

**SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF KINGS**

THE PEOPLE OF THE STATE OF NEW YORK

- against -

SEBASTIAN ZAPETA,

Defendant(s).

**NOTICE/DISCLOSURE
FORM FOR INITIAL
DISCOVERY**

INDICTMENT NO.
77427-24

The People of the State of New York are disclosing to the defendant(s) the information below pertaining to the above-captioned case.

A. BILL OF PARTICULARS

The People intend to prove that in the commission of the crime(s) charged:

[Defendant 1] acted as a principal accomplice both

A description of the crimes; the approximate date, time, and location of each offense; and the approximate date, time, and place of arrest are provided collectively in section C.18 below, in the charging document(s), and in the accompanying production of discovery.

B. NOTICES

1. STATEMENTS

If checked, notice is hereby served, pursuant to CPL § 710.30(1)(a), that the People intend to offer at trial evidence of a statement made by defendant to a public servant.

Defendant(s): Sebastian Zapeta

Date: 12/22/24

Approx. Time: 540pm

Location: 60th Precinct

Substance of statement: See Attached Video for entirety of statement. Video should be deemed attached hereto and made a part hereof. Video located in onedrive folder path “defendant statements (documents attached to 710.30)”

The defendant provided pedigree information including his name, date of birth, country of origin, and address, then after being advised of his rights and waiving those rights, the defendant indicated the following in sum and substance:

Defendant works in Queens. He does roofing and siding work. On the day before the incident, he worked in Brooklyn. He got picked up around 5 or 6pm after work by his boss. They took him back to Queens. Then he went to a bar in queens. He left the bar around 7-730 and then he took the train home from there. He took the Q then the A to Grant Ave. Around 5 or 6 am he took the F train but doesn't remember where. He got some beers. He was then shown some images of himself and identified those still images of himself but denies knowing when they are from. He was then shown another image and asked if this was him entering or exiting the train. He identified himself on that still as well. Defendant said he doesn't remember anything. Drinks until he passes out. He doesn't remember. Detective verifies these two images are him. He says yes again. Detectives return with laptop. Says that's him when watching who starts the fire but states he doesn't remember.

Below are the images that defendant identified as himself from the train where and when and from body camera from the first responding officer.





Statement made to: Det Gaillard, Det Fox, and Det Coffesi

See next pages

Defendant: Sebastián Zapeta

Indictment # 77427-24

Transcribed and translated for ADA Matthew Perry

Transcribed and translated by Ulises Santiago, Staff

Interpreter, KCDA's Office

DP: Detective Gaillard

DF: Detective Fox

DC: Spanish Speaking Detective Translating

Z: Sebastián Zapeta

[U/I]: Unintelligible

[O/L]: Overlap

(OC): Off camera

[*Italics*]: As originally expressed.

Bold text originally in **English**.

Plain text originally in Spanish.

**InterviewVideo-1404513_FOX, NICOLE_962410_Axon_Interview_-
_060_DET_SQD_-_PTZ**

[PO BRINGS Z IN THE ROOM AT THE 4:04 MIN MARK]

[PO TAKES OFF CUFF FROM DEF AT THE 5:26 MIN MARK]

DF: **You want water?**

Z: **Yes please. Thank you.**

DF: **You are welcome.**

[DP, DC, AND DF ENTER ROOM AT THE 30:23 MIN MARK]

DP: **How are you doing sir? Just one second.**

DC: How you doing, sir? We're detectives, okay. I'm going to give you a card, I'm going to read you a card, okay. Give me a second. When he has time, I'll read it to you and I'll explain what's going on, okay?

DP: **How are you sir. I'm Detective Pollonck, this is Detective Fox, and this is Detective Compressi. I want to start first just by giving like... pedigree information. Your name, address, birthday.**

DC: Do you understand what he's talking about? He wants to know your first name. Last name, birth...

Z: The thing is that I don't speak English.

DC: No, no, it's okay. That's why I'm here. Okay. So, what's your name?

Z: The name is Sebastián.

DC: **Sebastian.** Is that the first?

Z: Yes.

DC: The last name.

Z: Zapeta.

DC: ¿Zapeta?

Z: Yes, with a Z.

DC: Birth.

Z: April 11, 1991.

DC: April 11? **Four eleven.** In what year, '91?

Z: '91.

DC: **1991.**

DP: **And where do you live?**

DC: Where do you live?

Z: Where do I live?

DC: Mm-hm.

Z: I live in a shelter over there in Brooklyn.

DC: In Brooklyn?

Z: Yes.

DC: Which part in Brooklyn?

Z: I don't know the address, but it's there on Grant Avenue.

DC: Grant Avenue? **He lives in Grant Avenue in Brooklyn.** Do you know the apartment number?

Z: No, I don't know,

DC: You don't know the number. Do you live alone or with someone?

Z: We are many there.

DC: **He lives there he doesn't know the apartment and there is a group that live there.**

DP: **Okay. Is it family or is it just friends?**

DC: Family or friends?

Z: They are friends.

DC: **Friends.**

DP: **Okay. Does he have any family?**

DC: Do you have family living with you in this country?

Z: No.

DC: **No family.**

DP: **Oh, no family. Does he have a phone number?**

DC: Do you have a phone?

Z: Yes, they stayed with...

DC: Do you know the phone number?

Z: Yes.

DC: Give it to me.

Z: Uh, 929

DC: **929**

Z: 407

DC: ;407?

Z: Uh-huh.

DC: **407**

Z: 7585

DC: 7585? **7585**. Are you sure that's your number or...?

Z: Yes, that's the one.

DC: Oh, okay, that's fine. **That's his number.**

DP: **Alright. And were you born here in America.**

DC: Where were you born?

Z: (REACTS IN QUESTION)

DC: What country were you born in, here in the United States, or somewhere else?

Z: No, I was born in Guatemala.

DC: Guatemala.

DP: **Guatemala? Okay. And how long have you been here.**

DC: How many years have you been in this country?

Z: I've been here for five years.

DC: **Five years.**

DP: **Five years? Okay. So, for the past five years he's been up here prior his...**

DC: Okay. In the last five years you have been here?

Z: Yes.

DC: Where were you when you were not here, in Guatemala?

Z: I was there in Guatemala.

DC: **Yeah. He lives here five years and the rest in Guatemala.**

DP: **How did you get here?**

DC: How did you get into this country?

Z: How did I get here?

DC: Uh-huh.

Z: The truth is, I came here illegally.

DC: **He is here illegally.**

DP: **That's fine. We are not here to discuss...**

DC: [O/L] That's not why we're here. We're asking to know things, okay?

Z: Mm-hmm.

DP: **Alright. So, before we go any further, I just want him to read you your rights.**

DC: The thing we are going to read to you are your rights. Here are your rights. I'm going to explain them to you, and you can read with me, okay.

DC: You have the right to remain silent and not to answer questions.

DP: **I'm sorry. Can he read? I'm not saying this to be... but is he able to read?**

DC: Do you know how to read this? Do you know how to read Spanish?

Z: Mm, Spanish yes.

DC: Okay, read it.

DP: **All right, cool.**

DC: **You want me to have him read it?**

DP: **No. I just wanted to be sure that he could understand.**

DC: **Yeah, he does.**

DP: **Alright.**

DC: So, read it when I'm talking. Read it with me, okay. You have the right to stay quiet and not answer questions. Understand?

Z: Yes.

DC: Anything you say can be used against you in a court of law. Do you understand?

Z: Yes.

DC: **Yes.** You have the right to consult with an attorney before speaking to the police and to have an attorney present during any questioning now or in the future. Do you understand?

Z: Yes.

DC: Okay. If you don't have money to pay for a lawyer one will be provided for you at your expense*. Understand?

[*AS LITERALLY EXPRESSED IN SPANISH]

Z: Yes.

DC: Okay. If you do not have an attorney available to you, you have the right to remain* when you have the opportunity to consult with an attorney. Do you understand?

[*AS LITERALLY EXPRESSED IN SPANISH]

Z: Mm-hm.

DC: Yes, or no?

Z: Yes.

DC: Now that I have explained your rights, would you like to talk to us without a lawyer?

DC: Yes, or no?

Z: To tell you the truth, to be honest, I don't have the money to pay for a lawyer.

DC: So, do you want to talk to us, "yes" or "no"?

Z: Yes, yes.

DC: Okay. **He said yes, he's going to talk to us.**

DP: **Before we go any further, just going back, he said that he came here, did he come here by himself or did he come with family, or...?**

DC: When you came to this country, did you arrive here alone or with family?

Z: I arrived here with some relatives, ...

DC: Uh-huh.

Z: ... who is my wife's nephew.

DC: Okay.

Z: They took me in. I stayed with them, but in the pandemic, they threw me out because of my brother-in-law. Okay, after the pandemic I went out to work and my brother-in-law called them and told him that... my brother-in-law was working with us, and he said that all the guys that worked there were infected with coronavirus.

DC: So, you came with the wife of yours, the nephew.

Z: The nephew.

DC: Okay. And where did you arrive, in which part?

Z: In Queens.

DC: In Queens. Okay. **He came here with his wife's nephew.**

DP: Okay.

DC: And who else? Only your wife's nephew?

Z: Yes, yes, they are my wife's nephews. Then, after the pandemic, I separated from them, and it was everyone on their own.

