

1 SUPREME COURT OF THE STATE OF NEW YORK
2 COUNTY OF WESTCHESTER: CRIMINAL TERM
-----x
3 PEOPLE OF THE STATE OF NEW YORK

4
5 -against- SCR No.
6 70088-2018
7 6293M-2018

8 MARC H. FISHMAN,

9 Defendant.

-----x
10 Westchester County Courthouse
11 111 Dr. Martin Luther King, Jr. Blvd.
12 White Plains, New York 10601

13 September 10, 2025

14 B E F O R E:

15 HONORABLE MAURICE DEAN WILLIAMS, Justice of the Supreme Court

16 A P P E A R A N C E S:

17 FOR THE PEOPLE:

18 SUSAN CACACE, ESQ.
19 District Attorney of Westchester County
20 BY: FREDERIC GREEN, ESQ.

21 FOR THE DEFENDANT:

22 CANER DEMIRAYAK, ESQ.
23 Attorney for Defendant
24 1500 Astor Avenue
25 2nd Floor
Bronx, New York 10469

Lisa Mango
Senior Court Reporter

Proceedings

1 THE COURT CLERK: Number 1 on for sentencing,
2 People versus Marc Fishman under SCR-70088-2018, formerly
3 6293M-2018.
4 Appearances.
5 (Whereupon, Defendant is virtually present and
6 before the Court)
7 MR. DEMIRAYAK: Caner Demirayak, retained counsel
8 on behalf of my client Marc Fishman.
9 Good morning, your Honor.
10 THE COURT: Good morning.
11 MR. GREEN: Frederic Green for the People.
12 Good morning, your Honor.
13 THE COURT: Good morning.
14 Good morning, Mr. Fishman.
15 First, the Court has allowed you to appear
16 virtually. I want to make sure, is there anyone else in
17 the room with you, sir?
18 THE DEFENDANT: No.
19 THE COURT: To the extent that anybody else is in
20 the room, I need to have their appearance placed on the
21 record.
22 The record reflected you did indicate there is no
23 one in the room with you.
24 Please state your name and your address for the
25 record, Mr. Fishman, your current address where you are

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1 currently located.

2 THE DEFENDANT: Marc Fishman, 3950 Koval Lane,
3 Las Vegas, Nevada 89109.

4 THE COURT: 3950 Koval Lane?

5 THE DEFENDANT: Yes, your Honor.

6 THE COURT: Las Vegas, Nevada.

7 And the zip code?

8 THE DEFENDANT: 89109.

9 THE COURT: So you are no longer in the hospital?

10 THE DEFENDANT: Not today, no.

11 THE COURT: Okay. All right.

12 So the matter is on for sentencing.

13 Mr. Fishman is appearing virtually today with the
14 assistance of realtime transcription.

15 Prior to sentencing, the Court has issued a
16 written decision and order pursuant to CPL 370.15 finding
17 that the defendant and the victim were members of the same
18 household as the term is defined in CPL 530.11.

19 Do the People move for sentencing at this time?

20 MR. GREEN: Well, before we get to us moving for
21 sentencing, your Honor, there is the issue of the
22 outstanding warrant.

23 When I appeared before you last time, the Court
24 had indicated a willingness to recall the warrant but
25 hadn't done so, and the People reiterate at this time our

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1 opposition to the Court recalling the warrant and are
2 demanding that this defendant appear in New York State.

3 The People rely on the statute which says that the
4 warrant should be executed only in New York State.

5 This defendant is, I think, making a mockery of
6 the Court. Last time he indicated he was in a hospital.
7 Our office checked shortly after the court appearance. He
8 was not in that hospital.

9 Today he is appearing telling us he is in
10 Las Vegas.

11 And by your Honor's decision in July in which you
12 found that there was no explanation why the warrant should
13 be vacated, the People are still unaware of why the warrant
14 should be recalled or vacated.

15 It has been the subject of so much litigation.
16 Judge Zuckerman issued that warrant after giving the
17 defendant two years of an opportunity to appear and the
18 defendant thumbed his nose at that Court and did not
19 appear.

20 And even in the proceedings that Judge Capecci had
21 in 2022, she ruled in that matter that the defendant had
22 repeatedly been given the opportunity to appear in her
23 Court on the very important matter of her decision on
24 whether or not the defendant should have any access to his
25 children, and she ruled in her decision that the defendant

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1 had been making excuses to avoid the authority of the Court
2 and that she was removing access -- denying access to the
3 children by this defendant.

4 And part of her reasoning was that the defendant
5 was not subjecting himself to the authority of the Court
6 and she was going to hold open the possibility into the
7 future that he could reapply to challenge or ask for
8 reconsideration of her order denying access to the children
9 when and explicitly when he subjected himself to the
10 jurisdiction of the Court.

11 He has a pending bench warrant on this trial that
12 has been outstanding for five years. He has never
13 returned.

14 And he is the subject of an arrest warrant in
15 another case where he is charged with bail jumping in
16 White Plains City Court.

17 I don't think that us moving forward with this --
18 and if the Court were inclined, as I respectfully
19 understand you intended to do and move forward with
20 sentencing, I don't think we are solving any problems. He
21 is still going to have an outstanding arrest warrant. He
22 is still, I think, going to continue his refusal to return
23 to New York.

24 And so, with respect, I urge the Court to not
25 recall the warrant and, notwithstanding what you considered

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1 up to this point, to require the defendant to submit to the
2 arrest warrant and to the bench warrant. At least the
3 bench warrant is what is under this Court's authority. And
4 I urge you to require him to be present to have that
5 warrant executed and to answer to these charges.

6 THE COURT: Counsel.

7 MR. DEMIRAYAK: Yes, your Honor.

8 The bench warrant should be vacated. Mr. Fishman
9 has now appeared on two consecutive appearances on video.

10 He was present for sentencing multiple times after
11 the jury's verdict.

12 The People intend on delaying for immaterial
13 reasons. There has not been a bench warrant for five
14 years. The bench warrant was I believe entered by
15 Judge Zuckerman in 2022.

16 And that bench warrant was issued as he, in our
17 position, denied an accommodation for Mr. Fishman to appear
18 virtually. He is not absconding. He is trying to appear
19 virtually due to his disabilities and need for realtime
20 transcription.

21 I think in the interest of justice the bench
22 warrant should be vacated today.

23 It is not Mr. Fishman making a mockery of this
24 Court. It is the People demanding that this person come in
25 person after five years and asking for things like a

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1 pre-sentence investigation that is not required for a
2 misdemeanor and all these hosts of things.

3 The People should be spending time on other
4 matters.

5 And the only reason why Mr. Fishman was subjected
6 to a bench warrant was because he requested to appear
7 virtually and he was denied previously.

8 The Court is not bound by the prior judge's
9 determination and the Court has the discretion to do
10 whatever it deems necessary on the bench warrant, and we
11 defer to the Court as far as whether or not the bench
12 warrant should be vacated. But our recommendation is that
13 we request that it would be.

14 THE COURT: All right. So this is what I will
15 say, and I will address the bench warrant in terms of my
16 decision on the bench warrant. I will address that
17 shortly.

18 But what I will say to the People, to the extent
19 there has been an outstanding warrant for five years, give
20 me the application for the governor's warrant and I will
21 sign that right now. I will sign it right now and you go
22 pick him up. You know exactly where he is.

23 MR. GREEN: I don't think that authority extends
24 to misdemeanors and we have been actively searching for the
25 defendant since the warrant was issued in 2022, your Honor.

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1 We have been actively looking for him.

2 THE COURT: Okay.

3 MR. GREEN: And he has been thwarting the return
4 to court as multiple judges in this courthouse have
5 required him to do.

6 It's false and made up facts to say that he has
7 appeared for sentencing and that we've stopped it.

8 He has never appeared for sentencing. He has
9 never appeared in the Family Court. He has never appeared
10 before Judge Capecci. He has never appeared before
11 Judge Zuckerman. He has never appeared in person before
12 your Honor. He has never appeared in White Plains City
13 Court.

14 Any narrative that says that he tried to is
15 absolutely false.

16 THE COURT: All right.

17 MR. GREEN: And that is all before us, not a
18 governor's warrant, your Honor.

19 THE COURT: I have heard what you have to say. As
20 I indicated, I will tell you what my determination is as it
21 relates to the warrant in short order.

22 All right. Do you both acknowledge receipt of the
23 Court's written decision? I signed it and gave it to you
24 just now.

25 MR. GREEN: I have received it just now and I am

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1 looking at it, your Honor.

2 THE COURT: Okay.

3 MR. DEMIRAYAK: Defense confirms receipt.

4 THE COURT: In fact, you know, what I will say
5 right now -- I will just address that issue right now.

6 The previously issued bench warrant is hereby
7 marked vacated. All right.

8 MR. DEMIRAYAK: Thank you.

9 THE COURT: All right. Do the People move for
10 sentencing at this time?

11 MR. GREEN: I don't, but I do request respectfully
12 to be heard with regard to the matter of sentencing.

13 THE COURT: Okay. Go ahead.

14 MR. GREEN: All right. Thank you, your Honor.
15 The defendant appeared in --

16 THE COURT: In fact -- I'm sorry, counsel. I'm
17 sorry. I just want to make a quick record.

18 The Court is in receipt of the victim impact
19 statements from Jennifer Solomon, from Joanna Fishman and
20 from Jonah Fishman.

21 The Court is also in receipt of the sentencing
22 memo from defense counsel, reference letters in support of
23 the defendant and a PSR dated 7/26/21.

24 People, do you wish to be heard at this time?

25 MR. GREEN: I do, your Honor. Thank you.

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1 THE COURT: Go ahead.

