



THE PEOPLE OF THE STATE OF NEW YORK,

- against -

**ANSWER TO
BILL OF PARTICULARS**

**NAUMAN HUSSAIN a/k/a SHAWN HUSSAIN
a/k/a ARSLAN HUSSAIN,
DOB: 01/09/1990**

Indictment No. 2019-33

Defendant.

SUSAN J. MALLERY, ESQ., District Attorney for Schoharie County, for an Answer to defendant's Request for Bill of Particulars, pursuant to CPL 200.95, affirms under penalty of perjury:

As a preliminary matter, the People note the purpose of a bill of particulars is to provide a defendant with notice of the charges against the defendant. The prosecution is not required to provide every item of evidence it intends to use at trial or the prosecutor's theory of the case.

**AS TO COUNTS ONE THROUGH TWENTY OF THE INDICTMENT:
MANSLAUGHTER IN THE SECOND DEGREE UNDER PENAL LAW § 125.15(1)**

1. Regarding Bill of Particulars paragraph numbers 1, 11, 21, 31, 41, 51, 61, 71, 81, 91, 101, 111, 121, 131, 141, 151, 161, 171, 181 and 191, the defendant's acts and omissions between July 22, 2016 and October 6, 2018 were reckless and caused the deaths of Savannah Devonne Bursese, Rachael K. Cavosie, Matthew William Coons, Patrick K. Cushing, Mary E. Dyson, Robert J. Dyson, Amanda D. Halse, Brian Gregory Hough, Abigail M. Jackson, Adam Jackson, Allison A. King, Scott T. Lisinicchia, Erin R. McGowan, Shane McGowan, Amanda Rose Rivenburg, James Joseph Schnurr, Amy I. Steenburg, Axel J. Steenburg, Richard M. Steenburg, Jr. and Michael Christopher Ukaj on October 6, 2018, in the County of Schoharie, State of New York when, among other acts and omissions, he arranged for the seventeen year old 2001 Ford Excursion Stretch Limousine (owned by

Shahed Hussain and doing business as Prestige Limousine Chauffeur Service d/b/a Prestige Limousine and Chauffeur Service and sharing a DOT number with HASY Limousine and Saratoga Luxury Limousine) to transport 17 passengers and a driver, Scott T. Lisinicchia. The 2001 Ford Excursion Stretch Limousine was in poor condition (see the report of Brian Chase for some of the problems with the vehicle). Third parties had told the defendant the repairs he made were temporary and/or inadequate and the limousine required further repairs; and/or individuals over a period of time, refused to drive the 2001 Ford Excursion Stretch Limousine because of its condition. The defendant repeatedly failed to properly maintain the vehicle. The defendant received multiple notices of violations from the NYS Department of Transportation and NYS Police and continued to cause passengers to be transported in the said limousine. The defendant was told by third parties that he had to comply with DOT regulations to maintain the vehicle in sufficient repair to operate as a commercial motor vehicle. The defendant attempted to sell the limousine before the crash. The defendant was aware of passenger complaints regarding the condition of the 2001 Ford Excursion stretch limousine and at times refunded fares to customers. The Defendant placed the 2001 Ford Excursion Limousine in service on October 6, 2018. The Defendant billed the American Express credit card of Amy L. King/Axel J. Steenburg under the HASY Limousine business and advertised under the name of Saratoga Luxury Limousine and other names. Further, Defendant was reckless when he hired a driver who did not have authority to drive a 16 passenger vehicle/limousine and who lacked a P endorsement. The driver, Scott T. Lisinicchia had not been drug tested and/or who had been placed out of service by the New York State Police and/or New York State Department of Transportation. Defendant was told Scott T. Lisinicchia could not drive the 2001 limousine

until Scott T. Lisinicchia obtained a P endorsement. Further, the defendant used a driver who was not listed under the limousine's insurance policy.