DC: Okay. **He said he got here with his wife's nephew. He was with them for a while then the pandemic hit and then they separated.**

DP: **Okay. But his rest of his family in Guatemala?**

DC: All your family is in Guatemala, right?

Z: Yes, so it is.

DP: Okay

DC: And your wife and all that is in Guatemala? They are not here.

Z: Yes.

DC: They are not here?

Z: No, they are over there.

DC: **They are all over there. His wife and everybody else.**

DP: **Okay. Does he have any work currently?**

DC: Are you working now or not?

Z: Yes, I work.

DC: Where do you work?

Z: I work in Queens.

DC: In Queens. Doing what?

Z: With a Mexican doing roofs, sidings, and what's on the outside.

DC: Okay. **He has a job. He works with Mexican people that fix roofs and sidings, and stuff like that in Queens.**

DP: **He knows the areas that he goes with them or...?**

DC: Do you know where in Queens you are working?

Z: In Jamaica.

DC: **Jamaica, Queens.**

DP: **Okay. He knows the streets; does he have an address?**

DC: Do you know the address where the company is located?

Z: It's not company, what he has...

DC: So, what happens, you are on the side looking for work and you work with anyone that needs it?

Z: No, no, no. I work with someone, he has his clients.

DC: His own...

Z: Uh yes, he has his own business.

DC: Okay. **So, he works with a guy that he has his own clients that they... like a handyman kind guy that he has his own people, and he works with him to do all jobs.**

DP: **Okay. But he doesn't know where he meets up with them, ...**

DC: (SHAKES HEAD)

DP: **... if is on any street in particular?**

DC: Where is the place where you always are? When you are looking for a job, where are you?

Z: When I was looking for work?

DC: Yes, the guy, the Mexican.

DP: **Where do they call him?**

DC: How do you go to work?
Z: How so, I don't understand you?
DC: Okay. You are working, right?
Z: Uh-huh.
DC: Monday, tomorrow...
Z: Tomorrow, Monday.
DC: ... that you go to work,
Z: Yes.
DC: ... where do you go to work?
Z: Ah, I come to the front of his house.
DC: Oh, in front of the Mexican's house.
Z: Yes.
DC: Where is that?
Z: He lives at 168th of the... sorry, sorry, 62nd of Jamaica.
DC: Say it again.
Z: 162 of Jamaica.
DC: **162...**
Z: ... of Jamaica.
DC: **He lives in...** again, 762...
Z: One hundred and sixty-two, six two...
DC: Six two...
Z: Six two of Jamaica.
DC: **Sixty-two Jamaica. He goes to his house.**
DP: **Okay. Uh, when was the last time he worked?**
DC: The last times you were working.
Z: That was yesterday.
DC: **Yesterday.**
Z: We went here by Brooklyn.
DC: You were here in Brooklyn?

Z: Yes.

DC: **He said he was in Brooklyn.**

DP: **He worked in Brooklyn?**

DC: Mm-hm.

Z: I work with him. He has a lot of work. He takes us to Brooklyn, or in Queens.

DC: In the car?

Z: Uh-huh. Or Wall Street. It depends, he knows how the movement is then he'll (SUGGESTS HE'S CALLED PLACING RIGHT HAND AS A PHONE NEAR HIS RIGHT EAR)

DC: **He knows where he's going to works at, he picks up the guys and drops them up at Queens or in Brooklyn.**

DP: **Okay. And he was dropped off where?**

DC: He dropped you off in Brooklyn.

Z: Yes, he left me...

DC: Where in Brooklyn?

Z: There, by Kings Highway.

DC: **He says he got dropped off by Kings Highway.**

DP: **Okay. At what time did he finish?**

DC: Do you know what time you finished working?

Z: (REACTS QUESTIONING)

DC: Yesterday.

Z: No, yes, he picked me up in the afternoon.

DC: Okay. At what time?

Z: Around five-thirty or six o'clock.

DC: Five thirty?

Z: Yes.

DC: **He said he got picked up by the Mexican about five or six o'clock.**

DP: **In the evening?**

DC: **In the evening.**

DP: **And that was it for work, right?**

DC: Uh-huh.

DP: **And he was dropped where?**

DC: When he picked you up, he took you where?

Z: How so?

DC: Your boss, when he picked you up,

Z: Yes, yes, yes. No, because I knew him from before.

DC: No, but you guys left for Queens or where did he go? He looked for you, he left you in Brooklyn, right?

Z: Uh-huh.

DC: When you were in Brooklyn, where did you go?

Z: When I was in Brooklyn?

DC: Uh-huh.

Z: Right there, I worked in Brooklyn.

DC: Okay. You worked in Brooklyn...

Z: Yes.

DC: ... and he picked you up and where did you go to...?

Z: Yeah. He picked me up. I went to his house, and he took me to Brooklyn, and he took me back to....

DC: Back to his house?

Z: Yes. Uh-huh.

DC: **He said that he got picked up and he went right back to his house.**

DP: **Okay. Alright, and then, for the rest of the night he was just home, or did he go out, did he step out?**

DC: Okay. When, in Queens, when you ended up working in Queens, what happened? Where did you go?

Z: To tell you the truth, to put it that way, I got drunk and ...

DC: But you went to a store to buy beer, tequila, what did you buy?

Z: Yeah, yeah, what I did, I got into the bar rather.

DC: A bar?

Z: Yes.

DC: Where was the bar you went to?

Z: In Jamaica itself.

DC: Right there in Jamaica?

Z: Yes, right there in Jamaica.

DC: **He went into a bar to get drunk.**

DP: **Okay. Where?**

Z: **In Jamaica, Queens.**

DP: **Okay. And then, around what time would he say that he left that bar?**

DC: What time did you leave the bar?

Z: Uh, I left about seven.

DC: At seven?

Z: Yes, about seven, seven-thirty.

DC: **He said he left around seven, seven thirty.**

DP: **Okay. Alright. And then how did get home, does he take a cab, Uber?**

DC: How did you get home? Did you take an Uber, a cab, a bus, a train, how did you...?

Z: I had to leave on the train.

DC: You left on the train?

Z: I catch the train in the...

DC: Where did you take the train?

Z: I take the train, the J, I stay at Broadway and Junction, and I take the A up, and I stay at Grant Avenue and walk about two...

DC: The J? Did you take the J?

Z: J and then A and walk two or three blocks to get to the house.

DC: **He said he took the Q and then he took the A and then he went to... to...** What stop in Brooklyn did you stop at?

Z: From the J train?

DC: Uh-huh. The A, the A.

Z: Uh, the A is to Grant Avenue.

DC: Grant Avenue?

Z: **Yeah.**

DC: **To Grant Avenue and then he walks home.**

DP: **Okay. Alright. So, we just wanted to talk to you about an incident that happened on the train this morning, alright.**

DC: He wants to talk to you about something that happened on the train this morning.

Z: Mm-hm.

DP: **We are trying to find anyone that may have seen anything or know anything regarding it.**

DC: He wants to know if -- they're looking for people who saw something or heard something that happened on the train.

Z: How so?

DC: What do you mean, how so? The detective is trying to talk to people who were on the train this morning, so he knew he was talking to you if you know....

Z: Yes, yes.

DC: Were you there?

Z: Yes.

DC: Which train were you on?

Z: In the train?

DC: This morning.

Z: No, in the morning I was on the F train, I went over there by Brooklyn on 18th Avenue. There, I got there, had a few beers there and then I came....

DC: Which train did you take?

Z: The F.

DC: What time did you take that train?

Z: In the early morning rather.

DC: What in the early morning, at five o'clock, at six o'clock...?

Z: About five o'clock in the morning. From five to six in the morning when I...

DC: You took the train.

Z: Yes.

DC: What... where did you take that train?

Z: The train goes to Coney Island.

DC: No, I know. The F,

Z: Uh-huh, the F.

DC: Where did you take it, Grant or...?

Z: No, the truth is that I don't remember where I caught it. But when I reacted, I was already on the F train, ...

DC: Uh-huh.

Z: ... then, being about eight or nine in the morning, I stayed on 18th Avenue. I had a few beers there. After eleven o'clock, after eleven o'clock, almost half past eleven or twelve, I came back to Queens again.

DC: Okay. **He says that around five or six in the morning he took the F train. He doesn't remember where, the F train. He took it to 18th avenue. In 18th avenue he went out and he got some beers and from there he got uhm... Did you take the F back to go to Queens?**

Z: Yes, that's right.

DC: **And he took the F train back to Queens.**

DP: **Okay. Alright. Uhm, during our investigation we've been looking at, trying to find people, and we were able to find a picture that looks like...**

DC: So, what he's talking about, he says...they're visiting, they're looking for people who were on the train at the same time at about six or seven o'clock. They have a picture, and they want to see if you know this person in this picture.

DP: **It looks you might have seen what happened, and we just want to know if you know anything before that.**

DC: He says...

DP: (SHOWS Z A PHOTO) **This you, right?**

DC: Who is that?

Z: Yes, that's me.

DC: **He said that's him.**

DP: **So, you are in the scene when this incident happens.**

DC: You were there when something happened on the train. Do you remember what happened on the train or not?

Z: About what time? No, I really don't remember.

DC: You don't remember?

Z: No.

DC: **He said that's him, but he doesn't remember what time he was in the train.**

DP: **Okay. He doesn't remember at what time. Does he remember anything significant happening?**

DC: Don't you remember something that happened on the train? Something bad, or something that you saw that you were there on the train?

Z: No, to tell you the truth, I don't remember.

