on the General Counsel's decision to you. If you receive an unfavorable decision from the General Counsel or you do not receive a decision from the General Counsel within ten (10) business days of receipt of your appeal, you may file a petition for a writ under Article 78 of the CPLR. If you are sentenced to less than thirty (30) days punitive segregation or loss of less than all your good time, you may appeal that decision to the Warden of the facility where the infraction occurred.

I certify that I received a copy of this notice:	Signature of Inmate: <u>[Signature]</u>	B&C Sentence #: <u>911502136</u>	Date: <u>8/11/15</u>	Time: <u>2010</u>
Served by (Print Name, Rank and Shield #): <u>Givens Capt 1424</u>	Signature of Server: <u>[Signature]</u>	Witnessed By:		
Refused to Sign for Notice: <input type="checkbox"/> Yes <input type="checkbox"/> No				



**CORRECTION DEPARTMENT  
CITY OF NEW YORK**

**INJURY TO INMATE REPORT**

Page 1 of 2 Pages  
Form: #167R-A  
Rev.: 01/31/08  
Ref: Dir. #4516R-A

**INSTRUCTIONS:** Original Report to Security, One copy to Citic Lock Box, One Copy to Inmate Medical File.

Command: BKDC Date: 8/4/15 COD/OCF #: \_\_\_\_\_ INJURY #: 1411502136

**TO BE COMPLETED BY EMPLOYEE (PLEASE PRINT CLEARLY)**

Inmate Name (Last Name, First Name): BECKETT, TROY

Location: 9D Work: \_\_\_\_\_ NYSID #: 02226479M Book & Case/Sent #: 1411502136

Date: ON AUGUST 04, 2015 AT 2:00 PM MASSIN 2105 HAS INMATE BECKETT TROY WAS INVOLVED IN AN INMATE ON INMATE ATTENTION WITH INMATES DEAN GILSON 411271379 9UD1 and INMATE WATSON, QUANSHAN 1411502136 9UD1.

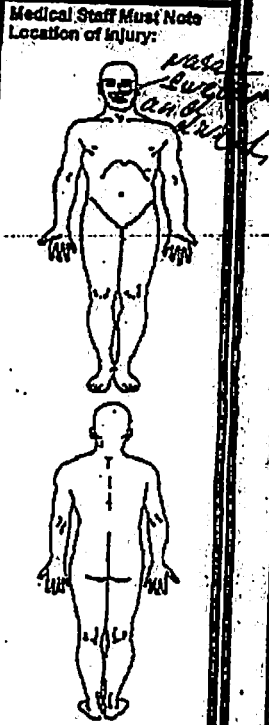
Supervisor Notified (Print Last Name, First Name, Rank, Shield #): JOHNSON Captain 779 Date: 8/4/15 Time: 2:10 Hrs.

Employee:  (Did)  (Did Not) Witness This Injury. Employee Signature: [Signature] Rank/Title: C.O. Shield/D.#: 902-7

**TO BE COMPLETED BY MEDICAL STAFF ONLY (PLEASE PRINT CLEARLY)**

Date of Injury: 8/4/15 Reported for Medical Attention: 8/4/15 21:45 Hrs. Inmate Refused Medical Attention:  Yes  No Visible Injuries:  Yes  No

Nature of Injury and Cause: Patient was elevated in the clinic for injury he in nasal bleeding and nasal swelling. He denied any disturbance or blurry vision. Objective nasal deviation and nasal bleeding. Treatment: R of team normal. No injury nasal bone fracture? Released to 3 and sent to the work prog for tomorrow.



Treated By/Examined By (Print and Sign Full Name): [Signature] Title: MD

Referrals to Other Medical Services (If Yes, Document Medical Findings):  Yes  No

Treated By/Examined By (Print and Sign Full Name): \_\_\_\_\_ Title: \_\_\_\_\_

Please Check Disposition:  Return to Housing Area  Work Release  Days  Light Duty  Days  Return to Work Assignment  Re-Exam  Days  Refer to Clinic  Return to School

Transfer to Hospital (Indicate Name of Hospital): no  Life Threatening Emergency  Routine

Other (Please Specify): no



Treated By (Print Full Name and Title, Sign Name): [Signature] Date: 8/4/15 Time: 2:22 Hrs.

I certify that the cause of injury as stated herein is to my knowledge true and medical attention was provided.