2. Regarding Bill of Particulars paragraph numbers 2, 12, 22, 32, 42, 52, 62, 72, 82, 92, 102, 112, 122, 132, 142, 152, 162, 172, 182 and 192, the result of defendant's reckless conduct occurred on October 6, 2018 in the vicinity of the Apple Barrel Restaurant and Gift Shop, 115 State Route 30A, Schoharie, New York. The exact location of the Defendant when he contracted with Axle Steenberg and Amy King/ Steenberg and telephoned and texted Scott T. Lisinicchia and provided the 2001 Ford Excursion Stretch Limousine is not known. Further, see People's paragraphs 1 and 2 and discovery material.
3. Regarding Bill of Particulars paragraph numbers 3, 13, 23, 33, 43, 53, 63, 73, 83, 93, 103, 113, 123, 133, 143, 153, 163, 173, 183 and 193, the People have provided videos and pictures in the People's possession in People's Answers to Discovery. See paragraphs 1 and 2 and information provided in discovery.
4. Regarding Bill of Particulars paragraph numbers 4, 14, 24, 34, 44, 54, 64, 74, 84, 94, 104, 114, 124, 134, 144, 154, 164, 174, 184 and 194; paragraphs 5, 15, 25, 35, 45, 55, 65, 75, 85, 95, 105, 115, 125, 135, 145, 155, 165, 175, 185 and 195; and paragraphs 6, 16, 26, 36, 46, 56, 66, 76, 86, 96, 106, 116, 126, 136, 146, 156, 166, 176, 186 and 196, said questions are beyond the scope of a bill of particulars. The sole function of a bill of particulars in a criminal case is to clarify the indictment should it need to be clarified. It is not a discovery device (People v. Davis, 41 NY2d 678, 679-680; People v. Earel, 220 A.D. 2d 899), 632 N.Y.S. 2d 689 (3d Dept. 1995), order aff'd 89 N.Y. 2d 960, 655 N.Y.S. 2d 859 (1997). It is not intended to furnish the defendant with a preview of the prosecution proof (People v. Raymond G., 54 A.D.2d 596) (3d Dept. 1976). Where the indictment along with the

discovery material provides defendant with adequate notice of the charges against him, the prosecution is not required to include evidentiary material in the bill of particulars (People v. Kyoung Ja Choi, 259 A.D.2d 423). See paragraphs 1 and 2 and information provided in discovery.

5. Regarding Bill of Particulars paragraph numbers 7, 17, 27, 37, 47, 57, 67, 77, 87, 97, 107, 117, 127, 137, 147, 157, 167, 177, 187 and 197, the defendant acted as both the principal and accomplice. There is no distinction between liability as a principal and criminal culpability as an accessory. The status for which defendant may be convicted has no bearing upon the theory of prosecution. Therefore, the indictment need not be particularized in this regard (People v. Duncan, 46 NY2s 74, 79-80; People v. Sanchez, 278 AD2d 889; People v. Gigante, 212 A.D.2d 1049).
6. Regarding Bill of Particulars paragraph numbers 8, 18, 28, 38, 48, 58, 68, 78, 88, 98, 108, 118, 128, 138, 148, 158, 168, 178, 188 and 198, the narrative of defendant's conduct and the acts, words, or conduct of any other accomplice, co-defendant, co-conspirator or witness who was present at or participated in the sequence of events, said questions are beyond the scope of a bill of particulars. The sole function of a bill of particulars in a criminal case is to clarify the indictment should it need to be clarified. It is not a discovery device (People v. Davis, 41 NY2d 678, 679-680; People v. Earel, 220 A.D. 2d 899), 632 N.Y.S. 2d 689 (3d Dept .1995), order aff'd 89 N.Y. 2d 960, 655 N.Y.S. 2d 859 (1997). It is not intended to furnish the defendant with a preview of the prosecution proof (People v. Raymond G., 54 A.D.2d 596) (3d Dept. 1976). Where the indictment along with the discovery material provides defendant with adequate notice of the charges against him, the prosecution is not required to include evidentiary material in the bill of particulars (People

v. Kyoung Ja Choi, 259 A.D.2d 423). See paragraphs 1 and 2 and information provided in discovery.