DP: **Anybody fighting or** [U/I] [O/L]

DC: Someone was fighting or...

Z: No, I don't really remember.

DC: **He said no, he doesn't remember.**

DP: **Did you sleep when the train was...**

DC: [O/L] Were you sleeping on the train or not?

Z: Sometimes I fall asleep on the train, but sometimes I don't fall asleep, but sometimes I don't, I don't... I don't react.

DC: This morning... **He says that sometimes he sleeps in the train, but he doesn't, doesn't... sometimes he gets excited, and he doesn't sleep.** This morning when you entered the train, on the F, ...

Z: Yes.

DC: ... were you sleeping or were you open?

Z: I really don't remember how I got on the F train. When I reacted, I was already on it, when I woke up, I was already on the F train.

DC: **Mm. Okay. He doesn't remember how he got to the F train. He just, when he woke up, he just remembers that he was in the F train.**

DP: **Okay. Alright.**

DC: So, (POINTS TO PHOTO ON THE TABLE) this is you, right?

Z: Yes, that's right.

DC: Okay.

DP: **Okay, Now, (SHOWS Z ANOTHER PHOTO) this is you also on the train, right? Getting ready to leave the train?**

DC: Do you see... this is you when you are inside the train, yes or no?

Z: **Yes.**

DP: Okay.

DC: Okay.

DP: **So now, this image, right, right before you exit the train, there is a lady sitting across from you. Do you know her? Are you familiar with her at all?**

DC: Okay. Before you left the train in this picture right here, there's a woman in front of you, do you know that woman?

Z: No.

DC: **No. He says no, he doesn't know who she is.**

DP: **She was also sleeping right in front of you.**

DC: She was sleeping when you were there too. Did you see a woman who was there?

Z: No, I did not see her.

DC: You were sitting on this train, right. Right here you are sitting. Now you're standing, but before you were sitting there. In front of where you were sitting, ...

Z: Uh-huh.

DC: ... it was a woman who was there. Did you see her or not?

Z: No, I really don't remember.

DC: **He says he doesn't remember.**

DP: **Okay. She had a walker.**

DC: She has a thing to help you walk. Like a, what do you call that, you know a thing that they use, the old people that....

Z: The same, that they use for walking?

DC: Uh-huh. That they use for walking, yes.

Z: Yes, yes, yes.

DC: Did you see such a woman in front of you?

Z: No, to tell you the truth, I don't remember.

DC: No? No. **He said [U/I] he doesn't remember.**

DP: **You smoke?**

DC: Do you smoke?

Z: Yes.

DP: **What, weed, cigarettes?**

DC: What do you smoke, cigarettes...?

Z: Regular cigarettes.

DC: **Regular cigarettes.**

DP: **Okay. Alright. So, I'll just.. we can just cut to the chase. The lady across from you, she was set on fire. You were there. We know you were there because we have a video. We know you were there because we have you standing outside obviously. I want to know what happened. Like, why was she set on fire. We know who did it too.**

DC: **You are ready?**

DP: **Yeah, tell him.**

DC: Where you were here, ...

Z: Mm-hm.

DC: ... the woman who was there, someone set her on fire. They know who did it. You were there when that happened, and he wants to know why that happened.

Z: I don't really remember.

DC: **He says he doesn't remember. You want me to press him.**

DP: **Yeah. You don't remember moving over to her, bending down with a lighter, and setting her on fire and then stepping back?**

DC: Okay. Here's the thing sir, we have video, we have the photo. You see all that? Is that we have the proof of what, who did it. Okay. The best thing for us here, we want to know why you went to that woman in front of you and set fire to her. Why did you do it?

Z: To tell you the truth, to be honest, I don't remember.

DC: Don't you remember that you stood up, you picked up something like a match, you, you were doing it to the woman, you did it like this and the woman was lit on fire?

Z: The truth...

DC: Don't you remember you did this? You know, we have video that you said that (POINTS AT PHOTO ON THE TABLE) this is you, right?

Z: Yes.

DC: (POINT TO THE OTHER PHOTO) This is you, right?

Z: Yes, that one.

DC: These two people are the same, right?

Z: Yes, it is the same.

DC: You were here. You were sitting, and you set a woman on fire. And we here want to know why you did that.

Z: To tell you the truth, to be honest, I don't remember any of all that.

DC: Okay. When you drink, how much do you drink? Do you drink a lot? Do you drink so many beers that you don't remember what's going on?

Z: The truth is yes. Sometimes when I drink and erase the memory and I don't know, right. When I wake up, I'm already in the house already sleeping. I wake up when I'm already at home. Or there are times when I wake up and I'm already at the train station, but, or on the train I was going, but....

DC: **He says he doesn't remember. He drinks to pass out and doesn't remember anything. I told him we have videos of him, uhm. I told him this are the two people that you said that are you, you were right on front, you set the lady on fire we want to know why you did this. And he said he just doesn't remember.**

DP: **What time did you get home?**

DC: At what time did you get home?

DP: **Oh, you didn't get home. I'm sorry. You were stopped on the train. Unless you went home, and you went back on the train.**

DC: He wants to know...

DP: **Did you ever make it home?**

DC: Did you get home or not? You were on the train.

Z: No, I didn't make it to the house.

DC: Okay. **He.. I'm going to ask him why he was in the train, and he didn't go..** This morning you need to go to work, right?

Z: Yes, I need to go to work tomorrow.

DC: When this happened, were you drinking?

Z: It was drunk.

DC: You were drunk?

Z: It was drunk.

DC: So, when you drink it's early, it's night, or you don't have hours. When you want to drink you drink.

Z: I drink in the afternoons.

DC: But this happened in the morning.

Z: That...

DC: **What time this happened?**

DF: **Between six and five thirty.**

DP: **No, that's the time he gets on the train.**

DF: **Oh, yes.**

DC: **We are saying about six, seven.**

DF: **Seven**

DP: **Seven**

DC: **Around seven in the morning?**

DP: **Seven thirty.**

DC: This happened at seven o'clock in the morning.

Z: (SILENT)

DC: **You want to show him the video?**

DP: **Yeah.**

DF: **Yeah.**

DC: Let's show him the video. Give me a second. Because I'm going to show you, you, these two people that you told me, (POINTS TO ONE PHOTO) this is you, right?

Z: (NODS)

DC: And this is you, right?

Z: (NODS)

DC: I'm going to show you a video where you made a woman who was there on the train with you. Let's show it and see if your memory tells us what happened.

DP: **Okay. Give us a moment.**

DC: Just give me a second.

[DP, DC, AND DF LEAVE THE ROOM AT THE 55:27 MIN MARK]

[DP, DC, AND DF RETURN AT THE 1:04:40 MIN MARK]

DC: Okay sir. We're going to show you the video, okay.

Z: Yes, that's fine.

DP: **Hopefully this will help you remember, and if it does, then you can just tell us why.**

DC: With this video... look at the video, tell me what's going on and who's in the video please. okay?

DP: (TURNS LAPTOP SCREEN TOWARD Z TO VIEW)

Z: (LOOKS ON)

DC: Who is that person?

Z: Oh, damn, that's me.

DC: That's you, **right?**

Z: Yes.

DC: Do you see what's happening now? Do you see what you're doing? You are setting that woman on fire. Do you remember that or not?

Z: No, I really don't remember.

DC: But that's you, right?

Z: Yes.

DC: You are sitting there.

Z: [U/I]

DC: And you don't remember anything about that happening.

Z: No, in truth, I don't remember at all.

DC: Do you have a bad thing for women? Do you have a bad thing for black women?

Z: No.

DC: Of Hispanics? Do you see the fire?

Z: Oh, my goodness!

DC: Don't you remember any of that?

Z: No, the truth is that I don't remember.

DC: **He said that's him. But he just doesn't remember?**

DP: **Okay.**

Z: (HOLDS EXPRESSION OF DISGUST, STRANGENESS AS HE LOOKS INTO LAPTOP SCREEN)

DC: **She's one** [U/I]. **And** you don't remember any of that?

Z: No, I don't remember, to tell you the truth, I don't remember.

DP: **And he doesn't know if she was white, black?**

DC: Do you know what color she was? Black, Hispanic, White?

Z: No, I really don't know.

DC: **He doesn't know.**

DP: **Did he hear anybody screaming, if he remembers?**

DC: Do you remember anyone screaming or... huh?

Z: No, to tell you the truth I don't remember at all.

DC: **Doesn't remember.** But did you see in the video that it was you who did this? And we want to know why. Hey mister, I'm going to explain something to you.

Z: (RECLINES DOWN HEAD WIPING EYES AGAINST HIS CROSSED ARMS SET ON TABLE) Truthfully, no, I don't know. I really don't know.

DC: Really? **He said he doesn't know.**

Z: I am very sorry. I didn't mean to. But I really don't know. I don't know what happened, but I'm very sorry for that woman. You say that it wasn't because of... but I really don't know.

DC: **He's saying that.. I told him that was a woman, but he really doesn't know if it was woman or not, and he feels bad for this person. But he doesn't remember.**

DP: **Okay. Alright.** (TO DF) **You want to ask him anything?**

DC: **You guys good?**

DP: **Yeah.**

DC: **You want me to tell him what's going to happen?**

DP: **Yeah.**

DC: Okay, sir. The thing that's going to happen to you is that you are now arrested as a murderer. That... (TO DP) **It was a woman, right?**

DP: **Yeah. It just going to be process, he's going central Brooklyn to see a judge and they'll let him know going forward with exactly what's going to happen.**

DC: You are going to court, she's, this is the detective that's got the case. She's going to put all the papers together, and she's going to take you down to see the judge. Okay?