Inmate Signature: [Signature] B&C / Sentence #: 1411502136 Date: 8/4/15

Witnessed By (Signature): [Signature] Rank/Title: C.O. Shield/D.#: 1411502136 Date: 8/4/15

*copy*

	<b>CORRECTION DEPARTMENT CITY OF NEW YORK</b>	<b>ATTACHMENT A</b>	
<b>REPORT AND NOTICE OF INFRACTION</b>		Form: A500A Rev.: 02/09/07 Ref.: Dir. #6500R-B	

Infraction #:	Institution: <u>DBCC</u>	Date of Incident: <u>10/15/15</u>	Date of Report: <u>10/15/15</u>
Inmate Name (Last, First): <u>Bennett Troy</u>	B&C/ Sentence #: <u>141-15-02136</u>	NYSID #: <u>07226479M</u>	
Location of Incident (Be Specific): <u>2 Upper Dayroom</u>		Housing Area Location: <u>Upper B'</u>	Approximate Time of Incident: <u>1300 Hrs.</u>
Charge #	Offense	Charge #	Offense
<u>101</u>	<u>Assault Fighting</u>		
<u>120.11</u>	<u>Refusal to obey a Direct order</u>		
Reporting Official (Print Name, Rank and Shield #): <u>Over C.O # 9149</u>		Reporting Official (Signature): <u>Over</u>	

**Details of Incident (Include details as to How, When and Where Infraction was Committed):**

On Thursday October 15, 2015 at approximately 1300hrs, I C.O. Owen #9149 assigned as meal relief officer on the 1059X1931 floor while conducting meal relief in Dorm Upper B' I C.O. Owen witness inmate Rays Jose 241141142 N:06918813M jump up in a aggressive manner with a closed fist and strike inmate Bennett Troy 141502136 N:02226479M in the facial area. Inmate Bennett Troy then return a closed fist punch to inmate Ray Jose at which time he fell on the table. Both inmate were given several direct order to stop fighting in which they comply. PBA # 80 was activated, both inmate were escorted out of the area without any further incident.

You are entitled to a hearing for this infraction no sooner than twenty-four (24) hours after you are served with this notice. If you are a sentenced inmate and you commit an infraction within twenty-four (24) hours prior to your discharge, and have not reached your maximum sentence expiration date, you may be served with charges and held for a hearing. The Department will make every effort to hold this hearing within three (3) business days of the service of this notice. This three (3) business day period excludes the day you are served, weekends, holidays, days you go to court (whether in person or via teleconference), days you are hospitalized or at a hospital attending a clinic, days you leave the facility for an attorney interview, days you are unavailable because you are transferred to another facility and days you are unavailable due to your absence from the facility for any purpose. The three (3) business day period is automatically extended by one (1) business day if you are transferred to another facility prior to your hearing (unless you are a Pre-Hearing Detention inmate). Commencement of a hearing after three (3) business days is at the discretion of the Adjudication Captain and is not barred by Department rules.

- At your hearing you have the following rights:
1. Right to appear personally, unless you waive your right to appear, refuse to attend the hearing or appear at the hearing and become disruptive.
  2. Right to make statements. If you choose to remain silent, your silence cannot be used against you. If you make a statement, such statement cannot be used in a subsequent criminal trial unless you have been given a Miranda Warning and then voluntarily testify.
  3. Right to present material evidence.
  4. Right to present witnesses.
  5. Right to the assistance of a Hearing Facilitator if Adjudication Captain deems one is necessary.
  6. Right to an interpreter if you cannot communicate well enough in English.
  7. Right to appeal.

Within twenty-four hours of the Adjudication Captain reaching a decision of guilty, you will receive a copy of the "NOTICE OF DISCIPLINARY HEARING DISPOSITION" form informing you of the violation(s) you are found guilty of, the basis for that finding, the evidence relied upon and the penalty to be imposed. The following penalties are the maximum which may be imposed individually or in any combination:

1. Reprimand.
2. Loss of privileges.
3. Loss of good time if you are a sentenced inmate.
4. Punitive segregation for up to ninety (90) days per each applicable individual charge.
5. Restitution for intentionally damaging or destroying City property.

A twenty five (\$25) dollar disciplinary surcharge will be imposed on all inmates found guilty of a Grade I or Grade II offense. You have the right to appeal an adverse decision rendered by the Adjudication Captain.

