

BRONX SUPREME COURT  
CRIMINAL DIVISION

2007BX04834



2007BX048345



THE PEOPLE OF THE STATE OF NEW YORK

v.

STATE OF NEW YORK

COUNTY OF THE BRONX

- 1. HERMINIO PIZARRO M/57
- 2. [REDACTED] M/18

Defendants

**PLAINTIFF'S  
EXHIBIT**

3.7.2012 <sup>2</sup> MW

PO MICHELLY MARRERO of 40 PCT, Shield# 28909, states that on or about August 4, 2007 at approximately 7:20 PM at [REDACTED], County of the [REDACTED]

THE DEFENDANTS, ACTING IN CONCERT, COMMITTED THE OFFENSES OF:

- 1 (F) P.L. 110/120.07 Attempted Gang Assault in the First Degree (DQO)
- 2 (F) P.L. 160.10(1) Robbery 2^ (DQO)
- 3 (F) P.L. 160.10(2)(a) Robbery 2^ (DQO)
- 4 (F) P.L. 110/120.06 Attempted GANG ASSAULT IN THE SECOND DEGREE (DQO)
- 5 (F) P.L. 110/120.08 Attempted Assault on a Peace Officer/Police Officer/Firearm or Emer. Personnel (DQO)
- 6 (F) P.L. 160.05 Robbery 3^ (DQO)
- 7 (F) P.L. 120.05(2) Assault 2^ (DQO)
- 8 (F) P.L. 120.05(3) Assault 2^ (DQO)
- 9 (F) P.L. 110/120.05(1) Attempted Assault 2^
- 10 (M) P.L. 120.00(1) Assault 3^
- 11 (M) P.L. 155.25 Petit Larceny
- 12 (M) P.L. 205.30 Resisting Arrest
- 13 (M) P.L. 195.05 Obstructing Governmental Administration 2^
- 14 (V) P.L. 221.05 Unlawful Possession of Marihuana
- 15 (V) P.L. 240.26(1) Harassment 2^

IN THAT THE DEFENDANTS, ACTING IN CONCERT, DID: attempt to with intent to cause serious physical injury to another person and when aided by two or more other persons actually present, causes serious physical injury to such person or to a third person; forcibly steal property and when he or she is aided by another person actually present; forcibly steal property and when in the course of the commission of the crime or of immediate flight therefrom he or another participant in the crime cause physical injury to any person who is not a participant in the crime; attempt to with intent to cause physical injury to another person and when aided by two or more other persons actually present, he causes serious physical injury to such person or to a third person; attempt to with intent to prevent a peace officer, police officer, a fireman, including a fireman acting as a paramedic or emergency medical technician administering first aid in the course of performance of duty as such fireman, an emergency



medical service paramedic or emergency medical service technician, from performing a lawful duty; he causes serious physical injury to such peace officer, police officer, fireman, paramedic or technician; forcibly steal property; intentionally cause physical injury by means of a deadly weapon or a dangerous instrument; cause physical injury to a peace officer, police officer, fireman, EMS paramedic or EMS technician, with intent to prevent that person from performing a lawful duty; intentionally attempt to cause serious physical injury; intentionally cause physical injury; steal property; intentionally prevent or attempt to prevent a peace officer or police officer from effecting an authorized arrest of himself or another person; intentionally obstruct, impair or pervert the administration of law or other governmental function or attempt to prevent a public servant from performing an official function, by means of intimidation, physical force or interference, or by means of an independently unlawful act, or by means of interfering, whether or not physical force was involved, with radio, telephone, television or other telecommunications owned or operated by the state or a county, city, town, village, fire district or emergency medical service; knowingly and unlawfully possess marijuana and with intent to harass, annoy or alarm another person truck, shoved, kicked or otherwise subjected such other person to physical contact, or attempted or threatened to do the same.

THE GROUNDS FOR THE DEPONENT'S BELIEF ARE AS FOLLOWS:

Deponent is informed by PO WILLIAM J KELLY of 40 PCT, Shield# 28634, that at the above time and place, he and PO EFRAIN MORALES of 40 PCT, Shield# 13473, were on duty as police officers of the New York City Police Department and were wearing their official police uniforms, when they attempted to arrest a separately apprehended juvenile (arrest# B07660595) for disorderly conduct. Deponent is further informed that as the officers were attempting to arrest the juvenile, defendant [REDACTED] and an unapprehended individual pushed Officer Kelly and Officer Morales while trying to pull the separately apprehended juvenile into a nearby building. Deponent is further informed that as he and Officer Morales were struggling with the separately apprehended juvenile, defendant [REDACTED] yells, and the unapprehended individual, defendant Pizzarro yelled in sum and substance: THEY ARE ONLY GIRLS, THEY ARE ONLY 15, and defendant Pizzarro then took Officer Morales' official police asp (an extendable baton) from Officer Morales' belt and struck Officer Kelly on the head with it.

Deponent is further informed that as a result of the defendants' conduct, informant and Officer Morales were unable to arrest the unapprehended individual and were prevented from arresting the defendants and the separately apprehended juvenile until backup officers arrived.

Deponent is further informed by Officer Kelly that, as a result of the aforementioned conduct of defendants, the separately apprehended juvenile, and the unapprehended individual, he suffered a laceration to his head, momentarily lost consciousness, and had a concussion, all of which required treatment including three staples to the head) at a local Bronx hospital, and which also caused fear for his safety, annoyance, pain, and alarm.

Deponent is further informed by informant that defendant Pizzarro stated in sum and substance: I TOOK THE BATON AND HIT THE OFFICER WITH IT.

Deponent is informed by Officer Morales that he observed defendant [REDACTED] to have in his possession, in his left front pants pocket, one small bag containing dried, green, leafy substance with a distinctive odor.



Deponent is further informed by Officer Morales that, based upon informant's training and experience, which includes training in the recognition of marijuana, a dried, green leafy substance with a distinctive odor, the aforementioned substance is alleged and believed to be marijuana.

FALSE STATEMENTS MADE HEREIN ARE PUNISHABLE  
AS A CLASS A MISDEMEANOR PURSUANT TO P.L. 210.45

08/05/2007 (14:39)

*Michelym...*

DATE and TIME

SIGNATURE

