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Hello, thank you for taking a look at my situation. My name is Steven Masters. I'm in prison for 3 burglaries/rapes. I've been in prison since 2004 on a 40 year sentence. I didn't commit these crimes and I didn't make a competent plea. Now, even though I say those two things, I know that this is a world where people don't care about what you know or say. People only believe and care about what you can prove. With that axiom in mind, I present the facts and documents to back up what I'm showing you.

As you go through this, I want you to keep what I am about to say in mind. I didn't set the facts in these cases, the Judges, Detectives, and District Attorney did. I didn't make the weight of evidence, they did. I didn't make them violate a myriad of their own procedures, they did that. I didn't make them commit the numerous felonies and Class A Misdemeanors, they did, as they framed me. I didn't make them violate most of my State and Federal Constitutional rights. They did this and more, without my help. This case study is an overview of their facts, their documents, their words, and their actions. Please, keep this in mind.

As far as the case study is concerned, I've tried to write it with all types of readers in mind, so…

Now that I have said my peace, I'm going to let the facts speak for themselves. I've put this mostly in chronological order and I'll start with a short bio on who I was before this happened.

Before April 26, 2004, the night of my arrest;

I was an entrepreneur; I had four small businesses; I was an independent rep for Excel Telecommunications; I had a dealership with Safe Home Security; I owned a small marketing business; and I had a business partner in a boxing gym. I was in a serious relationship, we lived together. I wasn't rich but I was trying my best to make something of myself.

Now I'm going to take you through my perspective of the arrest, then we'll come back to the start and I'll show you what the documentation proves throughout this whole situation.

The night of my arrest I was at a business party at a company called Pacific Prime. The place was closed for the day and a bunch of sales guys and I decided to have a little get-together.

We drank some beer, smoked a little weed, and earlier when I stopped at a nearby gas station to buy beer, I ran into someone I knew who gave me a hallucinogenic gel pill that I ended up taking at the party, although I didn't know it was a powerful hallucinogenic at the time. Later, back at the party, the police show up. They came right into the building and placed handcuffs on the manager, Martin Dicesare. Then two plain-clothes detectives came to me and said they wanted to ask me some questions. I asked what it was about but they wouldn't say. We went back and forth a couple of times with me asking what's going on and them being very vague and saying "we just want to talk, come with us, we just want to ask you some questions". During the course of those exchanges, one of the sales guys at the party said for me not to talk to them without a lawyer. I adamantly asked for a lawyer, but was never given access to one. Mind you there were about 20 people watching and listening to all of this. As I continued to ask for a lawyer they became frustrated and forced handcuffs on me, and then literally dragged me to a car. I remember getting into the car and driving away. I was pleading with them, asking them to please tell me what was going on. But then it goes blank...

The next thing I know, I'm waking up in a jail cell. I had been badly beaten and I was hallucinating very badly. It's hard to describe, but I will say, emphatically, that I never want to experience that again. I found out later that I was in Schenectady County Jail for 8 months and from there sent to Downstate Correctional Facility, then to Clinton Correctional Facility, where I've been since. I was heavily (and overly) medicated and I was on those meds for a couple of years here before I took myself off of them. It took me a long time to feel normal, to shed the haze and to start thinking clearly again. By the time I had taken myself off that medication, I discovered why I was imprisoned and that knowledge staggered me badly. I knew that being on that medication wasn't going to help me, but emotionally, I just shut down; I crawled in a hole and pulled the hole on top of me. I didn't know what to do at first. A prison "old-timer" here gave me some advice. He told me to figure out everything that had happened and make an overview of what I find. As you'll see, I've figured out a lot; so much so that I was stunned and sickened because of what I did find.

Now even though it is a little out of order, I want to go over the medication and such first...

The first thing I want to show you are these (4) documents from the Central New York Psychiatric Center (C.N.Y.P.C.), which is where I was taken 2 days after my arrest, for hallucinations and suicidal intent [1-4]. I was definitely suffering from some kind of hallucinogenic and I was obviously having some serious issues, as you can see by what they checked off on their initial assessment. Maybe it's me, but if I were a doctor, and I received a patient who was healthy looking, well groomed, a business owner, and they were exhibiting symptoms like those that were checked off about me, I would want to figure out what exactly this person ingested to cause such behaviors. As you can see on page 4, they didn't order a urinalysis, but instead they decided that the best course of treatment was to start me on a course of psychotropic medications, which the county jail doctors took to a whole new level.

