NEW YORK CITY COMPTROLLER'S OFFICE COUNTY OF NEW YORK

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In the Matter of the Claim of:

KEYANNA MOODY Address: Date of Birth: AMENDED NOTICE OF CLAIM

Claimant, against

THE CITY OF NEW YORK and POLICE OFFICERS INVOLVED

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DATE AND LOCATION OF INCIDENT:

- **Date:** June 11, 2024
- **Time:** Approximately 9:05 PM
- Location: Surf Avenue and West 15th Street, County of Kings, Brooklyn, NY

INTRODUCTION

Claimant Keyanna Moody was lawfully operating a Z6 model Fly e-bike at Surf Avenue and West 15th Street, along with her husband, who was riding a Venom model Fly e-bike. While stopped, an unmarked police vehicle and a police buggy arrived at the location. Lieutenant Special Assignment Daniel Lacalamita (Tax Registry No.: 935146), Sergeant Stanislav Zubyk (Shield No.: 3937, Tax Registry No.: 957307), Police Officer Michael R. Moran (Shield No.: 20363, Tax Registry No.: 970006), Police Officer Alvin M. Nieves (Shield No.: 19898, Tax Registry No.: 975052), and Police Officer Jared W. Cordero (Shield No.: 6948, Tax Registry No.: 974028) aggressively approached the Claimant without cause.

The claimant was wrongfully accused of operating a moped without a license plate. Police Officer Jared W. Cordero (Shield No. 6948) falsely alleged that the Claimant refused identification and resisted arrest. The officers unlawfully seized her e-bike and subjected her to excessive force, unlawful arrest, and mistreatment.

BACKGROUND

Allegations of Police Brutality, Unlawful Arrest, and Psychological Trauma

The Claimant, Keyanna Moody, resides at

On June 11, 2024, at approximately 8:15 PM, the Claimant and her husband rode their e-bikes at Canarsie Pier. The Claimant was operating a Z6 Fly E-Bike while her husband was riding a Venom Fly E-Bike. While at Canarsie Pier, the Claimant and her husband met two other bikers who were riding motorcycles. The group agreed to ride to Coney Island—the Claimant intended to purchase cotton candy for her five-year-old daughter, while the other bikers wanted Nathan's hot dogs. The Claimant and her husband rode along the designated bike path while the two motorcyclists took the highway.

At approximately 8:40 PM, the Claimant and her husband arrived at Surf Avenue and West 15th Street in Coney Island. The Claimant purchased cotton candy and returned to her e-bike, where she and her husband sat conversing with the other bikers. As they exchanged phone numbers and prepared to leave, the Claimant noticed an unmarked police vehicle stopped at a red light on Surf Avenue and West 15th Street. Moments later, a police scooter turned the corner from Surf Avenue, heading beach-bound onto West 15th Street as though it was heading toward the boardwalk. However, instead of continuing, the scooter made a sudden U-turn and aggressively stopped directly in front of the Claimant, cutting off her exit route.

Several officers abruptly exited the vehicle with hostility. Without warning or explanation, Police Officer Alvin M. Nieves (Shield No.: 19898) immediately snatched the Claimant's e-bike keys from the ignition and demanded her license and registration. When the Claimant asked why her keys were taken, her husband, recognizing the officers' aggressive and hostile demeanor, urged her to sit down to de-escalate the situation. The Claimant complied and sat on the green benches with her husband.

Despite the Claimant's non-threatening and compliant demeanor, the officers continued to escalate the situation, surrounding her and her husband while repeating their demands for documentation that she was not required to possess for her e-bike. Lieutenant Special Assignment Daniel Lacalamita (Tax Registry No.: 935146) then issued a direct threat, stating that if the Claimant did not produce the documentation, she would be arrested. The Claimant calmly reiterated that she did not have the documents the officers demanded. At this point, Lacalamita immediately ordered her arrest.

Without justification or warning, Police Officer Michael R. Moran (Shield No.: 20363) and Police Officer Jared W. Cordero (Shield No.: 6948) violently tackled the Claimant to the ground. Officer Nieves attempted to deploy his taser multiple times against the Claimant; however, after numerous failed attempts, he physically joined the officers in restraining her. As the Claimant lay prone on the pavement, Officer Nieves forcefully pressed his knee and hands onto her back while Officer Moran stepped on her lower back and legs, treating her as if she were a stepping mat.

During this violent assault, at least five or more officers stood nearby and failed to intervene despite witnessing the excessive use of force. These officers took no action to stop the unlawful brutality or prevent further harm to the Claimant.

While this was occurring, the Claimant's husband attempted to assist by retrieving a police bodyworn camera that had fallen to the ground during the violent struggle. However, Officer Moran continued to yell profanity at the Claimant, shoving and pushing her aggressively toward a police vehicle. With her hands handcuffed behind her back, the Claimant was forcibly pulled by Officers Moran and Cordero toward a patrol car.

As this happened, Lieutenant Lacalamita began berating the Claimant with slurs, calling her a "black bitch" before making a physical attempt to slap and kick her. Lacalamita then grabbed the Claimant's head and neck, violently pulling her downward towards a patrol car.

Once near the police vehicle, the Claimant was thrown face-first into the backseat which is inconsistent with department policy.

The New York City Police Department (NYPD) has long recognized the dangers associated with restraining handcuffed individuals in a prone (face-down) position. To mitigate the risk of positional asphyxia—a condition where an individual's position prevents adequate breathing—the NYPD developed training materials emphasizing the importance of repositioning subjects promptly. As highlighted in a 1995 U.S. Department of Justice bulletin, the NYPD's guidelines advise that "[a]s soon as the subject is handcuffed, get him off his stomach. Turn him on his side or place him in a seated position."

This protocol aligns with broader law enforcement practices aimed at preventing in-custody deaths due to positional asphyxia. A 1995 report by the U.S. Department of Justice underscores the necessity of avoiding prolonged prone restraint, especially after handcuffing, to ensure the individual's ability to breathe is not compromised.

The Claimant's foot became trapped between the vehicle door and the frame in the process. The Claimant screamed in pain, repeatedly yelling that her foot was caught in the door, yet officers ignored her cries for help for several moments before finally opening the door to release her foot.

