

SUPREME COURT OF THE STATE OF NEW YORK
NEW YORK COUNTY: CRIMINAL TERM PART

THE PEOPLE OF THE STATE OF NEW YORK

PT. 65 MAY 09 2013

Plaintiff

V.

REQUEST FOR BRADY
MATERIAL

Indictment #: 01260-2012

LOUISE NEATHWAY,
a.k.a. LOUISE MEANWELL,

Defendant

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2013 MAY -9 A 10:57
DISTRICT ATTORNEY
NEW YORK COUNTY

Lawrence P. LaBrew, an attorney duly admitted to practice in the Courts of this State, hereby affirms under penalty of perjury that the following statements are true, and as to those made upon information and belief he believes them to be true:

1. I am the attorney for Defendant Louise Neathway.
2. Upon information and belief, that being the official arrest report for the Defendant, Detective Michael Bazerman - of the New York County District Attorney's Office - worked on this case and approved the Defendant's arrest (Arrest Report # M12610016) in this case.
3. Upon information and belief, Michael Bazerman is under indictment in New York County - under Indictment # 01490-2013 for various charges relating to forgery and falsifying

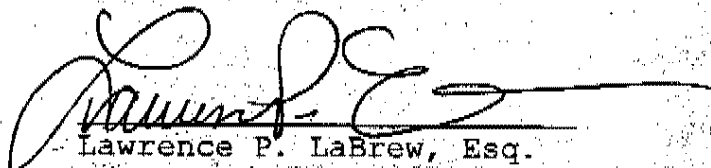
business records. Defendant Michael Bazerman's case is before The Honorable Justice Laura Ward in New York County.

4. Ms. Neathway has raised concerns on several occasions that certain record in her i-phone have altered. In our demand to produce we may a specific request to view all property - taken by the District Attorney - that belongs to Ms. Neathway. That request has not been honored.
5. The Defense is requesting all information, documents, police paperwork, and accusatory instruments relating to Defendant Michael Bazerman under Indictment Number 01490-2013. The Defense requested that the People provide this information in our demand to produce.

WHEREFORE, the Defendant prays that the Court grant the Defendant's application, and that the Court grant any other relief that the Court deems just equitable, and proper.

DATE: 9 May 2013
New York, New York

Respectfully,



Lawrence P. LaBrew, Esq.
Attorney for the Defendant
160 Broadway Suite 600 FL 6
New York, NY 10038
Tel: 212-385-7500
Fax: 212-385-7501

SUPREME COURT OF THE STATE OF NEW YORK
NEW YORK COUNTY: CRIMINAL TERM PART

THE PEOPLE OF THE STATE OF NEW YORK

Plaintiff

PT. 65 MAY 09 2013

V.

PROSECUTORIAL MISCONDUCT

Indictment #: 01260-2012

LOUISE NEATHWAY,
a.k.a. LOUISE MEANWELL,

Defendant

Lawrence P. LaBrew, an attorney duly admitted to practice in the Courts of this State, hereby affirms under penalty of perjury that the following statements are true, and as to those matters of information and belief he believes them to be true:

1. I am the attorney for Defendant Louise Neathway. Pursuant to N.Y. RULE OF PROFESSIONAL CONDUCT § 8.3¹
2. Upon information and belief, that being the official Family Court Records relating to Louise Neathway and Jason Bump - the New York County District Attorney's Office took vacated arrest warrants - from a criminal case that had been dismissed and sealed in the interests of justice pursuant to N.Y. CRIM. PROC. LAW § 160.50 - and provided these documents

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DISTRICT ATTORNEY
NEW YORK COUNTY

¹ "A lawyer who knows that another lawyer has committed a violation of the Rules of Professional Conduct that raises a substantial question as to that lawyer's honesty, trustworthiness or fitness as a lawyer shall report such knowledge to a tribunal or other authority empowered to investigate or act upon such violation. . ."

to Jason Bump's family court attorney who used the documents in a motion against Ms. Neathway in a pending family court matter. This conduct violates N.Y. RULE OF PROFESSIONAL CONDUCT § 8.4²

3. At the top of the documents it says: "MANHATTAN DA OFFICE Fax: 1212-3350992 Mar 5 2013 05:55pm . . ." The District Attorney knew that the warrants were vacated because they called and got the warrants vacated. They also knew that the cases were dismissed and sealed because we provided them with certificates of disposition in our omnibus motion. In addition to unethical misconduct, there was a violation of

² A lawyer or law firm shall not:

- (a) violate or attempt to violate the Rules of Professional Conduct, knowingly assist or induce another to do so, or do so through the acts of another;
- (b) engage in illegal conduct that adversely reflects on the lawyer's honesty, trustworthiness or fitness as a lawyer;
- (c) engage in conduct involving dishonesty, fraud, deceit or misrepresentation;
- (d) engage in conduct that is prejudicial to the administration of justice;
- (e) state or imply an ability:
 - (1) to influence improperly or upon irrelevant grounds any tribunal, legislative body or public official; or
 - (2) to achieve results using means that violate these Rules or other law;
- (f) knowingly assist a judge or judicial officer in conduct that is a violation of applicable rules of judicial conduct or other law;
- (g)
- (h) engage in any other conduct that adversely reflects on the lawyer's fitness as a lawyer.

