

A NEW BEGINNING FOR IMMIGRANT'S RIGHTS, INC.

New Beginning Innocence Project (N.B.I.P)

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HONORABLE ANDREW CUOMO,
THE GOVERNOR/EXECUTIVE DEPARTMENT
Executive chamber,
State Capitol
Albany, N.Y. 12224

April 09, 2012

Re: Matter of Allen P.W Karen, Esq.

EXTREMELY CONFIDENTIAL

Dear Hon. Governor:

Please be advised that I Carlos Davila, President of the New Beginning For Immigrant's Right's, Inc. I hereby under one of our project namely **New Beginning Innocence Project** (N.B.I.P), Together with the citizens of New York City and those around the world by signatures in person and by way of electronic signature through our webpage "**freenelsonrodrigueznow**", are filing on behalf of Mr. Nelson Rodriguez, the attached federal and state criminal complaint with the supporting documentary evidence as exhibits A through Z-4, seeking and hereby demanding that you and your office initiate a criminal investigation into matters involving the actual commission of felonies cognizable by a state and federal court in the Matter of Allen P.W Karen, Esq.. Please be further advices, that our office after careful review of the attached

documents and many discussion with Mr. Nelson Rodriguez, in person and by phone we agree to assist him in filing this complaint from our office. Since he feel that the prison personnel will tampered with his legal mail. This document has been review and by us but was prepare by Mr. Rodriguez himself.

FEDERAL AND STATE CRIMINAL COMPLAINT

ADA Karen was the assistant district attorney in the alleged criminal prosecutions allegedly brought against Mr. Nelson Rodriguez under Bronx indictment numbers: **4239/86 and 145/87.**

We the people of the city of New York, do state the evidence herein establishes that ADA Karen committed various crimes against Mr. Nelson Rodriguez during the pretended two trials that ended in hung juries with an unconvinced jury and a third trial brought in multiple courts in Bronx County, against Mr. Rodriguez and include but are not limited to the following:

1. We the people of the city of New York charge with violation of P.L. 135.25 (2) (b), (d), Kidnapping in the first degree, in that on or about august 28, 1986, ADA Karen permitted Mr. Rodriguez to be illegally taken in to police custody to [2(b)] accomplish the commission of a felony. The people of New York charge ADA Karen with the kidnapping of Mr. Rodriguez seeking to accomplish the felony of “Hindering a prosecution as the term is defined under P.L. 205.50” end [2(d), herein] “[i] interfere[ing] with the performance of a governmental function ...” which means that ADA Karen intended to use the abduction of Mr. Rodriguez to prevent a proper and thorough investigation into the murders and assaults of the persons that he knowingly and falsely charged Mr. Rodriguez with having killed and assaulted in order to suppress the involvement of government’s witness Louie Diaz , from whom

ADA Karen received a payout of \$ 200,000 and there's reason to believe that ADA Karen co-conspirators profited to the tune of one million dollars by introducing Ms. Cardona, the surviving victim of that fateful incident and Esther Rodriguez's (no relation to Mr. Rodriguez) family to that civil attorney who obtained \$ 1.2 million from a victims fund that appropriated those fund that appropriated those funds from Mr. Rodriguez corporation as damages for the victims upon Mr. Rodriguez's fictitious conviction.

Esther Rodriguez's parents have signed statements in 1997 attesting to the fact that they only received in total, approximately \$30,000 from personal check written by Mr. Platezer the attorney ADA Karen introduced to Cardona, the witness against Mr. Rodriguez and Ms.Cardona received approximately \$200,000 or less, leaving unaccounted for a little over \$980,000 in cash for this very same that the people charge and the evidence herein irrefutably establishes ADA Karen committed.

2-P.L. 135.10 Unlawful Imprisonment in the first degree in that ADA Karen has had Mr. Rodriguez unlawfully imprisoned "under circumstance which expose" Mr. Rodriguez "to a risk of serious physical injury" or death on a daily basis in an effort to silence of ADA Karen's criminal conduct herein.

3- P.L. 175.30, offering A False Instrument for Filing in the First and Second Degrees in that in Furtherance of ADA Karen filed a fictitious true bill in this matter where under Mr. Rodriguez, was tried three separate times and which was not actually filed with the courts and with the Public Records Office until January of 1990, four years after Mr. Rodriguez abduction (illegal arrest) thought was allegedly claimed to have been

voted on, on September 2, 1986 and filed on September 3th of 1986. See Exhibits Q and R.