As this transpired, Lieutenant Lacalamita ordered the officers to 'put that bitch in a cage,' prompting the Claimant to be transferred from the initial police vehicle into another patrol car equipped with a partition or prisoner transport divider.

Despite numerous officers being present, including those in positions of authority, none intervened to stop the excessive force, racial abuse, or blatant violations of the Claimant's rights. Their failure to intervene, despite being fully aware of the unlawful actions of their fellow officers, further demonstrates a culture of impunity within the NYPD.

POST ARREST

Upon arrival at the 60th Precinct, the Claimant, Keyanna Moody, was brought before a desk officer while still handcuffed with her hands behind her back. As two officers stood on either side of her, Lieutenant Special Assignment Daniel Lacalamita suddenly approached her from behind and, without warning, forcefully kicked her to the floor. While she was on the floor, Lacalamita stood over her and ordered her to 'get the fuck up.' The unidentified desk officer failed to intervene.

After this subsequent assault, the Claimant was subjected to an unlawful and invasive search. Despite the presence of a female officer, male officers conducted a full-body search, making inappropriate physical contact with her breasts, vaginal area, buttocks, thighs, and other parts of her body. Her pockets were emptied, yet no female officer intervened in the search process. Throughout this ordeal, the Claimant repeatedly asked what charges were being brought against her, but her questions were ignored entirely. The unidentified desk officer failed to intervene.

The claimant had visible injuries, including bleeding knees, ripped clothing, and dirt stains covering her body. Yet, she was denied medical attention and escorted directly to a holding cell, which is inconsistent with department policy.

For over five hours, she repeatedly requested medical assistance from Cordero and Nieves but they ignored her please. Only after she declined to provide her fingerprints were paramedics finally called. Upon their arrival, the paramedics determined that she needed to be transported to the hospital due to the visible severity of her injuries.

As the Claimant was being led out of the holding cell, Lacalamita stood nearby, menacingly staring, pacing, and huffing in an intimidating manner, creating the impression that he was about to harm her again physically. Recognizing this threat, the Claimant informed other Cordero and Nieves that she did not feel safe around him. The officers acknowledged and Lacalamita left the area.

Paramedics then escorted the claimant to South Shore Brooklyn Hospital. While inside the ambulance, EMTs assessed her visible injuries. Upon arrival at the hospital, her vitals were taken, and she was transferred to the resuscitation area.

While in the hospital, Lacalamita once again approached her from behind. When the Claimant noticed him, she immediately became alarmed, stating, "What are you doing here? I don't want to talk to you. I don't want you here. I don't feel safe around you." In response, Lacalamita lied, claiming, 'I'm not him. I wasn't there,' before quickly walking away.

The claimant remained at the hospital for approximately 1.5 to 2 hours before a doctor informed her that she was discharged. When the Claimant requested her discharge papers, the doctor refused to provide them, stating that he could not give them to her. When she asked how she could be discharged without a proper medical examination, he ignored her visible pain and dismissed her concerns. The doctor then sarcastically asked if she wanted an examination at that moment, to which the Claimant responded, 'No,' because she did not feel safe in the environment. The doctor then handed her discharge paperwork to the female officer escorting her rather than giving it directly to the Claimant.

When the Claimant asked the doctor for his name, he covered his name tag, stated, 'It's on your discharge papers,' and walked away angrily in a rush. The female officer then informed the Claimant that she could not provide her discharge papers, which would be placed in her file instead. The Claimant later found out the treating physician was Dr. Spencer Doblin Kim.

The Claimant was transported back to the 60th Precinct at approximately 3:30 AM. She remained detained until 10:00 AM when she was escorted to Brooklyn Central Booking.

At Central Booking, when the police officer transferring her custody to the Correctional Officer (CO) asked if she needed to go to the hospital, she informed him that she had already been there. The officer then examined her arrest paperwork and noted that it incorrectly stated she was requesting to go to the hospital, with no record showing that she had already received treatment. The CO then asked how she sustained her injuries, and she informed him that she was injured during the arrest. Recognizing the discrepancy, the CO instructed the police officer to correct the paperwork before processing.

The claimant was held in Brooklyn Central Booking until approximately 9:00 PM on June 12, 2024. At that time, she met with a lawyer who informed her that she was not being prosecuted.

When the Claimant was brought before a judge, her lawyer was absent. The judge then asked the District Attorney (DA) about the charges against her, to which the DA vaguely responded, "Something about numbers." After hearing this, the judge instructed the Claimant not to get into trouble for six months and dismissed the case, allowing her to leave.

After the Arrest, Cordero did not provide the Claimant with a property voucher. Cordero seized her e-bike, money, keys, jewelry, ID, and phone.

On July 1, 2024, she went to the District Attorney's Office, where she was issued a property release form. When she presented the release form at the 60th Precinct, she was met by two officers at the front desk, who told her that her document was meaningless. They claimed that to retrieve her property, she needed a license, registration, and insurance.

The claimant explained that she was not required to have those documents and had a valid property release form issued by the District Attorney's Office. Despite this, the officers refused to return her property and instead threatened her with arrest if she did not leave the precinct immediately.

The claimant later learned which hospital she had been taken to and the doctor's name who treated her only after receiving a notification from her MyChart medical records. She discovered Dr. Spencer Doblin Kim had treated her at South Shore Brooklyn Hospital.

Since this traumatizing and unconstitutional arrest, the Claimant has suffered excruciating back pain that radiates down her legs, numbness in her right foot (specifically her big toe), and tingling sensations in her arms, hands, and fingers. Additionally, her right shoulder, which had previously undergone rotator cuff surgery in 2017, was reinjured due to the violent manner in which she was body-slammed and restrained.

She is currently undergoing physical therapy and awaiting an MRI to assess the full extent of her injuries. Beyond the physical harm, she continues to endure emotional distress, humiliation, and psychological trauma stemming from the egregious violation of her civil rights and the racial abuse she suffered at the hands of the NYPD.

All of this brutality stemmed from the simple act of purchasing cotton candy for her five-yearold daughter.

