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

December 7, 2012

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:	*Gilmore, Anthony v. Town of Tonawanda, Tonawanda Justice Court & County of Erie - unlawful sentencing*
Document Received:	Notice of Claim
Name of Claimant:	Anthony Gilmore 494 Stockbridge Avenue Buffalo, New York 14215
Claimant's attorney:	Franklin R. Pratcher, Esq. Pratcher & Associates, PC 1133 Kensington Avenue Buffalo, New York 14215

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
Enclosure

IN THE MATTER OF THE CLAIM OF:

ANTHONY GILMORE
494 Stockbridge Ave.
Buffalo, New York 14215

Claimant,

NOTICE OF CLAIM

-against-

TOWN OF TONAWANDA
2919 Delaware Ave..
Kenmore ,N.Y. 14217

TONAWANDA JUSTICE COURT
1835 Sheridan Dr.
Kenmore, N.Y.14223
and

COUNTY OF ERIE
95 Franklin Street
Buffalo, New York 14202

Respondents.

This paper received at the
Erie County Attorney's Office
from Frank Pratcher on
the 5 day of Dec, 2012
at 10:55 a.m./p.m.
Kelly Brinkworth
Assistant County Attorney

PLEASE TAKE NOTICE that ANTHONY GILMORE, hereby makes a claim against the TOWN OF TONAWANDA, and COUNTY OF ERIE, and in support thereof alleges:

1. That the undersigned, ANTHONY GILMORE, post office address, 494 Stockbridge Ave. Buffalo N.Y 14215, by and through his attorneys, PRATCHER & ASSOCIATES, PC, 1133 Kensington Avenue, Buffalo New York 14215, claims damages against the TOWN OF TONAWANDA, and COUNTY OF ERIE for injuries received as a result of unlawful imprisonment beginning, January 9, 2012.

2. That upon information and belief the said unlawful imprisonment occurred on January 9, 2012, in the Justice Court of the Town of Tonawanda (Cavarello, J.), County of Erie, State of New York. On that day, the Claimant, without pleading guilty to or being found guilty of any

alleged charge (s) brought against him by the Justice Court of the Town of Tonawanda, was sentenced to one-year period of incarceration.

3. That the Claimant's damages and injuries occurred as a result of the negligence, carelessness, reckless disregard for the constitutional rights of the Claimant, ANTHONY GILMORE, by the TOWN OF TONAWANDA AND COUNTY OF ERIE., and its servants, agents, or employees in failing to investigate Claimants claims and provide Claimant with his constitutional right to due process.

4. That the aforesaid TOWN OF TONAWANDA and COUNTY OF ERIE by and through its agents, servants and employees had actual and or constructive notice of any conditions resulting in the unlawful imprisonment caused to the Claimant,

5. That as a result of the foregoing, the Claimant ANTHONY GILMORE, sustained serious injuries, including emotional, psychological damage and trauma and other injuries.

6. That the said injuries were occasioned solely and wholly as a result of the negligence of the TOWN OF TONAWANDA and COUNTY OF ERIE and through their agents, servants, and employees and without any negligence on the part of the Claimant contributing thereto.

WHEREFORE, Claimant ANTHONY GILMORE requests that his claim be allowed and paid by the TOWN OF TONAWANDA and COUNTY OF ERIE.

PLEASE TAKE FURTHER NOTICE that unless said claim is adjusted and paid by the TOWN OF TONAWANDA and ERIE COUNTY within thirty (30) days from the date of service of this Notice of Claim, said Claimant intends to commence an action in the Supreme Court of the State of New York against the TOWN OF TONAWANDA and COUNTY OF

ERIE, seeking a sum which exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction, together with interest, costs, and disbursements.

DATED: Buffalo, New York
December 4, 2012

Franklin R. Pratcher, Esq.
PRATCHER & ASSOCIATES, PC
Attorney for Claimant
Office and P.O. Address
1133 Kensington Avenue
Buffalo, New York 14215

VERIFICATION

STATE OF NEW YORK)
COUNTY OF ERIE) ss:

ANTHONY GILMORE, being duly sworn, deposes and says that I am the Claimant in this action; that I have read the foregoing Notice of Claim and know the contents thereof, that the same is true to my knowledge except as to those matters therein stated to be alleged on information and belief, and that as to those matters they believe them to be true.

ANTHONY GILMORE

Sworn to before me this
4 day of December 2012.

Notary Public

FRANKLIN R. PRATCHER
Notary Public, State of New York
Qualified in Erie County
No. 02PR6258195
My Commission Expires 03-26-20 16