Z: Yes, that's fine.

DP: **Alright. Just sit tight. Do you need anything to eat?**

DC: Do you need something to eat or drink?

Z: Yes, if there is food, well, thank God, I am happy to eat.

DC: **He says that if there's food and God, he would like some.**

DP: **Okay. Pizza? Are you good with pizza or anything?**

DC: Do you want to eat pizza?

Z: Whatever it is, whatever there is.

DC: **Whatever there is.**

DP: **Okay. No problem. Just sit tight.**

Z: (TUMBLES HEAD UPON HIS CROSSED ARMS ON THE TABLE)

[DP, DC, AND DF LEAVE ROOM AT THE 1:09:02 MIN MARK]

[DP RETURNS AT THE 1:12:09]

DP: **You need to use the bathroom?** Do you have to go to the bathroom?

Z: **Yes, please.**

DP: **Alright.**

[DP AND Z LEAVE THE ROOM AT THE 1:12:16 MIN MARK]

[DF ENTERS ROOM AND TAKES AWAY Z'S WATER BOTTLE AT THE 1:13:33 MIN MARK]

[VIDEO ENDS AT 1:13:51]

Defendant(s): Sebastian Zapeta

Date: 12/22/24

Approx. Time: 3:20pm – 5:30pm

Location: 34th St Herald Square Train Station, TD-2 Precinct – Transportation to and from TD-2 precinct.

Substance of statement: See Attached Video for entirety of statement. Video should be deemed attached hereto and made a part hereof. Video located in onedrive folder path “defendant statements (documents attached to 710.30)”

See next pages

Statement made to: PO Ko, Nunez, and Hum

Defendant: Sebastián Zapeta

Indictment # 77427-24

Transcribed and translated for ADA Matthew Perry

Transcribed and translated by Ulises Santiago, Staff
Interpreter, KCDA's Office

Z: Sebastián Zapeta

DO: Reception Desk Police Officer

SP: Spanish Speaking Police Officer

N: Police Officer Nunez

FP: Female Officer

PO2: Police Officer searching Z on video #2

FP2: Spanish Speaking Female Police Officer on video #2

SP1: Spanish Speaking Officer in Jail Cell with Def.

PO: Unidentified Male Police Officer's Voice in Jail Cell

LS: Spanish Speaking Lieutenant Sanchez appearing at the 43:37
min mark of Video #2

PS: Police Sergeant

[U/I]: Unintelligible

[O/L]: Overlap

(OC): Off camera

[*Italics*]: As originally expressed.

Bold text originally in **English**.

Plain text originally in Spanish.

**VIDEO#1-BWCfootage-1404468_NUNEZ,
JASON_959851_Axon_Body_4_Video_2024-12-22_1715**

>SEGMENT FROM 1:16 TO 3:16 MIN MARKS

DO: **Do you speak English?**

Z: No, no.

DO: **You only speak Spanish? Catrina! We need a translation.**

SP: **Oh, translations?**

DO: **Yeah, for the questions.**

SP: Okay my friend, do you understand me?

Z: Yes, yes.

SP: What is your name?

Z: My name is Sebastian.

SP: **His name is Sebastian. [U/I]**

N: **I'm begining his pedigree now.**

DO: **Ask him if he needs to go to a hospital.**

SP: Do you need to go to the hospital?

Z: No, I'm fine for now.

SP: You don't want to go to the hospital?

Z: No, I am fine.

SP: **He's fine. He doesn't need to go to a Hospital.**

DO: **Does he have anybody that's, any children to care for,
anybody that's in need care?**

SP: Do you have any kind of boy or girl, or any children that
you need to take care of? Yes or no?

Z: My children, yes.

SP: Do you have children to take care of? Yes or no?

Z: Yes. But they are not here, they are in my country.

SP: They are not in this country?

Z: They are not in this country.

SP: **Yeah, he does have kids but they are in a different country. They are not here, so.**

DO: **Any disabilities?**

SP: Do you have any type of disability?

Z: (STAYS SILENT)

SP: It means if you suffer from something.

Z: (STAYS SILENT)

SP: Do you understand what it means?

Z: Yes, yes, yes. No.

SP: **No, not disable, no disability, no...** Do you have any kind of identification or anything?

Z: No, I do not.

SP: You have nothing?

Z: I have nothing.

SP: What country are you from?

Z: I am from Guatemala.

SP: **He's from Guatemala. (TO NUNEZ) You got his pedigree already or you want me to...**

DO: **Take him over. They'll get it, they'll get it.**

PO1: (ON THE PHONE) **Can you please send me over the Spanish pedigree**

FP: **I might need you.**

SP: **Alright. You call me. I'm on the PX. Oh, do you need me now?**

FP: **Yeah. Just [U/I]**

SP: **Alright, you got it.**

[Z IS TAKEN AWAY FROM PRECINCT'S DESK AT THE 3:16 MIN MARK]

[VIDEO ENDS AT THE 5:09 MIN MARK]

VIDEO#2-BWCfootage-1404517_KO,
WING_972051_Axon_Body_4_Video_2024-12-22_1523

>SEGMENT ONE FROM 25:46 TO 28:32 MIN MARKS- RECEPTION DESK

DO: **How are you doing? Spanish?**

Z: **Yes.**

DO: **Can you please get some pedigree for me.**

N: What is your name?

Z: My name is Sebastián.

N: Sebastián?

Z: Yes.

N: What is your last name?

Z: Zapeta.

N: Huh?

Z: Zapeta.

N: Zapeta?

Z: Yes.

PO2: **Spread, spread.**

N: Spread your legs.

DO: **Just ask him if his sick, injured or need medical.**

N: Are you injured, do you need an ambulance?

Z: The question, why did they grab me like that?

N: We will let you know in a moment. Do you need the ambulance, are you injured?

Z: No, no, I'm fine for now. (REACTS IN PAIN)

PO2: **Keep your head up.**

N: What is your last name?

Z: Zapeta.

N: ¿Zapeta?

Z: Yes.

N: With S?

Z: With Z.

N: What is your date of birth?

Z: April 11, '91.

N: Huh?

Z: April 11, '91.

N: What year?

Z: '91.

N: What is your address? Where do you live?

Z: To tell you the truth, I live in a **shelter**.

N: Okay. Which is the **shelter**?

Z: Over there on Grant Avenue... I don't know the address.

N: Don't know the name of the **shelter**?

Z: No, I don't know.

N: You do not know the address?

Z: I don't know it either.

N: How old are you?

Z: I am thirty-three.

N: Ze, Ze, Zap... Zapeta?

Z: (NODS)

N: How old are you?

Z: Thirty-three! Or can't you thirty-three there?

N: Hey, friend! Friend! I gotta tell you, if you give us the wrong name, that's a crime. You know what I mean?

Z: No, I'm not...

N: You have to give us your correct identity. Do you understand?

Z: Yes, yes.

N: Okay.

[SPANISH DIALOG ENDS AT THE 28:32 MIN MARK]

PO2: (CONTINUES TO SEARCH Z AND PLACES FOUND MONEY ON THE DESK)

[FP2 APPEARS AT THE 31:22 MIN MARK]

FP2: Is that all you have?

Z: Yes, that's all I have.

FP2: Okay. **So, how much is it?**

DO: **One seventy eight eighty.**

FP2: One hundred seventy-eight and eighty cents. Okay?

Z: (NODS)

FP2: Is that all you have?

Z: That's all I have.

FP2: Okay.

Z: The question, why was I arrested?

FP2: We'll explain everything shortly.

PO3: **Hold on to that because that could be uh...**

PO2: (HOLDS ON TO A LIGHTER)

PO2: (TAKES HIS CAMERA FROM DESK AT THE 32:38 MIN MARK. HE MOVES ON TAKING Z AWAY TO CELL) **Last one? Come on, last one. Anybody speaks Spanish here?**

PO4: **My partner here** [U/I]

PO2: [U/I]

PO2: **He needs to take out his** [U/I]

N: You're going to have to take off your sweater, okay? Just keep the shirt on. Just keep the shirt on.

Z: It is cold in here.

N: Yes, it will be returned to you.

PO2: **Got to have the bracelet too. You have the bag.**

PO4: **Yes.**

N: You need to take that shirt off for now.

Z: [U/I]

N: [U/I] It looks like. Friend! Friend, stand up! We need to check you out. Alright?

PO2: (CHECKS PINK SHIRT OVER RED T-SHIRT)

N: **That's good, right?**

PO2: **Take it off.**

N: Take off this shirt.

PO2: **Does he have sweat pants on him? Double pants?**

N: **Yeah.** Were you born here, my friend, or were you born in another country?

Z: I was born in another country.

N: Where?

Z: In Guatemala.

N: **He's from Guatemala.**

UV: **He's a migrant or not?**

Z: What does he say?

N: Immigrant?

Z: (NODS)

N: Are you an immigrant?

Z: The truth is...

N: Huh?

Z: Yes.

N: Okay. Lift up your shirt. How many pants are you wearing?

Z: I have two because of the cold weather.

N: Okay. Take off your shoes. You're going to keep one pair of pants on for now. For now. Okay? Do you have pants on underneath?

Z: Yes.

