

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK: PART 81

THE PEOPLE OF THE STATE OF NEW YORK

-against-

CUBA GOODING, JR.,

Defendant.

PEOPLE'S VOLUNTARY
DISCLOSURE FORM

Ind. No. 3226/2019

The People of the State of New York hereby voluntarily disclose to the defendant the following factual information pertaining to the above-captioned case:

A. BILL OF PARTICULARS

1. OCCURRENCE See Complaint

Date: June 9, 2019
App. Time: 10:15 PM
Place: Magic Hour, 485 7 Avenue New York, NY

Date: October 24, 2018
App. Time: 4:20AM
Place: TAO Downtown, 92 9 Avenue New York, NY

2. ARREST Approximately same time as occurrence

Date: June 13, 2019
App. Time: 14:10:00
Place: 221 East 123 Street New York, NY

At the time of indictment, defendant had not yet been arrested for the October 24, 2018 charged conduct.

B. NOTICES

1. STATEMENTS

If checked, notice is hereby served, pursuant to CPL §710.30(1)(a), that the People intend to offer at trial evidence of a statement made by defendant to a public servant. *(Where a statement has been recorded on video, counsel should contact the assigned assistant district attorney to arrange a mutually convenient time for viewing the recording or should provide a blank DVD for copying.)*

2. IDENTIFICATION

If checked, notice is hereby served, pursuant to CPL §710.30(1)(b), that the People intend to offer at trial testimony regarding an observation of defendant either at the time or place of the commission of the offense or upon some other occasion relevant to the indictment, to be given by a witness who has previously identified defendant.

C. DISCOVERY

1. ADDITIONAL STATEMENTS

If checked, the People hereby disclose written, oral or recorded statements of a defendant or of a co-defendant to jointly tried, made, other than in the course of the criminal transaction, to a public servant engaged in law enforcement activity or to a person then acting under his direction or in cooperation with him, and which statements are not given in section B(1) above. C.P.L. §240.20(1)(a).

2. GRAND JURY TESTIMONY

If checked, defendant or a co-defendant to be tried jointly testified before the Grand Jury relation to this criminal action. C.P.L. §240.20(1)(b). *Such testimony is available upon payment of a stenographic fee.*

3. SCIENTIFIC AND MEDICAL REPORTS

If checked, the People hereby disclose written reports or documents or portions thereof, concerning a physical or mental examination or scientific test or experiment, relation to this criminal action, which were made by, or at the request or direction of a public servant engaged in law enforcement, or by a person whom the People intend to call as a witness of a trial, or which the People intend to introduce at trial. C.P.L. §240.20(1)(c).

	Already Served	Attached	Will Be Provided
Laboratory Report from the O.C.M.E.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

4. PHOTOGRAPHS AND DRAWINGS

If checked, there exists photographs or drawings relating to this criminal action which were made or completed by a public servant engaged in law enforcement, or which were made by a person whom the People intend to call as a witness at trial, or which the People intend to introduce at trial. C.P.L. §240.20(1)(d). *(Counsel should contact the assigned assistant district attorney to arrange a mutually convenient time to examine this material.)*

5. INSPECTION OF PROPERTY

If checked, there exists photographs, photocopies or other reproductions made by or at the direction of a police officer, peace officers, or prosecutor of property prior to its release pursuant to the provisions of Penal Law Section 450.10, irrespective of whether the People intend to introduce at trial the property or the photograph, photocopy, or other reproduction. C.P.L. §240.20(1)(e). *(Counsel should contact the assigned assistant district attorney to arrange a mutually convenient time to examine this property.)*

6. OTHER PROPERTY

If checked, there exists other property obtained from the defendant, or a co-defendant to be tried jointly, C.P.L. §240.20(1)(f), or from another source. *(Counsel should contact the assigned assistant district attorney to arrange a mutually convenient time to examine this property.)*

- a. Clothing worn by complainant
- b. Cup used by defendant vouchered for DNA Evidence
- c. Water bottle used by defendant vouchered for DNA Evidence

7. TAPES AND ELECTRONIC RECORDINGS

If checked, there exists tapes or other electronic recordings which the People intend to introduce at trial, irrespective of whether such recording was made during the course of the criminal transaction. C.P.L. §240.20(1)(g). (*Counsel should contact the assigned assistant district attorney to arrange a mutually convenient time to listen to the tapes or provide a blank tape for copying.*)

8. BRADY MATERIAL

If checked, there is material appended which the People are required to turn over pursuant to the United States or the New York State Constitution. The People are aware of their continuing obligation to disclose material exculpatory to defendant and intend to satisfy that obligation as required by law. C.P.L. §240.20(1)(h).