Next I want to show you the medication logs from county jail [5-7]. As you can see they changed what I was given many times before settling on 900mg of Seroquel and 500mg of Depakene. I wrote the F.D.A. for information on all these drugs. The Seroquel is prescribed to treat manic depression, bi-polar mania and schizophrenia. The maximum dosage, according to the manufacturer, is 800mg. for severe cases, and they say in the prescribing information that exceeding 800 mg per day hasn't been clinically tested for safety, and by the same information they say 900 mg per day is considered an "acute overdose". The manufacturer lists many harmful side-effects, most of which I exhibited throughout my stay in county jail. The Depakene is an anti-epileptic that also acts as a synergist to the Seroquel, i.e. it greatly enhances the potency of the Seroquel. The side effects for both these drugs are extensive, incapacitating, and severely harmful. Both drugs are processed by the liver and yet I wasn't given any liver function tests, at any time, to see what these drugs were doing to me physically let alone psychologically. I can, however, tell you what the mental health notes from county jail had to say. I was going to include them all but there are 20-plus pages from my entire stay in county jail. Here are a few quotes from the records though;

"mood instability", "external blanking thoughts", "anxiety", "suicidal intent (this one appears a lot)", "insomnia", "visual and auditory hallucinations", "headaches", "humming in ears", "poor appetite", "racing thoughts", "Patient appears dazed and confused", and the list goes on.

Not exactly the picture of mental stability, and coincidently, all of these side-effects are listed in the adverse reaction list for both Seroquel and Depakene.

The reason I am bringing up the C.N.Y.P.C documents, the medication logs and quotes from the mental health notes from county is because I want to show you that I wasn't of sound mind through any of this. The <u>first time</u> I appear on record is at the plea hearing where I literally said 4 things – yes, no, okay, and uh-huh. I say nothing of any intelligence anywhere on record. You'll also be interested to know that at no time did anyone order a C.P.L. § 730.10 mental health evaluation, to see if I was of sound mind and competent to participate in any of the legal proceedings or my defense. I can also prove the public defender was fully aware of the medications, the mental health notes, everything. I also have all the transcripts and motions but instead of including them here, I'll save us time and tell you that the public defender put together a very generic omnibus motion that was mostly denied by the D.A. The judge granted part of one hearing but that never went anywhere, then next thing you know, there I am at the plea hearing getting 40 years in prison. The public defender didn't know the facts or laws surrounding the cases and that's just plain fact. I didn't make a *knowing*, *voluntary,* and *intelligent* plea. If you look at People v. Arnold, 113 A.D.2d 101 (1985), I have all these issues and more.

Now I'd like to talk about the witnesses at the party because they can substantiate a few things...

Lead detective Chris Foster was asked during the Grand Jury proceedings if I ever requested a lawyer. He said that I never requested a lawyer at any point – yet the witnesses at the party will attest to the fact that I unequivocally asked for an attorney. Foster also stated under oath that he had a search warrant that was executed properly - the witnesses will tell you that not one mention of a search warrant was made by anyone, and I will show you that the warrant wasn't even made until days later anyway. Another thing the witnesses can substantiate was my drug use that night. The reason that's important is because you cannot, by law, question someone who's under the influence of drugs. Also worth noting is that when Detective Foster was asked during the Grand Jury if my interrogation that night was video or audio recorded, he said "no it wasn't".

Now let's take a look at the arrest report [8]. The first thing I'd like to point out is Box 45: Condition of Defendant at Arrest. Foster checked *Appeared Normal*. Again, the witnesses at the party will verify I appeared anything but normal. Box 54 he marked *YES* to having a warrant. In Box 48 he marked *YES* to reading me my Miranda rights, but there is no waiver signed by me, nor would it be any good because of the hallucinogenic, weed, and alcohol. Then finally Foster says in Box 85 that I was arrested after investigation 23:26; when in fact I was arrested at Pacific Prime at 7:00 p.m.; My I.D. was taken; I was put in cuffs, put in a cop car, surrounded by police, and apparently taken to a police station, i.e., arrested.

Let's take a look at what transpired when I was taken to the police station...