Interpreter Requested:	<input type="checkbox"/> Yes (If yes, include what language)	<input type="checkbox"/> No
Hearing Facilitator Requested:	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Witness(es) Requested:	<input type="checkbox"/> Yes (If yes, include witness(es) Name, Book and Case Number (if inmate) or Shield/ID (if staff) and Location (if inmate) or Post (if staff).	<input type="checkbox"/> No
Witness (Print Name):	B&C Number:	Location:
Witness (Print Name):	B&C Number:	Location:
Witness (Print Name):	B&C Number:	Location:
Witness (Print Name):	Shield/ID Number:	Post:

I certify that I received a copy of this notice:	Signature of Inmate: <u>Troy Bennett</u>	Date: <u>10/18/15</u>	Time: <u>2219</u>
Served by (Print Name, Rank and Shield #): <u>Wenne NAT 695</u>	Signature of Server: <u>[Signature]</u>		

10867





Troy Bennett  
INMATE NAME

1411502136  
BOOK&CASE

Rice Bernard  
J3CC FACILITY

11,04,2015  
DATE

**64**

~~MAILED TO~~  
~~NEW YORK CITY COMPTROLLER~~  
~~1 CENTER STREET~~  
~~NEW YORK NY 10007~~

WITHDRAWAL AMOUNT

MAILED TO:  
NEW YORK City Comptroller  
NAME

1. CENTER STREET New York N  
ADDRESS CITY STATE

Troy Bennett  
INMATE SIGNATURE

DEBITED BY (CASHIER)

U.S. Postal Service  
**CERTIFIED MAIL RECEIPT**  
(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at [www.usps.com](http://www.usps.com)

**OFFICIAL USE**

Postage	\$ .70 <sup>3</sup>
Certified Fee	3.45
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Form 3800, June 2002. See reverse for instructions.

Note: Mailroom Officer forwards this request to RICC along with each parcel or letter.

<b>West Facility</b>		<b>PETER WACHTEL, DO</b>
16-06 Hazon Street East Elmhurst, NY 11370		
Tel: 718-546-4150 Fax:		
<b>Patient:</b>	BENNETT, TROY	10/04/2015
<b>DOB:</b>	10/05/1976, Sex: Male	
<b>Address:</b>	332 RUTLAND ROAD, 2B, 2B, BK, NY 11225	
<b>Phone:</b>		
<b>Ordered Date:</b>	08/05/2015	
<b>Assessments:</b>	HAND INJURY NOS	
<b>Lab:</b>	Hand Right Ap, Oblique, Lateral (XRAY)	
<b>Fasting:</b>	No	
<b>Specimen:</b>	Collection Date:08/05/2015 Time:12:03 PM	
<b>Clinical Info:</b>		
<b>Name</b>	<b>Value</b>	<b>Reference Range</b>
<b>Result:</b>	Abnormal/Positive/Reactive	
<b>Received Date:</b>	08/06/2015	
<b>Notes:</b>	Villalobos, Jorge , PA 8/6/2015 5:11:11 PM > RIEPFVILLALJV, Villalobos, Jorge - 8/6/2015 5:09:52 PM STUDY: RIGHT HAND X-RAY. CLINICAL INDICATION: TECHNIQUE: AP, lateral, and oblique views obtained and compared to prior study of 04/22/2015. FINDINGS: There appears to be an old fracture of the fourth metacarpal. Metallic plates and screws are in place. There is old fracture deformity of the fifth metacarpal. This is unchanged since prior study of 04/22/2015. There are no acute fractures. This is also unchanged compared to prior study. IMPRESSION: 1. Old fracture deformity of the fourth and fifth metacarpals. Metallic hardware overlying the fourth metacarpal. 2. No acute fractures. 3. No change since prior study of 04/22/2015. Report Electronically Signed by: Michael Shapiro Report Electronically Signed on: 08/06/2015 06:38 AM - F/U PRN	

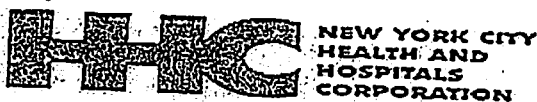
Patient Name: BENNETT, TROY , DOB: 10/05/1976

