

The point made is unbiased. We help Courts to become healthy, wealthy and wise ending desperate Miscarriages of Justice.



08.10.2020  
UPDATED

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LKJESQ's Checkmate Memorandum of Law ("LKJMOL") with checkmate authorities in endnotes<sup>1-10</sup> is Law Enforcement Sensitive.

All healthy, wealthy and wise self-rescued<sup>1</sup> jurists<sup>2</sup> end the **Big Lie** that out-of-wedlock babies **doing wrongs deserve** to be bastard babies ("**Codified Justicide**")<sup>3</sup> as the state created danger,<sup>4</sup> salute this unbiased official LKJMOL<sup>5</sup> by LKJESQ,<sup>6</sup> accept the self-enforced Justice done by the One Creator and mandate using due process of law as legally valid unbiased due process of truth instead of legally void biased due process of lie by all lawyers,<sup>7</sup> monetizers of traffickings<sup>8</sup> and governments<sup>9</sup> misusing taxes.<sup>10</sup>

Courts by laws correctly applied acting under the law for valid decisions, orders and/or judgments ("**Valid DOJs**") making injurers make their injureds whole as **guaranteed Justice and Peace** ("**Solution**") end desperate Miscarriages of Justice ("**Justicides**") by laws misapplied acting above the law for void DOJs ("**Void DOJs**") and **Justicidal PlanDemic more lethal than COVID-19 PlanDemic** ("**Problem**") and **prove state confirmed security** of every baby from womb to tomb just as Founding Fathers intended.

No. **96-57**

IN THE

SUPREME COURT OF THE UNITED STATES  
October Term, 1995

ANDREW C. SCHIFFER,  
Petitioner,

vs.

TARRYTOWN BOAT CLUB, INC.,  
and its BOARD OF DIRECTORS individually,  
JOHN MILLAR, KEVIN McDERMOTT,  
ROBERT ROSSI, EDWARD THOMAS,  
DONALD BRAINARD, THOMAS KENEALY,  
ANTHONY ISMAILOFF, and JOHN PUFF,  
Respondents.

ON PETITION FOR A WRIT OF CERTIORARI  
TO NEW YORK STATE COURT OF APPEALS

PETITION FOR A WRIT OF CERTIORARI

LALIT K. JAIN  
Counsel of Record for Petitioner  
61-22 Booth Street  
Rego Park, N. Y. 11374-1034  
718 476-9757

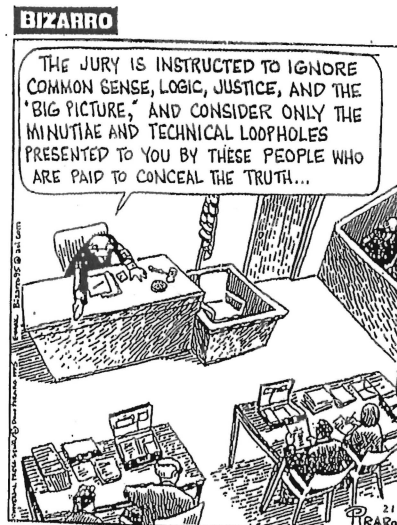
June 25, 1996

DOCKETED JUL 12, 1996  
DENIED DEC 02, 1996

#### TWO UNSETTLING QUESTIONS

Judgments are, as it were, the sayings of the law,  
and are received as truth [even if not the truth].<sup>a</sup>

Personally ashamed but constitutionally constrained by  
oath to support our Constitutions WE THE PEOPLE still  
honor, Counsel presents very basic questions raised by the  
judicial truth as received and judicial satire as published.



<sup>a</sup> *Judicia sunt tanquam juris dicta, et pro veritate accipiuntur.*  
*Bl. Dict.*, (6th ed.), p. 850. [Emphasis added].

<sup>1</sup> [p20] ...Court: ... I do find the defendant guilty ... unless you [Jain] want to be heard... [p21] MR JAIN: Yes ... [p22]. Court...Parties step up **real quick**. (Whereupon a **bench discussion** was held) ... Court: After re-examining the statute more closely...as I reread it, many, many more times, my initial reading of it to convict [the **mischarged motorist**] was incorrect...[p23]...I **have to change** my verdict [of guilty as state created danger] to [verdict of] not guilty [as state confirmed security to reconfirm Justice by the One Creator with absolute judicial immunity]. Case dismissed...¶ Court Officer: You're free to go.

The Official www.TruthIsPrudence.Com with the LKJMOL is the credible legacy certified in law by LKJESQ challenged by the world and its people in billions to help all Courts use it in all cases and end traffickings in Justice, humans, etc.™

LKJESQ@LKJESQ.COM / 61-22 Booth Street Rego Park NY 11374-1034.

A1-A4

*Unw*  
05/31/2021

**Attached** NYS Queens County Criminal Court **Transcript** of Docket No. 2012QN040877 **People v Onuorah** **reproves that “real quick” bench discussions do help judges** to judge right and reconfirm Justice made absolute by the One Creator with absolute judicial immunity. His sperm and her egg make him his baby’s father with no option to say no to his undeniable paternity or her undeniable maternity as the naturally normal two harmonious sides of the same one sex act when recreative sex became reproductive sex between them (the “**Big Truth**”).

**End** of his and her belief in the **crazy Big Lie** with its **crazy** infrastructure of **crazy Void DOJs** **begins** his and her belief in the **uncrazy Big Truth** with its **uncrazy** infrastructure of **uncrazy Valid DOJs**, **requires every Void DOJ** to be reversed and corrected into **Valid DOJ** by every Court on its own motion and/or on motion made by the victims of the **Void DOJs** with no time limit and **ends history or his-story as biased by unbiased history**.