These are the statements made the night of my arrest [9-13]. As you can see Detective Foster wrote these statements. I'm sure everyone reading this has common sense. Does this make sense to you? As far as the signatures, I don't know if they are mine or not. I don't remember being at a police station and I've asked a lot of people to compare various signatures I've written throughout time here, then these, and I get mixed opinions. It's been pointed out to me that being on all of those drugs made me very susceptible to obvious coercion. It was very convenient for the cops to not have made any recordings of the interrogation. The public defender, Mark J. Caruso, should have argued my drug use in the omnibus motion, but didn't. We'll get into that though, a little later on.

The next thing I want to show you is the search warrant [14]. C.P.L § 690 deals with search warrants and the requirements thereof. One of the requirements is an address, and as you can see there isn't one on this warrant. Two, there should be a time and date stamp to prove when it was issued, and obviously there isn't one of those either. The next thing is the phrase on the bottom: "You are directed to execute this warrant at any time of the day or night". C.P.L. § 690 says that this is a special clause and it has to be requested for in the search warrant application. I'll show you it wasn't. And in order for a judge to grant this special clause, they need to be shown that it meets the criteria laid out in C.P.L. § 690 - and it didn't. A normal warrant in New York can only be executed between the hours of 6:00am and 9:00pm. The police would need to show that they were unable to do so, such as if they had no idea where I was or if I didn't have an address. I will show you that they had my mother's address, my home address, and my business addresses. So they missed there. Two, The Property Sought Will Be Removed or Destroyed: You can't do either of those things to your D.N.A. Three, The Person Sought Is Likely to Flee: I didn't have a passport or large sums of money (those being vital to an escape plan), I've never been bailed out and skipped town, and I was under surveillance, so they couldn't rely on that one either. I also don't have any weapons or violence on my record. This is an abuse of power by Judge Joseph Teresi, not that the warrant is real, but still…

Another point I would like to bring up is that a consent form was signed that night to take a buccal swab from me. Unfortunately, I no longer possess this document but I do have the voluntary disclosure logs of everything that was turned over to the public defender, which I'll be showing you, and the consent is listed in the June 1st 2004 log, item number 84. The point I'm making is why would the police need a signed consent if they had a warrant? The answer is - they wouldn't, nor is it required.

Here's the search warrant application for a black leather organizer [15-16]. If you look at Part D you'll read that as of the 27th of April, the day after my arrest, the police didn't have the warrant that was executed properly on the 26th. You'll be interested to know that a warrant was never issued for the organizer, not that they found anything in it, but you can cross-reference that with the voluntary disclosure logs. Also, here is a consent form to take the organizer on the 26th … but again, why? [17]

Here's the search warrant application [18-19]. The first thing I'd like to point out is that the same Judge who signed the warrant acted as notary to Investigator Madden's warrant application. This doesn't seem right to me. I've since found out that this isn't properly notarized either. Executive Law § 137 states:

> "In exercising his powers pursuant to this article, a notary public, in addition to the venue of his act, and his signature, shall print, typewrite, or stamp beneath his signature in black ink, his name, the words "NOTARY PUBLIC STATE OF NEW YORK", the name of the county in which he originally qualified, and the date upon which his commission expires."

You'll notice that the search warrant application for the leather organizer doesn't have this, and neither does Detective Foster's affidavit.

As I said before, the special clause wasn't requested, and as you can now see, it wasn't. Two, Part A talks about stolen property, but as you'll see when we go over each case that nothing was stolen, nor was I charged with stealing anything. Three, in Part D Investigator Madden says he has various affidavits that provide probable cause, and we'll go through each one and you'll see the affidavits don't meet the probable cause standard.

The next thing I would like you to see is this document [20]. As you can see it says that at 10pm on 4/26/04 Investigator David Madden was advised that Rotterdam P.D. was interviewing 2 subjects. Didn't Inv. Madden make the search warrant application to get that warrant, you know, the one that was supposedly presented at Pacific Prime by Detective Foster, and executed properly? But yet he's being notified at 10pm that 2 subjects are at Rotterdam police department. At 10:35pm I'm I.D.'d and the manager, Martin Dicesare, is too. At 11:45 they're taking buccal swabs from both of us. O.K. - this explains the special clause in the search warrant to execute anytime day or night, and why do they need Martin's buccal swab if I'm the guy? Maybe it's me, but this document looks like it was filled out at the same time.

Here's the buccal swab consent form from Marty, just thought you'd like to see it [21]. By the way, my consent was handwritten, not on an official form like Marty's.