Brooklyn Detention Center 275 Atlantic Avenue Brooklyn, NY 11201 Tel: Fax:		Iosif Shpits, MD 10/01/2015									
Patient: BENNETT, TROY DOB: 10/05/1976, Sex: Male Address: 332 RUTLAND ROAD, 2B, 2B, BK, NY.11225 Phone:											
Ordered Date: 08/04/2015 Assessments: INJURY-NOS Lab: Nasal Bones Both Laterals, Upright Waters View (XRAY) Fasting: No Specimen: Collection Date:08/05/2015 Time:10:41 AM Clinical Info:											
<table border="1"> <thead> <tr> <th>Name</th> <th>Value</th> <th>Reference Range</th> </tr> </thead> <tbody> <tr> <td>Result:</td> <td>Abnormal/Positive/Reactive</td> <td></td> </tr> <tr> <td>Received Date:</td> <td>08/05/2015</td> <td></td> </tr> </tbody> </table>	Name	Value	Reference Range	Result:	Abnormal/Positive/Reactive		Received Date:	08/05/2015			
Name	Value	Reference Range									
Result:	Abnormal/Positive/Reactive										
Received Date:	08/05/2015										
Notes:	Villalobos, Jorge . PA 8/6/2015 4:04:42 PM > RIEPFI-VILLALJV, Villalobos, Jorge - 8/6/2015 4:03:55 PM STUDY: NASAL BONES X-RAY. CLINICAL INDICATION: TECHNIQUE: Lateral views of the nasal bones and waters view of the skull were obtained reveals the following: FINDINGS: There is a nondisplaced fracture of the mid distal nasal bones. The anterior maxillary spines appear intact. Maxillary sinuses and orbital floors are grossly intact. IMPRESSION: Nondisplaced fracture of mid distal nasal bones bilaterally. Report Electronically Signed by: Michael Shapiro Report Electronically Signed on: 08/05/2015 03:46 PM - PENDING ENT										
Patient Name: BENNETT, TROY, DOB: 10/05/1976											

Brooklyn Detention Center 275 Atlantic Avenue Brooklyn, NY 11201 Tel: Fax:		Lesly Joan Gilles, MD Physician												
Patient: BENNETT, TROY DOB: 10/05/1976, Sex: Male Address: 332 RUTLAND ROAD, 2B, 2B, BK, NY 11225 Phone:	10/01/2015													
Ordered Date: 04/20/2015 Assessments: Arthralgias Lab: Hand Right Ap, Oblique, Lateral (XRAY) Fasting: No Specimen: Collection Date: 04/22/2015 Time: 10:54 AM Clinical Info:														
<table border="1"> <thead> <tr> <th>Name</th> <th>Value</th> <th>Reference Range</th> </tr> </thead> <tbody> <tr> <td>Result:</td> <td>Abnormal/Positive/Reactive</td> <td></td> </tr> <tr> <td>Received Date:</td> <td>04/22/2015</td> <td></td> </tr> <tr> <td>Notes:</td> <td colspan="2">                     Parks, Scott, PA 4/23/2015 9:44:58 PM &gt; STUDY: RIGHT HAND X-RAY. CLINICAL INDICATION: TECHNIQUE: AP, lateral, and oblique views. FINDINGS: The patient is status post open reduction and internal fixation of the old fracture of fourth metacarpal with metallic plates and screws in place. There is old fracture deformity of the fifth metacarpal as well. There are no acute fractures demonstrated. The alignment is unremarkable. There is soft tissue calcification of the dorsum of the wrist, which may be related to an old chip fracture, this is well claudicated. IMPRESSION: 1. Old fracture deformity of the fourth and fifth metacarpals with metallic hardware overlying the fourth metacarpal. 2. Mild degenerative change. 3. Calcific chip in dorsum of the wrist, this is most likely related to old trauma as well. 4. No acute fractures. Report Electronically Signed by: Michael Shapiro Report Electronically Signed on: 04/22/2015 04:09 PM                      -----                      F/U Orthopedic prn                 </td> </tr> </tbody> </table>	Name	Value	Reference Range	Result:	Abnormal/Positive/Reactive		Received Date:	04/22/2015		Notes:	Parks, Scott, PA 4/23/2015 9:44:58 PM > STUDY: RIGHT HAND X-RAY. CLINICAL INDICATION: TECHNIQUE: AP, lateral, and oblique views. FINDINGS: The patient is status post open reduction and internal fixation of the old fracture of fourth metacarpal with metallic plates and screws in place. There is old fracture deformity of the fifth metacarpal as well. There are no acute fractures demonstrated. The alignment is unremarkable. There is soft tissue calcification of the dorsum of the wrist, which may be related to an old chip fracture, this is well claudicated. IMPRESSION: 1. Old fracture deformity of the fourth and fifth metacarpals with metallic hardware overlying the fourth metacarpal. 2. Mild degenerative change. 3. Calcific chip in dorsum of the wrist, this is most likely related to old trauma as well. 4. No acute fractures. Report Electronically Signed by: Michael Shapiro Report Electronically Signed on: 04/22/2015 04:09 PM ----- F/U Orthopedic prn			
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Result:	Abnormal/Positive/Reactive													
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Patient Name: BENNETT, TROY, DOB: 10/05/1976