Additionally, the people charge ADA Karen with causing the documentation chronicling the changes in the non-existent indictments after the various mistrials had in this matter and the entry of the judgment to not be filed at all as these documents would have clearly established that a grand jury never convened on September 2, 1986 as ADA Karen alleged. See Exhibits z-2 and z-3. Thus, there establishes that Mr. Rodriguez was actually abducted as opposed to being lawfully arrested and charged herein and the fact that the documentation of the judgment was not filed until February 1, 2007 further establishes that ADA Karen has falsely imprisoned Mr. Rodriguez in order to cover-up this money laundering operation involving large six and seven digit transactions under the guise of authenticating the origins of cash used for legitimate hail/bond purposes. Exhibits F and G.

In fact, one of the members of the Grand Juries that was allegedly convened in Mr. Rodriguez's fictitious criminal matter, **Ms. Eastlyn A. Jones**, whose name appears signed on Mr. Rodriguez's fictitious indictment as the **actual forelady of that Grand Jury** that allegedly voted on indictment 4239/86, has stated for the record that he sat on many Grand Juries and not one of them from what she can recall involved a murder matter where someone was shot in the eye as would definitely remember something like that if it was. In fact, the Grand Juries that Ms. Jones served on were not in session at the time its claim that this indictment was voted, See Exhibit S.

We the people, who have seen and weighed this evidenced online and otherwise, do charge that the evidence clearly establishes that ADA Karen used his office as prosecutor to

make all sorts of illicit monetary transactions and that he used the citizens of this city and state as expendable pawns in the deadliest coldest ways ever known to this city where innocence has suffered immensely and guilt has been rewarded abundantly and we there for demand satisfaction in this matter.

4- P.L. 175.40, Issuing a false certificate in that ADA Karen, being a “public servant authorized by law to make or issue official certificates or other official written instruments, [] with intent to defraud, deceive or injure another person [Mr. Rodriguez], [] issue[d] such an instrument [(S)], [and] ma [d]e [] the same with internet that it be issued, knowing that it contains a false statement or false information.’ The above said fictitious true bills that never actually was voted by any Grand Jury and which was not filed publicly until four years after Mr. Rodriguez’s abduction, the fraudulently abstained entry of judgment, which was never filed in this matter, over 24 years after Mr. Rodriguez abduction after the fictitious conviction was obtained and the falsified bail/bond authentications all qualify as such false certifications under this section.

Ms. Diaz, who was ADA Karen’s alleged informant against Mr. Rodriguez in this matter, allegedly posted a \$2000,000 bail/bond in cash under indictment number 1515-87. Exhibit F.

ADA Karen authenticated in open court, the origins of the shopping bags of small denominations, rubber band clad bundles of cash that Ms. Diaz’s wife brought into court accompanied by witness No. 1, Diaz’s most trusted confidant, to allegedly post Mr. Diaz’s bail/ bond. Exhibits F and G

However, after further perusal of the record, it has been discovered that Mr. Diaz was released under indictment number 1515-87 on his own recognizance, (ROR'D) on a manslaughter charge!!!? Exhibit F.

This documentation, the people of New York do charge, analyzing this hard evidence substantiates the above said charge of issuing a false certificate and out of concern for our fellow citizen so violated demand that criminal charges be brought against ADA Karen, who is still a practicing persecutor in the office of the Bronx D.A Robert T Johnson as that such egregious and atrocious and vicious conduct as that which this evidence shows concerning ADA Karen's conduct against one of our citizens is an affront and a stark threat to the liberties and freedoms of all of our citizens and causes us to question now each and every persecution/prosecution that Karen presided over. In fact in questioning ADA Karen's history, it has also been brought to our attention that in the very same year that Karen was committing these vicious, crimes against humanity and Mr. Rodriguez particularly, not to mention the victims of this crimes that he use opportunistically to launder money by, **ADA Karen was accused of similar misconduct in Molares v. Portuaondo, 165 F.Suppp.2d 601(SDNY).**

The accusations there were similar to those in this matter , i.e.. **suppression of material evidence, knowingly allowing and suborning perjured testimony, fabrication of evidence, improper conduct during trial etc.**

In that matter, reviewed by the Hon. Danny Chin, a still presiding Federal judge for the southern district, ADA Karen **was found** to have allowed all of these travesties to occur in Morales's case under ADA Karen and not only were these victims of ADA Karen released after 12 years but a settlement of several millions of dollars was rewarded as a result thereof.

