

In Re.

DOMINIC M. FRANZA

AFFIDAVIT OF SERVICE

State of New York)

SS.:

County of Albany)

Jeffrey Teitel being duly sworn deposes and says that deponent is over the age of eighteen years and is not a party in this proceeding. Deponent served a true copy of Full Pardon Application with Exhibits, such service having been made in the following manner, stated herein, and said person being the proper and authorized person to be served in this proceeding,

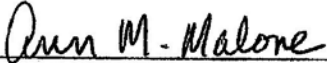
Isabel Mora, Executive Assistant to Counsel - Agent for Service, on behalf of
Hon. Kathy Hochul, Governor of New York
Executive Chamber, State Capitol - Albany, NY 12224
11:50 A M, March 02, 2023

Deponent further states upon information and belief that said person so served in not in the Military service of the state of the State of New York or of the United States as the term is defined in either of the State or Federal Statutes.

Deponent further states that he describes the person actually served as follows:

<u>Sex</u>	<u>Skin Color</u>	<u>Hair Color</u>	<u>Age</u>	<u>Height</u>	<u>Weight</u>
<input type="checkbox"/> Male	<input checked="" type="checkbox"/> White	<input checked="" type="checkbox"/> Light	<input type="checkbox"/> 20-30	<input type="checkbox"/> 5'-5'5"	<input checked="" type="checkbox"/> 100-150
<input checked="" type="checkbox"/> Female	<input type="checkbox"/> Black	<input type="checkbox"/> Medium	<input checked="" type="checkbox"/> 31-40	<input checked="" type="checkbox"/> 5'6"-6'	<input type="checkbox"/> 151-200
<input type="checkbox"/> Other		<input type="checkbox"/> Dark	<input type="checkbox"/> 41-50	<input type="checkbox"/> 6'1"-6'5"	<input type="checkbox"/> 200-250
			<input type="checkbox"/> 51-60	<input type="checkbox"/> 6'6"+	<input type="checkbox"/> 250+
			<input type="checkbox"/> 61-70		

Sworn to before me this 2nd day of
March, 2023



Ann M. Malone
Notary Public, State of New York
Qualified in Albany County
No. 01MA6410748
Commission Expires November 02, 2024


Jeffrey Teitel

DOMINIC M. FRANZA
DEPARTMENT OF CORRECTIONS AND COMMUNITY SUPERVISION
DIN # 92A3659
NYSID # 06632501Q

www.nypdprosecutorcorruption.com

Hon. Kathy Hochul
Governor of New York
Executive Chamber
State Capitol
Albany, N.Y. 12224

FULL PARDON
APPLICATION

Dear Gov. Hochul:

I hereby make this Verified Application for a FULL PARDON, pursuant to Executive Law § Article 2-A § 15, which should be immediately granted without delay as the facts herein, supported by Clear and Convincing Evidence, prove my innocence. It should be noted, the corruption is so bad that no lawyer will get involved championing for my immediate release on my behalf. As well, various Federal & State court judges, having my evidence of innocence, have totally failed to reverse my conviction and dismiss the indictment. Equally, the N.Y. State Board of Parole has been denying me parole since 2015, based on the seriousness of my alleged crimes, for which I am innocent of. Your Honor is the only one who can remedy my situation.

PRELIMINARY STATEMENT

1. The numerous pieces of evidence presented in support of this Application were never presented at trial, and have been conceded to have been the prosecution's discovery materials, by the N.Y. County D.A.'s office themselves.

PREVIOUS MOTIONS AND APPLICATION
REVEALING CONCESSIONS

2. In 1993, I filed a 139 page CPL § 440.10(1) motion, in particular charging, (1)(b) ("The judgment was procured by ..., misrepresentation or fraud on the part of the ... prosecutor;"), and (1)(c) ("Material evidence adduced at trial resulting in the judgment was false and was prior to the entry of the judgment, known by the prosecutor ... to be false;"), supported by the discovery materials turned over to defense counsel, by the two (2) trial prosecutors (Attached hereto as Exhibit "1" [1993 CPL § 440.10 Motion]).¹

3. Trial prosecutor A.D.A. Gregory Sheindlin, filed a 20 line conclusory opposition, without any evidentiary support whatsoever. In particular, claiming my motion was "factually inaccurate and without merit" (Attached hereto as Exhibit "2" [Opposition]).

4. Under the circumstances above, "it may not be said that the [opposition] of [A.D.A. Sheindlin], the only papers offered in opposition to [my] application, 'conclusively demonstrates' the falsity of [] [my] allegations or amounts to unquestionable proof to the contrary." People v. Picciotti, 4 N.Y.2d 340, 344-345 (1958). However, in light of the fact, A.D.A. Sheindlin failed to furnish unquestionable documentary proof which served to conclusively refute my factual statements contained in the papers submitted by me, entitling me to a hearing in open court,

1- All the Exhibits, in support of this application, are provided in the C.D.'s attached to this application. Note, this very Application and the Exhibits will shortly appear on www.nypdprosecutorcorruption.com.

id., at 344-345, Judge Bookson (Deceased) denied my Motion without a hearing, in particular claiming my motion was unsubstantiated (Attached hereto as Exhibit "3" [Decision]).

5. Within my Federal Writ of Habeas Corpus, I presented the same evidence within the CPL § 440.10(1) motion in support. In opposition to my discovery motion, the N.Y. County D.A.'s office admitted my 1993 CPL § 440.10(1) motion was "indeed" supported with their discovery materials. As well, acknowledging my use of such materials within their Answer and Memorandum of Law (Attached hereto as Exhibit "4" [Writ of Habeas Corpus]: Attached hereto as Exhibit "5" [Opposition to Discovery Motion]: ¶ 5; Attached hereto as Exhibit "6" [Answer]: ¶ 16]; Attached hereto as Exhibit "7" [Memorandum of Law]: p. 5).

6. In 2005, I filed a CPL § 440.10(1)(b)(h) motion, on the ground the denial of my 1993 CPL § 440.10(1) motion was procured by misrepresentation and fraud on the part of the prosecutor, presenting the identical evidence in support, including additional pieces of discovery materials and non-discovery materials (Attached hereto as Exhibit "8" [2005 CPL § 440.10(1)(b)(h) Motion]).

7. Trial prosecutor John Brancato, in opposition, did not contest my claim that, the materials in support of my motion came from the discovery materials, thereby conceding as a matter of law. People v. Gruden, 42 N.Y.2d 214, 216 (1977) ("[n]ormally what is not disputed is deemed conceded") (Attached hereto as Exhibit "9" [Opposition]).

8. Judge Silverman (Retired) did not address my sole ground for relief, and denied the motion on a ground I did not raise (Attached hereto as Exhibit "10" [Decision]).

9. Thus, this application is supported by the two prosecutors very own discovery materials, and uncontested non-discovery materials, clear and convincing accepted as true reliable evidence, never presented to a jury, conclusively establishing I had absolutely nothing to do with the crimes, warranting a grant of a full pardon.²

THE TRUE FACTUAL SCENARIO PERTAINING TO THE SHOOTING INCIDENT
WHICH PROVES I HAD NO INVOLVEMENT IN THE SHOOTINGS

10. In 1987, Miss Myra Mendez (hereinafter Mrs. Franza) lived at 485 West 187th Street, New York, N.Y. with her parent's Mr. Cecilio and Mrs. Josephine Mendez. Having three brother's, Carlos Dacosta, Nelson Dacosta and Wilfred Dacosta who passed away (Attached hereto as Exhibit "11" [Trial Transcript]: pp. 1-2001, [Mendez]: 220-221, [Franza]: 287-288).

11. Mr. Nelson Dacosta separated from his wife Ruthie Bless in June of 1990, taking the Children to Chicago with her (Ex. "11" [Dacosta]: 1609-1610).

12. On July 8th of 1990, Mr. Dacosta made a P.D. report complaining to Police that he received a threatening phone call, threatening to kill him and his family. However, on defense direct, he denied a threat was made. On cross, Mr. Dacosta admitted he indeed made a threat complaint, but claimed it was
2- After a reading of this Application you will be wondering why didn't defense counsel use said documentary evidence at trial to establish my innocence. The answer is simple, defense counsel was corrupt, colluding with the two prosecutors.

a hoax. While P.O. Aponte mentioned the encounter to a Detective no Detective contacted P.O. Aponte about the incident (Ex. "1" p. 74; Ex. "11" [Aponte]: 152, 161-174, [Dacosta]: 1610-1611, 1616-1620; Attached hereto as Exhibit "12" [Nelson Dacosta's P.D. Complaint]).

13. Eight days later, on July 8th of 1990, at 7:15pm, Mrs. Mendez answered her door, it being **two men** announcing themselves as Police Officers, **showing badges** and asking for Nelson Dacosta. Mrs. Mendez did not open the door. Describing one man as taller than the other, light skinned, straight hair and clean shaven. The other man shorter, dark skinned, husky, clean shaven and having a canvas bag. Observations made through the peephole of the door, and upon seeing the men outside as Mrs. Mendez's apartment is on the first floor. Mrs. Mendez questioning her son about the incident, who denied any involvement with the men. Mrs. Mendez telling Mrs. Debbie Dacosta, Carlos Dacosta's wife, and Mrs. Franza about the incident. Mrs. Mendez reporting the incident to Police (Ex. "11" [Mendez]: 257-265, 271, [Franza]: 382-383, [Giorgio]: 660-666, 668, 728-729).

14. Mrs. Debbie Dacosta, reported to Police that, Mrs. Mendez informed her the men stated they were **Detectives**, uolding possible badges, that one of the men having a knapsack, also one of the men saying **they would be back** (Ex. "1" pp. 72, 74; Attached hereto as Exhibit "13" [Mrs. Dacosta's Complaint]; Attached hereto as Exhibit "14" [Complaint Follow-Up]).

15. The very next day, July 17th of 1990, Mrs. Mendez while looking out of her window saw a floral delivery man, holding a box of flowers with a red ribbon, thinking the flowers were for Mrs. Franza. The man looking at building numbers who walked away. The man wearing a large white jacket, sneakers, white pant's and a white painter's cap (Ex. "11" [Mendez]: 271-273).

16. Mr. John Lantigua reported to Police he saw a floral delivery man at 7:00pm, describing the man as a light Hispanic, 20-25 years of age, wearing a white shirt, white short's, and a white painter's cap, carrying a white box with a red ribbon, who walked into 485 West 187th Street. Never seeing the man leave the building (Attached hereto as Exhibit "15" [Lantigua's P.D. Report & Statement]).

