

**STATE OF NEW YORK
TOWN COURT**

**COUNTY OF STEUBEN
TOWN OF CORNING**

THE PEOPLE OF THE STATE OF NEW YORK,

vs.

AFFIRMATION

GARY A. McCASLIN,

Case No. _____

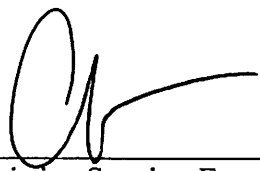
Defendant.

Hon. Dale Leonard

NOTICE OF MOTION

PLEASE TAKE NOTICE that upon the annexed affirmation of Christina Sonsire, Esq., subscribed to and affirmed the 23rd day of July 2018, and upon all the papers and proceedings heretofore had and filed herein, a motion will be made pursuant to CPL §170.35(1) and related provisions of law, at a Term of this Court to be held on the 23rd day of July, 2018 a 6:00 o'clock in the evening of that day, at the Town of Corning Court, 20 South Maple Street, Corning, NY 14830 for an Order (a) dismissing the accusatory instrument charging defendant with the crime of Petit Larceny in violation of §155.25 of the Penal Law, a class A misdemeanor, for legal and factual facial inefficiency of the accusatory instrument under CPL §170.30 and in the interest of justice under CPL §§170.30(1)(g) and 170.40; and (b) disqualifying the Steuben County District Attorney's Office from participating in this prosecution due to an irremediable conflict of interest, along with such other and further relief which to the Court is just and proper.

Dated: July 23, 2018



Christina Sonsire, Esq.
Ziff Law Firm, LLP
Attorneys for Defendant
Office and Post Office Address
303 William Street, P.O. Box 1338
Elmira, NY 14902-1338
Phone: (607) 733-8866 / Fax: (607) 732-6062

TO: Hon. Dale Leonard
Justice of the Town of Corning
20 South Maple Street
Corning, NY 14830

Steuben County District Attorney Brooks Baker
3 East Pulteney Square # 308
Bath, NY 14810

**STATE OF NEW YORK
TOWN COURT**

**COUNTY OF STEUBEN
TOWN OF CORNING**

THE PEOPLE OF THE STATE OF NEW YORK,

vs.

GARY A. McCASLIN,

Case No. _____

Defendant.

Hon. Dale Leonard

**AFFIRMATION OF CHRISTINA SONSIRE, ESQ. IN
SUPPORT OF DEFENDANT'S MOTIONS TO DISMISS AND DISQUALIFY**

CHRISTINA SONSIRE, ESQ., being duly sworn, hereby deposes and says:

1. I am Christina Sonsire, a partner at the Ziff Law Firm, LLP in Elmira New York. I am duly licensed to practice law in New York State.
2. I am serving as co-counsel for defendant Gary A. McCaslin along with Attorney Raymond Schlather, a partner at the firm of Schlather, Stumbar, Parks and Salk, LLP. As such, I am fully familiar with the facts and circumstances surrounding this matter.
3. I make this affirmation in support of defendant's request for an Order (a) dismissing the accusatory instrument charging defendant with the crime of Petit Larceny in violation of §155.25 of the Penal Law, a class A misdemeanor, for legal and factual facial insufficiency of the accusatory instrument under CPL §170.30 and in the interest of justice under CPL §§170.30(1)(g) and 170.40; and (b) disqualifying the Steuben County District Attorney's Office from participating in this prosecution due to an irremediable conflict of interest, along with such other and further relief which to the Court is just and proper.

4. This affirmation is made upon information and belief, the sources of which are the court records and the results of my own investigation. I offer this affirmation rather than a defendant's affidavit because my client has an absolute constitutional right to remain silent under the circumstances.

OVERVIEW

5. On July 5, 2018, defendant Gary McCaslin, a retired minister, was issued an appearance ticket, directing him to appear at this Court on July 19, 2018, at 3:00 pm (subsequently adjourned to July 23, 2018, at 6:00 pm) for arraignment on a charge of Petit Larceny under Penal Law §155.25. A copy of the appearance ticket is attached as Exhibit "A".

6. The accusatory instrument alleges Rev. McCaslin committed the crime of Petit Larceny, a Class A misdemeanor offense carrying a potential punishment of a year in jail and/or a \$1,000.00 fine, when, on July 2, 2018, he stole a GPS tracking device hidden inside of a "campaign sign" that was located on State Route 352 in the Town of Corning. A copy of the accusatory instrument is attached as Exhibit "B".

