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

February 6, 2015

Ms. Karen McCarthy, Clerk
Erie County Legislature
92 Franklin Street. 4th Floor
Buffalo, New York 14202

Dear Ms. McCarthy:

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:	*Woelfle, Michael v. James Thompson, Superintendent, Collins Correctional Facility, and Erie County Sheriff*
Document Received:	Order to Show Cause
Name of Claimant:	Michael Woelfle #10B0802 Collins Correctional Facility PO Box 340 Collins, New York 14034-0340
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.

RECEIVED
FEB - 4 2015
ERIE COUNTY
DEPARTMENT OF LAW

STATE OF NEW YORK
SUPREME COURT : COUNTY OF ERIE

IN THE MATTER OF THE APPLICATION OF
MICHAEL WOELFLE, #10-B-0802

Petitioner,

-vs-

JAMES THOMPSON, SUPERINTENDENT,
COLLINS CORRECTIONAL FACILITY,
ERIE COUNTY SHERIFF,

Respondents.

ORDER TO SHOW CAUSE

Index No
I-2015-00005

SUPREME COURT, ERIE COUNTY

HON. PAULA L. FEROLETO, JUSTICE PRESIDING

APPEARANCES:

Petitioner, Pro Se
MICHAEL WOELFLE, #10-B-0802

This *ex parte* matter was referred to my attention at a Term of the Supreme Court, Erie County.

Upon the reading of the petition for relief pursuant to Article 78 of the Civil Practice Law and Rules, sworn to on December 7, 2014, with accompanying exhibits,

LET RESPONDENTS SHOW CAUSE at a Special Term of the Supreme Court to be held in and for the County of Erie on **MARCH 11, 2015** before the **HON. JOHN L. MICHALSKI,** Acting Justice of the Supreme Court, in Part 18 at 25 Delaware Avenue, Buffalo, New York, **WHY** the relief requested in the Petition should not be granted.

IT IS ORDERED that James Thompson, Superintendent of the Collins Correctional Facility in Collins, New York where petitioner is now confined will produce the body of **MICHAEL WOELFLE** only if the court submits a letter to the superintendent ordering the production of the petitioner; and it is further

ORDERED that the petitioner is granted poor person status pursuant to Article 11 of the Civil Practice Law and Rules waiving the fee for the Index Number and the fee for the Request for Judicial Intervention and that in the event the petitioner should receive an unfavorable decision, said petitioner shall be permitted to file a Notice of Appeal in the Erie County Clerk's Office without having to pay the fee required by CPLR 8022(a); and it is further

ORDERED that a waiver of fees for service by publication, for stenographic transcripts, or for any other cost or fee related to this proceeding in this Court shall only be granted upon a separate application to the Court, on notice to the County Attorney of Erie County, pursuant to CPLR 1101, showing the need therefor; and it is further

ORDERED that service of a signed and executed copy of this Order to Show Cause, the petition and any supporting papers by ordinary First Class-Mail, upon the named respondents, James Thompson and the Erie County Sheriff, on or before **February 11, 2015** be deemed adequate. In addition, the petitioner, on or before said date, shall similarly serve the Erie County Attorney, 95 Franklin Street, Room 1634, Buffalo, New York 14202 and the Attorney General at the Buffalo Regional Office, Main Place Towers, 350 Main Street, Suite 300, Buffalo, New York 14202, ; and it is further

ORDERED that it shall be the responsibility of the party seeking an extension of time to serve papers or seeking an adjournment of this matter to make such request for an extension of time or an adjournment to Acting Justice Michalski, and any party receiving an adjournment shall notify the other party or parties of said adjourned date; and it is further

ORDERED that it is the petitioner's responsibility to:

(a) Serve a signed and executed copy of this Order to Show Cause, the petition and any supporting papers as authorized above or by personal service.

(b) Submit the original proof of service to the chambers of the **Hon. John L. Michalski,** 25 Delaware Avenue-Third Floor, Buffalo, New York 14202 at least eight (8) days prior to the return date; and it is further

ORDERED that a copy of any answer or response shall be served upon the petitioner not less than five (5) days before the return date. The original of any such answer or response is to be delivered to the chambers of Acting Justice Michalski not less than three (3) days prior to said return date.

