

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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KELLY BLOUNT

Plaintiff

-Against-

MARK MOCCIA, WILLIAM PUSKAS  
JASON KORPOLINSKI, STEWART A. LIEBER  
MICHEAL GEE, ROBERT REGNIER, JAVIE VALENTINE,  
BHOJ, O'ROURKE, JESSICA GROPE, SEAN  
MARYNES, ROBERT T. JOHNSON, THE CITY et, al.

Defendants

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16CV4505(GHW)

SECOND AMENDED  
COMPLAINT

DO YOU WANT A JURY TRIAL?  
Yes No

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2017 APR 17 PM 3:20

NOTICE

THE PUBLIC ACCESS ELECTRIC COURT FILES. FOR PRIVACY AND SECURITY REASONS, PAPER FILED WITH THE COURT SHOULD THEREFORE NOT CONTAIN: AN INDIVIDUAL'S FULL BIRTHDATE: THE FULL NAME OF THE PERSON KNOWN TO BE A MINOR; OR A COMPLETE FINANCIAL ACCOUNT NUMBER. A FILING MAY INCLUDE ONLY: THE LAST FOUR DIGITS OF A SOCIAL SECURITY NUMBER: THE YEAR OF AN INDIVIDUAL'S BIRTH: A MINORS INITIAL, AND THE LAST FOUR DIGITS OF A FINANCIAL ACCOUNT NUMBER: SEE FEDERAL RULES OF CIVIL PROCEDURE.5.2.

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: 4/17/17
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1. LEGAL BASIC FOR CLAIM

State below the federal legal babsics for your claim, if known. This is designed primarliy for prisoners challenging the constitutionality of their conditions of confinement; those claims are often brought under U.S.C. § 1983 (Against state, county, or municipal defendants) or in "BIVENS" action (against Federal Defendants).

\_\_\_\_ Violation of My Federal Constitutional Rights

2. PLAINTIFF INFORMATION

KELLY BLOUNT #15A4813  
ELMIRA CORRECTIONAL FACILITY  
P.O. BOX 500  
ELMIRA, NEW YORK 14902-0500

3. DEFENDANTS INFORMATION

To the best of complainants ability, complainant provided the following information for each defendant. Complainant made sure that the defendants listed below are identical to those listed in the caption.

1. DETECTIVE MARK MOCCIA  
SHIELD# 21176  
47th Precinct  
4111 Loconia ave  
Bronx, New York 10466
2. DETECTIVE WILLIAM PUSKAS  
Tax# 918184  
1086 Simpson Street  
Bronx, New York 10459
3. JASON KORPOLINSKI  
Tax# 942787  
47th Precinct  
4111 Loconia ave  
Bronx, New York 10466
4. Captain Stewart A. Lieber  
4111 Loconia ave  
Bronx, New York 10466
5. Micheal Gee (PLT. SUPV)  
4111 Loconia ave  
Bronx, New York 10466
6. Robert Regnier Detective (P.D.S)  
4111 Loconia ave  
Bronx, New York 10466
7. Javie Valentine (SUPV)  
4111 Loconia ave  
Bronx, New York 10466

8. BHOJ Lieutenant  
4111 Loconia ave  
Bronx, New York 10466
9. O'Rourke  
4111 Loconia ave  
Bronx, New York 10466
10. Assistant District Attorney Jessica Groppe  
265 East 165 Street  
Bronx, New York 10451
11. Assistant District Attorney Sean Marynes  
265 East 161 Street  
Bronx, New York 10451
12. District Attorney Robert T. Johnson  
198 East 161 street  
Bronx, New York 10451
13. The city  
100 worth street  
New York, New York 10007

#### 4. FACTSMENT OF CLAIM

Complainant, who is currently at Elmira Correctional Facility asserts that on August 08, 2012, Defendants arrested him on alleged robbery charges, Set an excessive, Presented False documents and delayed his Due Process. Complainant was detained for Six(6) days and Maliciously Prosecuted that on August 07, 2015, The complainants case was in Fact Dismissed.

5. Violations occurred on August 08, 2012, At approximately 6:00am, at complainants residence on 611 Magenta Street, Bronx N.Y. Defendants William Puskas and Mark Moccia along with other plain clothes detectives were banging and knocking on the complainants windows and doors.

When complainant opened his residence door, Complainant was then knocked down to the floor by William Puskas and Mark Moccia and was Seized complainant out of his residence because of an alleged robbery that occurred the night of July 31, 2012.

At approximately 7:15am on August 08, 2012, the complainant was then transported to 1086 Simpson Street, Bronx N.Y, Detective Bureau. At this time, complainant was never Interrogated by of these defendants at the detective Bureau. No Audio or Hand written Statements were taken from the complainant saying that he did anything pertaining to the July 31, 2012 incident.

Complainant was then Arraigned at 265 East 161 Street, Bronx, N.Y., Criminal Court on August 09, 2012, At approximately 12:00, and was set an Excessive Bail. The complainant was transported to V.C.B.C Correctional Facility Bronx Jail, and detained for Six(6) days, until his next court date for August 14, 2012.