17. After seeing the floral delivery man 15 minutes earlier, Mrs. Mendez answered her door at 7:15pm (which happened to be the same time as the day of the July 16th incident). Thereafter, Mrs. Mendez was shot five (5) times and Mrs. Franza being shot once (1) (Ex. "11" [Mendez]: 222-225, [Franza]: 313, 315).³

3- Mrs. Mendez claimed it was the same floral delivery man **all dressed in white**, not being sure if the man had a mustache. The man entering the apartment and shooting Mrs. Mendez five (5) times and Mrs. Franza once (1) at the rear of the apartment (Ex. "11" [Mendez]: 222-230, 248, 265-273, 281-285, [Franza]: 313-314, 323-325, 327). It will be proven, hereinafter, it was not a floral delivery man who committed the shooting's

It must be noted, Mrs. Mendez made a P.D. Complaint pertaining to her shooting, **Complaint No. 14920** (Attached hereto as Exhibit "16" [Mendez's Complaint No. 14920]).

Equally, Mrs. Franza made a P.D. Complaint pertaining to her shooting, **Complaint No. 14921** (Attached hereto as Exhibit "17" [Franza's P.D. Complaint No. 14921]).

18. Mrs. Their, who lives with her mother, Mrs. Ferreira, hearing running, screaming, and three to four loud bangs, as a vast part of Mrs. Mendez's apartment is directly above their apartment. Mrs. Ferreira, taking a shower at the time heard nothing (Ex. "11" [Theis]: 102-107, [Ferreira]: 105, 127-130).

19. Mrs. Franza stated, after the shooter left she tended to Mrs. Mendez, and called 911 (Ex. "11" [Mendez]: 229-230, [Franza]: 313-314, 325).

20. Mr. Lazaro Benitez, on July 17th of 1990, at approximately 7:20pm, was in the street outside of 485 West 187th. After hearing three loud bangs, and fifteen seconds later, he saw two men running side by side out of 485 West 187th Street. The taller man 6', a light black or dark Hispanic, clean shaven, wearing a fluorescent orange baseball cap with a black bill. The other male being 5'6", black curly hair, mustache, light black or dark Hispanic, clutching a canvas bag (Ex. "11" [Benitez]: 79-82, 92-96).

21. Mr. Benitez, stated he went to speak to the Police, giving descriptions (Ex. "11" [Benitez]: 90, 99).

22. A Complaint Follow-Up Informational, for Complaint 14920 (See Fn. 3 p. 6), dated 7/17/90, proved Mr. Benitez did indeed give descriptions for the two men, as follows. Hispanic, age 21, 5'6", white and black stripped shirt short sleeved shirt, shorts, dark skin. The other male, Hispanic, age 24, 6', 150 lbs, white shirt, long sleeved, orange baseball hat with black brim, short's, knapsack. He believed he saw the two men prior to the shooting incident, the taller man carrying the knapsack.

Reiterating the accounts of the shooting. In his handwritten statement, he claimed the men ran out of 485 West 187th Street at full speed (Ex. "1" p. 74; Attached hereto as Exhibit "18" [Benitez's P.D. Report & Handwritten Statement]).

23. After hearing the report of a shooting at 485 West 187th Street over the Police radio, at 7:20pm, P.O. Aponte and P.O. Alexander responded, upon entering the apartment finding Mrs. Franza at front of the apartment. Mrs. Franza informing I sent the shooter. Giving a description of the shooter, white tank shirt, mustache and having an afro (Black curly hair) (Ex. "11" [Aponte]: 140-150, 158, [Alexander]: 176-180, [Franza]: 314-315).

24. A Complaint Follow-Up informational, for Complaint 14920 (See Fn. 3 p. 6), made 9/21/90, proved Mrs. Mendez gave the CATCH UNIT descriptions for two perpetrator's pertaining to the shooting incident. One, M/H/25-30 yrs. / 5'7" - 5'8". The other, M/H/35-40 yrs. / 5'9" (Ex. "1" p. 57; Ex. "4" p. 24; Ex. "8" p. 23; Attached hereto as Exhibit "19" [P.D. CATCH Report]).

25. A Complaint Follow-Up informational, for Complaint 16990, made 8/28/90, proved after Mrs. Franza was interviewed it was stated, "Two suspects are being sought in an investigation being conducted by the 34 Precinct Detective Squad." (Ex. "1" pp. 57-58; Ex. "4" p. 24; Ex. "8" p. 23; Attached hereto as Exhibit "20" [Mrs. Franza's Interview P.D. Report]).

26. A Complaint Follow-Up Informational, for Complaint 16990, made 8/16/90, proved during an interview of Mr. Nelson Dacosta he gave the following information (Ex. "1" pp. 57-58; Ex. "4" p.

24; Ex. "8" p. 23; Attached hereto as Exhibit "21" [Dacosta's P.D. Report]):

DeCOSTA further explained that he was told by his mother, that on or about July 16, 1990, two men came to her apartment (485 West 187th Street, Manhattan) asking for him.... DeCOSTA recounted that the day after the incident (7-17-90) two men came to his mother's apartment. He was not sure whether they were the same two from the day before. He said they gained access by using the ruse of delivering flowers to his sister Myra. It was at this time that his mother Josephine and sister Myra, were both shot.

27. A Complaint Follow-Up Informational, for Complaint 14921 (See Fn. 3 p. 6), made 7/18/90, proved there were perpetrator's wanted, who used the ruse of delivering flowers to gain entry into the apartment (Ex. "8" p. 23; Attached hereto as Exhibit "22" [P.D. Report]).

28. A P.D. Document, dated 2/6/91, made by Det. Raymond, proved the shooting's were done by person(s) unknown (Ex. "1" pp. 57-58; Ex. "4" p. 24; Ex. "8" p. 23; Attached hereto as Exhibit "23" [P.D. Document]).

29. Mrs. Franza filed a Crime Victim Board application, which contained questions about what happened. Mrs. Franza claimed, in her Crime Victim Board claimant affidavit, made 9/12, that "Someone said flowers when mother opened the door they pushed her in and shot her".... By Mrs. Franza's words, herself, more than one person was involved, just as previously reported by Mrs. Mendez and Mr. Dacosta. Two men were involved, an inescapable fact (Ex. "1" p. 58; Ex. "4" p. 24; Ex. "8" p. 22; Ex. "11" [Franza]: 378-380, 387; Attached hereto as Exhibit "24" [Crime Victim Board Documents]).

30. My arraignment transcript, dated 2/12/91, completely coincided with what Mrs. Franza claimed in her Crime Victim Board Claimant Affidavit, that Mrs. Mendez was shot when she answered the door (Ex. "8" p. 23; Attached hereto as Exhibit "25" [Arraignment Transcript]).

31. As well, a Puerto Rico P.D. report (SAIC-1-1-149), dated 2/13/91, completely coincided with what Mrs. Franza claimed in her Crime Victim Board Claimant Affidavit, that when her mother opened the door she was shot. Information coming from Miss Lamboy, Mrs. Mendez's Sister. Miss Lamboy receiving said information from Mrs. Mendez and Mrs. Franza (Ex. "1" p. 60; Ex. "4" p. 24; Ex. "8" pp. 23, 32; Attached hereto as Exhibit "26" [P.R.P.D. Report]: 4 ¶ 1).

32. As well, a D.A. Data sheet completely coincided with what Mrs. Franza claimed in her Crime Victim Board Claimant Affidavit, that when her mother opened the door she was shot (Ex. "1" p. 58; Ex. "4" p. 24; Ex. "8" p. 23; Attached hereto as Exhibit "27" [D.A. Data Sheet]).

33. As well, a federal search warrant affidavit, dated 2/11/91, completely coincided with what Mrs. Franza claimed in her Crime Victim Board Claimant Affidavit, that when her mother opened the door she was shot. Information coming from Det.'s Giorgio and Ortiz of the 34th Detective Squad (Ex. 1" pp. 59, 113, 122-123; Ex. "4" pp. 23-24; Ex. "8" pp. 22, 46, 56; Attached hereto as Exhibit "28" [Search Warrant And Transcript In Support]: XM4U-XM5U; Attached hereto as Exhibit "29" p. 55 [Pre-Trial Transcript pp. 1-474]).

34. Lastly, a federal arrest warrant affidavit, filed 2/13/91, completely coincided with what Mrs. Franza claimed in her Crime Victim Board Claimant Affidavit, that when her mother opened the door she was shot (Ex "1" p. 59; Ex. "4" pp. 23-24; Attached hereto as Exhibit "30" [Arrest Warrant And Affidavit In Support]).⁴

35. The true reliable credible evidence, reported by Mrs. Mendez, Mrs. Franza and Nelson Dacosta, all made within three months of the shooting's, and all of the law enforcement information coinciding, proved the shooting of Mrs. Mendez occurred at the front of the apartment, not the rear of the apartment, and that there were two men involved in the shooting's, which coincided with Mr. Benitez's physical visual account. Most tellingly, Mrs. Franza's description of the shooter, the man having a mustache and afro matching Mr. Benitez's description, the man having a mustache and black curly hair. Most tellingly, as well, is the canvas bag appearing in both instances, the July 16th and July 17th incidents. It is beyond dispute, it was not a floral delivery man all dressed in white who shot Mrs. Mendez and Mrs. Franza, it was the same men from the day before who said they would be back. They sure did the next day at the same time. Clearly, Mrs. Mendez and Mrs. Franza committed first degree prejury, as their account was patently false (Fn. 3 p. 6).

4- A checking on the status of this arrest warrant will reveals, the warrant was withdrawn by request of A.U.S.A. William E. Craco, on August 20th of 2002.

36. It is most apparent here, what happened here was these two men saw the floral delivery man and decided to use this approach to gain entry into the apartment, and it worked in light of the fact Mrs. Mendez opened the door assuming it was the same floral delivery man she previously saw, thinking the flowers were for Mrs. Franza.

37. In sum, I did not send any floral delivery man to shoot Mrs. Mendez and Mrs. Franza, and further submit two (2) Polygraph Examinations in support, which held I had no involvement in the shooting's. One examination being done by one of the foremost polygraphist in the Country (Attached hereto as Exhibit "31" [Certified Polygraph, Inc. Qualifications & Report]; Attached hereto as Exhibit "32" [Ace Protective Services, Inc. Report]).

