

SCHOHARIE COUNTY DISTRICT ATTORNEY

SUSAN J. MALLERY, ESQ.

P.O. BOX 888, Public Safety Facility

Schoharie, New York 12157

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RECEIVED

APR 23 2019

SCHOHARIE COUNTY COURTS

Michael L. Breen
Assistant District Attorney

Lora J. Tryon
Assistant District Attorney

April 23, 2019

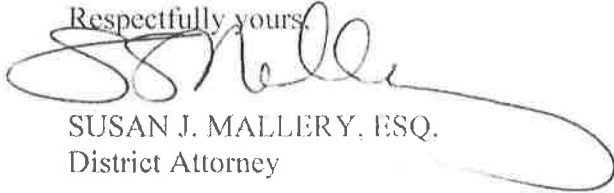
Hon. George R. Bartlett, III
Schoharie County Court
P.O. Box 669
Schoharie, New York 12157

RE: People v. Nauman Hussain

Dear Judge Bartlett:

Enclosed herewith please find 710.30 Notice Continuation, in regard to the above referenced matter, along with Affidavit of Personal Service upon defendant's counsel on April 22, 2019 and Affidavit of Service by Mail.

Respectfully yours,



SUSAN J. MALLERY, ESQ.
District Attorney

SJM/ct

Encl.

Cc: Lee Kindlon, Esq. (w/enc.)

STATE OF NEW YORK
COUNTY COURT

COUNTY OF SCHOHARIE

THE PEOPLE OF THE STATE OF NEW YORK,

- against -

AFFIDAVIT OF SERVICE
BY PERSONAL SERVICE

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


Defendant.

STATE OF NEW YORK)
)
COUNTY OF SCHOHARIE)

ss.:



Susan J. Mallery, being duly sworn, deposes and says: that I am over the age of 18 years; that on Monday, April 22, 2019 at approximately 2:40 p.m., I served 710.30 Notice Continuation by serving a copy of said document personally upon Lee Kindlon, Esq., attorney for the defendant, at the law office of Lee Kindlon, Esq. located at 52 James Street, Albany, New York 12207.


Susan J. Mallery

Sworn to before me
this 23 day of April, 2019


Notary Public

CAROLA TRIPSAS
Notary Public, State of New York
No. 01TR6123293
Qualified in Montgomery County
Commission Expires March 7, 2021

STATE OF NEW YORK
COUNTY COURT

COUNTY OF SCHOHARIE

THE PEOPLE OF THE STATE OF NEW YORK,

- against -

AFFIDAVIT OF SERVICE
BY MAIL

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


Defendant.



STATE OF NEW YORK)
)
COUNTY OF SCHOHARIE) ss.:

Carola Tripsas, being duly sworn, deposes and says: that I am over the age of 18 years; that I served 710.30 Notice Continuation upon Lee Kindlon, Esq., attorney for the defendant, 52 James Street, Albany, New York 12207, on April 23, 2019, by depositing a true and correct copy of the same at a Schoharie County postal facility at Schoharie, New York directed to the said attorney at said address mentioned above, that being the address within the State designated for the purpose upon the last papers served in this action of the place where the said attorney resided or kept offices, according to the best information which can be conveniently obtained.


Carola Tripsas

Sworn to before me
this 23 day of April, 2019

Notary Public

LYNAE K. QUIMBY
Notary Public, State of New York
Qualified in Otsego County
01QU6222966
Commission Expires June 1, 2022

RECEIVED

STATE OF NEW YORK
COUNTY OF SCHOHARIE

APR 23 2019

COUNTY COURT

SCHOHARIE COUNTY COURTS

THE PEOPLE OF THE STATE OF NEW YORK

-against-

710.30 NOTICE CONTINUATION

NAUMAN HUSSAIN a/k/a Shawn Hussain
a/k/a Arslan Hussain
DOB: 01/09/1990

Defendant.

