

COUNTY COURT OF THE STATE OF NEW YORK
COUNTY OF WESTCHESTER: CRIMINAL TERM

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THE PEOPLE OF THE STATE OF NEW YORK,

SCR-70088-18/001

- against -

MARC FISHMAN,

Defendant.

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DEFENDANT MARC FISHMAN'S SENTENCING MEMORANDUM

LAW OFFICE OF CANER DEMIRAYAK, ESQ., P.C.

Dated: Bronx, New York
August 26, 2025



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The defendant, Marc Fishman, respectfully submits the following as his sentencing memorandum. Due to the existence of evidence received three years after the jury's conviction which was previously suppressed by the People in which the complaining witness Jennifer Solomon states on a recorded call to the police precinct that defendant was 2 houses away from her and that she only wanted to make a report (not have him arrested) and jailhouse video and audio in which the now disgraced and arresting officer states he did not believe defendant had the required intent to commit the crimes, this court should impose a non-incarceratory sentence of an Unconditional Discharge, The defendant has a strong likelihood of success on appeal for a number of issues, lacks any relevant criminal history and has not committed any crimes nor offenses nor violated the orders of protection since the verdict almost 6 years ago. The defendant's conduct was also technically permitted by the supervised visitation agreement, although a jury found otherwise. As such the defendant should receive an Unconditional Discharge.

ARGUMENT

The defendant and the complaining witness were subjected to a family court order of supervised visitation. The day of the alleged incident here was a scheduled supervised visitation day. However, the complaining witness refused to allow visitation that day for no legal justification. As such the defendant went to the police precinct seeking assistance in having his court ordered visitation. Instead, the complaining witness calls the police directly and states she wants to make a report because her ex husband was 2 houses down from hers. Nothing is stated about a violation of an order of protection. The complaining witness also omits the fact that it was not a full stay away order.

The now disgraced and terminated corrupt officer Lane Schlesinger responds and sets up a course of actions to arrest and charge defendant. He calls the precinct to keep defendant there and then interrogates him and denies him a disability accessibility accommodation. On recorded audio officer Schlesinger is heard stating multiple times he did not believe defendant had the required intent to commit the crimes of criminal contempt in the second degree. He arrested him anyway.

Although the People filed their COC and discovery on January 15, 2020, they withheld and did not turn over the (1) phone call by the complaining witness and (2) jail house video and audio. Instead the defendant would not receive such material until nearly 4 years later in October 2023 in the context of a federal civil rights lawsuit.

After the jury found defendant guilty, he appeared in court numerous times ready for sentencing. However the People refused to proceed on nonsensical grounds such as requesting pre-sentence investigations. This is not even required for misdemeanors! Thereafter defendant requested to appear virtually numerous times and was denied. The court even apparently was ready to sentence him in absentia but the People objected. At that point the prior judge issued a bench warrant. All of which could have been avoided had the People agreed to sentencing after the verdict, agreed to a virtual appearance or agreed to sentence defendant in absentia.

Defendant had reason to fear coming to court in person. The Attorney General's report on Lane Schlesinger shows horrible and dangerous corruption. Defendant's fears turned out true when the previously suppressed audio and video were discovered almost four years after the verdict. It thus is no surprise that a jury found defendant guilty without the benefit of being able to review all of the evidence, and exculpatory evidence tending to lead a jury to acquit the defendant. As such the defendant of course respects the jury verdict but notes such verdict was a product of illegal machinations by officer Schlesinger and the People. Thus the defendant should receive an Unconditional Discharge.

As to the People's victim impact statements a few notes are to be made. First, it is unclear why the complaining witness wrote a statement more than 2 years before defendant was found guilty by a jury in 2018. Next, the requested adjournment by the People is clearly a farce as the complaining witness is not even showing up before your Honor. Instead they request her statement be read to the court. This should be prohibited. Also, Joanna Fishman is not a victim in this case and any supposed statement from her should not be considered. There is no way for us to know if the complaining witness just drafted this for her.

The defendant is hereby attaching letters from numerous persons attesting to defendant's character and request they be considered by the court in determining an appropriate sentence:

1. Isabel Bolivar
2. Michael Phillips
3. Francis J. Hand III
4. James Christopher
5. Roman Brik
6. Maryann Petri

CONCLUSION

The court should vacate any and all bench warrants and sentence the defendant to an unconditional discharge.



Caner Demirayak <caner@canerlawoffice.com>

Case #6293-2018

Maryann <maryannpetri3@gmail.com>
To: Caner@canerlawoffice.com
Cc: marc fishman <rentdriver@gmail.com>

Fri, Aug 22, 2025 at 4:14 PM

To whom it may concern;

I have known Mr. Fishman for approximately two years and I have done a number of podcasts with him on Slam The Gavel Podcast (Season 5; Episodes 202, 224, 240, 264, 276 and 292).