38. It must be noted, at my trial there were no testimonies and evidence produced connecting me to the two men who shot Mrs. Mendez and Mrs. Franza. The record completely devoid.

39. While all the above reveal Mrs. Mendez and Mrs. Franza committed first degree prejury, and that I had nothing to do with the shooting's, it will now be proven there was further first degree perjury presented. As well, it will be proved the Crime Scene was a total fabrication, evidence fabricated, in order to connect me to the shooting's.

FURTHER FIRST DEGREE PERJURY
AND FABRICATION OF EVIDENCE

40. A viewing of Mrs. Mendez's testimony, revolving around her being shot, reveals she stated she received five (5) gunshot

wounds at the rear of the apartment (Patently false), with a bullet still in her chest. As well, a viewing of Mrs. Franza's testimony, revolving around the shooting incident, reveals she stated she received one gunshot wound in the bathroom, at the rear of the apartment. Detective Osborn, of the Crime Scene Unit, testifying he recovered only two (2) bullets at the shooting scene, and further recovering a floral box with a red ribbon with a floral delivery note attached, giving such to P.O. Alexander to voucher. As well, taking 20 photos and typing up a report on everything done. All the evidence recovered being put into evidence. Det. Breslin (NYPD Document Examiner) testifying my handwriting exemplars, put into evidence, matched the handwriting on the floral delivery note, thereby connecting me to the shooting's (Ex. "1" pp. 7-8, 16, 26, 31-32, 35, 46, 48, 50-52, 53A-53B, 61-62, 64, 70-71; Ex. "4" pp. 12-14, 18-23; Ex. "8" pp. 15-18, 20-21, 24-30; Ex. "11" [Mendez]: 222-231, 233-234, 248, 265-273, 281-285, [Franza]: 313-314, 323-325, 327; [Alexander]: 180-185, [Osborn]: 515-525, 529, 532-533, [Giorgio]: 580-593, 600, 641, 676-680, 742, [Breslin]: 1197-1211, 1329, 1442-1442; Attached hereto as Exhibit "33" [Floral Delivery Note & Exemplars]; Attached hereto as Exhibit "34" [Det. Osborn's Handwritten Notes]; Attached hereto as Exhibit "35" [Det. Osborn's Forensic Report & Supplemental]; Attached hereto as Exhibit "36" [Crime Scene Photos 1-20]:see photos 6, 11, 20).

41. Well, Mrs. Mendez's Certified Medical records prove, she sustained **well over five** (5) gunshot wounds. The gunshot wounds ranging from .5cm to 1.cm, evincing two (2) guns were used, one

clearly with a silencer as only three to four shots were heard (Ex. "11" [Theis]: 101-105). A simple counting of the gunshot wounds mentioned proves what is said. Further, proving **all of the gunshot wounds were through and through**, when she stated she still had a bullet in her chest (Ex. "1" pp. 48-49, 60-61, 65-66; Ex. "4" pp. 19, 25; Ex. "8" p. 19; Attached hereto as Exhibit "37" [Certification And Delegation Of Authority]; Attached hereto as Exhibit "38" [Gunshot Wounds Mentioned]; Attached hereto as Exhibit "39" [Through & Through Mentions]).

42. Mrs. Franza's Certified Medical records prove, she sustained one gunshot wound from a small caliber weapon, and that her gunshot wound was **also a through and through** (Ex. "1" pp. 49-50; Ex. "4" p. 13; Ex. "8" p. 19; Attached hereto as Exhibit "40" [Certification And Delegation Of Authority]; Attached hereto as Exhibit "41" [Gunshot Wound Mention]; Attached hereto as Exhibit "42" [Through & Through Mention]).

43. It is proven, the Crime Scene scenario, the two bullets, floral delivery box with the red ribbon, and the floral delivery note which I was claimed to have written, and the Crime Scene Photos revealing the evidence recovered, were all fabricated, the Crime Scene completely re-done / recreated, as **it was a physical impossibility for only two bullets to be recovered as the Certified Medical records conclusively prove, inescapable direct evidence proving the Crime Scene was recreated / redone to coincide with the fraudulent testimonies.**

44. Further proving the above, **nowhere in the fabricated Crime Scene Photos do they reflect ballistic damage or blood**

splatter anywhere, once again a physical impossibility as all the gunshot wounds were through and through.

45. Out of all the testimonies and evidence, presented in my entire trial, the linchpin of my conviction revolved around Det. Breslin's testimony, concluding my handwriting matched the handwriting on the floral delivery note, which was a pure fabrication. How so, during deliberations the jury's sole testimonial read back request was for Det. Breslin's initial analysis concluding my handwriting matched the handwriting on the floral delivery note, thereafter convicting me (Ex. "11" [Deliberations]: 1966-1967, 1989-2001). This is atrocious, the jury considering my faith based on evidence that was fabricated.

46. Not only did the Certified Medical records prove the fabrication of evidence, and first degree perjury, they further prove first degree perjury as follows.

47. Mrs. Franza claimed at the Hospital nine (9) Doctors were trying to bring Mrs. Mendez back to life, in graphic fashion (Ex. "11" [Franza]: 315). However, Mrs. Mendez's Certified Medical records prove, she was assessed as having a 98% Trauma Survival Rate Score when she arrived at the Hospital, being fully awake and responsive at all times (Ex. "1" p. 65; Ex. "4" p. 25; Ex. "8" p. 21; Attached hereto as Exhibit "43" [Trauma Score & Medical Page]).

48. Mrs. Mendez claimed she was in the Trauma Unit for seventeen days (17), in bad shape (Ex. "11" [Mendez]: 230-231). During the first Grand Jury presentation, she stated she was in a Coma for seventeen days (17) (Attached hereto as Exhibit "44"

[Mendez's Grand Jury Testimony, Ind. No 1647/91]: p. 20). However, the Certified Medical records prove, she was fully awake and responsive at all times, upon arrival to discharge. Revealing, she was agitated and combative. Threatening to kill herself and choke herself if she was not allowed to call her husband, and if anybody came near her. Pulling out her I.V. lines resulting in her being placed in two point restraints. That she sustained no gross motor or sensory loss. Her Lungs being clear, no respiratory distress, and low risk of cardiac arrest (Ex. "1" pp. 65-66; Attached hereto as Exhibit "45" [Awake, Responsive, Combative Behavior, Functioning]).

49. Mrs. Mendez claimed her left hand is not used anymore, not being able to hold anything (Ex. "11" [Mendez]: 248). However, the Certified Medical records prove she was moving all of her extremities well (Ex. "1" p. 66; Ex. "45").

50. Mrs. Mendez claimed she was shot at a distance, at the rear of the apartment (Patently false) (Ex. "11" [Mendez]: 326-327). However, the Certified Medical records prove she **had carbon particles surrounding the wound on her left hand**. Such proves she was shot at an extreme close range, stippling occurring. Clearly, when she was pushed into the apartment she most definitely put her hand up in defense (Ex. "1" p. 60; Ex. "4" p. 20; Ex. "8" p. 21; Attached hereto as Exhibit "46" [Carbon Particles]).

51. While the above prove massive amounts of first degree perjury, there was more and further fabricated evidence, the Crime Scene photos themselves revealing physical impossibilities

for photos that were claimed to have been taken after the shooting incident, as follows.

52. Det. Osborn's Forensic Report reveals his T/A (Time of Arrival) at the crime scene as 1940hrs. (7:40), this is also reflected in his handwritten notes (Ex. "11" [Osborn]: 529; Ex.'s "34-35"). Det. Osborn, stated when he arrived he made a visual inspection of the apartment, and after having a conversation with Det. Montoya and P.O. Alexander he proceeded to photograph the apartment (Ex. "11" [Osborn]; 515-516).

53. Both Mrs. Mendez and Mrs. Franza stated, the Crime Scene photos shown reflected the state of the apartment the day of the shooting's: 1) Where the lone shooter was standing at the rear of the apartment; 2) where they were shot and fell at the rear of the apartment. Such photos were entered into evidence (Ex. "1" pp. 31-32, 35, 48, 50-52, 53A-53B, 55-56, 61-62, 64; Ex. "4" pp. 12, 21-23; Ex. "8" pp. 16-18, 20-21, 27-30; Ex. "11" [Mendez]: 232-234, [Franza]: 316-325; Ex. "36" [Crime Scene Photos]: 11, 14-15, 17).

54. As well, P.O. Aponte, P.O. Alexander, Det. Giorgio, and Det. Osborn, all stated the Crime Scene photos shown reflected the state of the apartment the day of the shooting's: Where the floral box with the floral delivery note were on a chair; where the lead bullet was on the bathroom floor; where Mrs. Franza was found at the front of the apartment; where the wall is that Mrs. Franza wrote on at the front of the apartment; the flowers in the sink put there by Det. Osborn. Such photos being put into evidence (Ex. "1" pp. 26, 32, 35, 48, 51-53, 53A, 62, 64; Ex.

"4" pp. 13-14, 20, 22-23; Ex. "8" pp. 16, 18, 24, 26-27, 29-30; Ex. "11"[Aponte]: 153-158, [Alexander]: 185-186, [Osborn]: 516-518, 523-524, 532, [Giorgio]: 563; Ex. "36" [Crime Scene Photos]: 3, 6, 18-20).

55. The photos of the street outside of 485 West 187th Street proved, there is un-obstructed open sky above the low buildings, illuminating the street. The Certified report from the U.S. Naval Observatory, prepared by the Chief Astronomer, proved on July 17th of 1990 (Day of shooting's) Sunset was at 8:24pm. The Certified Weather Data reports from the National Climatic Data Center proved, there was good weather over N.Y.C. on July 17th of 1990. A Com-Pu Weather report, reviewing the documentation held, on July 17 of 1990, at 8:14pm, ten minutes before Sunset, there was still daylight outside (Ex "1" pp. 9, 11, 13, 16; Ex. "4" pp. 17-18; Ex. "8" pp. 24-25; Attached hereto as Exhibit "47" [Photos Of Street]; Attached hereto as Exhibit "48" [Certified Naval Report]; Attached hereto as Exhibit "49" [Certified Weather Reports]; Attached hereto as Exhibit "50" [Com-Pu Weather Report]).