7. Regarding Bill of Particulars paragraph numbers 9, 19, 29, 39, 49, 59, 69, 79, 89, 99, 109, 119, 129, 139, 149, 159, 169, 179, 189 and 199, said questions are beyond the scope of a bill of particulars. The sole function of a bill of particulars in a criminal case is to clarify the indictment should it need to be clarified. It is not a discovery device (People v. Davis, 41 NY2d 678, 679-680; People v. Earel, 220 A.D. 2d 899), 632 N.Y.S. 2d 689 (3d Dept .1995), order aff'd 89 N.Y. 2d 960, 655 N.Y.S. 2d 859 (1997). It is not intended to furnish the defendant with a preview of the prosecution proof (People v. Raymond G., 54 A.D.2d 596) (3d Dept. 1976). Where the indictment along with the discovery material provides defendant with adequate notice of the charges against him, the prosecution is not required to include evidentiary material in the bill of particulars (People v. Kyoung Ja Choi, 259 A.D.2d 423). See paragraphs 1 and 2 and information provided in discovery.
8. Regarding Bill of Particulars paragraph numbers 10, 20, 30, 40, 50, 60, 70, 80, 90, 100, 110, 120, 130, 140, 150, 160, 170, 180, 190 and 200, the acts and words of the defendant are set forth in the People's 710.30 Notices, and discovery. On or about October 6, 2018, the defendant caused the deaths of Savannah Devonne Bursese, Rachael K. Cavosie, Matthew William Coons, Patrick K. Cushing, Mary E. Dyson, Robert J. Dyson, Amanda D. Halse, Brian Gregory Hough, Abigail M. Jackson, Adam Jackson, Allison A. King, Scott T. Lisinicchia, Erin R. McGowan, Shane McGowan, Amanda Rose Rivenburg, James Joseph Schnurr, Amy L. Steenburg, Axel J. Steenburg, Richard M. Steenburg, Jr. and Michael Christopher Ukaj when defendant recklessly provided limousine services with the

2001 Ford Excursion Stretch Limousine and driver, Scott T. Lisinicchia. See paragraphs 1 and 2 and information provided in discovery.

9. Regarding Bill of Particulars paragraph numbers 10a, 20a, 30a, 40a, 50a, 60a, 70a, 80a, 90a, 100a, 110a, 120a, 130a, 140a, 150a, 160a, 170a, 180a, 190a and 200a; and paragraph numbers 10b, 20b, 30b, 40b, 50b, 60b, 70b, 80b, 90b, 100b, 110b, 120b, 130b, 140b, 150b, 160b, 170b, 180b, 190b and 200b, said questions are vague, overbroad and beyond the scope of a bill of particulars. The sole function of a bill of particulars in a criminal case is to clarify the indictment should it need to be clarified. It is not a discovery device (People v. Davis, 41 NY2d 678, 679-680; People v. Earel, 220 A.D. 2d 899), 632 N.Y.S. 2d 689 (3d Dept. 1995), order aff'd 89 N.Y. 2d 960, 655 N.Y.S. 2d 859 (1997). It is not intended to furnish the defendant with a preview of the prosecution proof (People v. Raymond G., 54 A.D.2d 596) (3d Dept. 1976). Where the indictment along with the discovery material provides defendant with adequate notice of the charges against him, the prosecution is not required to include evidentiary material in the bill of particulars (People v. Kyoung Ja Choi, 259 A.D.2d 423). See paragraphs 1 and 2 and information provided in discovery.
10. Regarding Bill of Particulars paragraph numbers 10c, 20c, 30c, 40c, 50c, 60c, 70c, 80c, 90c, 100c, 110c, 120c, 130c, 140c, 150c, 160c, 170c, 180c, 190c and 200c, the defendant caused the deaths of Savannah Devonne Bursese, Rachael K. Cavosie, Matthew William Coons, Patrick K. Cushing, Mary E. Dyson, Robert J. Dyson, Amanda D. Halse, Brian Gregory Hough, Abigail M. Jackson, Adam Jackson, Allison A. King, Scott T. Lisinicchia, Erin R. McGowan, Shane McGowan, Amanda Rose Rivenburg, James Joseph Schnurr, Amy L. Steenburg, Axel J. Steenburg, Richard M. Steenburg, Jr. and Michael Christopher

Ukaj. Please see death certificates provided in discovery. Further, the Autopsy Reports are available by appointment.