DATED: Buffalo, New York
January 15, 2015

Paula L. Feroleto

HON. PAULA L. FEROLETO
Justice of the Supreme Court

GRANTED:

5

Michele Carter

A-2. AFFIDAVIT IN SUPPORT OF ORDER TO SHOW CAUSE

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF ERIE

In the Matter of the Application of

Michael Woelfle
Petitioner

-against-

Erie county Sheriffs Office
Respondant

For a Judgement Pursuant to Article 78
of the Civil Practice Law and Rules

AFFIDAVIT IN SUPPORT OF ORDER TO SHOW CAUSE

Index No. 2015-00005

STATE OF NEW YORK
COUNTY OF ERIE

I, Michael Woelfle being duly sworn, depose and say:

1. I am the petitioner in the above proceeding.

2. I make this affidavit in support of my annexed application for an Order to Show Cause to prosecute the attached petition pursuant to Article 78 of the Civil Practice Law and Rules which challenges the amount of Jail Time Days submitted to the Department of Corrections by the Erie County Sheriffs Office on Ind#08-0451

3. I was arrested on Feb.03 2008 on Ind#08-0451. On Feb.21 2008 I was sentenced to a term of six months on Bflo. City Court Case #07F9935. This sentence was over with on 5-26-08 I remained in the Holding Center untill 6-30-08. When I decided to bail out when the District Attirney appealed Judge Franczyk decision to lower the charge against me.

I was arrested on Oct.15 2009 on Ind#09-2768 I remained in the Holding Center until 3-14-10 . When I was transferred to the Department of Correction on Concurrent sentences on Ind#08-0451 and Ind # 09-2768.

When I arrived here at Collins I was informed that the Erie County Sheriffs Office had informed the Department of Corrections that I only had 188 days of Jail Time Days.

I wrote the Sheriffs Office and was informed by them that I was serving a previously Imposed sentence.Between 2-21-08 and5-26-08. I found this to be Bflo. City Court Case #07-F9935.

The only date that I se mantined on the commitment papers is under the remarks heading that states Either Dep. R .Way or Rsp. R Way 690, 3-12-10.

cont.

Four month statute of limitations is not a bar to prisoners claim of jail time. Where all which is sought was a compulsion of a minesterial act imoosed by law. C.P.L.R. 217 penal law - 1965 - 70.30

4. Petitioner seeks to proceed by Order to Show Cause rather then Notice of Petition because I am due to be released from prison on Aug. 18,2015. The Deoartment of Corrections has as a requirement that I complete A.S.A.T. which is a six month program they do not place inmates here at Collins in A.S.A.T. untill they are right at the end of thier sentence. So it is essentiaL THAT I be as expident as possible with this matter.

5. Petitioner being incarcerated, also cannot effect personal service of the within papers so I must respectfully request that timely service by mail be deemed approprate by the Court.

6. Petitioner designates Erie County as the place of Venue.

7. No previous appliciation for the relief requested herein has been made.

8. I have moved by the annexed affidavit for a reduction or waiver of of the filing fees.

WHEREFORE, petitioner respectfully requests that this Court enter an Order Directing Respondant to Show Cause why a judgement should not be made and entered pursuant to Article 78 of the Civil Practice Law and Rules of thierdecision to make concurrent jail sentences run consecutively. Directing them to notify the Department of Corrections of additional jail time to be added to Ind#08-0451. And granting such other and further relief as the Court may deem just and proper.

Michael Woelfle

Michael Woelfle

Sworn to before me this
7 th day of December, 2014

John M Damstetter

NOTARY PUBLIC

JOHN M. DAMSTETTER
NOTARY PUBLIC, STATE OF NEW YORK
QUALIFIED IN ERIE COUNTY
MY COMMISSION EXPIRES 10/14/2016

A-4 . ARTICLE 78 PETITION

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF ERIE

IN the Matter of the Application of

Michael Woelfle
Petitioner

PETITION

-_against-

Index No 2011-00025

Erie County Sheriff
Respondant

For a Judgement Pursuant to Article 78
of the Civil Practice Law and Rules

TO THE SUPREME COURT OF THE STATE OF NEW YORK FOR ERIE COUNTY :

The Petition of Michael Woelfle complaining of the Respondant Erie County Sheriffs Office respectfully alleges:

1.Petitioner Michael Woelfle is an inmate at Collins Correctional Facility in Collins N.Y.