N: Okay. So, take off those pants.

PO2: **He's wearing another pants.**

N: **Yeah, he has two pairs of pants. That's, I told him to take one off.**

Z: (TAKES JEANS OFF)

N: (TO PO2) **Check his pockets.** (TO Z) Okay, socks. Take off your socks and unwrap them from the inside.

Z: (TAKES OFF SOCKS)

N: Friend, we have to see. Open them from the inside, flip them over. Okay, now that one.

Z: (SHOWS THE INSIDE OF SOCKS)

N: Okay. Put it on now. You can put it on, yes. Okay stand here. Put your hands here.

PO2: (CHECKS Z FROM TOP DOWN) **You got a knife?**

PO1: **Turn around. Holds his hands together.** (CUTS OUT STRINGS FROM INTERIOR PANTS)

N: Friend, for how long are you here in the country?

Z: I have been here for five years.

N: **Five years.**

PO1: **What the name of the shelter where he lives at?**

N: What is the name of the **shelter** where you live?

Z: I really don't know what that **shelter** is called.

N: Okay. You can sit down.

PO2: [U/I] (SHOWS LIGHTER INSIDE TRANSPARENT BAG TO CAMERA)

PO3: [U/I]

N: What is the name of the **shelter**?

Z: I don't know, to tell you the truth.

N: Don't know the address?

Z: No, neither.

N: [U/I] Where?

Z: I don't know its name.

N: In Brooklyn, in...?

Z: In Brooklyn.

N: In Brooklyn. Okay. You can sit down, okay?

Z: Yes, I need a bathroom please.

N: **He needs a bathroom.**

PO2: **Yeah that's fine.**

[PO'S CONTINUE SPEAKING IN ENGLISH AMONG THEMSELVES AS CAMERA IS
FIXED ON LIGHTER.]

PO: **How much did he have on himself?**

N: **I agree.** Okay friend.

[PO'S SPEAK [U/I] IN THE BACKGROUND]

PO: (OC) **The money is right there too.**

[PO'S HANDS MOVE MONEY BAG IN FRONT OF BAG WITH LIGHTER AT THE
40:21 MIN MARK]

[THERE'S NO DIALOG UNTIL THE 41:52 MIN MARK]

N: Do you know which stop you get off at?

Z: Sorry?

N: Which stop do you get off at when you get to the **shelter**? **I asked him in what stop does he get off to...**

Z: I actually take the J and I get to... I get to... I get to... Broadway/Junction and I take the A and I get to [U/I] and I'm two blocks away from [U/I].

N: Friend, stand up and stick out your hand. Like this.

PO2: **His shirt.**

N: Lift up the shirt.

PO2: **Turn to the right.**

N: Turn around.

PO2: [U/I] **your hands** [U/I]

PO: **There is a shelter in [U/I]. Don't know the name of it or anything like that? Only knows his** [U/I]

PO2: [U/I]

Z: [U/I]

N: They're going to tell you soon, okay. They're going to let you know. Just give me a second.

LS: Sebastian, hello, how are you?

Z: I am fine.

LS: I am Lieutenant Sanchez from Coney Island. I have a question for you. At this time, where do you live?

Z: I live in Brooklyn.

LS: Where?

Z: In Brooklyn.

LS: In Brooklyn. Where in Brooklyn? In what location?

Z: On Grant Avenue

LS: Grant Avenue. And that's what, an apartment or is it -- what kind of place is it exactly?

Z: No, the place where I live is a **shelter**.

LS: A **shelter**. Okay. And another question, when did you arrive here in the United States?

Z: Five years ago.

LS: Five years, okay. And do you have a family or are you here alone?

Z: I have family here, but...

LS: And do you know them, your family?

Z: Yes.

LS: Do you know where they live?

Z: No, I really don't know, I don't know where they live.

LS: Okay. So, you stay in this shelter. Is there another place you stay or do you always stay there?

Z: Right there, I always stay right there.

LS: Okay. And originally where are you from, what nationality?

Z: I am from Guatemala.

LS: Guatemala. Okay, thank you. Uh, and you don't have any kind of ID? Passport...

Z: No.

LS: None of that. Okay, thank you.

Z: Uh, one question.

LS: Yes.

Z: The question is, why did they take me and why do they have me here?

LS: Okay. There's going to be a detective coming in, and she's going to talk to you about why you're here. You have to give a little bit of time and she's going to talk to you, okay?

Z: Thank you. [45:15]

[NO SPANISH DIALOG]

LS: [46:21] Sebastian, the **shelter** you are staying in, is it on Grant Avenue?

Z: Grant Avenue.

LS: And you don't know the number?

Z: I don't know the address, but it is on Grant Avenue.

LS: And you don't know which street it crosses?

Z: No, I really don't know, I haven't checked.

LS: But, it's Grant Avenue.

Z: Grant Avenue.

LS: Okay. Thank you. [46:44]

[NO SPANISH DIALOG]

LS: [49:32] Have you been arrested before in New York?

Z: Say again!

LS: Have you been arrested before? The police have arrested you as uhm... the five years you've been here you haven't gone....

Z: Uh-huh. Have I ever been arrested? Once [U/I] I was arrested for entering illegally here.

LS: You were arrested. Did they give you a **ticket** for that?

Z: Yes, they gave me a **ticket** [U/I]

[U/I AND O/L ENGLISH CONVERSATION OF OFFICERS OVER AND THROUGHOUT LS QUESTIONS TO Z]

LS: Is your last name Z-a-p-e-t-a, Zapeta?

Z: Zapeta.

LS: And your date of birth?

Z: April 11, 1991.

[PO2 FOLDS AND REPOSITIONS PLASTIC BAG WITH MONEY IN FRONT OF CAMERA AT THE 50:50 MIN MARK]

N: Sebastian, we're going to put these handcuffs on you, okay. Stay seated. [51:33]

N: (AFTER A FEW MOMENTS) Sit down.

PS: **This is his money as well?**

UV1: **Yeah! His money.**

PO2: **That's the clothes that he wore.**

UV1: **There is the clothes and the rest of his things are right there.**

PO2: **The clothes that he wear from yesterday and the rest of his property.**

PS: **Ok. The clothes, well that's going to end up at the seventh [U/I]. Just have everything together. You are responsible for all the evidence you send that to me and then someone there when you are ready to [U/I] you make sure to have all the property. There you go, okay.**

PO2: (GATHERS PROPERTY AS INSTRUCTED) [54:25]

[DIALOG CONTINUES IN ENGLISH WITH NO FURTHER SPANISH DIALOG AS PO'S TAKE Z AWAY INTO PATROL CAR AND DRIVE ON FROM THE 54:25 TO THE 1:52:58 MIN MARKS WITH NO SPANISH DIALOG]

[THE FOLLOWING DIALOG AFTER THE 1:52:58 MIN MARK REPEATS DIALOG ON PREVIOUS VIDEO #1 FROM A DIFERENT BWC]

DO: **Do you speak English?**

Z: No, no.

DO: **You only speak Spanish? Catrina! We need a translation.**

SP: **Oh, translations?**

DO: **Yeah, for the questions.**

SP: Okay my friend, do you understand me?

Z: Yes, yes.

SP: What is your name?

Z: My name is Sebastian.

SP: **His name is Sebastian.** [U/I]

N: **I'm beginning his pedigree now.**

DO: **Ask him if he needs to go to a hospital.**

SP: Do you need to go to the hospital?

Z: No, I'm fine for now.

SP: Don't you want to go to the hospital?

Z: No, I am fine.

SP: **He's fine. He doesn't need to go to a Hospital.**

DO: **Does he have anybody that's, any children to care for, anybody that's in need care?**

SP: Do you have any kind of boy or girl, or children that you need to take care of? Yes or no?

Z: My children, yes.

SP: Do you have children to take care of? Yes or no?

Z: Yes. But they are not here, they are in my country.

SP: They are not in this country?

Z: They are not in this country.

SP: **Yeah, he does have kids but they are in a different country. They are not here, so.**

DO: **Any disabilities?**

SP: Do you have any type of disability?

Z: (STAYS SILENT)

SP: It means if you suffer from anything.

Z: (STAYS SILENT)

SP: Do you understand what it means?

Z: Yes, yes, yes. No.

SP: **No, not disable, no disability, no...** Do you have any kind of identification or anything?

Z: No, I do not.

SP: Don't you have anything?

Z: I do not have any.

SP: What country are you from?

Z: I am from Guatemala.

SP: **He's from Guatemala.**

DO: Okay.

FP: **I might need you.**

SP: **Alright. You call me. I'm on the PX. Oh, do you need me now?**

FP: **Yeah. Just** [U/I]

SP: **Alright, you got it.**

[Z IS TAKEN AWAY FROM PRECINCT'S DESK AT THE 1:54:47 MIN MARK]

[VIDEO ENDS AT THE 1:55:01 MIN MARK]

2. IDENTIFICATIONS

If checked, notice is hereby served, pursuant to CPL § 710.30(1)(b), that the People intend to offer at trial testimony regarding an observation of the defendant either at the time or place of the commission of the offense or upon some other occasion relevant to the case, to be given by a witness who has previously identified the defendant.

The People reserve their right to seek an independent source hearing, should the Court find that such identification was unduly suggestive.

