

THE CITY COURT OF ROCHESTER COUNTY OF MONROE NEW YORK
THE PEOPLE OF THE STATE OF NEW YORK

ROCHESTER CITY COURT

CR#09-364989

2009 NOV 13 AM 7:14

VS.

MUNIR M. MUTHANA, 2/14/82, 700 S. PLYMOUTH AV., ROCHESTER, NY

I, INV. JOHN F. MULLER, the complainant here, work at 185 Exchange Blvd., Rochester, New York, and accuse the defendant, MUNIR M. MUTHANA, in this action, that on or about 12TH day of NOVEMBER, 2009 at about 2:06 p.m., at the location known as 700 S. PLYMOUTH AV., City of Rochester, County of Monroe, State of New York, said defendant did knowingly, intentionally and unlawfully commit the Class D FELONY of ASSAULT 2d DEGREE, FIVE COUNTS, contrary to the provisions of Section and Sub-Section 120.05-(2) of the Penal Law of the State of New York.

THE FACTS ON WHICH THIS ACCUSATION IS MADE ARE UPON INFORMATION AND BELIEF, AS FOLLOWS:

That your complainant is a Police Investigator for the Rochester Police Department and assigned to the West Division. That on the above date and time and at the above location the defendant did with intent to cause physical injury to another person, did cause injury to such person or a third person, by means of a deadly weapon or dangerous instrument; TO WIT:

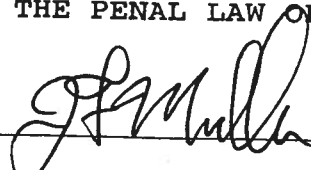
The defendant, utilizing a motor vehicle (a 1996 Nissan Maxima bearing NY license plate [redacted]), intentionally drove his car into several pedestrians in a parking lot of a convenience store. The defendant struck [redacted], who was on a bicycle, causing substantial pain and lacerations to his leg and wrist. The defendant also struck [redacted], who was on foot, causing substantial pain to his back and right leg. The defendant then put the vehicle in reverse and intentionally drove over the left leg of [redacted], causing substantial pain and rendering him (at least temporarily) unable to walk. The defendant then intentionally rammed a parked vehicle, pushing the vehicle into another pedestrian, [redacted], pushing her under the parked vehicle and causing substantial pain to her left leg and left arm. The defendant then fled from police officers who attempted to stop him, intentionally ramming his car into the rear of [redacted] car near Genesee St. and Brooks Av., causing substantial pain to her head. All of the injuries were a direct result of the defendant intentionally striking them with his car and all necessitated emergency treatment at Strong Hospital, where their injuries are still being evaluated.

The basis of your complainant's allegation is information and belief, that being the observations of Rochester Police Officer Jeff Schroeder, and the depositions of [redacted] and [redacted], which are attached and made a part hereto.

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

DATE: 11/12/09

COMPLAINANT


INV. J.F. MULLER #179,
ROCHESTER POLICE DEPT.

IN THE MATTER OF DEFENDANTS/RESPONDENTS LISTED BELOW:

- 1. MUNIR MUTHANA
DEFENDANT'S/RESPONDENT'S NAME _____ DEFENDANT'S/RESPONDENT'S ADDRESS _____
- 2. _____
DEFENDANT'S/RESPONDENT'S NAME _____ DEFENDANT'S/RESPONDENT'S ADDRESS _____
- 3. _____
DEFENDANT'S/RESPONDENT'S NAME _____ DEFENDANT'S/RESPONDENT'S ADDRESS _____

CHARGED WITH ALLEGED OFFENSES, TO WIT: ASSAULT 2^d

DEPONENT'S NAME _____ DATE OF BIRTH _____ DEPONENT'S ADDRESS AND PHONE NUMBER _____

DEPONENT DEPOSES AND SAYS:

MY NAME IS _____ AND I AM 40 YEARS OLD. I CURRENTLY
LIVE AT _____ ON 11-12-2009 AT ABOUT 1:40PM, I WAS WALKING
OUT OF THE SUNOCO ON SOUTH PLYMOUTH. I SAW AN ARAB GUY ARGUING
A GUY NAMED JASON. I RECOGNIZED THE ARAB GUY AS THE ONE THAT USED TO WORK
AT THAT SUNOCO AND I SAW HIM TWO DAYS AGO AT THE STORE AT MURRAY AND LYELL. I
KNOW JASON THROUGH THE STREETS. I KNOW JASON GOES BY THE NAME "SEVEN" AND
DRESSES LIKE A FEMALE AS I WAS WATCHING THEM ARGUE, I SAW THE ARAB GUY
RUN TOWARDS THE BACK OF THE STORE. JASON WALKED OUTSIDE. THE ARAB GUY
THEN RAN TOWARDS JASON WITH A SMALL KNIFE. JASON RAN AND THE ARAB
DUDE WAS CHASING HIM. THE ARAB GUY CHASED JASON INTO THE KENNEDY TOWER
BUILDING. AFTER A LITTLE BIT, THE ARAB GUY CAME OUT OF THE KENNEDY TOWER.
THE ARAB GUY WALKED BACK TOWARDS HIS CAR PARKED AT THE SUNOCO. I WAS STANDING
BEHIND "BAGS" WHO WAS ON A BICYCLE. STARTING TO SCRATCH MY LOTTO TICKET.
THE ARAB GUY THEN LOOKED AT BAGS AND ME AND SAID "IF YOU EVER SEE A
FAGGOT, BEAT THE SHIT OUT OF HIM." I THEN HEARD SOMEONE IN THE CROWD
SAID "YOU SHOULD OF KNOWN YOU WERE MISSING WITH A FAGGOT." THE ARAB GUY SAID
"I DIDN'T KNOW" AND THEN HE SAT IN HIS CAR. AFTER A COUPLE OF MINUTES, THE
ARAB DUDE DROVE HIS GOLD VEHICLE OUT OF THE STORE. LOT AND THEN HE
CAME BACK IN. AT THIS TIME, I WAS STILL BEHIND "BAGS" AND I NOW SAW JASON
"BAGS" HITTING HIM AND ME. I FLEW IN THE AIR LANDING ON MY BACK. IN FRONT
OF THE SUNOCO FRONT DOOR. AS I WAS ON THE GROUND I LOCKED UP. AND
SAW THE CAR BACK UP. AT THAT TIME, THE STORE EMPLOYEES GRABBED MY HEADLE
AND PULLED ME INTO THE STORE. THE ARAB GUY WAS TRYING TO HIT BAGS BECAUSE
THAT IS JASON'S COUSIN AND HE WOULDNT LET THE ARAB DUDE HIT JASON. I DIDN'T
SEE ANYTHING AFTER THAT. MY BACK HURTS ALW WITH MY RIGHT LEG. I CAN'T EVEN SIT UP.

[Handwritten signature and date]
 11-12-09

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

DEPONENT'S SIGNATURE _____ DATE 11-12-09
 WITNESS SIGNATURE [Signature] DATE 11-12-09

IN THE MATTER OF DEFENDANTS/RESPONDENTS LISTED BELOW:

1. MUNIR M. MUTHANA 2-14-82
DEFENDANT'S / RESPONDENT'S NAME

138 ADAMS Street, Rochester
DEFENDANT'S / RESPONDENT'S ADDRESS

2. _____
DEFENDANT'S / RESPONDENT'S NAME

DEFENDANT'S / RESPONDENT'S ADDRESS

3. _____
DEFENDANT'S / RESPONDENT'S NAME

DEFENDANT'S / RESPONDENT'S ADDRESS

CHARGED WITH ALLEGED OFFENSES, TO WIT: ASSAULT 2nd

DEPONENT'S NAME:

DEPONENT'S ADDRESS:

DEPONENT DEPOSES AND SAYS: DN My NAME IS

I was born on . . . I am 21 years old. I live at _____ in Rochester, New York. On 11/12/09 at about 2:30 or 2:40 pm I was at 700 South Plymouth Ave. I was riding my bike and went to the Sunoco gas station to put air in my bike tires. I heard somebody yell out my name. I looked up and saw a brownish / TAN colored car cutting through the gas station parking lot, heading right towards me, going real fast. The driver of the vehicle was AN ARAB looking male about 30 years old. As I'm sitting on my bike the car kept coming in my direction and hit a bike that was right in front of me. Then the car ran right into me. After the car hit me, I was stuck under car. The car kept going forward and dragged me through the parking lot. I could not get free from the car. The driver then stopped his car and started to go in reverse. As soon as the car started to back up, I broke free from the car. I thought I was going to be killed, so I got up and went to the back of the gas station as fast as I could. My legs were hurting from the car hitting me but I knew I had to get somewhere safe. I stood by the gas station. I watched the man leave the parking lot, go into the street then drive back into the parking lot. The driver then drove right into a blue car and also hit a woman that was standing by the blue car. The woman fell right down on her face. The driver then just started driving around like he was crazy. A cop pulled up to the man's car. The man stopped his car. Just as the cop started to get out of his car, the man took off. And started driving around the street and parking lot trying to hit all kinds of cars and people. The dude would not stop for the police. He then just took off with the cops behind him. The ambulance brought me to the hospital. My left leg is cut and burnt and my right wrist is cut. DN

NOTICE: FALSE STATEMENTS MADE HEREIN ARE PUNISHABLE AS A CLASS A MISDEMEANOR PURSUANT TO SECTION 210.43 OF THE NEW YORK STATE PENAL LAW.