2.Respondant Erie County Sheriffs Office is the law enforcement agency in charge of the Erie County Holding Center.

3.This Petition challenges the amount of jail time days submitted by Respondant for inmate Michael Woelfle-10-B-0802 on Ind# 08-0451

4.The within proceeding is brought pursuant to C.P.L.R. Article 78 to Challenge the final determination of the Erie County Sheriffs Office dated 3-12-10.

5.Upon my arrival here at Collins on 4-15-10it was brought to my attention that the Respondants only credited me with 188 days of jail time.

6.4 month stattute of limitations is not a bar to prisoners claim of jail time . Where all which is sought was a compulsion of a minesteral act imposed by law.C.P.L.R.217 penal law 1965-§ 70.30.

7.I was arrested on Ind# 08-0451 on 2-03-2008

8.ON 2-21-08 I was sentenced on Bflo. City court case # 07F-9935. This charge was a misdemeanor. THe sentence was Six months

9.The Respondant said this sentence was finished on 5-26-08.

10.This sentence was not a previously imposed sentence within meaning of the statute of penal law 70.30 subdivision 3.

11. This Sentence was not imposed until after I was arrested on Ind#08-0451.

12. Even after this Sentence was imposed I was still in constructive of New York State.See pg. 407 N.Y.S. 2d 628 People vs. Bridges Malcolm.Also see pg. 392 N.Y.S. 2d 453 People ex. Rel Bridges-v-Malcolm

13. Under the constructive custody doctrine these sentences should be served concurrently.

14. According to penal law 70.30 jail time credit must be given for time spent incarcerated prior to commencement of a prison sentence which commences upon resript of a prisoner in a institution of the State Department of Corrections.

15.Penal law 70.30 subd.3 states that if sentences are concurrent than jail time shall be applied against each such sentence.

16. The only reason that thier is such a disparity in the sentences is because the District Attorney appealed Judge Franczyks decision to lower the chaege against me.

17. I wrote to the Sheriffs Office numerous times trying to straighten this issue out. They had my arrest dates incorrect and I pointed this out to then and they sent a notice of corrected jail time to this facility. See exhibit a.

18. Where State or local authorities are responsible for an undue delay in sentences imposed at different times, delay shall be credited against later sentence if such is the contrilling sentence and a prisoners parole and release dates shall be adjusted accordingly. (N.Y. Supp 1984)

19. Respondant acted in a arbitary and capricious manner in not allowing me to respond to the issue of a previously imposed sentence and used an abuse of discretion in thier proceeding.

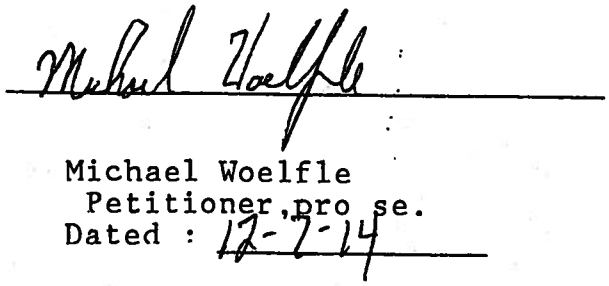
20.No previous appliciation has been made for requested relief.

Wherefore Petitioner respectfully requests that judgement be entered pursuant to Article 78 of the Civil Practice Law and Rules:

1.Vacating Respondants determination of 3-12-10

2. Directing Respondant to notify the Department of Corrections of an additional 93? days of jail time to be applied to Ind # 08-0451

3. Granting such other and further relief as the Court may deem just and proper.



Michael Woelfle
Petitioner,pro se.
Dated : 12-2-14

A-5 VERIFICATION OF PETITION

VERIFICATION
STATE OF NEW YORK
COUNTY OF ERIE

MIchael Woelfle, being duly sworn, deposes and says that deponet is the petitioner in the above encaptioned proceeding, that he has read the forgoing petition and knows the content thereof, that the same is true to deponets knowledge, except as to matters therein stated upon information and belief, which mattersdeponet believes to be true.