PLEASE TAKE NOTICE that this matter will be brought to trial at a term of the County Court in the County of Schoharie at a time and date to be set by the Court. **THE PEOPLE ARE READY FOR TRIAL.**

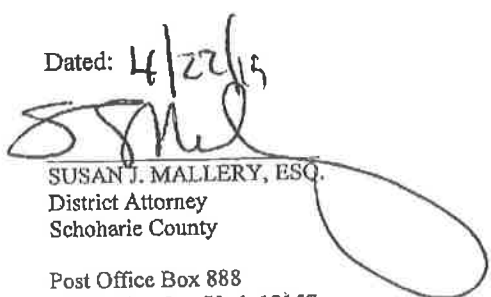
PLEASE TAKE FURTHER NOTICE, that upon a trial of this action the People intend to offer further evidence of:

- (X) An oral statement made to a public servant (X) 710.30 Notices of: Chad Smith;
David Roy;
Michael Burns;
Erika Hock

PLEASE TAKE FURTHER NOTICE, that, pursuant to CPL Section 240.30, the People hereby demand that within fifteen days of the date of service of this demand, you disclose and make available to the District Attorney of Schoharie County for inspection, photographing, copying or testing: (a) any written report or document, or portion thereof, concerning a physical or mental examination, or scientific test, experiment, or comparisons, made by or at the request or direction of the defendant, if the defendant intends to introduce the same at the trial of this action, or if the defendant has filed a notice of intent to proffer psychiatric evidence and such report or document relates thereto, or if the same was made by a person, other than the defendant, whom the defendant intends to call as a witness at trial; and (b) any photograph, drawing, tape, or other electronic recording which the defendant intends to introduce at trial.

PLEASE TAKE FURTHER NOTICE, that the People recognize and will fully comply with their obligation of continuing discovery by the defendant of exculpatory matter which may subsequently come to the attention of and control of the People.

Dated: 4/22/19


SUSAN J. MALLERY, ESQ.
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Schoharie County

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STATE OF NEW YORK

COUNTY OF SCHOHARIE

LOCAL CRIMINAL COURT

TOWN _____ OF SCHOHARIE

THE PEOPLE OF THE STATE OF NEW YORK

-VS-

Nauman A. Hussain (01/09/90)

Defendant

PLEASE TAKE NOTICE, pursuant to section 710.30 of the Criminal Procedure Law, that during the trial of the above named matter, the People intend to offer evidence of statements made by the defendant to public servant, TO WIT:

A conversation took place over the phone on 10/06/18 at approximately 3:54pm with Nauman Hussain who answered the phone [REDACTED] listed through an internet search through Google.com and associated with the business Prestige Limousine.

"Q" is designated for Question

"A" is designated for Answer

Q - Inv. Hock: Are you the owner of the limo company?

A - Nauman Hussain: My father has been out of the country for 6 months so I'm running the company while he is gone.

Q - Inv. Hock: So you are running the company?

A - Nauman Hussain: Yes

Q - Inv. Hock: One of your limos has been involved in an accident, do you know who the driver is and where they were going?

A - Nauman Hussain: His name is Scott. Is he ok? Is this a prank?

Q - Inv. Hock: How do you spell his name?

A - Nauman Hussain: Lisinicchia

Q - Inv. Hock: Do you know where they were going and who booked the trip?

A - Nauman Hussain: Let me look, hang on. It was Axel Steenburg, it was for 16-18 people, it was booked last minute over the phone at 9 this morning. They were getting picked up at 19 Pleasant St. in Amsterdam and going to a Brewery.

In a written instrument, any person who knowingly makes a false statement which such person does not believe to be true has committed a crime under the laws of the State of New York punishable as a Class A Misdemeanor.

NOTICE Affirmed under penalty of perjury
this 8 day of October, YR 2018

-OR-

Subscribed and Sworn to before me
this _____ day of _____, YR _____

Inv. [Signature] 478
COMPLAINANT

STATE OF NEW YORK

COUNTY OF SCHOHARIE

LOCAL CRIMINAL COURT

TOWN _____ OF SCHOHARIE

THE PEOPLE OF THE STATE OF NEW YORK

-VS-

Nauman A. Hussain (01/09/90)

Defendant

PLEASE TAKE NOTICE, pursuant to section 710.30 of the Criminal Procedure Law, that during the trial of the above named matter, the People intend to offer evidence of statements made by the defendant to public servant, TO WIT:

CONTINUATION:

Q- Inv. Hock: What time were they supposed to be picked up?

They booked the limo from 1 to 6. They were going to that Brewery and then the the guy was going to tell the driver where to stop after that. It was called Ommegang in Cooperstown.

