

08.10.2022  
UPGraded  
01.01.2023

**LAW OFFICES OF LALIT K JAIN ESQ**  
Practice of Law in NY State, US Tax and District Courts,  
US Supreme Court, and *all* Courts in India.

Fon: 718-255-6576  
Cell: 718-316-5921  
Fax: 347-637-5498

*No one is above the law. Valid Justice as valid closure adds it right using truth (“TruthIsPrudence” or “TIP”).<sup>1</sup> It ends felony crime of scapegoating<sup>2</sup> women and policemen<sup>3</sup> and out of wedlock babies as bastard babies,<sup>4</sup> state created danger (“SCD”) and unsafe law enforcement as governments’ grand scheme of things abusing taxes<sup>5</sup> by *all* jurists,<sup>6</sup> lawyers<sup>7</sup> and Courts (A4).<sup>8</sup> It outlaws rights to deny paternities to protect rights to legitimate births and deaths as state confirmed security (“SCS”) and safe law enforcement.*

*It ends void miscarriages of Justice (“Justicides”) as void closures adding it wrong using lies for unconstitutional judging and living as bar members’ barbaric behaviors (“JurIsPrudence” or “JIP”).<sup>9</sup>*

*It enforces Federal equal protection of the laws (“FEPOLs”) to give mandatory relief<sup>10</sup> from Justicides. Publicizing the ultimate stupidity of both SCD and Media, filing this official unbiased memorandum of law (“LKJMOL”) with case laws and authorities in endnotes<sup>1-10</sup> from Law Offices of Lalit K Jain Esq (“LKJESQ”) is for all government, corporate and other workers doing public and private wrongs enjoying unconstitutional judging and living to make all injureds, especially baby bastards, whole. Amen.*

<sup>1</sup> “[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 [with self-employed defense lawyer and government prosecuting lawyers to selfcorrect errors made]* was held)...Court: After re-examining the statute more closely...as I [a *judicial worker*] *reread it, many, many more times*, my *initial* reading of it to convict [the *civil motorist*] was *incorrect [as error thus void]* ...[p23] ... *I have to change* my [incorrect] verdict to [error-free correct verdict of] *not guilty [thus valid]* ...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](http://www.TruthIsPrudence.Com) *is its proof*.

<sup>1</sup> “The law requires no one to do a vain thing [thus everyone to do valid things like move the Courts for Justice after media reconfirms that Courts have ended committing and selling Justicides as Justice and vain things].” *Strasbourg v Leerburger, Ct App, Hiscock, Ch. J., Cardozo, 1922, 233 NY 55, 59, 60.*

<sup>2</sup> We are facing a principle more nearly ultimate than either waiver or estoppel, one with roots in the yet larger principle that no one shall be permitted to found any claim upon his own inequity or take advantage of his own wrong[: one, two, three, four and/or more that don’t make a right] (*Riggs v Palmer, [1889] 115 NY 506.*)” *Imperator Realty Co. v Tull, 1920, Cardozo J., Ct App., 228 NY 447, 457.*

<sup>3</sup> Rule 10, unanimously scripted by all nine Justices of the top Supreme Court of United States (“SCOTUS”) as judicial errorists, is duly documented proof of Courts doing vain things: “A petition...will be granted only for compelling reasons....[but] is rarely granted [for valid Justice] when the asserted error consists of erroneous factual findings or the misapplication of a properly stated rule of law [as proof of void Justicides].”

<sup>4</sup> “We are not final because we are infallible, but we are infallible only because we are final [judicial errorists inside our Halls of Justicides sold as Halls of Justice creating far more dangerous nonjudicial terrorists].” *Brown v Allen, 1953, Justice Robert H Jackson, 344 US 443, 540*

<sup>5</sup> Scope of disclosure. (a) Generally. There shall be full disclosure of all matter material and necessary in the prosecution or defense of an action [in Civil Courts and thus even more so in Criminal Courts], regardless of the burden of proof,... in the action; ...” NY CPLR § 3101.