Michael Woelfle

Sworn to before me this
7 th day of December 2014

John M. Damstetter
NOTARY PUBLIC

JOHN M. DAMSTETTER
NOTARY PUBLIC, STATE OF NEW YORK
QUALIFIED IN ERIE COUNTY
MY COMMISSION EXPIRES 10/14/2016

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF ERIE

In the Matter of the Appliciation of
Michael Woelfle, 10-B-0802
Petitioner, Pro Se

POOR PERSON APPLICATION
Index No. 2015-00005

STATE OF NEW YORK)
COUNTY OF ERIE)

I, Michael Woelfle, being duly sworn, hereby state and declare the following:

1. I am the Petitioner herein, presently proceeding pro se, and upon the information and belief, I am fully familar with the facts and circumstances surronding the instant action.

2. Petitioner is currently in the custody of the State of New York, presently incarcerated in the Collins Correctional Facility located at P.O. Box 340, Collins N.Y. 14034-0340, in the county o Erie.

3. Petitioner submits this affidavit in support of his appliciation for permission to proceed as a poor person herein, with related relief.

4. The instant action can be best described as an Article 78 proceeding.

5. Petitioner designates Erie County as the place of venue on the grounds that this is the County where the disputed jail days were spent in.

6. Petitioner currently has no regular recurring income aside prison program pay in the amount of $ 6.40 per week.

7. Prtitioner currently has no material assets of significant value, or access thereto.

8. No other person is beneficially intrested in the outcome of the instant action.

9. No appliciation for the the relief requested herein has been previously made.

WHEREFORE, Petitioner respectfully requests that this Court enter an Order:

cont.

a) Granting Petitioner permission to proceed as a poor person and further,

b) Granting Petitioner permission to file and serve all papers by regular first class mail and furthermore,

c) Granting Petitioner to file and serve and reduce number of copies, to wit: to file one original of each paper with the Court and serve one copy of each pleading upon the Respondant and/or Attorney General; and finally,

d) Granting such other and further relief as this Court may deem just and proper.

Sworn

Michael Woelfle, 10-B-0802
Petitioner , Pro Se

SWORN TO BEFORE ME ON THIS
7 day of December, 2014

NOTARY PUBLIC

JOHN M. DAMSTETTER
NOTARY PUBLIC, STATE OF NEW YORK
QUALIFIED IN ERIE COUNTY
MY COMMISSION EXPIRES 10/14/2016

I Michael Woelfle, inmate number 10-B-0802, request and authorize the agency holding me in custody to send to the Clerk of the Court certified copies of the correctional facility trust fund account statement (or the institutional equivalent) for the past six months.

I further request and authorize the agency holding me in custody to deduct the filing fee from my correctional facility trust fund account (or the institutional equivalent) and to disburse those amounts as instructed by the Court. This authorization is furnished in connection with the above entitled case and shall apply to any agency into whose custody I may be transferred .

I UNDERSTAND THAT I MAY HAVE TO PAY THE ENTIRE FEE IF THE COURT DENIES MY REQUEST FOR A FEE REDUCTION. MOREOVER, I UNDERSTAND THAT THE FEE DETERMINED BY THE COURT WILL BE PAID IN INSTALLMENTS BY AUTOMATIC DEDUCTIONS FROM MY CORRECTIONAL FACILITY TRUST FUND ACCOUNT EVEN IF MY CASE IS DISMISSED.

Michael Woelfle
signature
Michael Woelfle

So authorized,
Michael Woelfle
Michael Woelfle, 10-B-0802

SWORN TO BEFORE ME ON THIS
2 day of DECEMBER 2014

John M. Damstetter
NOTARY PUBLIC

JOHN M. DAMSTETTER
NOTARY PUBLIC, STATE OF NEW YORK
QUALIFIED IN ERIE COUNTY
MY COMMISSION EXPIRES 10/14/2016

KICSM80

ICAS SYSTEM
NYS DEPT OF CORRECTIONS
209-INMATE BALANCE SCREEN

12/11/14
12:24:00

NYSID: 05373557R
DOB: 05/16/63
FULL NAME: WOELFLE MICHAEL
DIN: 10B0802

PHONE: (716) 532 4588 EXT: 4100
FAX: (716) 532 4588 EXT: 4199
CURRENT FACILITY: COLLINS C F

SPENDABLE BALANCE: 5.25

ENCUMBRANCES	
TOTAL:	35.25
COLLECTED:	26.50
OUTSTANDING:	8.75

	SPENDABLE FOR LAST SIX MONTHS	TOTAL DEPOSITS FOR LAST SIX MONTHS
OLDEST	11.96	31.40
||	5.71	16.40
||	5.56	12.03
||	6.15	53.53
\/	37.82	92.00
NEWEST	9.82	27.52

