MICHAEL A. SIRAGUSA
ERIE COUNTY ATTORNEY

COUNTY OF ERIE

MARK C. POLONCARZ
COUNTY EXECUTIVE
DEPARTMENT OF LAW

MICHELLE M. PARKER
FIRST ASSISTANT COUNTY ATTORNEY

JEREMY C. TOTH
SECOND ASSISTANT COUNTY ATTORNEY

November 26, 2013

Mr. Robert M. Graber, Clerk
Erie County Legislature
92 Franklin Street. 4th Floor
Buffalo, New York 14202

Dear Mr. Graber:

In compliance with the Resolution passed by the Erie County Legislature on June 25, 1987, regarding notification of lawsuits and claims filed against the County of Erie, enclosed please find a copy of the following:

File Name:	*Nash, Reeseie v. Thomas Diina, Superintendent, Erie County Holding Center, Andrea W. Evans, Chairwoman, NYS Division of Parole*
Document Received:	Verified Petition
Name of Claimant:	Reeseie Nash #49658 Erie County Holding Center 40 Delaware Avenue Buffalo, New York 14202
Claimant's attorney:	Claimant is proceeding *pro se*.

Should you have any questions, please call.

Very truly yours,

MICHAEL A. SIRAGUSA
Erie County Attorney

By: Michelle Parker
Michelle M. Parker
First Assistant County Attorney

MMP:dld
Enc.

SUPREME COURT : STATE OF NEW YORK
COUNTY OF : ERIE

In The Matter Of The Application Of ;
REESELE NASH
Petitioner,
vs.
NEW YORK STATE DIVISION OF PAROLE,
Respondent.

Amended
PETITION FOR A WRIT OF HABEAS CORPUS

INDEX : 2013-2698

To: The Supreme Court Of The State Of New York
Petitioner respectfully alleges and shows :

1. Petitioner, Reeselie Nash, makes this application pro-se
2. Place where petitioner is restrained of his liberty is:
Erie County Holding Center ; 40, Delaware Ave ; Bflo., N.Y. 14202
3. People Causing petitioners detention is: N.Y.S. Division of Parole
4. Validity of petitioners detention hinges upon Warrant number [671894]; EXIBIT A
5. No Court or Justice of the United States Of America has an exclusive jurisdiction over petitioner to order the said Reeselie Nash released
6. Detention of petitioner is illegal in that on July 5, 2013, petitioner was arrested for violating condition of parole in that he was 'unsuccessfully discharged from the Grace House Program' on July 3, 2013. In fact, this is untrue. Petitioner, at time of arrest, demanded a 'Preliminary' hearing to challenge validity of detention. on July 8, 2013, this was indicated at signing of revocation papers - at approximately 8:15 am; See EXIBIT B. On July 14, 2013, a preliminary hearing was held and at hearing petitioner was advised not to proceed with hearing because parole officer

Hernandez would be presenting a document from Grace House Staff that would state that petitioner was indeed discharged from Grace House for violating rules. Petitioner challenged and during hearing objected to document noting that it was fraudulent for purposes of preliminary hearing. It states that - On July 8TH, it is effective July 3RD, that petitioner is discharged See EXIBIT C. The objection was overruled and by the introduction of said document, petitioner was held beyond preliminary hearing. Petitioner asserts that after hearing held on July 14TH, 2013; N.Y.S. Parole, Violation Unit mailed me a copy of ALL FAXES SENT TO PAROLE FROM GRACE HOUSE, INCLUDING ONE WHEREINWHICH PAROLE APPARENTLY REQUESTED THAT A DOCUMENT BE FORGED FOR PURPOSE OF KEEPING PETITIONER DETAINED UNLAWFULLY; See EXIBIT D. Moreover, Grace House did not discharge petitioner, Parole discharged petitioner. Parole, therefore, cannot make petitioner liable for discharge of which parole instigated. If not for paroles intrusive intervention of due process and the manipulated findings at preliminary hearing, petitioner would have enjoyed rights and privelleges fundemental and material to fact finding process and would not have been held if not for the impairment of integrity of preliminary hearing and prejudice to petitioner would not have resulted.

7. No appeal has been taken from any order or judgment in proceedings against respondents

8. WHEREFORE; PETITIONER PRAYS FOR THE

ISSUANCE OF A WRIT OF HABEAS CORPUS, TO BE DIRECTED TO N.Y.S. PAROLE, REQUIRING THE PRODUCTION OF REESEIE NASH, FROM THE ERIE COUNTY HOLDING CENTER FOR THE PURPOSE OF INQUIRING INTO THE IMPRISONMENT AND RESTRAINT OF THE SAID REESEIE NASH, BEFORE THIS COURT AND DELIVER PETITIONER HEREIN - THEREFROM.

