

CRIMINAL COURT OF THE CITY OF NY
PART APAR COUNTY OF QUEENS

THE PEOPLE OF THE STATE OF NEW YORK

v.

JUAN BASAGOITIA

DEFENDANT

STATE OF NEW YORK
COUNTY OF QUEENS

DETECTIVE JAMES M OSORIO OF QDA 110 TAX REG# 900554, BEING DULY SWORN,
DEPOSES AND SAYS THAT ON OR ABOUT MARCH 4 2003 AT ABOUT 2:25 AM AT [REDACTED]
ITHACA STREET, COUNTY OF QUEENS, STATE OF NEW YORK,

THE DEFENDANT COMMITTED THE OFFENSES OF:
PL 140.30-2 BURGLARY IN THE FIRST DEGREE
PL 120.10-1 ASSAULT IN THE FIRST DEGREE (2 COUNTS)
PL 105.10-1 CONSPIRACY IN THE FOURTH DEGREE
PL 265.01-2 CRIMINAL POSSESSION OF A WEAPON IN THE FOURTH DEGREE

IN THAT THE DEFENDANT DID; KNOWINGLY ENTER OR REMAIN UNLAWFULLY IN A
DWELLING WITH INTENT TO COMMIT A CRIME THEREIN, AND WHEN, IN EFFECTING
ENTRY OR WHILE IN THE DWELLING OR IN IMMEDIATE FLIGHT THEREFROM, HE/SHE OR
ANOTHER PARTICIPANT IN THE CRIME DID CAUSE PHYSICAL INJURY TO A PERSON WHO
WAS NOT A PARTICIPANT IN THE CRIME; WITH INTENT TO CAUSE SERIOUS PHYSICAL
INJURY TO ANOTHER PERSON, CAUSE SUCH INJURY TO SUCH PERSON OR A THIRD
PERSON BY MEANS OF A DEADLY WEAPON OR DANGEROUS INSTRUMENT; WITH INTENT
THAT CONDUCT CONSTITUTING A CLASS B OR C FELONY BE PERFORMED, AGREE WITH
ONE OR MORE PERSONS TO ENGAGE IN OR CAUSE THE PERFORMANCE OF SUCH CONDUCT;
POSSESS A DAGGER, DANGEROUS KNIFE, DIRK, RAZOR, STILETTO, IMITATION
PISTOL, SHIRKEN OF KUNG FU STAR OR ANOTHER DANGEROUS OR DEADLY INSTRUMENT
OR WEAPON WITH INTENT TO USE THE SAME UNLAWFULLY AGAINST ANOTHER PERSON;

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

DEPONENT STATES THAT HE IS INFORMED BY COMPLAINANT WILLIAM LAVERY THAT AT
THE ABOVE MENTIONED DATE AND TIME, SAID COMPLAINANT AND HIS BROTHER,
DAVID LAVERY, WERE IN THEIR DWELLING AT THE ABOVE MENTIONED LOCATION WHEN
BOTH COMPLAINANTS WERE ATTACKED AND STABBED BY INTRUDERS. DEPONENT IS
FURTHER INFORMED BY COMPLAINANT WILLIAM LAVERY THAT, AS A RESULT OF THIS
OCCURRENCE, BOTH COMPLAINANTS WERE TRANSPORTED TO A LOCAL HOSPITAL WHERE
THEY WERE BOTH ADMITTED AS IN-PATIENTS AND UNDERWENT SURGERY.

DEPONENT IS FURTHER INFORMED BY COMPLAINANT WILLIAM LAVERY THAT SAID
COMPLAINANT IS A LEGAL CUSTODIAN OF SAID DWELLING AND THAT THE
AFOREMENTIONED INTRUDERS HAD NO PERMISSION OR AUTHORITY TO ENTER OR
REMAIN IN SAID DWELLING.