- <sup>1</sup> ... [p59] “One [good] course of action **excludes** the other [evil course of action]. ... [p60] The law requires no one to do a vain thing [**like an evil thing because the law requires everyone to do good valid things, always**].” **Strasbourger v Leerburger, Ct App, Hiscock, Ch. J., Cardozo, 1922, 233 NY 55, 59, 60.**
- <sup>2</sup> **The Supreme Court of the United States (“SCOTUS”) Rule 10 is evil since it rarely corrects** “erroneous factual findings **or** the misapplication of a properly stated rule of law” to **scapegoat and stonewell** women, babies and other injureds in all Courts in all jurisdictions in all nations no matter how different they will always be.
- <sup>3</sup> **All Statutes of Limitations to make legal moves as valid things for Justice** instead of void things **for Justicides** are required to be made by all Courts on their own motions, or on injureds’ motions until all Courts begin to **convict** guilty (nocent) bastard fathers doing wrongs as guilty bastard fathers doing wrongs in paternity cases instead of innocent babies-in-fact doing no wrongs as nocent bastards-in-law doing wrongs knowing that they are forcibly both conceived and also born without their consent and/or knowledge to live and die as bastards.
- <sup>4</sup> “...where a court has jurisdiction to act **under** the law [thus **with** jurisdiction, authority **and** absolute judicial immunity in law **to cremate scamming as proof of state confirmed security**], it has a right to decide every question which occurs in the cause... But if it act **above** the law [thus **without** jurisdiction, authority **or** immunity in law **to create more scamming**], its judgments and orders are regarded as **nullities**, all [**lawmen and laymen alike**] ... **executing [nullities]** are considered **in law** as trespassers [**in law aka conspiring injurers (“Outlaws”)**] with no immunity from being ordered by Courts to make their injureds whole [**as proof of state created danger**].” **Elliott v Lessee of Piersol, 1828, 26 US (1 Pet.) 328, 340-341.**
- <sup>5</sup> “A void act ... **may be attacked in any forum**, state or federal, where its validity may be drawn in issue.” **Pennoyer v Neff, 1878, 95 US 714, 732-733, World-Wide Volkswagen Corp. v. Woodson, 444 US 286.**
- <sup>6</sup> “... **relief from void judgments is not subject to any time limitation ... relief is not a discretionary matter; it is mandatory**...[injurers shall be ordered to give back to injureds, **with punitive awards**, all properties held in constructive and/or deemed trusts making relief from, and redress for, **injureds’ lives kept on hold (“Mandatory Restitution”)**; **no deterrent punitive awards are “grossly excessive,” TXO Production Corp. v Alliance Resources Corp., 1993, 509 US 443]**”, **to help predators as injurers end causing injuries to their prey.** **Orner v Shalala, Colo. 1994, 10<sup>th</sup> Cir, 30 F3d 1307, 1310; Limone v US, 2011, 815 FSupp2d 393.**
- <sup>2</sup> “[571] ... Judges [in Courts, Judicial Hearing Officers, Administrative Law Judges, etc. as **Jurists**] **personify** the justice system upon which the public relies to resolve all manner of controversy, civil and criminal. **A society that empowers Judges to decide the fate of human beings and the disposition of property has the right to insist** [572] **upon the highest level of judicial honesty and integrity [to cremate scamming (“TruthIsPrudence”)]**. A Judge’s conduct that departs from this high standard **erodes** the public confidence in our justice system so vital to its effective functioning...That petitioner’s conduct was not directly related to his judicial office is immaterial ... (see, 22 NYCRR 100.2 [a]) ... [“A judge **shall** respect and comply with the law and **shall** conduct himself or herself **at all times** in a manner that promotes public confidence in the integrity and impartiality of the judiciary **to create more scamming (“Jurisprudence”)]**”; emphasis added; **Matter of Bailey, 67 NY2d 61, 62-63**... Nor does petitioner’s alleged motivation of deceiving his wife not the bank **mitigate the objective conduct**... [573]...and Rudolph L. Mazzei is **deemed removed** from the office of judge [**to salute TruthIsPrudence**].” **Matter of Mazzei v State Commission on Judicial Conduct, 1993, Ct App, 81 NY2d 568, 571-573.**
- <sup>3</sup> **Codified Justicide aka Miscarriage of Jusice** agrees with Martin Luther King, Jr. who, on Good Friday April 12, 1963, wrote: “A **just law** is one that comports with the [**paternity**] law of God and an **unjust law** is one that doesn’t” as “out-of-wedlock babies doing no wrong are bastard babies” is the **Big Lie** or **gross misrepresentation** of facts used as a propaganda device by a politician or official body as self-created mental illness (“**Politics**”).”  
[https://en.wikipedia.org/wiki/Big\\_lie](https://en.wikipedia.org/wiki/Big_lie)