The people of the City of New York do charge that the Morales case was child's play in the evils practiced against them in comparison to the degree of evil practiced against Mr. Rodriguez in this matter and we demand protection for our citizens by the immediate removal of ADA Karen from office and his immediate arrest based on these charges as none of us are safe with this runaway prosecutor free on our city's streets.

5) P.L. 170.10, Forgery in the Second Degree in that ADA Karen with intent to defraud, deceive or injure another, he falsely ma[d]e, complete[d] or alter[ed] a written instrument which is or purports to be, or is calculated to become or to represent if completed:...(1)[an] instrument which does or may...affect a legal right, interest, obligation or status; or (2) A public record, or an instrument filed or required or authorized by law to be file in or with a public office, or public servant; or (3) A written instrument officially issued or created by a public office, public servant or governmental instrumentality;...." The office of the District Attorney is a "public office." Public office." People v. Armitt , 762 N.Y.S.2d 222 at 223.

ADA Karen failed a plethora of forged or falsely made and completed written instruments which purports to affect the legal rights, interests, obligations and status of Mr. Rodriguez \$1.2 million was taken from Mr. Rodriguez corporate accounts as the fictitious indictments and fictitious conviction adversely affected Mr. Rodriguez's rights, interests, obligations and status as having proper legal authority over his freedom.

The foretasted forged documents were public record or instruments required to be filed with a public office or servant and was officially issued or created by that public office or servant or government instrumentality in all alleged criminal proceedings.

We the people of New York City do find that the evidence shows that ADA Karen filed forged official documents in order to show that ADA Karen filed forged official documents in

order to legitimize the abduction and false imprisonment of Mr. Rodriguez in order to launder \$200,000 and take over \$980,000 from Mr. Rodriguez corporate account and to ensure a continued profitable money laundering operation with Mr. Diaz and his co-conspirators which would not have been possible with Mr. Diaz in prison for life for conspiracy to commit the murders and assaults for which Mr. Rodriguez is being illegally held for, in addition to a considerable sentence for the separate murder matter under indictment number 1515-87 which ADA Karen had illegally or fraudulently downgraded to a manslaughter charge, see Exhibit F. so that Mr. Diaz could waive a grand jury appearance in preference to a superior court information (SCI) which is a prosecutor's indictment consented to by the accused and is not possible to obtain when the charge is an A-1 felony.

We the people of New York City do find that Mr. Diaz was able to avoid having to face us in a Grand Jury investigation of a charge that he murdered citizens of our city with the help of ADA Karen. Were it not for ADA Karen illegally or fraudulently downgrading the charge of murdering citizens of this city by Diaz to a manslaughter, there's no way Mr. Diaz could escaped our investigation of him or escaped from serving time for murdering one of our citizens as it's against the law to waive a Grand Jury investigation of an A-1 felony after it has been voted.

And then to add insult to injury, ADA Karen allowed Diaz to plead guilty to slaughtering citizens of our city and obtained for him a five year probation so that Diaz could murder more of our citizens but more aware of how to skirt the law next time.

In exchange for this license to commit murder, Mr. Diaz paid a premium of \$200,000 to our knowledge, but the sum could have been for more considerable than the evidence indicates by the on-going criminal relationship between ADA Karen and Mr. Diaz

At the time of Mr. Rodriguez abduction for hat the evidence show was killings of Mr. Barrios , Esther Rodriguez and the assault of Ms. Cardona by others, in the Morales matter, the evidence showed that a suspect in that murder case told ADA Karen that same year , that Morales did not commit the murder for which he was imprisoned, and ADA Karen concealed this fact.

Also in Mr. Rodriguez's case, a Mr. Pearson alleged that two men confessed to him to committing the killings.

