

SUPERIOR COURT INFORMATION  
SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF BRONX

-----X  
THE PEOPLE OF THE STATE OF NEW YORK

v.

LUIS DIAZ,

DEFENDANT

Docket Number

SUPERIOR COURT  
INFORMATION NO. 72795-22

-----X  
PL 175.35(1): Offering a False Instrument for Filing in the First Degree  
AFO: N                      SEX CRIME: N

AT A TRIAL TERM OF THE SUPREME COURT OF THE STATE OF NEW YORK HELD IN AND FOR BRONX COUNTY AT THE BRONX COUNTY COURTHOUSE ON THE 20<sup>TH</sup> DAY OF July, 2022

P R E S E N T:  
HONORABLE HON. LINDA POUST-LOPEZ

-----X  
THE PEOPLE OF THE STATE OF NEW YORK

v.

LUIS DIAZ,

DEFENDANT

Docket Number

SUPERIOR COURT  
INFORMATION NO. 72795-22

-----X  
IT APPEARING TO THE SATISFACTION OF THE COURT FROM THE PROCEEDINGS HELD:

THAT THE WAIVER OF HEARING EXECUTED BY THE DEFENDANT COMPLIES WITH THE PROVISIONS OF SECTION 180.10 OF THE CRIMINAL PROCEDURE LAW AND THAT THE WAIVER WAS KNOWINGLY AND INTELLIGENTLY EXECUTED BY THE DEFENDANT IN THE PRESENCE OF COUNSEL, AND FURTHER,

THAT THE WAIVER OF INDICTMENT EXECUTED BY THE DEFENDANT COMPLIES WITH THE PROVISIONS OF SECTIONS 195.10 AND 195.20 OF THE CRIMINAL PROCEDURE LAW AND THAT THE WAIVER WAS KNOWINGLY AND INTELLIGENTLY EXECUTED BY THE DEFENDANT IN THE PRESENCE OF COUNSEL,

IT IS HEREBY ORDERED THAT THE DEFENDANT BE HELD FOR ACTION OF THE GRAND JURY PURSUANT TO SECTION 180.30 OF THE CRIMINAL PROCEDURE LAW, AND IT IS FURTHER,

ORDERED THAT THE DEFENDANT'S WAIVER OF INDICTMENT IS APPROVED AND ACCEPTED PURSUANT TO SECTION 195.30 OF THE CRIMINAL PROCEDURE LAW.

  
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JUSTICE OF THE SUPREME COURT

-----X  
THE PEOPLE OF THE STATE OF NEW YORK

v.

LUIS DIAZ,

DEFENDANT

Docket Number

SUPERIOR COURT  
INFORMATION NO. 72795-22

-----X  
THE DEFENDANT STATES THAT HE HAS READ SUPERIOR COURT INFORMATION

72795 -2022 AND FURTHER STATES THAT:

UNDER SECTION 180.10 OF THE CRIMINAL PROCEDURE LAW, HE HAS A RIGHT TO A PROMPT HEARING UPON THE ISSUE OF WHETHER THERE IS SUFFICIENT EVIDENCE TO WARRANT THE COURT IN HOLDING HIM FOR THE ACTION OF A GRAND JURY AND;

UNDER THE CONSTITUTION OF THE STATE OF NEW YORK, HE HAS THE RIGHT TO BE PROSECUTED BY INDICTMENT FILED BY A GRAND JURY AND;

THE DEFENDANT WAIVES SUCH RIGHTS AND CONSENTS TO BE PROSECUTED BY SUPERIOR COURT INFORMATION FILED BY THE DEPUTY ATTORNEY GENERAL IN CHARGE OF THE ORGANIZED CRIME TASK FORCE AND;

THE SUPERIOR COURT INFORMATION FILED SHALL CHARGE THE FOLLOWING OFFENSES:

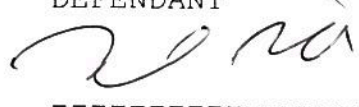
COUNT ONE: Offering a False Instrument for Filing in the First Degree

[PL §175.35(1)]

COMMITTED ON OR ABOUT October 21, 2019 and November 13, 2019, INSIDE OF 265 East 161<sup>st</sup> Street, Bronx County, IN THE STATE OF NEW YORK.

THE SUPERIOR COURT INFORMATION FILED WILL HAVE THE SAME FORCE AND EFFECT AS AN INDICTMENT FILED BY A GRAND JURY

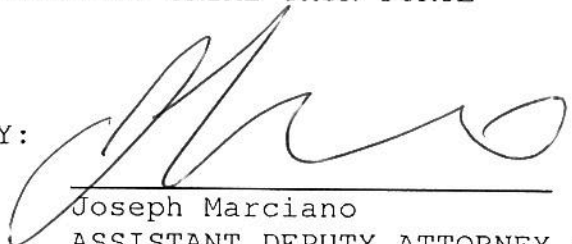
  
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DEFENDANT

  
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DEFENSE ATTORNEY

THE DEPUTY ATTORNEY GENERAL IN CHARGE OF THE ORGANIZED CRIME TASK FORCE CONSENTS TO THE WAIVER OF INDICTMENT

NICOLE KEARY  
DEPUTY ATTORNEY GENERAL IN CHARGE  
ORGANIZED CRIME TASK FORCE

BY:

  
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Joseph Marciano  
ASSISTANT DEPUTY ATTORNEY GENERAL

-----X  
THE PEOPLE OF THE STATE OF NEW YORK

v.