<sup>6</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 Woodwon, 1980, 444 US 286.*

<sup>7</sup> TIP corrects misstated laws like § 26 US Code 401(a)(28), etc. TIP ends Justicides in cases like *Jassal v Jain, Village of Irvington v Lalit Jain, Lalit K Jain Esq v Reddy Care, Grillo v Nicoleita Legister, etc.*

<sup>2</sup> *Scapegoating is a Criminal Felony by Anthony J. Fejfar, B.A., J.D., Esq., Coif ©Copyright 2010*

Some vile satanic cults and even satanic families [like bar members] engage in the criminal, felonious practice of scapegoating. Scapegoating is the crime of picking out a person and then persecuting the person and his

Welcome to the Official [www.TruthIsPrudence.Com](http://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 political to upgrade into unpolitical system.™

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

*Lalit Jain*  
01/01/2023

immediate family into starvation poverty and trying to force them to commit suicide. First of all, this illegal practice of scapegoating constitutes the crime of *Suborning [(Inducing)] Suicide*. ... *Scapegoating is always wrong*, but it is even more wrong because the alleged "reason" for the scapegoat is that *the scapegoated person is a good person*, or, believes in God, or is poor, or is unemployed, or is ill. *This horrible satanic practice* of persecuting an innocent person or persons must be put to a stop with strict law enforcement against the satanic scapegoaters. *Whenever two or more persons conspire to deprive a person of his or her constitutional and natural rights of Life, Liberty, Property, and the Pursuit of Happiness*, then it is clear that *the federal crime of depriving a person of civil and constitutional right under "color of state law" is taking place*, and, the scapegoaters can be prosecuted under 18 United States Code, section 242, and imprisoned for 10 years in federal prison. *Scapegoating is an immoral, unethical, illegal, and Seriously Sinful violation of Natural Law and must be stamped out, and the vile scapegoating conspirators must be sent to prison for long time.*

<https://tinyurl.com/39x7dj3k>

<sup>3</sup> *Confessing* that Courtesy – Professionalism – Respect ("CPR") as official duty of policemen protecting rapists causing irreversible and irreparable injuries to women instead of women *is constitutional proves bar members' barbaric behaviors committing felony crime of scapegoating women being raped and watched.*

.1 "...if two policemen see a rape and watch it just for their own amusement, no violation of the Constitution [by self-righteous rapists, juries, and jurists with absolute judicial immunity for abusing policemen...(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.

.2 "It has to be stated that though the accused have not used any external weapon [like guns, knives, bombs, etc.], they have used *most powerful personal weapon* i.e. *penis* [as *unimpregnable men's free jack-hammers*] with which each one of them [used void pro-rape and anti-abortion laws made by sex-predators protected by police] have caused the most grievous injuries not only to the body of [an impregnable woman] but also to her mind." *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, as *Rehnquist in US, jurists acting as law breaking journalists.*

.3 "[p 401] ... *Protection of...women* is a subject of *special concern to the state*...healthy [protected] mothers are essential to vigorous offspring, the [mental and] physical well-being of woman becomes an object of *public interest and care...to preserve the strength and vigor of the race* [as *public policy or divine policy with sound minds using TIP to end unsound minds not using TIP knowing that even jurists cannot unrape the raped*]." *People v Charles Schweinler Press*, 1915, Ct App, Hiscock, J., Cardozo, J., 215 NY 395, 401, 409, 410, 411.

.4 *New Delhi* (CNN) -- A 13-year-old girl who was allegedly *gang-raped by four men* in India, was allegedly *raped again by a police officer [abusing power]* after she tried to seek *his help* in reporting the initial attack." *By Esha Mitra and Thea Mogul, CNN, May 6, 2022, in Lalitpur, UP, India.* <https://tinyurl.com/yc4zpr2y>.

<sup>4</sup> *Legislation scapegoats* innocent out of wedlock babies as guilty bastard babies, protects guilty out of wedlock fathers as innocent holy fathers and *proves* 24/7 security threat from the *American justice system* of lying, relying on lying, charging and prosecuting to the fullest extent of the law thus fullest extent of the lie forced to be received as the truth (A4) violating the law against anyone doing a vain thing not required by law to be done.<sup>1,1</sup>

<sup>5</sup> *More taxes more evil. Less taxes less evil. No taxes no evil.*

.1 "Taxes [and fines] are what we [are forced to] pay for a [criminal society sold as a] civilized society."