- We are all born from 100% secured wombs made 100% insecure by Codified Justicide that made “law” truthfully wrong thus politically correct word for “lie”, prosecution or litigation to the fullest extent of the law mean prosecution or litigation to the fullest extent of the lie for lying and relying on lying by all Courts of law.*
- <sup>1</sup> *“...if you think that it is **terribly** important that the case came out wrong, you miss the point of the common law [aka Codified Justicide]. In the grand scheme of things whether the right party won is really secondary.”*  
*A Matter of Interpretation, Federal Courts and the Law, p6, 1997, by SCOTUS Justice Scalia, died 02.13.2016.*
  - <sup>2</sup> *The infallible Justice, self-enforced by natural law, mandates using scientific DNA-matches to prove paternitys and sex since they do prove both. It helps Courts, Congresses and Churches end playing dirty old Politics keeping lives on hold. It helps men end retaliating against women and begin to accept undeniable paternitys of babies as proof of every him-her procreative sex with paternitys and maternitys as the intertwined thus inseparable two sides. It helps lawyers and jurists end practicing conspiracy and the Justicidal PlanDemic.*
  - <sup>3</sup> *TruthIsPrudence is the solution making jurists go back in history with no time limit to come out clean to end Jurisprudence as the problem. The truth is: when him-her-sex does impregnate a woman, then, sex does make him the legitimate father of his babies carrying his genetic signature when she is his wife and illegitimate father aka bastard father when she is another’s wife or an unwed woman as proof of the secured baby-making process.*
  - <sup>4</sup> *Credible laws of nature mandate that TruthIsPrudence shocking no conscience end Jurisprudence shocking every conscience with unanimous political, judicial, moral, ethical, spiritual, legal and constitutional approvals.*
  - <sup>5</sup> *Codified Justicide loves nocent men violating marriage and divorce (“MAD”) laws to commit date rapes, gang rapes, even statutory rapes, as criminal adulteries with women besides their own wives, with others’ wives and with unwed women and lie to deny undeniable sex and paternitys.*
  - <sup>6</sup> *Codified Justicide made man’s lie people’s law that man is not the father of his baby knowing that he is, practice of law practice of lie and Courts of law Courts of lie causing stress (“Stressor”). Stressor will keep making everyone’s potent immune system impotent until cremated by TruthIsPrudence to keep it potent and lift the self-inflicted evil thus Royal baby bastard curse (“BBC”) on every purse. It proved that self-proving predators scripted the baby is bastard legally enshrined (“BIBLE”), created rape threats to females from males as the RAPE PlanDemic intertwined with thus inseparable from pregnancy and death threats as far more barbaric than only death threats to both sexes alike as the COVID-19 PlanDemic, even if the six-feet social distancing against the COVID-19 PlanDemic and the RAPE PlanDemic are a vain thing sold as a valid thing.*
  - <sup>7</sup> *The absolute truth in law, medicine, religion, etc. is that TruthIsPrudence protects all people of all sexes, born credible, rational and undelusional, from Jurisprudence still making them incredible, irrational and delusional. Even one night stands make impregnators leave indelible genetic signatures to prove undeniable illicit sex and paternitys denied by predators in law, medicine, religion, etc. committing immunized perjuries in Courts.*
  - <sup>8</sup> *As we humans, not robots, are imperfect but self-correcting, so Codified Justicide mandates that we begin to honor and respect women as our Creators, cremate barbaric bar members’ extremism making sex pleasurable only for male-predators yet painful, even life-threatening, only for female-prey and keep all places, people and nations peaceful, safe and sound to prove that Jurisprudence has to keep saluting TruthIsPrudence.*
  - <sup>9</sup> *Mandatory belief in TruthIsPrudence makes fathers breaking laws instead of babies breaking no laws the bastards for out-of-wedlock births as valid closures for good to end evil created by void closures but for which ending due process of law shall keep being nullities with no time limit in all cases in all Courts in all jurisdictions in all nations no matter how different they will always be until valid closures are made for good to end evil.*
  - <sup>10</sup> *All US Presidents, Federal, State and Local Lawmakers and Jurists and thus even Forensic Experts have to make Jurisprudence adding up numbers wrong keep saluting TruthIsPrudence adding up numbers right. Thanks.*
  - <sup>4</sup> *“Danger invites rescue...” Wagner v International R. Co., 1921, Cardozo, 232 NY 176, 180, 133 NE 437, cited in Chadwick v British Railways Board, 1967, 1 WLR 912, reported in Euorepean Weekly Law Reports.*  
*LKJESQ will keep devoting his lifetime to script this one credible Scripture to outlaw all incredible scriptures (“State Created Danger”) with 24/7 threats to the health, welfare and safety of every individual, familial and national sovereignty (“State Confirmed Security”) until unrescued jurists being con artists cremated the challenging yet still spreading Justicidal PlanDemic that they created as cartooned on A1.*
  - <sup>5</sup> *LKJMOL helps to self-reverse, self-correct, create good model nations since our own truth shall set us all free from our own untruth and release lives of LKJESQ, his family and friends on hold for decades enduring destituted lives like all scapegoated, stonewalled and smothered bastard babies for breaking no laws.*

**“Good Law Day” was born in a NY Court on Oct 31, 2013/LKJMOL 08.10.2020/ [www.TruthIsPrudence.Com](http://www.TruthIsPrudence.Com) LKJESQ Use the truth. Be free from the untruth like paternity denials. Make trust, faith and belief in liberty and freedom to act right end freedom to act wrong, rescue the lying and relying on lying human race and guaranty Justice by laws correctly applied.**

- <sup>6</sup> **LKJESQ** thanks laymen and lawmen like jurists, lawyers, theologists and other experts to please use their own *self-correcting brains in their own self-healing bodies* to find errors in this *error-free LKJMOL* even if he is disbarred for helping to make it *more error-free* as everyone’s dream come true ending everyone’s nightmares.  
**One Creator’s One Commandment on legitimate** Gifts of God is to *salute* certainty of every paternity of every baby required by *innate* truthful orientation, *end acquired* truthless thus ruthless orientations to *deny* any paternity, and *salute* this error-free *LKJMOL* to *ban* men who *blackmail* women *to marry to be baby-Creators*.  
**Belief in divine baby-making-process proves** that *life-giving* superior women are *baby-Creators* even of *sperm-giving* inferior men who will rightly not make women equal. **Justicides** are crimes like *homicides* in law and *sins* like blasphemies in religions making *guardians-ad-litem* (“*GALs*”) *breach* all trust, faith and belief in truth to scapegoat, stonewall and smother *babies and elderlies alike* in need of *safe adult care* instead.
- <sup>7</sup> “...when an opposing [*injured*] party is *well represented* [*pro se enduring his or her injuries or by truthful advocate using evidence of injuries*] ... a lawyer *can be* a *zealous advocate* [*as a lex offender, injurer and con artist hired to make jurists con artists commit Justicides inside the Halls of Justice like hitmen hired to commit homicides outside, even inside, the Halls of Justice*] on behalf of a[*n injurer*] client and *assume* that justice is being done [*as proof that Courts of law are Courts of lie lying and relying on lying committing scams*].”  
**Model Rules of Professional Conduct: Preamble, A Lawyer’s Responsibilities ¶8, scripted** by the American Bar Association (“*ABA*”), to claim that *innocents* scapegoated, stonewalled and smothered for doing no wrong *in sexabuse cases and non-sexabuse cases were at the wrong place at the wrong time* outside and inside Courts.
- <sup>1</sup> “The Constitution [*correctly applied*] does not make conspiracy [*as proof of scams*] a civil right.”  
**Dennis v US, 1951, SCOTUS, Jackson, Robert H., 341 US 494, 572.**
- <sup>2</sup> “A conspiracy [*as proof of scams*] is a partnership in criminal process [*sold as due process of law*].”  
**US v Kissel, 1910, SCOTUS, Holmes, Oliver Wendell, 218 US 601, 608.**
- <sup>3</sup> “We are *not final* because we are infallible [*to be right since we don’t want to be right*] but we are infallible because we *are final* [*to be wrong since we want to be wrong not using our self-correcting brains to be right*].”  
**Brown v Allen, 1953, Justice Jackson, 344 US 443, 540.**
- <sup>8</sup> **Imagine raping would not be his-story (history) if an attorney had scripted this Scripture even before 1776?**  
“*It has to be stated* that though the accused [*rapists*] have not used any *external weapon*, they have used *more powerful* [*internal*] *weapon* i.e. *penis* with which each one of them have *caused the most grievous injuries* not only to the *body of* [*a female personifying the Roman Lady Justice, Lady Justitia, the American Lady Liberty of the French Revolution and Dike the Greek Goddess of Justice in the human world*] but also to *her mind* [*until unbiased Courts shall make policemen not stop/ticket/arrest/fine/prosecute motorists causing no injuries until they stop/ticket/arrest/fine/prosecute rapists causing injuries as the Solution to end the Problem as proof of sextraffickings still being perpetuated as our tradition*].” **Scripted by Judge Dr Mrs Phansalkar-Joshi at <http://tinyurl.com/plghcp2>, page 202 in 232-page Apr 04, 2014 Decision, ¶336 In the Sessions Case No 846 of 2013 titled The State of Maharashtra, Complainant v Vijay Mohan Jadhav aka Nanu, 18, et al., Accused.**  
“...if two *policemen see a rape* [*or sextrafficking*] and watch [*weaponized penises*] just for their own amusement [*in the line of duty funded by taxes paid to evil governments sold as good governments as proof of scams*], no violation of the [*weaponized*] Constitution ... (*laughter*)” **by SCOTUS CJ Rehnquist in the Nov 2, 1988 Court Transcript, pp39-60 at pp46-47, May It Please the Court ... Transcripts of ... Landmark Cases before the SCOTUS...1993, DeShaney v Winnebago County reported as 1989, 489 US 189. The sinister SCOTUS’s sinister laughter from 39:00 to 41:00 minutes is archived at <http://tinyurl.com/pnu9lrj>.**
- <sup>9</sup> “**Society** [*created by Creators of babies*] in every state is a blessing, but Government even in its best state is but a necessary evil; in its worst state an intolerable one...,” **Feb 14, 1776 after** writing in the Appendix to **men’s evil Common Sense** that “[w]e have it in our power to begin the [*good*] world over again].”  
**Common Sense by Thomas Paine did confess but did not correct** the *evil* world into the *good* world and *failed* to make *truthless thus ruthless Justidprudence salute truthful TruthIsPrudence even then in 1776*.
- <sup>10</sup> “**Taxes** are what we [*are forced to*] pay for a *civilized society* [*making civilians live in fear of criminals*].”  
**Compania General v Collector of Internal Revenue, 1927, 275 US 87, 100, by Justice Holmes, Jr.**  
**BNY ttorney Lalit K Jain Esq is sorry he was forced to take decades to finally script this Scripture to cremate the predatory world of truthfully wrong thus politically correct scammers created by Codified Justicide!**  
**Learn and live in truth knowing Justice always insures nature. If not, why not? If yes, why not now?**