Q - Inv. Hock: How did you contact the driver for the booking?

A - Nauman Hussain: I called him to see if he could do it, then everything else was through text.

In addition:

Statement by Nauman Hussain: Let me give you my direct cellphone number, call me on that instead. 

In a written instrument, any person who knowingly makes a false statement which such person does not believe to be true has committed a crime under the laws of the State of New York punishable as a Class A Misdemeanor.

NOTICE Affirmed under penalty of perjury
this 8 day of October, YR 2018

-OR-

Subscribed and Sworn to before me
this _____ day of _____, YR _____

IN. 
COMPLAINANT

STATE OF NEW YORK

COUNTY OF Schoharie

Local Criminal COURT

Town _____ OF Schoharie

THE PEOPLE OF THE STATE OF NEW YORK

-VS-

Nauman Hussain

Defendant

PLEASE TAKE NOTICE, pursuant to section 710.30 of the Criminal Procedure Law, that during the trial of the above named matter, the People intend to offer evidence of statements made by the defendant to public servant, TO WIT:

At approximately 941am on January 8th, 2018, I contacted the phone number [REDACTED]. The person who answered the phone identified the company as Saratoga Luxury Limo. I asked for "Shahed" and the person responded in the affirmative. The individual was then notified of the issuance of a Notice of Violation based upon the availability of a stretch Ford Excursion for use. I asked the individual if they had a 2001 Ford Limo and they responded, "Yes". "Shahed" also confirmed that the license plate 29056LV was the license plate for their vehicle. "Shahed" confirmed the address of the business as [REDACTED]. An appointment was made to conduct a terminal roadside inspection. "Shahed" identified the storage location of the vehicle as being in an area behind [REDACTED].

At or around 1130am on January 12th, 2018, [REDACTED]. After the greeting, I asked for "Shahed Hussain" and the person on the phone responded "Yes". The discussion then continued regarding the Ford Excursion not being available for inspection. I asked "Shahed" to confirm the vehicle's location and he stated that it was Mavis and described the address location. I asked the individual if there was any problem with me responding over and taking a look at it and the person responded, "No, you can look at the limo there."

On March 15th, 2018 I called [REDACTED]. After a greeting, I asked for "Shahed Hussain" and the person on the phone responded "Yes". The discussion then continued regarding scheduling a terminal roadside inspection. I confirmed with the individual the location of the vehicle being behind [REDACTED] Saratoga Springs, NY.

On March 21st, 2018 around noon, in the area of [REDACTED] Saratoga Springs, I met an individual at that location and asked the individual, "Shahed Hussain?". The individual responded in the affirmative. We then interacted and continued a discussion regarding a terminal roadside inspection, related findings and educational materials. The individual stated that they were interested in bringing the vehicle into compliance and bringing the vehicle up to speed. Reviewing the results of the inspections I had just performed, I asked

PAGE 1 of 2

In a written instrument, any person who knowingly makes a false statement which such person does not believe to be true has committed a crime under the laws of the State of New York punishable as a Class A Misdemeanor.

NOTICE Affirmed under penalty of perjury
this 19th day of April, YR 2019
-OR-

Subscribed and Sworn to before me
this _____ day of _____, YR _____

U. A. [Signature]
COMPLAINANT

STATE OF NEW YORK

COUNTY OF Schoharie

Local Criminal COURT

Town _____ OF Schoharie

THE PEOPLE OF THE STATE OF NEW YORK

-VS-

Nauman Hussain

Defendant

PLEASE TAKE NOTICE, pursuant to section 710.30 of the Criminal Procedure Law, that during the trial of the above named matter, the People intend to offer evidence of statements made by the defendant to public servant, TO WIT:

the individual about the plate being wrong on one of the vehicles. The individual stated that he had a couple of tan limos and replied, "I must've put the wrong plates on the wrong vehicle."

On August 2nd I called [redacted]. After greeting, I asked for "Shahed Hussain" and the person on the phone responded "Yes". The discussion then continued regarding compliance, an outstanding notice of violation and related education materials.

On or about August 27th, 2018, [redacted] and asked to speak to "Shahed Hussain". The person on the phone responded "Yes". The conversation then continued about a Ford Excursion being found in violation and arrangements were made for a terminal roadside inspection. The individual confirmed the vehicle storage area as behind 68 Weibel Ave. Saratoga Springs.