11. Regarding Bill of Particulars paragraph numbers 10d, 20d, 30d, 40d, 50d, 60d, 70d, 80d, 90d, 100d, 110d, 120d, 130d, 140d, 150d, 160d, 170d, 180d, 190d and 200d, the list of witnesses, names, addresses and dates of birth is beyond the scope of a bill of particulars. The People shall provide required information at the appropriate time pursuant to Criminal Procedure Law Section 240.45.
12. Regarding Bill of Particulars paragraph numbers 10e, 20e, 30e, 40e, 50e, 60e, 70e, 80e, 90e, 100e, 110e, 120e, 130e, 140e, 150e, 160e, 170e, 180e, 190e and 200e; and paragraph numbers 10f, 20f, 30f, 40f, 50f, 60f, 70f, 80f, 90f, 100f, 110f, 120f, 130f, 140f, 150f, 160f, 170f, 180f, 190f and 200f, said questions are vague, overbroad and beyond the scope of a bill of particulars. The sole function of a bill of particulars in a criminal case is to clarify the indictment should it need to be clarified. It is not a discovery device (People v. Davis, 41 NY2d 678, 679-680; People v. Earel, 220 A.D. 2d 899, 632 N.Y.S. 2d 689 (3d Dept .1995), order aff'd 89 N.Y. 2d 960, 655 N.Y.S. 2d 859 (1997). It is not intended to furnish the defendant with a preview of the prosecution proof (People v. Raymond G., 54 A.D.2d 596) (3d Dept. 1976). Where the indictment along with the discovery material provides defendant with adequate notice of the charges against him, the prosecution is not required to include evidentiary material in the bill of particulars (People v. Kyoung Ja Choi, 259 A.D.2d 423). See paragraphs 1 and 2 and information provided in discovery.
13. Regarding Bill of Particulars paragraph numbers 10g, 20g, 30g, 40g, 50g, 60g, 70g, 80g, 90g, 100g, 110g, 120g, 130g, 140g, 150g, 160g, 170g, 180g, 190g and 200g requesting specific date, time and location of defendant's arrest. See answers to discovery. The

defendant was arrested on or about October 10, 2018 at approximately 11:12 a.m. in the vicinity of Interstate 787, Watervliet, New York.

14. Regarding Bill of Particulars paragraph numbers 10h, 20h, 30h, 40h, 50h, 60h, 70h, 80h, 90h, 100h, 110h, 120h, 130h, 140h, 150h, 160h, 170h, 180h, 190h and 200h, said questions are beyond the scope of a bill of particulars. The sole function of a bill of particulars in a criminal case is to clarify the indictment should it need to be clarified. It is not a discovery device (People v. Davis, 41 NY2d 678, 679-680; People v. Earel, 220 A.D. 2d 899), 632 N.Y.S. 2d 689 (3d Dept .1995), order aff'd 89 N.Y. 2d 960, 655 N.Y.S. 2d 859 (1997). It is not intended to furnish the defendant with a preview of the prosecution proof (People v. Raymond G., 54 A.D.2d 596) (3d Dept. 1976). Where the indictment along with the discovery material provides defendant with adequate notice of the charges against him, the prosecution is not required to include evidentiary material in the bill of particulars (People v. Kyoung Ja Choi, 259 A.D.2d 423). See paragraphs 1 and 2 and information provided in discovery.
15. Regarding Bill of Particulars paragraph numbers 10i, 20i, 30i, 40i, 50i, 60i, 70i, 80i, 90i, 100i, 110i, 120i, 130i, 140i, 150i, 160i, 170i, 180i, 190i and 200i, said questions are beyond the scope of a bill of particulars. The sole function of a bill of particulars in a criminal case is to clarify the indictment should it need to be clarified. It is not a discovery device (People v. Davis, 41 NY2d 678, 679-680; People v. Earel, 220 A.D. 2d 899), 632 N.Y.S. 2d 689 (3d Dept .1995), order aff'd 89 N.Y. 2d 960, 655 N.Y.S. 2d 859 (1997). It is not intended to furnish the defendant with a preview of the prosecution proof (People v. Raymond G., 54 A.D.2d 596) (3d Dept. 1976). Where the indictment along with the discovery material provides defendant with adequate notice of the charges against him, the prosecution is not

required to include evidentiary material in the bill of particulars (People v. Kyoung Ja Choi, 259 A.D.2d 423). See paragraphs 1 and 2. See the People's Answer to Discovery. Copies of recordings in our possession have been provided in the Answers to Discovery. Further, see People's Criminal Procedure Law Section 710.30 Notice and attachments.