56. Well, Crime Scene photo 13 reveals a radio clock with the time 8:14, on a table. However, contrary to the Weather related documents, Crime Scene photos 12, 9, 7, 4, going backwards to earlier photos taken, reveals it to be totally dark outside, a physical impossibility. It is clear, the crime scene photos were not taken the day of the shooting's, a pure fabrication (Ex. "1" pp. 16-17, 23, 26, 28, 30, 35-36, 39, 42-44, 50-52; Ex. "4" pp. 13-14, 18-19, 21-22; Ex. "8" pp. 18, 25, 28-29; Ex. "36" [Crime

Scene Photos]: 4, 7, 9, 12-13; Attached hereto as Exhibit "51" [Photo 13 Blow-Up]).

57. In light of the fact there was daylight outside at 8:14pm, Crime Scene photo 9 barely reveals a man standing in the street who should have been fully illuminated. A blow-up of photo 9 is needed to make out the male in the street somewhat clearer. A physical impossibility for the photo to not have revealed daylight, as film is light sensitive (Ex. "1" pp. 16-17, 23, 28, 30, 35-36, 39, 42-44; Ex. "4" pp. 18-19; Ex. "8" pp. 25-26; Ex. "36" [Crime Scene Photo]: 9; Attached hereto as Exhibit "52" [Blow-Up Photo 9]).

58. Crime Scene photos 14, 11, 5, 3-2, reveal the path Mrs. Franza would of had to of crawled across to get to the front of the apartment, where she was claimed to have been found bleeding. Mrs. Franza stating, she was bleeding profusely, not being able to stop the blood from coming out of her mouth (Ex. "11" [Aponte]: 141-142, [Alexander]: 177-178, [Franza]: 314-315). However, the photos reflect extremely minimal amounts of blood down her claimed path, especially where she was found. In light of the testimonies there should have been a considerable amount present (Ex. "1" pp. 25-26, 30-31, 35, 48, 50-53, 53A-53B, 55-56, 61-62, 64; Ex. "4" pp. 12-14, 20-23; Ex. "8" pp. 16-18, 20-21, 24, 26-30; Ex. "36" [Crime Scene Photos]: 2-3, 5, 11, 14).

59. Crime Scene photo 19 reveals, the wall where Mrs. Franza was claimed to have been found at the front of the apartment (Ex. "11" [Aponte]: 142-147, [Alexander]: 178-179, [Bourges]:

416-418). There being pencil writing on the wall. However, Crime Scene photos 2-3 reveal the pencil writing is gone (Ex. "1" pp. 25-26, 30, 32, 35, 52-53, 53A, 62, 64; Ex. "4" pp. 13, 20-23; Ex. "8" pp. 18, 24, 26-28, 30; Ex. "36" [Crime Scene Photos]: 2-3, 19).

60. Crime Scene photos 2-3 reveal, the area where Mrs. Franza was claimed to have written in a pad. P.O. Aponte stated the blood on the wall (Crime Scene Photo 3) came from Mrs. Franza's hands, as she was writing on the wall (Ex. "11" [Aponte]: 147-150, 157, [Alexander]: 178-179, [Bourges]: 416-418). However, Mrs. Franza's handwritten notes, from the pad, do not reveal any blood on them (Ex. "1" pp. 25-26, 30, 32, 35, 52-53, 53A, 62, 64; Ex. "4" pp. 13, 20-23; Ex. "8" pp. 18, 24, 26-28, 30; Ex. "36" [Crime Scene Photos]: 2-3, 19; Attached hereto as Exhibit "53" [Handwritten Notes]).

61. Crime Scene photo 14 reveals, the area where Mrs. Mendez claimed she was shot, at the rear of the apartment (Patently false). However, there are no footprints in the blood, which should have been present as E.M.S. would have had to of stepped in the blood in order to assist her. However, there are no footprints anywhere (Ex. "1" pp. 31, 48, 50-51, 53A-53B, 56, 61-62, 64; Ex. "4" pp. 12, 21-23; Ex. "8" pp. 17, 20-21, 27-29; Ex. "36" [Crime Scene Photo]: 14).

62. Crime Scene photo 20 reveals a bullet on the bathroom floor. Det. Osborn stated, the bullet was in that position when he first noticed it (Ex. "11" [Osborn]: 524). However, Crime Scene photos 14-15, earlier photos taken, reveal the bullet is

gone. A rug in the location where the bullet was claimed to have been. If this is not a plant I don't know what a plant is (Ex. "1" pp. 31-32, 35, 48, 50-51, 53A-53B, 56, 61-62, 64; Ex. "4" pp. 12, 14, 21-23; Ex. "8" pp. 16-18, 20-21, 27-30; Ex. "36" [Crime Scene Photos]: 14-15, 20).

63. Crime Scene photo 15 reveals, right center of the rug there is a small white object covering the grout tile line. However, Crime Scene photo 14 reveals the white object is gone (Ex. "1" pp. 31-32, 48, 50-51, 53A-53B, 56, 61-62, 64; Ex. "4" pp. 12, 21-22; Ex. "8" pp. 17, 20-21, 27-29; Ex. "36" [Crime Scene Photos]: 14-15).

64. Crime Scene photo 5 reveals, there is a black box under the table. However, Crime scene photo 8 reveals the black box is gone (Ex. "1" pp. 17, 26, 28, 50-52; Ex. "4" pp. 14, 21, 23; Ex. "8" pp. 27-29; Ex. "36" [Crime Scene Photos]: 5, 8).

65. Crime Scene photo 11 reveals, a lamp and table inches away from the wall having two (2) blood stains. However, Crime Scene photo 13 reveals the lamp and table are gone, the two blood stains being visible (Ex. "1" pp. 16-17, 31, 35, 51-52, 53B, 55, 62; Ex. "4" pp. 12, 18, 21, 23; Ex. "8" pp. 16-18, 20, 27-30; Ex. "36" [Crime Scene Photos]: 11, 13).

66. Crime Scene photo 4 reveals, a white object draped over the back rest of the chair. However, Crime Scene photo 2 reveals the white object is gone (Ex. "1" pp. 16-17, 25-26, 30, 35, 51-53, 62; Ex. "4" pp. 18, 21-22; Ex. "8" pp. 18, 24-25, 28-29; Ex. "36" [Crime Scene Photos]: 2, 4).

67. Crime Scene photo 8 reveals, three objects on the table next to the lamp. Two Black and one silver. However, Crime Scene photo 7 reveals, the closest black object next to the lamp is gone (Ex. "1" pp. 16-17, 26, 28, 36, 50-52; Ex. "4" pp. 18, 21; Ex. "8" pp. 25, 28-29; Ex. "8" pp. 16-17, 26, 36, 50-52; Ex. "36" [Crime Scene Photos]: 7-8).

68. Crime Scene photo 11 reveals, a blood stain in the shape of an "S" or "5" on the piece of linen on the floor. However, Crime Scene photo 14 reveals the blood stain changed shape (Ex. "1" pp. 31, 35, 48, 50-52, 53A-53B, 55-56, 61-62, 64; Ex. "4" pp. 12, 21-23; Ex. "8" pp. 16-18, 20-21, 27-30; Ex. "36" [Crime Scene Photos]: 11, 14).

69. Crime Scene photo 6 reveals, a chair containing the floral box with a red ribbon, with a floral delivery note on top (A true fabrication). The chair butted tight front against the stereo cabinet. The blue garment covering the side of the stereo cabinet. However, Crime Scene photo 4 reveals, the chair was considerably moved back, as the side of the stereo cabinet can be seen (Ex. "1" pp. 16-17, 26, 51-52, 53A; Ex. "4" pp. 13-14, 18, 21-22; Ex. "8" pp. 16, 18, 25, 28-29; Ex. "36" [Crime Scene Photos]: 4, 6).

70. Crime Scene photos 14-15 reveal, no ballistic damage on the bathroom door, or bathroom tiles, or blood splatter on such, from the through and through gunshot wounds. After all, Mrs. Mendez stated she was holding on to the bathroom door (Closed) while being shot, Mrs. Franza being shot inside the bathroom (A total fabrication) (Ex. "1" pp. 31-32, 48, 50-51, 53A-53B, 56,

61-62, 64; Ex. "4" pp. 12, 21-23; Ex. "8" pp. 17, 20-21, 27, 29; Ex. "11" [Mendez]: 225; Ex. "36" [Crime Scene Photos]: 14-15).

71. Crime Scene photo 6 reveals, the fabricated floral box and the floral delivery note on the chair. However, Crime Scene photo 4 reveals, a substantial portion of the right side of the floral box, revealing the floral delivery note is gone (Ex. "1" pp. 16-17, 26, 51-52, 53A; Ex. "4" pp. 13-14, 18, 21-22; Ex. "8" pp. 16, 18, 25, 28-29; Ex. "36" [Crime Scene Photos]: 4, 6).

72. Crime Scene photos 1 and 3 reveal, a porcelain picture on the wall in the same location, at different sides. However, the tops and bottoms of the frames are different from one another, for pictures in the same location (Ex. "1" pp. 25-26, 52-53, 53A, 61-62; Ex. "4" pp. 13, 20, 22-23; Ex. "8" pp. 18, 24, 26-27, 30; Ex. "36" [Crime Scene Photos]: 1, 3).

73. The blow-up of photo 1 reveals, a black inlay that goes all the way to touch the left side of the frame. However, the blow-up of crime scene photo 3 reveals, below the left figurine's left hand (facing the photo) and to the left there is an open space which is gold colored in the area where it was black in photo 1. So what we have here are two (2) photos in the same area that are different from one another when the photos were claimed to have been taken the same day (Ex. "1" p. 53; Ex. "4" p. 20; Ex. "8" pp. 26-27; Attached hereto as Exhibit "54" [Blow-Up of Photo 1]; Attached hereto as Exhibit "55" [Blow-Up Of Photo 3]).

74. While the Crime Scene photos conclusively prove they are fabrications, in and of themselves, and the evidence reflected

therein, the below further proves more first degree perjury was committed, pertaining to the non-existent floral box and note.

75. P.O. Alexander stated, she vouchered the floral box with the red ribbon and the floral delivery note (Ex. "11" [Alexander]: 181-182; Ex. "33"). As well, Det. Giorgio stated he vouchered his sample copy of the floral delivery note and my exemplars (Ex. "11" [Giorgio]: 581-582; Ex. "33"). However, the vouchers mentioned above reveal the property clerk never signed for these items (Ex. "1" pp. 70-71; Ex. "8" pp. 17, 31; Attached hereto as Exhibit "56" [Voucher For Floral Box With Red Ribbon & Floral Delivery Note]; Attached hereto as Exhibit "57" [Voucher For My Exemplars]).