On August 14, 2012, at approximately 6:00pm, inside Bronx CourtHouse, the complainant testified before the Grand Jury. At this time, A.D.A Sean Marynes had questioned the complainant regarding the July 31, 2012, incident.

Complainant had went home that same evening after serving Six(6) days detained at V.C.B.C Corectional Facility Jail. Shortly thereafter, around August 30, 2012 THRU September 10, 2012, the complainant was indicted and charged with Robbery and other related charges.

The fact that alleged co-defendant had sent Exculpatory Materials to former Attorney David Barnhard Esq, stating that complainant was in fact innocent in regards to the July 31, 2012 offense. Mr Barnhard then stated to Judge Lieb Part H-73, that he would be stepping down from representing the complainant because of New Brady Materials and that, he might have to be a potential witness for the complainant in regards to indictment 2726/2012 in the future.

At this time, Victor Schurr Esq, 18-b, had been assigned to complainants case. Mr Barharn then gave Mr. Schurr the complainants file along with the BRADT Materials. Former Jessica Groppe had asked Mr. Schurr for the existing Brady Materials through a subpoena, which was sent to Ms. Groppe. After Ms. Groppe Obtained these materials, she never investigated correctly or stated any of these materials to the Judge. She totally disregarded the Brady Materials and continued to maliciously prosecute the complainant. She then stepped off his case. SEE EXHIBIT 1.

Defendants violated complainants constitutional rights under the 4, 5, 6, 8 and 14th Amendment by 1. Defendants Williams Puskas and Mark moccia initiating an arrest on the complainant, when they already was fully aware that the right man was in custody for the alleged offense 2. that defendant Jessica Groppe intentionally withheld brady materials and never elicited them before Judge Lieb. Acting District Attorney Robert T. Johnson disregarded complainants 30.30 speedy trial time 3. setting an excessive Bail and All prosecutors dragging the case out for an extensive 1,072 days, which resulted with "ALL CHARGES BEING DISMISSED IN COMPLAINANTS FAVOR, THAT NOW RAISES A MALICIOUS PROSECUTION CLAIM.

SEE EXHIBITS 2.

5. INJURIES

Plaintiff states that he was seized out of his residence and taken for no solid reason.

Plaintiff states by defendants hiding materials, caused him cruel and unusual pain, mental anguish, emotional distress, a divorce, pain to complainant daughter, all a direct result of intentional infliction of physical and emotional distress.

6. RELIEF.

Plaintiff want to institute civil litigation asking for damages to the amount of \$ 14,000,000 (FOURTEEN MILLION DOLLARS) and the institution of torts or claims for, Failure to properly investigate, failure to turn in BRADT Materials, false introducing evidence and Malicious prosecution.

7. PREVIOUS LAWSUITS

Have you ever filed other lawsuits in the state or federal courts dealing with the same facts involved in this action? \_\_\_ Yes ☒ No

I DECLARE UNDER PENALTY OF PREJURY THAT THE FOLLOWING IS TRUE AND CORRECT. SIGNED THIS 12 DAY OF APRIL, 2017.

PLAINTIFF SIGNATURE K. 3font  
INMATE DIN NUMBER 15A4813  
INSTITUTION ADDRESS: ELMIRA CORRECTIONAL FACILITY  
P.O. BOX 500  
ELMIRA, NEW YORK 14902-0500

I DECLARE UNDER PENALTY OF PREJURY ON THIS 12 DAY OF APRIL, 2017, I AM DELIVERING THIS COMPLAINT TO PRISON AUTHORITIES TO BE MAILED TO THE PRO SE OFFICE OF THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF NEW YORK.

SIGNATURE OF PLAINTIFF: K. 3font

AFFIDAVIT OF SERVICE

STATE OF NEW YORK  
COUNTY OF ELMIRA

7013 2250 0002 1459 1035

1. I, KELLY BLOUNT, Being duly sworn, deposes and says:

That on 4/12/2017. I did in fact place the designed copies of the following papers in the Mailbox at Elmira Correctional Facility.

A. SECOND AMENDED COMPLAINT

2. Said papers were address to the following partie.

ORIGINAL COPY

UNITED STATE DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK  
500 PEARL STREET ROOM 200  
NEW YORK, NEW YORK 10007

VERY TRUELY YOURS,

  
KELLY BLOUNT

Sworn to me before this 12<sup>th</sup>  
DAY OF APRIL, 2017



STEVEN D. LEE  
NOTARY PUBLIC, STATE OF NEW YORK  
CHEMUNG COUNTY, LIC. # 01LE6231045  
COMMISSION EXPIRES NOV. 15, 20 18

ELMIRA CORRECTIONAL & RECEPTION CENTER

P.O. BOX 500

ELMIRA, NEW YORK 14902-0500

Kelly Blount #15A4813

USM<sub>P3</sub>  
SDNY

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OF THE RETURN ADDRESS TO BE ADDED LINE

CERTIFIED MAIL<sup>SM</sup>



7013 2250 0002 1459 1035

ELMIRA

CORRECTIONAL  
FACILITY

Elmira



Correctional Facility

United States District Court  
Southern District of New York  
Pro Se Intake Unit Room 200  
500 Pearl Street  
New York, New York 10007

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