2 MR. GREEN: I do want to just ask with respect to
3 the matter of sentencing, would the Court be inclined to
4 conduct an inquiry of Mr. Fishman with respect to the
5 waiver that he submitted and his acknowledgement under the
6 Court's questioning that he acknowledges his right to be
7 present at sentencing as the waiver requires and also
8 acknowledge that he understands what the possible bounties
9 available to a court in sentencing a matter like this are?

10 THE COURT: I have kind of an idea of what I am
11 doing. I was going to get to that. I was going to give
12 you an opportunity to be heard and defense counsel to be
13 heard. Then I was going to get to the issue.

14 What you are raising right now, the defendant's
15 knowledge -- he has a right to be present and he has signed
16 a waiver, I was going to get to that. If you want me to
17 address that right now, I will address that right now.

18 The Court is in receipt of a waiver pursuant to
19 CPL 370.15. The waiver reads as follows:

20 "I, Marc Fishman, the above-named defendant,
21 having been found guilty of the misdemeanor of criminal
22 contempt in the second degree, being duly sworn,
23 voluntarily waive my right to be personally present when
24 sentence is pronounced for this offense. The sentence
25 maximum being 364 days in jail."

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1 It is signed by Mr. Fishman and duly notarized.

2 I want to make sure and make a note for the record
3 that I inquired of him on the last appearance -- I don't
4 believe a written waiver is necessary, but in an abundance
5 of caution, we have a signed waiver by him.

6 I indicated on the record and he did acknowledge
7 on the record that he understands that he is subject to the
8 maximum sentence of 364 days in jail.

9 I don't see a need for me to inquire further of
10 him. I have a written waiver here.

11 Counsel, have you received a copy of the waiver?

12 MR. GREEN: Yes.

13 THE COURT: Counsel has a copy of the waiver and
14 defense counsel I am sure has a copy of the waiver as well.

15 So that issue has been resolved as far as I am
16 concerned.

17 Do you wish to be heard further, People?

18 MR. GREEN: I do.

19 THE COURT: Go ahead.

20 MR. GREEN: Thank you.

21 I would like to start out with the Court's
22 permission to read the victim impact statement into the
23 record.

24 THE COURT: Absolutely. Go ahead.

25 MR. GREEN: Your Honor, this is the victim impact

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1 statement that was prepared by Jennifer Solomon back at the
2 time of the original pre-sentence investigation in the
3 beginning of the case.

4 "As you determine the consequences for
5 Marc Fishman's latest conviction for his most recent
6 violation of our order of protection, my own and my four
7 children, I would like you to consider the history and
8 ongoing and long-lasting emotional and psychological impact
9 his relentless pattern of harassment and violation of our
10 rights have on myself and our four children.

11 "I left my ex-husband in 2010 and we were divorced
12 in 2012.

13 "In the eight years we have been divorced, as well
14 as the two-year separation period, Marc Fishman has
15 violated and continues to violate innumerable legally
16 binding agreements as well as official court orders.

17 "In fact, after years upon years of litigation,
18 Marc Fishman has been convicted twice of numerous
19 violations of our orders of protection as well as a
20 domestic violence offense.

21 "He is combative with and threatening to not only
22 myself and my children but also the people of authority
23 including judges, attorneys for the children, my attorneys,
24 his attorneys and visitation supervisors.

25 "He is passionately engaged in an interminable

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1 legal assault intended to keep me in court, bully the legal
2 system and control our lives.

3 "His ongoing threats have left my children feeling
4 unsafe with their dad and unprotected by the legal system.

5 "Countless people that they have depended upon to
6 keep them safe, lawyers, visitation supervisors and judges
7 who have conducted multiple in-cameras with the children
8 over the years, have been verbally and legally attacked by
9 Mr. Fishman, bullied and threatened until they ultimately
10 withdrew from the case leaving my children to relive the
11 cycle of explaining and reliving their circumstances, their
12 father's abuse, explaining their fears to new counsel, new
13 judges and new supervisors.

14 "Their trust has been broken over and over again.
15 They don't want to learn to trust new supervisors or new
16 attorneys anymore. They are physically healthy children
17 with a tremendous amount of anxiety, distrust of adults and
18 disappointment with the legal system.

19 "Their father has shattered any sense they once
20 had of being safe in this world because he is a rule
21 breaker.

22 "He shows up when he isn't supposed to. He
23 explodes in range unexpectedly. He verbally attacks people
24 of authority in front of them, attacks their mother, and he
25 has attacked them.

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1 "They are scared of him. They are tired of going
2 to court. They are tired of attorneys questioning them
3 about visitation. They just want to have normal lives like
4 other kids with or without a father.

5 "They wish their dad was normal, but they know he
6 is not.

7 "At this point, three of my children no longer
8 wish to see their dad. His behavior has been so incessant
9 and unrelenting over the years that they are emotionally
10 damaged.

11 "They no longer ask about him and no longer wish
12 to see him.

13 "My one son, who has extreme anxiety, autism and
14 ADHD, is sad about his dad but is very fearful of him. He
15 just doesn't understand.

16 "I worry for their future relationships. Will
17 they choose abusive spouses? Will they know they are
18 worthy of respect and love?

19 "We cannot continue this cycle of abuse.

20 "So when Marc Fishman was abusive to the four
21 children in November of 2018 on a supervised visit, they
22 cried to me that they didn't want to continue visitation.
23 I've never seen my daughter cry like this before in her
24 life. It was a disaster and they didn't feel safe.

25 "My daughter demanded that all four of them needed

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1 to be in therapy. They couldn't take this anymore.

2 "So we canceled the next visit and somehow
3 shockingly Marc Fishman showed up at our house in violation
4 of the court order calling my son, making the kids scurry
5 like mice into their hiding places, stirring alarm and fear
6 in our home and hearts.

7 "This is not a first-time violation or a second or
8 third. This is a man who doesn't observe laws. He breaks
9 them. We are fearful for our safety and no court has been
10 able to keep him at bay.

11 "As for me, my ex-husband has kept me in court
12 with his ceaseless violations of court orders, his parental
13 negligence, mental and physical abusiveness for over eight
14 years.

15 "I am a teacher. I am the sole provider for our
16 four children. I work my absolute hardest to provide each
17 of them with love, a safe home, a consistent support
18 system.

19 "I help them with their school work, play catch,
20 hockey, tutor, art teacher.

21 "I drive them to all their camps, clubs, play
22 dates and after-school commitments.

23 "I help my ambitious kids set goals and action
24 plans to obtain them, and I support them in pursuit of
25 their dreams and passions.

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1 "I try to be enough love, enough care, enough
2 parent for four individual growing adolescents and
3 teenagers.

4 "This is challenging enough.

5 "Managing a career while parenting and rearing
6 four children alone is tough.

7 "To do all this while being harassed in the court
8 system for so many years has taken a toll. It is not okay.
9 It has taken a toll on my career, my ability to provide
10 more for my kids in their material, educational and
11 emotional needs.

12 "I do my best, but these kids deserve all of me.

13 "Marc Fishman shouldn't be allowed to violate
14 court order after court order, threaten judges so they
15 leave the case, threaten lawyers so that they leave the
16 case, threaten and manipulate visitation supervisors so
17 that they leave the case and drain their mom.

18 "He shouldn't be allowed to carry on this attack
19 on my family. He shouldn't take any more of our time and
20 energy.

21 "He has violated our right to feel safe in our
22 home by violating the court order and coming here when he
23 is not supposed to.

24 "He has violated my order of protection and come
25 to my place of work. He has done this for years.

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1 "His ongoing violations have made it difficult for
2 our family to move on and have any sense of normalcy. We
3 are always on high alert. This is not fair.

4 "What I have learned from Marc Fishman is the only
5 thing he fears or conforms his behavior for is jail. This
6 man does not want to give up his right to be happy and live
7 freely and do what he chooses, which is harass his ex-wife
8 and four children.

9 "But I ask this Court, when is enough enough?
10 When will the legal system finally stop him from
11 interfering and upsetting our lives? These children and I
12 deserve peace, a sense of safety that we can trust police
13 officers, attorneys and judges to be able to do their jobs
14 and keep us safe.

15 "We are law-abiding citizens. When will this ever
16 stop? What about our rights? Unfortunately, I've learned
17 from eight plus years of harassment, never. It will never
18 stop.

19 "Marc Fishman will never leave us alone. We are
20 only fortunate enough to get breaks every now and then when
21 a trial has gone full course and a judge sees this man for
22 what he is, a criminal.

23 "We need an end. This man cannot be allowed to
24 harass, intimidate and violate my family's rights forever.

25 "Please see this for what it is and do what you

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1 can to help us.

2 "Thank you. Sincerely, Jennifer Solomon."

3 Your Honor, thank you for letting me read that
4 into the record.

5 As you know, Ms. Solomon updated her victim impact
6 statement last month when you were kind enough to give her
7 an opportunity to actually come to the sentencing.

8 She is obviously not here and she can't come. She
9 is now not a teacher. She is now an assistant principal of
10 a school, an elementary school and in these first days of
11 school she couldn't be here and really couldn't bring
12 herself to be here.

13 I know you have just received this, so I don't
14 feel I need to read her updated statement except to
15 recognize in this updated statement that she has given to
16 the Court, and which I hope is a part of the Court's file,
17 that her fears of what she expressed in 2021 when she gave
18 the victim impact statement I just read are all the more
19 realized.

20 He hasn't stopped. He is blasting her on
21 podcasts. He is still talking about the courts and making
22 a mockery of them in litigation that continues and in
23 podcasts.