DEPONENT FURTHER STATES THAT BOTH COMPLAINANTS SUSTAINED SERIOUS STAB WOUNDS TO THEIR BODIES FOR WHICH THEY EACH REQUIRED SURGERY.

DEPONENT FURTHER STATES THAT PREVIOUSLY APPREHENDED OTHER DAVID ROBLES ADMITTED IN SUBSTANCE THAT HE AND PREVIOUSLY APPREHENDED OTHER DANNY MACHUCA ENTERED THE DWELLING OF THE COMPLAINANTS BECAUSE THEY HAD BEEN PAID BY THE DEFENDANT, JUAN BASAGOITIA, TO "GET RID OF" THE COMPLAINANTS, THAT HE AND DANNY CLIMBED UP THE FIRE ESCAPE AND ENTERED THE COMPLAINANT'S APARTMENT THROUGH THE KITCHEN WINDOW, THAT HE JUMPED COMPLAINANT DAVID LAVERY AND HIT HIM, THAT HE THEN ENCOUNTERED COMPLAINANT WILLIAM LAVERY, SWUNG AT HIM WITH A KNIFE, THERE WAS A STRUGGLE AND SAID DEFENDANT DIDN'T MEAN TO CUT WILLIAM LAVERY, JUST TO BEAT HIM.

DEPONENT FURTHER STATES THAT DANNY MACHUCA ADMITTED IN SUBSTANCE THAT HE AND DAVID ROBLES ENTERED THE DWELLING OF THE COMPLAINANTS BECAUSE THEY HAD BEEN PAID BY DEFENDANT BASAGOITIA TO "TAKE CARE OF" THE COMPLAINANTS BY ANY MEANS NECESSARY, THAT THEY ENTERED THE COMPLAINANT'S APARTMENT THROUGH THE KITCHEN WINDOW, THAT DAVID ROBLES TOOK OUT A BLADE AND "SLICED" COMPLAINANT DAVID LAVERY WHO YELLED FOR HIS BROTHER, THAT COMPLAINANT WILLIAM LAVERY THEN CAME OUT, THAT SAID DEFENDANT STABBED COMPLAINANT DAVID LAVERY ONCE, THEN HELD HIM DOWN AND "SLICED" HIM TWO MORE TIMES, THAT SAID DEFENDANT AND DAVID ROBLES THEN GOT OUT OF THE APARTMENT THROUGH THE WINDOW AND SAID DEFENDANT TOOK OFF HIS CLOTHES WHICH HAD BLOOD ON THEM WHEN HE WAS BACK IN HIS OWN DWELLING.

DEPONENT FURTHER STATES THAT ON THE ABOVE MENTIONED DATE AT ABOUT 8:45 PM, HE EXECUTED A SEARCH WARRANT AT THE SECOND FLOOR APARTMENT OF DEFENDANTS DAVID ROBLES AND DANNY MACHUCA AT THE ABOVE MENTIONED ADDRESS AND FOUND THEREIN A KNIFE, CLOTHING WHICH APPARENTLY HAD BLOOD ON IT AND GLOVES WHICH APPARENTLY HAD BLOOD ON THEM, AND ITEMS OF MAIL BEARING THE NAMES OF BOTH DEFENDANTS WITH THE ADDRESS OF SAID LOCATION ON THEM.

DEPONENT FURTHER STATES THAT THE DEFENDANT ADMITTED THAT HE AGREED TO PAY DAVID ROBLES \$2500 UNITED STATES CURRENCY TO "TAKE OUT" THE COMPLAINANTS. DEPONENT FURTHER STATES THAT THE DEFENDANT ADMITTED TO PAYING DAVID ROBLES \$700 IN CASH AND AGREED TO PAY THE REMAINDER WHEN THE COMPLAINANTS WERE OUT OF APARTMENT.