We the people have also seen evidence which shows that Judge Roman in 2007, who viewed video recorded evidence of two confidential witnesses stated that their " statements provides information which tends to exonerate [Mr.] Rodriguez." Exhibit Z4, Judge Roman's Decision.

Thus, what all of this evidence shows is a clear conspiracy to frame Mr. Rodriguez for the killings though the prosecutors knew that evidence showed that Mr. Rodriguez was elsewhere when these killings was committed, see people's Answer to Mr. Rodriguez's CPL 440.10, P. 69, "defendant [Rodriguez] had sufficient information to aid in the prosecution of this case even if he was not present for the actual killings. Yet, tellingly, however, defendant never offered to cooperate [] " and this was done solely to protect Mr. Diaz and a lucrative money laundering operation between him and the office of the Bronx District Attorney and in order to steal \$ 1.2 million that was in a corporate account owned by Mr. Rodriguez in the process.

6) P.L. 195.00, official Misconduct, in that ADA Karen, a "public servant ... with intent to obtain a benefit or deprive another person of a benefit ... commit[ed] [] act[s] relating to his office but constituting an unauthorized exercise of his official functions knowing that such act[s]

is unauthorized, [and] refrain[ed] from performing a duty which is imposed upon him by law or is clearly inherent in the nature of his office.’’

We the people of New York City do hereby charged ADA Karen with violating this section of the Penal Law because ADA Karen, despite having knowledge of evidence that exonerates Mr. Rodriguez of the charges of committing the heinous acts against one of our citizen’s that he is illegally and falsely imprisoned for, ADA Karen refrained from performing his duty of disclosure of that evidence and instead fraudulently, a conviction against Mr. Rodriguez, the entry of the judgment of which was not file with the public records office until this day twenty four years after the pretended multiple trials of Mr. Rodriguez.

As a matter of fact, as of March 30, 2011, Mr. Joseph Doherty, Court Attorney, has indicated to Mr. Rodriguez that the “entry of judgment for alleged indictment numbers 4239/86 and 145/87 are no-existent.”

However, Mr. Rodriguez has obtained evidence that said entry of judgment was not duly entered in the office of the clerk of the Bronx Country until February 1, 2007. Exhibit Z-3.

7) P.L. 205.50, Hindering prosecution in that ADA Karen rendered criminal assistance to Mr. Diaz, his partner in crime with intent to prevent, hinder, or delay the discovery of or the lodging of criminal charge against the killers, persons who ADA Karen knows were the killers of Mr. Barrios and his common law wife Esther Rodriguez, and the attempted killing of his girlfriend Ms. Cardona, and with intent to assist Mr. Diaz in profiting or benefiting from the commission of that crime, he concealed Mr. Diaz by abducting and fictitiously charging Mr. Rodriguez for the commission of the crime, warned Mr. Diaz of any impeding discovery of that crime and provided Mr. Diaz with a means of avoiding discovery or apprehension for the

commission of that crime by the abduction and fictitious charging of Mr. Rodriguez for its commission.

We the people of New York City do further hereby find and charge that the evidence irrefutably establishes that ADA Karen suppressed by the act of concealing the existence of witness's exculpatory information in favor of Mr. Rodriguez and that ADA Karen also altered evidence several times during the course of Mr. Rodriguez's multiple pretended trials until he found the right judge and the perfect false evidence to convict Mr. Rodriguez with, to wit, ADA Karen allowed Mr. Diaz to testify that he was an honest business man but the fact that he was a major drug dealer who laundered his drug money through his movie theatres was never revealed to the jury. Exhibit B.

Mr. Diaz was also allowed to lie to the jury and allege that the deal he made with the government to testify against Mr. Rodriguez was not ratified and that at the end of trial he faced 15 years to life, when in fact at that very moment when he was answering the question, he had already received five years' probation for slaughtering a citizen of our city.

ADA Karen knew all these things were lies yet he said nothing to correct them.

Federal agent Craig Morrzzi was allowed to say that Mr. Diaz did not begin to cooperate with the state and federal government until January 12, 1987.

However, evidence came out that Diaz began working with the D.A.'s office as early as September 14, 1986 during his initial arrest. Exhibit A, pp. 3, 8, and 11.