**AS TO COUNTS TWENTY-ONE THROUGH FORTY OF THE INDICTMENT:
CRIMINALLY NEGLIGENT HOMICIDE UNDER PENAL LAW § 125.10**

16. Regarding Bill of Particulars paragraph numbers 201, 211, 221, 231, 241, 251, 261, 271, 281, 291, 301, 311, 321, 331, 341, 351, 361, 371, 381 and 391, the defendant's acts and omissions between July 22, 2016 and October 6, 2018, were criminally negligent and caused the deaths of Savannah Devonne Bursese, Rachael K. Cavosie, Matthew William Coons, Patrick K. Cushing, Mary E. Dyson, Robert J. Dyson, Amanda D. Halse, Brian Gregory Hough, Abigail M. Jackson, Adam Jackson, Allison A. King, Scott T. Lisinicchia, Erin R. McGowan, Shane McGowan, Amanda Rose Rivenburg, James Joseph Schnurr, Amy L. Steenburg, Axel J. Steenburg, Richard M. Steenburg, Jr. and Michael Christopher Ukaj on October 6, 2018, in the County of Schoharie, State of New York when, among other acts and omissions, he arranged for the seventeen year old 2001 Ford Excursion Stretch Limousine (owned by Shahed Hussain and doing business as Prestige Limousine Chauffeur Service d/b/a Prestige Limousine and Chauffeur Service and sharing a DOT number with HASY Limousine and Saratoga Luxury Limousine) to transport 17 passengers and a driver, Scott T. Lisinicchia. The 2001 Ford Excursion Stretch Limousine was in poor condition (see the report of Brian Chase for some of the problems with the vehicle). Third parties had told the defendant the repairs he made were temporary and/or inadequate and the limousine required further repairs; and/or individuals over a period of time, refused to drive the 2001 Ford Excursion Stretch Limousine because of its condition.

The defendant repeatedly failed to properly maintain the vehicle. The defendant received multiple notices of violations from the NYS Department of Transportation and NYS Police and continued to cause passengers to be transported in the said limousine. The defendant was told by third parties that he had to comply with DOT regulations to maintain the vehicle in sufficient repair to operate as a commercial motor vehicle. The defendant attempted to sell the limousine before the crash. The defendant was aware of passenger complaints regarding the condition of the 2001 Ford Excursion Stretch Limousine and at times refunded fares to customers. With criminal negligence, the Defendant provided the 2001 Ford Excursion Stretch Limousine on October 6, 2018. The Defendant billed the American Express credit card of Amy L. King/Axel J. Steenburg under the HASY Limousine business and advertised under the name of Saratoga Luxury Limousine and other names. Further, Defendant, with criminal negligence risked the deaths of the passengers and others by hiring a driver who did not have authority to drive a 16 passenger vehicle/limousine and who lacked a P endorsement. The driver, Scott T. Lisinicchia had not been drug tested and/or who had been placed out of service by the New York State Police and/or New York State Department of Transportation. Defendant was told Scott T. Lisinicchia could not drive the 2001 Ford Excursion Stretch Limousine until Scott T. Lisinicchia obtained a P endorsement. Further, the defendant used a driver who was not listed under the limousine's insurance policy.

17. Regarding Bill of Particulars paragraph numbers 202, 212, 222, 232, 242, 252, 262, 272, 282, 292, 302, 312, 322, 332, 342, 352, 362, 372, 382 and 392, the result of defendant's criminally negligent conduct occurred on October 6, 2018 in the vicinity of the Apple Barrel Restaurant and Gift Shop, 115 State Route 30A, Schoharie, New York. The exact

location of the Defendant when he contracted with Axle Steenberg and Amy King/ Steenberg and telephoned and texted Scott T. Lisinicchia and provided the 2001 Ford Excursion Stretch Limousine is not known. Further, see People's paragraphs 1 and 2 and discovery material.