7. Specifically, the accusatory instrument alleges:

That on July 2nd, 2018 at about 06:41 p.m., the above named defendant did commit the offense of Petit Larceny at State Route 352 in the town of Corning, County of Steuben, State of New York. TO WIT, Gary A. McCaslin did steal property consisting of one gps tracker that was placed inside a campaign sign. This is all contrary to the provisions of the statute in such case made and provided.

See Exhibit "B".

8. In support of the charges, Nicholas Weinstein, the political director of "Tom Reed for Congress" and Chairman of the City of Corning's Republican Committee, stated in a deposition that he had hidden a GPS tracking device inside of a "campaign sign" for Congressman Tom Reed. A copy of Mr. Weinstein's supporting deposition is attached as Exhibit "C".

9. Mr. Weinstein further stated that, after using technology to locate the GPS tracking device on July 5, 2018, he was led to Rev. McCaslin's home where Rev. McCaslin returned the

“campaign sign” at that time, but not the GPS tracking device, as he was unsure of its legality and whether it should be turned over to an authority such as law enforcement or the Steuben County Board of Elections. See Exhibit “C”.

10. At set forth in greater detail below, shortly after Mr. Weinstein left Rev. McCaslin’s home, Rev. McCaslin attempted to return the device to Congressman Reed as he did not want bring about unnecessary problems, but was unsuccessful because Congressman Reed’s campaign office was closed and a staffperson at Congressman Reed’s constituent office told Rev. McCaslin that the constituent office could not become involved with campaign matters.

11. Rev. McCaslin intended to turn the device over to proper authorities, but was arrested at his home before he had the opportunity to do so.

THE DEMOCRATIC CONGRESSIONAL PRIMARY

12. The Town of Corning is located in New York’s 23rd Congressional District.

13. A primary to select the Democratic candidate for next November’s general election in the 23rd Congressional District was held on June 26, 2018.

14. There were five candidates in the Democratic primary: Tracy Mitrano, Max Della Pia, Linda Andrei, Ian Golden and Eddie Sunquist.

15. Congressman Reed was not a contestant in the Democratic primary.

THE “CAMPAIGN SIGN”

16. It is my understanding that the sign Rev. McCaslin is alleged to have inappropriately taken is currently in the possession of either law enforcement or Mr. Weinstein.

17. It is my further understanding that the sign is either identical or very similar to the sign depicted below, also attached as “Exhibit D”:



LOCATION OF THE "CAMPAIGN SIGN"

18. On July 2, 2018, Rev. McCaslin was headed back into Corning after a weekend trip to Long Island with his wife, Annie.

19. As they headed north on State Route 352, Rev. McCaslin noticed a lone, erect sign stating "Max Della Pia/Democrat for Congress" near the side of the road on state land.

20. Rev. McCaslin asked Annie to pull over so he could retrieve the sign. His intention at that time was not to steal property belonging to Max Della Pia or the Della Pia campaign, but rather to clear the area along the state highway of abandoned political clutter nearly a week after the Democratic primary had taken place.

21. Continuing toward his home, Rev. McCaslin spotted a group of signs that also appeared to him to have been abandoned. They were lying on the ground – in other words, not erect – and assembled in a loose pile within the triangular grassy median between State Route 352 and Old Town

Road in the Town of Corning. An aerial image of the place where the pile of abandoned signs was located is shown below and also attached as Exhibit "E":



22. The photographs below, also attached as Exhibit "E", were taken at my request by an individual after Gary was arrested in order to better orient the Court to the precise location of the pile of abandoned signs.





23. Rev. McCaslin again asked Annie to pull over so he could retrieve the abandoned political clutter, just as he had done with respect to the lone Max Della Pia sign.

24. Approaching the pile, Rev. McCaslin observed that there were a total of four abandoned signs. They stated:

- “Max Della Pia/Democrat for Congress”;
- “Linda Andrei, MD for Congress”;
- “VOTE JUNE 26/Democratic Primary U.S. Congress NY-23”; and
- “Extreme Ithaca Liberal/ExtremeIthacaLiberal.com”.

25. The photograph below, also attached as Exhibit “F”, shows all of the abandoned signs Rev. McCaslin retrieved on July 2, 2018, aside from the “Extreme Ithaca Liberal” sign, as it is no longer in Rev. McCaslin’s possession.