ADA Karen also up to this date has suppressed a phone book of the deceased, Mr. Louis Barrios wherein Mr. Diaz's name and number is listed as "Fat Louis," this name surviving witness, Ms. Cardona testified to know Mr. Diaz as but no mention is made of Mr. Rodriguez being listed as a contact in that book.

ADA Karen also up to this date continues to suppress from us citizens video recorded evidence of a sworn witness who testified that the deceased Mr. Barrios and Mr. Diaz were crime partners in the drug business and not Mr. Rodriguez as Mr. Diaz was permitted to falsely testify to at Mr. Rodriguez pretended trials. Exhibit L1-L3. Mr. Diaz claimed that he did not know that Barrios was a drug dealer until the night of the incident. This was refuted by the phone book evidence and by witness # 1 and this is why ADA Karen suppressed this phone book.

ADA Karen also allowed Mr. Diaz to falsely testify that he made only \$3000-\$4000 from illegal activities, mainly as a book keeper for Mr. Rodriguez. However, when asked whether Mr. Barrios owed any money to Mr. Rodriguez as his book keeper, Mr. Diaz did not know at the first pretended trial and then in another pretended trial all of a sudden, Mr. Barrios owed hundreds of thousands of dollars.

That ADA Karen is a vicious person with a killers mentality is evidenced in the fact that when witnesses came to testify on behalf of Mr. Rodriguez, to disclose the true nature of who Mr. Diaz was and this relationship with ADA Karen, while these two witnesses who were deathly afraid of Mr. Diaz was in the corridor leading to ADA Cherry's office where the sworn recording were being made, ADA Karen paraded Mr. Diaz in front of them by escorting Mr. Diaz down the corridor allowing him to take a clear look at them and allowing them to see Mr. Diaz's menacing, murderous scowl before returning to the office to testify as a means of warning the witnesses of the vicious, bloody reprisals that this sick, sociopath, Mr. Diaz would surely wreak on their heads should he obtain the opportunity.

In those depositions, Mr. Diaz's live-in maid testified to answering Mr. Diaz's phone and ADA Karen being on the other end during the preceding of the three pretended trials against Mr. Rodriguez and how Mr. Diaz was keeping them against their will in his Florida home.

They also explained how they managed to escape from Mr. Diaz's home and make it to the office of the D.A seeking protection and to tell what knew of the innocence of Mr. Rodriguez. Exhibits K and L.

Additionally, the evidence shows that despite clear warnings to ADA Karen not to elicit testimony alleging that Mr. Rodriguez was a drug dealer as there was absolutely no evidence whatsoever to substantiate such an allegation, ADA Karen repeatedly elicited such false testimony from Mr. Diaz who readily provided the prejudicial and inflammatory testimony and had to be repeatedly admonished by a court that was astonished that the prosecutor would so blatantly defy the court's order and ruling on that issue. This is exactly what ADA Karen did in Jose Morales's trial in the Morales v. portuondo case cited above. See Gr., pp. 35- 44.

The court, as a result commented with a promise of sanctions that , “ *There's a much larger issue here and that is prosecutorial misconduct and I feel that the court, not only as well as the defense attorneys have been led up and down that primrose path.*”

The Court also characterized ADA Karen as liar, “*In my opinion, Mr. Karen has patently lied to us and I am going to reserve until the this case any sanctions, I may impose for such conduct. Lie in not to involving any questions, pose any questions involving that king of relationship as to either defendant....*”See GR.,P. 36.

We the people of New York City do take special interest in this matter because the killer(s) of one of our citizens is still at large, largely due to the efforts of ADA Karen one of our trusted public servants who has abused our faith in the justice system in ways that will not be tolerated.

The evidence in this matter is overwhelming as to the violation of official misconduct and we the people demand satisfaction therefor.

8- P.L. 210.00; 210.10; 210.15; 210.30; 210.35; 210.40;210.45, Perjury and related offenses. We the people of New York do hereby find that the evidence show that ADA Karen filed a fictitious indictment against Mr. Rodriguez. ADA Karen alleges that a grand jury was held in Bronx County on September 2, 1986 wherein indictment number 4239/86 and 145-87 are both fictitious and ADA Karen commits perjury in alleging that this ever occurred. Also, Joseph Doherty, county Attorney admitted to Mr. Rodriguez on March 30, 2011, that the entry of judgment under alleged Bronx indictments numbers 4239/86 and 145-87 is “Non-existent.” See Grievance, (Gr.,) p. 3. and wasn’t filed until January 9, 1990. See Gr., p.8.