NEXT DIN:

ANOTHER LOOKUP - KEY NEXT DIN PRESS <ENTER> RETURN TO MENU PRESS <PF3>

EXHIBIT A

TIMOTHY B. HOWARD
SHERIFF

RICHARD T. DONOVAN
UNDERSHERIFF

ADMINISTRATIVE OFFICES
TEN DELAWARE AVENUE
BUFFALO, NEW YORK 14202-3999
(716) 858-7618
FAX (716) 858-7680

POLICE SERVICES
ONE SHERIFF'S DRIVE
ORCHARD PARK, NEW YORK 14127
(716) 662-5554
FAX (716) 662-8477
WEBSITE: http://www.erie.gov/sheriff

SHERIFF OF ERIE COUNTY

November 3, 2010

Collins Correctional Facility
P.O. Box 490, Middle Rd
Collins, New York 14034-0490

RE: WOELFLE, MICHAEL
D.O.B. 05/16/1963
DIN # 10B0802
Corrected Jail Time
Ind # 09-2768

Mary Kay,

After reviewing Mr. Woelfle's jail time on Ind # 09-2768, we found an error in his time. Please accept this letter as a corrected certificate of jail time. His time should be as follows.

10/15/2009 to 03/14/2010
Total jail time = 151 days

Sorry for any inconvenience this may have caused you. If you have any questions regarding this matter, please feel free to call me.

Sincerely,

Anthony Diamond 1140

Deputy Anthony Diamond

EXB. A

11-7-19

Mr. Woelfe was held at the Erie County Holding Center from 02/03/2008 to 06/30/2008 which IND# 08-0451 was lodged on him. On 02/21/2008 he was sentenced to 6 months on Buffalo City Case# 07F9935 This sentence was finished on 05/26/2008 He was not sentenced on IND# 08-0451 during that time frame. So the Jail time stopped on IND#08-0451 (Penal Law 70.30 (3))

UNIFORM SENTENCE & COMMITMENT

UCS-854 (8/2007)

STATE OF NEW YORK
County COURT, COUNTY OF Erie

PRESENT: HON. THOMAS P. FRANCZYK, J.C.C.

Court Part: 25
Court Reporter: Kim Bu
Superior Ct. Case #: 08-0451

The People of the State of New York -vs- 10B0802
Michael Woelfle
Defendant

SEX	D.O.B.	NYSID NUMBER	CRIMINAL JUSTICE TRACKING NUMBER
M	5-1663	5373557R	5981328 5R

Accusatory Instrument Charge(s):	Law/Section & Subdivision:
1 Rob. 1	PL- 160.15 (3)
2 CPW 3d	PL- 265.02(1)
3 Menacing 2d	PL- 120.14(1)
4 Petit Larceny	PL-155.25

Date(s) of Offense: 1/20/08 To 2/3/08
CPCS 7d - PL-220.03

THE ABOVE NAMED DEFENDANT HAVING BEEN CONVICTED BY [☑ PLEA OR ☐ VERDICT], THE MOST SERIOUS OFFENSE BEING A [☑ FELONY OR ☐ MISDEMEANOR OR ☐ VIOLATION], IS HEREBY SENTENCED TO:

	Crime	Count Number	Law/Section & Subdivision	SMF, Hate or Terror	Minimum Period	Maximum Term	☐ Definite (circle: D, M or Y) ☑ Determinate (in years)	Post-Release Supervision
1	~~Felony~~ Att. Rob. 1d	1.	PL-110-160.15(3)		years	years	7 days/months/years	5 years
2					years	years	days/months/years	years
3					years	years	days/months/years	years
4					years	years	days/months/years	years
5					years	years	days/months/years	years

☐ Counts _____ shall run CONCURRENTLY with each other ☐ Count(s) _____ shall run CONSECUTIVELY to count(s) _____