Let's move on to the supporting affidavits to the search warrant application…

The first one is from William Ward [22]. I'm noticing a couple of things. It's dated 4/28/04 (2 days after my arrest). It's definitely not filled out right. It's unwitnessed, he apparently took his own deposition, and there are crucial parts that aren't even filled out. Let's go through this. The 3/9/04 rape was the last in the time line of the three rapes. He obviously goes into some detail about who did what, when and where, but this isn't considered chain of custody. He says that on March 11th 04 that there was a report from the lab, but it's not in the voluntary disclosure logs, as you'll see. The part that says on the 16th they have the profile matching the three cases - I'll be coming back to that one with a rather large point.

The next affidavit is from Police Officer Robert Denman [23]. P.O. Denman states that a white male, approximately 25 -30 years of age, brown hair, cut short above the ear, threw a cigarette from a car (Jaguar), which I owned. I'm a white male, I was 25 years old, and I had short brown hair, cut short above the ears. Martin Dicesare was also a white male, he was born on 1/30/66, so he was almost 40, he had black and white hair, and it wasn't long hair, but it was long*ish*. My question to you is could you mistake brown hair for black and white hair? These trained professionals had a close look to see it was cut short above the ear, in fact P.O. Denman says Investigator Theobold was right next to the vehicle. I have their surveillance notes, and while he's ambiguous as to where exactly Investigator Theobold is, the notes show them in the same car. Then finally could you mistake a 25 year old for a 38 year old? I say all this because that cigarette butt was tested. You'll see in Detective Foster's affidavit that the cigarette butt didn't match the D.N.A. profile from the cases, but for some reason he say's it was Martin's not mine?

The next affidavit is from Ian Henry [24]. Sometimes I allowed Martin to drive my car, and as you can see, all it talks about is pulling the car over while Marty's driving, and the time shows it's about an hour after the cigarette butt. This also doesn't rise to probable cause.

Now let's go over Detective Chris Foster's affidavit [25-31]. In Part 2 he says he makes this application for a search warrant. I guess I'm a little lost; did Foster or Madden make the application? In Part 3 he refers to witnesses that had seen a Jaguar, but I'm not seeing these people or their statements in the voluntary disclosure logs, and shouldn't the Judge who signed the warrant have looked at these statements, so how come they're not included? Also in Part 3 Foster gives an account of the crime that doesn't match the victim's statement. Part 4 he says the same thing Investigator Madden said about the evidence collected at all three crime scenes, which isn't true, and I'll show you later on. Part 5 Foster says that on April 17th he received a couple of calls and that "at that time the name Steven Masters meant nothing to me". Take a look at this document [32]. There I am 10th from the bottom, and it is dated 3/4/04.

Then there's this document [33]. P.O. Stiles is surveilling me on the 16th, and if you remember P.O. Denman said that on 4/16/04 he was part of a surveillance detail, and Foster just said in part 4 he was part of this task force, which actually he created. He figured out the cases were linked; I'll show you later on. So he lied about knowing me! Part 6 He said that on April 19th 04 he got a call from a prostitute, and this was the same prostitute Inv. Madden referred to that cause them to make me the focus of their investigation. Foster submitted the call log from his cell phone for this call [34]. Now if you look at the dates they're all the 21st, not the 19th. Look at the top left hand corner it says statement date: April 27th 2004, the day after my arrest. This was supposed to be with the search warrant application too. How is it that he's getting it the day after my arrest and it's not even for the 19th? I've been told that they needed a way to involve my name, and this works to do that. Now in part 7-9 he talks about following me but then in Part 10 we come to that cigarette butt that P.O. Denman obtained. He then says he requested that the car be pulled over, but we just read that there was an hour gap between the cigarette butt and them pulling over Martin, plus the surveillance notes show they didn't have eyes on the car the whole time, and that it went to a house by the airport, then an hour later it was followed again. The problem here is that Foster continues to lie to everyone. He told the Grand Jury and here, in whatever document this is, that he had the car immediately pulled over, not "we lost eyes on it for an hour" and then an hour later, when we pulled it over, a 40 year old male, with black and white hair (Marty) was driving. He wanted everyone to believe that the cigarette butt was Marty's, not mine. As you'll see, on top of all the help he received from his fellow officers and the two judges, he also had the help of a special person, and we'll get to him after the cases are laid out. Part 14 Foster says the D.N.A. on the cigarette which was thrown from the car by Martin matches his D.N.A. profile? That was me in the car and that is my cigarette butt. So we have Foster speaking on things he's not qualified to speak on. We've caught him in several lies, he perjured himself, fabricated documents, and actually a lot more, and we haven't even gotten to the cases yet.