24 He is harassing her still to this day and all the
25 fears that she had about him manipulating the system

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1 continue.

2 But now something is different in that two of the
3 children who were involved in the case at the beginning
4 have provided victim impact statements that were never
5 provided before.

6 One of the children, the child who was approached
7 and which was part of the fact pattern in this case in this
8 trial, wrote that:

9 "My father has victimized me and my family for
10 over ten years. These years have been extremely physically
11 and mentally abusive. He has blatantly lied repeatedly
12 about me having cancer, being physically disabled and much
13 more.

14 "I have been trapped in court for so long it
15 affects my own mental health."

16 THE COURT: One second.

17 Counsel, to the extent that your client is not
18 here, I trust you are actually texting your client and not
19 just on your phone.

20 MR. DEMIRAYAK: I am not texting my client,
21 your Honor.

22 THE COURT: I don't appreciate you being on your
23 device in the middle of this proceeding. All right.

24 Continue.

25 MR. GREEN: Thank you, your Honor.

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1 The child continues in his statement that:

2 "He has repeatedly broken the court order, whether
3 it was him showing up at my fourth grade classroom or
4 showing up to my house, scaring me and my siblings.

5 "Not only that, he has been trying to make contact
6 through social media forms pretending to be other people.

7 "I have repeatedly given my father chance after
8 chance and he hasn't changed in one bit. It would be a
9 miscarriage of justice if you let my father contact me or
10 my family again."

11 That was written by Jonah Fishman just a couple of
12 weeks ago in August of 2025.

13 The Court also received the victim impact
14 statement from Mr. Fishman and Mrs. Fishman's daughter.

15 Is it okay if I read it, your Honor?

16 THE COURT: Absolutely.

17 MR. GREEN: Thank you.

18 THE COURT: While you are getting yourself
19 together, I want to make sure --

20 I want to make sure, counsel, I am not
21 misunderstood.

22 To the extent that you want to communicate with
23 your client via text given he is not standing beside you, I
24 don't have a problem with that. I want to make sure you
25 understand that and for the record.

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1 If you want to communicate with your client,
2 especially given the fact he is not here physically with
3 you, I am not objecting to that.

4 What I am objecting to is you being on the phone
5 otherwise. I want to make sure the record is 100 percent
6 clear.

7 Not just the record. I want to make sure you
8 understand what I am saying.

9 MR. DEMIRAYAK: Your Honor, I am an 18B felony
10 lawyer in the Bronx. I have a major caseload today and
11 want to make sure they are handled.

12 I was on my phone to make sure the cases are
13 handled. I won't do it again.

14 THE COURT: We need your full attention. I
15 believe your client deserves it.

16 Go ahead.

17 MR. GREEN: Thank you.

18 This letter is dated August 24 from
19 Joanna Fishman:

20 "Dear Mr. Judge Williams, while you have not met
21 me and will likely never come to meet me, I will meet you.
22 The decisions you make today I will feel and experience the
23 reality of.

24 "While this case is just another one of your
25 hearings that you have the luxury of forgetting about, my

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1 siblings, my mother and I continue to bear the burden of
2 the courts' rulings and failings. So I ask you to please
3 not fail us today.

4 "Do you have siblings? I do. I have three
5 remarkable younger brothers.

6 "Being the eldest child, throughout my childhood
7 I represented the voice to act and speak on behalf of my
8 siblings. I would act as the de facto maternal figure
9 during visitation with Mr. Fishman as he would not care for
10 us.

11 "As a young child, I learned to feed, bathe,
12 clothe my siblings and navigate around Mr. Fishman's wrath.

13 "Now as an adult, I oftentimes feel conflicted at
14 no longer being able to be the voice and shield my brothers
15 from certain experiences. Now I watch as the twins must
16 stand on their own, and what wonderful soon-to-be young
17 adults they've become.

18 "They have learned to speak for and defend
19 themselves, but what a terrible thing to ask of children.

20 "I stopped referring to Mr. Fishman as my father
21 recently. Once more, being the eldest of us four has
22 differed me from my siblings. I can recall the most about
23 our time during visitation with Mr. Fishman and I can
24 remember before visitation when our parents were still
25 together.

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1 "I do not share these memories with my siblings
2 because they were simply too young to remember most of it.

3 "It is because I remember so much that I can
4 recall some of the 'good times,' the moments when
5 Mr. Fishman acted as fun dad, recklessly letting me drive
6 his BMW in between apple orchards at five years old or
7 treating us to extravagant meals at places now I could not
8 think to afford.

9 "Among all these recollections, unfortunately, the
10 abuse surpassed in measure. Our 'father' would threaten
11 us, attempt to blackmail at us, hit us and throw glass
12 bottles our way and have us live in conditions that he
13 himself referred to as a pigsty in his apartment in the
14 Bronx.

15 "He acted with negligence, once leaving my then
16 baby twin brothers in the car on a hot day where
17 fortunately a passerby called the police and potentially
18 saved their lives.

19 "At no point in my lived experience or in my
20 brothers' has Mr. Fishman acted as a father. So,
21 therefore, I revoke that title.

22 "How dare he claim alienation and brainwashing
23 when he has never prioritized or cared for us. We have no
24 relationship with him because he willed it so.

25 "His only motivation in court is vindictiveness

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1 against my mother.

2 "He has had countless opportunities to form
3 lasting, impactful and positive relationships with us.
4 That is not a priority for him.

5 "I need not spell it out further.

6 "The leniency granted to my father over the years
7 in an act of convenience for the court due to his
8 recalcitrant and obstructionist nature has enabled him to
9 continue to burden and torture my hardworking mother and
10 our family from living our lives at peace without being
11 dragged to court, being forced to relive and re-traumatize
12 ourselves by recounting the numerous events of abuse and
13 neglect and have to face the endless hostility and
14 harassment on behalf of Mr. Fishman.

15 "Mr. Judge Williams, I ask of you to please enable
16 what has been overdue for a long time. Please provide my
17 father with an extended jail sentence as any child abuser
18 deserves. That is what Mr. Marc Fishman is, a child
19 abuser.

20 "Please do not enable a child abuser to live on
21 without punishment. Please do not enable a child abuser to
22 continue to harass his kids or his ex-wife.

23 "My mother has worked so hard to be able to
24 provide for the four of us children. What will you
25 provide?

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1 "I look forward to seeing this Criminal Court
2 finally protect our family.

3 "Thank you, Joanna Fishman."

4 Your Honor, thank you for allowing me to read
5 those statements.

6 I know your Honor is a victim center judge and I
7 know your Honor understands the victim experience. My
8 colleagues and I talk about that from our experiences in
9 your courtroom.

10 I know the matter before your Honor is not
11 technically in the name of the crimes he's committed and
12 been convicted of a child abuse case. But the fact remains
13 that the defendant appears virtually before you having been
14 convicted of a family offense, as your Honor has written in
15 your decision that I received today.

16 He flagrantly violated the order of the Court.
17 He knew that going to the house that day was against the
18 rules and he did it anyway.

19 Even his own court -- not court. Even his monitor
20 who was supposed to be his chaperone and guardian for all
21 things related to the children testified in the case that
22 she said to him this is not a good idea when he headed
23 towards the house and tried to be a buffer to dissuade the
24 conduct from happening that the defendant was determined to
25 see happen, which was a violation of the order of

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1 protection.

2 So back in 2020, your Honor, something happened in
3 this courtroom that happens all the time in this county. A
4 case was brought to trial. A jury was selected and sworn.
5 Witnesses were called and cross-examined. Arguments were
6 made. Legal decisions were made by the court. Counsel for
7 both sides made opening and closing remarks, and a jury of
8 citizens in this county rendered a verdict of guilty.

9 That is where we are at today. Nothing else
10 matters except that this defendant was found guilty by a
11 jury of his peers and he does not accept that, and he has
12 not accepted that for one day since that day.

13 And your Honor has ruled we are going to move
14 forward with sentencing today. I respect that. It is the
15 Court's decision and not mine.

16 But it is significant, and I think a factor for
17 the Court to consider, that even this Court has found that
18 the defendant has not provided before today or before the
19 August appearance good reasons to explain his years of
20 ignoring the warrants that existed for him to come to
21 court.

22 A pre-sentence report was written in 2021 and in
23 the pre-sentence report the Department of Probation said
24 that this defendant was insistent on testing the boundaries
25 of the order of protection and exhibiting a power and

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1 control over the victim.

2 That is classic domestic violence and that is what
3 the defendant was found guilty of.

4 So the children have their own view of what it is.
5 Ms. Solomon has her view of what it is.

6 The Department of Probation tasked by the Court,
7 not by the prosecution as counsel has alleged, tasked by
8 the trial judge, as is his right as a jurist in any place
9 in this state to ask for the Department of Probation to
10 prepare a pre-sentence report, they said at the Court's
11 asking he is a boundary pusher and he is a power and
12 control domestic violence abuser and he needs screening for
13 domestic violence programming.

14 They said the prognosis for his future law-abiding
15 behavior was guarded. They recommended probation, but,
16 your Honor, that was four years ago.

17 I told the Court in August that the day before our
18 appearance in August I spoke to the deputy commissioner of
19 probation and I asked them whether they knew that
20 sentencing was moving forward on the Fishman case and
21 whether or not they were comfortable relying on the
22 pre-sentence report that had been issued in 2021.

23 Their position was that they were not. Again, I
24 respect the Court's decision to not need an updated
25 pre-sentence report and I know full well that courts around

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1 this county routinely on misdemeanors don't use
2 pre-sentence reports.

3 But on a trial held in Superior Court, I think
4 Judge Zuckerman was well within his legal rights to ask for
5 one and he got one and it called for the defendant to get
6 probation.

