

05.31.2022
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Time stands still until *judicious valid Justice* (“*Truthisprudence*”)¹ *protects all* jurists² and Courts (A4)³ from *void injudicious* miscarriages of Justice (“*Justicides*”) *they commit* (“*Jurisprudence*”).⁴ *Royal* men, celebs, courts, churches, pundits, reporters, policemen, etc. *welcome Truthisprudence* to *end* their system of scapegoating (“*SOS*”) or grand scheme of things⁵ *misusing taxes*⁶ and *lawyers*,⁷ *end* human behavior being animal behavior using the common lie sold as the common law that out of wedlock babies are bastards making *men* rape,⁸ impregnate and murder women,⁹ and *give mandatory relief to their victims*.¹⁰

As time stands still and *all* cases are *different, so, on the merits, same due process of law using excuses now makes Courts use this* priceless memorandum of law with endnotes¹⁻¹⁰ (“*LKJMOL*”) or unbiased scripture (“*US*”) *as the legal prescription* (“*K*”), *without appearance* by *Law Offices* of Lalit K Jain Esq (“*LKJESQ*”), *enforce the truthful common law* of *sperm+egg=father for infallible thus constitutional valid finality, end SOS as a Constitutional scam* (A4) selling truthless ruthless acts as legal, official and truthful and *help* women control their lives to be or not to be baby-Creators protected from rapists.⁸

¹ “[p20]...Court: ... I do find the defendant guilty...unless you 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 *was incorrect [as injudicious thus illegal]*...[p23]...I *have to change* my verdict to *not guilty [as judicious thus legal]*. Case dismissed ...¶ Court Officer: You’re free to go.”

People v Onuorah Court’s Oct 31, 2013 *25-page Trial Transcript* on www.TruthIsPrudence.Com *is its proof*.

It is free to download, print and use to correct misstated Federal laws like § 26 US Code 401(a)(28) and to *end Justicides in cases like Jassal v Jain, Lalit K Jain Esq v Reddy Care, Grillo v Nicoleta Legister, etc.* since “[i]n *all courts* of the United States the parties may plead and conduct their own cases *personally or by counsel* as, by the rules of such courts, respectively, are permitted to manage and conduct causes therein [without judicial retaliation against pro se attorneys-in-fact].” 28 USCode § 1654 - *Appearance personally or by counsel*.

² “[*Jurists aka*] *Judges perform an incredibly important function in our society, and they must be able to do their jobs* without concern for their personal safety [knowing that *self-invited death-threats will not end until Justice Kavanaugh and others end using their void Supreme Court of the United States* (“*SCOTUS*”) *Rule 10*: “A petition...will be granted only for compelling reasons....[but] is *rarely granted* when the asserted error consists of *erroneous factual findings* or the *misapplication* of a properly stated rule of law [or the *correct application of an improperly stated rule of law* like “*out of wedlock babies are bastards*” as legislated *Justicidal Plandemic proving injudicious, sold as judicious, judicial interventions*].” 06.08.2022, *Moving Forward Hon Karine Jeanne-Pierre, 35th White House Press Secretary, Contact@KarineJean-Pierre.Com*.

“[571] ... *Judges personify* the justice system [of *scapegoating or SOS*] 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 [ended by SCOTUS Rule 10]*. A [*lying*] Judge's conduct that departs from this high standard erodes the public confidence in our justice system so vital to its effective functioning...[“A judge...*shall* conduct *himself or herself* at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary [and yet not one breaking news by even one journalist or reporter breaks the deafening silence that even *injudicious SCOTUS Justices, selling lies as truth bullied by the injudicious sex-predators, to overturn 1973 Roe v Wade in their leaked draft, shall not be bullied by anyone to change their minds to become judicious and not overturn it*”]; emphasis added]; *Matter of Bailey*, 67 NY2d, at 62-63...]. ... [573]...Determined sanction accepted, without costs, and *Rudolph L. Mazzei is deemed removed*...”

Matter of Mazzei v State Commission on Judicial Conduct, 1993, *Ct App*, 81 NY2d 568, 571-573.