Defendant:

Type of ID:

Number of Witnesses:

Date:

Approx. Time:

Location:

To Whom Made:

If checked, notice is hereby given, pursuant to *People v. Perdue*, 2023 N.Y. LEXIS 1996, 2023 NY Slip Op 06404 (Dec. 14, 2023), that the People may call a witness or witnesses at trial who observed the defendant either at the time and place of the commission of the offense or on some other occasion relevant to the case and who has not previously identified the defendant in an out-of-court identification procedure but may do so upon a trial of the charges.

Witness: 911 Caller – authorized by statute to withhold name

If checked, notice is hereby given that the People may call a witness at trial to make an identification of the defendant in surveillance photos or video, and such witness was not an eyewitness to the crime, but has sufficient familiarity with the defendant to make such identification and can assist the jury with such identification. *See People v. Mosely*, 2024 N.Y. LEXIS 535 (Apr. 23, 2024).

Witness:

Relationship to Defendant, if any:

3. PROTECTIVE ORDERS

Protective Order: If checked, pursuant to CPL §§ 245.10(1)(a), 245.70(1) and 245.70(2), the People seek to withhold or delay the production of material beyond the timeframes established in § 245.10(1)(a). The good cause basis for this request will be set forth in a separate application. Note that pursuant to CPL § 245.70(1) and (3), the People may file a motion for a Protective Order *ex parte* or *in camera*.

C. DISCOVERY

After making diligent, good faith efforts to gather discovery, the materials and information provided with this form include the discoverable materials in the actual possession of the prosecution, with the exception of any materials or information withheld pursuant to CPL § 245.70 or materials or information barred from disclosure by federal law. Please be advised that some material may be included in one category, but may also fall into other categories. The People's disclosures may include documents, information, and materials that are not required to be disclosed under CPL § 245.20(1), but which have been disclosed in an exercise of the People's discretion.

Pursuant to CPL §§ 245.10(1)(a) and 245.60, the People will continue to produce any additional discoverable materials should the People obtain such material. If a Certificate of Compliance does not accompany this Notice and Disclosure Form, the People intend to rely on the 30-day extension provided for in CPL § 245.10(1)(a) because:

- discoverable material is exceptionally voluminous and/or;
- despite diligent, good faith efforts, including attempting to obtain all available discovery upon intake of the case, followed up by a recent check of the Kings County District Attorney's Office Case Management System which links to available law enforcement discovery, the People do not yet possess all discoverable material.

Some information may be provided to the defense via an Addendum not filed in the public court file. Should the Court wish to examine the Addendum, the People will make it promptly available.

1. **STATEMENTS OF DEFENDANT (AND CO-DEFENDANT(S)) MADE TO LAW ENFORCEMENT PERSONNEL, INCLUDING UNDERCOVER OFFICERS, AND ANY STATEMENTS MADE TO INFORMANTS** [CPL § 245.20(1)(a)]

If checked, the People are disclosing, as identified on an Inventory attached to this Notice, written or recorded (audio or video) statements, and the substance of oral statements, made by the defendant (or a co-defendant) to a public servant engaged in law enforcement activity or to a person then acting under the direction of or in cooperation with a public servant engaged in law enforcement activity, *i.e.*, an informant, including those made during the course of a criminal transaction AND reports memorializing any statements referenced in section B.1, above.

2. **GRAND JURY TESTIMONY** [CPL § 245.20(1)(b)]

If checked, the People are disclosing, as identified on an Inventory attached to this Notice, transcripts of the testimony of persons who have testified before a grand jury.

Time Extension: If checked, in the exercise of reasonable diligence, and due to the limited availability of transcription resources, one or more transcripts are unavailable for disclosure within the time period specified in CPL § 245.10(1). Therefore, the People, as authorized by CPL § 245.20(1)(b), elect to stay the time period for disclosure of such information by an additional 30 calendar days without need for a motion, extending the date of disclosure to 80 calendar days after the defendant's arraignment if the defendant is in custody, and 95 calendar days after the defendant's arraignment if the defendant is not in custody, except that disclosure shall be made as soon as practicable but in no event later than 30 calendar days before the first scheduled trial date unless a protective order is obtained.

The People's delay in the disclosure of grand jury minutes are the result of special circumstances, namely, the limited availability of transcription resources, as noted above. The People will continue to exercise due diligence to obtain the grand jury minutes and will turn them over to the defense upon receipt.

3. **NAMES AND ADEQUATE CONTACT INFORMATION FOR CIVILIAN WITNESSES AND OTHERS** [CPL § 245.20(1)(c)]

If checked, the People are disclosing, in an Addendum attached to this Notice, the names and adequate contact information for persons, other than law enforcement personnel, whom the prosecutor knows to have evidence or information relevant to any offense charged or to any potential defense thereto, and a designation of which of those persons may be called as witnesses by the People. All other personal identifying information for such persons has and will be otherwise redacted.

If checked, the People, as authorized by CPL § 245.20(1)(c), without motion, are withholding all information relating to the identity of the following from this Notice and redacted same from discoverable materials. Note that pursuant to CPL § 245.20(1)(c), the People may elect to not notify the defendant that such information is being withheld if, for good cause shown, the court permits them to do so.

- Confidential Informants – the People will provide the Court with unredacted materials for *in camera* review.
- 911 Callers
- Victims and witnesses of an offense defined under Penal Law Article 130 (Sex Offenses)

- Victims and witnesses of an offense defined under Penal Law §§ 230.34 and 234.34-a) (Sex Trafficking)
- Victims and witnesses of a crime where the defendant has substantiated affiliation with a criminal enterprise as defined in Penal Law § 460.10(3)

4. **NAME AND WORK AFFILIATION OF LAW ENFORCEMENT PERSONNEL** [CPL § 245.20(1)(d)]

The People are disclosing the following names and work affiliations of law enforcement personnel whom the prosecutor knows to have evidence or information relevant to any offense charged or to any potential defense thereto, and a designation of which of those persons may be called as witnesses by the People:

Name: Jason Nunez
Work Affiliation: TD-2
Potential Witness: Y

Name: Megi Hajderlli
Work Affiliation: TD-2
Potential Witness: Y

Name: Muhammad Usman
Work Affiliation: TD-2
Potential Witness: Y

Name: James Hum
Work Affiliation: TD-2
Potential Witness: Y

Name: Daming Wu
Work Affiliation: TD-2
Potential Witness: Y

Name: Garvin Williams
Work Affiliation: TD-2
Potential Witness: Y

Name: David Matuozzi
Work Affiliation: TD-2
Potential Witness: Y

Name: Thomas Donaldson
Work Affiliation: TD-2
Potential Witness: Y

Name: Wing Ko

Work Affiliation: TD-2
Potential Witness: Y

Name: Jacob Cox
Work Affiliation: TD-2
Potential Witness: Y

Name: Andrea Serrano-Hernandez
Work Affiliation: TD-2
Potential Witness: Y

Name: Michael Ortega
Work Affiliation: TD-2
Potential Witness: Y

Name: Francis Stainislaus
Work Affiliation: TD-2
Potential Witness: Y

Name: Steven Spinelli
Work Affiliation: TD-2
Potential Witness: Y

Name: Fidel Rodriguez
Work Affiliation: TD-2
Potential Witness: Y

Name: Conwayne Mitchell
Work Affiliation: TD-2
Potential Witness: Y

Name: Antonia Costa
Work Affiliation: TD- 2
Potential Witness: Y

Name: Arthur Tsui
Work Affiliation: TD- 2
Potential Witness: Y

Name: Derreck Li
Work Affiliation: TD- 2
Potential Witness: Y

Name: Mazadul Islam
Work Affiliation: TD- 2

Potential Witness: Y

Name: Arthur Tsui
Work Affiliation: TD- 2
Potential Witness: Y

Name: Ariel Britovargas
Work Affiliation: TD- 2
Potential Witness: Y

Name: Adeel Imtiaz
Work Affiliation TD-2
Potential Witness: Y

Name: Cluver Cotrina
Work Affiliation: 60
Potential Witness: Y

Name: Kevin Glukhman
Work Affiliation: TD- 2
Potential Witness: Y

Name: Layota Hinckson
Work Affiliation: TD- 2
Potential Witness: Y

Name: Stanislav Zubyk
Work Affiliation 60
Potential Witness: Yes

Name: Robert Golabek
Work Affiliation: TD-34
Potential Witness: Y

Name: Christopher Mohr
Work Affiliation: TD-34
Potential Witness: Y

Name: Hamlet Montero
Work Affiliation: TD-34
Potential Witness: Y

Name: Naveenkum Thiruverkadu
Work Affiliation: TD-34

Potential Witness: Y

Name: Antonio Antenucci
Work Affiliation: TD-34
Potential Witness: Y

Name: Didarul Alam
Work Affiliation: TD-34
Potential Witness: Y

Name: Johnathan Diaz-Mojica
Work Affiliation: TD-34
Potential Witness: Y

Name: Jose Cofresi
Work Affiliation: Brooklyn Boro South
Potential Witness: Y

Name: Nicole Fox
Work Affiliation: 60
Potential Witness: Y

Name: Erin Blum
Work Affiliation: 60
Potential Witness: Y

Name: Michelle Ghonz
Work Affiliation: Missing Person
Potential Witness: Y

Name: Jean Gaillard
Work Affiliation: BSHS
Potential Witness: Y

Name: Brian Flynn
Work Affiliation: BSHS
Potential Witness: Y

Name: Chris Madison
Work Affiliation: BSHS
Potential Witness: Y

Name: Robert Chan
Work Affiliation: VCT
Potential Witness: Y

Name: Andrew Lassen

Work Affiliation: VCT
Potential Witness: Y

Name: Vincent Dibenedetto
Work Affiliation: VCT
Potential Witness: Y

Name: Patrick Salerno
Work Affiliation: MTA
Potential Witness Y

Name: Joseph Misiti
Work Affiliation: MTA
Potential Witness: Y

Name: Kevin Goodwin
Work Affiliation: FDNY
Potential Witness: Y

Name: Eric Lambrechts
Work Affiliation: FDNY
Potential Witness: Y

Undercover Officers: If checked, the People, as authorized by CPL § 245.20(1)(d), without motion, are withholding all information relating to one or more undercover officer(s) from this Notice and redacted that information from discoverable materials. Note that pursuant to CPL § 245.20(1)(d), the People may elect to not notify the defendant that such information is being withheld if, for good cause shown, the court permits them to do so.