RANDALL KLINGER
COMMISSIONER OF DEEDS
In and For the City of Buffalo, Erie County, NY
My Commission Expires Dec. 31, 2014
10-3-13

x

REESEIE NASH #496
40, Delaware Ave.
Buffalo, N.Y. 14202

Sworn To Before Me
This 3rd Day Of October - 2013

AFFIDAVIT IN SUPPORT OF
PETITION FOR WRIT OF
HABEAS CORPUS

I, Reeseie Nash, petitioner pro se, makes this affidavit in support of my petition for Writ of Habeas Corpus.

On July 3, 2013, I was stabbed and attacked at Grace House by Grace House bordee, after which I went to ECMC for extensive reconstructive surgery of my face which required 248 continual stitches plus 2 additional stitches over my eye. Later and after surgery, I was told that Parole discharged me from Grace House and that although parole is closed, they wanted me to report immediately. On July 5, 2013, Parole officer Hernandez called me, asked if I wanted to sue Grace House or Press Criminal Charges and on the affirmative, I was told that Felony Complaint must be prosecuted through them (Parole) so come in and sign statement to initiate process. Upon arrival, I was apprehended and told that Parole couldnt afford public or media exposure to the case while attacker was "on run" and that "before I let my halfway house go down the drain, I'll see to it that you go down the drain" as stated by senior parole officer - De Gal. I was confined to Erie County Holding Center - on 7/5/13 - and on 7/8/13, signed Parole Revocation Papers. During signing, I marked indicator for preliminary hearing (Exibit B). Apparently, that morning P.O. Hernandez requested Grace House staff

to back date and falsify records to indicate that I was discharged on July 3, 2013, so that probable cause could be found at preliminary hearing and would require that I be held for further proceedings (Exibit D). Exibit D reflects (1) fax pages from Grace House - one of which indicates paroles request for the fraudulent document. If not for paroles overpowering manipulation of hearing, probable cause did not exist to warrant a further holding and if not but for the impairment of the integrity of due process, prejudice would not have resulted and the results of the hearing would have been different. This also impeeded filing for prosecution - Exibit 1.

x Reesie Nash

Reeseie Nash

Sworn To Before Me This
3rd Day of October 2013

RANDALL KLINGER
COMMISSIONER OF DEEDS
In and For the City of Buffalo, Erie County, NY
My Commission Expires Dec. 31, 2024
10-3-13

VERIFICATION

I, Reeseie Nash, being duly sworn, deposes and says:

1. I am the petitioner to the enclosed captioned matter

2. Affirm the contents of writ and affidavit and application pursuant to CPLR 1101 (F) to be true to the best of my knowledge

3. As to the matters alleged therein based upon information and belief, I acknowledge them as such and believe them to be true

x Reeseie Nash

Reeseie Nash

Sworn To Before Me This
3rd Day of October 2013

RANDALL KLINGER
COMMISSIONER OF DEEDS
In and For the City of Buffalo, Erie County, NY
My Commission Expires Dec. 31. 2014
10-3-13

AFFIDAVIT OF SERVICE

I, Reeseie Nash, being duly sworn, deposes and says that on this 3rd day of October, 2013, I mailed a true and accurate copy of the enclosed Writ of Habeas Corpus; Application Pursuant To CPLR 1101(f) as well as Exibits A, B, C, D and 1, for a total of (9) pages, to the following party

Oliver C. Young - ESQ.
Principal Court Atty.
92, Franklin St. 2nd Floor
Bflo., N.Y. 14202
STATE OF NEW YORK
SUPREME COURT CHAMBERS

x Reeseie Nash
Reeseie Nash

Sworn To Before Me This
3RD Day of October 2013

RANDALL KLINGER
COMMISSIONER OF DEEDS
In and For the City of Buffalo, Erie County, NY
My Commission Expires Dec. 31, 2014

10-3-13

EXIBIT A-1

State of New York—Executive Department—Division of Parole

VIOLATION OF RELEASE REPORT

Warrant Issued: XX **No Warrant Issued: _____**

Name:	**Nash, Reeseie**	Date Released:	5/8/13
NYSID No:	08257936Q	Max. Expiration:	5/8/18
Institution:	Orleans CF	Date of Warrant:	7/5/13
DIN No:	07B3157	Warrant No.:	**671894**
DOB:	3/1/80	Date Enforced:	7/5/13
Offense:	CPW 2nd	Location:	ECHC
Sentence:	0-0-0/8-0-0 yrs. with 5-0-0 yrs. PRS	PVU No.:	
		Delinquency Date:	7/3/13

Since his/her release, the above named individual has violated the Conditions of Release in the following manner:

CHARGE #1 (Violation of Rule #8):
Reeseie Nash violated Rule #8 of the rules governing parole when on 7/3/13 at approximately 9:20 am, while at 1932 Bailey Ave., Buffalo, New York, he behaved in a manner as to threaten the safety and well-being of Michael Okolo by striking him in the abdomen area.