Moreover, Demovsky’ Law Service office, premier Nationwide Document retrieval and process Service Company, D.L.S. Inc., states that the alleged 58/3rds year sentence imposed was not filed in the office of the clerk of the Bronx County until February 1, 2007. See GR. P. 11, However the document states that the verdict was had by virtue of a plea of guilty and the sentence filed was for 25 years and was filed on January 29, 1988 to two counts of murder and one count of attempt. See Exhibit Z-3.

As has been states under “Official Misconduct,” ADA Karen suborned the perjury of Diaz and Agent Morrzzi stating that Diaz did not begin to cooperate with the state and Federal authorities until January 12, 1987, knowing that Diaz began telling these lies on or about September 14, 1986. See Gr., pp. 7and 111; Ex. A, pp.3 8, and 11.

ADA Karen also suborned the same perjured testimony from Det. Maroney. Gr., p. 12. ADA Karen (in his open argument and summation portrayed Diaz as an honest working man that was lured into the street life by Mr. Rodriguez and suborned this perjury from Diaz as well.

However, Diaz’s probation report, filed July 27, 1987, has ADA Karen telling the probation officer, Douglas C. Bruce, five months before Mr. Rodriguez’s third pretended trial

that Diaz was laundering his illegal drug proceeds through his three pornography movie theatres. See Ex. B, probation reports.

ADA Karen knew these things when he made his opening argument and his summation. The perjury and suborned perjury is clear.

ADA Karen allowed Diaz to state for the record that he was facing 0-15 years when in fact he was already sentenced as of May 28, 1987 and not on January 25, 1988 as ADA Karen made it appear. See Exhibits A, p. 15 and C and D.

Diaz was allegedly indicted for an A-1 felony along with Mr. Rodriguez and two others. However, ADA Karen allegedly arranged to have the charges dropped to manslaughter so that Diaz could plead guilty and receives probation in exchange for implicating Mr. Rodriguez. Herein in further proof that the September 2, 1986 indictment was a fraud because after an indictment is voted on an A-1 felony, a defendant cannot have that indictment waived. Exhibit E. further, ADA Karen is in possession of Mr. Barrios, the deceased's telephone book wherein "fat Louie" [Diaz] is in that book but Mr. Rodriguez's contact information isn't.

This proves that "fat Louie" and Mr. Barrios were at least acquainted. However, there is no evidence expect for Fat Louie's perjured testimony liking Mr. Rodriguez to Mr. Barrios. See Gr., p, 14.

Additionally, Fat Louie's most trusted confident, witness #1, also used by the federal government, another confidential informant, informed ADA Steven Cherry that Fat Louie and Mr. Barrios were partners in the drug trade. See or..., p. 14-15. ADA Karen also suborned perjury from Diaz's wife who lied in open Court as to the source of the \$200,000 cash that she brought in the court for Diaz's bail. See Gr., p. 16-17.

ADA Karen also allowed Diaz to state that he only made \$3000-\$6000 as illegal proceeds with his limited involvement as a bookkeeper for Mr. Rodriguez. ADA Karen perjured himself when he stated in open court that he was not in possession of any federal letters written on behalf Diaz to his sentencing judge.

However, at Mr. Rodriguez alleged co-indictee's subsequent trial, Mr. Estrada who was acquitted of two murders due to the suppression of this evidence, the existence of the letters were revealed but to this day has not been disclosed to Mr. Rodriguez, see Exhibit H; DESPITE Judge Joan C. Sudolnick's order to hand over such federal letters, Exhibit I.

Also throughout Mr. Rodriguez's appeals ADA Karen's representations by the court, see Gr., p. 18-19. Exhibit J. Mr. Folqenest, the trial attorney for Mr. Estrada, discovered the suppressed federal letters this exposing ADA Karen's perjury herein. Gr., p. 19. A confidential witness # 1, who was Diaz's confidant and witness # 2, testified on video that Diaz had secretly tape recorded conversations with ADA Karen. So this shows that Diaz actually controlled ADA Karen. See Exhibit K.