Summary View to: BENNETT, TROY



nyc.gov/hhc  
**Correctional Health Services**

**BENNETT, TROY**

NYSID: 02226479M BookCase: 1411502136  
 Facility Code: OBCC Housing Area: 1N  
 38 Y old Male, DOB: 10/05/1976  
 332 RUTLAND ROAD, 2B, 2B, BK, NY-11225

Insurance: Self Pay

Appointment Facility: Otis Bantum Correctional Center

03/09/2015

Appointment Provider: Jean-Joseph Janvier, M.D

**Current Medications**

Bactrim DS 800-160 MG Tablet 1 tablet - first dose now Twice a Day, stop date 03/11/2015  
 Ibuprofen 400 MG Tablet 1 tab - first dose now Three Times a Day, stop date 03/09/2015

**Allergies**

N.K.D.A.

**Reason for Appointment**

1. R Thumb Infected Laceration

**History of Present Illness**

**VISIT COMPLEXITY SCALE:**

**NON-INTAKE ACUITY**

Non-Intake Acuity Scale 4: Three or more Chronic Conditions addressed as in (3) OR Emergency response in the facility OR acutely ill patients requiring phone consultation with Urgi, specialist, phone call to community provider

**Vital Signs**

BP		
108/67	03/09/2015 03:41:35 PM	Jean-Joseph Janvier
Pulse		
72	03/09/2015 03:41:35 PM	Jean-Joseph Janvier
RR		
14	03/09/2015 03:41:35 PM	Jean-Joseph Janvier
Temp		
97.5	03/09/2015 03:41:35 PM	Jean-Joseph Janvier

**Examination**

**General Examination:**

GENERAL APPEARANCE: no acute distress.  
 HEENT: atraumatic.  
 NECK: supple.  
 HEART: regular, normal S1S2.  
 LUNGS: clear to auscultation bilaterally.  
 EXTREMITIES: Tender R Thumb healing & infected laceration in proximal phalynx with Stiches in place..

**Assessments**

1. HAND INJURY NOS- 959.4, Infected Laceration R Thumb/ Stiches in place

Patient: BENNETT, TROY DOB: 10/05/1976 Progress Note: Jean-Joseph Janvier, MD 03/09/2015  
 Note generated by eClinicalWorks EMR/PM Software (www.eClinicalWorks.com)

<https://chsrcbpdllb.riepf.com/mobiledoc/jsp/catalog/xml/printChartOptions.jsp?encounterI...> 10/1/2015



Treatment

1. HAND INJURY NOS

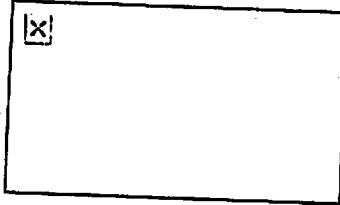
Start Ibuprofen Tablet, 400 MG, 2 tabs, Orally, Twice a Day, 4 days, Pharmacy, Refills 0

4 stitches removed from R Thumb infected laceration after cleanse with NS. Patient tolerated procedure without complication. Daily dressing ordered. Continue antibiotic as ordered.

Referral To: Wound Care Nursing Wound Care  
Reason: Infected R Thumb Laceration

Disposition: General Population  
Notes: RTC PRN

Appointment Provider: Jean-Joseph Janvier, M.D



Electronically signed by Jean-Joseph Janvier MD on  
03/09/2015 at 03:50 PM EDT

Sign off status: Completed

Otis Bantum Correctional Center  
1600 Hazen Street  
East Elmhurst, NY 11370  
Tel: 718-546-6449  
Fax:

Patient: BENNETT, TROY DOB: 10/05/1976 Progress Note: Jean-Joseph Janvier, M.D 03/09/2015

Note generated by eClinicalWorks EMR/PM Software (www.eClinicalWorks.com)



nyc.gov/hhc

Correctional Health Services

**BENNETT, TROY**

NYSID: 02226479M BookCase: 1411502136

Facility Code: BKDC Housing Area: 4UA

38 Y. old Male, DOB: 10/05/1976

332 RUTLAND ROAD, 2B, 2B, BK, NY-11225

Insurance: Self Pay

Appointment Facility: Brooklyn Detention Center

04/20/2015

Appointment Provider: Lesly Jean Gilles, MD

**Current Medications**

None

**Allergies**

N.K.D.A.