26. Rev. McCaslin placed all four signs in his car, and he and Annie proceeded to his home in the City of Corning.

27. As with his decision to retrieve the lone Max Della Pia sign, Rev. McCaslin did not intend to steal property belonging to the Democratic candidates, Congressman Reed, or whoever placed the sign reminding people to vote. Instead, his intention was to clear the area along the highway of abandoned political clutter nearly a week after the Democratic primary had taken place.

OWNERSHIP OF THE LAND WHERE THE "CAMPAIGN SIGN" WAS LOCATED

28. On July 19, 2018, I had a telephone conversation with Dylan Dewart, the Town of Corning's Highway Supervisor. During that conversation Mr. Dewart confirmed that the triangular grassy median between State Route 352 and Old Town Road in the Town of Corning where the pile of abandoned signs was located is owned by New York State and maintained by New York's Department of Transportation (NYDOT).

LAW REGARDING THE PLACEMENT OF SIGNS ON STATE LAND

29. Under New York law, signs are not permitted to be placed on state land without a permit.

30. Indeed, New York State Highway Law, Article 3, §52 states that “no person, firm, corporation, municipality, or state department or agency shall construct or improve, within the state highway right of way an entrance or connection to such highway, or construct within the state highway right of way any works, structure or obstruction...” unless a permit is obtained.

31. NYDOT is divided into 11 regions. Although some regions have adopted more specific guidelines regarding political signs – generally allowing them to be placed on state land without a permit so long as they are removed no more than three days after an election is held – Region 6, where the Town of Corning is located, has not adopted any such guidelines.

32. As such, no signs are permitted to be placed in the triangular grassy median between State Route 352 and Old Town Road in the Town of Corning unless a permit is obtained.

33. NYDOT is permitted, and does, remove signs that are placed on state land without a permit.

34. The information set forth in paragraphs 29-33, above, was confirmed to me by Marty Butler, Regional Traffic Engineer for Region 6, during a telephone conversation on July 19, 2018.

35. To the best of my knowledge after conducting research into the matter, Congressman Reed neither applied for nor received a permit to place an “Extreme Ithaca Liberal” sign on any state land in the Town of Corning, including the triangular grassy median between State Route 352 and Old Town Road.

36. Accordingly, the “Extreme Ithaca Liberal” sign, knowingly and illegally placed on state land without a permit by Congressman Reed or his campaign, can be considered nothing other than intentionally abandoned property.

37. Moreover, after the sign was intentionally placed on state land without a permit, it was rendered ownerless, as NYDOT had the legal authority to remove and dispose of it at any time without violating Congressman Reed's property rights.

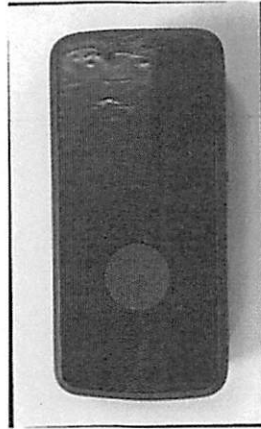
THE GPS TRACKING DEVICE

38. In his supporting deposition, Mr. Weinstein stated that he placed a GPS tracking device *inside* of the "Extreme Ithaca Liberal" sign. See Exhibit "C".

39. The GPS tracking device could not be seen by merely looking at the sign or even holding it. Interestingly, when Rev. McCaslin gave Mr. Weinstein the "Extreme Ithaca Liberal" sign without the GPS tracking device on July 5, 2018, Mr. Weinstein himself did not notice at first and had to return to Rev. McCaslin's door a second time to retrieve it, an indication of just how inconspicuous the hidden device was. See Exhibit "C".

40. In the accusatory instrument, Rev. McCaslin is charged with "stealing one gps tracker that was placed inside a campaign sign" on July 2, 2018. The accusatory instrument is both legally and factually insufficient because there is no basis set forth therein whatsoever that Rev. McCaslin was aware of the GPS tracking device's existence when he retrieved the abandoned, illegally placed "campaign sign".

41. In fact, it was not until later, when Rev. McCaslin attempted to separate the signs from their wire stands in order to dispose of them that he felt a bulge in the "Extreme Ithaca Liberal" sign, and, upon inspection, discovered a peculiar item, shown below and also attached as Exhibit "G".



42. At that time Rev. McCaslin was not sure what, if any, action should be taken, as he questioned the legality of placing a device such as the one above inside of a sign, and what responsibility he had to investigate and/or return it to either Congressman Reed or some type of authorities.