The last thing I want to show you are some letters I've sent and received concerning the search warrant...

I sent this letter [35]. I received this back [36-37]. So then I sent this letter with a copy of the warrant with void written across it. I never got a response back [38]. I wrote other places and they had no idea about it either.

I would now like to go over the arraignment…

Take a look at this document [37A]. A few things, one you'll notice this is the same judge Foster listed on the arrest report, and all the information matches up. HELD, NO BAIL, but it says 4/27/04. When was I arraigned? On the 26th or 27th? You'll also notice the section "Special Orders/Instructions", as you see the judge didn't order a C.P.L § 730.10 evaluation. I've shown you the assessment from C.N.Y.P.C. and the witnesses, so there was no way I was of sound mind, in fact C.P.L. § 730 says "if an accused becomes incapacitated prior to arraignment, the accused may not be arraigned until his or her mental capacity is restored". They went ahead anyways. This is what's referred to as an abuse of discretion. Just like Judge Eidens, who took my plea, both should have ordered a 730 evaluation. They were required to do so, and yet they decided, instead, to take advantage of me in my drug addled state, and violate my due process rights. I'd like to show you this too [38A]. They have me listed as representing myself, i.e. pro se. I keep thinking, how did Foster know what to write in the arrest report, I mean all the info was the same as far as the arraignment is concerned?, but two different dates?

Take a look at these complaints [39-40]. Notice on top how it was faxed to the court on the 27th. Sorry about how they look, but that's the way I got them.

Another thing I want to point out is that the Grand Jury was held on April 29th 04. I was at C.N.Y.P.C., I never signed anything saying I didn't want to go, not that I was of sound mind to participate, but seeing how I was overdosing and having a mental breakdown, weren't they supposed to wait for me?

By showing you everything I've shown you thus far proves the public defender wasn't in my corner. He obviously didn't know the facts or laws surrounding the cases, and he also didn't look into an alibi; there is one for the first two cases. None of the women pointed the finger at me, not through a line-up, nor through a photo array. There are also serious problems with the chain of custody in the cases. The criminal procedural law says "in determining whether a proper foundation has been laid for the introduction of real evidence, the authenticity is established by proof that the offered evidence is genuine and that there has been no tampering with it. The foundation necessary to establish these elements may differ according to the evidence sought to be admitted, for instance a chain of custody is <u>required</u> when the evidence is not patently identifiable or is capable of being replaced or altered". The fact that there is very little chain of custody from the police, and none from the lab, nor any lab notes, which you'll see in the voluntary disclosure logs, only proves what I'm about to show you throughout the three cases.

So with all of that in mind, let's get to the first case in the time line…

It took place on Dec. 12th, 2003 at 3:16am. Here is the hospital report, the incident report, and another interview done on April 2nd, 2004 by Detective O'Brien. (All marks, notation, etc. on all the documents were not made by me, I'm assuming they were made by the Public Defender) As you will see, there is a lot to process. It's a confusing mess so I've taken the liberty of writing out verbatim what's said in the reports. By lining everything up, you will get a clear picture of what happened. In my opinion, things don't match up with her story, but you be your own judge [41-49]. Let's start with her account of the incident:

- Page 3 of 7 - told writer that she heard noises at the window in living room approx. half hour before waking up and seeing perp standing at front door to residence looking out window. At that point she yelled at perp and he attacked her while she was lying on the couch. Stated that perp put his hand over her mouth as she struggled with him. She stated that he told her that he would kill her. Stated that she got his hand off her mouth and began screaming fire. Perp again went to the front door and looked out window. Stated that she tried to use the phone to dial 911 however the phone had been disconnected. The perp opened the door, as she continued to yell fire, and stepped outside. At this point she stated that she went to the door and slammed it shut locking it, then plugged in the phone and called 911.
- O'Brien's Report – Victim was sleeping on couch awoke with male subject inside her apartment peering out the blinds of the front door. Perp got on top of victim on couch threatened to kill her while putting his hand over her mouth while using his finger to touch her anus penetration was not accomplished before victim fought off perp, perp fled out front door. Victim later discovered two chairs stacked out side her kitchen window and window had been pried open victim also discovered phone had been unplugged and moved and put under an end-table.
- Page 5 of 7 – 12 /16 /03 – She told P.O. Walsh that there was no sexual contact to her private area and she believes she may have scratched S-1(suspect) in the face area. (I'll show you the lab report later, turns out to be her D.N.A.)