CRIMINAL COURT OF THE CITY OF NEW YORK  
COUNTY OF QUEENS

THE PEOPLE OF THE STATE OF NEW YORK  
VS

CERTIFICATE OF DISPOSITION  
NUMBER: 126080

ONUORAH, ANTHONY  
Defendant

01/15/1960  
Date of Birth

125-15 DEFOE ST.  
Address

NYSID Number

QUEENS NY  
City State Zip

07/30/2012  
Date of Arrest/Issue

Docket Number: 2012QN040877

Summons No:

VTL 1163.C VTL 1192.1  
Arraignment Charges

Case Disposition Information:

<u>Date</u>	<u>Court Action</u>	<u>Judge</u>	<u>Part</u>
<u>10/31/2013</u>	<u>ACQUITTED AND SEALED</u>	<u>ZOLL, J</u>	<u>JP1</u>

I HEREBY CERTIFY THAT THIS IS A TRUE EXCERPT OF THE RECORD ON FILE IN  
THIS COURT.

YU, S  
COURT OFFICIAL SIGNATURE AND SEAL

11/08/2013  
DATE

FEE: 10.00

(CAUTION: THIS DOCUMENT IS NOT OFFICIAL UNLESS EMBOSSED WITH THE COURT  
SEAL OVER THE SIGNATURE OF THE COURT OFFICIAL.)

Quotes from this Court Certified 25-Pager  
Court Transcript are used in endnote 1 on  
LKJMOL Page A2 of A-4. Attached it to  
follow LKJMOL Page A4 of A4 helps to  
verify the authenticity of the quotes from  
Court Transcript Pages 20, 21, 22 and 23.

**COURT REPORTER MINUTE AGREEMENT FORM**  
(Private Party Transactions)

Please Type or Print Clearly

Criminal Court, Queens

Part No. JP 1 Name of Judge/Justice Zoll

Name of Case Anthony Onuorah

3. Court Docket File/Index Number 2012 QN 040877 4. Date(s) of Minutes Requested 10/31/13

5. Type of Proceeding (check one or more):

Arrangement \_\_\_\_\_ Application \_\_\_\_\_ Hearing \_\_\_\_\_ Plea \_\_\_\_\_ Trial ☒ Sentence \_\_\_\_\_

Other (specify): \_\_\_\_\_

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9. Estimated Delivery Date: 11/7/13

10. Agreed to:

Angela Moody  
Court Reporter (signature)

\_\_\_\_\_  
Attorney/Party (signature)

10/31/13  
Date of Agreement

Name of Court Reporter \_\_\_\_\_

Address \_\_\_\_\_

Telephone Number \_\_\_\_\_

Fax Number \_\_\_\_\_

Name of Attorney/Party \_\_\_\_\_

Firm/Address \_\_\_\_\_

Telephone Number \_\_\_\_\_

Fax Number \_\_\_\_\_

A copy of this agreement must be filed by the court reporter with his/her supervisor as designated by the Administrative Judge within 7 calendar days following the date of agreement.



1 CRIMINAL COURT OF THE STATE OF NEW YORK  
2 COUNTY OF QUEENS: CRIMINAL TERM, PART JP1

3 -----X  
4 THE PEOPLE OF THE STATE OF NEW YORK,

Docket No.  
2012QN040877

5 -against-

Continued Bench Trial

6 ANTHONY ONUORAH,

7 Defendant.

8 -----X

9 October 31, 2013

10 Queens Criminal Court  
11 125-01 Queens Boulevard  
12 Kew Gardens, New York 11415

13 B E F O R E :

14 John Zoll,

15 Justice, Criminal Court

16 A P P E A R A N C E S :

17 For the People:

18 OFFICE OF RICHARD A. BROWN, ESQ.  
19 District Attorney, Queens County,  
20 BY: Taylor Piscionere, ESQ.  
21 Assistant District Attorney

22 For the Defendant:

23 Lalik J. Jain, ESQ.  
24 6122 Booth Street  
25 Rego Park, New York 11374

Angela Moody  
Criminal Court Reporter

## Proceeding

1 COURT OFFICER: Continued bench trial, Anthony  
2 Onuorah.

3 THE COURT: Appearances on the record.

4 MR. JAIN: Lalik Jain, attorney for the Defendant.  
5 6122 Booth Street Rego Park, New York 11374.

6 THE COURT: Spell your last name J-A-I-N.

7 MS. PISCIONERE: Taylor Piscionere for the People.

8 THE COURT: Ms. Piscionere, how are you? This  
9 matter is on for trial and violation of 1163(a) of the  
10 Vehicle and Traffic Law. Are People ready?