OFFICER PROFILES

Summary of Lieutenant Special Assignment Daniel Lacalamita's History of Misconduct and Supervisory Failure

Lieutenant Special Assignment Daniel Lacalamita is currently assigned to the 60th Precinct, where he has served since October 2023. Before this assignment, he was stationed at the 61st Precinct, Police Service Area 3, the 83rd Precinct, and the 123rd Precinct. His service with the NYPD began in July 2004, and he earned an annual salary of \$303,000 in the last fiscal year. Over his career, he has amassed a total of 12 complaints and 22 allegations, including accusations of excessive force, failure to provide medical attention and unlawful searches. Despite this history, none of the allegations have been substantiated due to the complainant's unavailability or internal exoneration. Lacalamita was named in the lawsuit **Abreu, Ramon vs. City of New York, et al. (2018)**, which resulted in a \$15,000 settlement. His record reflects repeated incidents of alleged misconduct, yet he has remained in positions of authority within the department.

Summary of Sergeant Stanislav Zubyk's History of Misconduct and Supervisory Failure

Sergeant Stanislav Zubyk has been assigned to the 60th Precinct since September 2023. Previously, he served at the Intelligence Operations and Analysis Section, Patrol Borough Staten Island, and the 120th Precinct. He has been with the NYPD since July 2014 and had an annual salary of \$214,000 in the last fiscal year. Zubyk has faced prior excessive force complaints, including a 2015 complaint filed by a 33-year-old woman alleging excessive force. The department later exonerated the allegation. He was also named in the lawsuit **Graham, Jessica C. vs. Matteo, Valeri, et al. (2014)**, which involved allegations of police misconduct. Despite the accusations against him, Zubyk has remained in a supervisory position within the NYPD.

Summary of Police Officer Michael R. Moran's History of Misconduct

Police Officer Michael R. Moran has been assigned to the 60th Precinct since May 2021. He began his NYPD service in November 2020 and had an annual salary of \$100,000 in the last fiscal year. Moran has been the subject of nine complaints involving 27 allegations, including excessive force, discourtesy, and illegal searches. One complaint was substantiated for discourtesy, resulting in a minor disciplinary action. Moran is currently facing multiple ongoing litigations related to excessive force and police misconduct. Despite the volume of complaints against him, he continues to serve without significant disciplinary repercussions.

Summary of Police Officer Alvin M. Nieves's History of Misconduct

Police Officer Alvin M. Nieves has been stationed at the 60th Precinct since January 2023. His NYPD service began in July 2022, and he had an annual salary of \$83,300 in the last fiscal year. Nieves has been the subject of a complaint involving three allegations, including excessive force,

illegal stops, and unlawful searches. All three allegations were deemed "within NYPD guidelines," allowing him to avoid formal discipline. Despite the troubling nature of these allegations, Nieves continues to work in active policing roles without oversight or consequences.

Summary of Jared W. Cordero's History of Misconduct

Police Officer Jared W. Cordero has been assigned to the 60th Precinct since September 2024. He began his NYPD service in April 2022 and had an annual salary of \$90,000 in the last fiscal year. Cordero has been the subject of one complaint involving four allegations, including racial slurs, unlawful stops, property seizure, and verbal abuse. All complaints were marked as "Complainant Unavailable," preventing further investigation or disciplinary action. Despite these serious allegations, he continues to patrol without accountability.

These officers have a documented history of excessive force, racial profiling, and abuse of authority. Their actions on June 11, 2024, resulted in the unlawful arrest, excessive use of force, racial abuse, and mistreatment of Claimant Keyanna Moody. Their misconduct is consistent with the broader pattern of unconstitutional policing practices within the NYPD. The lack of discipline and oversight underscores the failure of the City of New York to supervise, train, and regulate its police force, supporting the Monell liability claims set forth in this Notice of Claim.

NYPD STATISTICAL DATA

To assess potential disparities in NYPD vehicle stops during the fourth quarter of 2024, we can compare the racial distribution of these stops to New York City's overall demographic composition.

Racial Composition of NYPD Vehicle Stops (Q4 2024):

- Black: 29.8%
- Hispanic: 29%
- White: 17.8%
- Asian/Pacific Islander: 12.3%
- Other/Unknown: 11.1%

New York City Demographics:

- White: 35.9%
- Black: 22.7%
- Hispanic or Latino: 28.4%
- Asian: 14.6%

Source: U.S. Census Bureau QuickFacts for New York City

Analysis:

- **Black Residents:** Although comprising 22.7% of the city's population, Black individuals accounted for 29.8% of vehicle stops, indicating a potential overrepresentation.
- **Hispanic Residents:** Hispanic or Latino individuals comprise 28.4% of the population and represent 29% of vehicle stops, suggesting a proportionate representation.
- White Residents: Although white individuals constitute 35.9% of the population, they accounted for only 17.8% of vehicle stops, indicating a potential underrepresentation.
- Asian Residents: Asians represent 14.6% of the population and 12.3% of vehicle stops, suggesting a slight underrepresentation.

Conclusion:

The data suggests that Black residents are stopped at a higher rate relative to their share of the population, while White residents are stopped at a lower rate. These disparities may indicate potential biases in traffic enforcement practices. Further analysis, considering factors such as driving patterns and law enforcement deployment, would be necessary to draw definitive conclusions.

FINDINGS FROM THE FLOYD MONITOR'S 23RD REPORT

The Floyd Monitor's 23rd Report, which assesses NYPD's compliance with court-ordered reforms following the landmark Floyd v. City of New York case, provides compelling evidence of systemic constitutional violations by the NYPD. The report's findings further substantiate the legal claims asserted in this matter, particularly regarding racial profiling, unconstitutional stops, and failures in NYPD supervision.

A. Widespread Unconstitutional Stops and Searches

- The report found that only 75% of Neighborhood Safety Teams (NSTs) stops were lawful, compared to 92% of regular patrol officers.
- Only 58% of frisks and 54% of searches conducted by NST officers were lawful, meaning that nearly half of all frisks and searches lacked legal justification.
- NST officers disproportionately targeted Black and Latino individuals while engaging in self-initiated stops without reasonable suspicion.