☒ Sentence imposed herein shall run CONCURRENTLY with 09-2768 and/or CONSECUTIVELY to _____

☐ Conviction includes: WEAPON TYPE: _____ and/or DRUG TYPE: _____

☐ Charged as a JUVENILE OFFENDER—age at time crime committed: _____ years ☐ Court certified the Defendant a SEX OFFENDER (Cor. L § 168-d)

☐ Adjudicated a YOUTHFUL OFFENDER (CPL § 720.20) ☐ Re-sentenced as a PROBATION VIOLATOR (CPL § 410.70)

☐ Execute as a sentence of PAROLE SUPERVISION (CPL § 410.91) ☐ CASAT ordered (PL § 60.04(6))

As a ☐ second ☒ second violent ☐ second drug ☐ second drug/prior VFO ☐ predicate sex offender ☐ predicate sex offender/prior VFO ☐ second child sexual assault ☐ persistent ☐ persistent violent FELONY OFFENDER

Do not collect until after 6 months

Paid	Not Paid			Paid	Not Paid		
☐	☑	Mandatory Surcharge	$ ~~300~~ 250.00	☐	☑	Crime Victim Assistance Fee	$ ~~25.00~~ 20.00
☐	☐	Fine	$	☐	☐	Restitution	$
☐	☑	DNA Fee	$ 50.00	☐	☐	Sex Offender Registration Fee	$
☐	☐	DWI/Other:	$	☐	☐	Supplemental Sex Off. Victim Fee	$

THE SAID DEFENDANT BE AND HEREBY IS COMMITTED TO THE CUSTODY OF THE:

☒ NYS Department of Correctional Services (NYSDOCS) until released in accordance with the law, and being a person sixteen (16) years or older not presently in the custody of NYSDOCS (the County Sheriff) (New York City Dept. Of Correction) is directed to deliver the defendant to the custody of NYSDOCS as provided in 7 NYCRR Part 103.

☐ NYSDOCS until released in accordance with the law, and being a person sixteen (16) years or older and is presently in the custody of NYSDOCS, said defendant shall remain in the custody of the NYSDOCS.

☐ NYS Office of Children and Family Services in accordance with the law being a person less than sixteen (16) years of age at the time the crime was committed.

☐ _____ County Jail/Correctional Facility

TO BE HELD UNTIL THE JUDGMENT OF THIS COURT IS SATISFIED.

REMARKS: Rep. R. Way GFO 3/12/10
2-3-08 TO 2-21-08 19 5-26-08 TO 6-30-08 36
11-2-09 TO 3-15-10 TOTAL DAYS: 188

Commitment, Order of Protection & Pre-Sentence Report received by Correctional Authority as indicated:

Official Name

Shield No.

Pre-Sentence Investigation Report Attached: ☑ YES ☐ NO ☐ SHOCK INCARCERATION recommended

Order of Protection Issued: ☐ YES ☑ NO ☐ Amended Commitment:

Order of Protection Attached: ☐ YES ☑ NO Original Sentence Date ___/___/___

Date	Clerk of the Court	by: Signature	Title
3/3/10	Ellis Bozzolo	Bayette Rocko	Court Clerk

ORIGINAL - CORRECTIONS COPY

UNIFORM SENTENCE & COMMITMENT

UCS-854 (8/2007)

STATE OF NEW YORK

County COURT, COUNTY OF Erie

PRESENT: HON THOMAS P. FRANCZYK, J.C.C.

Court Part: 25

Court Reporter: Kim Buck

Superior Ct. Case #: 09-2768

The People of the State of New York -vs- Michael Woelfle 10B0802

Defendant

SEX	D.O.B.	NYSID NUMBER	CRIMINAL JUSTICE TRACKING NUMBER
M	5-1663	5373557 2	6383451 2 4

Accusatory Instrument Charge(s):	Law/Section & Subdivision:
1 Burg. 3d	PL-140.20
2 Petit Larceny	PL-155.25
3 Crim. Mischief 4th	PL-145.00(1)
4 Burg. 3d	PL-140.20

Date(s) of Offense: 9, 2, 09 To 10, 15, 09

5) Petit Larceny - PL-155.25 6) Crim. Mischief 4th - PL-145.00(1)