- Page 4 of 7 – Advised writer that perp attempted to rape of sodomize her during the attack. She stated that she was unsure as the whether perp used his finger or penis when he was attempting to sexually attack her. Complained of pain and soreness in the genital area as well as her buttock.
- Hospital Report – Pt. states man who was in her house put a pillow over her head and tried to strangle her. Pt. states man kept trying to "flip her over onto her stomach but she kept fighting him". (Further down in report), No red marks, abrasions, or lacerations. Then some kind of pain medication given for neck, arm, and back, (then back up to second line) Pt. states that she was not sexually assaulted. Now let's go over her description of the guy. I'm 5'7", stocky, white.
- Page 3 of 7 – She described perp as a male, white but with dark olive colored skin, approx. 6'0" wearing a brown wool sweater with vee-neck, dark jeans, and a white t-shirt over his head.
- O'Brien's Report – She describes as tall, lanky, white t-shirt worn over head, dark pants, dark shoes, tan vee-neck sweater with black stripe on vee-neck.

Now there are a bunch of facts stated by the police through the 7 page report, and I'd like to go over them as well.

- Page 4 of 7 – She advised writer that the window in the kitchen was open (up) and she shut it prior to patrols arrival (now remember she said in O'Brien's report that she later discovered that her kitchen window had been pried open. I'm not seeing anywhere where the police looked at the window for pry marks).
- Page 3 of 7 – Patrol arrived, Sergeant Fiminski while checking the area noticed that the victim's window to her bathroom had been opened completely. (Why would someone pry open one window if another was opened?)
- O'Brien's Report – Victim later discovered two chairs stacked outside her kitchen window.
- Page 3 of 7 – Writer also noticed that two green chairs had been stacked one on the other near victim's kitchen window with a boot print on it. (Same page further down) K9 unit, it appears that the foot prints that were found on the chair led to an empty parking spot that was in the rear parking lot of victim's apt. same parking lot that the victim's vehicle

was parked. (I'd like to know where the victim's car was exactly and where was the empty spot?) (Same page further up), writer spoke to (witness) who stated that she heard people talking but was unsure if it came from apt. upstairs of from victim's apt. then she heard a bang on the wall (witness) did not see anything, nor did she see anyone (witness) did say that the day before (12/11/03), that the victim had her vehicle towed to the back lot, not sure if this had anything to do with this case. (speaking of witnesses, the other two they talked to (same page) never seen anyone or anything)

- <u>Page 4 of 7</u> – Victim stated to writer that she had begun to receive hang-up calls since earlier this A.M., writer advised her to use *57 (now at the very bottom of the page she says) she believes that there may be a possibility that the incident may be related to a similar incident in Colonie. This incident involves a possible attempted break (in) to an apt. (parents) where the victim was staying. (On page 6 of 7 it says that the victim and/or her family have made a number of complaints with various police dept.)

Like I said, you be the judge. Now I want to go over that white tee-shirt she said the guy had on his head. I'm going to paraphrase to save us a little time:

- <u>Page 4 of 7</u> – She gets back from the hospital and looks out window and she spots a white tee-shirt similar to the one that the perp wore during the assault. (So you've got all these police looking around for a 6'0" white male, dark olive colored skin, wearing dark clothing and a white tee-shirt on his head and no one spots this tee-shirt?) So she calls and Ptl. Leroy comes out, takes pictures, then turns the shirt over to Det. Constantine. Where the shirt went from there is beyond me, and there's no chain of custody, then on page 4 of 7 Det. Constantine says "on my way back to the scene I happened to cross paths w/ patrolman Twitty at the intersection on Union St. w/ Oregon Ave. – it was here that we discovered a white t-shirt lying in the middle of Union St."

