

SUPREME COURT OF THE STATE OF NEW YORK

CONDITIONS OF PROBATION
410.10 CPL - 85.10 PL

Part

A

County

Bronx1534-2003
Supreme Court Number/Year

The People of the State of New York

vs.

Cleary, Albert
Defendant

Date

5-13-2003

Present:

The Honorable

BYRNE
Justice

The above-named defendant having been

☐ convicted of the crime of _____☒ found to be a youthful offender for the criminal act of Attassault 2° 110/120.05

in the criminal action entitled above

and having been sentenced to;

☐ _____ term of imprisonment, and to☒ 5 year period of Probation to expire on 5-12-08, unless terminated sooner in accordance with the Criminal Procedure Law;☐ and to pay a fine in the amount of \$ _____

It is

ORDERED, that during the period of Probation the defendant shall comply with the following conditions and any other conditions which the Court may impose at any time prior to the expiration or termination of the period of Probation:

1. ☒ Report immediately to 215 E 161ST ST 5th Floor☐ Upon release from custody report immediately to _____

2. Permit the Probation Officer to visit him at his home and elsewhere.

3. Do not leave New York City unless granted permission to do so by the Court or the Probation Officer.

4. Promptly notify the Probation Officer of any change in address or employment.

5. Promptly notify the Probation Officer if arrested or if questioned by any law enforcement official.

6. Answer all reasonable inquiries by the Probation Officer.

7. Lead a law-abiding life. Not violate any federal, state, or local law.

8. Refrain from frequenting unlawful or disreputable places.

9. Refrain from consorting with disreputable persons.

10. Keep reasonable hours.

11. Avoid injurious or vicious habits.

12. Refrain from the use of illegal drugs.

Submit to chemical testing for the use of drugs as directed by the Court or the Probation Officer.

13. Refrain from the excessive use of alcoholic beverages.

14. Undergo medical, psychiatric or other appropriate treatment and remain in a specified institution, when required for that purpose.

INDICTMENT
S. SUPREME COURT OF THE STATE OF
COUNTY OF BRONX

PEOPLE OF THE STATE OF NEW YORK
AGAINST

(X) GIAMBRONE, BRADLEY
DEFENDANT: 2003BX005938
(X) GUGLIEMETTI, NIC
DEFENDANT: 2003BX005939
* (X) CLEARY, ALBERT
DEFENDANT: 2003BX005937
(X) SCHWARTZ, STEVEN
DEFENDANT: IBNA

INDICTMENT

GRAND JURY

COUNTS

ATTEMPTED ASSAULT IN THE FIRST DEGREE
(2 COUNTS)
ATTEMPTED ASSAULT IN THE FIRST DEGREE
(2 COUNTS)
ASSAULT IN THE SECOND DEGREE
(2 COUNTS)
ATTEMPTED ASSAULT IN THE SECOND DEGREE
(2 COUNTS)
ASSAULT IN THE THIRD DEGREE
(2 COUNTS)
CRIMINAL POSSESSION OF A WEAPON IN THE FOURTH DEGREE

2003

Deponent further states that he observed Mr. Foley and Mr. Haime lying on the ground, motionless, and that deponent further observed defendant Gugliemetti repeatedly striking Mr. Foley in the face with a closed fist. Deponent further states that he observed defendant Giambrone repeatedly kicking Mr. Foley all over Mr. Foley's body. Deponent further states that defendant Giambrone was wearing black shoes with thick heels.

Deponent further states that he observed defendant Cleary repeatedly kicking Mr. Haime and striking Mr. Haime with a closed fist all over Mr. Haime's body. Deponent further states that defendant Cleary was wearing heavy black work boots. Deponent further states that he observed the unapprehended male repeatedly kicking Mr. Haime in the face.

Deponent further states that he approached defendant Cleary for the purpose of placing him under arrest, and that defendant Cleary ran three blocks and flailed his arms for the purpose of preventing deponent from arresting him.

Deponent is informed by Officer Uruci that Officer Uruci approached defendants Giambrone and Gugliemetti for the purpose of placing them under arrest, and that defendants Giambrone and Gugliemetti ran almost two blocks for the purpose of preventing Officer Uruci from arresting them.

Deponent further states that he is informed by Mr. Foley that, as a result of the defendants' aforementioned conduct, Mr. Foley suffered a dislocated shoulder that had to be reset and that will require future surgery, a large hematoma on his left eye which caused the eye to swell shut, a contusion and laceration to his lower lip, contusions and swelling to his left lower jaw and forehead, and substantial pain and suffering.

Deponent further states that he is informed by Mr. Haime that, as a

DATE:

Page 2 of 3

Federal law provides that this order must be honored and enforced by state and tribal courts, including courts of a state, the District of Columbia, a commonwealth, territory or possession of the United States, if it is established that the person against whom the order is sought has been or will be afforded reasonable notice and opportunity to be heard in accordance with state law sufficient to protect that person's rights (18 U.S.C. §§2265, 2266).

It is a federal offense to: cross state lines to violate an order of protection issued against an intimate partner; cross state lines to engage in stalking, harassment or domestic violence; purchase, transfer, possess or receive a firearm following a conviction