7 But as I stand here before your Honor and talk to
8 you about sentencing, probation does not seem to me to be
9 an appropriate remedy for this defendant. He won't come to
10 Court. He won't come.

11 He hasn't come to Judge Capecci or any of the other
12 courts or your court, as I have indicated earlier. I don't
13 need to repeat it. How could we ever sentence him to a
14 sentence that required him to be responsive to law
15 enforcement professionals, leaders in the supervision
16 community?

17 How could the Court ever think it is appropriate
18 to say that he would follow the dictates of others when he
19 is convicted of and been found by numerous judges in this
20 courthouse and been evaluated by the Probation Department
21 to be a person who doesn't listen to any rules and doesn't
22 follow any dictates of courts or anybody else for that
23 matter?

24 So I am not asking the Court to impose a sentence
25 of probation. I don't know how it could possibly be

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1 carried out if such a thing happened.

2 I realize that the Court -- and counsel has
3 already done it at the August appearance, I believe, if my
4 memory is correct, asked the Court to sentence the
5 defendant to some kind of a conditional discharge or maybe
6 even an unconditional discharge.

7 Your Honor, I would urge you to not do that.
8 After what this defendant has put this courthouse, the
9 judges of this courthouse, this victim, these children,
10 based on the words that they have written, based on what
11 the jury of citizens found him guilty of and said you're
12 guilty, for him to get a conditional discharge or an
13 unconditional discharge or anything like that from wherever
14 he is claiming to be, we really don't know where he is, but
15 wherever he is claiming to be as he is floating around the
16 country appearing in this Court from Vegas or saying he is
17 in a hospital that he was not in in California or wherever
18 else he has been all these years, for him to get an
19 unconditional discharge or conditional discharge with no
20 conditions attached to it would be a slap in the face to
21 criminal justice, to what that jury went through, through
22 the entire process and to the Solomon survivors of his
23 domestic violence.

24 And I feel strongly that I could urge to your
25 Honor that that would be unfair and unjust.

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1 So it leads me to conclude that the only sentence
2 that is appropriate for this defendant is a sentence of
3 incarceration.

4 When Judge Schauer had the defendant's matter
5 before her in 2017, I think she said it best. I know the
6 defendant hates Judge Schauer and has lambasted her all
7 over the universe since then, but she got it right when she
8 said I don't want to incarcerate you, but I don't think
9 there is any other way to jolt you to understanding that
10 court rules and court orders have to be followed to avoid
11 incarceration.

12 And so today, as we stand here today, I have two
13 requests for your Honor. I am asking on behalf of the
14 Solomon victims, all five of them, I am asking on behalf of
15 that jury who convicted him and on behalf of the district
16 attorney that you sentence the defendant to the maximum
17 penalty of incarceration.

18 It is the only way to get this man's attention
19 that what he did was wrong, that he has been found guilty
20 and that the dictates of a court telling him in a domestic
21 violence situation to stay away from people means
22 something.

23 Domestic violence is dangerous and scary and you
24 heard in their voices, as I read them, this is not just any
25 old A misdemeanor contempt case.

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1 These issues mean a lot to the people who are
2 involved in these violations and they have to suffer under
3 that and they have been -- they deserve to see him
4 punished.

5 That is my first request.

6 My second request is that I sign an order of
7 protection on behalf of Jennifer Solomon and the four
8 children in the case and that you make that a part of
9 whatever sentence you decide is the appropriate sentence to
10 impose today.

11 Your Honor, the orders of protection, even though
12 he doesn't follow them, are important. It is important --

13 THE COURT: One second.

14 THE DEFENDANT: Your Honor, I lost the realtime
15 transcription.

16 THE COURT: That is why I have stopped.

17 THE DEFENDANT: I do have the Microsoft Teams
18 transcription.

19 THE COURT: Okay. So you have been able to follow
20 everything thus far, is that correct?

21 THE DEFENDANT: Yes. Microsoft Teams is more
22 accurate than your reporter.

23 Yes, your Honor.

24 MR. GREEN: So --

25 THE COURT: There was a request for realtime

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1 transcription and notwithstanding what the defendant said
2 just now, I don't need you to insult my court staff.

3 I will leave it at that.

4 We will wait and we will have the realtime
5 transmission -- we will sort out the technical difficulty
6 right now.

7 THE DEFENDANT: I didn't mean any insult, your
8 Honor.

9 THE COURT: Court staff works very hard.

10 (Pause)

11 THE COURT: The record should reflect we have the
12 realtime transcription back up.

13 Counsel, you may proceed.

14 MR. GREEN: Thank you, your Honor. I am wrapping
15 up. I really appreciate you have been so patient allowing
16 me to make the extended remarks today.

17 I know it is an A misdemeanor and B misdemeanor
18 that you are sentencing, but it is really important. I
19 hope your Honor forgives me for my long presentation today.
20 I am concluding.

21 THE COURT: Take your time, counselor. I am not
22 rushing anybody.

23 MR. GREEN: Thank you, your Honor. I appreciate
24 it.

25 The second request I was making at the time that

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1 we broke is my request for an order of protection as part
2 of whatever sentence you impose today.

3 The order of protection should be for
4 Jennifer Solomon and it should be for all four children.

5 I see that there was correspondence between
6 counsel for the defendant and my colleague in the office
7 who was preparing for this sentencing today as if she was
8 going to be handling it. Unfortunately, she got called
9 into Court for another matter and wasn't able to appear on
10 the record for this matter when the case was called.

11 But in that colloquy, I anticipated or I see that
12 counsel is objecting to the presence of the children on the
13 order of protection. And I want to just tell you why I
14 believe your Honor should consider putting the children on
15 the order of protection.

16 For one, they have been on the order of protection
17 since the commencement of this case. And ever since the
18 defendant was arraigned on these original charges, those
19 children have been protected.

20 Second, you hear in their victim impact statements
21 that they want to be protected and that they don't want to
22 have contact. That is significant.

23 Third, the law and the statute allows them to be
24 on the order of protection. 530.12 in the CPL specifically
25 allows for members of the household and for witnesses to be

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1 on an order of protection.

2 Counsel has referred in his colloquy in this email
3 that the court staff was on that the People are incorrect
4 in stating that the CPL allows for children to be on an
5 order of protection and that that law doesn't take effect
6 until the future.

7 He is, respectfully, mistaken. The law that he is
8 referring to, known as Melanie's Law, set to take effect in
9 the future contemplates an entirely different situation
10 than we have here.

11 In the case that is the basis of the law that
12 counsel cited in opposition to the children being on this
13 order of protection, a woman was murdered by her husband's
14 paramour. She was an adult woman who didn't live in the
15 household of the domestic violence victim.

16 She was the domestic violence victim's adult
17 30-year old or 29-year old daughter who lived at another
18 location and was neither a witness to the domestic violence
19 events that were at the heart of the order of protection
20 involving her abused mother or a member of the household.

21 That is nothing to do with this situation. These
22 children are in the household. These children were
23 present. These children were witnesses. These children
24 are all listed as witnesses in the official police reports
25 that are the basis of this criminal case for which the

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1 defendant was convicted.

2 They are each individually listed as being
3 witnesses as they were in the home or involved in the
4 events that took place outside the home.

5 And I don't think it is unimportant to say, I
6 think it is important to say that by decision of
7 Judge Capeci in 2022 at a proceeding when she was
8 considering what to do about access with the children by
9 this defendant, he failed to show up for all the
10 proceedings and all four law guardians present for the
11 children agreed that he should have no access to them.

12 And Judge Capeci so decided in an order that
13 is in place now, and that the defendant has been served
14 with, that he has no access to the children by virtue of
15 Judge Capeci's decision.

16 For all those reasons, but really for the most
17 important reason in that they are witnesses and covered by
18 530.12 in the CPL, it is the People's request that the
19 Court include them on the order of protection and protect
20 them for all the reasons that you can and for all the
21 reasons that they have asked you to do.

22 Thank you for listening to me so patiently,
23 your Honor.

24 THE COURT: All right.

25 MR. GREEN: Oh, and one last thing. If you issue

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1 that order of protection, it is my very strenuous hope,
2 since the defendant is not here, to have the order of
3 protection placed in front of him where he could read it,
4 go over it with counsel, put his name on it acknowledging
5 to your Honor right now that he has read it.

6 And that your Honor will read every word of it
7 into the record because this is a defendant who says he has
8 never been served with documents, who says he doesn't hear
9 well. Respectfully, he has a disability with respect to
10 his hearing. And it needs to be read to him so that the
11 realtime transcription provided by both the Courts and the
12 other one that he mentioned he is being provided with today
13 can document that he has been notified of every word of the
14 order of protection.

15 THE COURT: How long for the order of protection
16 are you asking for?

17 MR. GREEN: On a misdemeanor, the length is five
18 years from the date of sentencing.

19 THE COURT: Okay.

20 MR. GREEN: And I can hand that up to your Honor
21 so you have what we prepared as you contemplate what to do.

22 THE COURT: Show it to counsel.

23 MR. DEMIRAYAK: Thanks, officer.

24 THE COURT: All right. Defense counsel, do you
25 wish to be heard?

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1 MR. DEMIRAYAK: Yes. Obviously, I am not entitled
2 to make a statement at sentencing beyond what we already
3 put in, but I did want to respond to the legal arguments
4 made by the People and to correct several misstatements.

5 First of all, Mr. Fishman has never engaged in,
6 never been charged with and never been convicted of "child
7 abuse."

8 He also has never engaged in, never been charged
9 with and has never been convicted of domestic violence.

10 The only case here is criminal contempt in the
11 second degree arising from a court-ordered visitation
12 agreement connected with an order of protection.

