

Eric Gonzalez
District Attorney

DISTRICT ATTORNEY
KINGS COUNTY
350 JAY STREET
BROOKLYN, NY 11201-2908
(718) 250-2000
WWW.BROOKLYNDA.ORG

Melissa L. Carvajal
Deputy Bureau Chief-Homicide

Via email-mark@bederowlaw.com

March 26, 2018

Via certified mail

Mark A. Bederow, Esq.
Law Office of Mark A. Bederow, P.C.
Carnegie Hall Tower
152 West 57th Street – 8th Floor
New York, NY 10019

RE: People v. John Giuca
Indictment Number: 8166/2004

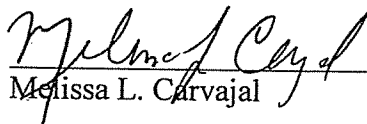
Dear Mr. Bederow,

This is to inform you of the following potential *Brady* material on Defendant John Giuca, indictment 8166/2004. Please see the attached Complaint Follow-up Informational dated 3/22/18 subject- Interview of Antonio Russo.

Please call me at (718) 250-2047 if you have any questions and please include me in any correspondence with regard to the above matter.

Thank you for your prompt attention to this matter.

Very truly yours,


Melissa L. Carvajal

cc: Honorable Danny Chun
320 Jay Street
Brooklyn, NY 11201

DO NOT USE THIS FORM TO REPORT: CRIME CLASSIFICATION CHANGES, CASE CLEARANCES, INITIAL ARREST ON THE COMPLAINT, RECOVERED PROPERTY, ADDITIONAL STOLEN PROPERTY SERIAL NUMBERS OBTAINED FOR PROPERTY PREVIOUSLY REPORTED, CRIME INCIDENT DATA, USE COMPLAINT FOLLOW-UP (PD 313-081) TO REPORT THE PRECEDING

		COMPLAINT - FOLLOW UP INFORMATIONAL PD 313 081A (Rev. 4-89)-31		Crime Homicide	Pct 070	OCCL No.	PAGE 1 OF 2 PAGES Complaint No. 70919	Date of This Report 3/22/2018	14 Pep1			
Date of Orig. Report 10/12/2003	Date Assigned 10/12/2003	Case No. 3106	Unit Reporting Brooklyn South Homicide Squad			Follow-Up No.				15 Pep2		
Complainant's Name - Last, First, M.I. P.S.N.Y. for Mark Fisher					Victim's Name - If Different					15		
Witness No. 1 Last Name, First, M.I.		Address, Include City, State, Zip					Apt. No.			16 Pep1		
Home Telephone		Business Telephone		Position / Relationship		Sex	Race	Date of Birth	Age	16 Pep2		
Total No. of Perpetrators		Wanted	Arrested	Weapon Used <input type="checkbox"/> Possessed <input type="checkbox"/>		Describe Weapon (If firearm, give color, make, calibre, type, model, etc.)				16 Choice1		
Wanted <input checked="" type="checkbox"/> Arrested <input type="checkbox"/>		Last Name, First, M.I.					Address, Include City, State, Zip		Apt. No.	Res. Pct.	16 Choice2	
Sex		Race	Date of Birth	Age	Height	Weight	Eye Color	Hair Color	Hair Length	Facial Hair	NYSID No.	
<input type="checkbox"/> Eyeglasses <input type="checkbox"/> Sunglasses		Clothing Description, Scars, Marks, M.O., Etc. (Continue in "Details"):					Nickname, First Name, Alias					17 Choice1
Wanted <input type="checkbox"/> Arrested <input type="checkbox"/>		Last Name, First, M.I.					Address, Include City, State, Zip		Apt. No.	Res. Pct.	17 Choice2	
Sex		Race	Date of Birth	Age	Height	Weight	Eye Color	Hair Color	Hair Length	Facial Hair	NYSID No.	
<input type="checkbox"/> Eyeglasses <input type="checkbox"/> Sunglasses		Clothing Description, Scars, Marks, M.O., Etc. (Continue in "Details"):					Nickname, First Name, Alias					18 Choice1
AREA WITHIN BOX FOR DETECTIVE / LATENT FINGERPRINT OFFICER ONLY. THIS BOX WILL BE UTILIZED BY INVESTIGATOR WHENEVER POSSIBLE AND MUST BE FULLY COMPLETED WHEN USING THIS FORM TO CLOSE A CASE "NO RESULTS"											18 Choice2	
Comp. Interviewed		In Person	By Phone	Date	Time	Results: Same as Comp Report - Different (Explain in Details)					19 Choice1	
<input type="checkbox"/> Yes <input type="checkbox"/> No		<input type="checkbox"/>	<input type="checkbox"/>			<input type="checkbox"/> <input type="checkbox"/>					19 Choice2	
Witness Interviewed		In Person	By Phone	Date	Time	Results: Same as Comp Report - Different (Explain in Details)					20 Choice1	
<input type="checkbox"/> Yes <input type="checkbox"/> No		<input type="checkbox"/>	<input type="checkbox"/>			<input type="checkbox"/> <input type="checkbox"/>					20 Choice2	
Canvass Conducted		If Yes - Make Entry in Body Re: Time, Date, Names, Addresses, Results			Crime Scene Visited	If Yes - Make Entry in Body Re: Time, Date, Evidence Obtained					21 Choice1	
<input type="checkbox"/> Yes <input type="checkbox"/> No					<input type="checkbox"/> Yes <input type="checkbox"/> No						21 Choice2	
Complainant Viewed Photos		<input type="checkbox"/> Yes <input type="checkbox"/> Refused <input type="checkbox"/> Future	Results:								22 Choice1	
Witness Viewed Photos		<input type="checkbox"/> Yes <input type="checkbox"/> Refused <input type="checkbox"/> Future	Results:								22 Choice2	
Crime Scene Dusted		By (Enter Results in Details)			Crime Scene Photos	By (Enter Results in Details)					23 Choice1	
<input type="checkbox"/> Yes <input type="checkbox"/> No					<input type="checkbox"/> Yes <input type="checkbox"/> No						23 Choice2	
If Closing Case "No Results," Check Appropriate Box and State Justification in Details: <input type="checkbox"/> C-1 Improper Referral <input type="checkbox"/> C-2 Inaccurate Facts <input type="checkbox"/> C-3 No Evidence / Can't ID <input type="checkbox"/> C-4 Uncooperative Complainant <input type="checkbox"/> C-5 "Leads" Exhausted											24 Choice1	
DETAILS: INVESTIGATION: HOMICIDE SUBJECT: INTERVIEW OF ANTONIO RUSSO 1. At approximately 0950 hours, 03/22/18, the undersigned and Det Obrien interviewed Antonio Russo, DIN #05A5562, in the office interview room at Green Haven Correctional Facility. Upon entering the room, Mr Russo asked the Detectives if they were reporters. He was advised that they were Detectives, from Brooklyn, who were conducting an investigation into the shooting that Mr Russo was convicted of. 2. Mr Russo stated that on the night of the incident, he was in his apartment when he received a call that there were people out in Manhattan. Russo was not interested in picking up white girls so he stayed home. John Giuca called Russo later and said that there was a party in Giuca's house. Russo didn't want to go but was told that there were people who wanted to buy weed, which Russo was selling. Russo went to Giuca's house where he saw some girls, some of his friends and Mark Fisher. Russo walked with Fisher to an ATM so that Fisher could buy some weed. Russo bought some Heinikens and a bottle of liquor. They then returned to the house. Some time later, everyone else was gone, including the girls. Fisher was falling asleep and Russo didn't want Giuca's mother to come home and get mad because there was an unknown guy in the house. Russo gave Fisher a cover, like a sheet, (he could not describe it) because it was cold then took Fisher out the rear door of the house. They walked to Albermarle Road and turn right. While walking past Westminster Road, Russo saw a black male with braids walking two dogs. Russo and Fisher walked to Argyle Road and turn right heading towards Beverley Road. Russo then took a black German Luger 9											24 Choice2	
CASE <input type="checkbox"/> ACTIVE <input type="checkbox"/> CLOSED DATE REVIEWED / CLOSED IF ACTIVE, DATE OF NEXT REVIEW REPORTING OFFICER: RANK Det SIGNATURE NAME PRINTED McCafferty TAX REG. NO. 883339 COMMAND BSHS REVIEWING / CLOSING SUPERVISOR: CASE CLOSED: ENTER DESTINATION C OR B SIGNATURE C.O.'s INITIALS											24 Pep1	
LONG PINK											24 Pep2	