B. Systemic Racial Disparities in Enforcement

- 95% of stop reports and 93% of body-worn camera (BWC) footage involved Black or Hispanic individuals, reinforcing a pattern of racial profiling.
- Despite these apparent racial disparities, NYPD supervisors failed to address or rectify the department's unconstitutional practices.
- Supervisors approved 99.1% of stop reports as "lawful," even when independent audits found many unconstitutional.

C. Supervisory Failures and Institutional Negligence

• Supervisors routinely failed to identify racial profiling or unconstitutional stops.

- NYPD officers engaged in unlawful self-initiated stops 70% of the time, indicating a lack of proper oversight.
- The report found that NYPD leadership had systemically ignored evidence of unconstitutional conduct, permitting ongoing civil rights violations.

Conclusion:

The findings from the Floyd Monitor's 23rd Report, in conjunction with statistical analysis of NYPD vehicle stops, provide compelling evidence of systemic racial profiling, unconstitutional stops, and supervisory failures within the NYPD. This evidence directly supports the legal claims asserted in this case, reinforcing constitutional violations and the City of New York's liability under 42 U.S.C. § 1983, the Fourth and Fourteenth Amendments, Monell liability doctrine, and the NYC Human Rights Law (Administrative Code § 8-107).

- The Floyd Monitor's findings confirm that NYPD officers routinely conduct stops without reasonable suspicion, disproportionately targeting Black and Latino individuals, which constitutes a clear violation of the Fourth Amendment's protections against unlawful searches and seizures.
- The systemic racial disparities in NYPD traffic stops are not coincidental but reflective of a pattern of unconstitutional and discriminatory policing practices, violating the Equal Protection Clause of the Fourteenth Amendment.
- The failure of NYPD supervisors and leadership to correct or address these unconstitutional practices demonstrates a deliberate indifference to civil rights violations, meeting the legal standard for municipal liability under Monell v. Department of Social Services.
- The NYPD's documented failure to intervene, correct, or discipline officers engaging in racial profiling further substantiates violations of New York City Human Rights Law (Administrative Code § 8-107), which prohibits discriminatory policing.

LEGAL CLAIMS ASSERTED UNDER:

- 1. Federal Laws:
 - Fourth Amendment Violations Unlawful Search & Seizure, Excessive Force (42 U.S.C. § 1983)
 - Fourteenth Amendment Violations Equal Protection, Due Process (42 U.S.C. § 1983)
 - False Arrest and Unlawful Detention (42 U.S.C. § 1983)
 - Excessive Force and Police Brutality (42 U.S.C. § 1983)
 - Racial Profiling and Selective Enforcement (42 U.S.C. § 1983) Violation of Equal Protection Clause
 - Failure to Intervene (42 U.S.C. § 1983) Liability for officers who failed to stop excessive force
 - Malicious Prosecution Fourth and Fourteenth Amendments (42 U.S.C. § 1983)
 - Retaliation for Exercising Constitutional Rights First Amendment Violation (42 U.S.C. § 1983)

- Monell Liability (Municipal Liability) City of New York: Failure to Train, Supervise, and Discipline permitting a pattern of unconstitutional conduct.
- 2. New York City Local Laws:
 - New York City Human Rights Law (Administrative Code § 8-107) Discriminatory Policing and Racial Profiling

DAMAGES SOUGHT:

- Medical expenses (past, present, and future)
- Pain and suffering (physical and psychological trauma)
- Emotional distress and PTSD-related damages
- · Punitive damages for police misconduct and civil rights violations
- Legal fees and costs

VERIFICATION AND NOTARY:

The undersigned Claimants affirm that the statements in this Notice of Claim are true and correct to their knowledge. This Notice of Claim is filed under General Municipal Law § 50-e and must be responded to within the legally prescribed timeframe.

Signed & Sworn Before a Notary Public:

Claimant Keyanna Moody

Notary Public:

State of Ne County of day of HOBRIAR Sworp to and subscribed before me on this STRATION Notary Public PIRATION'. OR. X. 2027

In the Matter of the Claim of	MIH	c S
KEYANNA MOODY	200 600	
-against-	<u>.</u>	YICA)
THE CITY OF NEW YORK, JOHN DOES 1-3 and	σ	UCN:
THE NEW YORK CITY POLICE DEPARTMENT	Ņ	
TO: THE CITY OF NEW YORK and THE NEW YORK CITY POLICE DEPARTMENT	S.	2

PLEASE TAKE NOTICE that the undersigned Claimant hereby makes claim and demand against THE CITY OF NEW YORK and THE NEW YORK CITY POLICE DEPARTMENT, as follows:

1. The name and post-office address of each Claimant and Claimant's attorney is:

Keyanna Moody

ROSENBAUM & ROSENBAUM, P.C. 100 Wall Street, 15th Floor New York, New York 10005

2. The nature of the claim:

Claimant seeks monetary damages for serious, permanent, and personal injuries she sustained due to the intentional, reckless, negligent and careless acts and omissions of The City of New York and the New York City Police Department by their agents, servants, licensees, contractors, and/or employees.

3. The time when, the place where and the manner in which the claim arose:

Upon information and belief, the incident herein occurred on or about June 11, 2024, at approximately 9:00 p.m., at Surf Avenue and West 15th Street Brooklyn, New York 11224, whereat the Claimant, KEYANNA MOODY, was exiting from her e-bike when she was approached by police officers requesting her license and registration. Those police officers then and there stationed treated Claimant callously, dismissively, unprofessionally, aggressively, and without cause for any such treatment, which resulted in Claimant, unlawfully and without cause, being harmed in that she was falsely arrested, imprisoned, assaulted, battered, and harassed. Those Police Officers then and there stationed did illegally approach, harass, and abuse the Claimant, and cause Claimant to fear for her safety. Those Police Officers did, without probable cause, abuse Claimant both physically and mentally. Furthermore, those Police Officers did assault and batter Claimant in that Claimant was grabbed aggressively, subdued forcefully onto the ground, and forcefully struck. Claimant was never advised, instructed, or warned, that she was being detained, arrested, trespassing, or otherwise had reason to be subjected to holding against her will, and as such Claimant could not, and did not, resist arrest or any lawful orders or directions issued towards her person. Following the foregoing events, those Police Officers unlawfully searched Claimant's person and possessions without probable cause or warrant. Claimant was held for a period of time at the precinct until her ultimate release. Clamant thereafter was taken to the hospital by ambulance for treatment of her injuries.