13 So it is improper for the People to state these
14 sorts of allegations.

15 I will also note that we did not receive the
16 supposed victim impact statement from Jonah. I am not sure
17 that was today or some other day, but we never received
18 that document.

19 We would also object to any victim impact
20 statement from other than Jennifer Solomon as those are the
21 only victims.

22 Going to CPL 530.12(5), the People are correct
23 that in the near future more than just the actual victim
24 can be placed on a final order of protection, but that is
25 not the law as it stands.

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1 The law as it stands allows for more than just the
2 victim on a temporary order of protection, likely because
3 the legislature wants to ensure those people could come to
4 court and testify without being harassed, tampered with or
5 killed.

6 But it doesn't envision that for a final order of
7 protection after someone was convicted.

8 It is just a clear language of the statute. It
9 just does not allow for an order of protection beyond the
10 actual victim. That is my reading of it.

11 Mr. Fishman has no criminal history, no
12 allegations of violence. I think the People's request for
13 sentencing is extreme.

14 Now, the People state that Mr. Fishman was
15 convicted like any other defendant in this Court. I
16 strongly disagree. As we know from the federal litigation
17 that I was handling with Mr. Fishman, in October 2023 we
18 learned the People suppressed evidence that could have
19 resulted in an acquittal that the jury did not have.

20 We know why they convicted him. That evidence was
21 suppressed.

22 The evidence was Ms. Solomon calling the police
23 stating Mr. Fishman is more than two houses away from me,
24 I want to make a report.

25 We also have evidence that the day before the

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1 visit it was confirmed by Ann Elliot.

2 What else did we learn of evidence that was
3 suppressed? We learned Lane Schlesinger, the arresting
4 officer, on recorded audio repeatedly stated I don't
5 believe Mr. Fishman has the required intent to commit this
6 crime yet he arrested him anyway.

7 If this evidence would not have been suppressed,
8 it is likely Mr. Fishman would have been acquitted.

9 I am not re-litigating the case. I am giving the
10 Court background why we are where we are with Mr. Fishman
11 in Las Vegas, Nevada.

12 One more point on that. Ann Elliot, the
13 supervisor, she did testify in that federal action. She
14 was subpoenaed by lawyers for the City of New Rochelle, the
15 police department, and she testified basically recanting
16 her entire testimony in this Court and basically explained
17 the People did not advise her of what the order of
18 protection actually allowed for and didn't allow for when
19 she went into court.

20 If this trial had had the audio of Ms. Solomon
21 stating nothing happened, everything is fine, he is
22 two houses down and saying it is a full stay-away when
23 it was really a visitation order and the audio of
24 Lane Schlesinger, who has been now terminated, and part of
25 Letitia James showing a pattern of history, I don't think

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1 we would be here.

2 All those factors go into the reasons why this
3 Court should not sentence Mr. Fishman to 364 days of jail
4 and subject him to a five-year order of protection where he
5 can never even attempt to contact his children again. It
6 just doesn't make sense for this sort of situation.

7 What we would ask for is, at the very least,
8 probation, as the Department of Probation in the
9 pre-sentence recommended, or at this point five years later
10 an unconditional discharge. There is precedent for it.
11 Someone with a felony did get that this year or last year.
12 So it has happened.

13 Oh, and as far as the B misdemeanor is concerned,
14 that would be an inconsistent verdict. If it hasn't yet
15 been done yet by the Court, we would request the B
16 misdemeanor be dismissed.

17 We do retain our position that the jury's verdict
18 was inconsistent in and of itself and a new trial was
19 required.

20 I don't think the motion on that basis has ever
21 been granted by any judge in this Court. Obviously, we
22 reserve our rights on that.

23 Today the only sentence should be on the remaining
24 higher count, not the lesser included of the attempted
25 criminal contempt in the second degree.

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1 And we defer to the Court and we thank the Court
2 for allowing the sentencing to proceed under these
3 circumstances.

4 Thank you.

5 THE COURT: All right. Mr. Fishman, you have the
6 right but not the obligation to be the last voice that this
7 Court hears prior to the imposition of sentence.

8 You don't have to say anything, but to the extent
9 you wish to say something regarding sentencing, now is your
10 opportunity, sir.

11 Is there anything that you wish to say, sir?

12 THE DEFENDANT: Yes, your Honor.

13 THE COURT: Go ahead.

14 THE DEFENDANT: May I speak?

15 THE COURT: Sure. Go ahead.

16 THE DEFENDANT: Your Honor, I apologize for not
17 being able to be in Court. I am dying. I have liver
18 cancer.

19 I have to tell you that I am very appreciative to
20 the Court for accommodating me. That wasn't the case
21 during Judge Zuckerman or the other cases cited.

22 I could not testify at the Zuckerman trial because
23 the DA and Judge Zuckerman opposed hearing accommodations
24 for me during the trial. I could not hear witnesses. I
25 could not testify.

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1 I had to sue in Federal Court pro se to obtain a
2 federal order against six judges to provide realtime
3 transcription that was granted July 16, 2021.

4 Everything the DA said is untrue. I am completely
5 innocent. I was given a disability aide by Judge Schauer.
6 Judge Pulver appointed Ann Elliot to drive me to visits. I
7 had two visits a month, the 1st and 15th. I was not
8 driving the car. I was not allowed to drive during visits.

9 I am severely disabled. I have a hearing
10 impairment, cancer, A-fib. I have eight implants.

11 And the order of protection I never received a
12 copy of and the court clerk for Judge Schauer testified at
13 the trial, in the transcripts I got, that he never gave me
14 this order of protection.

15 The Appellate Division on the appeal of the
16 unserved order of protection on February 26, 2020 ruled
17 that my conduct was legal. They said: "Mr. Fishman
18 is to stay away from the home, the work and the school
19 of Jennifer Solomon, Joanna Fishman, Aiden Fishman,
20 Skye Fishman, Jonah Fishman except" -- I want to repeat for
21 the Court again, except, E X C E P T -- "with supervision."

22 There was no choice for attending supervision. If
23 Ms. Solomon canceled -- it was my week. I had a visit with
24 my autistic son, which I was asked by Ann Elliot to go to
25 Westchester to pick up her son with her because he had

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1 anxiety and had to be brought from the Bronx and going to
2 Westchester for a special needs class.

3 I listened to the extensive interviews where
4 the prosecutor lied time after time that I never saw
5 Jonah Fishman. He has langerhans cell histiocytosis, LCH,
6 a cancer. He has had special needs help throughout his
7 school career. I got him an iPad in school, got him
8 accommodations. This visit was the accommodation.

9 I got a call or text from Ann Elliot to my aide
10 when I would visit where is the pickup. It is always the
11 1st and 15th.

12 I got a text on the 15th early in the morning --
13 I got a text on the 14th saying visit confirmed. Where
14 should we pick you up? Pick me up at my apartment in
15 Harlem. I will be by Dunkin' Donuts. Okay.

16 We had a visitation order that was given to us
17 by Lisa Evans, Office of Court Administration, in June of
18 2018.

19 I never had court with Schauer after April 2018.
20 I couldn't get a final order to appeal.

21 Judge Karas ordered the Office of Court
22 Administration to appeal -- a 22-page order. It provided
23 for visits the 1st and 15th with Ann Elliot and my
24 disability aide to drive during the visits and assist me
25 and my disabled son.

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1 We had an order of protection with a carve-out on
2 June 2018 that says the order of protection is subject to
3 the visitation order.

4 The visitation order was in single-space
5 centimeter. Thus, Judge Schauer, discriminating against
6 me, failed to accommodate my disability to give me
7 double-spaced. Nonetheless said visits were the 1st and
8 15th.

9 There was a visit on December 1st and 15th. There
10 was no violation of any order of protection. I never got
11 an order of protection in 2017.

12 What Judge Schauer said on the record, based on
13 the transcript I got, said all visits were subject to
14 visitation.

15 What we have here is disability discrimination.
16 I appeared nine times, your Honor, I want to say it again,
17 nine times in 2020 in person before my cancer diagnosis in
18 Court to be sentenced.

19 I watched Judge Zuckerman fight with Joyce Miller
20 and Scarpino because they constantly brought an order of
21 protection with the kids and only wanted my wife.

22 After the Covid pandemic, I was supposed to be
23 sentenced in May and it was adjourned.

24 I had a virtual hearing in April of 2021 which
25 I appeared where Judge Zuckerman finally ordered realtime

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1 transcription after denying it during trial.

2 Judge Zuckerman said, no, it's not the Covid
3 pandemic, I am not virtually sentencing. That is time
4 number ten I attempted.

5 I had a neurological infection, had
6 hospitalizations. The DA has always known what hospital I
7 have been in. Cancer of my colon. The DA has always known
8 I am disabled. This DA doesn't.

9 They withheld audio and video, I was a pro se
10 litigant, in the Federal Court discovery, not getting the
11 statements that the cop said.

12 I am not guilty of violating an order I have never
13 gotten and I didn't go on the property.

14 But the chief officer, the supervising officer
15 Lieutenant Kane, okay, certifying the false arrest, false
16 arrest stating that here is Mr. Fishman's supervisor and
17 the rest of the report saying unknown.

18 On the camera they identified Ann Elliot, my
19 supervisor, nine times and testified during the trial,
20 based on the transcript, because I did not -- there was no
21 order to stay away from property during supervised visits.

