

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA**

UNITED STATES OF AMERICA,

Case No. 8:06-CR-404-T-24TMB

v.

STEVEN GREEN,

Defendant.

**MOTION TO CONTINUE REPORTING DATE  
BASED ON MEDICAL EMERGENCY**

COMES NOW, the Defendant, STEVEN GREEN, by and through undersigned counsel, to request the following:

1. That the Defendant's reporting date be continued for ninety (90) days from July 7, 2007 at 12 noon to October 5, 2007 at 12 noon as set forth in the accompanying affirmation, and

2. That the Defendant's medical condition be reviewed at the end of the ninety day continuance period to determine his sentencing needs and suitability for reporting.

Ms. Diane Lee of the Bureau of Prisons was contacted on May 14, 2007 with respect to the Defendant's medical state and his reporting requirements and suggested that the above relief, and the need to review the Defendant's condition after the ninety day continuance period, be requested of the Court. In addition, AUSA Robert Mosakowski was contacted and advised of this application and stated no objection.

WHEREFORE, the Defendant requests relief consistent with the foregoing, together with any further relief the Court deems just and appropriate.

CHERICO, CHERICO & ASSOCIATES  
308 Battle Avenue  
White Plains, New York 10606  
(914) 948-2299  
(914) 948-4248 FAX

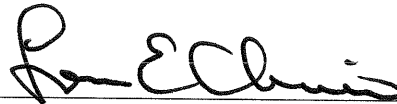


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Louis E. Cherico, Esq.  
Admitted *Pro Hac Vice*

**CERTIFICATE OF SERVICE**

A true and correct copy of this motion and the annexed supporting affirmation and exhibits were provided to AUSA Robert Mosakowski, 400 N. Tampa Street, Suite 3200, Tampa, Florida 33602 on this 29<sup>th</sup> day of May 2007.



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Louis E. Cherico, Esq.

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA**

UNITED STATES OF AMERICA,

Case No. 8:06-CR-404-T-24TMB

v.

STEVEN GREEN,

Defendant.

**AFFIRMATION OF LOUIS E. CHERICO, ESQ.**  
**IN SUPPORT OF MOTION TO CONTINUE REPORTING DATE**  
**BASED ON MEDICAL EMERGENCY**

Louis E. Cherico, an attorney duly admitted to practice law in the State of New York and admitted *pro hac vice* in the Middle District of Florida, makes the following affirmation under penalties of perjury:

1. I am a partner in the law firm of Cherico, Cherico & Associates, the attorneys for defendant Steven Green in this action and submit this affirmation in support of the defendant's motion to continue his reporting date ninety (90) days and for a review of his medical condition and sentencing needs and suitability for reporting at the end of the ninety day continuance period.

2. I am fully familiar with and have knowledge of those facts and circumstances surrounding this matter based on, *inter alia*, my firm's investigation of this matter, communications had with defendant and/or defendant's representatives, and a review of the files maintained by our offices in connection with this matter.

3. Most unfortunately, this motion is necessitated by a horrific accident that has left the defendant in a coma at St. Vincent's hospital in New York City. To be more

specific, Mr. Green was struck by a hit-and-run driver in the early morning of May 8, 2007, and has been listed in critical condition at St. Vincent's since that time. Mr. Green is in Room 941 on the 11<sup>th</sup> Floor at St. Vincent's, but will be moved today to Mount Sinai Hospital. It is not known at this time what room he will be in after being moved. A copy of the accident report is annexed hereto as EXHIBIT A and a medical report as to Mr. Green's current condition is annexed hereto as EXHIBIT B.

4. I have personally observed Mr. Green almost daily since the accident and can attest that he remains in a non-induced coma. I last visited Mr. Green's room May 28, 2007 (yesterday) at 5:00 pm.

5. The doctors are unable to determine at this time what Mr. Green's physical and mental condition will be when and if he awakens from the coma.

6. Not knowing whether Mr. Green will even be conscious on the current reporting date of July 7, 2007, I contacted the Bureau of Prisons to determine if an extension of Mr. Green's reporting date could be allowed without another motion made before this Court. As the Court no doubt remembers, we only recently, and prior to the accident, moved for an extension of Mr. Green's reporting date and for other relief. The Court agreed to extend the reporting date from June 28, 2007 to July 7, 2007 in its Order filed May 8, 2007.

7. The Bureau of Prisons, specifically Ms. Diane Lee, advised that a motion be made before Your Honor to extend Mr. Green's reporting date for ninety (90) days and that the Court review Mr. Green's medical condition at the end of that time to assess his suitability for reporting to serve his sentence.