11 MS. PISCIONERE: People are ready, Judge.

12 THE COURT: Is Defense ready?

13 MR. JAIN: Yes.

14 THE COURT: People, call your first witness.

15 MS. PISCIONERE: People call Anthony Canale to the  
16 stand.

17 COURT OFFICER: Witness entering, Your Honor.

18 (Whereupon the witness enters the courtroom.)

19 COURT OFFICER: Step up, raise your right hand.  
20 Do you swear or affirm the testimony you are about to give  
21 is the truth, whole truth, nothing but the truth?

22 THE WITNESS: I do.

23 COURT OFFICER: Please, in a loud, clear voice  
24 state your name, shield and command.

25 THE WITNESS: Officer Anthony Canale 15509, 113th



## Direct-Canale-People

1 Precinct.

2 COURT OFFICER: Have a seat and speak into the  
3 microphone.

4 THE COURT: Officer Canale keep your voice up. If  
5 you hear the word "objection" stop testifying and wait for  
6 further clarification whether you should continue or stop  
7 testifying all together to that question.

8 If you have any documents, please don't read from  
9 anything that is not in evidence. If you do not recall the  
10 answer to a specific question, that's fine. Just tell us  
11 that you don't remember, and if there is something that  
12 would refresh your recollection, please let us know that and  
13 let us know what it is that would refresh your recollection.

14 A N T H O N Y C A N A L E, having been duly called as a witness  
15 on behalf of the People of the State of New York first having  
16 been first duly sworn testified as follows:

17 DIRECT EXAMINATION BY MS. PISCIONERE:

18 Q By whom are you employed, Officer Canale?

19 A New York City Police Department.

20 Q And in what capacity?

21 A I'm a police officer.

22 THE COURT: Where are you currently assigned?

23 THE WITNESS: 113th Precinct.

24 Q And how long have you been at your current assignment?

25 A Five and a half years.

## Direct-Canale-People

1 Q How many years have you been a police officer?

2 A Approximately, six and a half years.

3 Q In those six and a half years, how many traffic stops  
4 have you made?

5 A Hundreds.

6 Q I am going to direct your attention now to July 30,  
7 2012.

8 Were you working on that day?

9 A Yes, I was.

10 Q What tour were you working?

11 A I was doing a midnight tour which is 11:15 p.m. to  
12 7:50 A.M.

13 Q Were you working alone or with a partner?

14 A I was with a partner.

15 Q What is your partner's name?

16 A Officer Algerio.

17 Q Were you on foot patrol or in a car?

18 A In a marked RMP.

19 Q Were you in uniform or plain clothes?

20 A I was in uniform.

21 Q Directing your attention to, approximately, 2:55 a.m.  
22 on July 30, 2012. Did you have occasion to be in the vicinity of  
23 the intersection of Merrick Boulevard and Montauk Street?

24 A Yes.

25 THE COURT: What was the street?

## Direct-Canale-People

1 MS. PISCIONERE: Montauk Street M O N T A U.K.?

2 THE COURT: Were you, in fact, in that location?

3 THE WITNESS: Yes.

4 Q Is that location in Queens County?

5 A Yes, it is.

6 Q What brought you to that location?

7 A I was traveling eastbound on Merrick Boulevard and two  
8 cars -- approximately two cars in front of me I observed the  
9 vehicle in front of me make a left -- made a lane change without  
10 using the signal.

11 THE COURT: Sustained as nonresponsive. Were you  
12 on routine patrol at that time?

13 THE WITNESS: Yes, I was.

14 THE COURT: Now, ask your question.

15 Q Were you driving or were you stopped?

16 A I was driving.

17 Q And do you know what direction in which you were  
18 driving?

19 A Eastbound.

20 Q What, if anything, did you observe while you were  
21 driving?

22 A I observed the vehicle in front of me in the right  
23 lane travel into the left lane without using the signal.

24 Q What type of vehicle was in front of you?

25 A It was a 2003 Honda, blue color.

## Direct-Canale-People

1           Q       And after you observed the vehicle change lanes --  
2 actually, withdrawn.

3           How far -- can -- do you see the driver of the Honda Civic  
4 in the courtroom today?

5           A       Yes, I do.

6           Q       Please point out that person and describe an article  
7 of clothing that he is wearing.

8           A       Sure, he is wearing a black zipper-up sweatshirt.

9                   THE COURT:   Indicating the Defendant.   Is that the  
10 gentleman sitting at the table on the right side?

11                  THE WITNESS:  Yes, far right.

12                  THE COURT:   Indicating the Defendant.

13           Q       What were the lighting conditions like?

14           A       It was dark, well lit road.

15           Q       And can you elaborate on "well lit"?

16           A       Sure, it has light -- light post illuminating the  
17 light -- the streets.

18           Q       And how many lanes were there going eastbound?

19           A       There's two lanes going eastbound.

20           Q       And two lanes going westbound?

21           A       Correct.

22           Q       How many other cars, or if there are any other cars,  
23 were on the road?

24           A       There were a couple of cars.  I don't remember exactly  
25 how many.

## Direct-Canale-People

1 Q So, would you say it was light traffic or heavy  
2 traffic?

3 A Light traffic.

4 Q And after you saw the Defendant move lanes from right  
5 to left, what did you do next?

6 A I put my lights on and pulled the vehicle over.

7 Q Just to be clear, when the Defendant moved lanes from  
8 the right lane to the left lane, did he signal?

9 A No, he did not.

10 Q How many car lengths was the Defendant in front of you  
11 when you observed him?

12 A I would approximate two car lengths.

13 Q Were there any other cars between you?

14 A No.

15 MS. PISCIONERE: No further questions, Your Honor.

16 THE COURT: Cross-examination.

17 MR. JAIN: Yes.

18 CROSS EXAMINATION BY MR. JAIN:

19 Q Morning officer.

20 A Good morning.

21 Q You indicated that you were at the intersection of  
22 Montauk and Merrick Road, am I correct?

23 A Correct.

24 MR. JAIN: I would like to include in the record,  
25 Your Honor "A", a Google map of the precise location, which

## Cross-Canale-Defense

1 is not big enough to visualize easy and a pencil sketch of  
2 the same location.

