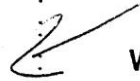


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THE PEOPLE OF THE STATE OF NEW YORK

3539/2004

- against -



WAIVER OF IMMUNITY

Investigation into the
death of Mark Fisher

7539/04

I, Albert Cleary, residing at 1306 ALBERMARLE R^I
BROOKLYN NY

pursuant to the provisions of Section 190.45 of the Criminal Procedure Law of the State of New York, do hereby waive all immunity to which I would otherwise be entitled from criminal indictment, prosecution, conviction, punishment, penalty or forfeiture, for or on account of, or relating to any transaction, matter, or thing, concerning which I may testify or produce evidence, documentary or otherwise, before the Grand Jury of the County of Kings, in its investigation above-captioned. I do hereby waive my privilege against self-incrimination under the Fifth Amendment of the United States Constitution and Article I, section 6 of the Constitution of the State of New York, a privilege to which, absent this waiver of immunity, I would otherwise be entitled. My testimony, and evidence I produce, may be used against me in any investigation, or legal proceeding before any court, grand jury, agency, official body, or person authorized by law to conduct a legal proceeding.

I hereby acknowledge that I have been advised of my right to confer with counsel prior to deciding whether to sign this waiver of immunity and of my right to a reasonable amount of time in which to obtain and consult with counsel for such purpose.

I further acknowledge that I have been advised that I may appear in the grand jury with my retained counsel or, if I am financially unable to obtain counsel, with an attorney who shall be assigned by the superior court which empanelled the grand jury.

I have conferred with PHILIP J. SMALLMAN, Esq., whose office address is 32 COURT ST. SUITE 1702 BKLYN NY, prior to signing this waiver of immunity.

Witness:

Albert Cleary

Sworn to before me this
day of

[Signature]
Foreperson, Grand Jury No.

001476