His case is particularly egregious, especially where it is concerning his children who he has not been "allowed" to see. This is child psychological abuse done to these children via the "family" courts letting this happen.

In all reality Mr. Fishman should be giving a victim impact statement.

I am disappointed and disgusted that Mr. Fishman would even be jailed, especially in his condition with his past injuries and illnesses.

Please show mercy upon Marc Fishman and bring justice forth; for not only his sake, but for his children as well.

Maryann Petri, LLC
Slam The Gavel Podcast
Author
Screenwriter
Producer

Sent from my iPhone

Michael Phillips
128 S. Market St.
Frederick, MD 21701
phillimr@gmail.com
301-775-4377

Date: August 25, 2025

Judge Maurice Williams
Westchester County Court
111 North Martin Luther King Jr. Blvd.
White Plains, N.Y. 10601

Re: Character Reference for Marc Fishman – Case No. 6293-2018

Dear Judge Williams,

I am writing to you as someone who has personally been helped and inspired by Marc Fishman, and I respectfully ask that you take this letter into consideration when evaluating his case.

Marc Fishman is not only a dedicated father, but also an advocate for people facing hardships. Despite his own struggles—including lifelong disabilities and the immense pain of being kept from his children—Marc has consistently turned outward to help others. His advocacy has given countless people, including myself, the strength and resources to move forward in times of crisis.

Personally, Marc has stood by me in moments when I had no one else. He has guided me through challenges with compassion, sharing his knowledge and using his experiences to help me navigate obstacles that otherwise might have overwhelmed me. Beyond myself, I have witnessed Marc provide critical support to parents, disabled individuals, and those living through difficult circumstances, always offering encouragement, advocacy, and concrete assistance.

Even while enduring injustice and personal hardship, Marc has continued to give back. He embodies resilience, empathy, and the belief that people deserve fairness and dignity. These are not the qualities of someone who belongs behind bars—they are the qualities of someone who strengthens communities and uplifts others.

I understand the seriousness of the matter before the court, but I ask with all sincerity that you consider Marc's character, his lifelong advocacy for others, and the extraordinary

challenges he has overcome. Jail would not only prevent him from continuing his good work but also punish a man who has already endured more than most.

Thank you for your time and thoughtful consideration.

Respectfully submitted,

A handwritten signature in blue ink that reads "Michael Phillips". The signature is written in a cursive, flowing style. The first name "Michael" is written in a larger, more prominent script, and the last name "Phillips" follows it in a similar but slightly smaller script. The ink is a vibrant blue.

Michael Phillips

August 25, 2025

Honorable Judge Maurice Williams
Westchester County Court
111 North Martin Luther King Jr. Blvd, White Plains NY 10601
Via e-mail jkinloch@nycourts.gov

Re: Reference and Recommendation Letter for Marc Fishman (Case 6293-2018)

Dear Honorable Judge Williams,

I write as a supporter of disability rights advocate, Marc Fishman.

Marc Fishman is a giving, dedicated disabled father of four amazing kids, who has dedicated his life to helping others. In addition to helping me when I was facing my own personal Family Court related matters, Mr. Fishman has helped numerous other parents and disabled traumatic brain injury survivors - not only pay their bills, but also obtain reasonable accommodations, assistance with medical services, grants to pay rent, and advocacy.

I have known Marc Fishman for over 4 years, and find him to be a man of his word - and a champion of rights of those less fortunate. His important advocacy on-line and off-line is followed by hundreds, if not thousands, of Americans, in New York State and across America - and seeing the public appreciation and support is both heartwarming and inspiring, for so many.

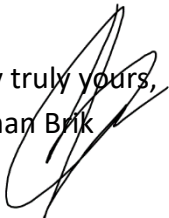
From donating and organizing an annual fundraising and distribution of more than 3,000 turkeys annually at Thanksgiving in the south Bronx with The Dominican Sisters, to helping those parents with ADHD and post-concussion syndrome, Marc Fishman has made a lasting impression of generosity, caring and giving to society.

In Judaism we call this tzedakah. Mr. Fishman gives when he cannot even afford to.

Marc Fishman does not deserve jail or punishment by court restricting access to his kids. I hope and pray, Judge Williams, that you will be kind to a champion disabled dad who helps so many others despite his lifelong injuries and medical impairments.

Please kindly feel free to contact me with any questions or additional references Your Honor might need for Marc Fishman. Thank you.

Very truly yours,
Roman Brik



Email: brrm972@gmail.com
Phone: 972-900-1272

Cc: Marc Fishman

Francis J. Hand III

ACP 5876

P. O. Box 1110

Albany, NY 12201

08/22/25

Hon. Maurice D. Williams, J.C.C.