5. **WRITTEN OR RECORDED STATEMENTS OF LAW ENFORCEMENT PERSONNEL AND CIVILIAN WITNESSES** [CPL § 245.20(1)(e)]

If checked, the People are disclosing statements, as identified on an Inventory attached to this Notice, written, recorded (audio or video), or summarized in any writing or recording (audio or video), made by persons who have evidence or information relevant to any offense charged or to any potential defense thereto, including police reports, notes of police officers and other investigators, and law enforcement agency reports. This includes statements (written, recorded, or summarized in any writing or recording) made by persons to be called as witnesses at pre-trial hearings.

6. **EXPERT OPINION EVIDENCE** [CPL § 245.20(1)(f)]

If checked, the People are disclosing the following information concerning the following expert witness(es) whom the prosecutor intends to call at trial or at a pretrial hearing:

Name(s) and business address(es) of expert(s):

Det Arispe – Forensic Pathologist (Performed Autopsy and will testify as to matter and cause of death)

If available, the People are disclosing, in an Inventory attached to this Notice, a list of publications and a list of proficiency tests and results administered or taken within the past 10 years of each listed expert, and all reports of each listed expert that pertain to the case, or if no report is prepared, a written statement of the facts and opinions to which the expert is expected to testify and a summary of the grounds for each opinion.

Time Extension: If checked, in the exercise of reasonable diligence, information or materials that are discoverable pursuant to CPL § 245.20(1)(f) are unavailable for disclosure within the time period specified in CPL § 245.10(1). Therefore, the People, as authorized by CPL § 245.20(1)(f), without motion, elect to stay the time period for disclosure of such information, except that disclosure shall be made as soon as practicable and not later than 60 calendar days before the first scheduled trial date, unless a protective order is obtained.

If checked, the People do not intend to call any expert witnesses at any trial or pretrial hearing pertaining to this matter. Should that change, the People, pursuant to CPL § 245.50(1), will provide defense counsel with a supplemental notice and disclosure, as well as a supplemental certificate of compliance.

7. **TAPES AND ELECTRONIC RECORDINGS** [CPL § 245.20(1)(g)]

If checked, the People are disclosing, as identified on an Inventory attached to this Notice, tapes or other electronic recordings, including electronic recordings of 911 telephone calls made or received in connection with the alleged criminal incident(s). The tapes and electronic recordings are listed and DESCRIBED in the attached Inventory. It is the People's present intention to introduce any listed tape or recording unless NOTED OTHERWISE IN THE ATTACHED INVENTORY.

If checked, the People, as authorized by § 245.70, seek to withhold the audio recordings of 911 calls, and instead will disclose the calls' transcripts. The good cause basis will be set forth in a separate application.

Potential Additional Body Camera Video: If checked, the People believe that one or more members of law enforcement may have recorded videos on their body cameras in connection with this case. Efforts are ongoing to identify all such videos, and, as appropriate, to redact such videos so that the videos may be produced.

Please note that for body camera “Axon Datasheets” that include Timeseries Data and geographic coordinates, if you wish to view the coordinates displayed as a map with dynamic, animated location information, please contact the assigned A.D.A. The maps cannot be downloaded but will be made available for your inspection at the Kings County District Attorney’s Office.

Recordings Exceeding 10 Hours: If checked, materials that are subject to discovery pursuant to CPL § 245.20(1)(g) exceed 10 hours in total length. Therefore, the People, as authorized by CPL § 245.20(1)(g), without motion, elect to disclose only the recordings, as listed on the Inventory, that they intend to introduce at trial or a pretrial hearing, along with a separate list of the sources and approximate quantity of other recordings and their general subject matter, if known. The defendant shall have the right upon request to obtain recordings not previously disclosed. The People shall disclose the requested materials as soon as practicable and not less than 15 calendar days after the defendant’s request, unless a protective order is obtained.

8. **PHOTOGRAPHS AND DRAWINGS** [CPL § 245.20(1)(h)]

If checked, the People are disclosing, as identified on an Inventory attached to this Notice, photographs and/or drawings made or completed by a public servant engaged in law enforcement activity, or which were made by a person whom the prosecutor intends to call as a witness at trial or a pretrial hearing, or which relate to the subject matter of the case.

9. **PHOTOGRAPHS, PHOTOCOPIES, AND REPRODUCTIONS OF PROPERTY** [CPL § 245.20(1)(i)]

If checked, the People are disclosing, as identified on an Inventory attached to this Notice, photographs, photocopies, and/or reproductions made by or at the direction of law enforcement personnel of any property prior to its release pursuant to Penal Law § 450.10 (Disposal of Stolen Property).

10. **PHYSICAL OR MENTAL EXAMINATIONS OR SCIENTIFIC TESTS** [CPL § 245.20(1)(j)]

If checked, the People are disclosing, as identified on an Inventory attached to this Notice, materials¹ concerning completed physical or mental examinations, or completed scientific tests

¹ Materials in this category include reports, documents, records, data, calculations or writings, including but not limited to, preliminary tests and screening results and bench notes and analyses performed or stored electronically. The information also includes, but is not limited to, laboratory information management system records relating to such materials, any preliminary or final findings of nonconformance with accreditation, industry or governmental standards or laboratory

or experiments or comparisons, relating to the criminal action or proceeding which were made by or at the request or direction of a public servant engaged in law enforcement activity, or which were made by a person whom the prosecutor intends to call as a witness at trial or a pretrial hearing, or which the prosecution intends to introduce at trial or a pretrial hearing.

To review and inspect OCME Laboratory Information Management System (LIMS) audit trial materials, please contact the assigned ADA for a form to Request to Review Forensic Biology LIMS Audit Trail, and email that form directly to F BiologyDiscovery@ocme.nyc.gov. The OCME will then send the requested information to the District Attorney's Office, and the assigned ADA will turn over the information upon receipt and review.

11. **EXCULPATORY AND IMPEACHMENT INFORMATION** [CPL § 245.20(1)(k)]

If checked, the People are disclosing evidence and information,² including that which is known to police or other law enforcement agencies acting on the government's behalf in the case, that tends to: (i) negate the defendant's guilt as to a charged offense; (ii) reduce the degree of or mitigate the defendant's culpability as to a charged offense; (iii) support a potential defense to a charged offense; (iv) impeach the credibility of a testifying prosecution witness; (v) undermine evidence of the defendant's identity as a perpetrator of a charged offense; (vi) provide a basis for a motion to suppress evidence; or (vii) mitigate punishment.

Although this section is entitled "Exculpatory and Impeachment Information," the People do not concede that the information disclosed or referenced herein is, as a matter of law, exculpatory, impeachment, or other similar information. The People reserve the right, at a future date, to object to or to move *in limine* to prevent the admission into evidence of, or questioning of witnesses about, these matters. Furthermore, there may be materials and information disclosed pursuant to other sections of CPL § 245.20(1), and not separately highlighted under this section, that could constitute responsive materials under this section.

Law Enforcement Witnesses: If checked, the Kings County District Attorney's Office has a request pending with the New York City Police Department that may result in the Office's obtaining discoverable material. However, some aspects of this search are ongoing due to the volume of requests received by the Police Department. As any discoverable material becomes available, the People will produce such material as soon as practicable.

Please note that present or future disclosures regarding law enforcement witnesses may not include lawsuits pending against police witnesses inasmuch as this information is publicly available through various means, including the N.Y.C. Law Department's website at: <https://www1.nyc.gov/site/law/public-resources/nyc-administrative-code-7-114.page>.

12. **PROMISES AND INDUCEMENTS MADE TO WITNESSES** [CPL § 245.20(1)(l)]

protocols, and any conflicting analyses or results by laboratory personnel regardless of the laboratory's final analysis or results.

² Information under this subdivision shall be disclosed whether or not such information is recorded in tangible form and irrespective of whether the prosecutor credits the information.

If checked, the People are disclosing, as an Addendum attached to this Notice, a summary of promises, rewards, inducements, and benefits (such as housing and relocation of witnesses) made to, or in favor of, persons who may be called as witnesses, as well as requests for consideration by persons who may be called as witnesses, and copies of documents relevant to such promise, reward, inducement, or benefit.

13. **TANGIBLE OBJECTS POSSESSED BY DEFENDANT OR CO-DEFENDANT(S)** [CPL § 245.20(1)(m)]

If checked, the People are disclosing the existence of the following tangible objects obtained from, or allegedly possessed by, the defendant or a co-defendant:

Item: Lighter

Location where item was recovered: Rear Pocket of Defendant

Indicate if item was seized or abandoned: Seized

Indicate if item was physically possessed or constructively possessed: Physically

Intend to introduce at hearing or trial: Y

Reliance on statutory presumption of possession:³ N

Item: Defendant's Clothing including sweater, pants, shirts, shoes, and hat.