22 The Appellate Division said in February '20 you
23 can be on the property or near the property during visits.

24 I have not spoken directly to my ex-wife since
25 2015. I have been constantly sued by her in Court and

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1 constantly belittled by fellow judges of yours -- not your
2 Honor, but fellow judges of yours who said I was not
3 hearing impaired, not disabled and not entitled to
4 accommodations.

5 This very Judge Schauer who denied realtime
6 transcription denied -- she said take your own notes. I
7 have carpal tunnel syndrome. I cannot take my own notes.
8 I was denied my iPad for my note-taking.

9 In response to my successful litigation with the
10 court system, I was awarded the New York State Senate
11 Commendation Award and testified at the hearing and the
12 confirmation of Judge LaSalle that he denied realtime
13 transcription as an appellate judge was overturned by the
14 Second Department Court of Appeals.

15 Okay. Forty-six judges, 46 state senators voted
16 not to elevate Judge LaSalle because of the civil rights
17 violations.

18 I'm the civil rights champion. Okay.

19 I have done nothing but try to be an amazing
20 father to my children. Visitation reports are glowing.

21 Counsel is mistaken. I appeared virtually in
22 every Family Court proceeding. Judge Capecci relinquished
23 my file in February and sent me out of the domestic
24 violence part which I never would have been in because of
25 the pattern of lying and basically Lane Schlesinger saying

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1 I wasn't on the property.

2 Everyone testified at trial I didn't get on the
3 property. This case should have been dismissed.

4 But because we were in Federal Court against state
5 judges, the DA and the successive DAs, Rocah and Scarpino,
6 regarding my disability, the discovery they gave was less
7 than a quarter inch and blurry. They withheld the video
8 and audio statement, a lengthy record.

9 Thanks to me, my advocates, Lane Schlesinger is
10 the only Westchester County officer labeled with a pattern
11 of misconduct, pattern of false arrests and was removed.
12 Supervisor Kane was suspended for planting drugs on
13 personal trainer Ivin Harper.

14 These are the cops that falsely arrested me that
15 ruined my relationship with my kids.

16 I don't think I am going to live five years. I
17 have liver cancer and colon cancer. I desperately want to
18 see my kids.

19 I have made requests repeatedly to Capecci who was
20 the judge because she refused me to allow me or my counsel
21 to file anything. Access to the courts wasn't granted in
22 February, and once she was shown the misconduct report and
23 attorney general report, she relinquished my file that I
24 didn't belong in the domestic violence part and sent me
25 back to Family Court.

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1 Family Court Judge Schauer signed an order dated
2 February 28 for -- she knew this was a supervised visit.

3 On the police audio call, okay, we are in
4 Federal Court, and it was transcribed, she says to the
5 cops, she says Mr. Fishman's visit today was canceled and
6 they say does he have his case on. No. He has a full
7 stay-away. The cops said how does he have visitation if it
8 is a complete stay-away. Yes. She lied. I never had a
9 complete stay-away.

10 Ann Elliot and I did visits for a year. Okay.
11 Visitation was required to be increased by Judge Capecci.
12 Was increased. Okay.

13 And due to Covid and my disabilities and the
14 retaliation by other judges in this courthouse that, again,
15 resulted in litigation, Federal Second Circuit, resulting
16 in Part 52, resulting in accommodations for other people,
17 realtime transcription, I've got nothing but retaliation.

18 I have been interviewed twice regarding
19 prosecutorial misconduct. Joyce Miller, who said -- on a
20 310.50, Judge Zuckerman asked the jury to convict on the
21 attempted and actual. I couldn't hear and read the lips.
22 Judge Zuckerman said he doesn't have to accommodate because
23 Judge Schauer said I do not have a disability, that I am
24 not disabled. I have had 24 surgeries, eight implants.
25 They have been changed three times.

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1 It is shameful. I am an honor student from
2 Scarsdale and disciplinary rights champion. It is shameful
3 to listen to a DA lie, lie, lie.

4 The reason my ex-wife initiated the false
5 arrest is Ann Elliot told Family Court I no longer need to
6 be supervised. So Jennifer makes this up. Okay.

7 She is a predator. I never wish to ever see her
8 again, but, of course, as the DA alluded to, we are in
9 Federal Court, and I am thankful the American Disability
10 Act is respected in Federal Court and there will be a trial
11 for the cops violating my dad rights and denying me a fair
12 trial in state court.

13 It is unmistakable that Joyce Miller and the rest
14 all denied me a fair trial.

15 As a matter of fact, your Honor, DA Rocah was in
16 the courtroom during my sentencing before she was DA. She
17 was asked to recuse. Judge Zuckerman refused.

18 My ex-wife is a client of My Sisters' Place where
19 she claimed abuse. Abuse was determined to be unfounded.
20 Untrue lies by ACS and CPS.

21 My ex-wife accused me strangling our twins. I
22 have carpal tunnel syndrome. I can't strangle anyone.

23 I'm the victim and the real predator is
24 Joyce Miller in this courtroom who not only has ruined my
25 life with my kids, ruined Elizabeth Harding Weinstein who

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1 is also accused of false abuse and made up charges.

2 My kids love me. My disabled son wants to see me
3 in person. Said it several times in with Judge Capecci. My
4 twins said it too. And my daughter cried when she was told
5 by Ann Elliot her mother had me locked up for sending a
6 gift to our kids. I will repeat that. A gift to my kids
7 that Jonah ordered on the Amazon account. I was in the
8 disability wing of Westchester County Hospital.

9 The DA was told by Westchester jail in 2017 and
10 Judge Schauer locked me up for violating the order of
11 protection for sending my daughter a gift card.

12 The Westchester County jail told the DA's office
13 I was hearing impaired, that I was cognitive impaired. No
14 one cared. No one accommodated.

15 Everything was done so I wouldn't get a court
16 order. Everything was done so I wouldn't hear.

17 Yet my ex-wife was allowed to bring 18 members of
18 Legal Services of the Hudson Valley into the courtroom and
19 My Sisters' Place wrote to the DA. Nothing but criticisms.

20 I have not evaded anything. I repeatedly asked
21 Judge Capecci who had the case before you for virtual.
22 Virtual has been granted over 59 times, Westchester, Bronx,
23 Staten Island and Manhattan. I never had an accommodation
24 denied.

25 I didn't run away from anything. Okay. I can't

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1 fly. I can't write. Okay. I can't even live a night
2 without peace because of my pain.

3 And this is a tragedy.

4 Thankfully, there will be the federal redress
5 because now at the sentencing, the order of Judge Romano
6 February 2023, the case is restored for unfair trial
7 against the cops. Unfair trial that the cops all admitted
8 and none were -- including Zillow (phonetic) who withheld
9 audio and video and the DA's office who conspired with the
10 cops to not get 1(k) disclosure and not tell us a cop
11 refused to sign after the enhanced discovery law.

12 Let me say it again, I had permission from
13 Judge Zuckerman who said he put the trial on hold in
14 January 2020 to go to my mother who was dying of breast
15 cancer out in California. Judge Zuckerman said he would
16 not continue the trial until I got back.

17 Unfortunately, that was not the case. We later
18 found out years later after ordering all the transcripts
19 Judge Zuckerman continued hearings after the DA told him an
20 officer/juror refused to sign a disclosure that Mr. Fishman
21 is suing Officer Schlesinger.

22 If I didn't have it, I would not have seen the
23 exonerating nine-hour video and Officer Schlesinger would
24 still be discriminating, Officer Kane would still be --
25 another dishonest officer and you wouldn't have 60 percent

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1 of the police officers fired.

2 This has been abuse. This has ruined my life.

3 At least what I can say is I helped tens of
4 thousands of others get realtime transcription and
5 note-taking for help with their cognitive disabilities.

6 President Joe Biden --

7 THE COURT: Mr. Fishman, I am going to have to
8 stop you. Again, we are here for sentencing on this
9 particular case. All right. That is all we are here on.

10 I understand you consider yourself a champion for
11 various causes and it is not my position to opine on
12 whether or not you are a champion for several causes. I am
13 sure in your eyes and in the eyes of others you may very
14 well be.

15 But that is not before me. The federal case is
16 not before me. Nothing in relation to President Joe Biden
17 is before me.

18 I am giving you as much latitude as I can to allow
19 you to speak before I impose sentence.

20 I am at my limit now in terms of what I am a going
21 to allow you to opine on, sir.

22 Is there anything else that you want to say, sir,
23 as it relates to the sentence that the Court is about to
24 impose?

25 THE DEFENDANT: Yes. I hope and pray that this

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1 Court will allow me to see my kids again before I die.

2 I guarantee you they didn't write those victim
3 impact statements. My son Jonah doesn't have the legal
4 capacity. I guarantee they are written by Joyce Miller.

5 Because my kids want to see me and they relayed
6 that over and over again and told Ann Elliot on several
7 visits.

8 This whole thing is a tragedy.

9 I want to thank the Court again to allow me to
10 appear virtually.

11 Having an order of protection with the kids is
12 just going to prevent them from seeing me before I die.

13 I was -- we had a divorce with no --

14 THE COURT: Again, we are not going to get into
15 your divorce. I mean, you know, we are not going to get
16 into all of that.

17 THE DEFENDANT: Okay.

18 THE COURT: The only thing before me is the
19 criminal contempt. Nothing else.

20 THE DEFENDANT: Okay. Thank you, your Honor.

21 THE COURT: Thank you.

22 Now, as it relates to whether or not the attempted
23 criminal contempt in the second degree was a lesser
24 included, I have before me the verdict sheet and I see
25 nothing on this verdict sheet which indicates -- this is

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1 the verdict sheet that was introduced as Court Exhibit II.
2 I see nothing on it which indicates that this was a lesser
3 included.