3 Q If you can please take a look at it and identify if  
4 that's exactly where you were.

5 COURT OFFICER: "A"?

6 MR. JAIN: Yes.

7 COURT OFFICER: Google map is Defense A and the  
8 street map Defense B, so marked.

9 THE COURT: Officer Canale, take a look at that  
10 and let us know when you are done looking at it.

11 THE WITNESS: Okay.

12 THE COURT: Questions, counselor.

13 MR. JAIN: Okay.

14 Q So, you testified that you were about two car lengths  
15 before the intersection of Montauk and Merrick Boulevard and you  
16 were driving on Merrick Boulevard eastbound?

17 MS. PISCIONERE: Objection, Judge.

18 THE COURT: Is that your testimony?

19 THE WITNESS: No.

20 THE COURT: That is not his testimony.

21 MR. JAIN: I'm sorry.

22 Q You were driving on Merrick Boulevard. Were you in  
23 the right lane or the left lane?

24 THE COURT: Were you driving on Merrick Boulevard?

25 THE WITNESS: When I first observed the vehicle.

## Cross-Canale-Defense

1           Q       You were two car lengths behind the vehicle of the  
2 Defendant?

3           A       Correct.

4           Q       The Defendant's car was in the right lane, your car  
5 was in the right lane or the left lane?

6           A       The right lane.

7           Q       Did you get to observe whether the Defendant's car  
8 came from Farmers Boulevard or the Defendant's car was all the  
9 way coming on Merrick Boulevard from the get-go?

10          A       I don't remember where the car was before that.

11          Q       Can you let the Court know if there was any way the  
12 Defendant could have made a turn at the intersection?

13          A       At which intersection?

14          Q       Montauk and Merrick.

15                   THE COURT:  Objection sustained.  There was no  
16 testimony that the car was at any point at an intersection.  
17 So, it assumes a fact not in evidence.  If you want to try  
18 to establish that, you can do that.

19                   MR. JAIN:  Thank you, Your Honor.

20          Q       Now, you testified there were two lanes and there was  
21 no signal and the driver changed from the right lane to the left  
22 lane.  Did you also move over to the left lane behind him before  
23 you pulled him over?

24          A       Yes.

25          Q       And how many cars were there behind your car, if you



## Cross-Canale-Defense

1 remember?

2 A I don't remember how many cars were behind me.

3 Q Were there any cars in the left lane when the  
4 Defendant moved over to the left lane without signaling?

5 THE COURT: Do you recall?

6 THE WITNESS: I don't recall right now.

7 THE COURT: Mr. Jain, understand I have to stop, I  
8 apologize. I did kind of warn you, I got another note from  
9 the jury. I have to do about a fifteen minute read back.

10 Officer Canale you are under oath. Please don't  
11 discuss your testimony with anyone. We will probably resume  
12 about fifteen, twenty minutes.

13 COURT OFFICER: Officer, you can step outside.

14 MR. JAIN: Thank you, Your Honor.

15 \* \* \* \* \*

16 COURT OFFICER: Case on trial, Anthony Onuorah.

17 THE COURT: Okay, is the witness outside?

18 MS. PISCIONERE: Yes.

19 COURT OFFICER: Witness entering, Your Honor.

20 (Whereupon witness enters the courtroom.)

21 COURT OFFICER: Officer, I remind you, you are  
22 still under oath.

23 THE COURT: Mr. Jain, you were cross-examining  
24 Officer Canale.

25 MR. JAIN: Sure.

## Cross-Canale-Defense

1 CROSS EXAMINATION BY MR. JAIN: (continued)

2 Q As I was asking you, officer, you saw the car in front  
3 of you make a lane change from one lane to the other. As a  
4 result of that, even assuming he did not do that with signals,  
5 was there any risk factor to the car behind that moving car,  
6 either in the lane or in the left lane?

7 MS. PISCIONERE: Objection, Your Honor.

8 THE COURT: In that particular -- the objection is  
9 overruled. There is some language in that statute that does  
10 indicate whether the actions can be taken without creating a  
11 risk.

12 Can you answer that question?

13 A If there was a car in the left lane there would have  
14 been a risk, yes.

15 Q But there was no car, to the best of your  
16 recollection?

17 A I don't remember if there was.

18 Q I understand. So, it would be possible that there  
19 might be a risk factor to the car coming in the left lane and you  
20 don't remember for sure there was coming a car in the left lane  
21 or not?

22 THE COURT: Can you answer that?

23 A It's a possibility.

24 Q But you moved to the left lane to pull him over?

25 A Correct.

## Cross-Canale-Defense

1           Q       So, if there were a car in the left lane, I assume you  
2 would have looked in the left hand mirror to see --

3                   MS. PISCIONERE:  Objection.

4                   THE COURT:  Objection sustained.

5           Q       The statute talks about movement left or right upon a  
6 roadway.  Now, it's a two lane roadway at that juncture?

7                   THE COURT:  Is that correct?

8                   THE WITNESS:  Yes.

9                   THE COURT:  Go ahead.

10          Q       Single lane is also called a roadway?

11                   THE COURT:  Is that your understanding of the  
12 definition of "roadway"?

13                   THE WITNESS:  Yes.

14          Q       There is a single lane, it's also called a roadway?

15          A       Correct.

16          Q       The roadway's width is pretty big for a small car like  
17 the Defendant's to make movements right or left?

18                   MS. PISCIONERE:  Objection.

19                   THE COURT:  Sustained.

20                   MR. JAIN:  Your Honor, I have no other questions.

21                   THE COURT:  I have a couple of questions.

22                   Was it a two-way roadway?

23                   THE WITNESS:  It was two ways both -- two lanes  
24 traveling eastbound and two lanes traveling westbound.

25                   THE COURT:  So there were four separate lanes of

## Cross-Canale-Defense

1 traffic?