CHARGE #2 (Violation of Rule #4):
Reeseie Nash violated Rule #4 of the rules governing parole when on 7/3/13, he moved from his parole approved residence located at 1932 Bailey Ave., Buffalo, New York, and he failed to notify his Parole Officer of his change in address.

CHARGE #3 (Violation of Rule #13.10):
Reeseie Nash violated Rule #13.10 of the rules governing parole when he failed to report immediately to the Buffalo Metro Area Office following his unsuccessful discharge from the Grace House program on 7/3/13.

CHARGE #4 (Violation of Rule #13.8):
Reeseie Nash violated Rule #13.8 of the rules governing parole when on 7/3/13, he was unsuccessfully discharged from the Grace House program for violating rules and regulations of the Grace House program.

CHARGE #5 (Violation of Rule #12):
Reeseie Nash violated Rule #12 of the rules governing parole when on 7/3/13 at approximately 9:20 am, while at 1932 Bailey Ave., Buffalo, New York, he possessed a knife/razor which he used to assault Michael Okolo.

Exibit A

A-2

P

FORM P9011 (10/11)

STATE OF NEW YORK
DEPARTMENT OF CORRECTIONS AND COMMUNITY SUPERVISION (DOCCS)
NOTICE OF VIOLATION

TO: NASH, REESEIE INST.# 07B3157

WARRANT# 671894 NYSID# 08 257 936 Q

You are charged with violating the conditions of your release in the manner specified on the attached violation of release report.

A preliminary hearing on these charges has been scheduled on 7/15/13 (Date) at 9:15 AM (Time) at ERIE CO.CORRECTIONAL FAC. (Place)

Should you waive a preliminary hearing or should probable cause be found at this hearing that you have violated any condition of your release in an important respect, a final hearing on these charges will be held on 7/23/13 (Date) at 9:00 AM (Time) at ECCF-11581 WALDEN AVE. ALDEN, NY (Place)

In the event that your return to the State of New York cannot be effected for the hearing as scheduled above due to circumstances beyond the Department's control, you will be afforded a preliminary hearing and final revocation hearing at such time as you may become available for return on the Department's warrant.

You have the right to a preliminary and final revocation hearing. A preliminary hearing may be held to determine whether there is probable cause to believe that you violated one or more of the conditions of your release in an important respect. At this hearing you are entitled to appear and speak on your own behalf; introduce letters and documents; present witnesses who can give relevant information; and confront and cross-examine adverse witnesses. Proof of your conviction of a crime committed after your release shall constitute probable cause for the purpose of the preliminary hearing. You may be represented by counsel. It is your responsibility to obtain counsel. Your waiver of this preliminary hearing is the equivalent to a finding of probable cause.

In the event you are convicted of either a misdemeanor or a felony offense committed while under community supervision and a preliminary hearing has not been completed, you will not be entitled to the preliminary hearing on the basis of the new conviction. Any preliminary hearing which may have been scheduled may therefore be cancelled upon your conviction for such misdemeanor or felony.

Following the establishment of probable cause, the Board of Parole or its designee will review your case and may order that you be held for a final revocation hearing.

At the final revocation hearing, the presiding officer will determine whether there is a preponderance of evidence to support each of the charged violations. At this hearing, you have the right to be represented by counsel; to speak on your own behalf; have the right to introduce letters and documents; present witnesses who can give relevant information; and confront and cross-examine adverse witnesses against you. At this hearing, you also have the right to present mitigating evidence relevant to your restoration to community supervision.

In the event you are convicted of a felony offense committed while under community supervision and you receive a new indeterminate or determinate sentence, any final revocation hearing which has been scheduled for you may be cancelled. In such instances, the Board of Parole may issue a final declaration of delinquency based upon that conviction and sentence.

In the event the Board of Parole issues a final declaration of delinquency, you will be served with a copy of that determination together with a copy of the commitment.

Should you be convicted of a crime committed after your release, it is the intention of the Department of Corrections and Community Supervision to introduce evidence of your conviction at the time of your revocation hearing.

A request to adjourn either scheduled hearing should be made in the case of a preliminary hearing, at least three (3) days, and in the case of a final hearing, at least seven (7) days prior to the hearing, in writing, to the local area office. Requests for adjournments made at the hearing will only be granted for good cause shown.

Violation of Release Report received:

Signature 7/8/13 Date

All persons charged with a violation are required to be present at all proceedings regarding that violation of community supervision which are authorized by the Board of Parole. Any voluntary failure on your part to be present at any of these proceedings may result in a finding that your failure to appear was a voluntary, knowing and intelligent waiver of your right to appear. Should such a finding be made, a hearing in absentia can be held and a final determination be made regarding the charges pending against you, including, if necessary, a time assessment because of the violation of community supervision.