76. Det. Osborn stated, he packaged the floral box and the red ribbon separately from the floral delivery note (Ex. "11" [Osborn]: 518-522). However, Det. Giorgio stated, in the first grand jury presentation, that he took the floral delivery note into his custody (Ex. "44" [Giorgio]: 25).

77. Contrary to Det. Osborn's claim that he packaged the items separately, P.O. Alexander stated, when she walked into the Property Clerk's office to voucher the items (Patently false) the items were still attached to one another. Not recalling if they were taped or stapled (Ex. "11" [Alexander]: 181-182, 193-195). Det. Gilbert Ortiz stated, during the second grand jury presentation (11987/91), he saw the floral delivery note and that it was stapled to the box. However, at trial he stated he saw the items separated at the Pct., and that the floral box did not have staple marks (Ex. "11" [Ortiz]: 1478-

1480; Attached hereto as Exhibit "58" [Ortiz's Grand Jury Testimony, Ind. No 11987/91]: 30).

78. Once again, contrary to Det. Osborn's claim that he saw the floral box with the red ribbon, with the floral delivery note on top, on a chair when he arrived, P.O. Alexander stated, she was one of the first to arrive at the shooting scene, and that she observed the floral box on the kitchen table, not on a chair. Further, stating the top of the box being sort of opened, seeing red roses inside. Observations made before the Crime Scene Unit arrived (Ex. "11" [Alexander]: 176-177, 190-195, [Osborn]: 515-516).

79. In spite of P.O. Alexander's account, her partner P.O. Aponte stated she saw the box of flowers with the red ribbon on a chair right after her arrival. Both P.O. Alexander and P.O. Aponte arriving at the same time (Ex. "11" [Aponte]: 141, [Alexander]: 176-177).

80. There were further instances of first degree perjury, pertaining to the shooting incident, as follows.

81. Det. Giorgio stated, when he arrived he saw Mrs. Mendez being wheeled out of the apartment by E.M.S.. Thereafter, seeing Mrs. Franza receiving Medical attention, and her writing in a pad. Det. Bourges, seeing Mrs. Franza writing on a wall. These alleged accounts coincide with the accounts given by P.O. Aponte and P.O. Alexander (See ¶'s 23, 59-60 herein). However, Mrs. Theis recognized Mrs. Mendez as being the second person taken out of the apartment. The identification of Mrs. Mendez being the second person taken out of the apartment was confirmed by

Mrs. Ferreira, who has known Mrs. Mendez for over 6 to 7 years (Ex. "11" [Theis]: 115-116, [Ferreira]: 128, 133-134, [Bourges]: 416-418, [Giorgio]: 562, 614). It should be noted, Det. Giorgio stated in the first Grand Jury presentation, when he entered the building Mrs. Franza was being wheeled out on a stretcher (Ex. "44" [Giorgio]: 23).

82. Det. Giorgio stated, he first saw Mr. Nelson Dacosta when Mrs. Mendez was being removed from the apartment. Mrs. Theis stated, when Nelson Dacosta arrived at the shooting scene he was screaming, who broke free from Police and entered the apartment. This being after Mrs. Mendez and Mrs. Franza were taken to the Hospital (Ex. "11" [Theis]: 117, [Giorgio]: 614).

83. Based upon all the foregoing, I submit it is more than clear a lot of corrupt energy was expended, and money spent, to cover up the fact Mrs. Mendez and Mrs. Franza were shot by two Detectives, why else create a diversion by suborning perjury of willful witnesses, fabricating evidence. Clearly, creating a diversion because they did not want it to be known there were rogue Detectives shooting people. Simply, this was a pure cover-up why else would my case be closed on February 12 of 1991, the day after my arrest, no further investigation, period. Does this make any sense, leaving the perpetrator's free to roam about, why? (Attached hereto as Exhibit "59" [Mrs. Mendez, P.D. Report Case Closed]; Attached hereto as Exhibit "60" [Mrs. Franza, P.D. Report Case Closed]). Let's not forget about the "Mafia Detectives" incidents, thing like this do happen.

84. I will now go into the Puerto Rico incident, which I am claimed to have orchestrated.

THE TRUE FACTUAL SCENARIO PERTAINING TO THE
PUERTO RICO INCIDENT WHICH PROVES I HAD NO INVOLVEMENT

85. On February 4th of 1991, Mr. Cezar Rodriguez for Federal Express, testifying for the defense, stated he received a package for shipment from a 5'6" dark skinned male having a Hispanic accent, having dry hair, accepting a Federal Express Airways Bill, and money order for payment of the shipment. These documents were entered into evidence (Ex. "1" pp. 78-80, 88, 91, 93, 96-98, 102; Ex. "4" pp. 28-29; Ex. "8" pp. 36, 40, 48-49; Ex. "11" [Behan]: 856-857, 883-885, [Rodriguez]: 1718-1722; See ¶'s 13, 20 herein; Attached hereto as Exhibit "61" [Federal Express Airways Bill]; Attached hereto as Exhibit "62" [American Express Money Order]). During the second Grand Jury presentation, Mr. Rodriguez stated the package was addressed to the "Roman Family" at Paseo Aguila 2629 Second Section, Levittown Catano, Puerto Rico, having the telephone number 1-809-784-1630 (Ex. "58" [Rodriguez]: 58-60).

86. The Federal Express Package Tracking Inquiry, for the package, 2/5/91 entry, proved the package had an INCORRECT RECPT ADDRESS / ADDRESS 2629 AGUILA. This Package Tracking Inquiry was never placed into evidence (Ex. "1" pp. 78, 82, 86, 88, 93, 101; Ex. "4" pp. 28-29; Ex. "8" p. 39; Ex. "11" [Sullivan]: 1107-1108, 1111; Attached hereto as Exhibit "63" [Package Tracking Inquiry]).

87. On February 5th of 1991, Miss Lamboy received a Notification Slip from Federal Express. Being placed on her gate, informing she had a package, having her name, address, 2629 Paseo Aguila and phone number. Such being placed into evidence (Ex. "11" [Lamboy]: 759-760, 767-769). This explains why the Package Tracking Inquiry stated there was an Incorrect Rcpt. Address, as the residence was that of Miss Lamboy not "Roman." Simply, the delivery man deciding to leave a notification for the current resident.

88. On February 6th of 1991, Mrs. Mendez received two threatening letters, one to Mrs. Franza and herself. The other to Nelson Dacosta informing a gift was sent to his grandmother. These letters and envelopes were entered into evidence (Ex. "1" p. 102; Ex. "8" p. 34; Ex. "11" [Mendez]: 237-244, 274-277, [Court Interpreter]: 510-511, [Giorgio]: 607-613, 667-668, 729; Attached hereto as Exhibit "64" [Letter To Mrs. Mendez & Mrs. Franza With Envelope]; Attached hereto as Exhibit "65" [Letter To Nelson Dacosta With Envelope]).

89. On February 6th of 1991, Miss Lamboy was apprised by her neighbor, at 2630, that a Federal Express delivery man tried to make a delivery to her. The neighbor willing to receive the package, however \$45.00 was needed and not having the money. Offering to receive the package if the money was left. Thereafter, Miss Lamboy proceeded to the residence of her sister Elba and calling her other sister Angeles, who goes by the name Angeles Roman Quinones telephone number 809-765-4792, explaining the delivery situation (Ex. "11" [Lamboy]: 758-762).

90. On February 7th of 1991, Miss Lamboy called Federal Express, informing her to leave the money with her neighbor, which she did. Giving Federal Express the check number, and the address of her neighbor as 2630 Paseo Aguila for delivery (Ex. "11" [Lamboy]: 762).

91. The Federal Express Customer Exception Request document proves, a Mrs. Roman called leaving the telephone number 792-5241, and there being another number 809-786-1923 (Attached hereto as Exhibit "66" [Customer Exception Request]) (It should be noted, the condition of this document is the way it was given).

92. By letter dated 2/24/2009, Federal Express responded to a query from a Miss Rose Marie Gonzalez, informing in pertinent part (Attached hereto as Exhibit "67" [2/24/209 Letter From Federal Express]), explaining the occurrence in ¶ 91.

This case file is also called a "customer exception request". This is basically an internal system for FedEx and our employees to use when tracking a package, or obtaining information from another FedEx facility or department. It means that a customer has contacted FedEx because some type of exception has occurred with their package that needs research, and has requested FedEx to resolve the issue.

93. On February 8th of 1991, Miss Lamboy received the package from her neighbor. Upon opening the package an inch or two, and looking inside of the case seeing wires and a pipe inside. The Police arriving who disarmed the device (Ex. "11" [Lamboy]: 763-765).

94. On February 11th of 1991 I was arrested, Det. Giorgio found on me a piece of paper having the telephone numbers and names 809-765-4792 Rio Predrias / 809-784-1630 Levittown, recognizing a number as being given to him by Mrs. Mendez and Mrs. Franza. Not finding it unusual for me to have these numbers. Giving the piece of paper to Special Agent Chris Behan, of the A.T.F., on the same day which was placed into evidence (Ex. "11" [Giorgio]: 619-621, 623-624, 688-689, 729-733, [Raymond]: 772, 783-784, 786-788, [Herbert]: 817-818, 825, [Behan]: 840-845; Ex. "29" [Giorgio]: 195-198, 270-272).

95. On February 11th of 1991, S.A. Behan stated he was at the 34th Pct. Seeing me at the Pct., and talking to Mr. Cezar Rodriguez who related to him what he saw, heard and did in relation to the pipe bomb going to Puerto Rico (Ex. "11" [Giorgio]: 619, 688-689, [Behan]: 841-842, 942).

96. A handwritten FAX, dated 2/12/91, contained the given information, "package shipped by male who signed Julio Ortiz on the shipping label" (Ex. "8" p. 42; Attached hereto as Exhibit "68" [2/12/91 FAX]).

97. As well, a Federal Investigative Report, prepared by S.A. Behan, dated 2/20/91, stated, "The package had been sent from the federal express office on 116st, New York, N.Y. on 2/4/91, by an unknown male who signed the name 'Julio Ortiz' to the airbill" (Ex. "8" p. 42; Attached hereto as Exhibit "69" [2/20/91 Federal Investigative Report]).