On Sept 4th, 2018, around 10am I met with an individual in the area of [redacted] Saratoga Springs. I asked the individual, "Shahed Hussain?". The individual responded, "Yes". I asked him, "Who is Nauman Hussain?". The individual responded, "It is me." I asked him "Who is Shahed Hussain, then?" The individual responded, "He is my father." I asked him for further clarification for the legal business name and he told me Prestige Limousine. I asked if it was a DBA and he stated it was under Shahed Hussain. He stated it was a sole proprietorship. I asked if he had authority to act for Shahed Hussain and he stated that he did. I then had further discussion with him to complete the terminal roadside inspection, review the defects found and told him of compliances that were required.

On October 5th, [redacted] and asked to speak to "Nauman Hussain". The person on the phone responded "Yes". The conversation then continued regarding my request for DBA documents and drug and alcohol testing information and arrangements for sending those items to me and in regards to a notice that the individual received by email.

End - Page 2 of 2

In a written instrument, any person who knowingly makes a false statement which such person does not believe to be true has committed a crime under the laws of the State of New York punishable as a Class A Misdemeanor.

NOTICE Affirmed under penalty of perjury
this 19th day of April, YR 2019

--OR--

Subscribed and Sworn to before me
this _____ day of _____, YR _____

[Signature]
COMPLAINANT

STATE OF NEW YORK

COUNTY OF SCHOHARIE

LOCAL CRIMINAL COURT

TOWN OF SCHOHARIE

THE PEOPLE OF THE STATE OF NEW YORK

-VS-

NAUMAN HUSSAIN

Defendant

PLEASE TAKE NOTICE, pursuant to section 710.30 of the Criminal Procedure Law, that during the trial of the above named matter, the People intend to offer evidence of statements made by the defendant to public servant, TO WIT:

On 10/06/18, during an interview of Nauman Hussain in the BCI Senior's Office at SP Latham he provided a supporting deposition. In addition to the deposition, Hussain also made the following statements in sum and substance:

He stated his father owned Prestige Limo and Chauffer Service, Husy Limo and Saratoga Luxury. He further stated his father was out of the country(for the past 6 or 9 months) and was not due to return anytime soon. While his father was out of the country Hussain was the manager for the listed businesses.

Nauman Hussain stated he had insurance for the vehicle that was involved in the crash. It was Central Insurance in Schenectady, NY. Hussain said he called his insurance agent before coming to SP Latham to make sure the insurance was up to date.

In the course of the interview Hussain asked me if he was in any trouble for this limo incident. I asked him if he did anything to the vehicle to cause the crash. He said no.

Hussain described the vehicle his driver was operating for Axel Steenburg's party as a 2001 Ford Excursion stretch limo with a New York registration. He also said his driver Scott Lisinicchia would have picked up the vehicle from [REDACTED] that is where the vehicle was kept when not in use.

Hussain further stated Lisinicchia had been driving for the company for about one year and he possesses a CDL operator's license.

In a written instrument, any person who knowingly makes a false statement which such person does not believe to be true has committed a crime under the laws of the State of New York punishable as a Class A Misdemeanor.

NOTICE Affirmed under penalty of perjury
this 17th day of April, YR 2019

--OR--

Subscribed and Sworn to before me
this _____ day of _____, YR _____


COMPLAINANT

RESUME OF ORAL STATEMENTS

**People v. Nauman Hussain
Schoharie County Court**

Statement made by: Nauman Hussain
Statement made to: NYSP Trooper David Roy
Date of Statement: August 25, 2018
Time of Statement: Approximately 11:25 a.m.

I am the owner of the company. Can we do the inspection at my place of business?

I am the owner of Saratoga Luxury Limousine.

I am Nauman Hussain.

Yes I have a contract.

Yes I can email you the contract

No I own Saratoga Luxury Limousine.

No that's my father's company.

I am just starting Saratoga Luxury Limousine.

776 Saratoga Road, Gansevoort New York 12831

I don't have a DOT number (assigned to my company)

I am aware that I needed to get a name and DOT number on the side of my vehicle.

I talked with DOT earlier he said I need the name and number in the sides of the Limo.

I'm not sure (when asked other DOT workers he had contact with)