8. While Mr. Green's previous sentencing recommendations and his current designation were based primarily on his health issues prior to the accident, it is highly likely that his mental and physical health issues will be vastly different and may require an alternate designation by the Bureau of Prisons following the accident and Mr. Green's hopeful recovery.

9. I have previously advised Ms. Jung of Tampa Pretrial Services of Mr. Green's condition.

WHEREFORE, given the foregoing, the Defendant respectfully requests that the Court continue his reporting date ninety (90) days from July 7, 2007 to October 5, 2007, that his medical condition be reviewed at that time to determine his suitability for reporting and whether a modified designation should be recommended, and that this motion be sealed, together with such other and further relief the Court deems just and proper.

Dated: White Plains, New York  
May 29, 2007

Respectfully Submitted,  
**CHERICO, CHERICO & ASSOCIATES**



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By: Louis E. Cherico, Esq.  
Attorneys for Defendant Steven Green  
Admitted *Pro Hac Vice*  
308 Battle Avenue  
White Plains, New York 10606  
Tel. (914) 948-2299  
Fax (914) 948-4248

To: Hon. Susan C. Bucklew, USDJ  
United States District Court  
Middle District of Florida  
801 North Florida Avenue  
Chambers Room 1430  
Tampa, Florida 33602

AUSA Robert Mosakowski  
Office of the United States Attorney  
Middle District of Florida  
400 N. Tampa Street, Suite 3200  
Tampa, Florida 33602

# **EXHIBIT A**

Page 1 of 1 Pages

New York State Department of Motor Vehicles

POLICE ACCIDENT REPORT (NYC) MV-104AN (5/04)

Precinct 018  
Accident No. 1A93

Complaint Number 4196

AMENDED REPORT

2

Accident Date: 05/09/2007 Day of Week: WED Military/Time: 0135 No. of Vehicles: 1 No. Injured: 1 No. Killed: 0 Not Investigated at Scene: [ ] Left Scene: [ ] Police Photos: [ ] Reconstructed: [ ] Yes [ ] No

VEHICLE 1 VEHICLE 2 BICYCLIST PEDESTRIAN OTHER PEDESTRIAN

VEHICLE 1 - Driver License ID Number: [ ] State of Lic.: [ ] VEHICLE 2 - Driver License ID Number: 016408459 State of Lic.: [ ] Driver Name - exactly as printed on license: Green, Steven S Address (Include Number & Street): 25 Forest Street Apt. No.: [ ] City or Town: Stamford State: CT Zip Code: 06901

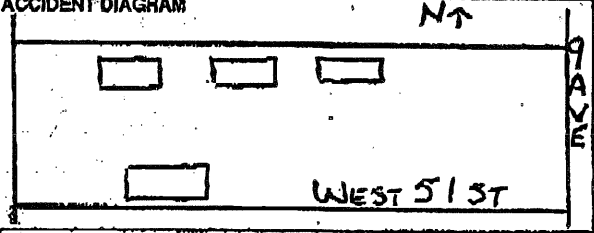
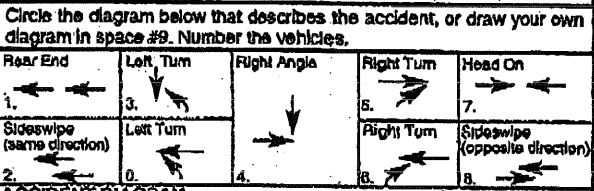
Date of Birth: [ ] Sex: [ ] Unlicensed: [ ] No. of Occupants: [ ] Public Property Damaged: [ ] Name - exactly as printed on registration: [ ] Sex: [ ] Date of Birth: [ ] Name - exactly as printed on license: [ ] Sex: [ ] Date of Birth: [ ]

Address (Include Number & Street): [ ] Apt. No.: [ ] Haz. Mat. Code: [ ] Released: [ ] Address (Include Number & Street): [ ] Apt. No.: [ ] Haz. Mat. Code: [ ] Released: [ ] City or Town: [ ] State: [ ] Zip Code: [ ]

Plate Number: ZKY271 State of Reg.: NY Vehicle Year & Make: UNK FORD Vehicle Type: PASS Ins. Code: [ ] Plate Number: [ ] State of Reg.: [ ] Vehicle Year & Make: [ ] Vehicle Type: [ ] Ins. Code: [ ]

Ticket/Arrest Number(s): NONE Violation Section(s): NONE

VEHICLE DAMAGE CODING: 1-13. SEE DIAGRAM ON RIGHT. 14. UNDERCARRIAGE 17. DEMOLISHED 15. TRAILER 18. NO DAMAGE 16. OVERTURNED 19. OTHER