43. Within approximately one hour of Mr. Weinstein's visit to Rev. McCaslin's home on July 5, 2018, Rev. McCaslin and a friend went to both Congressman Reed's campaign headquarters and his constituent office in order to return the device, as he did not want to cause unnecessary legal problems.

44. However, Congressman Reed's campaign office was locked and appeared to be closed, and a staff person at his constituent office told Rev. McCaslin that the constituent office was not permitted to become involved in campaign-related matters.

45. At that point Rev. McCaslin's revised his plan, and intended to turn the device over to the Steuben County Board of Elections in Bath, New York.

46. He never had that chance. At about 8:30 pm, while at home with Annie in their home located in a residential section of the City of Corning, Rev. McCaslin answered a knock at the door, and discovered two Corning City Police Officers along with a Steuben County Sheriff's Deputy on his

porch. Even though Mr. McCaslin immediately surrendered the GPS tracking device, he was placed under arrest, handcuffed, and taken to the Steuben County jail where he was processed and released.

MOTION TO DISMISS THE ACCUSATORY INSTRUMENT FOR FACIAL INSUFFICIENCY

47. As explained in the accompanying Memorandum of Law, the accusatory instrument must be dismissed for legal and factual insufficiency under CPL §170.30.

48. Rev. McCaslin is charged with stealing a GPS tracking device hidden within an abandoned, illegally placed sign on June 2, 2018. The accusatory instrument is devoid of any factual basis whatsoever that Rev. McCaslin knew the GPS tracking device was in the sign when he removed political clutter from the triangular grassy median between State Route 352 and Old Town Road in the Town of Corning nearly a week after the Democratic primary was held. A person cannot steal something he does not know exists, and therefore the charge must be dismissed.

49. Additionally, there is no factual basis that Rev. McCaslin intended to permanently deprive Congressman Reed of the use of his GPS tracking device when he retrieved the abandoned, illegally placed sign on July 2, 2018.

50. First, as noted above, Rev. McCaslin could not have harbored such intent as he did not know the sign contained a hidden device.

51. More fundamentally, the sign had been abandoned, rendering it ownerless and thus making it impossible for the prosecution to make out this essential element of Petit Larceny.

52. This Court should also reject any attempt by the prosecution to amend the accusatory instrument in order to charge Rev. McCaslin with committing a crime on July 5, 2018, when he initially refused surrender the GPS device to Mr. Weinstein instead of on June 2, 2018. A person does not commit larceny when he *temporarily* deprives an owner of his property. Indeed, “[t]he mens rea element

of larceny is simply not satisfied by an intent to temporarily take property without the owner's permission.” (*People v Drouin*, 143 A.D.3d 1056, 1057 [3d Dept 2016]).

53. There is no factual basis to allege Rev. McCaslin intended to permanently deprive Congressman Reed of his GPS tracking device when he refused to surrender it to Mr. Weinstein on July 5, 2018. To the contrary, he went to Congressman Reed’s campaign and constituent offices to return the device hours before his arrest – something Congressman Reed knew or should have known before Rev. McCaslin was arrested.

54. Discovering a hidden GPS tracker within a sign that reads “Extreme Ithaca Liberal/ExteremeIthacaLiberal.com” and had been left in a pile of abandoned signs on state land without a permit nearly a week after an election is a highly unusual situation. It is entirely reasonable that Rev. McCaslin was unsure of how to proceed, and that he desired to turn the device over to authorities as he was unclear of the device’s legality. As with the charge of Petit Larceny on July 2, 2018, it is impossible for the prosecution to show Rev. McCaslin intended to permanently deprive Congressman Reed of his property on July 5, 2018, and therefore any attempt to amend the accusatory instrument in that manner should be rejected.

MOTION TO DISMISS THE ACCUSATORY INSTRUMENT IN THE INTEREST OF JUSTICE

55. In the unlikely event this Court finds the accusatory instrument is facially sufficient, it should nonetheless dismiss the charge of Petit Larceny in the interest of justice.

56. Under CPL §§170.30(1)(g) and 170.40, a misdemeanor information may be dismissed, even where there is no basis for dismissal as a matter of law, “when such dismissal is required as a matter of judicial discretion by the existence of some compelling factor, consideration or circumstance clearly demonstrating that conviction or prosecution of the defendant upon such accusatory instrument or count would constitute or result in injustice. (CPL §170.40).