The City of New York and The New York City Police Department, by their agents, servants, licensees, contractors and/or employees acted intentionally, recklessly, negligently, and carelessly, as to Claimant in committing: Assault, Battery, False Arrest, False Imprisonment, Malicious Prosecution, Intentional Infliction of Emotional Distress, Negligent Infliction of Emotional Distress, Outrageous Conduct giving rise to personal injuries, Prima Facie Tort, Violation of Civil Rights in accordance with 42 USC 1983 in that the Claimant, KEYANNA MOODY, was deprived of her rights, privileges, and immunities secured by the Constitution of the United States of America by one who, under color of a statute or regulation of a State caused Claimant, KEYANNA MOODY, to be so deprived and other and further violations of the Claimant's rights and privileges secured to her under the Constitution of the United States of America and the State of New York; Negligence in failing to use such care in the performance of police duties as reasonably prudent and careful police officer would have used under similar circumstances; Negligence in hiring and retaining persons who were unfit to serve as police officers; Negligence in failing to exercise reasonable precautions in employing said police officers by failing to properly investigate their background; Negligence in the training and instruction of its police officers by not exercising care in instructing them as to their deportment, behavior, and conduct as police officers, especially regarding the abuse of power and use of excessive force while interacting with citizens, and as representatives of the Respondents in their training and instruction, more specifically with regard to their training as to probable cause for use of force, searches, and arrests and confinement; Negligence in failing to respond appropriately to past complaints of misconduct, and with respect to the police, not only by their own Internal Affairs Bureau, but also the Civilian Complaint Review Board, Mollen Commission reports and other public reports; Negligence in permitting its officers to perform duties, actions, and render decisions with bias as a result of consistent racial profiling by the Respondents in the area where this incident occurred; and Claimant also relies on the doctrine of respondent superior.

Upon information and belief, The City of New York and The New York City Police Department their agents, servants, licensees, contractors and/or employees actions were intentional, reckless, negligent, and careless and otherwise had prior written notice, actual notice, or constructive notice of the aforementioned negligence and carelessness based upon supervision, control, training, and retention in connection with those Police Officers and programs and had a reasonable amount of time to address the same but failed to do so.

4. The items of damage or injuries claimed are (include dollar amounts):

As a result of the foregoing, Claimant, KEYANNA MOODY, sustained serious permanent injuries, the full extent of which are currently unknown, including but not limited to injury to the lower back, right foot, left knee, right knee, right shoulder and other physical injuries; all with resulting sequalae and other physical injuries, as well as mental anguish and other psychological injuries; fear, anxiety, shame, humiliation, indignity; damage to reputation and credit, loss of earnings, capacity and capability, and all damages sustained as a result of the claims enumerated above; and by that reason of the aforesaid: Claimant, KEYANNA MOODY, claims FIVE-MILLION DOLLARS (\$5,000,000.00) as damages in this matter. Claimant also requests attorneys' fees as mandated by law under 42 USC 1983 and other relevant law.

The undersigned Claimant therefore presents this claim for adjustment and payment. You are hereby notified that unless it is adjusted and paid within the time provided by law from the date of presentation to you, the Claimant intends to commence an action on this claim.

Dated: New York, New York July 31, 2024

KUNAI S. KLEIN, ESQ. ROSENBAUM & ROSENBAUM, P.C. Judeneys for Plainill 101 Wall Street, 15th Floor New York, New York 10005 (712) 514-5007

ATTORNEY VERIFICATION

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

Kevin S. Klein, being duly sworn, deposes and says that deponent is the attorney for the Claimant in the within action; that she has read the foregoing Notice of Claim and knows the contents thereof; that the same is true to deponent's own knowledge, except as to those matters therein stated to be alleged upon information and belief and as to those matters, deponent believes them to be true. The reason this verification is made by deponent and not by Claimant, is that Claimant resides in a County other than which deponent's office is located.

st 31 Sworn to before me this 2024 day of July NOTARY 121 Kevin S. Klein FRANK MARIO RIZZO ESO Notary Phililic, Strike Mark Res No. 12116 Quality of in the Your County Commission Expires Marci: 7, 2027

STATE OF NEW YORK COUNTY OF KINGS

THE PEOPLE OF THE STATE OF NEW YORK

V

KEYANNA MOODY

POLICE OFFICER JARED W CORDERO SHIELD NO.6948, OF 60 COMMAND SAYS THAT ON OR ABOUT JUNE 11,2024 AT APPROXIMATELY 09:05 PM AT SURF AVE& WEST 15TH ST COUNTY OF KINGS, STATE OF NEW YORK,

THE DEFENDANT COMMITTED THE OFFENSE(S) OF:

VTL 402(1)	IMPROPER DISPLAY OF NUMBER PLATES
PL 195.05(01)	OBSTRUCTING GOVERNMENTAL ADMINISTRATION IN THE
	SECOND DEGREE
PL 205.30	RESISTING ARREST
PL 240.20(1)	DISORDERLY CONDUCT

IN THAT THE DEFENDANT DID:

INTENTIONALLY OBSTRUCT, IMPAIR OR PERVERT THE ADMINISTRATION OF LAW OR OTHER GOVERNMENTAL FUNCTION OR PREVENT OR ATTEMPT TO PREVENT A PUBLIC SERVANT FROM PERFORMING AN OFFICIAL FUNCTION, BY MEANS OF INTIMIDATION, PHYSICAL FORCE OR INTERFERENCE, OR BY MEANS OF ANY INDEPENDENTLY UNLAWFUL ACT, OR BY MEANS OF INTERFERING, WHETHER OR NOT PHYSICAL FORCE IS INVOLVED, WITH RADIO, TELEPHONE, TELEVISION OR OTHER TELECOMMUNICATIONS SYSTEMS OWNED OR OPERATED BY THE STATE, OR A COUNTY, CITY, TOWN, VILLAGE, FIRE DISTRICT OR EMERGENCY MEDICAL SERVICE OR BY MEANS OF RELEASING A DANGEROUS ANIMAL UNDER CIRCUMSTANCES EVINCING THE DEFENDANT'S INTENT THAT THE ANIMAL OBSTRUCT GOVERNMENTAL ADMINISTRATION; INTENTIONALLY PREVENT OR ATTEMPT TO PREVENT A POLICE OFFICER OR PEACE OFFICER FROM EFFECTING AN AUTHORIZED ARREST OF THE DEFENDANT OR ANOTHER PERSON; WITH INTENT TO CAUSE PUBLIC INCONVENIENCE, ANNOYANCE OR ALARM, OR RECKLESSLY CREATIN A RISK THEREOF, ENGAGE IN FIGHTING OR IN VIOLENT, TUMULTUOUS OR THREATENING BEHAVIOR; OPERATE, DRIVE OR PARK A MOTOR VEHICLE ON THE PUBLIC HIGHWAYS OF THIS STATE AND SUCH VEHICLE DID NOT HAVE A SET OF NUMBER PLATES ISSUED BY THE COMMISSIONER WITH A NUMBER AND OTHER IDENTIFICATION MATTER, IF ANY, CORRESPONDING TO THAT OF THE CERTIFICATE OF REGISTRATION, CONSPICUOUSLY DISPLAYED, ONE ON THE FRONT AND ONE ON THE REAR OF SUCH VEHICLE, EACH SECURELY FASTENED SO AS TO PREVENT THE SAME FROM SWINGING AND PLACED, WHENEVER REASONABL POSSIBLE, NOT HIGHER THAN FORTY-EIGHT INCHES AND NOT LOWER THAN TWELVE INCHES FROM THE GROUND.

THE SOURCE OF DEPONENT'S INFORMATION AND THE GROUNDS FOR DEPONENT'S BELIEF ARE AS FOLLOWS:

THE DEPONENT STATES THAT AT THE ABOVE TIME AND PLACE, DEPONENT OBSERVED THE DEFENDANT RIDING A MOPED WITH NO LICENSE PLATE AFFIXED TO THE REAR OF THE ABOVE MENTIONED MOPED.

DEPONENT FURTHER STATES THAT DEPONENT ASKED THE DEFENDANT MULTIPE TIMES FOR IDENTIFICATION, BUT THE DEFENDANT REFUSED TO FOLLOW LAWFUL ORDERS AND PROVIDE ANY FORM OF IDENTIFICATION TO THE DEPONENT.

DEPONENT FURTHER STATES THAT DEFENDANT RESISTED ARREST BY FLALING DEFENDANT'S ARMS, TENSING UP BODY AND WRAPPING LEGS AROUND OFFICERS TO PREVENT DEPONENT FRO. PLACING HANDCUFFS ON THE DEFENDANT.

FALSE STATEMENTS MADE IN THIS DOCUMENT ARE PUNISHABLE AS A CLASS A MISDEMEANOR FORSUANT TO SECTION 210.45 OF THE PENAL LAW DATE

U.S. Department of Justice Office of Justice Programs *National Institute of Justice*



National Law Enforcement Technology Center

June 1995

A National Institute of Justice Program

Positional Asphyxia—Sudden Death

Major portions of this bulletin are drawn from a report prepared by the International Association of Chiefs of Police for the National Institute of Justice (NIJ), based on research conducted by Dr. Charles S. Petty, Professor of Forensic Pathology, University of Texas, and Dr. Edward T. McDonough, Deputy Chief Medical Examiner, State of Connecticut, and reviewed by the Less-Than-Lethal Liability Task Group.

Police, sheriffs, and correctional officers have a limited and largely inadequate set of tools to use to safely subdue violent and aggressive subjects. Through NIJ's National Law Enforcement Technology Center (NLETC), the Federal Government is working to identify and support the development of a range of less-thanlethal technologies-from those suitable for one-on-one encounters to those that might be used for stopping fleeing vehicles. In a recent analysis of incustody deaths, we discovered evidence that unexplained in-custody deaths are caused more often than is generally known by a little-known phenomenon called positional asphyxia.

This NLETC bulletin presents information relevant to positional asphyxia—i.e., death as a result of body position that interferes with one's ability to breathe as it occurs within a confrontational situation involving law enforcement officers. We offer this information to help officers recognize factors contributing to this phenomenon and, therefore, enable them to respond in a way that will ensure the subject's safety and minimize risk of death.

The bulletin identifies factors found to precipitate positional asphyxia, and provides recommendations for ensuring a subject's safety and advisory guidelines for care of subjects. Information regarding the collection of potential evidence in cases involving positional asphyxia is also included. Through officer awareness and resultant action, it is anticipated that deaths attributable to this cause will be reduced.

Sudden in-custody death is not a new phenomenon—it can occur at any time, for a variety of reasons. Any law enforcement agency may experience a sudden incustody death, and while rare, such deaths appear to be associated most often with the following variables:

- Cocaine-induced bizarre or frenzied behavior. When occurring while confined by restraints, cocaineinduced excited delirium (an acute mental disorder characterized by impaired thinking, disorientation, visual hallucinations, and illusions) may increase a subject's susceptibility to sudden death by effecting an increase of the heart rate to a critical level.
- Drugs and/or alcohol intoxication. Drug and acute alcohol intoxication is a major risk factor because respiratory drive is reduced, and *subjects may not realize they are suffocating*.
- Violent struggle extreme enough to require the officers to employ some type of restraint technique. Subjects who have engaged in extreme violent activities may be more vulnerable to subsequent respiratory muscle failure.

Unresponsiveness of subject during or immediately after a struggle. Such unresponsive behavior may indicate cardiopulmonary arrest and the need for immediate medical attention.

It is important to understand how preexisting risk factors, combined with the subject's body position when subdued or in transit, can compound the risk of sudden death. Information contained in this bulletin may help to alert officers to those factors found frequently in deaths involving positional asphyxia.