98. Mr. Rodriguez, during the second Grand Jury presentation, stated the man filled out the money order in his presence. At

trial, Mr. Rodriguez was never asked about this account before a jury (Ex. "11" [Rodriguez]: 1717-1725; Ex. "58" [Rodriguez]: 63-64).

99. Once again, the true and credible reliable evidence, proved I was not the one who mailed the package, it being one of the men from the shooting incident. That, Mr. Nelson Dacosta received a threatening letter informing a gift was sent to his grandmother. However, the package having an incorrect recipient address, going to someone other than the grandmother. That, I did not write on the Federal Express Airways Bill or on the American Express money order.

100. In sum, I had nothing to do with the package. In spite of the above true accounts, as revealed below there was first degree perjury committed in order to connect me to the package, as follows.

FIRST DEGREE PERJURY

101. In November of 1991, Mrs. Franza went to Puerto Rico for her brother's funeral, Wilfred Dacosta. Prior to leaving she stated she gave me the address of her grandmother as 2629 Paseo Aguila, and phone number, in case I needed to get a hold of her. Also, giving me the phone number of her Aunt in Rio Predrias (Ex. "11" [Mendez]: 280-281, [Franza]: 288, 334-336). During the second Grand Jury (Ind. No. 11987/91), Mrs. Franza stated her grandmother's last name was "Rosa Lamboy." When asked who is Roman answering its her grandmother's married name? That, I knew her grandmother by her married name "Ms. Rosa Roman? Mrs. Franza stated she gave me her grandmother's telephone as 809-784-1630

(Ex. "58" [Franza]: 49-50, 54).

102. However, completely contrary to the above, Mrs. Franza stated she thought her grandmother's name was "Rosa Lamboy Roman (Mrs. Mendez's mother), because Mrs. Mendez's maiden name was Roman, in spite of Miss Lamboy being Mrs. Mendez's younger sister (Ex. "11" [Mendez]: 246, [Franza]: 310, [Lamboy]: 754, 757). Equally, ridiculous is Mrs. Franza's claim that I knew her grandmother's last name as "Roman."

103. Miss Lamboy (Mrs. Mendez's sister) stated, her mother's name was "Rosa Matos." Mrs. Mendez stated, her mother's name was "Rosa Lamboy," just as Mrs. Franza (Ex. "11" [Mendez]: 244, [Lamboy]: 756). This is insane.

104. Miss Lamboy stated she has lived at 2629 Paseo Aguila for 26 years, and that her mother lived with her all of her life. Mrs. Mendez stated, her mother lived at 1826 Paseo Aguila with her sister Evelyn (Ex. "11" [Mendez]: 245-246, [Lamboy]: 754-757).

105. Mrs. Franza stated, her grandmother lived with Angeles Evelyn, Evelyn Norris, having two names. However, Miss Lamboy stated, her other sister's name is Angeles. Mrs. Mendez stated, her mother lived with Evelyn Norris-Figueroa, Figueroa being her last name. Miss Lamboy stated, her name is Evelyn Norris-Figueroa Lamboy (Ex. "11" [Mendez]: 245-246, [Franza]: 335, [Lamboy]: 757). Again this is insane.

106. Mrs. Mendez stated, she told Mrs. Franza for the first time that her mother never married her father, in the presence of A.D.A. Brancato. Mrs. Mendez acknowledged this occurrence

happened the previous Monday, Mrs. Franza not knowing otherwise (Ex. "11" [Mendez]: 244-245). However, once again, at the second Grand Jury presentation, a much earlier time, Mrs. Franza stated her grandmother's name was "Rosa Lamboy," this was her prior knowledge while we were together which she imparted to me. Clearly, Mrs. Franza knew her grandmother's last name, while we were together, was not "Roman," her telling me her grandmother's last name as "Roman" was not true (Ex. "58" [Franza]: 49).

107. All the above are classic examples of lying. They all got their lines mixed up and committed first degree perjury. All this perjury was committed to spawn an inference I knew her grandmother as "Roman," and her living at 2629 Paseo Aguila, in order to connect me to the shipment of the package, as the Federal Express Airways Bill had the name "Roman" along with her alleged address and telephone number. This is proven below as to be such the case.

108. As previously mentioned, Miss Lamboy stated the Federal Express Airways Bill she found on her gate had her name, address and phone number being 809-784-1630, being listed under her name (Ex. "11" [Lamboy]: 757-759, 767-769). Mrs. Franza giving the same number during the second Grand Jury presentation as being the number she gave me for her grandmother (Ex. "58" [Franza]: 54-55). However, the Puerto Rico P.D. reports reveal Miss Lamboy having two telephone numbers 786-1923 and 786-5241 (Ex. "26" p. 3; Attached hereto as Exhibit "70" [P.R.P.D. Report]: p. 3). The Federal Express Customer Exception Request reveals the numbers 792-5241 and 786-1923 (Ex. "66").

109. Miss Lamboy stated her mother lived with her all of her life, at 2629 Paseo Aguila. Further, Miss Lamboy stated her mother passed away on November 24th of 1990 (Ex. "11" [Lamboy]: 757). However, she informed the press she has lived alone at 2629 Paseo Aguila for many years. And, that she does not know the origin of the Roman family when she had family members named Roman as testified to (Ex. "1" pp. 82, 89; Ex. "8" p. 40; Ex. "11" [Lamboy]: 756, 761; Attached hereto as Exhibit "71" [El Nuevo Dia 2/10/91 Puerto Rico Newspaper Article]).

110. As for Mrs. Franza, stating her grandmother's last name was Lamboy, and that I knew her grandmother by "Roman," a ridiculous account, and Mrs. Mendez stating Mrs. Franza never knew that her father never married her father (Mr. Roman Ex. "11" [Lamboy]: 756), and Mrs. Franza now stating her grandmother's last name was "Roman," was nothing more than an attempt to draw an inference I knew the grandmother as "Roman," in order to connect me to the shipment. Note, Miss Lamboy attended our wedding, Mrs. Franza introducing her to me as Miss Evelyn Lamboy, her being Mrs. Mendez's younger sister. I most surely did not know the grandmother's last name as "Roman," only by Lamboy as Mrs. Franza believed (§ 106 herein).

111. In light of the above, me being given a wealth of information pertaining to the grandmother as claimed, then why is it the package did not have the grandmother's name. Why did the Federal Express Package Tracking Inquiry state there was an "Incorrect Recipient Address," when it was portrayed the package went to the right address where the grandmother was alleged to

have lived, from inception (Ex. "11" [Lamboy]: 754-771), even the Zip Code was wrong (Ex.'s "61" & "63"). Why did the package have the incorrect telephone number for the grandmother. Why would all the occurrences happen if I had all the correct information as testified to.

112. Clearly, the answer to the above is simple. They were committing first degree perjury in order to tie me to this package, creating a false inference ("Roman").

113. In sum, most tellingly, Mrs. Franza did not tell me her grandmother's last name was "Roman." Nor, did Mrs. Franza give me her grandmother's address, however, giving me two telephone numbers before she went to Puerto Rico for her brother's funeral as 809-765-4792 and 809-784-1630 (¶ 94 herein), which were not Miss Lamboy's true telephone number, 809-786-1623. It is clear, whoever sent this package did not know the grandmother's name, address and phone number.

114. While there was first degree perjury committed there was more which goes to the very heart of the shipment of the package, as well. In fact, the following facts more than suggest Mr. Rodriguez's testimony was tampered with, as follows.

115. As previously mentioned, Mr. Cezar Rodriguez stated he accepted the Federal Express Airways Bill, and a money order for payment of the shipment, from the man who brought the package in for shipment (¶ 85 herein). As well, Mr. Rodriguez stating, during the second Grand Jury presentation, **the man filled out the money order in his presence**, never being asked about this account before a jury (¶ 98 herein). Further, S.A. Behan stating

he spoke to Mr. Rodriguez, on February 11th of 1991, who related to him what he saw, heard and did in relation to the shipment (¶ 95 herein). Further, the given information memorialized within the Federal documents stating the package was shipped by a male who signed the name Julio Ortiz to the Airbill shipping label (¶'s 96-97).

116. Well, as for the Federal Express Airbill account, during the second Grand Jury, a true bill being filed on November 1st of 1991 (Attached hereto as Exhibit "72" [True Bill]), many months after S.A. Behan spoke to Mr. Rodriguez, Mr. Rodriguez, all of a sudden, changed his account and stated the man came in with the Federal Express Airways Bill with the name "Julio Ortiz" already signed (Ex. "58 " pp. 60-61). During trial Mr. Rodriguez said the same thing (Ex. "11" [Rodriguez]: 1723).

117. As well, as for the money order account, once again, changing his account on defense direct, out of the presence of the jury, that the man came in with the money order already filled out. Defense counsel wanting to impeach Mr. Rodriguez with his Grand Jury testimony and was not allowed by the Judge (Ex. "11" [Rodriguez & Impeachment Argument]: 1525-1546).

118. The reason why they did not call Mr. Rodriguez, on their direct case against me, was because of his second Grand Jury presentation account in claiming the man filled out the money order in his presence (Ex. "58" pp. 63-64), which would of destroyed Det. Breslin's credibility. How so, Detective Breslin, once again (¶'s 40, 45), stated my handwriting exemplars matched the handwriting on the Federal Express Airways Bill and on the

American Express money order. Had A.D.A. Brancato and then A.D.A. Sheindlin called Mr. Rodriguez, like they were suppose to have done in their direct case against me, and defense counsel on cross impeaching Mr. Rodriguez with his Grand Jury testimony, Det. Breslin's handwriting connection conclusions would have been destroyed before the jury. This is why A.D.A Brancato, during the second Grand Jury presentation, attempted to prod Mr. Rodriguez into changing his testimony by asking him twice if the man came in with the money order already filled out, a cueing attempt, and for whatever reason did not work (Ex. "58" [Rodriguez]: 63-64). Most interestingly, it should be noted, in October of 1991, Det. Breslin having over one hundred (100) pages of my handwriting, taken during federal searches, **could not connect** my handwriting to the handwriting on the Federal Express Airways Bill and on the American Express money order. Making such findings of a connection after receiving my **November 6th of 1991** exemplars, as well now making the assessment with the documents which he could not previously make a connection with (Ex. "8" p. 37; Ex. "11" [Giorgio]: 615-619, [Breslin]: 1211-1236, 1330-1356, 1416-1421, 1453-1455; Attached hereto as Exhibit "73" [Breslin's Report No I.D]; Attached hereto as Exhibit "74" [Breslin's Report I.D.]; Attached hereto as Exhibit "75" [Exemplars]).