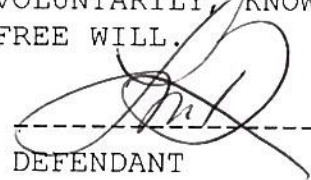
LUIS DIAZ,

DEFENDANT

Docket Number

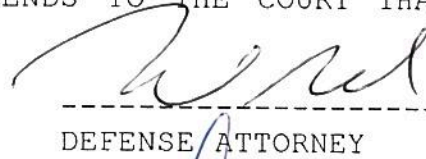
SUPERIOR COURT  
INFORMATION NO. 72795-22

-----X  
THE UNDERSIGNED DEFENDANT HEREBY WAIVES THE RIGHT TO APPEAL ANY PLEA AND SENTENCE. THE UNDERSIGNED EXECUTES THIS WAIVER AFTER BEING ADVISED BY THE COURT OF THE NATURE OF THE RIGHTS BEING WAIVED. THE UNDERSIGNED HAS BEEN ADVISED OF THE RIGHT TO TAKE AN APPEAL (CPL 450.10), TO PROSECUTE THE APPEAL AS A POOR PERSON AND TO HAVE AN ATTORNEY ASSIGNED IN THE EVENT THAT THE UNDERSIGNED IS INDIGENT, AND TO SUBMIT A BRIEF AND/OR ARGUE BEFORE AN APPELLATE COURT, ON ANY ISSUES RELATING TO THE CONVICTION AND SENTENCE. THE UNDERSIGNED REPRESENTS THAT THIS WAIVER IS BEING VOLUNTARILY, KNOWINGLY AND UNDERSTANDINGLY EXECUTED, OF THE DEFENDANT'S OWN FREE WILL.

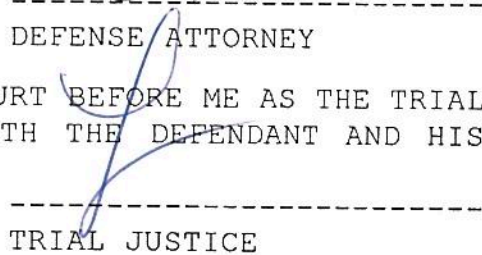
  
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DEFENDANT

THE UNDERSIGNED ATTORNEY REPRESENTS THAT PRIOR TO THE SIGNING OF THE FOREGOING WAIVER, THE ABOVE-NAMED DEFENDANT WAS FULLY ADVISED OF THE RIGHT OF A CONVICTED PERSON TO TAKE AN APPEAL UNDER THE LAWS OF THE STATE OF NEW YORK.

THE UNDERSIGNED FURTHER REPRESENTS THAT, IN MY PROFESSIONAL OPINION, THE ABOVE WAIVER BY THE DEFENDANT OF THE RIGHT TO APPEAL WAS VOLUNTARILY, KNOWINGLY AND UNDERSTANDINGLY MADE AND RECOMMENDS TO THE COURT THAT THE WAIVER BE APPROVED

  
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DEFENSE ATTORNEY

THE FOREGOING WAIVER WAS EXECUTED IN OPEN COURT BEFORE ME AS THE TRIAL JUSTICE. THE FOREGOING WAIVER WAS DISCUSSED WITH THE DEFENDANT AND HIS ATTORNEY.

  
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TRIAL JUSTICE

SUPERIOR COURT INFORMATION  
SUPREME COURT OF THE STATE OF NEW YORK  
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COUNT ONE: Offering a False Instrument for Filing in the First Degree  
[PL §175.35(1)]

COUNT ONE

THE DEPUTY ATTORNEY GENERAL IN CHARGE OF THE ORGANIZED CRIME TASK FORCE, BY THIS INFORMATION, ACCUSES THE DEFENDANT OF THE CRIME OF Offering a False Instrument for Filing in the First Degree [PL §175.35(1)] COMMITTED AS FOLLOWS:

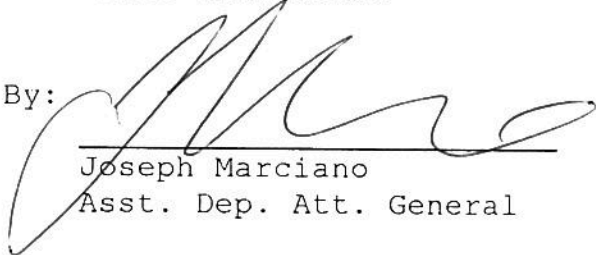
The defendant, on or about and between October 21, 2019 and November 13, 2019, inside of 265 East 161<sup>st</sup> Street, in Bronx County, New York, acting in concert with Thomas Poli and Jose Sierra a/k/a Joe Sierra, knowing that the letter contained a false statement or false information, and with intent to defraud the Bronx County Criminal Court, a public authority, created a letter that falsely stated, "Please be advised that Mr. Thomas Poli volunteers his time at our facilities on several times per week. We consider him a very important part of our volunteer crew." The letter, written on the letterhead of "Aguila, Inc.", and bearing the purported signature of "Joe Sierra, Chief of Staff", was provided to Thomas Poli for the purpose of presenting it to and filing it with Bronx Criminal Court relating to Docket Number 2019BX015283, charging Thomas Poli with P.L. 121.11 (a), P.L. 240.26 (1), and P.L. 205.30.

Deponent further states that, based on records maintained by the Bronx Criminal Court pertaining to docket number 2019BX015283, on November 13, 2019, the letter was submitted and filed with that Court, on behalf of Thomas Poli, and made part of the record of that Court.

Deponent further states that, based upon certified minutes for the proceedings related to docket 2019BX015283 on November 13, 2019, the Court and the Bronx County District Attorney's Office relied on that letter in making the determination that Thomas Poli had completed a condition of his negotiated plea and sentence, to wit, community service.

NICOLE KEARY  
DEPUTY ATTORNEY GENERAL  
IN CHARGE, ORGANIZED  
CRIME TASK FORCE

By:

  
\_\_\_\_\_  
Joseph Marciano  
Asst. Dep. Att. General