**Reason for Appointment**

1. right hand s/p ORIF and right thumb mcp s/p curt

**History of Present Illness**

Notes:

Pt with right hand injury in multiple occasions he is s/p ORIF 2006 and had to removed the metal plate January by hand specialist and he got right thumb MCP joint extensor tendon injured a knife prior to get arrested, he had received multiple dosage antibiotic and xray in hospital KCHC then was transferred to jail. the antibiotic and therapy was continued and sutures was removed during incarceration. He presented today with pain at the MCP joint pain, mild deformity and decreased rom. No fever.

VISIT COMPLEXITY SCALE:

NON-INTAKE ACUITY

Non-Intake Acuity Scale 2: *Complicated sick call (problem requiring diagnostic evaluation, documented history, physical exam, specified follow up) OR One chronic condition addressed with components specified in (3)*

**Vital Signs**

BP		
98/67	04/20/2015 07:31:25 PM	Lesly Jean Gilles
Pulse		
70	04/20/2015 07:31:25 PM	Lesly Jean Gilles
RR		
16	04/20/2015 07:31:25 PM	Lesly Jean Gilles
Temp.		
97.8	04/20/2015 07:31:25 PM	Lesly Jean Gilles

**Examination**

General Examination:

SKIN: hyperpigmented scar in extensor area skin..

EXTREMITIES: pulses 2 plus bilaterally, right hand deformity at

Patient: BENNETT, TROY DOB: 10/05/1976 Progress Note: Lesly Jean Gilles, MD 04/20/2015

Note generated by eClinicalWorks EMR/PM Software (www.eClinicalWorks.com)

second carpal bon with keloid scar lonfgitudinal tender to touch and mild swelling, thumb mcp minor keloid scar anterolateral side the joint , swelling tender and decrease rom, mostly in extention. Left hand thumb minor atrophy and no flexion ..

**Assessments**

- 1. HAND INJURY NOS- 959.4
- 2. Arthralgias - 714.9

**Treatment**

- 1. Arthralgias

Start Ibuprofen Tablet, 400 MG, 1 tab(first dose stat ), Orally, Every 12 Hours, 7 days, 14 Tablet

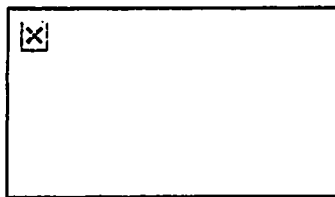
Diagnostic Imaging: Hand Right Ap, Oblique, Lateral (XRAY)

**Follow Up**

prn

Disposition: General Population

Appointment Provider: Lesly Jean Gilles, MD



Electronically signed by Lesly Jean Gilles on 04/20/2015 at 07:31 PM EDT

Sign off status: Completed

Brooklyn Detention Center  
 275 Atlantic Avenue  
 Brooklyn, NY 11201  
 Tel:  
 Fax:

Patient: BENNETT, TROY DOB: 10/05/1976 Progress Note: Lesly Jean Gilles, MD 04/20/2015

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nyc.gov/hhc  
**Correctional Health Services**

Insurance: Self Pay

**BENNETT, TROY**

NYSID: 02226479M BookCase: 1411502136

Facility Code: BKDC Housing Area: 9LD

38 Y old Male, DOB: 10/05/1976

332 RUTLAND ROAD, 2B, 2B, BK, NY-11225

Appointment Facility: Brooklyn Detention Center

08/04/2015

Appointment Provider: Iosif Shpits, MD

**Current Medications**

None

**Allergies**

N.K.D.A.

**Reason for Appointment**

1. Injury

**History of Present Illness**

TEMPLATES:

Rikers Injury Report

Patient c/o nasal pain, bleeding and swelling of the nose. He denied LOC, dizziness or difficult to breath.

Injury Report:

General

Injury Report #: 227/

Event Location: *Housing Area /*

Intentionality: *Unintentional /*

Cause: *inmate-on-inmate fight /*

Verified Injury: *Physical evidence of injury /*

Did the patient have a blow to the head? *Yes /*

Did the patient ever lose consciousness? *No /*

Was the patient ever dazed and confused after injury? *No /*

VISIT COMPLEXITY SCALE:

NON-INTAKE ACUITY

Non-Intake Acuity Scale 4: *Three or more Chronic Conditions addressed as in (3) OR Emergency response in the facility OR acutely ill patients requiring phone consultation with Urgi, specialist, phone call to community provider*