18. Regarding Bill of Particulars paragraph numbers 203, 213, 223, 233, 243, 253, 263, 273, 283, 293, 203, 213, 223, 233, 243, 253, 263, 273, 283 and 393, the People have provided videos and pictures in the People's possession in People's Answers to Discovery. See paragraphs 16 and 17 and information provided in discovery.
19. Regarding Bill of Particulars paragraph numbers 204, 214, 224, 234, 244, 254, 264, 274, 284, 294, 304, 314, 324, 334, 344, 354, 364, 374, 384 and 394; paragraphs 205, 215, 225, 235, 245, 255, 265, 275, 285, 295, 305, 315, 325, 335, 345, 355, 365, 375, 385 and 395; and paragraphs 206, 216, 226, 236, 246, 256, 266, 276, 286, 296, 306, 316, 326, 336, 346, 356, 366, 376, 386 and 396, said questions are beyond the scope of a bill of particulars. The sole function of a bill of particulars in a criminal case is to clarify the indictment should it need to be clarified. It is not a discovery device (People v. Davis, 41 NY2d 678, 679-680; People v. Earcl, 220 A.D. 2d 899), 632 N.Y.S. 2d 689 (3d Dept .1995), order aff'd 89 N.Y. 2d 960, 655 N.Y.S. 2d 859 (1997). It is not intended to furnish the defendant with a preview of the prosecution proof (People v. Raymond G., 54 A.D.2d 596) (3d Dept. 1976). Where the indictment along with the discovery material provides defendant with adequate notice of the charges against him, the prosecution is not required to include evidentiary material in the bill of particulars (People v. Kyoung Ja Choi, 259 A.D.2d 423). See paragraphs 16 and 17 and information provided in discovery.

20. Regarding Bill of Particulars paragraph numbers 207, 217, 227, 237, 247, 257, 267, 277, 287, 297, 307, 317, 327, 337, 347, 357, 367, 377, 387 and 397, the defendant acted as both the principal and accomplice. There is no distinction between liability as a principal and criminal culpability as an accessory. The status for which defendant may be convicted has no bearing upon the theory of prosecution. Therefore, the indictment need not be particularized in this regard (People v. Duncan, 46 NY2s 74, 79-80; People v. Sanchez, 278 AD2d 889; People v. Gigante, 212 A.D.2d 1049).
21. Regarding Bill of Particulars paragraph numbers 208, 218, 228, 238, 248, 258, 268, 278, 288, 298, 308, 318, 328, 338, 348, 358, 368, 378, 388 and 398, the narrative of defendant's conduct and the acts, words, or conduct of any other accomplice, co-defendant, co-conspirator or witness who was present at or participated in the sequence of events, said questions are beyond the scope of a bill of particulars. The sole function of a bill of particulars in a criminal case is to clarify the indictment should it need to be clarified. It is not a discovery device (People v. Davis, 41 NY2d 678, 679-680; People v. Earel, 220 A.D. 2d 899), 632 N.Y.S. 2d 689 (3d Dept. 1995), order aff'd 89 N.Y. 2d 960, 655 N.Y.S. 2d 859 (1997). It is not intended to furnish the defendant with a preview of the prosecution proof (People v. Raymond G., 54 A.D.2d 596) (3d Dept. 1976). Where the indictment along with the discovery material provides defendant with adequate notice of the charges against him, the prosecution is not required to include evidentiary material in the bill of particulars (People v. Kyoung Ja Choi, 259 A.D.2d 423). See paragraphs 16 and 17 and information provided in discovery.
22. Regarding Bill of Particulars paragraph numbers 209, 219, 229, 239, 249, 259, 269, 279, 289, 299, 309, 319, 329, 339, 349, 359, 369, 379, 389 and 399, said questions are beyond

the scope of a bill of particulars. The sole function of a bill of particulars in a criminal case is to clarify the indictment should it need to be clarified. It is not a discovery device (People v. Davis, 41 NY2d 678, 679-680; People v. Earel, 220 A.D. 2d 899, 632 N.Y.S. 2d 689 (3d Dept. 1995), order aff'd 89 N.Y. 2d 960, 655 N.Y.S. 2d 859 (1997)). It is not intended to furnish the defendant with a preview of the prosecution proof (People v. Raymond G., 54 A.D.2d 596) (3d Dept. 1976). Where the indictment along with the discovery material provides defendant with adequate notice of the charges against him, the prosecution is not required to include evidentiary material in the bill of particulars (People v. Kyoung Ja Choi, 259 A.D.2d 423). See paragraphs 16 and 17 and information provided in discovery.