2 THE WITNESS: Correct.

3 THE COURT: Two would go east, two would go west.

4 THE WITNESS: Yes, separated by a divider.

5 THE COURT: A concrete divider?

6 THE WITNESS: Yes.

7 THE COURT: Now, were the lanes marked?

8 THE WITNESS: Yes.

9 THE COURT: Could you describe the markings on the  
10 lanes that were -- you were going eastbound?

11 THE WITNESS: Yes.

12 THE COURT: Can you please describe the markings  
13 on the pavement with respect to the eastbound lanes?

14 THE WITNESS: Sure. Between the two lanes was a  
15 dotted line.

16 THE COURT: A what line?

17 THE WITNESS: Dotted line.

18 THE COURT: What color were they, do you recall?

19 THE WITNESS: I believe it's white.

20 THE COURT: Did you have occasion to, this is back  
21 in 2012, back on July 30, 2012, can you describe in more  
22 detail whether the dotted lines in any way were faded?

23 THE WITNESS: No.

24 THE COURT: Did you say the color?

25 THE WITNESS: They were white.

## Redirect-Canale-People

1 THE COURT: Any redirect?

2 MS. PISCIONERE: Briefly, Judge.

3 REDIRECT EXAMINATION BY MS. PISCIONERE:

4 Q Officer, when you pulled over the Defendant, how did  
5 you pull him over, with lights?

6 A Yes, I put the lights and I beep the siren.

7 Q Did you pull him over to the left side of the street  
8 or the right side of the street?

9 A After he was established in the left lane, I was  
10 behind him and then he moved from the left to the right and then  
11 to the shoulder.

12 Q When you put your lights on, did the Defendant  
13 immediately pull over?

14 A Yes.

15 MS. PISCIONERE: No further questions.

16 THE COURT: Any recross based upon those few  
17 questions?

18 MR. JAIN: No, Your Honor.

19 THE COURT: Thank you very much Officer Canale, I  
20 appreciate it.

21 THE WITNESS: Thank you.

22 COURT OFFICER: Thank you, officer, you can step  
23 down.

24 THE COURT: People, do you have another witness?

25 MS. PISCIONERE: No, Judge, the People rest.

## Proceeding

1 THE COURT: Mr. Jain, any witnesses?

2 MR. JAIN: No witnesses, but some arguments if  
3 that is allowed.

4 THE COURT: Yes, if you are ready for your closing  
5 argument.

6 MR. JAIN: My first question is, are post  
7 Memorandum of Law allowed in criminal cases?

8 THE COURT: Why don't we do summations on the  
9 trial and then if you have any legal issue you can include  
10 that. Now, if you feel the People have not made out a prime  
11 facie case. I am not texting, but pulling up the statute.

12 MR. JAIN: I have to make the legal arguments in  
13 my summation?

14 THE COURT: Tell me why you think your client is  
15 not guilty of this changing of lanes, or I should say  
16 1163(a).

17 MR. JAIN: This may be a case of first impression  
18 in the sense that since the operative language in the  
19 charged section is moving right or left upon a roadway.

20 THE COURT: Okay.

21 MR. JAIN: That movement can be made with  
22 reasonable safety. It does not require any signals. The  
23 roadway can include a signal lane -- single lane roadway.  
24 In a single lane roadway a big, wide load or a truck may not  
25 be able to make left or right movements, but a small car can

## Proceeding

1 very well make right or left movements in that roadway, in  
2 that single lane and therefore the statutory language is  
3 very, very vague and should not be used to convict a person  
4 when there is no requirement in connection with movement on  
5 a roadway within the same lane, which is possible, although  
6 the testimony says he made a change in the lane without  
7 signaling.

8 THE COURT: Is your argument that the change of  
9 lanes without signaling is not covered by this statute?

10 MR. JAIN: That is correct, that is precisely the  
11 point, beside the point that this section entirely deals  
12 with turning and does not deal with movement upon a lane per  
13 se.

14 Because obviously if the person has to make a left  
15 turn or a right turn he will have to make a movement to the  
16 left or right in that single lane to make the turn.

17 THE COURT: Okay.

18 MR. JAIN: Having said that, if a conviction is  
19 made under this section it will be a conviction without  
20 factual support and such a conviction would be a conclusory  
21 conviction without factual support, and the definition of  
22 the word conclusory has been provided by, in the case 823 F  
23 2d 574 at 585. It's by Justice Ginsburg, who I think is  
24 still a current U.S. Supreme Court Justice. The case is  
25 Senate of Puerto Rico versus U.S. Department of Justice.



## Proceeding

1 Having said that, there is a U.S. Supreme Court case going  
2 back to 1828, Elliott versus Lessee of Piersol, 26 U.S.  
3 (1 pet) 328 at 340 through 341 and the essence of that  
4 ruling is that where the Court has jurisdiction, and this  
5 Court does have jurisdiction, any decision made by the Judge  
6 of law or fact, if it is erroneous, it is still valid and  
7 enforceable, unless turned over.

8 However, if the Judge or the Court has acted above  
9 the law, that action is called without authority. In that  
10 situation, the judgments are regarded as nullity, void from  
11 day one and there is no reason to have it declared even as  
12 void, it just is void.

13 My argument is that the conclusory conviction,  
14 based on the vague definition or language used in the  
15 section about movement makes it a conclusory decision, a  
16 conclusory conviction and therefore the case should be  
17 dismissed as a conclusory charge without facts.

18 THE COURT: Another way of saying it, you do not  
19 believe -- the statute does not put the driver or motorist  
20 on fair notice --

21 MR. JAIN: That's correct, Your Honor.

22 THE COURT: Anything else?

23 MR. JAIN: No, I think that's enough.

24 THE COURT: Thank you. People.

25 MS. PISCIONERE: Just one moment Judge, please.

## Proceeding

1 THE COURT: Sure.

2 MS. PISCIONERE: Your Honor, this case is about  
3 driving and being unable to follow the rules of the road.  
4 The Court heard testimony from Officer Canale that on  
5 July 28, 2012 the Defendant was driving here in Queens  
6 County and he failed to indicate a lane change as he moved  
7 from the right lane to the left lane.

8 We know this because the Court heard from Police  
9 Officer Canale who has made over a hundred traffic stops in  
10 the six and a half years he has been a police officer.

11 He testified about 2:55 A.M. he observed the  
12 Defendant driving down Merrick Boulevard and he testified  
13 that the Defendant's car was, approximately, two full car  
14 lengths in front of him and he observed the Defendant move  
15 from the right lane to the left lane without signaling.

16 Furthermore, Your Honor, the police officer  
17 testified that there was traffic on the road behind the  
18 officer. There was a possibility there was traffic behind  
19 the officer and there was traffic in front of the  
20 Defendant's car.

21 The police officer further testified that this was  
22 a well lit area and that the lanes were clearly marked.  
23 They were white dotted lines and the Defendant moved from  
24 the right clearly designated lane to the left clearly  
25 designated lane without signaling with traffic on the road.