Welcome to the Official www.TruthIsPrudence.Com with this *LKJMOL* for mandatory use in all Courts in all cases to rescue all people in billions from traffickings in Justice, humans, etc. as credible legacy of *LKJESQ* for biased to upgrade into unbiased system.™

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

A1-A4

Lalit K Jain
07.04.2022

- ³ “...where a court has jurisdiction to act *under the law*, it has a right to decide every question which occurs in the cause...But if it act *above the law*, its judgments and order are regarded as *nullities* [*since common truth as law prevails over common lie as law*], all [law (lie) enforcement officers (“LEOs”)]... *executing [nullities]* are considered *in law* as trespassers [*in law* (“Outlaws”) *with no executive immunity for enforcing nullities*].” *Elliott v Lessee of Piersol, 1828, 26 US (1 Pet.) 328, 340-341.*
- ⁴ *Truthisprudence* practiced everywhere *would have prevented misjudgments by out of wedlock fathers doing out of wedlock sex as bastard fathers “on the loose” committing sex-crimes even in UK with powerful Queens same as in US with powerful Presidents torturing lives of babies, not yet conceived, scapegoated by fathers committing out of wedlock sex and by all conspiring Court-appointed Guardians-ad-Litem (“GALs”).*
- ¹ As “out of wedlock innocent babies doing no wrong are guilty bastard babies” *is men’s creative lie as twisted void law, so acting thereunder made all Courts of law Courts of lie aided and abetted by zealous lawyers as liars (A4) making democracies with votes and autocracies without votes 100% hypocrisies and evil governments causing Russia-Ukraine War, 2001 US Ground Zero, 1941-45 Holocaust, 1939-45 WWII, etc.*
- ² *Jurisprudence* is the negtive philosophy of *fathers denying paternities* creating evil rights to do wrongs aka *Justicides* (“*State Created Danger*”) giving rise to valid causes of action for mandatory relief as positive philosophy of *mothers accepting maternities reconfirming good duties to do right* aka *Justice* (“*State Confirmed Security*”) because “... [t]he law requires no one to do a vain thing [*like commit void Justicides*].” *Strasbourg v Leerburger, Ct App, Hiscock, Ch. J., Cardozo, 1922, 233 NY 55, 59, 60.*
- ³ “...*In a government of [evil] laws*, existence of the government will be imperiled if it fails to observe the [*evil*] law *scrupulously. Our Government is the potent, the omnipresent teacher*....If the Government becomes a lawbreaker, *it breeds contempt for the law*; it invites every man to become a law unto himself; it invites anarchy. - - *to declare that the Government may commit crimes in order to secure the conviction of a private criminal - - would bring terrible retribution...Against that pernicious doctrine this Court should resolutely set its face.*” *Olmstead v US, 1928, Justice Brandeis, 277 US 438, 485.*
- ⁵ “...*But* if you think that it is terribly important that the case came out wrong, *you miss the point* of the common law (*lie*). In the grand scheme of things [*like unjudicious sold as judicious judicial interventions by Courts (A4) caught in Courts (A4) for traffickings in Justice*], whether the right party won is really secondary.” *SCOTUS Justice Scalia, 1997, A Matter of Interpretation, Federal Courts and the Law, p6.*
- ⁶ “*Taxes [and fines]* are what we [*are forced to*] pay for a *civilized society [of Justice, not Justicides]*.” *Compania General v Collector of Internal Revenue, 1927, 275 US 87, 100, by Justice Holmes, Jr.*
“*Society* 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 [until Courts, Governments and People exonerate scapegoated babies not done by the Innocent Projects and lift the self-inflicted baby bastard curse (“BBC”)]*....”
Common Sense by Thomas Paine in 1776 who confessed, not corrected, the same old system of scapegoating in most all non-sex-law-violation cases and almost all sex-law-violation cases of the rich and famous Weinstein, Epstein, Cosby and other sex-predators and the millions of poor and infamous, sex-predators in all nations alike.
- ⁷ “[8] ...when an opposing party is well represented [*as an injured as pro-se attorney-in-fact to be made whole*], a lawyer can [*but not must*] be a *zealous [lying] advocate* on behalf of a client [*the injurer abusing due process of law as due process of lie*] and *at the same time assume* that justice is being done [*knowing that Justicide is crucifying Justice, that women have the right, but not the duty, to be baby-Creators, and yet Louisiana Judge Jeffrey C Cashe made Christa Averses give child support to rapist-father John for abusing his penile weapon as his freedom to rape and abandon her, and agreed to review his void custody order in July 15, 2022 hearing in Tangipahoa Parish, Louisiana. Tinyurl.Com/2p8s2cxp*]...”
Model Rules of Professional Conduct: Preamble & Scope Preamble: A Lawyer’s Responsibilities...[8].
- ⁸ “...if *two policemen see a rape* and watch it just for their own amusement, no violation of the Constitution [*in 100% penile governments making police not stop/ticket/arrest/fine/prosecute rapists causing irreversible and irreparable injuries and killing but stop/ticket/arrest/fine/prosecute motorists not causing injuries and prove that sex-predators (legislators and jurists) for free rapes make good governments evil governments*] ... (*laughter*).” *Winning legal argument by biased CJ Rehnquist, laughter at http://tinyurl.com/pnu9lrj* from 39:00 to 41:00 minutes in the Nov 2, 1988 Court Transcript, *see May It Please the Court...Transcripts of...Landmark Cases before the SCOTUS...1993, pp39-60 at pp46-47, DeShaney v Winnebago County, 1989, 489 US 189 (A4).*