Location where item was recovered: Person of Defendant

Indicate if item was seized or abandoned: Seized

Indicate if item was physically possessed or constructively possessed: Physically

Intend to introduce at hearing or trial: Y

Reliance on statutory presumption of possession:⁴ N

Item: Cellphone

Location where item was recovered: Person of Defendant

Indicate if item was seized or abandoned: Seized

Indicate if item was physically possessed or constructively possessed: Physically

Intend to introduce at hearing or trial: Unknown

Reliance on statutory presumption of possession:⁵ N

Item: Cigarettes and cigarette Box

Location where item was recovered: Person of Defendant

³ If the People currently intend to rely on a statutory presumption regarding possession, the People also intend to argue that the defendant had physical or constructive possession of the property, independent of the statutory presumption of possession.

⁴ If the People currently intend to rely on a statutory presumption regarding possession, the People also intend to argue that the defendant had physical or constructive possession of the property, independent of the statutory presumption of possession.

⁵ If the People currently intend to rely on a statutory presumption regarding possession, the People also intend to argue that the defendant had physical or constructive possession of the property, independent of the statutory presumption of possession.

Indicate if item was seized or abandoned: Seized
Indicate if item was physically possessed or constructively possessed: Physically
Intend to introduce at hearing or trial: Unknown
Reliance on statutory presumption of possession:⁶ N

If Counsel wishes to inspect, copy, photograph, and/or test any of the above listed property, Counsel should contact the assigned Assistant District Attorney to arrange a mutually convenient time to do so.

NYPD chain of custody reports are not automatically generated for items not subject to forensic testing, but the People will generate such report upon defense counsel's request. Please note that if defense counsel does make such a request, that report may be subject to change based on any future movement of the property.

14. **SEARCH WARRANTS** [CPL § 245.20(1)(n)]

If checked, the People are disclosing, as identified on an Inventory attached to this Notice, the existence of executed search warrant(s) and documents relating thereto, including but not limited to the warrant, the warrant application, supporting affidavits, a police inventory of all property seized under the warrant, and a transcript of testimony or other oral communications offered in support of the warrant application.

- Timing Advance Data Warrant

15. **ALL OTHER TANGIBLE PROPERTY INCLUDING POTENTIAL HEARING/TRIAL EXHIBITS** [CPL § 245.20(1)(o)]

If checked, the People are disclosing the below listed items of tangible property that relate to the subject matter of the case, along with a designation of which items the prosecution intends to

⁶ If the People currently intend to rely on a statutory presumption regarding possession, the People also intend to argue that the defendant had physical or constructive possession of the property, independent of the statutory presumption of possession.

introduce in its case-in-chief at trial or a pretrial hearing. The People intend to introduce the items listed in paragraph 13, and the following:

Property (item, record, or potential exhibit): Bottles from train
Intend to introduce at hearing or trial: Undecided

Property (item, record, or potential exhibit): Shirt from train
Intend to introduce at hearing or trial: Undecided

Property (item, record, or potential exhibit): Walker from train
Intend to introduce at hearing or trial: Undecided

If checked, pursuant to CPL § 245.20(1)(o), with respect to one or more of the above items, the People, in the exercise of reasonable diligence, have not yet decided whether to introduce such item or items, either at a pretrial hearing or during their case-in-chief at trial. Therefore, the People, as authorized by CPL § 245.20(1)(o), without motion, elect at this time to not designate whether they intend to introduce such item or items as exhibits, and will make such disclosure as soon as practicable and in accordance with the continuing duty to disclose.

16. **JUDGMENTS OF CONVICTION** [CPL § 245.20(1)(p)]

If checked, the People are disclosing, in an Addendum attached to this Notice, a record of judgments of conviction for defendants and persons now designated as potential prosecution witnesses pursuant to CPL § 245.20(1)(c) (civilian witnesses).

17. **PENDING CRIMINAL ACTIONS AGAINST POTENTIAL WITNESSES** [CPL § 245.20(1)(q)]

If checked, the People are disclosing, in an Addendum attached to this Notice, the existence of known pending criminal action against persons designated as potential prosecution witnesses pursuant to CPL § 245.20(1)(c) (civilian witnesses).

18. **CHARGED OFFENSE(S), SEIZURE, AND ARREST** [CPL § 245.20(1)(r)]

OFFENSE(S):

Approx. Date: 12/22/24

Approx. Time: 7:25am

Approx. Place: Stillwell Ave- Coney Island F train Station

SEIZURE:

Approx. Date: 12/22/24

Approx. Time: 3:30pm

Approx. Place: 34th St Herald Square F Train Station

ARREST:

Approx. Date: 12/23/24

Approx. Time: 1:30pm

Approx. Place: 60th Precinct

19. **VEHICLE AND TRAFFIC LAW** [CPL § 245.20(1)(s)]

If checked, because the defendant is charged with a violation of the Vehicle and Traffic Law, the People are disclosing, as identified on an Inventory attached to this Notice, records of calibration, certification, inspection, repair or maintenance of machines and instruments utilized to perform any scientific tests and experiments, including but not limited to a test of the person's breath, blood, urine or saliva, for the period of six months prior and six months after⁷ such test was conducted, including the records of gas chromatography related to the certification of all reference standards and the certification certificate, if any, held by the operator of the machine or instrument.

20. **COMPUTER CRIMES** [CPL § 245.20(1)(t)]

If checked, the People are alleging a violation of Penal Law § 156.05 (Unauthorized Use of a Computer) or Penal Law § 156.10 (Computer Trespass), and are providing the following information regarding the time, place, and manner of such violation:

Time:

Place:

Manner:

21. **ELECTRONICALLY CREATED OR STORED INFORMATION** [CPL § 245.20(1)(u)]

If, under New York State or federal law, it would be a crime to possess any portion of electronically stored information (e.g., child pornography), the People will not produce any such portion, but rather will make such portion available to the defense for inspection at a mutually convenient time and at a mutually convenient supervised location, such as a prosecutor's office, police station, or court.

Defendant's electronic information. If checked, the People are disclosing, as identified on an Inventory attached to this Notice, a copy of the following electronically created or stored information seized or obtained by or on behalf of law enforcement if it originates from a device, account, or other electronically stored source that the prosecution believes the defendant owned, maintained, or had lawful access to and that is within the possession, custody or control of the prosecution or persons under the prosecution's direction or control.

Counsel may obtain a copy of the complete image of any electronically created or stored information originating from a source owned, maintained, or accessed by the defendant that is in

⁷ Pursuant to CPL § 245.20(1)(s), if any records in this category are not yet created, the People will disclose these records as soon as practicable and in any event, no later than the earlier of 15 days following receipt, or 15 days before the first scheduled trial date.

the People's possession by providing a suitable hard drive to the assigned ADA and allowing a reasonable time for the image to be copied to that hard drive.

Other electronic information. If checked, the People are disclosing, as identified on an Inventory attached to this Notice, a copy of electronically created or stored information seized or obtained by or on behalf of law enforcement from a source other than the defendant which relates to the subject matter of the case.

Time Extension: If checked, in the exercise of reasonable diligence, the information specified in CPL § 245.20(1)(u) is not available for disclosure within the time period specified in CPL § 245.10(1). Therefore, the People, as authorized by CPL § 245.20(1)(u), without motion, elect to stay the time period for disclosure, except that disclosure shall be made as soon as practicable and not later than 45 calendar days before the first scheduled trial date, unless a protective order is obtained.

22. **OTHER**

If checked, the People are disclosing, , attached to this Notice, items and materials that relate to the subject matter of the case and are in the possession, custody, or control of the prosecution or persons under the prosecution's direction or control, and which do not fall into one of the 21 categories above.

D. **SUPPLEMENTAL DISCOVERY** [CPL §§245.10(1)(b) and 245.20(3)]

Sandoval: If checked, the People provide notice that the People intend to use all information concerning the defendant's misconduct and criminal acts found within the defendant's New York State and eJustice record, including, but not limited to, any aliases, false dates of birth, arrests, convictions, sentences, and the facts related thereto, for the purposes of impeaching the credibility of the defendant should this case proceed to trial. The People reserve their right to disclose additional misconduct and criminal acts not listed here no later than 15 days before trial in accordance with their obligations pursuant to CPL § 245.10(1)(b).

Molineux: If checked, the People intend to use the following misconduct and criminal acts of the defendant not charged in the instant case as substantive proof of a material issue at trial. The People reserve their right to disclose additional misconduct and criminal acts not listed here in accordance with their obligations pursuant to CPL § 245.10(1)(b).

Molineux: If checked, the People will provide information regarding misconduct and criminal acts of the defendant not charged in the instant case as substantive proof of a material issue at trial no later than 15 calendar days before trial.

NOTE: Any defense motion or request with respect to the above-captioned case should be directed to the attention of the assigned Assistant District Attorney, named below.

DATED: Brooklyn, New York
January 6, 2025

Respectfully submitted,

Eric Gonzalez
Kings County District Attorney
350 Jay Street
Brooklyn, New York 11201

Matthew Perry

Matthew Perry
Assistant District Attorney
(718) 250-3720
perrym@brooklynda.org