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Lawyers for Whistleblower Cop Slap Queens District Attorney Richard Brown With A Subpoena

By Graham Rayman

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Lawyers for whistleblower cop Adrian Schoolcraft today served Queens District Attorney Richard Brown with a subpoena demanding that he give a videotaped deposition and turn over all documents related to Brown's finding that there was no criminal conduct when Schoolcraft was forcibly removed from his home by police commanders in October, 2009, the Voice has learned.

[As the Voice's NYPD Tapes series reported](#), Schoolcraft was dragged out of his home by police on the orders of Deputy Chief Michael Marino on Oct. 31, 2009 and held against his will in the Jamaica Hospital psychiatric ward for six days. This took place three weeks after he reported corruption in Bed-Stuy's 81st Precinct to investigators.



Those allegations were later proven true in a report kept secret by the NYPD for nearly two years [before it was disclosed in the Voice last March](#). Schoolcraft's lawsuit alleges he was forced into the psych ward as retaliation for talking to investigators.

It's fairly rare for a sitting district attorney to be hit with a subpoena in connection with a case he oversaw. But then, the Schoolcraft story is anything but routine. It may be the most embarrassing episode of Police Commissioner Ray Kelly's long tenure. And the list of unanswered questions about Schoolcraft's treatment could fill a book.

"It's unusual that an actual district attorney would be subpoena'd, but if he has relevant testimony, he can ultimately be compelled to give a deposition," says Jeffrey Pittell, a defense lawyer and former prosecutor. "Even the president of the United States has been deposed."

Brown's statement clearing police and hospital officials of criminal wrongdoing in the incident was released in mid-December. [In the statement](#), Brown said the investigation took "three years" and was "comprehensive." "After thoroughly reviewing all of the available evidence and considering all applicable provisions of law we have concluded that there is no credible evidence to support the filing of criminal charges in this matter," he wrote.

The timing of the statement was odd. Even people intimately familiar with the Schoolcraft affair didn't know any investigation was taking place. Schoolcraft himself was only interviewed once by prosecutors in Brown's office for just 90 minutes. He wasn't even notified before Brown's office released the statement. And the announcement also came at a time when Schoolcraft was between lawyers, and therefore, more vulnerable.

"One would think that the Queens DA's office would first consult with the complainant before sending out the press release," says Peter Gleason, Schoolcraft's lawyer. "DA Brown's so-called comprehensive investigation creates more questions than answers. I'm hopeful a review of his file will lend some clarity to what I characterize as the kidnapping of Adrian Schoolcraft."

"The timing is right for this matter to be pursued zealously in that we have an election coming up and I hope that the issues that Adrian has brought to the table will have an impact on this upcoming mayor's race," he adds.

Brown spokesman Kevin Ryan declined to comment on the subpoena, except to confirm that it had been received.

Ryan points out that the DA's office had notified Schoolcraft's prior attorney, Jon Norinsberg, of the results of the investigation days prior to the release of the statement. At the time, Norinsberg was still Schoolcraft's attorney of record.

As for those questions raised by Brown's statement, [the Voice delved into them at length in this blog post](#).



Queens District Attorney's Office

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