N.Y. CRIM. PROC. LAW § 160.50 this is a violation of Ms. Neathway's due process rights³. In Berger v. United States the United States Supreme Court held as follows with regard to the ethical conduct of prosecutors:

The [Prosecutor] is the representative not of an ordinary party to a controversy, but of a sovereignty whose obligation to govern impartially is as compelling as its obligation to govern at all; and whose interest, therefore, in a criminal prosecution is not that it shall win a case, but that justice shall be done. As such, he is in a peculiar and very definite sense the servant of the law, the twofold aim of which is that guilt shall not escape or innocence suffer. He may prosecute with earnestness and vigor—indeed, he should do so. But, while he may strike hard blows, he is not at liberty to strike foul ones. It is as much his duty to refrain from improper methods calculated to produce a wrongful conviction as it is to use every legitimate means to bring about a just one. 295 U.S. 78, 88, 55 S. Ct. 629, 633 (1935).

4. In Albany County Dist. Attorney's Off. ex rel. Barrett Tp. Police v William T., the Appellate Division held as follows:

The sealing requirement of CPL 160.50 "was designed to lessen the adverse consequences of unsuccessful criminal prosecutions by limiting access to official records and papers in criminal proceedings which terminate in favor of the accused" (citations omitted) Those adverse consequences include potentially severe damage to an individual's reputation and employment prospects and, as such, there are only six narrow, precisely tailored exceptions "to the general

³ This represents a pattern of unethical conduct by the New York County District Attorney's Office. Prior to Ms. Neathway's arrest the Prosecution illegally subpoenaed mental health records from the Defendant's doctor and then the People destroyed the records. The People have also gotten records from Ms. Neathway's daughter's school - which has nothing to do with this case.

proscription against releasing official records and papers once they are sealed (citations omitted). 88 A.D.3d 1133, 1134, 931 N.Y.S.2d 154, 15 (3rd Dept 2011).

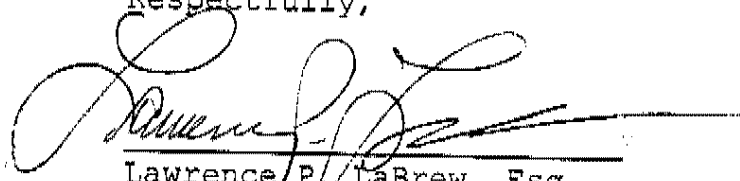
5. On 30 July 2012, in our demand to produce, the Defense requested copies of all arrest warrants relating to Ms. Neathway. The Defense was never provided with copies of the arrest warrants that were provided to William O'Leary who used said documents in a family court case against Ms. Neathway.
6. This material constituted Brady material because it shows that the district attorney's office and Jason Bump had reached an understanding in which the witness's cooperation was exchanged for some *quid pro quo* on the part of the prosecutor. People v. Novoa, 70 N.Y. 2d 490, 497; 522 N.Y.S.2d 504, 508 (1987); People v. Cwikla, 46 N.Y.2d 434, 441; 414 N.Y.S.2d 102, 105 (1979).
7. The Defense made a specific request -- in our demand to produce -- for any agreements that the People have with any of their witnesses. See Demand to Produce, Section 3.e. There is some type of agreement between the District Attorney's Office and Mr. Jason Bump (that much is clear since the People have -- on at least one occasion -- provided paperwork from a sealed file to Mr. Bump's attorney), and the Defense wants to know the full nature of this agreement. Jason Bump's letter to the Family Court

verifies that there is an agreement between the District Attorney and Jason Bump. See Exhibit A.

WHEREFORE, the Defendant prays that the Court grant the Defendant's application, and that the Court grant any other relief that the Court deems just equitable, and proper.

DATE: 9 May 2013
New York, New York

Respectfully,



Lawrence P. LaBrew, Esq.
Attorney for the Defendant
160 Broadway Suite 600 FL 6
New York, NY 10038
Tel: 212-385-7500
Fax: 212-385-7501

CERTIFIED COPY

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February 21, 2013

Jason Bump
DEPUTY CLERK OF COURT
COURT CLERK

To whom it may concern:

I, Jason Bump, hereby withdraw my Family Offense Petition filed by myself on February 13, 2013 and scheduled to be heard on February 25, 2013 at 11:00 a.m. and I ask that it be without prejudice (File #: 8285; Docket #: O-00588-13). *I am confident the matter is being addressed by the Manhattan District Attorney's office.*

Sincerely,



Jason Bump

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FAMILY COURT
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