## Proceeding

1           Your Honor, the People proved beyond a reasonable  
2           doubt that the Defendant unlawfully moved from one lane to  
3           another without signaling and I am asking the Court to find  
4           the Defendant guilty of Vehicle and Traffic Law 1163(a).

5           THE COURT: Thank you.

6           Counsel made an argument that the statute is vague  
7           and does not put the motorist on notice as to exactly what  
8           is prohibited. While I agree the statute is not written in  
9           the best manner it probably could, it probably should be  
10          broken up into more subsections, but it is not vague.

11          It is not unconstitutionally vague. I would point  
12          out that there is not enough evidence to convict the  
13          Defendant of that portion which involves any type of  
14          movement that could not be made -- I'm sorry, any type of  
15          dangerous movement concerning any other cars around.

16          There was not sufficient testimony about  
17          surrounding motor vehicles that indicated that such changing  
18          of lanes was not safe, or any such movement. So, that  
19          portion of the statute does not apply.

20          Now, the statute, the Vehicle and Traffic Law  
21          defines turns. It does define U-turns. U-turns involve  
22          changing directions and that is in the definition part at  
23          the beginning of the Vehicle and Traffic Law. This  
24          particular statute, the relevant portion for this case reads  
25          as follows: "No person shall turn a vehicle at an

## Proceeding

1 intersection unless the vehicle is in a proper position upon  
2 the roadway as required by this section."

3 This was not a turn at an intersection. That  
4 section of the statute does not apply. If further reads "or  
5 otherwise turn a vehicle from a direct course or move right  
6 or left upon a roadway unless or until such movement can be  
7 made with reasonable safety."

8 That section does not apply. However, it further  
9 reads "no person shall so turn any vehicle without giving an  
10 appropriate signal in the manner hereinafter provided."

11 The statute doesn't say that a turn, in my view,  
12 in my reading of the statute means a turn is not simply a  
13 left turn or a right turn or a U-turn. It clearly means any  
14 movement from a change -- change of movement from a direct  
15 course, whether right or left.

16 Based upon that and based upon the officer's  
17 testimony that the lanes were, in fact, clearly marked -- if  
18 they were not marked then it would be a different result.  
19 His testimony is that the lanes were, in fact, clearly  
20 marked and that the Defendant went from the right lane to  
21 the left lane without signaling.

22 I do find the officer's testimony to be credible.  
23 I do find the Defendant did, in fact, violate section  
24 1163(a) and I do find the People have proven the case beyond  
25 a reasonable doubt. I do find the Defendant guilty of that

## Proceeding

1 lone count in the Information and I am prepared to impose a  
2 sentence, unless you want to be heard.

3 MR. JAIN: Yes, Your Honor.

4 THE COURT: What would you like?

5 MR. JAIN: Just based on your assertion, although  
6 you find him pretty much guilty, the argument that I need to  
7 let you know, that even the movement portion is subservient  
8 to turning and if Your Honor says that the turning is  
9 included in the word "movement", then according to Your  
10 Honor, even a U-turn is included in the word "movement".

11 THE COURT: "U-turn" has a very specific  
12 definition in Vehicle and Traffic Law. I looked for the  
13 term "turn". "Turn" does not have a specific definition,  
14 although this section, 1163(a) does give various examples of  
15 the types of turns, a turn from an intersection.

16 MR. JAIN: Right.

17 THE COURT: A change of lane, which is going from  
18 a direct course to move the car from right to left is  
19 descriptive of a change of lanes.

20 MR. JAIN: Right, but the vagueness does go to the  
21 extreme. Even a single lane is called a roadway and there  
22 is no way a turn can be made unless, again, same argument  
23 that movement within that single lane also could be used to  
24 turn, but in that case there is no signal requirement.

25 THE COURT: All right, if you want to make any

## Proceeding

1 subsequent motions you are free to do so. If you want to be  
2 heard as to any sentence.

3 MR. JAIN: Your Honor, this is the first I think  
4 charge against him.

5 THE COURT: I would like to impose the minimum  
6 fine allowed by law, which I don't even know what it is.

7 Do People want to be heard as to sentence?

8 MS. PISCIONERE: No, Judge.

9 THE COURT: We will find out what the minimum fine  
10 is. Parties step up real quick.

11 (Whereupon a bench discussion was held.)

12 THE COURT: After re-examining the statute more  
13 closely and reading sub section "D" of section 1163, clearly  
14 sub section "D" is the section that should have been  
15 charged, because that prohibits lane changes without  
16 signaling.

17 Sub section "A" as I reread it many, many more  
18 times, my initial reading of it was incorrect in that the  
19 movement from right to left is illegal if it's done so in a  
20 manner that would create a safety issue on the road.

21 As I stated, there was no testimony about a safety  
22 issue as a result of the unsignaled lane change. Therefore,  
23 that part of the statute would not apply. What I read, "no  
24 person shall turn any vehicle without giving appropriate  
25 signal in a manner hereinafter provided" means the

## Proceeding

1 subsections that follow.

2 Since the People tried the case under 1163(a), the  
3 Defendant did not violate that subsection and I have to  
4 change my verdict to not guilty. Had they charged him with  
5 1163(d) he would have been found guilty and therefore the  
6 Defendant is found not guilty. Case dismissed.

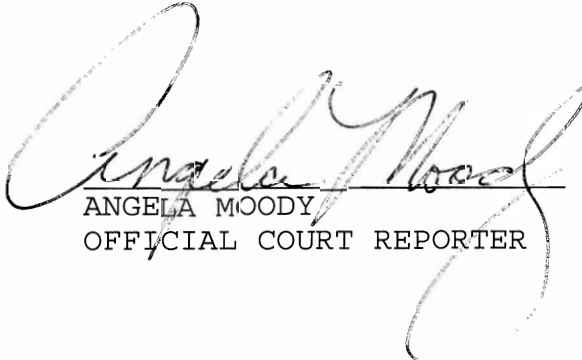
7 COURT OFFICER: You're free to go.

8 THE DEFENDANT: Thank you, Your Honor.

9 MR. JAIN: Your Honor, thank you.

10 \* \* \*

11 This is certified to be a true and accurate  
12 transcription of the stenographic record of the above  
13 proceedings taken within.

14  
15  
16   
17 ANGELA MOODY  
18 OFFICIAL COURT REPORTER  
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