X I DO wish to have a preliminary hearing

7/8/13
Date

7/8/13
Date

I do NOT wish to have a preliminary hearing

Signature of Release

Signature of Witness

Exibit B

B

"GRACE HOUSE"
Transitional Residence Program

Memorandum

To: PO Hernandez

CC: File

From: Charise Cobbs – Supervising Case Manager

Date: July 8, 2013

Re: Unsuccessful Discharge

Reeseie Nash entered into the "Grace House" Transitional Residence Program on **May 8, 2013** On **July 3, 2013** Mr. Nash was involved in a physical altercation with fellow "Grace House" resident **Michael Okolo**. This is a violation of the "Grace House" guidelines and procedures. Therefore, effective **July 3, 2013.** Reeseie Nash was unsuccessfully discharged from the "Grace House" Transitional Residence Program.

S.E. #4
7-14-13

Sincerely,

Charise Cobbs
Supervising Case Manager

Exibit C

"GRACE HOUSE"
Transitional Residence Program

To: Pedro Hernandez

CC:

From: GH Staff

Date: July 8, 2013

Re: Rushed Hearing

Unfortunately, I am unable to back-date a memo. I did request Ms. Cobbs to generate a memo this morning of which will state that Mr. Nash was discharged. I encourage you to request these favors in a timely fashion to avoid the need for sudden replications. Also included are two incident reports for a total of three memorandum.

The tapes, while inconclusive are also available if ever requested by your office.

Hoping this serves your goal —

Exibit D 1

C1

SAVING GRACE MINISTRIES, INC.
"Grace House" Transitional Residence Program

INCIDENT REPORT

By: David Booker, Caretaker Supervisor

Date: July 3, 2013

Re: Reeseie Nash / Michael Okolo

At approximately 9:20 AM today, resident Reesie Nash came into the office holding his face and bleeding. Mr. Nash said, "That black dude cut me in the face." Writer went looking for a compress before taking him to the hospital. Writer called 911 while en route to the hospital. At ECMC, writer spoke with hospital staff and hospital police. Writer left Mr. Nash at the hospital and returned to "Grace House."

Mr. Okolo left "Grace House" immediately prior to Writer taking Mr. Nash to the hospital. Parole Officer Himmelsbach has requested that if Mr. Okolo returns to "Grace House," she be notified; she would like Mr. Okolo to be directed to report to the City Mission.

Writer was told by Mr. Nash that Mr. Okolo had come into Mr. Nash's room late at night for the past two nights, Mr. Nash states that he shared that information with his roommate and apparently this led up to the physical altercation that took place.

Residents Anthony Davis, Gregory White, Marvin McDougald, and Darnell Frida witnessed the initial verbal altercation between Mr. Nash and Mr. Okolo in the living room at 1932, as did "Grace House" graduate Salvatore Valle. To Writer's knowledge, no one witnessed the altercation in Mr. Nash's bedroom where Mr. Okolo cut Mr. Nash's face.

Buffalo Police Officers and Parole Officer Himmelsbach were able to speak with Mr. Davis. Mr. White, Mr. McDougald, and Mr. Frida were not at "Grace House" when the BPD and PO Himmelsbach arrived to investigate the incident. PO Himmelsbach has requested that she be notified immediately when the above three residents return. All caretakers have been notified; note that Mr. Frida was due to be discharged from "Grace House" tomorrow. Case Manager Vincent Phillips has been advised by Corporate Counsel Alyssa M. Gross, Esq. that Mr. Frida is not to be discharged until Mr. Frida speaks with PO Himmelsbach.

David Booker
Caretaker Supervisor

Exibit D2

·C2·

SAVING GRACE MINISTRIES, INC.
"Grace House" Transitional Residence Program

INCIDENT REPORT

By: Alyssa M. Gross, Esq., Corporate General Counsel

Date: July 3, 2013

Re: Reeseie Nash / Michael Okolo

Supplement to report prepared by David Booker, Caretaker Supervisor, on today's date.

Note: Upon viewing the video footage, it appears that Mr. Nash was wielding a knife during the initial verbal confrontation in the living room, and may have cut Mr. Okolo on the abdomen prior to the altercation upstairs where Mr. Okolo cut Mr. Nash's face. Caretaker Supervisor David Booker did not notice any injury to Mr. Okolo but advises that he was focused on taking Mr. Nash to the hospital to seek medical attention and did not realize that Mr. Okolo was involved in the altercation.

A copy of my business card was provided to the Buffalo Police Department so that SGM, Inc. can obtain a copy of the incident report once it is prepared. I advised the Police Officers that we have always been able to obtain a copy of the report by providing our staff member's information to the BPD prior to the filing of the report.