*Compania General v Collector of Internal Revenue*, 1927, 275 US 87, 100, by *Justice Holmes, Jr.*

.2 "...But if you think that it is terribly important that the case came out wrong, you miss the point of the common law [(lie of unimpregnable men in retaliation against impregnable women)]. In the [men's] grand scheme of things, whether the right party won is really secondary [like Court-ordered death by stoning of women but not of men for criminal adulteries, <https://tinyurl.com/54rtv4kz>, killing Judge Anand in India on Wed July 29, 2021 caught in security footage, <https://tinyurl.com/25hb6r4r>, for making the wrong parties win]."

*SCOTUS Justice Scalia*, 1997, *A Matter of [Wrong] Interpretation, Federal Courts and the Law*, p6.

<sup>6</sup> Everyone is born with same common sense of right and wrong until miseducated/mistrained to be jurists.

.1 "[571] ... [Jurists] Judges personify the [impersonal] 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* [ended by SCOTUS Rule 10<sup>1,3</sup>]. 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 [making law-breaking news on sex-predators as bullies by reporters on SCOTUS selling lies as truth (A4) overturning *Roe v Wade* in the leaked draft]"; 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.

- .2 "[Jurists] Judges perform an incredibly important function in our society, and they must be able to do their jobs without *concern* for their *personal safety* [self-ended by them still selling *Justicides as Justice* (A4) and making pro-rape unimpregnable men 24/7 threats to impregnable women anywhere and everywhere]."

Outgoing 34<sup>th</sup> White House Press Secretary Jen Psaki said on 05.09.2022 defending country's judges (A4) creating *Justicide victims against threats and pressures from them to stop*. <https://tinyurl.com/2p8wreff>.

- <sup>7</sup> All jurists in all courts in all law schools in all nations alike are miseducated/mistrained for lying.

- .1 "In 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 sold as judicial intervention]." 28 USCode § 1654 - *Appearance personally or by counsel*.

- .2 "[8] ...when an [injured] opposing party is well represented [as non-lying pro-se or by non-lying lawyer], a [lying] lawyer can [but does not have to] be a *zealous advocate* on behalf of an [injurer] client and at the same time *assume* that justice is being done [by lawyering (lying) making *Justicide crucify Justice in Courts*]."

*Model Rules of Professional Conduct: Preamble & Scope* Preamble: A Lawyer's Responsibilities...[8].

- <sup>8</sup> "...Courts are the mere instruments of the will of the [basic] law [or Constitution "to establish Justice"]. When they are said to exercise a discretion, it is a mere legal discretion...to be exercised in discerning the course prescribed by the law; and, when that is discerned, it is the duty of the court to follow it. Judicial power is never exercised for the purpose of giving effect to the will of the judge *to lie and not not establish Justice*], always for the purpose of giving effect to the will of the legislature; or, in other words, to the will of the law]."

*Osborn v Bank of the United States*, 1824, *US CJ John Marshall*, 22 US 738.

- <sup>9</sup> *Jurisprudence* of unsound minds made LKJESQ--scapegoated, scammed and destituted by Federal, State and Local government, corporate and self-employed workers--*coin its antonym Truthisprudence* of sound minds.

- .1 SCS as *the immortal solution to mortal men's dangerous politics proves* that baby is bastard legally enshrined ("BIBLE") is one of the one too many Biased Scriptures with the *untruthful, truthless and ruthless* Biblical Statement ("BS") that out of wedlock babies instead of out of wedlock fathers are guilty bastards and *demands* that Courts move on their own motions, *make* men accept paternities same as women accept maternities *as the two harmonious sides of his-her-sex, end SCD, lift the self-inflicted baby bastard curse ("BBC") on the purse and become proof positive* of the *manmade Justice system that cremated the manmade Justicide system*.

- .2 As "out of wedlock babies are bastards" is the lie practiced as law in the politically correct flawed foundation, so it created Courts of law for abuse as Courts of lie (A4) making democracies with votes and autocracies without votes immunized hypocrisies and cause of evil 2022 Russia-Ukraine War, 2001 US Ground Zero, 1941-45 Holocaust, 1939-45 WWII, etc. as proof of tax funded evil governments' grand scheme of things.