4 Do the People wish to opine on this?

5 MR. GREEN: Could I just have one moment, Judge?

6 THE COURT: Sure.

7 (Pause)

8 THE COURT: Mr. Fishman, I don't know where you
9 are right now. You were off camera for a moment. You need
10 to remain on camera during the proceedings, sir.

11 MR. GREEN: Judge, thank you.

12 We do believe that it was submitted to the jury as
13 a lesser included.

14 But Judge Zuckerman had declined to disturb the
15 jury's finding of guilty on both counts when the jury came
16 back with guilty on both counts.

17 So I wasn't there. That is my recollection, and
18 the recollection of my office is that it was submitted to
19 the jury as a lesser. They returned a verdict on both and
20 Judge Zuckerman was asked at the time to set aside the
21 attempt and declined to do so, did not feel it was an
22 inconsistency.

23 THE COURT: Okay. That being said, one second.

24 (Pause)

25 MR. GREEN: Judge, my colleague advises me there

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1 were papers on this earlier in the case that I was not
2 involved in and in those papers we consented to the
3 dismissal of the attempt.

4 But, remember, nothing was being decided because
5 of the defendant's fugitive status. I think that that
6 threw a lot of things off in terms of matters happening on
7 the case as I've indicated in my remarks earlier.

8 THE COURT: All right. What the Court is going to
9 do, the Court is going to dismiss the attempted criminal
10 contempt in the second degree as a lesser included and the
11 Court is prepared to issue a sentence on the criminal
12 contempt in the second degree.

13 So I will start by saying that criminal contempt
14 involves an offense against judicial authority and is
15 utilized to protect the integrity of the judicial process
16 and to compel respect for its mandates.

17 On January 28, 2020, the defendant was found
18 guilty after a jury trial of a Class A misdemeanor of
19 criminal contempt in the second degree. This was under
20 Westchester County Docket No. 70088-2018 a/k/a Case
21 No. 6293M-2018.

22 And I believe he was also found guilty of the
23 attempt, but the Court, as indicated just now, is hereby
24 dismissing the attempt.

25 In satisfaction thereof, I am now imposing the

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1 following sentence:

2 On criminal contempt in the second degree, the
3 sentence of this Court is 45 days in the county jail.

4 I am imposing a \$200 surcharge and the Court is
5 imposing a fine of \$1,000 and there is also a \$50 DNA fee
6 being imposed.

7 As it relates to the orders of protection, these
8 proceedings were commenced based on a purported violation
9 of an order of protection issued by Judge Schauer on
10 June 27, 2017 solely on behalf of Jennifer Solomon.

11 The order of protection was listed as Exhibit 1
12 during the trial held before Judge Zuckerman on January 24,
13 2020.

14 The order of protection was issued based in the
15 context of a supervised visitation arrangement/order
16 regarding the then subject children of Jennifer Solomon and
17 defendant Marc Fishman.

18 Those children being Aiden Fishman who is now
19 17 years old, Skye Fishman who is now 17 years old,
20 Jonah Fishman who is now 20 years old and Joanna Fishman
21 who is now 21 years old.

22 At some point during these proceedings, temporary
23 orders of protection were issued on behalf of the children
24 as well.

25 It is my understanding, and based on

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1 representations made by the People just now, that the
2 People are requesting five-year orders of protection on
3 behalf of Ms. Solomon and on behalf of the parties'
4 children.

5 First I will address the order of protection as it
6 relates to Jennifer Solomon.

7 That order of protection was last issued by
8 Judge Capeci on November 1, 2022 and is set to expire on
9 November 1, 2026.

10 The Court in its discretion hereby grants a
11 one-year full stay-away order of protection on behalf of
12 Ms. Solomon.

13 The Court in reaching this decision has taken into
14 account the fact that Ms. Solomon has had the benefit of an
15 order of protection for in excess of eight years and the
16 Court is unaware of any violations being filed as of
17 today's date.

18 That order of protection which was signed by
19 Judge Capeci, I believe that was a temporary order of
20 protection, that order of protection will expire today and
21 will be replaced by a final order of protection which will
22 expire one year from today's date.

23 The terms of that order of protection are the same
24 as the temporary order of protection which was signed by
25 Judge Capeci.

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1 That order of protection, Mr. Fishman, indicates
2 that you are to stay away from Jennifer Solomon, the home
3 of Jennifer Solomon, the place of employment of
4 Jennifer Solomon and you are to refrain from communication
5 or any other form of contact by mail, telephone, email,
6 voicemail or electronic or any other means with
7 Jennifer Solomon, date of birth, 12/24/1974, by any means
8 whatsoever including third-party contact.

9 And you are to refrain from assaulting, stalking,
10 harassment, aggravated harassment, menacing, reckless
11 endangerment, strangulation, criminal obstruction of
12 breathing or circulation, disorderly conduct, criminal
13 mischief, sexual abuse, sexual misconduct, forcible
14 touching, intimidation, threats, identity theft, grand
15 larceny, coercion, unlawful dissemination or publication
16 of intimate images or any criminal offense against
17 Jennifer Solomon.

18 Again, that order of protection will expire one
19 year from today's date. It is a full order of protection,
20 full stay-away order of protection. Any violation of this
21 order of protection will constitute a new crime.

22 Do you understand this is a final order of
23 protection, Mr. Fishman?

24 THE DEFENDANT: Yes.

25 THE COURT: People and defense counsel, please

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1 state your knowledge as to the existence or location of any
2 firearm, rifle, shotgun reasonably believed to be owned or
3 possessed by the defendant.

4 MR. GREEN: I don't have anything to report to the
5 Court about knowledge of firearms in the defendant's
6 possession.

7 But I will say I don't know anything about the
8 defendant's actions, where he has been, where he is. I
9 don't know anything about what he has been doing and
10 neither does the Department of Probation who has had four
11 years of no contact with him so that such a matter could be
12 investigated.

13 He has not availed himself of the -- of any
14 contact with law enforcement, probation or our office so
15 that I would really know the answer to the question.

16 THE COURT: Okay. Defense counsel.

17 MR. DEMIRAYAK: All the prior orders of protection
18 also required no firearms. To my understanding, there are
19 no firearms involved.

20 THE COURT: All right. Next I will address the
21 proposed orders of protection relating to the subject
22 children. And I say children in quotes. I believe only
23 two are unemancipated as of today's date.

24 Similarly, the Court is unaware of any violations
25 of said order as of today's date.

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1 When I say violations, any violations filed in
2 this Court or any other court of competent jurisdiction.

3 Given that the incident complained of related
4 primarily to Ms. Solomon, the Court is hereby declining to
5 issue a stay-away order of protection regarding the
6 children but will instead issue a refrain from order of
7 protection regarding the subject children previously
8 listed.

9 And what I will do, I will instruct the People --
10 I believe the People were kind enough to prepare full
11 stay-away orders of protection. The Court is going to
12 decline, as I indicated just now, to sign off on a full
13 stay-away as it relates to the subject children.

14 In fact, the Court is going to direct the People
15 to make the necessary amendments to the orders of
16 protection as it relates to the children to reflect the
17 defendant is directed to refrain from having -- refrain
18 from communication or any other contact by mail, telephone,
19 email, voicemail or electronic means with the subject
20 children except for any provisions or contact which is
21 permitted by a Family Court order.

22 I want to make sure that the record is clear that
23 my order in no way modifies any current orders issued by
24 any court of competent jurisdiction including
25 Westchester County Family Court.

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1 All right. I want to make sure that the parties
2 are aware that to the extent there is an order of
3 supervised visits or order permitting contact and that
4 order is from the Family Court, what I am doing here is not
5 going to affect that order. I want to make sure everybody
6 is aware of that.

7 MR. GREEN: Well, I am not clear on that, your
8 Honor, because there is an order from Judge Capeci that
9 says he is not allowed to have contact.

10 So you are now saying he can have contact and it
11 is inconsistent with the pending order that was issued from
12 Judge Capeci that he is not allowed to have any contact
13 with the children?

14 THE COURT: Well, this is what I have from
15 Judge Capeci. This order dated November 1, 2022 only lists
16 Jennifer Solomon on it.

17 I can hand it up to counsel. Counsel can take a
18 look at it.

19 (Pause)

20 THE COURT: While counsel is looking into that,
21 Mr. Fishman, do you have any questions as it relates to the
22 order of protection, sir, and what your obligations are?

23 THE DEFENDANT: Yes. I don't understand -- right.
24 For my ex-wife I understand what your Honor is saying. I
25 don't understand your Honor's order regarding my children.

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1 THE COURT: Again, what I am saying is -- when I
2 say questions, I am not asking whether you understand my
3 rationale. My rationale is my rationale and my order is my
4 order.

5 My order is that you are to stay away from
6 Ms. Solomon and refrain from having any contact with the
7 children except for contact which is permitted by the
8 Family Court order.

9 So you are to re --

10 THE DEFENDANT: Sir --

11 THE COURT: Listen to me. We are not going to
12 talk over each other.

13 Refrain from harassing, stalking, menacing,
14 refrain from exhibiting any acts which would constitute a
15 family offense against the subject children. That is my
16 direction.

17 You are permitted to have contact with them
18 providing that such contact is allowed for pursuant to an
19 order of Family Court.

20 MR. GREEN: It is not allowed, your Honor, because
21 Judge Capeci ruled in a decision on the matter involving
22 Ms. Solomon that you handed us an order on, but in the
23 matter concerning the visitation with the children after
24 the hearing and after the decision of the four law
25 guardians, Judge Capeci ruled that there is to be no

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1 visitation between the defendant and the children.

2 THE COURT: Okay. So, again --

3 MR. GREEN: He is not allowed to see the children
4 pursuant to -- you said your order is not disturbing any
5 other order.