After speaking to the responding officers and being advised by them that it was okay to clean up, I directed Caretaker Larry Blakely to clean up the blood in the house. I also directed Caretaker Earl Howard to assure that the ministry van is cleaned up, as Mr. Nash bled on the passenger seat and surrounding areas on the way to the hospital.

I spoke to SPO Mattingly at 11:30am, who advised that PO Himmelsbach would be coming to "Grace House" to see the video footage. I advised that we would provide a copy of the footage if we are able.

Video footage was shown to officers from the Buffalo Police Department and to PO Himmelsbach at 12:30pm on today's date. Copies of the video footage will be prepared and provided to Parole Officer Himmelsbach and to the Buffalo Police Department should they request it. For future reference, the initial confrontation occurred at 9:14am in the living room; the second incident which resulted in the injury to Mr. Nash, occurred at approximately 9:20am.

Alyssa M. Gross, Esq.
Corporate General Counsel

Exibit D3

C/ BUFFALO PD
POLICE REPORT
ASSAULT

Complaint
13-1840258

Report Date & Time
07/03/2013 09:40

Address of Occurrence	District	Tract	Occ. Date & Time Between	BtAnden Between	Type of Premise
1932 BAILEY AV	'C'	110	07/03/2013 09:00	07/03/2013 09:25	Multiple Dwelling

Status	Follow Up By	Supl	TT Mess#	TT Entry Date	TT Cancel#	TT Cancel Date
Investigation Pending		N				

Officers: P3009 - HEMPHILL, P3180 - GORSKI, P3245 - TRIPP
Rep. Off.: P3009 - HEMPHILL
Supervisor:

Last Name	First Name	MI	Ext	Birth Date	Race	Sex	Age	Juvenile	Arrested	Report
NASH	REESEIE			03/01/1980	Black	M	33	N	N	PR

Address	City	State	Zip	Home Phone	Work Phone
1932 BAILEY ST	BUFFALO	NY	14211		(716) 886-1547

Height	Weight	Hair	Eyes	Build	Complexion	Glasses	Scars/Marks/Tattoos

Victim DID receive information on Victim's Rights and Services pursuant to New York State Law: No

Last Name	First Name	MI	Ext	Birth Date	Race	Sex	Age	Juvenile	Arrested	Report
OKOLO	MICHAEL				Black	M		N	N	PR

Address	City	State	Zip	Home Phone	Work Phone
1932 BAILEY ST	BUFFALO	NY	14211		(716) 886-1547

Height	Weight	Hair	Eyes	Build	Complexion	Glasses	Scars/Marks/Tattoos
6' 2"	220			L			

Law	Section	CA	CL	DG	Description	Report
PL	120.10-01	F	B	1	ASLT W/INT CAUS SER INJ W/WEAP	PR
PL	120.10-02	F	B	1	ASLT - W/INT CAUS DISFIG/DISMEMB	PR

COMPLT. RPT(S) THAT HE WAS ARGUING WITH THE SUSP A FEW MINUTES EARLIER AND THE SUSP. LEFT. THE SUSP RTN AND WITHOUT WARNING SLASHED THE COMPLT ACROSS THE FACE FROM THE COMPLT EAR TO HIS MOUTH WITH AN UNK INSTRUMENT

Officer: P3009 - HEMPHILL _____ Supervisor: - _____

Exhibit 1

SUPREME COURT : STATE OF NEW YORK

COUNTY OF : ERIE

RECEIVED

2013 AUG 12 PM 2:43

CHIEF CLERK'S OFFICE
SUPREME & COUNTY COURTS
ERIE COUNTY

In The Matter Of The Application Of,

REESEIE NASH

Petitioner,

Vs.

NEW YORK STATE DIVISION OF PAROLE

Respondent,

PETITION FOR WRIT OF HABEAS CORPUS

INDEX NO. 2013-2698

To: The Supreme Court Of The State Of New York

Petitioner respectfully alleges and shows:

1. That petitioner herein, Reeseie Nash, makes this application on his own for a writ of habeas corpus

2. The place in which petitioner is now restrained of his liberty is the Erie County Holding Center; 40, Delaware Ave.; Buffalo, N.Y. 14202

3. People detaining petitioner is New York State Parole, by virtue of a mandate, a copy of which is affixed and labled as - Exibit A

4. Cause of petitioners detention is parole warrant #1071894

5. No Court nor Justice of the United States of America has an exclusive Jurisdiction over petitioner to order the said Reeseie Nash released

6. Detention of petitioner is illegal in that it is product of a due process violation; as well as a discovery violation. Due process was violated when at a preliminary hearing, parole officer Pedro Hernandez submitted a memorandum dated July 8, 2013 - to confirm petitioners discharge from Grace House. Petitioner objected to said document noting that it alleges that: on July 8th - it is effective July 3rd - that petitioner is discharged from Grace House. Also pointed out was fact that the memo is dated (5) days after the 3rd and (3) days after my arrest. In short, I was not discharged by Grace House and the parole officer had the memo made for purposes of the hearing. Administrative Law Judge Drumsta overrode my objection and entered the document as States evidence number - 4. See - Exibit B

