

CITY COURT CITY

OF ROCHESTER

The People of the State of New York
Against

Supporting Deposition:
N.Y.S. V & T Law
Section 1192 Subdivision 3

MUNIR M. MUTHANA 07-14-82
Defendant D.O.B

I, P.O. KEVIN DURAWA employed as a POLICE OFFICER
with the ROCHESTER POLICE Department, Office, ROCHESTER New York, by this Supporting Deposition, makes the following allegations of
fact in connection with an accusatory instrument filed or to be filed with this court, against the above named defendant, charge the defendant with
DRIVING WHILE INTOXICATED: Road conditions: CLEAR, DRY, PAVED: On NOV. 17, 2009 at
approximately 2:15 am in your Deponent observed a 1996 (make) NISSAN bearing (state) NEW YORK registration #
EUP6321 on (location) S. PLYMOUTH AVE. in the Village/Town/City of ROCHESTER
County, New York. Your deponent did identify observe the operator of the vehicle as being the defendant subsequent to:
An investigation of a Motor Vehicle Accident: Was there an injury to anyone other than the defendant? Yes No
A violation of the New York State Vehicle and Traffic Law, Section: 1212 RECKLESS DRIVING
Other DEPOSITION OF SGT. GREG KELLY (POD)

Furthermore, your Deponent, P.O. KEVIN DURAWA made the following observations of the defendant:

1. Condition of clothes: Disorderly Soiled Orderly Description: TAN PANTS, GREYISH SHIRT
2. Breath: (odor of Alcoholic Beverage) Strong Moderate Faint None Other
3. Attitude/Behavior: Talkative Sleepy Combative Insulting Laughing
Crying Profanity Cooperative Hiccups Belching
Vomiting Fighting Uncooperative Other
4. Speech: Mumbled Slurred Stuttered Combative Insulting
Thick Tongued Speech Impediment Understandable Slow Fast
Not Understandable Accent Incoherent Other
5. Eyes: Bloodshot Watery Glassy Other
6. Complexion: Flushed Pale Sweaty Ruddy Other
7. Signs or complaints of Illness or Injury: Yes No Describe: ABRASIONS TO CHEEKS
8. Pre-arrest statement when first observed: DRIVING LIKE THAT BECAUSE IM CRAZY MAN.
License Status: THEY HAVE MY I.D.
Alcohol Consumption: BUDWEISER, 6 CANS, 1 HOUR AGO UNTIL NOW, IN A PARKING LOT DON'T REMEMBER WHERE
9. Balance: Falling Staggering Needs Support Swaying Hesitant Passed Other: NOT OBSERVED
10. Walking: Falling Staggering Needs Support Swaying Hesitant Passed Other: NOT OBSERVED
11. Turning: Falling Staggering Needs Support Swaying Hesitant Passed Other: NOT OBSERVED

further, the defendant failed the following sobriety checks:
Horizontal Gaze Nystagmus Vertical Gaze Nystagmus Lack of Convergence Other
Alphabet Counting Walk & Turn One-Leg Stand Finger to Nose Alco-sensor Romberg Balance Finger Touch
The defendant was Intoxicated Impaired Impaired by drugs

Additionally,
The defendant did refuse to submit to a chemical test to determine the alcohol / drug content of their blood.
Off/Dep/Trp. administered a breath test, which the defendant failed. Your deponent did did not observe the administration of the
breath test by Off/Dep/Trp. the defendant's offering of a breath sample, and the breath test results indicated a % B. A.C.
The defendant offered a sample of their blood urine for chemical analysis. COURT ORDERED BY JUDGE CONNOR.
Officer/Deputy/Trooper did observe such offering, which was submitted to the lab for analysis.

The foregoing factual allegations are based upon personal knowledge of your deponent.

Note: False statements made herein are punishable as a class A-misdemeanor pursuant to Section 210.45 of the NYS Penal Law.