Cost of repairs to any one vehicle will be more than \$1000. [ ] Unknown/Unable to Determine [ ] Yes [ ] No

Reference Marker: [ ] Coordinates (if available): [ ] Latitude/Northing: [ ] Longitude/Easting: [ ] Place Where Accident Occurred: [ ] BRONX [ ] KINGS [ ] NEW YORK [ ] QUEENS [ ] RICHMOND Road on which accident occurred: W/B West 51 Street (Route Number or Street Name) at 1) intersecting street: Approx 94ft W/O 9 AVENUE (Route Number or Street Name) or 2) [ ] N [ ] S [ ] E [ ] W of [ ] (Milepost, Nearest Intersection, Route Number or Street Name)

Accident Description/Officer's Notes: Below is a capitulation of an scene investigation and witness statements. PO did not observe. Victim was crossing street from N/A to S/W in front of 405 West 51st, when he was struck by unknown driver of a BK Ford Crown Vic NY Reg ZKY271 which fled the scene of MVA SILD.

Table with columns: B, 9, 10, 11, 12, 13, 14, 15, 16, 17, BY, TO, 18, Names of all involved, Date of Death Only. Rows: A, B, C, D, E, F.

Officer's Rank and Signature: [ ] Tax ID No.: 9076 NCIC No.: 03030 Precinct: 018 Post/Sector: K Reviewing Officer: [ ] Date/Time Reviewed: [ ]

PERSONS KILLED OR INJURED IN ACCIDENT (Letter designation of persons killed or injured must correspond with letter designation on front).

A Last Name			First			M.I.			B Last Name			First			M.I.		
Address									Address								
Date of Birth			Telephone (Area Code)			Date of Birth			Telephone (Area Code)								
Month	Day	Year	( )	( )	( )	Month	Day	Year	( )	( )	( )						
B Last Name			First			M.I.			E Last Name			First			M.I.		
Address									Address								
Date of Birth			Telephone (Area Code)			Date of Birth			Telephone (Area Code)								
Month	Day	Year	( )	( )	( )	Month	Day	Year	( )	( )	( )						
C Last Name			First			M.I.			Highway Dist. at Scene? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No								
Address									Name:								
Date of Birth			Telephone (Area Code)			PO TRAPANOTTO									Shield No.		
Month	Day	Year	( )	( )	( )										21480		

ENTER INSURANCE POLICY NUMBER FROM INSURANCE IDENTIFICATION CARD, EXPIRATION DATE (IN ALL CASES), AND VIN.

Vehicle No. 1 UNKNOWN Vehicle No. 2 A

Expiration Date                      Expiration Date                     

VIN                      VIN                     

WITNESS (Attach separate sheet, if necessary)

Name VENCENT PANOS Address 342 - 90TH ST BROOKLYN, NY Phone (718) 570-4554

JASON LOPRESTI 2912 CRUGER AVE APT # 2, BRONX NY 10465 (718) 701-7928

DUPLICATE COPY REQUIRED FOR:

Dept. of Motor Vehicles (if anyone is killed injured)

Office of Comptroller (if a City vehicle involved)

Motor Transport Division (P.D. vehicle involved)

Personnel Safety Unit (if a P.D. vehicle involved)

NYC Taxi & Limousine Comm. (if a Licensed taxi or limousine involved)

Highway Unit

Other City Agency (Specify)                     

NOTIFICATIONS: (Enter name, address, and relationship of friend or relative notified. If aided person is unidentified, list Missing Person Squad member who was notified. In either case, give date and time of notification.)

MARY GREEN (MOTHER) TELE# (760)-770-1659 Not'd By PO Tawdsley

OF 18 PCT SHIELD # 24257

PROPERTY DAMAGED (other than vehicles)	OWNER OF PROPERTY (include city agency, where applicable)
<u>N A</u>	<u>N A</u>

IF NYPD VEHICLE IS INVOLVED:

Police Vehicle-Operator's First Name	Last Name	Rank	Shield No.	Tax ID. No.	Command
Make of Vehicle	Year	Type of Vehicle	Plate No.	Dept. Vehicle No.	Assigned To What Command

Equipment in Use At Time of Accident

Siren  Horn  Turret Light  4-Way Flasher  High-Level Warning Lights  Traffic Cones  Headlights

ACTIONS OF POLICE VEHICLE

Responding to Code Signal                     

Pursuing Violator

Other (Describe)                     

Complying with Station House Directive

Routine Patrol

914 747 3626 P.04

DAGOSTINO LHM OFFICE PC

MAY-18-2007 14:07

MAY-16-2007 05:39

HIGHWAY 1 A.I.S.