On July 16, 2013; parole mailed additional documents to petitioner, exculpatory in nature. The documents; however, were recieved by parole on July 8, 2013, but not given to petitioner until after the hearing. - See Exibit C

Document of David Booker fails to state that petitioner was discharged from Grace House, but unequivocally states that aggressor - whom cut petitioner across face - was discharged to City Mission; See Exibit C / page 1 - paragraph 2

Document of Alyssa Gross fails to state that petitioner was discharged from Grace House; See Exibit C / page 2

Both reports labeled in exibit (C) are dated July 3, 2013 and indeed identifies the aggressor as being discharged to City mission. The record therefore is void - July 3rd of any discharge to Mr. Nash, petitioner herein. If parole officer Hernandez did not violate due process, petitioner would have been able to defend himself at preliminary hearing. Parole cannot allege they did not possess the documents on the date of preliminary hearing because Corporate Fax Identification Label, date, time, page numbers and phone number appear atop documents within both exibits (b) and (c), verifying fact that parole recieved (4) pages on July 8, 2013; at 10:55 am from 'Grace House' Staff. The withholding of evidence prejudiced petitioner on the merits, impeded the integrity of the preliminary hearing - its purpose and intent and thwarted immediate release while knowing the evidence presented to be false, misleading and a calculated tactic in effort to successfully hold petitioner beyond preliminary hearing. If due process was not denied and petitioner had exculpatory evidence, the results of the hearing may have been different. Again, the document was objected to during hearing and on record.

7. Stenographic minutes of preliminary hearing should be subpena'd to determine the merits of petitioners-then objection. Evidence witheld would have led to petitioners release.

8. No appeal has been taken from any order or judgment in proceedings against respondents, whereby petitioner has been imprisoned and restrained against his liberty

9. WHEREFORE, petitioner prays that a writ of habeas corpus be issued, directed to New York State Parole - requiring the production of Reeseie Nash, from the Erie County Holding Center, for the purpose of inquiring into the imprisonment and restraint of said Reeseie Nash, before this Court, and delivering petitioner herein, therefrom.

X

Reeseie Nash * 49658
40, Deleware Avenue
Buffalo, N.Y. 14202

X

Sworn To Before Me
This 5 Day of August, 2013

RANDALL KLINGER
COMMISSIONER OF DEEDS
In and For the City of Buffalo, Erie County, NY
My Commission Expires Dec. 31, 2014

8/5/13

EXIBIT: A-1

State of New York—Executive Department—Division of Parole

VIOLATION OF RELEASE REPORT

Warrant Issued: XX **No Warrant Issued:** _____

Name:	**Nash, Reeseie**	Date Released:	5/8/13
NYSID No:	08257936Q	Max. Expiration:	5/8/18
Institution:	Orleans CF	Date of Warrant:	7/5/13
DIN No:	07B3157	Warrant No.:	**671894**
DOB:	3/1/80	Date Enforced:	7/5/13
Offense:	CPW 2nd	Location:	ECHC
Sentence:	0-0-0/8-0-0 yrs. with 5-0-0 yrs. PRS	PVU No.:	
		Delinquency Date:	7/3/13

Since his/her release, the above named individual has violated the Conditions of Release in the following manner:

CHARGE #1 (Violation of Rule #8):
Reeseie Nash violated Rule #8 of the rules governing parole when on 7/3/13 at approximately 9:20 am, while at 1932 Bailey Ave., Buffalo, New York, he behaved in a manner as to threaten the safety and well-being of Michael Okolo by striking him in the abdomen area.

CHARGE #2 (Violation of Rule #4):
Reeseie Nash violated Rule #4 of the rules governing parole when on 7/3/13, he moved from his parole approved residence located at 1932 Bailey Ave., Buffalo, New York, and he failed to notify his Parole Officer of his change in address.

CHARGE #3 (Violation of Rule #13.10):
Reeseie Nash violated Rule #13.10 of the rules governing parole when he failed to report immediately to the Buffalo Metro Area Office following his unsuccessful discharge from the Grace House program on 7/3/13.

CHARGE #4 (Violation of Rule #13.8):
Reeseie Nash violated Rule #13.8 of the rules governing parole when on 7/3/13, he was unsuccessfully discharged from the Grace House program for violating rules and regulations of the Grace House program.

CHARGE #5 (Violation of Rule #12):
Reeseie Nash violated Rule #12 of the rules governing parole when on 7/3/13 at approximately 9:20 am, while at 1932 Bailey Ave., Buffalo, New York, he possessed a knife/razor which he used to assault Michael Okolo.