23. Regarding Bill of Particulars paragraph numbers 210, 220, 230, 240, 250, 260, 270, 280, 290, 300, 310, 320, 330, 340, 350, 360, 370, 380, 390 and 400, the acts and words of the defendant are set forth in the People's 710.30 Notices, and discovery. On or about October 6, 2018, the defendant caused the deaths of Savannah Devonne Bursese, Rachael K. Cavosie, Matthew William Coons, Patrick K. Cushing, Mary E. Dyson, Robert J. Dyson, Amanda D. Halse, Brian Gregory Hough, Abigail M. Jackson, Adam Jackson, Allison A. King, Scott T. Lisinicchia, Erin R. McGowan, Shane McGowan, Amanda Rose Rivenburg, James Joseph Schnurr, Amy L. Steenburg, Axel J. Steenburg, Richard M. Steenburg, Jr. and Michael Christopher Ukaj, with criminal negligence, when defendant provided the 2001 Ford Excursion Stretch Limousine and driver, Scott T. Lisinicchia. See paragraphs 16 and 17 and information provided in discovery.

24. Regarding Bill of Particulars paragraph numbers 210a, 220a, 230a, 240a, 250a, 260a, 270a, 280a, 290a, 300a, 310a, 320a, 330a, 340a, 350a, 360a, 370a, 380a, 390a and 400a; and paragraph numbers 210b, 220b, 230b, 240b, 250b, 260b, 270b, 280b, 290b, 300b, 310b,

320b, 330b, 340b, 350b, 360b, 370b, 380b, 390b and 400b, said questions are vague, overbroad and beyond the scope of a bill of particulars. The sole function of a bill of particulars in a criminal case is to clarify the indictment should it need to be clarified. It is not a discovery device (People v. Davis, 41 NY2d 678, 679-680; People v. Earel, 220 A.D. 2d 899), 632 N.Y.S. 2d 689 (3d Dept. 1995), order aff'd 89 N.Y. 2d 960, 655 N.Y.S. 2d 859 (1997). It is not intended to furnish the defendant with a preview of the prosecution proof (People v. Raymond G., 54 A.D.2d 596) (3d Dept. 1976). Where the indictment along with the discovery material provides defendant with adequate notice of the charges against him, the prosecution is not required to include evidentiary material in the bill of particulars (People v. Kyoung Ja Choi, 259 A.D.2d 423). See paragraphs 16 and 17 and information provided in discovery.

25. Regarding Bill of Particulars paragraph numbers 210c, 220c, 230c, 240c, 250c, 260c, 270c, 280c, 290c, 300c, 310c, 320c, 330c, 340c, 350c, 360c, 370c, 380c, 390c and 400c, the defendant caused the deaths of Savannah Devonne Bursese, Rachael K. Cavosie, Matthew William Coons, Patrick K. Cushing, Mary E. Dyson, Robert J. Dyson, Amanda D. Halse, Brian Gregory Hough, Abigail M. Jackson, Adam Jackson, Allison A. King, Scott T. Lisinicchia, Erin R. McGowan, Shane McGowan, Amanda Rose Rivenburg, James Joseph Schnurr, Amy L. Steenburg, Axel J. Steenburg, Richard M. Steenburg, Jr. and Michael Christopher Ukaj. Please see death certificates provided in discovery. Further, the Autopsy Reports are available by appointment.

26. Regarding Bill of Particulars paragraph numbers 210d, 220d, 230d, 240d, 250d, 260d, 270d, 280d, 290d, 300d, 310d, 320d, 330d, 340d, 350d, 360d, 370d, 380d, 390d and 400d, the list of witnesses, names, addresses and dates of birth is beyond the scope of a bill of

particulars. The People shall provide required information at the appropriate time pursuant to Criminal Procedure Law Section 240.45.