"It has to be stated that though the accused have not used any external weapon [*like guns, knives, etc.*], they have used *more powerful weapon* i.e. *penis [as unimpregnable men's personal free jack-hammer weapons]* with which each one of them have caused the most grievous injuries not only to the body of [*an impregnable woman*] *but also to her mind enduring pro-rape and anti-abortion laws purposely made by sex-predators.*"
Scripted on page 202 in 232-page Apr 04, 2014 Decision at <http://tinyurl.com/plghcp2>, ¶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, by Dr Mrs Phansalkar-Joshi in India, like Rehnquist in US, both jurists acting as breaking journalists.*

⁹ "[p 401] ... *Protection of...women [as unbiased Creators of boys and girls]* is a [*sexually sensitive*] subject of *special concern to the state...healthy [unraped] mothers are essential to vigorous offspring, the [mental and] physical well-being of woman becomes an object of [sensitive] public interest and [sensitive] care...to preserve the strength and vigor of the race [crucified by Jurisprudence to be resurrected by Truthisprudence].*"

People v Charles Schweinler Press, 1915, Ct App, Hiscock, J., Cardozo, J., 215 NY 395, 401, 409, 410, 411.

- .1 *In God we Trust for certainty of paternity. In Devil we Believe for uncertainty of paternity. Predators made this choice in retaliation against their prey. His-story of evil is evil History and living testimony to sex, lex and judicial predators scripting and selling evil religions forcing women to live and die with 24/7 fear of GODs since neither GOD nor DEVIL will punish guilty out-of-wedlock fathers.*
 - .2 *All people in billions and all Courts must agree with LKJESQ to end their own evil Justicidal Plandemic.*
 - .3 *Sperm+egg=father for valid Justice shall always be 100% indisputable fact and law to protect Creator's natural family institution from corruption by men's unnatural marriage and divorce ("MAD") institution making fathers as proof of sex-predators deny undeniable paternities and corrupt natural families.*
 - .4 *The void improperly stated rule of law is the legal trap for men's freedom for sex-abuse in retaliation against pregnant women's freedom of risk-free sex during pregnancy periods and self-proving conspiracy instead of check-and-balance and practice of lie as practice of law by self-proving sex predators as bipartisan politics.*
 - .5 *In retaliation against women and their amazing contributions in the baby-making-process full of pains, risks and complications from breastfeeding, nursing, etc., even their, but never men's, death, zealous men as twisted sex-masters, liars and lawmakers masterminded their fundamentally flawed foundation of all legal systems rooted in men's unnatural MAD laws to misuse women as sex-slaves.*
 - .6 *"Penis envy" coined by Freud is an open secret of retaliatory truth known to all. Twisted freedom fighters still die in search of, but never use, the truth: out-of-wedlock fathers are bastard fathers guilty of committing adulteries and rapes scapegoating their own innocent out-of-wedlock babies as guilty bastard babies.*
 - .7 *Sex causes pregnancy even without love or marriages misused by husbands to seed others' wives but make no bastards and also seed unwed women to scapegoat their own out of wedlock innocent babies doing no wrong as guilty bastards knowing that they themselves are doing wrongs committing out of wedlock sex.*
 - .8 *Family law for no scapegoatings is the legal solution to end MAD laws for scapegoatings as legal problems.*
 - .9 *Obvious lies in marriage vows (until "death do us part" instead of until "death or divorce do us part") are men's obvious evil motives in evil cults or cult-ures sold as good cults or cult-ures in all nations alike.*
 - .10 *Women in perpetuity will thank men who, at least now, will use self-correcting brains in self-healing bodies to make their belief in Truthisprudence prevail over their belief in Jurisprudence even if evil reporters, cartoonists and comedians on the streets or in Courts refuse 100% cooperation as proof of 100% hypocrisies.*
- ¹⁰ *"relief is not a discretionary matter; it is mandatory...[with properties held in constructive and/or deemed trusts and deterrent punitive awards as redress and restitution by the injurers to all their injureds ("Mandatory Restitution") who cannot turn back time to live their lives without injuries]; no deterrent punitive awards are "grossly excessive," TXO Production Corp. v Alliance Resources Corp., 1993, 509 US 443", to help predators, lawyers and jurists as injurers begin using Truthisprudence and end using Jurisprudence].*

Orner v Shalala, Colo. 1994, 10th Cir, 30 F3d 1307, 1310; Limone v US, 2011, 815 FSupp2d 393.