P.O. KEVIN DURAWA #809 11/12/09
Signature Date

Signature Date

- Crime Report Attached
- Warrant Application
- Physical Identification
- MoRIS Identification

710.30 Notice Attached  
 Scheduled Appearance Date 11/13/09  
 Appearance Ticket # \_\_\_\_\_

CR# 09-361850

ROCHESTER CITY COURT  
 2009 NOV 13 AM 7:10

CITY OF ROCHESTER  
 CITY COURT CRIMINAL  
 BRANCH

STATE OF NEW YORK  
 COUNTY OF MONROE  
 ROCHESTER CITY COURT

THE PEOPLE OF THE STATE OF NEW YORK		
-VS.-		
<u>MUNIR</u>	<u>M.</u>	<u>MUTHANA</u>
First Name	Middle Initial	Last Name
Date of Birth <u>02-14-82</u>	Defendant/Respondent	

Supporting Deposition

Use With Simplified  
 Traffic Information(s)

RECKLESS DRIVING  
VTL 12-12

Your complainant, P.O. KEVIN DURAWA, being duly sworn, deposes and states that I am a police officer employed by the City of Rochester, New York. On the 12TH day of NOVEMBER, 2009, at approximately 2:15  AM  PM, I did  observe  learn that the above named defendant driving and operating a 1996, make/model vehicle NISSAN bearing NEW YORK State registration EUP 6321, in a(n) SOUTHBOUND direction at JEFFERSON AVE/CLIFTON ST. in the City of Rochester, State of New York. I further  observed  learned the defendant operating the above vehicle in the following manner:

WHILE AT 700 S. PLYMOUTH AVE, THE DEFENDANT DID INTENTIONALLY ATTEMPT TO STRIKE PEDESTRIANS WITH A MOTOR VEHICLE, AND DID IN FACT STRIKE 5 PERSONS WITH HIS VEHICLE, AND  
AND DID ALSO STRIKE ANOTHER MOTOR VEHICLE (1994 HONDA ACCORD) OCCUPIED BY 2... HE THEN FLED THE SCENE AND WAS PURSUED BY ROCHESTER POLICE OFFICERS. THE DEFENDANT DID OPERATE THIS VEHICLE IN A MANNER WHICH DID UNREASONABLY INTERFERE WITH THE FREE AND PROPER USE OF THE PUBLIC HIGHWAY, AND DID UNREASONABLY ENDANGER USERS OF THE PUBLIC HIGHWAY AS HE DID BECOME IN MOTOR VEHICLE CRASHES AT W. MAIN ST/ JEFFERSON AVE, ANOTHER CRASH AT 281 JEFFERSON AVE, WHERE HE DID INTENTIONALLY CRASH INTO A ROCHESTER POLICE VEHICLE (K9-1), AND ANOTHER MOTOR VEHICLE CRASH AT S. PLYMOUTH AVE/ GENESEE ST WHERE HE DID COLLIDE WITH ANOTHER MOTOR VEHICLE; BY THE ABOVE ACTIONS THE DEFENDANT DID CAUSE INJURY TO SEVERAL PERSONS OTHER THAN HIMSELF, WHICH DID REQUIRE TRANSPORT TO THE HOSPITAL BY AMBULANCE.

ATTACHED IS THE DEPOSITION OF SGT. GREG KELLY, AND IS MADE PART OF THIS TRAFFIC DEPOSITION.

Where the basis for my allegations is upon information and belief, the source of which is a check of computer DMV DALL records to which my Department has access and which the Department and I use in the regular and ordinary course of police business. A copy of the defendant's DMV DALL record form generated in the regular course of police business is attached.

NOTICE: FALSE STATEMENTS MADE HEREIN ARE PUNISHABLE AS A CLASS A MISDEMEANOR PURSUANT TO SECTION 210.45 OF THE NEW YORK STATE PENAL LAW.