Basic Physiology of a Struggle

A person lying on his stomach has trouble breathing when pressure is applied to his back. The remedy seems relatively simple: get the pressure off his back. However, during a violent struggle between an officer or officers and a suspect, the solution is not as simple as it may sound. Often, the situation is compounded by a vicious cycle of suspect resistance and officer restraint:

- A suspect is restrained in a face-down position, and breathing may become labored.
- Weight is applied to the person's back—the more weight, the more severe the degree of compression.

- The individual experiences increased difficulty breathing.
- The natural reaction to oxygen deficiency occurs—the person struggles more violently.
- The officer applies more compression to subdue the individual.

Predisposing Factors to Positional Asphyxia

Certain factors may render some individuals more susceptible to positional asphyxia following a violent struggle, particularly when prone in a face-down position:

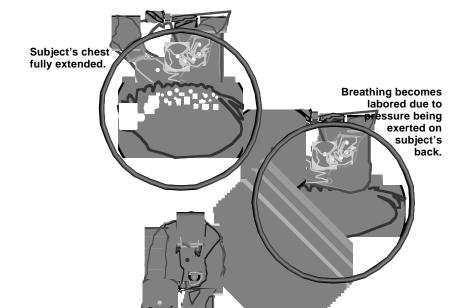
- Obesity.
- Alcohol and high drug use.
- An enlarged heart (renders an individual more susceptible to a cardiac arrhythmia under conditions of low blood oxygen and stress).

The risk of positional asphyxia is compounded when an individual with predisposing factors becomes involved in a violent struggle with an officer or officers, particularly when physical restraint includes use of behind-the-back handcuffing combined with placing the subject in a stomach-down position.

Advisory Guidelines for Care of Subdued Subjects

To help ensure subject safety and minimize the risk of sudden in-custody death, officers should learn to recognize factors contributing to positional asphyxia. Where possible, avoid the use of maximally prone restraint techniques (e.g., hogtying). To help minimize the potential for in-custody injury or death, officers should:

 Follow existing training and policy guidelines for situations involving physical restraint of subjects.



Officer Subduing a Violent Suspect and How It Can Interfere With Breathing

- As soon as the suspect is handcuffed, get him off his stomach.
- Ask the subject if he has used drugs recently or suffers from any cardiac or respiratory diseases or conditions such as asthma, bronchitis, or emphysema.
- Monitor subject carefully and obtain medical treatment if needed.
- Be trained to recognize breathing difficulties or loss of consciousness and immediately transport the individual to the emergency room, or call for an emergency medical team (EMT) unit if such signs are observed.
- Obtain medical care upon subject's request.

If the subject is turned over to a detention facility, inform the facility's custodians of any preexisting medical conditions (cardiac, respiratory) or that the subject requested or needed medical treatment because of respiratory difficulty or because he became unconscious.

Collection of Potential Evidence

Officer subdues violent suspect.

Officers involved in confrontational situations should collect information that may later be of value in a civil or perhaps criminal action.

A use-of-force report should include details of how the individual was

restrained. The following information should be included:

- What was the nature of the postarrest restraint procedure? Identify whatever type of restraint (including chemical incapacitants) was used.
- How long was the subject face down and/or restrained?
- How was the subject transported, and in what position was the subject during transport?
- How long did the transport phase last, and what observations were made of the subject's condition?

To reasonably establish the cause of death or serious injury, a broad range of factors must be examined:

- Nature of the confrontation.
- Weapon(s), if any, employed by officers.*
- Duration of the physical combat.
- System or type of postarrest restraint employed.
- Transportation of the subject: destination, duration, mode of transport, and position of subject during transport.
- Emergency room observations and actions, names of attending medical personnel.
- Postmortem examination (autopsy) of subject: nature of injuries, diseases present, drugs present, and other physical factors.

Conclusion

To help minimize the risk of positional asphyxia, diligent observation and monitoring of subjects displaying any one or a combination of the described indicators are procedurally warranted. Furthermore, the use of maximal, prone restraint techniques should be avoided. If prone positioning is required, subjects should be closely and continuously monitored. By implementing such procedural protocols, the potential for incustody deaths may be lessened.

NLETC Bulletin

The *NLETC Bulletin* is designed as a forum for disseminating to the law enforcement and criminal justice communities the most current information on technologies relevant to your needs. We welcome your comments or recommendations for future *Bulletins*.

The National Law Enforcement Technology Center is designing data bases to help respond to agencies that want to know who manufactures a specific product and what other agencies may be using that product. Your contributions to the Center's information network are important. What technologies or techniques are you using that you would like to share with colleagues? Please call or write to the National Law Enforcement Technology Center, P.O. Box 1160, Rockville, MD 20849, 800–248–2742. NYPD's Guidelines to Preventing Deaths in Custody

- As soon as the subject is handcuffed, get him off his stomach. Turn him on his side or place him in a seated position.
- If he continues to struggle, do not sit on his back. Hold his legs down or wrap his legs with a strap.
- Never tie the handcuffs to a leg or ankle restraint.
- If required, get the suspect immediate medical attention.
- Do not lay the person on his stomach during transport to a station house or hospital. Instead, place him in a seated position.
- An officer should sit in the rear seat beside the suspect for observation and control.

The New York City Police Department (NYPD) has developed a training tape on positional asphyxia. The Department has agreed to make the tape available to interested law enforcement agencies. To request a complimentary copy, please send your written request on departmental letterhead, and a blank VHS tape, to the Deputy Commissioner of Training, NYPD, 235 East 20th Street, New York, New York 10003.

The National Law Enforcement Technology Center is supported by Cooperative Agreement #95–IJ–CX–K002 awarded by the U.S. Department of Justice, National Institute of Justice.

The National Institute of Justice is a component of the Office of Justice Programs, which also includes the Bureau of Justice Assistance, Bureau of Justice Statistics, Office of Juvenile Justice and Delinquency Prevention, and Office for Victims of Crime.

^{*}If any incapacitant was used (e.g., pepper spray), the delivery system should immediately be secured for possible analysis.

