

CRIMINAL COURT OF THE STATE OF NEW YORK.  
COUNTY OF BRONX: [REDACTED]

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PEOPLE OF THE STATE OF NEW YORK,

-against- Docket No. [REDACTED]

[REDACTED],

Defendant.  
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265 East 161st Street  
Bronx, New York 10451  
March 21, 2014

B E F O R E:  
HONORABLE JOHN WILSON  
Criminal Court Judge

A P P E A R A N C E S:  
  
ROBERT T. JOHNSON, ESQ.  
District Attorney of Bronx County  
  
BY: MEGAN TEESDALE, ESQ.  
Assistant District Attorney  
  
BY: ASTRID BORGSTEDT, ESQ.  
Assistant District Attorney

THE BRONX DEFENDERS  
For the Defendant  
860 Courtlandt Avenue  
Bronx, New York 10451

BY: [REDACTED]

BY: [REDACTED]

DARIA E. KLUENDER  
OFFICIAL COURT REPORTER

1 put to Defense. We have rectified that.

2 In light of all the inconsistencies, with all the  
3 information we have, we decided to not submit the case to  
4 the jury and to dismiss it.

5 [REDACTED] mentioned when the superseding was  
6 filed in 2010. I can't speak to that. I was not here  
7 then. I was in law school. We called that Assistant, we  
8 asked her, she doesn't remember much, if anything.

9 THE COURT: I think I've heard enough. You can  
10 stay standing.

11 I was admitted to the bar in April of 1987, and I  
12 was, at the time, an Assistant District Attorney in the  
13 Bronx DA's Office. I've always been very proud of that  
14 association, until today. I also served as a defense  
15 lawyer and 18B counsel. I've tried homicides; I have tried  
16 child molestation cases; and I have tried drug sale cases.

17 I have now been on this bench nine years and three  
18 months. In all that time, as a prosecutor, as defense  
19 lawyer, as judge, I have never once seen a Brady violation  
20 as egregious as this.

21 To my mind, this is an utter and complete  
22 disgrace, not just for you, but your office in general.  
23 Disgrace.

24 The excuse you offer, passing the file back and  
25 forth, no one looking and no one knowing what anything is,

1 saddens me on one level and makes me sick on another.

2 For my own peace of mind, I absolutely refuse to  
3 believe that you did this on purpose. However, it is gross  
4 negligence on your part to have not found this information,  
5 and turned it over to Defense, and for your supervisor to  
6 find it and turn it over right after Defense summations. I  
7 emphasize those words: Gross negligence.

8 I recall the Defense asking before the trial  
9 started for any notes that the People had in their  
10 possession, and you blithely said, "No, we don't have any  
11 notes." It turned out, unfortunately, to be a lie. Your  
12 actions bring disgrace to both your office and to yourself.

13 But what really concerns me more than anything  
14 else is: where is the justice for your complaining  
15 witness? where is her justice? She had the right to have  
16 this case heard by a jury and have that jury decide whether  
17 or not they believed her allegations. She's lost her  
18 chance at that justice due to your conduct.

19 what about his justice? The Defendant had a right  
20 to have a jury decide whether or not they believed those  
21 allegations. where is his justice waiting for his trial?  
22 You have failed on so many levels, on so many levels.

23 Here are your sanctions: You're going to leave  
24 this room, and you're never going to come back. You can't  
25 appear before me anymore. I'll tell you why, because I

1 cannot trust anything you say or do. I can't believe you.  
2 I can't believe your credibility anymore. The only thing a  
3 lawyer ever has to offer is their integrity and their  
4 credibility, and when you've lost that, there is no purpose  
5 in your appearing before this Court.

6 Step out.

7 (whereupon, there was a short pause in the record  
8 as Miss Teesdale exits the courtroom.)

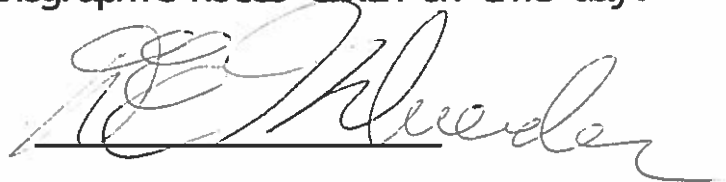
9 THE COURT: That's the end of that.

10 Sir, this case is dismissed. As I said, it will  
11 be sealed in 30 days. Good luck to you.

12 We are adjourned.

13 C E R T I F I C A T I O N

14  
15 I, Daria E. Kluender, an Official Court Reporter,  
16 do hereby certify that this transcript is a true and accurate  
17 transcription of my stenographic notes taken on this day.

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20 DARIA E. KLUENDER  
21 Official Court Reporter  
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