**Vital Signs**

BP		
110/80	08/04/2015 09:47:06 PM	Iosif Shpits
Pulse		
92	08/04/2015 09:47:06 PM	Iosif Shpits
RR		
15	08/04/2015 09:47:06 PM	Iosif Shpits
Temp		
	08/04/2015 09:47:06	

Patient: BENNETT, TROY DOB: 10/05/1976 Progress Note: Iosif Shpits, MD 08/04/2015

Note generated by eClinicalWorks EMR/PM Software (www.eClinicalWorks.com)



nyc.gov/hhc  
Correctional Health Services

**BENNETT, TROY**

NYSID: 02226479M BookCase: 1411502136  
Facility Code: BKDC Housing Area: 9LD  
38 Y old Male, DOB: 10/05/1976  
332 RUTLAND ROAD, 2B, 2B, BK, NY-11225

Insurance: Self Pay

Appointment Facility: West Facility

08/05/2015

Appointment Provider: PETER WACHTEL, DO

**Current Medications**

Ibuprofen 400 MG Tablet 2 tabs Twice a Day,  
stop date 08/08/2015

**Allergies**

N.K.D.A.

**Reason for Appointment**

1. S/P Injury

**History of Present Illness**

SICK CALL EVALUATION:

Pt stated he was assaulted by other inmates & was hit all over his body. Pt also stated he was punched in the face. Pt c/o headaches denies loc. Tetanus UTD. M. Jn-Charles RN;

Dr.'s note: punched in face yesterday sustaining nose injury/epistaxis; no emesis/neck pain/LOC/visual changes/sob; also claims his dom. rt hand which has a plate in it from 2008 (for which he claims he was supposed to get removed), was injured yesterday while defending himself.

**Vital Signs**

BP		
114/80	08/05/2015 11:35:19 AM	Martine Jean-Charles
Pulse		
66	08/05/2015 11:35:19 AM	Martine Jean-Charles
RR		
14	08/05/2015 11:35:19 AM	Martine Jean-Charles
Temp		
98.0	08/05/2015 11:35:19 AM	Martine Jean-Charles

**Examination**

General Examination:

nontox; gcs-15; no sx/ncr. ICP or basilar skull fx; no c-sp/ thoracoabd tender; PERRLA, EOMI, no hyphema/proptosis/photophobia/trismus/malocclusion; +nasal bridge flattening w/o deviation/epistaxis/septal hematoma; +left infraorb. edema/ecchymosis w/o crepitus/sq air/tender; EXT: +right hand dorsum surg scar w/o deformity/edema/ecchymosis/tender/ROM deficits; CN2-12/cerebellar intact; nasal xr+fx.

Patient: BENNETT, TROY DOB: 10/05/1976 Progress Note: PETER WACHTEL, DO 08/05/2015  
Note generated by eClinicalWorks EMR/PM Software (www.eClinicalWorks.com)

**Assessments**

- 1. HAND INJURY NOS - 959.4
- 2. Closed fracture of nasal bones - 802.0

**Treatment**

- 1. HAND INJURY NOS

Start Tylenol Tablet, 325 MG, 3 tabs, Orally, stat, 0 days, RN-DOT  
Diagnostic Imaging: Hand Right Ap, Oblique, Lateral (XRAY)  
consented.

Referral To: ENT (REF) Bellevue ENT  
Reason: nasal fx

**Procedures**

pt given gauze stack w/ demonstration of how to squeeze pressure  
should bleeding recur; hand xr neg fx/ plate intact; pt can resolve plate  
issue of removal upon release since it's been there for 7yrs.

**Follow Up**

bh ent referral made (Reason: w/ ent w/ o CT if needed for decision to  
repair)

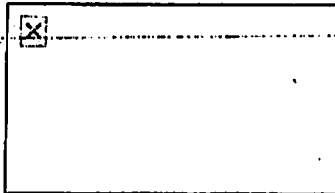
Disposition: General Population

Notes: epistaxis precautions; head injury instructions

**Addendum:**

08/05/2015 01:40 PM, Jean-Charles, Martine > Pt was medicated  
with Tylenol 975mg po stat. Pt educated.