U.S. Department of Justice

Office of Justice Programs

National Institute of Justice

Washington, DC 20531

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KINGS CRIMINAL COURT

120 Schermerhorn St., Brooklyn, NY 11201 Phone: (646) 386-4500 Fax: (718) 643-7733

Court ORI: NY023033J

vs.	ople of the State of New York na Moody		rtificate of Disposition ocket Number:	n CR-024316-24KN	
			TN: (SID:		
Defen	dant DOB:	A	rrest Date: 06/11/2024	Arraignment Date: 0	6/12/2024
	TO CERTIFY that the undersigned has examined the sthe following:	files of the	Kings Criminal Cour	rt concerning the above e	ntitled matter
Comi #			Obposition		Disposition
1	VTL 0402 01 A I No Lic Plate:Single Lic Plate	I	ACD (06/12/24) dism 12/11/24	iss and seal on	06/12/2024
2	PL 195.05 AM Obstruct Governmentl Admin-2nd	AM	ACD (06/12/24) dism 12/11/24	iss and seal on	06/12/2024
3	PL 205.30 AM Resisting Arrest	AM	ACD (06/12/24) dism 12/11/24	iss and seal on	06/12/2024
4	PL 240.20 01 V Dis/Con:Fight/Violent Behavior	v	ACD (06/12/24) dism 12/11/24	iss and seal on	06/12/2024
Charge W	eight Key: I=Infraction; V=Violation; AM, BM=Class Misdemeanor	; UM=Uncla	ssified Misdemeanor; Al, BI	F. CF, DF, EF=Class Pelony	
Dated:	June 13, 2024		ief Clerk/Clerk of the	Count	
All mariju re vacateo	CAUTION: THIS DOCUMENT IS NOT OFFIC ana convictions under PL 221.05, PL 221.10, PL 221.15, PL 221.20, d, dismissed, sealed, and expunged. It is an unlawful discriminatory p	CIAL UNL PL 221.35 o	ESS EMBOSSED WIT	TH THE COURT SEAL	disposition

а such an expunged conviction adversely against an individual in any form of application or otherwise-unless specifically required or permitted to do so by statute. It shall be an unlawful discriminatory practice, unless specifically required or permitted by statute, for any person, agency, buteau, corporation or association, including the state and any political subdivision thereof, to make any inquiry about, whether in any form of application or otherwise, or to act upon adversely to the individual involved, any arrest or criminal accusation of such individual not then pending against that individual which was followed by a termination of that criminal action or proceeding in favor of such individual, as defined in subdivision two of section 160.50 of the criminal procedure law, or by an order adjourning the criminal action in contemplation of dismissal, pursuant to section 170.55, 170.56, 210.46, 210.47, or 215.10 of the criminal procedure law, or by a youthful offender adjudication, as defined in subdivision one of section 720.35 of the criminal procedure law, or by a conviction for a violation sealed pursuant to section 160.55 of the criminal procedure law or by a conviction which is sealed pursuant to section 160.59 or 160.58 of the criminal procedure law, in connection with the licensing, housing, employment, including volunteer positions, or providing of credit or insurance to such individual; provided, further, that no person shall be required to divulge information pertaining to any arrest or criminal accusation of such individual not then pending against that individual which was followed by a termination of that criminal action or proceeding in favor of such individual, as defined in subdivision two of section 160.50 of the criminal procedure law, or by an order adjourning the criminal action in contemplation of dismissal, pursuant to section 170.55 or 170.56, 210.46, 210.47 or 215.10 of the criminal procedure law, or by a youthful offender adjudication, as defined in subdivision one of section 720.35 of the criminal procedure law, or by a conviction for a violation sealed pursuant to section 160.55 of the criminal procedure law, or by a conviction which is sealed pursuant to section 160.58 or 160.59 of the criminal procedure law. An individual required or requested to provide information in violation of this subdivision may respond as if the arrest, criminal accusation, or disposition of such arrest or criminal accusation did not occur. The provisions of this subdivision shall not apply to the licensing activities of governmental bodies in relation to the regulation of guns, firearms and other deadly weapons or in relation to an application for employment as a police officer or peace officer as those terms are defined in subdivisions thirty-three and thirty-four of section 1.20 of the criminal procedure law; provided further that the provisions of this subdivision shall not apply to an application for employment or membership in any law enforcement agency with respect to any arrest or criminal accusation which was followed by a youthful offender adjudication, as defined in subdivision one of section 720.35 of the criminal procedure law, or by a conviction for a violation sealed pursuant to section 160.55 of the criminal procedure law, or by a conviction which is sealed pursuant to section 160.58 or 160.59 of the criminal procedure law. For purposes of this subdivision, an action which has been adjourned in contemplation of dismissal, pursuant to section 170.55 or 170.56, 210.46, 210.47 or 215.10 of the criminal procedure law, shall not be considered a pending action, unless the order to adjourn in contemplation of dismissal is revoked and the case is restored to the calendar for further prosecution. [Executive Law 296(16)]

Charges may not be the same as the original arrest charges.





Version



NYPD Property Clerk Invoice PD 521-141(Rev. 12/18)



Invoice No. 3001759357

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Investigating Officer	N/A				•		Police Lab Evid.Ct	ri.No.
Det Squad Supervisor	N/A						Det Sqd. Case No.	•
CSU/ECT Processing	N/A	•	·		•		CSU/ECT Run No.	•
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Page No.1 of 2

NYPD Property Clerk Invoice PD 521-141(Rev.12/18)



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DISTRICT ATTORNEY RELEASE

The following property is no longer needed as evidence by the Office of the District Attorney County of Kings:

VOUCHER NUN	/BER: 3001759357	-	
ARREST NUMB	ER: K24633997		
DEFENDANT :	MOODY	KEYANNA	
	Last Name	First Name	
DATE: 07/01/2	2024	987 1	

A DISTRICT ATTORNEY'S release is not a statement by the District Attorney that anyone has any possessory right to the property. It is only a statement that certain property is no longer needed as evidence.

OFFICE OF THE KINGS COUNTY DISTRICT ATTORNEY Property Release Unit Proprel@brooklynda.org (718) 250-3550



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