DEPONENT FURTHER STATES THAT THE DEFENDANT WANTED THE COMPLAINANTS OUT OF THE APARTMENT BECAUSE IT WAS RENT CONTROLLED AND HE COULD HAVE GOTTEN \$1400 MORE A MONTH. DEPONENT FURTHER STATES THAT THE DEFENDANT ADMITTED THAT HE HIRED ROBLES FOR \$2500 TO GET THE COMPLAINANTS OUT. DEPONENT FURTHER STATES THAT THE DEFENDANT ADMITTED AGREEING TO PAY \$2500, \$700 BEFORE AND \$1800 AFTER THE JOB WAS DONE.

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

DATE

SIGNATURE:

SWORN TO BEFORE ME ON THE
DAY OF

DATE

SIGNATURE

CRIMINAL COURT OF THE CITY OF NY
PART APAR COUNTY OF QUEENS

THE PEOPLE OF THE STATE OF NEW YORK

STATE OF NEW YORK
COUNTY OF QUEENS

v.

DAVID ROBLES 11/4/07
DANNY MACHUCA 9/15/74

DEFENDANTS

DETECTIVE JAMES M OSORIO OF 110 SQD, SHIELD 6625, TAX REG# 900554, BEING DULY SWORN, DEPOSES AND SAYS THAT ON OR ABOUT MARCH 4 2003 AT ABOUT 2:35 AM AT [REDACTED] ITHACA STREET, THIRD FLOOR APARTMENT, COUNTY OF QUEENS, STATE OF NEW YORK,

THE DEFENDANTS COMMITTED THE OFFENSES OF:
PL 110/125.25-1 ATTEMPTED MURDER IN THE SECOND DEGREE (2 COUNTS)
PL 140.30-2 BURGLARY IN THE FIRST DEGREE
PL 120.10-1DI ASSAULT IN THE FIRST DEGREE-A VIOLENT FELONY OFFENSE (2 COUNTS)
PL 265.01-2 CRIMINAL POSSESSION OF A WEAPON IN THE FOURTH DEGREE

IN THAT THE DEFENDANTS, ACTING IN CONCERT, DID: WITH INTENT TO COMMIT THE CRIME OF MURDER IN THE SECOND DEGREE AND TO CAUSE THE DEATH OF ANOTH PERSON, ENGAGE IN CONDUCT WHICH ATTEMPTED TO CAUSE THE DEATH OF SUCH PERSON OR A THIRD PERSON DWELLING WITH INTENT TO COMMIT A CRIME THEREIN, AND WHEN, IN EFFECTING ENTRY OR WHILE IN THE DWELLING OR IN IMMEDIATE FLIGHT THEREFROM, HE/SHE ANOTHER PARTICIPANT IN THE CRIME DID CAUSE PHYSICAL INJURY TO A PERSON W WAS NOT A PARTICIPANT IN THE CRIME INJURY TO ANOTHER PERSON, CAUSE SUCH INJURY TO SUCH PERSON OR TO A THIRD PERSON BY MEANS OF A DANGEROUS INSTRUMENT. KNIFE, DIRK, RAZOR, STILETTO, IMITATION PISTOL, SHIRKEN OF KUNG FU STAR ANOTHER DANGEROUS OR DEADLY INSTRUMENT OR WEAPON WITH INTENT TO USE THE SAME UNLAWFULLY AGAINST ANOTHER PERSON

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

DEPONENT STATES THAT HE IS INFORMED BY COMPLAINANT WILLIAM LAVERY THAT A THE ABOVE MENTIONED DATE AND TIME, SAID COMPLAINANT AND HIS BROTHER, DAVID LAVERY, WERE IN THEIR DWELLING AT THE ABOVE MENTIONED LOCATION WHE BOTH COMPLAINANTS WERE ATTACKED AND STABBED BY INTRUDERS. DEPONENT IS FURTHER INFORMED BY COMPLAINANT WILLIAM LAVERY THAT, AS A RESULT OF THIS OCCURRENCE, BOTH COMPLAINANTS WERE TRANSPORTED TO A LOCAL HOSPITAL WHERE THEY WERE BOTH ADMITTED AS IN-PATIENTS AND UNDERWENT SURGERY.