6 THE COURT: Right. So my order remains. My order
7 is that he is supposed to refrain from harassing, stalking,
8 menacing, committing any acts which would constitute a
9 family offense against the subject children.

10 My order further states it does not conflict -- to
11 the extent Judge Capecci's order says he is not to have any
12 contact, he can't have any contact. Full stop.

13 That is my order.

14 THE DEFENDANT: Can I ask for clarification on the
15 young adults no longer children that are no longer subject
16 to Family Court? I am not understanding.

17 So Jonah and Joanna aged out, your Honor. Joanna
18 is --

19 THE COURT: Go ahead. My -- go ahead. We will
20 not speak over each other.

21 THE DEFENDANT: Again, your Honor, I am just
22 trying to get clarification. On Joanna and Jonah who are
23 although subject to Family Court pursuant to the order of
24 Judge Capecci who vacated her warrant to me and sent me out
25 of IDV, Joanna and Jonah, they are not subject to Family

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1 Court as of the age of 18.

2 THE COURT: Your attorney will give you advice
3 where that is concerned.

4 What I am saying to you is this, this is
5 Criminal Court. I did extensive Family Court practice. I
6 fully understand where you are coming from.

7 As far as I am concerned, as far as this Court is
8 concerned based on what is before me, I am issuing a
9 refrain from order of protection. So whereas I want to
10 make sure the record is 100 percent clear -- in fact, to
11 the extent that I said during the course of this proceeding
12 that I am allowing contact, I am reversing myself.

13 I am telling you right now what I am saying is you
14 are to refrain from harassing, stalking, menacing,
15 committing any acts which would constitute a family offense
16 against these subject children. The children, I will list
17 them out again. I am sure you know the names.

18 Aiden Fishman, born in 2008, who is now 17 years
19 old.

20 Skye Fishman, born in 2008, who is now 17 years
21 old.

22 Jonah Fishman, born in 2005, who is now 20 years
23 old.

24 Joanna Fishman, born in 2024, who is now 21 years
25 old.

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1 My order is you are to refrain from committing
2 acts which would constitute a family offense against these
3 individuals.

4 Again, I said it before, I will say it again, my
5 order in no way conflicts with the order of Judge Capecci in
6 any way. Whatever Judge Capecci and wherever her
7 jurisdiction ends -- your attorney can tell you where her
8 jurisdiction ends.

9 I can tell you where my jurisdiction exists and it
10 is what I just said to you just now. From today's date
11 going forward you are to refrain from committing any acts
12 against these individuals.

13 For the record, I am going to be giving counsel --
14 in fact, we will take a brief recess so that the People can
15 prepare the orders of protection pursuant to what I said
16 just now.

17 And we are going to be serving counsel -- counsel,
18 you are going to accept service on your client's behalf?

19 MR. DEMIRAYAK: Yes, I will be accepting service
20 on my client's behalf.

21 I just wanted to clarify one thing, if that is
22 okay, your Honor.

23 THE COURT: Sure.

24 MR. DEMIRAYAK: The orders of protection for the
25 children will be refrain from committing the acts, but it

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1 won't be a bar on communication. Obviously, if another
2 Family Court says there is no communication, there is not
3 going to be any. But if there is no adjacent Family Court,
4 then this order wouldn't necessarily prohibit
5 communication, it would just prohibit the unlawful acts?

6 THE COURT: Yes.

7 MR. DEMIRAYAK: Thank you, your Honor.

8 THE COURT: However, however, I mean, you know --
9 I had an extensive Family Court practice. All right.

10 You know, to the extent there is communication,
11 there is communication and there is harassment.

12 So I am sure you will advise your client as to
13 what level of communication or what kinds of communication
14 would be permitted, because my order is 100 percent clear.

15 MR. DEMIRAYAK: Yes, your Honor.

16 THE COURT: 100 percent clear.

17 For the record, Mr. Fishman, kindly place your
18 email address on the record right now so we can send you a
19 copy of the order of protection.

20 What is your email address, sir?

21 MR. DEMIRAYAK: Rentdriver, R E N T D R I V E R,
22 @gmail.com.

23 THE COURT: All right. We will take a brief
24 recess for counsel to prepare the requisite orders of
25 protection, give them to counsel and also so we can send a

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1 copy to Mr. Fishman so he can review it on the record.

2 So the Court stands in a brief recess at this
3 time.

4 Thank you.

5 (Whereupon, a recess was taken at this time)

6 THE COURT CLERK: Recalling, on for sentencing,
7 People versus Marc Fishman under SCR-70088-2018, formerly
8 6293M-2018.

9 (Whereupon, Defendant is present virtually and
10 before the Court)

11 THE COURT CLERK: Your appearances are noted.

12 THE COURT: We are back on the record.

13 Have both counsels received copies of the orders
14 of protection?

15 MR. GREEN: Yes, your Honor.

16 MR. DEMIRAYAK: Yes.

17 THE COURT: Mr. Fishman, have you received a copy
18 of the order of protection as well, sir? It was emailed to
19 you just now along with your counsel and the People.

20 THE DEFENDANT: I haven't received anything as of
21 yet, your Honor.

22 THE COURT: All right. Just refresh your email
23 feed and confirm that you have received it, sir.

24 We will resend it to you right now as well.

25 Counsel, you have received that email that

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1 Mr. Fishman was copied on?

2 MR. DEMIRAYAK: Yes, I received the email.

3 I also received the physical copy here. I am
4 accepting service and I will provide a copy as well to
5 Mr. Fishman additionally after the Court date.

6 THE DEFENDANT: I have three pages from 12:35 --

7 THE COURT: So that is the order of protection.

8 You said you reviewed it, counsel?

9 MR. DEMIRAYAK: Yes, I have reviewed it.

10 My only issue is with the second page. No contact
11 directly or indirectly or through third parties with
12 Jennifer Solomon. I want to be very clear. My
13 understanding is that that provision only applies to
14 Jennifer Solomon and does not apply to any of the four
15 children, whether they are minor or adults.

16 THE COURT: Again, we are not going to go through
17 it again. The order of protection speaks for itself. I
18 have indicated what my order of protection directs.

19 It is a full stay-away for Ms. Solomon and refrain
20 from as it relates to the children.

21 I am not by my order -- I will say it again. I
22 said I wasn't going to say it again. I will say it again.

23 By my order, I am not seeking to nullify any
24 existing orders by Family Court.

25 Is that clear?

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1 MR. DEMIRAYAK: Yes.

2 THE COURT: All right. For the record, I have
3 received and signed the final order of protection in open
4 court in defense counsel's presence and also the DA's
5 presence.

6 The final order of protection has been shown to
7 the defendant during sentencing and a copy provided to
8 counsel.

9 A copy has been emailed to the defendant at the
10 address used to establish this virtual link.

11 The defendant is hereby directed to turn himself
12 in to the Westchester County jail no later than
13 September 17, 2025, September 17, 2025, to commence his
14 sentence.

15 A bench warrant will be issued today and stayed
16 through 9/17/25 to give the defendant an opportunity to
17 turn himself in.

18 That constitutes the order of this Court and
19 completes these proceedings.

20 Is there anything else, People?

21 MR. GREEN: I was writing. When you said on the
22 17th he has to surrender, did you say a time or did you not
23 say a time?

24 THE COURT: I didn't say a time.

25 MR. GREEN: Okay.

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1 MR. DEMIRAYAK: Thank you.

2 THE COURT: Well, you know, in fact, what I will
3 do, I will put a time because I don't want a situation
4 where the defendant goes to Westchester County jail at
5 9 o'clock at night and says that he wasn't able to get in.

6 All right. So I am directing the defendant to
7 surrender himself no later than 12 noon. No later than 12
8 noon on September 17, 2025.

9 Again, a bench warrant will be issued today and
10 will be stayed through 9/17/2025 at 12 noon to give the
11 defendant an opportunity to turn himself in.

12 Anything further, defense counsel?

13 MR. DEMIRAYAK: Yes, your Honor.

14 We are going to request the Court stay the
15 sentence date of September 17 as defense does intend to
16 file a notice of appeal and the requirement to surrender
17 for sentencing is prior to the 30 days to file the appeal.

18 We believe we have strong grounds for an appeal.

19 We are just requesting that that requirement be
20 held in abeyance and if a notice of appeal is filed, that
21 the requirement to surrender for sentencing be stayed until
22 further order of the applicable Appellate Court.

23 THE COURT: People.

24 MR. GREEN: No position.

25 THE COURT: The Court is not going to prevent you

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1 from filing your notice of appeal. You can file a notice
2 of appeal right now.

3 You can always go ahead and file it. I used to
4 practice. You can right now file your notice of appeal.

5 The fact that my order is entered today, I am not
6 going to stay my order.

7 You are guided by the applicable statute in terms
8 of filing your notice. Go ahead and file your notice.

9 That application is denied.

10 Thank you.

11 MR. DEMIRAYAK: Thank you, Judge.

12 MR. GREEN: Thank you, your Honor.

13 THE COURT: Best of luck, sir.

14 (Continued on the following page)
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1 THE COURT CLERK: The defense attorney has been
2 served with a copy of notice of right to appeal as well as
3 the fine sheet.

4 MR. DEMIRAYAK: Confirming receipt.


5 THE COURT: Thank you.

6 MR. DEMIRAYAK: Thank you, Judge.

7 MR. GREEN: Thank you, everyone.

8 * * * * *

9 Certified to be a true and accurate transcript of
10 the stenographic minutes taken within.

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14

15 Lisa Mango
16 Senior Court Reporter
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