Appointment Provider: PETER WACHTEL, DO



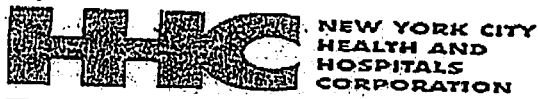
Electronically signed by Peter Wachtel on 08/05/2015 at  
12:25 PM EDT

Sign off status: Completed

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Patient: BENNETT, TROY DOB: 10/05/1976 Progress Note: PETER WACHTEL, DO 08/05/2015  
Note generated by eClinicalWorks EMR/PM Software (www.eClinicalWorks.com)





nyc.gov/hhc  
**Correctional Health Services**

**BENNETT, TROY**

NYSID: 02226479M BookCase: 1411502136  
 Facility Code: OBCC Housing Area: 2U  
 38 Y old Male, DOB: 10/05/1976  
 332.RUTLAND ROAD, 2B, 2B, BK, NY-11225

Insurance: Self Pay

Appointment Facility: Otis Bantum Correctional Center

08/18/2015

Appointment Provider: Lygia D Sa, MD

**Current Medications**

Ibuprofen 400 MG Tablet 1 tab Twice a Day;  
 stop date 08/18/2015

**Past Medical History**

Pain in the nose

**Allergies**

N.K.O.A.

**Reason for Appointment**

1. I need pain medication for my nose
2. Feels like his nose is not straight like it was

**History of Present Illness**

VISIT COMPLEXITY SCALE:

NON-INTAKE ACUITY

Non-Intake Acuity Scale 2: *Complicated sick call (problem requiring diagnostic evaluation, documented history, physical exam, specified follow up) OR One chronic condition addressed with components specified in (3)*

**Vital Signs**

BP	
116/72	08/18/2015 12:01:01 PM Lygia DSa
Pulse	
76	08/18/2015 12:01:01 PM Lygia DSa
RR	
14	08/18/2015 12:01:01 PM Lygia DSa
Temp	
98.1	08/18/2015 12:01:01 PM Lygia DSa

**Examination**

General Examination:

GENERAL APPEARANCE: well-appearing, no acute distress.  
 HEENT: **HEAD:-**, normocephalic, **EYES:-**, PERRLA, EOMI,  
**NOSE:-**, deviated nasal septum, **THROAT:-**, **THROAT:-**,  
 HEART: RATE:-, regular, RHYTHM:-, regular, HEART SOUNDS:-,  
 normal S1S2, MURMURS:-, none.  
 LUNGS: clear to auscultation, no wheezes/ rhonchi/ rales.  
 ABDOMEN: soft, NT/ND, BS present, no masses palpated, no  
 guarding or rigidity, no hepatosplenomegaly.

**Assessments**

1. Closed fracture of nasal bones - 802.0

**Treatment**

1. Closed fracture of nasal bones

Patient: BENNETT, TROY DOB: 10/05/1976 Progress Note: Lygia D Sa, MD 08/18/2015

Note generated by eClinicalWorks EMR/PM Software (www.eClinicalWorks.com)



nyc.gov/hhc  
**Correctional Health Services**

**BENNETT, TROY**

NYSID: 02226479M BookCase: 1411502136  
 Facility Code: OBCC Housing Area: 2U  
 38 Y old Male, DOB: 10/05/1976  
 332 RUTLAND ROAD, 2B, 2B, BK, NY-11225

Insurance: Self Pay

Appointment Facility: Otis Bantum Correctional Center

08/14/2015

Appointment Provider: Leon Scrimmager, MD

**Current Medications**  
 None

**Allergies**  
 N.K.D.A.

**Reason for Appointment**  
 1. Medication refill

**History of Present Illness**

**Notes:**

Requesting pain medication refill for nasal fracture.

**VISIT COMPLEXITY SCALE:**

**NON-INTAKE ACUITY**

Non-Intake Acuity Scale 1: Uncomplicated sick call (med renewal, referral request, single Chief Complaint) OR refusal visit

**Vital Signs**

BP		
115/75	08/14/2015 09:26:06 PM	Leon Scrimmager
Pulse		
76	08/14/2015 09:26:06 PM	Leon Scrimmager
RR		
14	08/14/2015 09:26:06 PM	Leon Scrimmager
Temp		
98.2	08/14/2015 09:26:06 PM	Leon Scrimmager

**Assessments**

1. Closed fracture of nasal bones - 802.0

**Treatment**

1. Closed fracture of nasal bones

Start Ibuprofen Tablet, 400 MG, 1tab, Orally, Twice a Day, 4 days, Pharmacy

2. Others

Start Ibuprofen Tablet, 400 MG, 800 mg, Orally, Stat, 0 days, RN-DOT

Disposition: General Population

Patient: BENNETT, TROY DOB: 10/05/1976 Progress Note: Leon Scrimmager, MD 08/14/2015

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