DEPONENT'S SIGNATURE

DATE

OFFICER Jason Prince
WITNESS SIGNATURE

11/12/09
DATE

IN THE MATTER OF DEFENDANTS/RESPONDENTS LISTED BELOW:

- 1. Munir Muthana 138 Adams St
DEFENDANT'S/RESPONDENT'S NAME DEFENDANT'S/RESPONDENT'S ADDRESS
- 2. _____
DEFENDANT'S/RESPONDENT'S NAME DEFENDANT'S/RESPONDENT'S ADDRESS
- 3. _____
DEFENDANT'S/RESPONDENT'S NAME DEFENDANT'S/RESPONDENT'S ADDRESS

CHARGED WITH ALLEGED OFFENSES, TO WIT:

DEPONENT'S NAME _____ DATE OF BIRTH _____ DEPONENT'S ADDRESS AND PHONE NUMBER _____

DEPONENT DEPOSES AND SAYS
 My name is _____, I live at _____, Around 2:00 am MY boyfriend and I were driving north on S. Plymouth Ave when we saw a group of people scattering and a car trying to hit people. As we drove closer we saw an officer chasing the car in his police car south down S. Plymouth Ave, to avoid both cars we turned right into a gas station at 700 S. Plymouth Ave. where the car started circling the gas station followed by the police officer. I saw the driver of the car trying to hit people and then he turned and started coming towards me and my boyfriend while we were sitting in the car. As he came towards us I panicked and jumped out of my car and tried to run inside the gas station where other people were running but the driver of the suspect car saw me and looked right at me and started driving at me. I went to run around another car that was parked in the parking lot and he ramed that car with his own with enough force to make sure if he would push right into me. I was pulled underneath the front end of the parked car. with a bicycle the suspect car pushed into the parked one, then the suspect pushed the parked car more then fled going west down bartlett. Now I have bad pain all up my left arm and my left leg.

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DEPONENT'S SIGNATURE _____ DATE _____ WITNESS SIGNATURE _____ DATE _____

IN THE MATTER OF DEFENDANTS/RESPONDENTS LISTED BELOW:

- 1. MUNIR MUTHANA 1
DEFENDANT'S/RESPONDENT'S NAME DEFENDANT'S/RESPONDENT'S ADDRESS
- 2. _____
DEFENDANT'S/RESPONDENT'S NAME DEFENDANT'S/RESPONDENT'S ADDRESS
- 3. _____
DEFENDANT'S/RESPONDENT'S NAME DEFENDANT'S/RESPONDENT'S ADDRESS

CHARGED WITH ALLEGED OFFENSES, TO WIT: ASSAULT 2^d

DEPONENT'S NAME	DATE OF BIRTH	DEPONENT'S ADDRESS AND PHONE NUMBER
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DEPONENT DEPOSES AND SAYS:

My name is _____ AND I AM _____ YEARS OLD. I CURRENTLY LIVE
AT _____ ON 11-12-09 AT ABOUT 2:00 PM, I WAS IN MY CAR
AT THE INTERSECTION OF SOUTH PLYMOUTH AND GENESEE STREET STUCK IN TRAFFIC
ATTEMPTING TO TURN LEFT ONTO GENESEE STREET BEHIND TWO OTHER CARS.
SUDDENLY, I HEARD A BEEP. I DIDN'T REALIZE I HAD BEEN IN AN ACCIDENT AT FIRST.
I LOOKED IN MY MIRROR, AND SAW A CAR HANGING OVER THE MEDIAN. I HEARD
SOMEONE ALLEGING BUT THE CAR WASN'T MOVING. I THEN SAW POLICE OFFICERS
RUSH TOWARDS THE CAR WITH GUNS DRAWN. I THEN REALIZED I HAD BEEN IN AN
ACCIDENT BECAUSE MY CAR WAS IN A DIAGONAL LANE. MY HEAD SUDDENLY STARTED
TO HURT AND I DON'T REMEMBER MUCH BEFORE THAT. A PAIN IN MY HEAD IS VERY INTENSE.

[Handwritten initials]

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DEPONENT'S SIGNATURE

11/12/09
DATE

WITNESS SIGNATURE

11-12-09
DATE

IN THE MATTER OF DEFENDANTS/RESPONDENTS LISTED BELOW:

- 1. MUNE M MUTHANA 138 Adams St Apt A1
DEFENDANT'S/RESPONDENT'S NAME DEFENDANT'S/RESPONDENT'S ADDRESS
- 2. _____
DEFENDANT'S/RESPONDENT'S NAME DEFENDANT'S/RESPONDENT'S ADDRESS
- 3. _____
DEFENDANT'S/RESPONDENT'S NAME DEFENDANT'S/RESPONDENT'S ADDRESS

CHARGED WITH ALLEGED OFFENSES, TO WIT:

_____	_____	_____
DEPONENT'S NAME	DATE OF BIRTH	DEPONENT'S ADDRESS AND PHONE NUMBER

DEPONENT DEPOSES AND SAYS:

I am I ~~was~~ live at _____ on 11/12/09 at approx. 1406 hrs I was parked in a parking spot outside of E-Z Food Mart 700 S. Plymouth. When a guy light skin a little scruffy looking with black hair driving a gold car with cream colored interior hit two people on bicycles that were on the passenger side of my car and this guy continued to drive forward pushing the two people on the bikes into the passenger side of my car striking my car with his car. I got out of the car to ask this guy what he was doing and this guy tried to chase me down with his car I was in fear for my life so I just ran away to a spot I thought was safe.

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_____	_____	_____	_____
DEPONENT'S SIGNATURE	DATE	WITNESS SIGNATURE	DATE