Exibit: A-2

FORM P9011 (10/11)

STATE OF NEW YORK
DEPARTMENT OF CORRECTIONS AND COMMUNITY SUPERVISION (DOCCS)
NOTICE OF VIOLATION

TO: NASH, REESEIE INST.# 07B3157

WARRANT# 671894 NYSID# 08 257 936 Q

You are charged with violating the conditions of your release in the manner specified on the attached violation of release report.

A preliminary hearing on these charges has been scheduled on 7/15/13 (Date) at 9:15 AM (Time) at ERIE CO.CORRECTIONAL FAC. (Place)

Should you waive a preliminary hearing or should probable cause be found at this hearing that you have violated any condition of your release in an important respect, a final hearing on these charges will be held on 7/23/13 (Date) at 9:00 AM (Time) at ECCF-11581 WALDEN AVE. ALDEN, NY (Place)

In the event that your return to the State of New York cannot be effected for the hearing as scheduled above due to circumstances beyond the Department's control, you will be afforded a preliminary hearing and final revocation hearing at such time as you may become available for return on the Department's warrant.

You have the right to a preliminary and final revocation hearing. A preliminary hearing may be held to determine whether there is probable cause to believe that you violated one or more of the conditions of your release in an important respect. At this hearing you are entitled to appear and speak on your own behalf; introduce letters and documents; present witnesses who can give relevant information; and confront and cross-examine adverse witnesses. Proof of your conviction of a crime committed after your release shall constitute probable cause for the purpose of the preliminary hearing. You may be represented by counsel. It is your responsibility to obtain counsel. Your waiver of this preliminary hearing is the equivalent to a finding of probable cause.

In the event you are convicted of either a misdemeanor or a felony offense committed while under community supervision and a preliminary hearing has not been completed, you will not be entitled to the preliminary hearing on the basis of the new conviction. Any preliminary hearing which may have been scheduled may therefore be cancelled upon your conviction for such misdemeanor or felony.

Following the establishment of probable cause, the Board of Parole or its designee will review your case and may order that you be held for a final revocation hearing.

At the final revocation hearing, the presiding officer will determine whether there is a preponderance of evidence to support each of the charged violations. At this hearing, you have the right to be represented by counsel; to speak on your own behalf; have the right to introduce letters and documents; present witnesses who can give relevant information; and confront and cross-examine adverse witnesses against you. At this hearing, you also have the right to present mitigating evidence relevant to your restoration to community supervision.

In the event you are convicted of a felony offense committed while under community supervision and you receive a new indeterminate or determinate sentence, any final revocation hearing which has been scheduled for you may be cancelled. In such instances, the Board of Parole may issue a final declaration of delinquency based upon that conviction and sentence.

In the event the Board of Parole issues a final declaration of delinquency, you will be served with a copy of that determination together with a copy of the commitment.

Should you be convicted of a crime committed after your release, it is the intention of the Department of Corrections and Community Supervision to introduce evidence of your conviction at the time of your revocation hearing.

A request to adjourn either scheduled hearing should be made in the case of a preliminary hearing, at least three (3) days, and in the case of a final hearing, at least seven (7) days prior to the hearing, in writing, to the local area office. Requests for adjournments made at the hearing will only be granted for good cause shown.

Violation of Release Report received:

Signature 7/8/13 Date

All persons charged with a violation are required to be present at all proceedings regarding that violation of community supervision which are authorized by the Board of Parole. Any voluntary failure on your part to be present at any of these proceedings may result in a finding that your failure to appear was a voluntary, knowing and intelligent waiver of your right to appear. Should such a finding be made, a hearing in absentia can be held and a final determination be made regarding the charges pending against you, including, if necessary, a time assessment because of the violation of community supervision.

X I DO wish to have a preliminary hearing

7/8/13 Date

I do NOT wish to have a preliminary hearing

Signature of Release

7/8/13 Date

Signature of Witness

EXIBIT: B

"GRACE HOUSE"

Transitional Residence Program

Memorandum

To: PO Hernandez

CC: File

From: Charise Cobbs – Supervising Case Manager

Date: July 8, 2013

Re: Unsuccessful Discharge

Reeseie Nash entered into the "Grace House" Transitional Residence Program on **May 8, 2013** On **July 3, 2013** Mr. Nash was involved in a physical altercation with fellow "Grace House" resident **Michael Okolo**. This is a violation of the "Grace House" guidelines and procedures. Therefore, effective **July 3, 2013.** Reeseie Nash was unsuccessfully discharged from the "Grace House" Transitional Residence Program.