Meanwhile, Diaz testified that he had never communicated with ADA Karen outside of the presence of Diaz's attorney. Gr ., p. 22-23. Witness # 1 also testified that he 'd counted approximately one million dollars once with Diaz personally. Gr., p. 25. Witness #2 also observed Diaz bringing large bags containing cash into his house. Gr., p. 15

There's no way Diaz could have been on the run from Mr. and running to the prison to visit Mr. Rodriguez to see if Mr. Rodriguez was going to tell on him or not at same time.

ADA Karen committed perjury in open Court when he told the court that Diaz's \$200,000 cash bail money "was good". Exhibits F and C, for fabricated bail/bond surety documents.

Of the \$200,000 that was put up for Diaz's bail, \$115, 000 was forfeited as criminal proceeds, yet Diaz was allowed by ADA Karen to say that only \$3000-\$6000 of it was obtained illegally. Also Diaz claimed that he did not know how the state arrived at the sum of \$115,000 asset forfeiture, (Tr. Trans., p. 167) gr., p. 28. Then it came out through Diaz's attorney, Steven Flamhaft on the record on or about January 1988 that Diaz had forfeited the entire \$200,000 to the government. Exhibit A, p. 11. See also Exhibits M1-M3 for evidence of \$89,000 allegedly refunded to Diaz from the bail money. This refutes the January 25, 1988 \$115,000 forfeiture allegation. ADA Karen's repeated attempts to characterize Mr. Rodriguez as a drug dealer applies to this issue in that he elicited testimony from Diaz several times to this effect in blatant defiance of the Court's ruling on this issue as has been discussed in the "official Misconduct" section. See also gr., pp. 35-36.

ADA Karen perjured himself in Mr. Rodriguez's pre-trial hearing alleging that two separate indictments were handed down against Mr. Rodriguez, but during Estrada's trial, he alleged that there was only one indictment. Exhibit P.

The people of New York City to find hereby that more than a prima facie case of criminality has been established by these presents and do therefore demand justice for the people of New York City by the governor office appointing a special prosecutor to investigate the evidence in this matter and due to the nature of the charges herein and the proofs supporting them, immediate termination of ADA Karen's office in that none of us are safe as long as he is an officer of the state.

P.L. 215.40 tempering with physical evidence in that ADA Karen "with intent that it be used or introduced in an official processing, (a) knowingly ma[d]e" false indictments and true bill documents and forged Ms. Eastlyn A. Jones' name as foreperson of Mr. Rodriguez's grand

jury. Ms. Jones has filed an affidavit establishing that none of this ever happened. Exhibit S. Exhibit T, establishes that no indictment existed on September 2, 1986 as of October 1, 1986 when Quinones's lawyer, Joseph Gianini requested the death certificate of Ms. Cardona. Had an indictment existed for 9/2/86. Gianini would have known Ms. Cardona could not have died before 9/2/86 and would not have subpoenaed her death certificated of 8/30/86.

The amount of evidence tampered with in this case is myriad. Suffice it to say that from the felony complaint. To the false bail/bond certificate, the false true bill, the twenty years late entry of judgment, the sentencing and verdict certificates where the sentence is said to be 25 years by way of a plea bargain, to the fact that the alleged indictment was not filed with the D.A.'s office, (Exhibit Z-2) all of this shows the rampant corruption in ADA Karen's office and supports the people's demand for an investigation and prosecution and prosecution herein.

Additionally, P.L 215.40 contemplates a situation where the accused, " believing that certain physical evidence is about to be produced or used in an official proceeding, and intending to prevent such production or use , in an official suppresses it by any act of concealment , alteration or destruction, or by employing force, intimidation or deception against any person." ADA recorded statements the two witnesses who testified that Mr. Diaz was a major drug dealer that had Mr. Barrios killed over a financial dispute and who stated that had Mr. Barrios killed over a financial dispute and who stated that Diaz also tape recorded conversations with ADA Karen and the federal agents. Exhibit L1-L3; ADA Karen also continue to suppress to this day, over 25 years later Diaz's federal letters of recommendation written by the federal government, from the defense and the legal presumption is that exculpatory or impeachment material is contained therein; ADA Karen also continues to suppress Mr. Barrios phone book wherein the same " Fat Louie" is listed as a contact but Mr. Rodriguez's name is not mentioned at all. ADA

Karen also suppressed transcripts of other agreements in other states and Federal cases that plea agreements in other state and Federal cases that Diaz testified he made with Diaz and attempted with Det. Maroney to suppress the scratch notes detailing Ms. Cardona's original statements after the shooting, exhibit 0; exhibits 0 and R shows that the alleged indictments were not filed in the Bronx County clerk's office until 1990 and is not filed with the D.A.'s office until this day, after 26 years.