"A void act ... may be attacked in any forum, state or federal, where its validity may be drawn in issue [in all cases no matter how different since jurisdiction that is valid for doing valid Justice is lost as void for committing void Justicides and time stands still until void Justicides are reversed and corrected into valid Justice instead]."

Pennoyer v Neff, 1878, 95 US 714, 732-733, World-wide Volkswagen Corp. v Woodwon, 1980, 444 US 286.

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

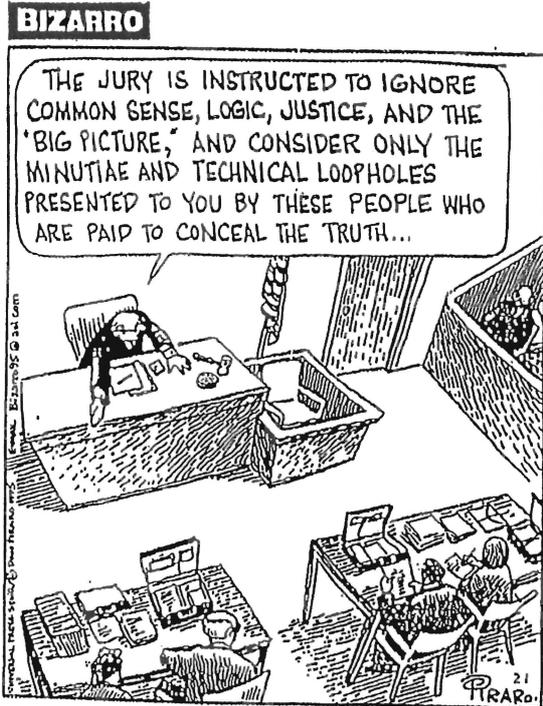
June 25, 1996

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].^a

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.



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

Truth alone triumphs; not falsehood. This Indian National Motto mimicks the truth will set you free as the Biblical Statement of baby is bastard legally enshrined ("BIBLE") as a Biased Scripture ("BS"). Truthisprudence makes all Courts, Congresses and Churches end SOS as the Constitutional Scam. This unique unbiased LKJMOL rooted in In God we Trust and In God we Believe makes believers in truthless, ruthless, uncredible thus BSs like BIBLE upgrade into believers in this unique unbiased US. Jurisprudence is the lie, the whole lie, and nothing but the lie. It compelled an unbiased repeatedly bastardized attorney at law to coin Truthisprudence as its needed antonym for mandatory use by all jurists in all Courts to end self-proving iconic idiocies committed by psycho-the-rapists (aka psychotherapists) to-get-her (aka together) with jurists for free illicit sex and rapes.

Evil freedom is Courts of law misused as Courts of lie lying and relying on lying for void Justicides. It must upgrade into good freedom of Courts of truth always truthing for valid Justice. Natural truth, peace and harmony end artificial truth, peace and harmony, end retaliation by men against women and babies based on sex and age, end any and all scapegoatings and perpetuate Truthisprudence that ended Jurisprudence on Oct 31, 2013.¹

Nurture corrupts nature, not vice versa. Learn and live in truth knowing Justice always insures nature.

COURT REPORTER MINUTE AGREEMENT FORM
(Private Party Transactions)

Please Type or Print Clearly

1. Criminal Court, Queens

2. Part No. JP 1 Name of Judge/Justice Zoll

3. Name of Case Anthony Onuorah

4. 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): _____

6. Pursuant to Section 108 of the Rules of the Chief Administrative Judge, the rates per page for transcripts of proceedings reported in New York State courts shall be as follows:

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Expedited delivery:	\$4.40 - \$5.40 (original) \$1.10 (each copy)
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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 Aljerio.

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.

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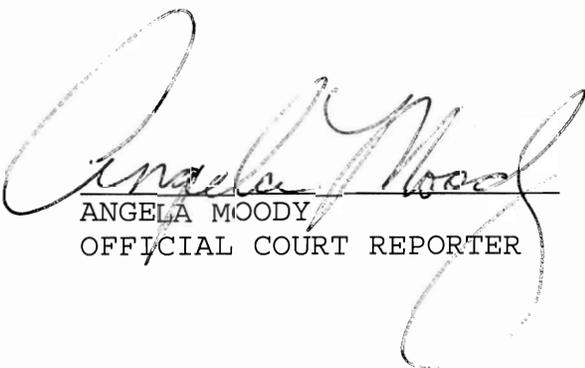
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ANGELA MOODY
OFFICIAL COURT REPORTER