COMPLAINT - FOLLOW UP INFORMATIONAL
PD 313 081A SECOND SHEET (Rev 8-90)-H-1

Pct.	PAGE 2 OF 2 PAGES	Date of This Report
070	70919	3/22/2018

DETAILS:

Continued from page one.

millimeter handgun out of his waistband and pointed it at Fisher. He took Fisher's wallet and told Fisher to run. Russo fired one shot into the ground to let Fisher know it was a real gun. Russo then fired a shot at Fisher and Fisher fell to the ground. Fisher said why did you shoot me and Russo fired the rest of the bullets from the gun at Fisher, killing him. Russo said that there were sixteen shots in the 9 mm gun and her fired them all. There was a woman in a car at Albermarle road who looked at Russo and could identify him. He then ran back towards his house. Fisher's wallet had Fisher's ATM card and the ATM receipt in it. Russo threw it in the sewer near his house then went through a bush and into his building.

3. Antonio Russo said that there was no struggle between him and Mark Fisher prior to the shooting.
4. Mr Russo was asked if he had spoked to anyone else about the incident and he replied that he had only spoken to other inmates. Russo said that he had not spoken to any other detectives, investigators, lawyers nor reporters about the incident.
5. Russo said that the German Luger 9 millimeter handgun was his. He had it for awhile and shot someone else with it. He could not say where he got it nor how long he owned it.
6. Antonio Russo said that he had received a telephone call from Matthew Guliano who asked Russo why he murdered Fisher.
7. The interview ended at approximately 1055 hours.

CASE <input type="checkbox"/> ACTIVE <input type="checkbox"/> CLOSED		DATE REVIEWED / CLOSED		IF ACTIVE, DATE OF NEXT REVIEW	
REPORTING OFFICER:	RANK Det	SIGNATURE		NAME PRINTED McCafferty	TAX REG. NO. 883339
REVIEWING / CLOSING SUPERVISOR:		CASE CLOSED:	ENTER DESTINATION C OR B	SIGNATURE	
1 st COPY CRIMINAL RECORDS SECTION PINK - SECOND SHEET		2 nd COPY UNIT REFERRED TO		3 rd COPY BOROUGH ROBBERY SQUAD	