DEPONENT IS FURTHER INFORMED BY COMPLAINANT WILLIAM LAVERY THAT SAID

COMPLAINANT IS A LEGAL CUSTODIAN OF SAID DWELLING AND THAT THE AFOREMENTIONED INTRUDERS HAD NO PERMISSION OR AUTHORITY TO ENTER OR REMAIN IN SAID DWELLING.

DEPONENT FURTHER STATES THAT BOTH COMPLAINANTS SUSTAINED SERIOUS STAB WOUNDS TO THEIR BODIES FOR WHICH THEY EACH REQUIRED SURGERY.

DEPONENT FURTHER STATES THAT DEFENDANT DAVID ROBLES ADMITTED IN SUBSTANCE THAT HE AND DEFENDANT DANNY MACHUCA ENTERED THE DWELLING OF THE COMPLAINANTS BECAUSE THEY HAD BEEN PAID BY AN UNAPPREHENDED OTHER TO GET RID OF THE COMPLAINANTS, THAT HE AND DANNY CLIMBED UP THE FIRE ESCAPE AND ENTERED THE COMPLAINANT'S APARTMENT THROUGH THE KITCHEN WINDOW, THAT HE JUMPED COMPLAINANT DAVID LAVERY AND HIT HIM, THAT HE THEN ENCOUNTERED COMPLAINANT WILLIAM LAVERY, SWUNG AT HIM WITH A KNIFE, THERE WAS A STRUGGLE AND SAID DEFENDANT DIDN'T MEAN TO CUT WILLIAM LAVERY, JUST TO BEAT HIM.

DEPONENT FURTHER STATES THAT DEFENDANT DANNY MACHUCA ADMITTED IN SUBSTANCE THAT HE AND DEFENDANT DAVID ROBLES ENTERED THE DWELLING OF THE COMPLAINANTS BECAUSE THEY HAD BEEN PAID BY THE UNAPPREHENDED OTHER TO TAKE CARE OF THE COMPLAINANTS BY ANY MEANS NECESSARY, THAT THEY ENTERED THE COMPLAINANT'S APARTMENT THROUGH THE KITCHEN WINDOW, THAT DAVID ROBLES TOOK OUT A BLADE AND SLICED COMPLAINANT DAVID LAVERY WHO YELLED FOR HIS BROTHER, THAT COMPLAINANT WILLIAM LAVERY THEN CAME OUT THAT SAID DEFENDANT STABBED COMPLAINANT DAVID LAVERY ONCE, THEN HELD HIM DOWN AND SLICED HIM TWO MORE TIMES, THAT SAID DEFENDANT AND DAVID ROBLES THEN GOT OUT OF THE APARTMENT THROUGH THE WINDOW AND SAID DEFENDANT TOOK OFF HIS CLOTHES WHICH HAD BLOOD ON THEM WHEN HE WAS BACK HIS OWN DWELLING.

DEPONENT FURTHER STATES THAT ON THE ABOVE MENTIONED DATE AT ABOUT 8:45 P HE EXECUTED A SEARCH WARRANT AT THE SECOND FLOOR APARTMENT OF DEFENDANTS DAVID ROBLES AND DANNY MACHUCA AT THE ABOVE MENTIONED ADDRESS AND FOUND THEREIN A KNIFE, CLOTHING WHICH APPARENTLY HAD BLOOD ON IT AND GLOVES WHICH APPARENTLY HAD BLOOD ON THEM, AND ITEMS OF MAIL BEARING THE NAMES OF BOTH DEFENDANTS WITH THE ADDRESS OF SAID LOCATION ON THEM.

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

Q03602708,Q036027

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DAVID ROBLES

STATE OF NEW YORK
COUNTY OF QUEENS