27. Regarding Bill of Particulars paragraph numbers 210e, 220e, 230e, 240e, 250e, 260e, 270e, 280e, 290e, 300e, 310e, 320e, 330e, 340e, 350e, 360e, 370e, 380e, 390e and 400e; and paragraph numbers 210f, 220f, 230f, 240f, 250f, 260f, 270f, 280f, 290f, 300f, 310f, 320f, 330f, 340f, 350f, 360f, 370f, 380f, 390f and 400f, said questions are vague, overbroad and beyond the scope of a bill of particulars. The sole function of a bill of particulars in a criminal case is to clarify the indictment should it need to be clarified. It is not a discovery device (People v. Davis, 41 NY2d 678, 679-680; People v. Earel, 220 A.D. 2d 899), 632 N.Y.S. 2d 689 (3d Dept. 1995), order aff'd 89 N.Y. 2d 960, 655 N.Y.S. 2d 859 (1997). It is not intended to furnish the defendant with a preview of the prosecution proof (People v. Raymond G., 54 A.D.2d 596) (3d Dept. 1976). Where the indictment along with the discovery material provides defendant with adequate notice of the charges against him, the prosecution is not required to include evidentiary material in the bill of particulars (People v. Kyoung Ja Choi, 259 A.D.2d 423). See paragraphs 16 and 17 and information provided in discovery.

28. Regarding Bill of Particulars paragraph numbers 210g, 220g, 230g, 240g, 250g, 260g, 270g, 280g, 290g, 300g, 310g, 320g, 330g, 340g, 350g, 360g, 370g, 380g, 390g and 400g, requesting specific date, time and location of defendant's arrest. See answers to discovery. The defendant was arrested on or about October 10, 2018 at approximately 11:12 a.m. in the vicinity of Interstate 787, Watervliet, New York.

29. Regarding Bill of Particulars paragraph numbers, 210h, 220h, 230h, 240h, 250h, 260h, 270h, 280h, 290h, 300h, 310h, 320h, 330h, 340h, 350h, 360h, 370h, 380h, 390h and 400h,

said questions are beyond the scope of a bill of particulars. The sole function of a bill of particulars in a criminal case is to clarify the indictment should it need to be clarified. It is not a discovery device (People v. Davis, 41 NY2d 678, 679-680; People v. Earel, 220 A.D. 2d 899), 632 N.Y.S. 2d 689 (3d Dept .1995), order aff'd 89 N.Y. 2d 960, 655 N.Y.S. 2d 859 (1997). It is not intended to furnish the defendant with a preview of the prosecution proof (People v. Raymond G., 54 A.D.2d 596) (3d Dept. 1976). Where the indictment along with the discovery material provides defendant with adequate notice of the charges against him, the prosecution is not required to include evidentiary material in the bill of particulars (People v. Kyoung Ja Choi, 259 A.D.2d 423). See paragraphs 16 and 17 and information provided in discovery.

30. Regarding Bill of Particulars paragraph numbers 210i, 220i, 230i, 240i, 250i, 260i, 270i, 280i, 290i, 300i, 310i, 320i, 330i, 340i, 350i, 360i, 370i, 380i, 390i and 400i, said questions are beyond the scope of a bill of particulars. The sole function of a bill of particulars in a criminal case is to clarify the indictment should it need to be clarified. It is not a discovery device (People v. Davis, 41 NY2d 678, 679-680; People v. Earel, 220 A.D. 2d 899), 632 N.Y.S. 2d 689 (3d Dept .1995), order aff'd 89 N.Y. 2d 960, 655 N.Y.S. 2d 859 (1997). It is not intended to furnish the defendant with a preview of the prosecution proof (People v. Raymond G., 54 A.D.2d 596) (3d Dept. 1976). Where the indictment along with the discovery material provides defendant with adequate notice of the charges against him, the prosecution is not required to include evidentiary material in the bill of particulars (People v. Kyoung Ja Choi, 259 A.D.2d 423). See paragraphs 16 and 17. See the People's Answer to Discovery. Copies of recordings in our possession have been provided in the Answers

to Discovery. Further, see People's Criminal Procedure Law Section 710.30 Notice and attachments.

31. The foregoing disclosure provides ample clarification of the indictment. It cannot be credibly claimed that the defense is ignorant of the substance of the accusations. The remaining matters sought are either beyond the scope of CPL 200.95 or are matters of evidence. Therefore, pursuant to CPL 200.95-4, further particularization of the indictment is refused.
32. To the extent, if any, that the above answers do not fully encompass each and every one of the Defendant's requests, the balance of any unanswered requests for particulars are refused pursuant to CPL 200.95(4) as not authorized to be included in a bill of particulars, or not necessary to enable the defendant to adequately prepare or conduct his defense under CPL 200.95.

Dated: May 8, 2019



SUSAN J. MALLERY, ESQ.
Schoharie County District Attorney