- .3 "Society in every state is a blessing, but [not-profit] Government, even in its best state, is but a *necessary evil* [with for profit evil government offices ("EGOs"); in its worst state an *intolerable one* .... [for investing millions to win EGOs, not lift the self-inflicted BBC and not lift the COVID-19 Curse intertwined with and inseparable from the BBC, perpetuate both in conspiracy with the BigLaw and BigPharma and in vain warn people of all ages including unborn babies: "Don't be a victim" of legalized illegal and criminal scams in all nations: the evil grand scheme of things masterminded by we men as spermers in retaliation against women as Creators]."  
*Common Sense* by Thomas Paine in 1776 who confessed, not corrected, and not lifted the self-inflicted BBC.

- <sup>10</sup> "relief is not a discretionary matter; it is *mandatory*...[with properties held in constructive and/or deemed trusts]; *no deterrent punitive awards* [from injurers to injureds ("Mandatory Restitution") who cannot turn back time to re-live lives uninjured] are "grossly excessive," *TXO Production Corp. v Alliance Resources Corp.*, 1993, 509 US 443" for Courts, Congresses and Churches to JIP they created to be cremated by TIP.  
*Orner v Shalala*, Colo. 1994, 10<sup>th</sup> Cir, 30 F3d 1307, 1310; *Limone v US*, 2011, 815 FSupp2d 393.



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**

*Valid Justice* makes **mandatory use of** scientific DNA-matches instead of unscientific marriages as proof of paternities for **law enforcement** end the basic evils. **Penile thus senile sovereignty** of men **praying to God and Courts for forgiveness for preying** on women causing irreversible and irreparable traumatic injuries making them endure lifetime posttraumatic stress disorders ("PTSDs"). **Belief in twisted freedom fighters** to die in search of the truth but never use the truth to end committing criminal adulteries and rapes, even murders, scapegoating innocent out-of-wedlock babies as guilty bastard babies knowing that one cannot unrave the raped or unmurder the murdered.

**Outlawed politics outlaws** jury instructions "to ignore common sense, logic, Justice, and the 'big picture,' [as TIP] and consider only the minutiae and technical loopholes presented to you [the jury] by these people [aka zealous lawyers] who are paid to conceal the truth [prevailed over by lies as JIP, knowing that ending due process of law (lie) is a nullity unless and until due process of law (truth) enforcing FEPOL makes valid Justice end void Justicides]." **Him-her-sex is family law** of Gods corrupted by MAD laws of Devils even allowing him-him sex and her-her sex making no babies. A free download of **this credentialed LKJMOL rooted In God we Trust and In God we Believe is for 100% certainty of 100% paternities to prevent preventable PTSDs**, etc. **Thanks.**

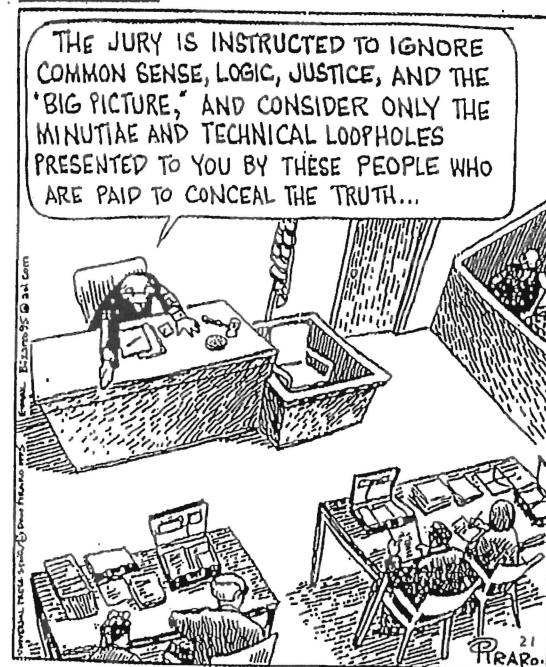
Learn and live in truth Knowing Justice always insures nature.

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.

**BIZARRO**



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

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):

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:

Regular delivery:

\$3.30 - \$4.30 (original)  
\$1.00 (each copy)

Expedited delivery:

\$4.40 - \$5.40 (original)  
\$1.10 (each copy)

Daily delivery:

\$5.50 - \$6.50 (original)  
\$1.25 (each copy)

**Due**  
**\$94.60**

7. Rate to be Charged Per Page:

Regular

Expedited

Daily

Other

No. of Copies Ordered

1

8. Estimated Number of Pages:

22

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  
19  
20  
21  
22  
23  
24  
25