111 Dr. Martin Luther King Blvd., 11th Floor

White Plains, NY

Re: Character Reference for Marc Fishman

Dear Judge Williams,

I write to you in earnest regard for my friend, Marc Fishman, a man whose character and service to others stand as a testament to what Judge Learned Hand once described as the essence of justice—that it must live in the hearts of men and women, not merely in statutes and decrees. Marc embodies this principle in both his private life and public acts of service.

As an alienated father myself, and as a disabled citizen, I have had the privilege of knowing Marc for many years. His presence in my life has been one of steadfast support, moral courage, and generosity. At times when I faced homelessness, he opened his door to me. When I was without resources, he gave of his own. And in the most difficult hours, he offered his personal recants drawn from his own painful journey of separation from his children. These are not the actions of a man indifferent to others, but of one who gives of himself even while living with chronic pain and personal hardship.

Marc's separation from his four beloved children—now spanning more than seven years—arises from a wrongful conviction tied to a visitation incident involving an officer later cited in dozens

of misconduct complaints. Yet even in the face of this profound injustice, Marc has not surrendered to bitterness. Instead, he has dedicated himself to the service of others:

- Securing reasonable accommodations in schools, workplaces, and public spaces for survivors of traumatic brain injury, veterans, and disabled families.
- Volunteering with the Kessler Foundation to advance research for TBI and brain injury.
- Helping his family donate over 3,000 turkeys annually for more than three decades to families in need in the South Bronx.
- Personally contributing thousands of dollars to assist other disabled parents facing incarceration due to systemic inequities.

Marc has no history of criminal conduct beyond this contested conviction. Rather, his life has been a living testament to yomen's work—the unglamorous but noble labor of lifting others up, advocating for fairness, and quietly sustaining those in despair. His actions reflect a man of moral integrity and civic devotion.

Incarcerating Marc would not serve justice, but would only deepen the suffering of a man already carrying immense burdens while denying the community of his unique service. As Judge Hand wisely observed, “Liberty lies in the hearts of men and women; when it dies there, no constitution, no law, no court can save it.” Marc’s heart is full of that liberty—expressed through compassion, service, and devotion to his children and to the broader community.

I respectfully urge the Court to weigh not only the facts of the case before you, but the totality of Marc Fishman’s character: his proven moral compass, his service to others, and his determination to live as a man of integrity despite adversity. To know Marc is to know a man who has transformed personal sorrow into a broader mission of justice and compassion.

Thank you, Judge Williams, for your careful consideration of this letter.

Respectfully,

A handwritten signature in black ink, appearing to read 'F. Hand III', with a stylized, flowing script.

Francis J. Hand III

August 25, 2025

To: Hon. Maurice D. Williams, J.C.C.

111 Dr. Martin Luther King Blvd. - 11th Floor, White Plains, NY

Re: Character Reference for Marc Fishman

Dear Judge Williams,

I am writing to you as a colleague of Marc Fishman, and a fellow advocate, to share his immense contributions to the community, his unwavering moral character, and his sincere selflessness—despite the unimaginable suffering he has undergone.

As a devoted father of four, and a disability rights activist whose work has been awarded by the State Senate, Marc's moral compass, courage—and his outstanding character—deserve your utmost consideration. As someone who has worked with Marc to share his story, and in turn have been mentored, supported and encouraged by him as a budding small business owner, I firmly believe that incarcerating Marc would not only be unfair to someone already suffering, but a blow to the justice system, whose ultimate goal is to impartially protect citizens like Marc who are doing good, and rehabilitate those who have erred.

Marc's life changed forever after a devastating car accident in 2013 left him permanently disabled. Since then, he has endured over two dozen surgeries, constant pain, and profound challenges, yet his greatest hardship has been being separated from his four children for more than seven years.

This separation stems from a wrongful conviction during a supervised visitation, involving an officer who has since been identified in over 40 misconduct complaints. Marc has fought tirelessly to clear his name, yet through it all, he has never stopped being a father who loves his children deeply and unconditionally.

What is most remarkable about Marc is that, despite his personal suffering and unflinching legal battle to see his kids, his work is largely defined by his devotion to helping others. Just some examples include:

- He has secured reasonable accommodations in schools, workplaces, and public spaces for traumatic brain injury survivors, veterans, and disabled families.
- He volunteers his time with the Kessler Foundation to advance TBI and brain injury research.
- With his family's outreach, Marc has helped donate 3,000 turkeys each year to families in need in the South Bronx for over 36 years.

- He has personally donated thousands of dollars to assist other disabled parents facing incarceration due to systemic inequities.

In short: Marc embodies integrity, compassion, and resilience. He has turned his personal battle into a broader mission—educating families, challenging systemic injustices, and advocating for disability rights nationwide. He is not defined by his disability nor his conviction, but by his unwavering commitment to fairness and justice.