119. It is clear, Mr. Rodriguez was manipulated into changing his accounts now committing first degree prejury. Det. Breslin's connections being totally worthless. Making connections when I was not the author of the documents.

120. Incidentally, the voucher for the Federal Express Airways Bill, and the voucher for the American Express money order, reveal the Property Clerk never signed for these items (Ex. "1" pp. 79-80, 98, 102; Attached hereto as Exhibit "76" [Voucher For Federal Express Airways Bill]; Attached hereto as Exhibit "77" [Voucher For American Express Money Order]).

121. While the above first degree perjury was horrendous, the next instance is even more breathtaking.

122. As previously mentioned, Det. Breslin stated my handwriting matched the handwriting on the Federal Express Airways Bill (§ 118 herein). His finding was based upon observations made using a stereo microscope, seeing retraces, introductory strokes, connecting strokes, pen twist, pen stops, and downward motions (Ex. "11" [Breslin]: 1212-1226).

123. Well, A.T.F. Special Agent Gerald Raffa, stated there are numerous copy's in an Airways Bill (Ex. "29" [Raffa]: 313-314). Mr. Rodriguez stated he distributed the copy's of the Airways Bill (Ex. "11" [Rodriguez]: 1722). The new Federal Express Airways Bill proves there are indeed numerous copy's: (1) Senders copy; (2) manifest billing copy; (3) origin copy; (4) customs copy; (5) destination copy, and; (6) recipient copy (Attached hereto as Exhibit "78" [New Federal Express Airways Bill]).

124. It is clear the first copy goes to the sender bearing the inked writing, a copy clearly not in possession of Federal Express. A viewing of the Federal Express Airways Bill in question reveals it is a carbonless copy (Ex. "61"). Such

proving Det. Breslin based his analysis on a carbonless copy which bears no inked writing, to see pen twist, etc. Most clearly, Det. Breslin's analysis was fraudulent. Det. Breslin having no credibility, whatsoever, and for the following.

125. The threatening letters Mrs. Mendez received (¶ 88 herein), each envelope had one ¢.25 stamp and two ¢.03 stamps, having a bald man with glasses. Mrs. Franza stated she brought ¢.03 stamps having a bald man with glasses. During the federal search of my apartment ¢.03 stamps were found, which were given to Det. Breslin. These stamps were entered into evidence (Ex. "1" p. 103; Ex. "8" p. 53; Ex. "11" [Franza]: 375-376, [Behan]: 846-848, 855-856; Attached hereto as Exhibit "79" [Stamps]). Det. Breslin stated, the stamps found in my apartment matched the stamps on the threatening letters (Ex. "11" [Breslin]: 1264-1303. However, in spite of a claimed connection, he stated a stamp is out of alignment, being higher. That he moved the stamps off center as people's eyes tend to match them or fill in the gaps. That people can make their own alignment (Ex. "11" [Breslin]: 1295-1296). A viewing of the stamps reveals they do not match, the connections being egged shaped, not round in any sense for a basis of a connection.

126. Incidentally, once again, the voucher for the ¢.03 stamps reveals the Property Clerk never signed for the stamps (Ex. "76").

127. Det. Breslin stated, he raised indented writing from a paper taken during the federal search. Such paper having personal information on Nelson Dacosta, raising the word SHOOT,

which he believed he saw. However, he could not tell how many pieces of paper were before this paper. Noticing the indented writing when the Sunlight hit the paper, while with A.D.A. Brancato in Brancato's office. This was entered into evidence (Ex. "11" [Breslin]: 1241-1243, 1257-1263, 1424-1426).

128. As for the threatening letters, Det. Breslin stated my handwriting exemplars bore strong similarities to the handwriting on the envelopes containing the threatening letters (Ex. "11" [Breslin]: 1263-1266, 1303-1306, 1428-1429, 1444-1455; Ex. "75"; ¶'s 88, 118 herein).

129. It is more than clear, Det. Breslin was extremely instrumental in securing my conviction, evidenced by all of his claimed connection findings, based upon false evidence and perjury, some purely outlandish on their face (¶'s 45, 118, 122-125, 127 herein). A glaring example of this, is Det. Breslin stating he received the floral delivery note on July 18th of 1990, the day after the shooting incident, which never existed, claiming my handwriting matched this phantom floral delivery note, as amply proven (Ex. "11" [Breslin]: 1327); ¶'s 17-79 herein). It's amazing how my claimed handwriting keeps on being connected to everything? Horrendous behavior.

130. However, there is even more that raises grave concerns, as to the veracity of the American Express money order alleged to have paid for the shipment, raising perjury concerns.

131. The money order at the very top below the "Y" of the word money, there is a "02" the "0" being slanted. Right after the "2" is a hyphen then another slanted "0". The number to the

right center of this "0" being handwritten, not machined as the other numbers. The handwritten number appearing to be a sloppy "2" or "7". Clearly this money order was tampered with, it appearing to be the issuance date area (Ex. "62").

132. A viewing of the endorsement side of the money order reveals the letters "UPNB" or "UPN8". However, Federal Express, by its letter dated 1/15/2009, informed such designations are not used to identify Federal Express offices anywhere (Attached hereto as Ex. "80" [1/15/2009 Letter]; Ex. "62"). So, is this the money order that was used to pay for the shipment, who cashed this money order.

133. Lastly, a viewing reveals the background of the handwritten areas are white, as well other areas. The money order at the top says, "THIS DOCUMENT CONTAINS AN ERASURE SENSITIVE FACE, ATTEMPTED ALTERATIONS WILL APPEAR WHITE" (Ex. "62"). It appears this money order was tampered with. My alleged handwriting appearing on this money order.

134. With respect to the remainder of the case against me, there was no evidence connection, as revealed below.

REMAINING TRIAL FACTS

135. With respect to the federal searches of my apartment, from my landlords basement, and from the garage I rented, all the items recovered were subjected to examinations in an attempt to connect the items to the pipebombs sent to Puerto Rico, and the pipebomb recovered at Mr. Nelson Dacosta's door an uncharged crime.⁵ The testing revealed there were no direct conclusive findings exclusively linking any of the items to the pipebombs

(Ex. "11" [A.T.F. Chemist, Gregory P. Czarnopys]: 951-1021, [A.T.F. Explosive Technology Branch, Joseph C. Lund]: 1148-1181, [A.T.F. Firearms & Tool Mark Examiner, Carlos J. Rosati]: 1651-1690; Ex. "28" [First Search Warrant & Affidavit]; Attached hereto as Exhibit "81" [Second Search Warrant & Affidavit]).

136. In fact, A.T.F. Chemist Czarnopys stated, **there was a whole lot of stuff that did not relate to anything** (Ex. "11" [Czarnopys]: 987). The gunpowder found in my apartment, as I reload my own ammo to use at the gun range, not matching the gunpowder used in the pipebombs (Ex. "11" [Franza]: 328-331, 352-353, 376-377, [Bourges]: 423, 432-433, [Giorgio]: 657-658, [Raymond]: 811-812, 815-816, [Behan]: 865, 894-895, 924-925, [Czarnopys]: 958-966, [Gonzalez]: 1588-1590).

137. With respect to a handwritten list found in my apartment containing topics on gunsmithing, special weapons, and various topics on explosives, including WWI & WWII, none of the book mentioned were found in my apartment. This list was entered into evidence to draw the inference that I made the pipebombs (Ex. "11" [Behan]: 850-855, 921-923, [Lund]: 1155-1160; Attached hereto as Exhibit "82" [List]). It should be noted, S.A. Behan did not even investigate to find out if I ever purchased or owned any of the books in the list (Ex. "11" [Behan]: 1696-1697, 1699-1702). Even S.A. Lund stated, the books in the list were available to the general public (Ex. "11" [Lund]: 1172-

5- On August 11th of 1990, a pipebomb was recovered in front of Nelson Dacosta's apartment door, which was disarmed. The device having a firecracker as a detonator (Ex. "11" [Giorgio]: 601-602, 666-667, 731, [Raymond]: 772-774, 785, 788-789, [Herbert]: 824, [Sadowy]: 1031-1046, [Dacosta]: 1615. This goes right in line with ¶'s 11-12. Why was I not charged for this crime?

1174).

138. As for the unopened packs of firecrackers found in my apartment, it was claimed such were similar to the one used as a detonator in the Nelson Dacosta pipebomb. Chemist Czarnopys did not investigate where the firecrackers were manufactured or sold. These firecrackers were entered into evidence (Ex. "11" [Behan]: 875-876, 879-880, 941, [Sadowy]: 1040, [Czarnopys]: 982-984, 994-995). Most assuredly, I am not the only one who has such. I lived in a two family house. I rented the first floor. My Landlord had three very young sons, and one very young daughter. I always brought fireworks to set off for them on July 4th, it was like big to them, remember when you were a child. I was like a big brother to them.

139. In light of all the foregoing, A.D.A. Brancato, in opening and during summation, condemned me in every fashion, vouchering for the credibility of Det. Breslin's to a major extent (Ex. "11" [Opening]: 20-70, [Summation]: 1813-1906).

140. To further highlight the fraudulent nature of A.D.A. Brancato's atrocious summation, is the following.

141. A.D.A. Brancato, outlined the testimonies of Mr. & Mrs. Francis (my neighbor's), and Mrs. Ferreira: That, Mrs. Ferreira called my residence on **July 17th of 1990**, leaving a message on my answering machine for Mrs. Franza apprising something happened to her mother, Mrs. Mendez, and for her to come over right away; that in the evening of **July 17th of 1990** I told Mr. Francis that I received a message on my answering machine, me saying Mrs. Franza was shot, and Mrs. Francis stating I said

something happened to Mrs. Franza. Information I was not suppose to have know at the time, highly incriminating (Ex. "11" [Ferreira]: 131-132, 134-137, [Mrs. Francis]: 440-446, [Mr. Francis]: 460-469, [Brancato]: 1867-1873). A representation fully knowing it was false, as follows.

