

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

PEOPLE OF THE STATE OF NEW YORK

vs.

JAMES SUTERA,

Defendant.

THE GRAND JURY OF THE COUNTY OF NEW YORK, by this indictment, accuses the defendant JAMES SUTERA of the crime of PERJURY IN THE FIRST DEGREE in violation of Penal Law § 210.15, as follows:

The defendant, in the County of New York, on or about February 17, 2009, did swear falsely by intentionally making a false statement which he did not believe to be true, while giving testimony under oath that was material to the action, proceeding and matter in which it was made, to wit:

On February 17, 2009, the New York State Inspector General's Office was conducting an investigation into the Waterfront Commission. In the course of that investigation, Paul Ryan, Investigative Counsel for the New York State Inspector General's Office, and Robert Werner, an investigator with the New York State inspector General's Office, conducted a deposition of the defendant, who was at

that time a detective working for the Waterfront Commission. On February 17, 2009, defendant was duly sworn and testified before the New York State Inspector General's Office, a body, agency and public servant authorized by law to conduct such proceeding and to administer the oath and cause it to be administered. The defendant swore under oath that he would testify truthfully and was questioned about the circumstances under which he applied for the position of detective at the Waterfront Commission, including whether he took the entrance examination that was required for the position of detective, whether he had been given either a copy of the test or the answers to the questions on the test beforehand, whether he had ever told anyone that he had been given a copy of the test or the answers to the questions on the test beforehand and whether he had offered anyone a copy of the test or the answers.

Whereupon, on February 17, 2009, before the New York State Inspector General's Office, the defendant was asked the following question and gave the following answer:

Question: At any point, did you receive any of the information that was on the test, be it the book, was the answers circled, the questions circled, the test itself, or any indication of what the questions were on test?

Defendant: No

Whereas, in truth and in fact, as the defendant

knew, that testimony was false and the truth was that defendant had been provided with the questions that were on the test and the answers to those questions prior to his taking the examination.

SECOND COUNT

AND THE GRAND JURY OF THE COUNTY OF NEW YORK, by this indictment, further accuses the defendant JAMES SUTERA of the crime of PERJURY IN THE FIRST DEGREE in violation of Penal Law § 210.15, as follows:

The defendant, in the County of New York, on or about February 17, 2009, did swear falsely by intentionally making a false statement which he did not believe to be true, while giving testimony under oath that was material to the action, proceeding and matter in which it was made, to wit:

On February 17, 2009, The New York State Inspector General's Office was conducting an investigation into the Waterfront Commission. In the course of that investigation, Paul Ryan, Investigative Counsel for the New York State Inspector General's Office, and Robert Werner, an investigator with the New York State inspector General's Office conducted a deposition of defendant James Sutera, who was at that time a detective working for the Waterfront

Commission. On February 17, 2009, defendant was duly sworn and testified before the New York State Inspector General's Office, a body, agency and public servant authorized by law to conduct such proceeding and to administer the oath and cause it to be administered. The defendant swore under oath that he would testify truthfully and was questioned about the circumstances under which he applied for the position of detective at the Waterfront Commission, including whether he took the entrance examination that was required for the position of detective, whether he had been given either a copy of the test or that answers beforehand, whether he had ever told anyone that he had been given a copy of the test or the answers beforehand and whether he had offered anyone a copy of the test or the answers.

Whereupon, on February 17, 2009, before the New York State Inspector General's Office, the defendant was asked the following questions and gave the following answers:

Question: Alright, did you ever tell anyone that you received help with taking the exam?

Defendant: No.

Question: That you received the questions that were going to be on the test?

Defendant: Absolutely not.

Whereas, in truth and in fact, as the defendant knew, that testimony was false and the truth was that defendant had spoken with at least one person at the Waterfront Commission and said that he had been given a copy of the exam prior to taking it.

THIRD COUNT

AND THE GRAND JURY IN THE COUNTY OF NEW YORK, by this indictment further accuses defendant JAMES SUTERA of the crime of PERJURY IN THE FIRST DEGREE in violation of Penal Law § 210.15 as follows:

The defendant, in the County of New York, on or about February 17, 2009, did swear falsely by intentionally making a false statement which he did not believe to be true, while giving testimony under oath that was material to the action, proceeding and matter in which it was made, to wit:

On February 17, 2009, the New York State Inspector General's Office was conducting an investigation into the Waterfront Commission. In the course of that investigation, Paul Ryan, Investigative Counsel for the New York State

Inspector General's Office, and Robert Werner, an investigator with the New York State Inspector General's Office, conducted a deposition of defendant James Sutera, who was at that time a detective working for the Waterfront Commission. On February 17, 2009, defendant was duly sworn and testified before the New York State Inspector General's Office, a body, agency and public servant authorized by law to conduct such proceeding and to administer the oath and cause it to be administered. The defendant swore under oath that he would testify truthfully and was questioned about the circumstances under which he applied for the position of detective at the Waterfront Commission, including whether he took the entrance examination that was required for the position of detective, whether he had been given either a copy of the test or that answers to the questions on the test beforehand, whether he had ever told anyone that he had been given a copy of the test or the answers to the questions on the test beforehand, whether he had ever told anyone that he had been given advance notice of the examination, and whether he had offered anyone a copy of the test or the answers.

Whereupon, on February 17, 2009, before the New York State Inspector General's Office, the defendant James

Sutera was asked the following questions and gave the following answers:

Question: Okay, did you tell anyone you would give them the questions that were in the test?

Defendant: Absolutely not.

Question: Did you ever bring in your Arco book to show to anyone else?

Defendant: Absolutely not.

Question: Okay, no one else at the Waterfront Commission?

Defendant: Absolutely not.

Question: Did you ever talk to people about the exam trying to help people out that wanted to take the exam? ... specifically the Waterfront Commission exam

Defendant: Absolutely not.

Question: Did you ever tell anyone that you had the answers and that you would bring it in for them?

Defendant: No

Whereas, in truth and in fact, as the defendant knew, said testimony was false and the truth was that defendant had offered to help at least one person at the Waterfront Commission take the exam by providing that person the answers to the questions that were on the test that the defendant had in his possession.

ROBERT M. MORGENTHAU
District Attorney

Filed:

NA

No.

THE PEOPLE OF THE STATE OF NEW YORK

-against-

JAMES SUTERA,

Defendant.

INDICTMENT

PERJURY IN THE FIRST DEGREE, P.L. § 210.15, 3 Cts

ROBERT M. MORGENTHAU, District Attorney

A True Bill

ADA DEBORAH HICKEY
RACKETS

Foreman

ADJOURNED TO PART ____ ON _____