P.004

Police Department City of New York

H.D. 4 684  
REV 10/03

FROM: Commanding Officer, Accident Investigation Squad  
TO: Chief of Transportation  
SUBJECT: PRELIMINARY REPORT A. I. S. CASE # 107-11

Date: 05-09-07 Day: Wednesday Time: 0135 Pickup? NO

OPR1 RECORD UNKNOWN OPERATOR FLED THE SCENE

OPR2 RECORD

OPR3 RECORD

OTHER PARTICIPANTS RECORD pedestrian no wants or warrants

Leaving the scene ? YES Pct.# 018 AJ Tech P.O. Trapano (to SH#21480)

Weather Conditions Clear/Cool Fatality ? NO

Specific Location: W/B W 51 street 112feet W/O 9th AVE. F/O 405W

Police Action Taken ? NONE Charge none at this time

List Types of Vehicles Involved taxi, Bus, Livery, 4DSD, 2DSD, Tr/Tr, Box Truck, ETC)

Veh #1 4d-06-07 CRN VIC 2006-2007 Veh #2 Veh #3 Veh #4

If bicycle was person wearing a helmet? N/A CELL PHONE IN AUTO? UNK

Was bicyclist a? N/A CELL PHONE IN USE? UNK

Hospital: St. Vincents Accident: NOT AVAIL. Complaint # NOT AVAIL.

(If occupant) was victim (or victims) restrained ? NO Speed Limit 30mph f= .86%

How? Seatbelt X Car Seat X Airbag Deployment UNK

PBT: NOT TESTED FLED THE SCENE Time: Skid marks at the scene? NO

NAME OF ADA NOTIFIED Peter Hinckley TIME ADA NOTIFIED 0715

VICTIM IS ? Likely To Die

Participants: Op, Peds, Pass - Include Pedigree Information

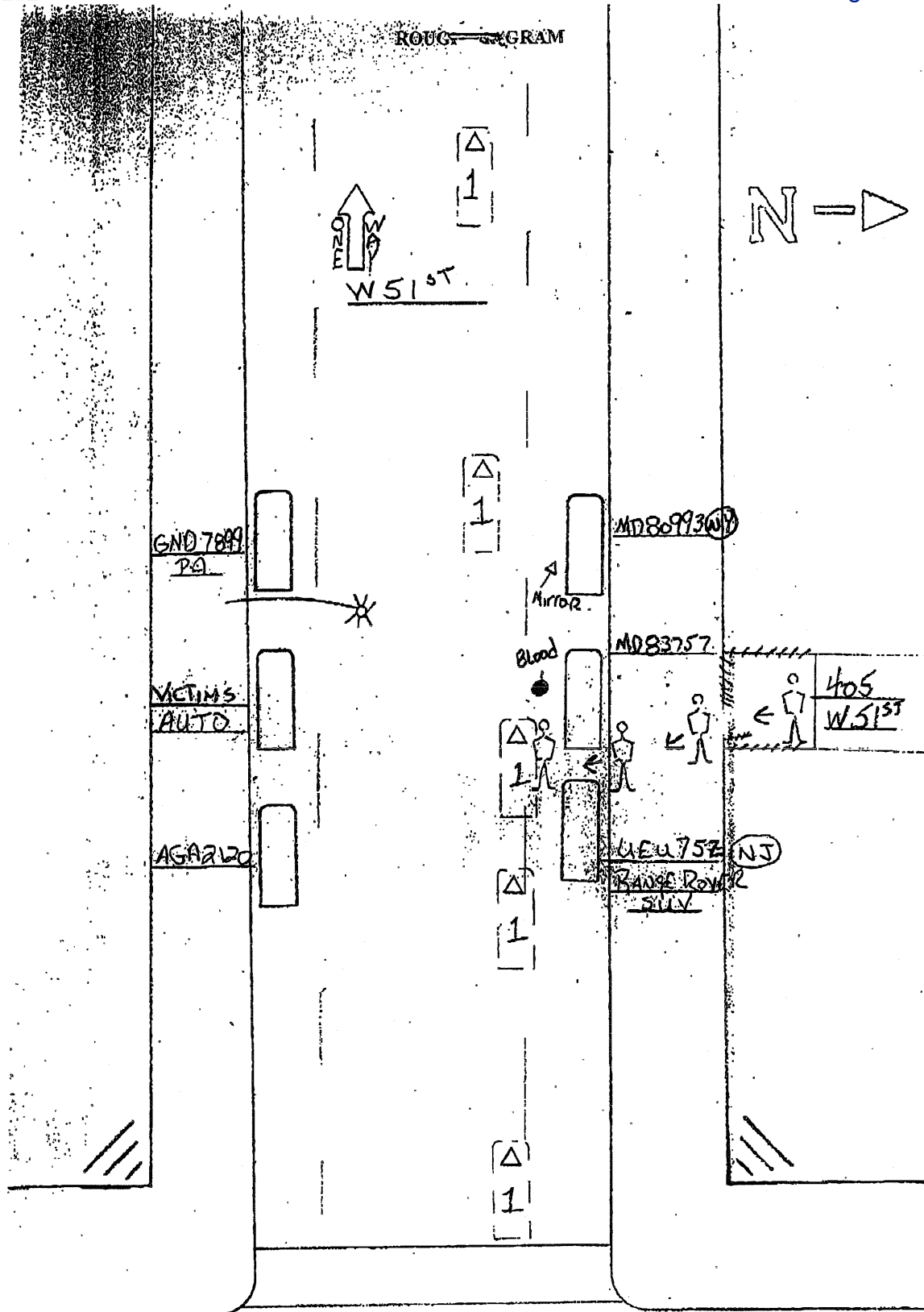
Operator #1- UNKNOWN FLED THE SCENE/ NO DESCRIPTION OF OPERATOR AVAILABLE  
VEHICLE #1-VEHICLE DESCRIBED AS A 2006-2007 BLACK IN COLOR FORD CROWN VICTORIA 4DSD  
NY PLATE ZKY-271