9. COMPUTER OFFENSES

If checked, discovery is hereby served pursuant to C.P.L. §240.20(1)(j) of the time, place and manner of notice given pursuant to Penal Law §156.00(6), which governs offenses for Unauthorized Use of a Computer (Penal Law §156.05) and Computer Trespass (Penal Law §156.10).

10. VEHICLE AND TRAFFIC LAW OFFENSES

If checked, the People hereby disclose written reports or documents, or portions thereof, concerning a physical examination, a scientific test or experiment, including the most recent record of inspection, or calibration or repair of machines or instruments utilized to perform such scientific tests or experiments and the certification certificate, if any, held by the operator of the machine or instrument, which tests or examinations were made by or at the request or direction of a public servant engaged in law enforcement activity, or which was made by a person whom the People intend to call as a witness at trial, or which the People intend to call as a witness at trial, or which was made by a person whom the People intend to call as a witness at trial, or which the People intend to call as witness at trial, or which the People intend to introduce at trial C.P.L. §240.20(1)(k).

11. POLICE OFFICERS INVOLVED

The following are some of the officers who were involved in the arrest or police investigation.

<u>Name</u>	<u>Shield</u>	<u>Command</u>
P.O. Timothy Trotter	18501	Manhattan Special Victims Squad
Det. John O'Leary	1340	Manhattan Special Victims Squad
Sgt. Jason Bryant	2374	Midtown South Precinct
P.O. Felicia Catalano	6303	Midtown South Precinct
P.O. Courtney Paulszek	19611	Midtown South Precinct
P.O. Derrick Williams	12049	Midtown South Precinct
P.O. Stacey Lamotta	23510	Midtown South Precinct

12. SEARCH WARRANTS

If checked, a search warrant was executed during this investigation of this case.

D. DEMAND FOR NOTICE OF ALIBI

Pursuant to CPL §250.20, the People hereby demand that defendant supply the District Attorney with (a) the place or places where the defendant claims to have been at the time of the commission of the crime(s) and (b) the names, residential addresses, places of employment and addresses thereof of every alibi witness upon whom defendant intends to rely to establish his presence elsewhere than at the scene of the crime at the time of its commission, and of every witness in support of such defense. Within a reasonable time after the receipt of the information specified above, the District Attorney will submit a list of any rebuttal witnesses, their addresses, and employers.

E. RECIPROCAL DISCOVERY

Pursuant to CPL §240.30(1), the People hereby demand that defendant supply the District Attorney with (a) any written report or document, or portion thereof, concerning a physical or mental examination, or scientific test, experiment, or comparisons, made by or at the request or direction of the defendant, if the defendant intends to introduce such report or document at trial, or if defendant has filed a notice of intent to proffer psychiatric evidence and such report or document which relates thereto or if such report or document was made by a person other than defendant, whom defendant intends to call as a witness at trial; and (b) any photograph, drawing, tape, or other electronic recording which the defendant intends to introduce at trial.

E. ADDITIONAL DISCLOSURES

Attached to this Voluntary Disclosure Form is a copy of the letter detailing the discovery the People provided to defense counsel on October 2, 2019 related to the June 9, 2019 charged incident. In order to provide additional video surveillance and discovery related to the October 24, 2018 charged incident the People will need defense counsel to provide a USB or external hard drive for us to put the electronic files on.

NOTE: Any defense motion or request addressed to the above-captioned case should be directed to the attention of the assistant district attorney named below, who is assigned to this case.

Dated: New York, New York
October 15, 2019

Jenna Long
Assistant District Attorney