THE ABOVE NAMED DEFENDANT HAVING BEEN CONVICTED BY [☐ PLEA OR ☐ VERDICT], THE MOST SERIOUS OFFENSE BEING A [☐ FELONY OR ☐ MISDEMEANOR OR ☐ VIOLATION], IS HEREBY SENTENCED TO: 7) CPSP50 - PL-165.40

Crime	Count Number	Law/Section & Subdivision	SMF, Hate or Terror	Minimum Period	Maximum Term	☐ Definite (circle. D, M or Y) ☐ Determinate (in years)	Post-Release Supervision
1 Burg. 3d	1	PL-140.20		3½ years	7 years	days/months/years	years
2 Petit Larceny	2	PL-155.25		years	years	1 days/months/years	years
3 Crim. Mischief 4th	3	PL-145.00(1)		years	years	1 days/months/years	years
4 Burg. 3d	4	PL-140.20		2 years	4 years	days/months/years	years
5 Petit Larceny	5	PL-155.25		years	years	1 days/months/years	years

6) Crim. Mis. 4th - PL-145.00(1) - 1 year definite 7) CPSP50 - PL-165.40 - 1 year definite

☐ Counts All shall run CONCURRENTLY with each other ☐ Count(s) _____ shall run CONSECUTIVELY to count(s) _____

☐ Sentence imposed herein shall run CONCURRENTLY with ~~each~~ 08-0451 and/or CONSECUTIVELY to _____

☐ Conviction includes: WEAPON TYPE: _____ and/or DRUG TYPE: _____

☐ Charged as a JUVENILE OFFENDER—age at time crime committed: _____ years ☐ Court certified the Defendant a SEX OFFENDER (Cor. L § 168-d)

☐ Adjudicated a YOUTHFUL OFFENDER (CPL § 720.20) ☐ Re-sentenced as a PROBATION VIOLATOR (CPL § 410.70)

☐ Execute as a sentence of PAROLE SUPERVISION (CPL § 410.91) ☐ CASAT ordered (PL § 60.04(6))

As a ☒ second ☐ second violent ☐ second drug ☐ second drug/prior VFO ☐ predicate sex offender ☐ predicate sex offender/prior VFO ☐ second child sexual assault ☐ persistent ☐ persistent violent FELONY OFFENDER

Surcharges waived

Paid	Not Paid			Paid	Not Paid		
☐	☐	Mandatory Surcharge	$	☐	☐	Crime Victim Assistance Fee	$
☐	☐	Fine	$	☐	☐	Restitution	$
☐	☐	DNA Fee	$	☐	☐	Sex Offender Registration Fee	$
☐	☐	DWI/Other:	$	☐	☐	Supplemental Sex Off. Victim Fee	$

THE SAID DEFENDANT BE AND HEREBY IS COMMITTED TO THE CUSTODY OF THE:

☒ NYS Department of Correctional Services (NYSDOCS) until released in accordance with the law, and being a person sixteen (16) years or older not presently in the custody of NYSDOCS (the County Sheriff) (New York City Dept. Of Correction) is directed to deliver the defendant to the custody of NYSDOCS as provided in 7 NYCRR Part 103.

☐ NYSDOCS until released in accordance with the law, and being a person sixteen (16) years or older and is presently in the custody of NYSDOCS, said defendant shall remain in the custody of the NYSDOCS.

☐ NYS Office of Children and Family Services in accordance with the law being a person less than sixteen (16) years of age at the time the crime was committed.

☐ _____ County Jail/Correctional Facility

TO BE HELD UNTIL THE JUDGMENT OF THIS COURT IS SATISFIED.

REMARKS: RP. R-Wa 690 3-12-10

10-31-09 To 3-14-10 TOTAL DAYS: 135

Commitment, Order of Protection & Pre-Sentence Report received by Correctional Authority as indicated:

Official Name

Shield No.

Pre-Sentence Investigation Report Attached: ☒ YES ☐ NO ☐ SHOCK INCARCERATION recommended

Order of Protection Issued: ☐ YES ☒ NO ☐ Amended Commitment:

Order of Protection Attached: ☐ YES ☒ NO Original Sentence Date ___/___/___

Date	Clerk of the Court	by: Signature	Title
3, 3, 10	Ellis Bozzolo	Bruce Moore	Court Clerk

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