PEDESTRIAN #1- Green, Steven S. M/W 42Yrs DOB 01-14-65 Severe Head Trauma Likely to Die Dr. Vasquez  
St. Vincents Hospital / ACR#2820189  
25 Forest ST. Stamford CT 06901/ New York Address 11 Edgewood Ln. Purchase N.Y. 10577  
Convicted of Tax Evasion in Florida/

NARRATIVE: Preliminary investigation reveals the following: The pedestrian exited the Posh Bar located at 405 W 51st and was crossing W51ST Mid block from between 2 Legally Parked Autos from North to South. The Pedestrian was crossing to get to his vehicle which was parked opposite 405 W 51street. Vehicle #1 was traveling West on West 51street and did strike the pedestrian with the Passenger side of Vehicle #1. Vehicle #1 continued to travel West on 51street and was last seen North on 10th Ave at W52street by a witness that did chase Vehicle #1 and did recover a License Plate number. Vehicle #1's Passenger side Mirror was knocked off in this collision. The Mirror was recovered and Vouchered. The clothing of the victim was also vouchered for analysis. A grid search was conducted with negative results. several cameras were located in the area. at this time it is unknown if any of these cameras captured this collision. Witnesses at the scene can identify the subject vehicle however no one can identify the operator due to the tint on the windows. Vehicle #1 placed no Skid marks at the scene so a determination of speed can not be calculated. The pedestrians view of oncoming traffic may have been temporarily obstructed by a Parked vehicle (A Range Rover SUV).

Preliminary Cause: Pedestrian crossing mid-block  
Operator Vehicle #1 Unknown fled the scene

Detective Rooney, P.J. A. I. S. Unit #1  
For Michael Kelly  
Lieutenant



CASE 107-11  
DET. ROONEY  
H.D. A.I.S.

9 AVE  
ONE WAY

CHIEF OF TRANSPORTATION (646) 610-5024  
C.O. TRAFFIC CONTROL DIVISION (212) 239-2510  
TRAFFIC MANAGEMENT CENTER (718) 706-1606  
HIGHWAY DISTRICT A.I.S. (718) 217-3525

# **EXHIBIT B**



Joseph A. DeMattia, M.D.  
Department of Neurosurgery

May 17, 2007

Saint Vincents  
Hospital and Medical Center

153 West 11th Street  
New York, NY 10011  
Telephone 212 604-7767  
Fax 212 604-3206

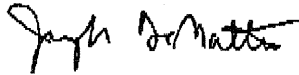
Re: Steven Green

To Whom It May Concern:

Steven Green is a pedestrian who was struck by a motor vehicle on May 9, 2007. He presented to the emergency room at Saint Vincents Catholic Medical Center and was taken emergently to the operating room for a craniotomy and evacuation of a hematoma. He remains in an unresponsive state.

If you should have any further questions, please feel free to contact me.

Sincerely,

  
Joseph DeMattia, MD



Academic  
Medical Center  
of New York  
Medical College



CHARITY SCIENCE SERVICE