

THE STATE OF NEW YORK
BUFFALO CITY COURT
50 DELAWARE AVENUE
BUFFALO, NEW YORK 14202

THE PEOPLE OF THE STATE OF NEW YORK Docket #CR-2372-18

-vs-

ANSON WHITTED, January 14, 2019

Defendant.

BEFORE HONORABLE DIANE Y. WRAY

APPEARANCES: AMANDA RAIMONDI, ESQ.
 Appearing for the People

 CHARLES KATZ, ESQ.
 Appearing for the defendant

PRESENT: ANSON WHITTED

TRANSCRIPTION SERVICE: Kathleen S. Hume
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 Williamsville, New York 14221
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Proceedings recorded by electronic sound recording.
Transcript produced by transcription service.

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(Proceedings commencing at 10:57 A.M.)

THE COURT: Anson C. Whitted, CR-02372-18.
Mr. Whitted, we're here for sentencing. Do we have a license?

THE DEFENDANT: No. I can't afford to get a license, ma'am. I'm still --

THE COURT: All right. 2/13 in the A.M.

THE DEFENDANT: I want to address an issue.

THE COURT: I'd like to address you getting a license.

THE DEFENDANT: Yeah, but that be impossible and I can't --

THE COURT: I can just give you 15 days in jail. If you're okay with that, I'm okay with that.

THE DEFENDANT: All right. But if we do that, I can't do it today 'cause I have my son --

THE COURT: Then I'll see you back here 2/13 in the A.M. Come with your toothbrush.

THE DEFENDANT: Now, hold on, Miss. I didn't address my issue. My issue was that I pled guilty in September 2011. It's now January. How is jail time still even on the table?

THE COURT: It is. You never --

THE DEFENDANT: How?

THE COURT: -- spent it.

1 MR. KATZ: You haven't been sentenced yet.

2 THE DEFENDANT: I know, but when do you get
3 sentenced on a -- whatever -- whatever this --

4 THE COURT: Well, I'll sentence you right now
5 and you'll be done. Are you ready?

6 THE DEFENDANT: No, I'm not ready.

7 THE COURT: Well, then you either come back or
8 I'll sentence you right now. If you want to complain
9 that you don't want more time then --

10 THE DEFENDANT: I don't want jail time at all.

11 THE COURT: Well, then that's really too bad,
12 isn't it, because it's up to me, not up to you.

13 THE DEFENDANT: I --

14 THE COURT: If you want no jail time, go get a
15 license and then I'll be happy.

16 THE DEFENDANT: I can't afford a license,
17 ma'am. I don't have thousands of dollars.

18 THE COURT: Do we -- you know what? I'm not
19 even right now going to go look to see if you have other
20 offenses because if you have other --

21 THE DEFENDANT: I don't.

22 THE COURT: -- offenses -- okay. Well, then I
23 never give somebody jail time between -- I'm not going
24 to give you jail time if you didn't go out and re-
25 offend.

1 THE DEFENDANT: I didn't.

2 THE COURT: Okay.

3 THE DEFENDANT: And that's why I'm like -- it
4 been going on a year now.

5 THE COURT: Let me see the file.

6 CLERK: This is Mr. Whitted?

7 THE COURT: Oh, did we even --

8 CLERK: No. This is Whitted?

9 THE DEFENDANT: Yes, I'm Whitted.

10 THE COURT: All right. This has been going on
11 since 2018. What are you talking about since 2011?

12 THE DEFENDANT: I didn't say 2011. I said
13 last year. I said over a year --

14 THE COURT: Okay. Well, I have --

15 THE DEFENDANT: -- going on a year.

16 THE COURT: -- a choice. I can either give
17 you jail time -- you want a fine? I --

18 THE DEFENDANT: I'll take --

19 THE COURT: -- can give you a fine.

20 THE DEFENDANT: -- a fine. No jail time.

21 Give me a fine. I'll take it.

22 THE COURT: All right. This Court's going to
23 give you a \$200 fine. I will sentence you today. You
24 will have a \$200 fine and an \$88 surcharge. That's
25 \$288. You have 90 days for civil judgment. You have 30

1 days to appeal.

2 THE DEFENDANT: All right. Thank you.

3 THE COURT: You are done.

4 MR. KATZ: You pay that downstairs in this
5 building within 90 days.

6 THE DEFENDANT: All right. 30 days to appeal.
7 Who do I appeal to?

8 THE COURT: Talk to your attorney.

9 MR. KATZ: What do you want to appeal? That
10 Mr. Goldberg pled you to the lowest level traffic
11 infraction or that you got the fine?

12 THE DEFENDANT: That's -- like who do I appeal
13 to?

14 MR. KATZ: Erie County Court.

15 THE COURT: Talk to your attorney.

16 THE DEFENDANT: I am talking to him.

17 MR. KATZ: Erie County Court. We'll file an
18 appeal for you.

19 THE DEFENDANT: All right.

20 (Proceedings concluded at 11:00 A.M.)

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CERTIFICATE

I, Kathleen S. Hume, certify that the foregoing transcript of proceedings in the Buffalo City Court, State of New York, in the matter of:

People of the State of New York vs. Anson Whitted

Docket #CR-2372-18

was prepared using the required transcription equipment and is a true and accurate record of the proceedings.

Kathleen S. Hume

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Date: April 11, 2019