

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORK: PART 71

THE PEOPLE OF THE STATE OF NEW YORK

-against-

KEVIN CLOR,

Defendant.

PEOPLE'S VOLUNTARY  
DISCLOSURE FORM

Indictment No. 05866/2011

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

**A. BILL OF PARTICULARS**

**1. OCCURRENCE**

- A. Grand Larceny 2<sup>nd</sup> Degree (Count 1)  
Date: From on or about October 1, 2009 through on or about May 1, 2011  
Place: 265 West 14th Street, New York, NY.
- B. Grand Larceny 2<sup>nd</sup> Degree (Count 2)  
Date: From on or about January 1, 2006 through on or about October 1, 2010  
Place: 265 West 14th Street, New York, NY.
- C. Criminal Possession of a Forged Instrument 2<sup>nd</sup> Degree  
(Counts 3, 5, 7, 9, 11, 13, 15, 17, 19, 21, 23, 25, 27, 29, 31, 33)  
Date: From on or about January 15, 2010 through on or about April 15, 2011  
Place: 265 West 14th Street, New York, NY.
- D. Falsifying Business Records 1<sup>st</sup> Degree  
(Counts 4, 6, 8, 10, 12, 14, 16, 18, 20, 22, 24, 26, 28, 30, 32, 34)  
Date: From on or about January 15, 2010 through on or about April 15, 2011  
Place: 265 West 14th Street, New York, NY.

**2. ARREST**

Date: December 16, 2010  
App. Time: 07:30 am  
Place: One Hogan Place, New York, NY.

**B. NOTICES**

1. STATEMENTS

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

2. IDENTIFICATION

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

**C. DISCOVERY**

1. ADDITIONAL STATEMENTS

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

2. GRAND JURY TESTIMONY

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

3. SCIENTIFIC AND MEDICAL REPORTS

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

4. PHOTOGRAPHS AND DRAWINGS

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

5. INSPECTION OF PROPERTY

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

6. OTHER PROPERTY

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

7. TAPES AND ELECTRONIC RECORDINGS

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

8. BRADY MATERIAL

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

9. COMPUTER OFFENSES

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

10. POLICE OFFICERS INVOLVED

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

<u>Name</u>	<u>Shield</u>	<u>Command</u>
Eva Barriga	147	New York County D.A. Squad

11. SEARCH WARRANTS

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

**D. DEMAND FOR NOTICE OF ALIBI**

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

**E. RECIPROCAL DISCOVERY**

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

**NOTE:** Any defense motion or request addressed to the above-captioned case should be directed to the attention of the Assistant District Attorney named below, who is assigned to this case. Defense counsel may also contact the assigned assistant to arrange to review the financial analyses developed from the evidence in this case.

Dated: New York, New York  
January 9, 2012

Cyrus R. Vance, Jr.  
District Attorney  
One Hogan Place  
New York, NY 10013

By: José Fanjul  
Assistant District Attorney