Subscribed and sworn to before me

this 12TH day of NOVEMBER, 2009

P.O. KEVIN DURAWA #809  
 OFFICER'S SIGNATURE  
KEVIN DURAWA

Please take notice that the People intend to offer at the trial of the defendant(s):

- Evidence of a statement by the defendant(s) made to a public servant.
- Testimony identifying the defendant(s) as the person(s) who committed the offense in a:
  - show-up
  - photo array
  - line-up
  - voice identification

in the matter of Defendants/Respondents listed below:

- 1. MUNIR M. MUTHANA 700 S. PLYMOUTH AVE  
DEFENDANT'S/RESPONDENT'S NAME DEFENDANT'S/RESPONDENT'S ADDRESS
- 2. \_\_\_\_\_  
DEFENDANT'S/RESPONDENT'S NAME DEFENDANT'S/RESPONDENT'S ADDRESS
- 3. \_\_\_\_\_  
DEFENDANT'S/RESPONDENT'S NAME DEFENDANT'S/RESPONDENT'S ADDRESS

Charged with alleged offenses, to wit: \_\_\_\_\_

DEPONENT'S NAME: SGT. G. KELLY

DEPONENT'S ADDRESS: 185 EXCHANGE ST

DEPONENT deposes and says: THAT ON NOVEMBER 12, 2009 AT APPROX  
1430 I DID BECOME INVOLVED IN A PURSUIT OF A 1996  
NISSAN COLOR TAN PLATE # EUP-6321 THAT DID STRIKE  
SEVERAL PEOPLE IN THE 700 BLOCK OF S. PLYMOUTH AVE.  
I DID FOLLOW DIRECTLY BEHIND THE NISSAN FROM  
JEFFERSON AVE AT CLIFTON ST, TO WHERE IT CRASHED  
AT S. PLYMOUTH AVE AT GENESEE ST. AT THAT TIME  
I WAS ONE OF THE OFFICERS WHO THEN TOOK THE  
SUSPECT INTO CUSTODY. THE SUSPECT WAS IDENTIFIED  
TO ME AS MUNIR M. MUTHANA DOB 02/14/82 OF  
700 S. PLYMOUTH AVE

NOTICE: False statements made herein are punishable as a Class A Misdemeanor pursuant to Section 210.45 of the New York State Penal Law.

*Sgt. G. Kelly*  
DEPONENT'S SIGNATURE

11/12/09  
DATE

\_\_\_\_\_  
WITNESSES SIGNATURE

\_\_\_\_\_  
DATE

2009 NOV 13 AM 7:10

THE PEOPLE OF THE STATE OF NEW YORK		
-vs.-		
<u>MUNIR</u>	<u>M.</u>	<u>MUTHANA</u>
First Name	Middle Initial	Last Name
Date of Birth <u>02-14-82</u>	Defendant/Respondent	

CPL Section 710.30 Notice

Please TAKE NOTICE that the PEOPLE intend to offer upon the trial of the above mentioned defendant:

Evidence of a statement made by the defendant to a public servant on 11/12/09 at about 2:50  AM  PM  
at STRONG MEMORIAL HOSPITAL - 601 ELMWOOD AV, the sum and substance consisting of:

P.O. KEVIN DURAWA  
(Public Servant)

*HEY DRIVING LIKE THAT? "CRAZY MAN"  
WAS DRINKING. BUBWEISER, COCAINS, FROM 1 HOUR AGO UNTIL NOW, IN A PARKING LOT,  
DONT REMEMBER WHERE.*

*THE POLICE, YOU HEARD ME THE POLICE, YOU ALL A BUNCH OF  
SCUMBAGS. I FOUND OUT TODAY THE COPS ARE ALL*

*BEN FRANKLIN WAS STUPID. HE SHOULD HAVE MADE IT SO YOU MOTHER.  
CANT SWEVE THE LAW. THE MUSLIMS WILL FIX THIS COUNTRY.*

*HE WAS TRYING TO FIGHT ME BECAUSE I WAS TRYING TO FIGHT THAT  
SHE MALE.*

including statement(s) contained in the:  Alcohol Influence Report dated:   /  /  

Crime Report Number:    -    Addendum, a copy of which is annexed hereto  
and made a part hereof.

Evidence of a written statement (and oral statements which preceded it) as set forth in the Defendant's voluntary,  
written statement, a copy of which is annexed hereto and made part hereof.

Testimony identifying the defendant as a person who committed the offense charged, to be given by a witness who  
has previously identified the defendant as such;  Show-Up Identification  Photo Array on:   /  /  

at about     AM  PM, at or near     
by   

*P.O. KEVIN DURAWA*  
By: P.O. KEVIN DURAWA  
POLICE OFFICER'S SIGNATURE

809  
ID NUMBER