I respectfully ask that you take into account the totality of Marc's character and his deep contributions to his community as you consider matters before you. To know Marc is to understand his strength, his heart, and his refusal to give up on his children or on the countless others he continues to help every day.

Thank you for your time and careful consideration.

Sincerely,

James Christopher

(914) 482-4236

August 24, 2025

Honorable Judge Maurice Williams

Westchester County Court

111 North Martin Luther King Jr. Blvd.

White Plains, NY 10601

(Email: jKinloch@nycourts.gov)

Re.: Marc Fishman, Case 6293-2018

Dear Honorable Judge Williams,

I am reaching out to you to implore that the criminal case be vacated or dismissed because he was innocent of all charges. I was his aide on the day in question and I was responsible for driving and transporting both Marc Fishman, the supervisor (Ann Elliot) and his four children and we were attending a visit approved by the courts. This is a role I had undertaken for several years because the supervisor was unable to drive and the courts mandated that Marc Fishman not drive due to his disabilities. Unfortunately, charges were erroneously filed against Mr. Fishman and he has been suffering tremendously with litigation and not being able to see his four children for many years. He is a good person who loves his children very much. He is someone who has a number of disabilities and health issues which include cancer which have adversely affected his life in many ways.

Despite all the challenges, obstacles and heartaches that he has had to endure, he has advocated for many people who have faced difficulties due to their own disabilities and he has been recognized by congressional personnel in the form of awards issued by New York State. I have observed him selflessly put his own interests aside in order to help, friends, family members and associates in their pursuit to find justice and peace. He has spent immeasurable periods of time, for instance, assisting tenants who lost their jobs during Covid, obtaining grants for them as well as assisting his own father and sister who also suffer from severe health issues.

I implore that a measure of fairness and compassion be extended to Marc Fishman whose only real crime in this entire situation was to love his children and family. It saddens me to think about how his children spent many years during their childhood missing out on the love of not only their father but members of their father's family such as his nephews and niece who always inquire

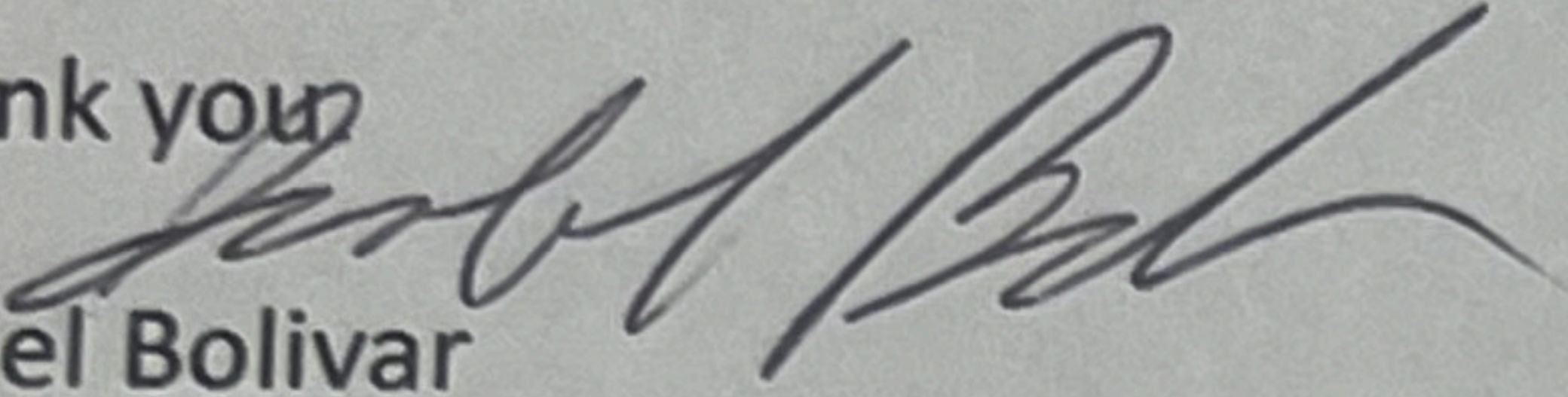
about his kids. I also think about Marc's father who was also denied the valuable experience of being with his grandchildren and I am especially saddened that Marc's mother passed away without being able to spend time with Marc's children or say goodbye before she passed away in 2020.

For these any many more reasons, I implore that you dismiss or vacate these criminal proceedings in the hopes that this family can begin the healing process and innocent children be allowed to restore their relationship not only with their father but their paternal grandfather as well as many members of Marc's extended family.

Thank you so much for your time and consideration of this important matter.

Thank you

Isabel Bolivar



Tel.: 646 246 1523

Address: 84-15 25th Avenue

East Elmhurst, NY 11370