142. When Mr. & Mrs. Francis said the above, it was thereafter stated by them I left in my **Red Mustang**, parked behind Mr. Francis's car, and that they did not see my friend Tracy Jenkins. Well, I arrived at the shooting scene in a **black car with New Jersey plates, with a black male later identified as Tracy Jenkins, and that I was the passenger in the vehicle.** It was further testified by Det.'s Ortiz and Bourges that they took me home the night of the shooting's, **observing me getting into my car in a garage area which I rented, and drive off.** Mrs. Francis, upon further questioning stated she believed she received the information on what happened the next day, which is what I indeed did. A.D.A. Brancato questioning her credibility. Det.'s Giorgio and Ortiz visiting Mr. & Mrs. Francis seven months after the shooting's, why wait seven months as memories fade. It is beyond question this was an atrocious misrepresentation by A.D.A. Brancato (Ex. "11" [Bourges]: 421-424, [Mrs. Francia]: 439-453, 455-457, [Mr. Francis]: 459-476, [Giorgio]: 632-633, 654-655, [Brancato]: 1872).

143. At sentencing, A.D.A. Sheindlin condemned me in graphic fashion, fully knowing of the fraudulent nature of their case against me, asking for 100 years. The court being swayed by A.D.A. Sheindlin condemned me. Running all the verdicts

consecutive to eachother amouting to 28 to 84 years (Attached hereto as Exhibit "83" [Sentencing Transcript]: 1-17).

144. As for my conduct throughout the entire investigation, I did nothing else but cooperate with all the request of the Detectives. The only time I did not cooperate was the day of my arrest, and that's because I had enough of their abusive conduct toward me, which I endured (Ex. "29" [Giorgio]: 127-135, 138-157, 171-173, 176-179. 226-228, 234-235, 237-243, 250-253, 273-278, [Ortiz]: 350-362).

145. In fact, I took a polygraph examination as requested by Det. Giorgio, which came back inconclusive. As a result, I paid for two polygraph examinations. One was from one of the foremost polygraphist in the Country, the other from a Protective Agency, revealing I had no involvement in the shooting's (Ex. "29" [Giorgio]: 138-139, 143-150, 156-157, 236-243, 250-253, 273-278; Attached hereto as Exhibit "84" [D.A. Polygraph Documents]; Attached hereto as Exhibit "85" [Certified Polygraph, Inc. Documents]: Attached hereto as Exhibit "86" [Ace Protective Services, Inc. Documents]).

146. Based upon all the foregoing, it is more than clear a lot of energy was expended and taxpayer money spent to keep the true facts concealed from two Grand Jury's and a trial jury, creating diversions by suborning perjury of willful witnesses, evidenced by A.D.A Brancato's and then A.D.A. Sheindlin's very own discovery materials (Ex. "58" [Second Grand Jury Presentation]; Attached hereto as Exhibit "87" [First Grand Jury Presentation]). In sum, allowing the jury to reach verdicts of

guilty, and Grand Juror's to indict, fully knowing of the fraudulent nature of my case. Unconstitutional acts (Attached hereto as Exhibit "88" [Indictment 1647/91]; Attached hereto as Exhibit "89" [Second Indictment 11987/91). Defense counsel failing to use the voluminous documents exposing the fraudulent nature of the case against me, clearly working with the prosecution.

147. Enhancing the above, is the fact there was no probable cause to arrest me (Ex. "29" [Giorgio]: 253-254, 258-270, 278-283, 299, 303).

- 1) On September 5th (1990) Det. Giorgio received information that my handwriting exemplars matched the handwriting left at the scene. On the advice of A.D.A. Brancato I was not arrested. Not placing me under arrest for six (6) months
- 2) I was not identified in a line-up as the sender of the package to Puerto Rico
- 3) There being no evidence connecting me to the Nelson Dacosta pipebomb
- 4) There being no forensic evidence connecting me to the threatening letters
- 5) No eyewitnesses who saw me type the letters
- 6) Det. Giorgio claiming in his mind by virtue of his comparison of my writing to the handwriting on the envelopes containing the threatening letters finding it evidence. However, not placing me under arrest because of his prior conversation with A.D.A. Brancato
- 7) Receiving information that a bomb was sent to Puerto Rico and did not arrest

me. There being no evidence or forensic evidence. Having an instinct. Acknowledging feeling and instincts are not evidence

- 8) Not arresting me based upon a statement I made
- 9) After conferring with A.D.A. Brancato my arrest was effected
- 10) The A.T.F. not informing of any evidence linking me to the Puerto Rico pipebomb of any type
- 11) The only forensic evidence that existed at the time of my arrest was Det. Breslin comparison finding my exemplars matched.

148. Clearly, I was arrested on the advice of A.D.A. Brancato's assessment, which he is prohibited from giving. More important is the fact, Det. Breslin reemerges, this phantom floral delivery note as well. It is clear, I gave handwriting exemplars to have matched against a floral delivery note that did not exist, and there being an identification made and I'm not arrested for six (6) months? This was clearly a pre-planned scenario to utilize at a later date if need be. Note, I was arrested on February 11th of 1991, and started Pre-Trial proceedings on January 12th of 1992, eleven (11) months later, plenty of time to set things into motion and coach witnesses, which they obviously did. Note, as well, defense counsel visited me numerous times while I was in the Manhattan House of Detention with numerous cop out offers. When I refused all of them, it is clear that's when they set things into motion, as they had nothing to sustain a conviction, **the need be arose**. The truth is **WHY** would they do all of this, **WHAT WERE THEY HIDING**

AND PROTECTING??????

149. Further, it should be noted, this false basis to arrest me, and the mention of my arrest within the affidavits of the federal search and arrest warrants (Ex.'s "28", "30", "80"), were the linchpins in securing such. Without these mentions the warrants would of not issued, which is why I was arrested to create probable cause.

150. While the following is not warranted, I feel compelled to do so. Understand, I take no pleasure in further exposing Mrs. Franza's lies. Mrs. Franza stated, in 1989, during an argument I assaulted her, threatening her with her life, and that of her parents, if she left me. Coming back to me within a week or two. In reality it was three days later (Ex. "11" [Franza]: 290-305, 327-328, 342-343, 380-381, 393).⁶

151. Again, Mrs. Franza stated, on June 25th of 1990, during an argument outside of her place of employment waiting for my father (Frank Franza) I assaulted her, threatening her with her life if I caught her cheating on me. That I would find her even if she went to Puerto Rico. This incident causing her to move out of the apartment on June 28th of 1990 (Ex. "11" [Franza]: 305-313, 357-358, 369-370). However, Mrs. Franza remembered my mother (Gladys Franza) was in the Hospital the entire day and night, that she and I took her, and that I was there the entire day. Well, she was shown the Hospital bill and acknowledged my mother received said Medical attention on June 25th of 1990.

6- Your HONOR should know the following. I met my wife through Miss Maribel Matos (Ex. "11" [Mendez]: 249-250), who was my girlfriend for two (2) years, and was the Maid of Honor at our wedding. We broke up due to an indiscretion on her part.

Faced with her perjury she still held on to her statement (Ex. "11" [Franza]: 359-361, 364).

152. Mrs. Franza denied being a co-proprietor in a business called "Nick's Gun Store" (Ex. "11" [Franza]: 352). Well, the application for a Federal Firearms Licence (F.F.L.) reveals Mrs. Franza's signature as a partner (Ex. "8" p. 59; Attached hereto as Exhibit "90" [F.F.L. Application]). A viewing of a check reveals Mrs. Franza's signature, which clearly matched her signature on the F.F.L. Application (Ex. "8" p. 59; Attached hereto as Exhibit "91" [Check]).

153. Mrs. Franza is incapable of telling the truth under any circumstances, no credibility. **WHY** did she work with the prosecutors against me? Once again, I take no pleasure in having to attack the woman I loved. **WHY** would she do this?

154. These prosecutors totally destroyed my parents (may they rest in peace) who most definitely wondered what was to become of me on their passing. Placing stress on their lives. Robbing me of my life with my family, and profession as a N.Y.C. Local Union #3 Class "A" Construction Journeyman Electrician. No family should be subjected to such abuse. No man/woman be he/she guilty or innocent, should be accused, tried and conviction upon the knowing and intentional use of false evidence and false testimonies. This is how innocent people get convicted. These prosecutors cannot be trusted with telling the truth, as they have exhibited a propensity to conjure. I can only imagine the lies, and false evidence, they will spew in order to appear innocent of their behavior. I'm sure they have stuff lined up

the question is can you trust them with telling you the truth. I would not. Simply, John Brancato and Gregory Sheindlin need to immediately loose their Law licences, as they have broken every cardinal principle of law. The public must be rid of them.

155. With respect to a previous Full Pardon request I made, your HONOR should know the following. On August 5th of 2013 I, by process service, served upon Gov. Cuomo my "Verified Demand For Release Restoration Of Liberty Interest With Exhibits." On October 3rd of 2013, I, by process service, served upon Gov. Cuomo my "Verified Response And Application For A Full Pardon." On June 11th of 2020, William Fitzpatrick, Director of the Executive Clemency Bureau, informed me my Full Pardon application remains under review with Gov. Cuomo's office (Attached hereto as Exhibit "92" [6/20/2020 Letter]). This is not the only time I have asked for a status update, always no determination, 10 years, Why. If your HONOR'S staff cannot find these applications please advise me immediately, I will make every attempt to provide them, if your HONOR deems it necessary in light of this application.

156. Lastly, every time I've gone to the Parole Board, since 2015, I've been denied based upon the seriousness of the crimes for which I am falsely accused of. Always professing my innocence at every Parole Board interview, never faltering. In fact from sentencing (Ex. "82").

WHEREFORE, based upon all the foregoing I ask your HONOR to immediately GRANT my FULL PARDON APPLICATION. Your HONOR is the only one who can remedy the wrong that has been committed, as

the courts have all failed to remedy my unjust conviction. You are my only hope.

Most Respectfully

Dominic M. Franza

VERIFICATION

State of New York)
)ss.:
County of Dutchess)

Dominic M. Franza, being duly sworn, deposes and says: I am the maker of this application for a FULL Pardon above named; I have read the foregoing application to the Hon. Kathy Hochul and know its contents; the same is true to my own knowledge, except as to matters therein stated to be upon information and belief, and as to those matters I believe it to be true.

Dominic M. Franza
Dominic M. Franza
92A3659

Subscribed to and sworn to before me
this 5th day of January, 2023

Barbara A. Freese
Notary Public

BARBARA A FREESE
NOTARY PUBLIC-STATE OF NEW YORK
No. 01FR636184
Qualified in Dutchess County
My Commission Expires 07-17-2025