All right lets see if I have this straight…two police officers, in two different police cars, coming from two different directions, simultaneously spot a white t-shirt on Union St? So this shirt is found miles away, hours after the incident, and no one knows how or when it got there. There's nothing on or around it linking it to the crime, plus the lab results also don't link it to the crime either. As you'll see, a white t-shirt was tested but the victims D.N.A. isn't on it, and one more thing, I lived on Union St. I'd like to show you a couple documents [50]. So this consent to search my house was signed the night of my arrest. There are a couple things I don't understand. Why is there no search warrant? I mean they talk about stolen property and evidence from the cases, but yet they only want to search my Jag? They even made an application for the leather organizer, so why not the house? Better yet, how come they didn't get consent to search 515 State St., which is my marketing business, or the gym for that matter? Let's take a look at what they took from the house [51]. One white tee shirt and 3 sweaters that don't match the colors brown or tan. Now this is starting to make sense. Now I understand why the 7 page narrative says 4/27/2004 (the day after my arrest). I know a little about computers, and the time and date is an automatic thing. So Det. Constantine makes a narrative about finding a white tee shirt on the road and P.O. Twitty makes a similar explanation on page 3 of 7, so they back each other up. Then they print out the 7 page report. It explains why there is no chain of custody, and that's not all. I have a very big point to show you, but I need to go through the other 2 cases first, so you can get the full impact of what they did.

The second case in the timeline is Chris Foster's case. There are a couple things I'd like to point out. Here are two reports; an incident report and a hospital report [52-55].

- The first thing I notice is that this incident report was also printed out the day after my arrest.
- The victim makes several quotes as to what her attacker said exactly, in the hospital report. Then when you read the incident report, the verbiage isn't the same. They said the attacker said he'd kill her. This is also the same phrase from the first case. So if she didn't say that, then why would they put it in? Why did they change everything she said? This should tell you something.
- Another thing that doesn't match up is that Foster put in the statement that I ran back to my car up the street. If you look at Foster's search warrant application and see what he said regarding the witness who saw a Jag, it seems the Jag is next door to the victim's residence. But when you read the incident report, the K9 unit tracked the guy from the residence, down 4 streets, and I have a lead sheet that says all the same streets, but it says "tracks end near Pizza Hut". If the Jag was as close as Foster says, then how come the K9 unit didn't go to the car?

They obviously didn't find my prints, but they did say in the lab reports that my D.N.A. was on her. We'll get to that after I tell you about the third case.

I wasn't 100% sure about this until I got my paperwork from the public defender and I saw the name Lauren DeSantis. Lauren ("Laura" is how she introduced herself to me) and I had a one night stand. We messed around some, and then we ended up getting into an argument. I walked out on her during that argument. Apparently sometime after that she called the cops and said she was raped. There are a few facts I would really like to share with everyone, but I need to think about going to trial. So I'm going to save that evidence for my lawyer. Although I can tell you that Laura told the cop's that she didn't know her attacker. Because she decided to go with this lie, it's great for me. She would have been better-off twisting the facts of the situation, and making it a he said/she said deal. Now, when what I have is revealed, she will be charged with making a false felony complaint. There is one document I want to share with you though.

- Take a look at this [56] look at #63. Foster and Constantine are at her house the next day? This is a different county, and why are Foster and Constantine even "working" together? All I know is this is very big somehow.

There are a few more documents I want to show you. Here are 3 evidence collection forms from the second case [57-59].

- As you can see they took a lot of clothing, linen, and 3 hairs were found, but as you'll see in the lab reports, none of this stuff is there. Where did all this evidence go?
  Now take a look at these three documents [60-62].
- By what I've studied on chain of evidence, this doesn't even come close to the requirements, and this is all that was turned over, which you can cross-reference with the voluntary disclosure logs from the D.A.

Here are the lab reports [63-69].

- I'm not sure how significant it is, but if you look at the March 4th report and see which exams were done, and which ones weren't done, then go to the March 15th report, you'll see results from exams that weren't done?

I've been told that the March 15th report is odd. Nine columns, 6 with just my numbers, 2 with just hers, and 1 that's admixed. I don't know if this report is just veneer or if actual tampering happened. I do know this lab has had some problems in the past, but let me show you the April 1st report, and then I'll tell you my theory.

Here is the April 1st, 2004 lab report from the Dec. 12, 2003 case [70-74].

As I've said, and as you can see, the finger nail scrapings are her D.N.A., and the shirt also doesn't have her D.N.A. on it.