All of this has been brought to the attention of the grievance committee who has not responded to the allegations except to say that once Mr. Rodriguez has obtained a reversal of his convictions on the allegations, then they would render a decision or initiate an investigation into the merits of the complaint.

Additionally, all of this has been brought to the attention of the attorney general, Eric T. Schueidermann. This grievance was presented personally by the President of the Innocence project, Mr. Carlos Davila, at the attorney General's office located at 120 Broadway to no avail.

Apparently a D.A cannot be appointed to investigate or prosecute this matter due to conflict of interest and the amount of court and D.A.'s office personal that's involved as well as clerks of the court and county that seem either to have been involved knowingly or was duped into involvement unknowingly.

Wherefore, a special prosecutor must be appointed by the Governor's office pursuant to Executive la 63(2). See Sedore v.Epstein, 864 N.Y.S.2d 543 at 546-547, "In addition, when the D.A. Is unable criminal court may appoint a D.A. of another county or a private attorney to undertake the duties at the prosecutor. (county Law 701[1]).

Finally, when the governor deems it appropriate, the Governor may "designate the Attorney General to prosecute inn place of the D.A."

We the people think that our Governor, the Honorable Andrew Cuomo must appoint a special prosecutor due to the conflict of interest in the D.A.'s office in general and due to the conflict of interest in the Attorney General's office as evidenced by Hon-Schneidermann's turning a blind eye and a deaf ear to this complaints.

The signatures attached to this complaint clearly expresses the will of the people of New York, The united states and around the world that the Governor's office undertake the task that we deem "operation Clean Government" and protect the rights of our citizen's by mercilessly pursuing rogue and runaway prosecutors and officers or government officials of any sorts as they mercilessly pursue false convictions and who's actions adversely affect the effectiveness of the office of the Executive in our city and state.

And finally, we the people request that if Mr. Rodriguez is not released immediately on his petition for habeas corpus currently pending before the State Supreme Court of Auburn New York, that the Hon. Cuomo issue the equivalent of an Executive Pardon since a Pardon connotes guilt and evidence does not establish Mr. Rodriguez's guilt in this matter yet he is deserving of immediate release so that Mr. Rodriguez does not unnecessarily spend any more days or years of his life in captivity when the evidence herein clearly establishes that Mr. Rodriguez was abducted on August 28, 1986 against the law and has been held captive illegally from then until this very day.

We the People of New York City would like to thank the Governor' office for this attention in this matter, other concerned citizens and members of our nation and of the world community who have taken an interest in this matter and supports our cause against the corruption that is plaguing our city and nation at governmental levels.

Offenses also abound in this matter. If the Governor will see 18 U.S.C.A 1512, ADA Karen has attempted to obstruct justice when he paraded Mr. Diaz in the D.A 's offices' corridor while witnesses were giving video recorded statements in order to dissuade the witnesses from giving testimony. This federal statute purports under subdivision (h) to have "extraterritorial Federal Jurisdiction over an offense under this section." Also, the Governor may want to see 18 U.S.C.A. 1961(4) and 1962 for Racketeer influenced and Corrupt Organization Act for the tampering with witness violations and the money Laundering violations in this matter. There is also a state Enterprise Corruption implication herein. See P.L. 460.00. Finally, see 18 U.S.C.A.241 and 242 which make it a crime for one to deprive a citizen of federally protected constitutional rights under color of state law or for the conspiracy to commit such crime against a citizen of the United States. Thank You.

Very Truly,

Carlos Davila, President of N.B.I.P., and
The People of New York City on behalf of
Nelson Rodriguez 88-A-5497
Auburn C.F.
P.O. Box 618
Auburn ,N.Y 13024

CC: File
Exclusive copy to Univision 41 A Tu Lado

Attachments: People of the City of New York and Electronic Signature plus supporting documents.