S. E. #4
7-14-13

Sincerely,

Charise Cobbs
Supervising Case Manager

EXIBIT: C-1

SAVING GRACE MINISTRIES, INC.
"Grace House" Transitional Residence Program

INCIDENT REPORT

By: David Booker, Caretaker Supervisor

Date: July 3, 2013

Re: Reeseie Nash / Michael Okolo

At approximately 9:20 AM today, resident Reesie Nash came into the office holding his face and bleeding. Mr. Nash said, "That black dude cut me in the face." Writer went looking for a compress before taking him to the hospital. Writer called 911 while en route to the hospital. At ECMC, writer spoke with hospital staff and hospital police. Writer left Mr. Nash at the hospital and returned to "Grace House."

Mr. Okolo left "Grace House" immediately prior to Writer taking Mr. Nash to the hospital. Parole Officer Himmelsbach has requested that if Mr. Okolo returns to "Grace House," she be notified; she would like Mr. Okolo to be directed to report to the City Mission.

Writer was told by Mr. Nash that Mr. Okolo had come into Mr. Nash's room late at night for the past two nights, Mr. Nash states that he shared that information with his roommate and apparently this led up to the physical altercation that took place.

Residents Anthony Davis, Gregory White, Marvin McDougald, and Darnell Frida witnessed the initial verbal altercation between Mr. Nash and Mr. Okolo in the living room at 1932, as did "Grace House" graduate Salvatore Valle. To Writer's knowledge, no one witnessed the altercation in Mr. Nash's bedroom where Mr. Okolo cut Mr. Nash's face.

Buffalo Police Officers and Parole Officer Himmelsbach were able to speak with Mr. Davis. Mr. White, Mr. McDougald, and Mr. Frida were not at "Grace House" when the BPD and PO Himmelsbach arrived to investigate the incident. PO Himmelsbach has requested that she be notified immediately when the above three residents return. All caretakers have been notified; note that Mr. Frida was due to be discharged from "Grace House" tomorrow. Case Manager Vincent Phillips has been advised by Corporate Counsel Alyssa M. Gross, Esq. that Mr. Frida is not to be discharged until Mr. Frida speaks with PO Himmelsbach.

David Booker
Caretaker Supervisor

EXIBIT: C-2

SAVING GRACE MINISTRIES, INC.
"Grace House" Transitional Residence Program

INCIDENT REPORT

By: Alyssa M. Gross, Esq., Corporate General Counsel

Date: July 3, 2013

Re: Reeseie Nash / Michael Okolo

Supplement to report prepared by David Booker, Caretaker Supervisor, on today's date.

Note: Upon viewing the video footage, it appears that Mr. Nash was wielding a knife during the initial verbal confrontation in the living room, and may have cut Mr. Okolo on the abdomen prior to the altercation upstairs where Mr. Okolo cut Mr. Nash's face. Caretaker Supervisor David Booker did not notice any injury to Mr. Okolo but advises that he was focused on taking Mr. Nash to the hospital to seek medical attention and did not realize that Mr. Okolo was involved in the altercation.

A copy of my business card was provided to the Buffalo Police Department so that SGM, Inc. can obtain a copy of the incident report once it is prepared. I advised the Police Officers that we have always been able to obtain a copy of the report by providing our staff member's information to the BPD prior to the filing of the report.

After speaking to the responding officers and being advised by them that it was okay to clean up, I directed Caretaker Larry Blakely to clean up the blood in the house. I also directed Caretaker Earl Howard to assure that the ministry van is cleaned up, as Mr. Nash bled on the passenger seat and surrounding areas on the way to the hospital.

I spoke to SPO Mattingly at 11:30am, who advised that PO Himmelsbach would be coming to "Grace House" to see the video footage. I advised that we would provide a copy of the footage if we are able.

Video footage was shown to officers from the Buffalo Police Department and to PO Himmelsbach at 12:30pm on today's date. Copies of the video footage will be prepared and provided to Parole Officer Himmelsbach and to the Buffalo Police Department should they request it. For future reference, the initial confrontation occurred at 9:14am in the living room; the second incident which resulted in the injury to Mr. Nash, occurred at approximately 9:20am.

Alyssa M. Gross, Esq.
Corporate General Counsel

— VERIFICATION —

I, Reeseie Nash, being duly sworn, deposes and says:

1. I am the petitioner in the enclosed captioned matter

2. Affirm that contents within moving papers concerning writ of habeas corpus, documents attached thereto, ect., are true to the best of my knowledge

3. As to the matters based upon information and belief, I do acknowledge them as such and believe them to be true

x Reeseie Nash
Reeseie Nash #49 6658
40 Delaware Avenue
Buffalo, New York 14202

Sworn To Before Me
This 5th Day of
August, 2013

Randall Klinger 8/5/13
RANDALL KLINGER
COMMISSIONER OF DEEDS
In and For the City of Buffalo, Erie County, NY
My Commission Expires Dec. 31, 2014