Now I'd like to give you my theory about the lab tech, Kevin Rafferty. If you look at everything that was tested, i.e. my buccal swab, the glasses, all of the evidence from the 3 cases, the cigarette butt, literally everything that was tested has one name that appears each time – Kevin Rafferty.

They say that when they consider someone as being the culprit, they look to see if that person had the means, the knowledge, the opportunity, and the motive. So I'd like you to consider several facts, facts that I have considered many times.

- Who could have changed the lab report to make that cigarette butt Marty's D.N.A. numbers?
- William Ward's affidavit seems to say that on March 16th, they had all 3 profiles. How is that possible if the lab didn't get the results from the t-shirt until April 1st?
- Can you think of a good reason why there wasn't any chain-of-custody from the lab, or any lab notes?
- Why would Detective Constantine need one random white t-shirt from me?
- What happened to the t-shirt they found right outside of her house?
- Why wasn't there any chain-of-custody from the December 12, 2003 t-shirt case?
- Why would they arrest Marty and take a buccal swab from him if, as they said, they knew he wasn't the guy?
- Why did they have the lab continue to test other people after my arrest?
- What happened to all of the clothing and linens, and the 3 hairs, they found at the scene of the March 3rd case?
- Why would the police need to change everything the woman said from the March 3rd case, and put in a specific quote from what the woman in the December 12th case said her attacker said?
- Why is there only a partial chain-of-custody in the March 3rd case?
- If you do the math, the lab had a 6-day window of opportunity, to use my D.N.A. from Laura, to when the March 3rd lab report came out.
- Why would there be results to exams that the lab said they didn't do?
- So who had access to evidence, who had the knowledge to either fabricate a lab report, and/or tamper with evidence, who had opportunity, who had the means, and considering the amount of things done, there's got to be motive in there somewhere.

Other questions to ask yourself...

- I've shown you all kinds of C.P.L. violations, Constitutional violations, just all kinds of issues, so how is it that the public defender, Mark Caruso, who had all of the same documents, and more knowledge of the law than me, didn't bring up any of this in the omnibus motion?
- Why would the D.A. withhold certain evidence when they should have turned a lot of things over, as per voluntary disclosure, but didn't?
- Why would the mental health doctors prescribe me medications that I should have never been on, and why would they administer dosages that exceed the manufacturer's maximum dosage limitations?
- The pre-sentence report should have stated that I was receiving psychotropic medication and mental health treatment, so considering that the court was required to order a 730 evaluation, why did Judge Eidens decide to abuse his power and discretion?

If you look at the news footage, my appearance deteriorated over time. My hair and beard got real long and straggly, and I gained about 125 pounds, all outward signs that something might be wrong. I obviously didn't properly allocute my plea, there's a lot of caselaw to support that saying "yes" and "no", even at the right times, can be insufficient. So, long story short, a C.P.L. 730 evaluation should have been ordered by the arraignment judge(s), (remember – 3 cases), and the public defender should have ordered one also, as well as both plea and sentencing judges from Albany and Schenectady. Why would they take advantage of me and violate my due process rights? If you look at People v. Arnold, 113 A.D.2d 101, I have all of these issues and more.

The amount of abnormalities, problems, violations, and crimes committed by the public servants and officials, is absolutely crazy. This isn't how a normal case goes.

I have proven to you over and over again that I was framed. I need help to expose this and help to clear my name, and to sue. Any help you can provide me would be great. You should also know that there are quite a few other facts and documents that you'll want to see and know about. There are things I know, or see, that I'm not sure how significant they are, as well as things I couldn't seem to fit into this study. So please feel free to ask any questions you may have. You should also know I've filed complaints with the U.S. Attorney General's Office and asked that a formal investigation be done on the various public servants and officials involved, but I'm not sure how long their investigation will take, which is why I am doing this case study. I've also made complaints with a couple of other agencies and watch-dog groups. Obviously, it would be counter-productive to file a C.P.L. § 440 with the same judges and D.A.'s that helped do this to me the first time, so I need to get them removed from the cases, and hopefully into trouble for their actions, not to mention everyone else involved throughout this. It is just as important to me that those involved are exposed, as it is that my name is cleared. I'm going to need help though. I need to find a good lawyer that will represent me in both the criminal and civil proceedings.

Thank you for reading through this, and anything that you can do would be much appreciated. Finally, here are the other lab reports and the voluntary disclosure logs from the D.A. [75-90].

Respectfully,

STEVEN MASTERS