57. Here, there is no showing that Rev. McCaslin intended to commit a criminal offense at any point. He, like many residents of Steuben County, does not like seeing political clutter laying around on public property after an election. Rev. McCaslin was simply acting as a good citizen to keep our highways clean. Any attempt to further inconvenience him through this prosecution would result in a gross miscarriage of justice, further damage to Rev. McCaslin's reputation and a significant waste of time and money for the Court system and prosecutors.

MOTION TO DISQUALIFY

58. Finally, this Court should disqualify the Steuben County District Attorney's Office from participating in the prosecution of this matter.

59. As a general rule, courts "should remove a public prosecutor only to protect a defendant from actual prejudice arising from a demonstrated conflict of interest or a substantial risk of an abuse of confidence." (*Matter of Schumer v. Holtzman*, 60 N.Y.2d 46, 55 [1983]).

60. The facts of this case are overtly political. Rev. McCaslin has been an outspoken, yet respectful, critic of Congressman Reed for many years, and the charge of Petit Larceny for stealing a hidden GPS tracking device hidden in an unpermitted "campaign sign" from state land six days after an election is highly unusual.

61. Under these circumstances, this Court must take the utmost care to insure the prosecution of this matter is not tainted by prejudice against the defendant, and that the proceedings – if any – do not substantially erode the public's confidence in our criminal justice system.

62. Congressman Reed first announced his intention to run for the U.S. House of Representatives in 2009, and was elected in 2010.

63. In 2009, Brooks Baker joined the Law Offices of Tom Reed, where he served as Congressman Reed's senior attorney for three years and participated in Congressman Reed's campaign.

64. Brooks Baker left the Law Offices of Tom Reed in 2012 after he was elected to serve as the Steuben County District Attorney, a position he continues to hold.

65. During that period Brooks Baker made six donations to Congressman's Reed campaign:

**Donations by Brooks Baker, Esq to the Tom Reed for Congress Committee in the 2009-2010 Election Cycle
All data from the Federal Election Commission**

All from "Tom Reed for Congress"; all from FEC Committee id = C00464032; all donations from Brooks Baker, 77 E. 5TH STREET, Corning NY 14830-3140, Law Office of Tom Reed; Occupation = Attorney.

Image no.	Transaction id	File no.	Amount	Type	Date
11931927016	A-C928	736403	\$20	Data not included	3/6/2010
10991834967	A-C151	516216	\$150	Data not included	9/14/2009
11931927016	A-I1138	736403	\$190	In Kind: advertisement	2/3/2010
10991835048	A-C637	516217	\$100	Data not included	12/31/2009
10991834968	A-I407	516216	\$100	In Kind: Hold Sponsor CEPLA Benefit	9/22/2009
10991834968	A-C394	516216	\$100	Data not included	9/30/2009
TOTAL			\$660		

66. The above information was obtained from the Federal Elections Commission at <https://www.fec.gov/data/committee/C00464032/?tab=raising&cycle=2010>.

67. Elected District Attorneys in New York are not permitted to participate in campaigns, meaning District Attorney Baker was curtailed from further involvement with Congressman Tom Reed's election efforts after he decided to seek office.

68. A review of District Attorney Baker's campaign finance disclosures show several donations from people affiliated with Congressman Reed.

69. Indeed, as shown below, Joe Semploniski, who served as the political director of "Tom Reed for Congress" before Mr. Weinstein, as well as the Corning City Republican Committee of which Mr. Weinstein currently serves as Chairperson, have donated to District Attorney Baker's campaign:

COMMITTEE TO ELECT SEMPOLINSKI PO BOX 1121 CORNING, NY 14830	100.00	28-SEP-15
---	--------	-----------

SEMPOLINSKI, JOE 88 TIOGA AVE CORNING, NY 14830	75.00	21-JUN-11
SEMPOLINSKI, JOSEPH APT 201, 102 DAVIS ST CORNING, NY 14830	75.00	26-FEB-15
CORNING CITY REPUBLICAN COMMITTEE 234 E PULTENEY ST CORNING, NY 14830	500.00	18-MAY-15

70. This above information was obtained from the New York Board of Elections at http://www.elections.ny.gov:8080/plsql_browser/CONTRIBUTORA_COUNTY?ID_in=C84554&date_From=01/01/2010&date_to=07/20/2018&AMOUNT_From=0&AMOUNT_to=100000&ZIP1=&ZIP2=&ORDERBY_IN=N&CATEGORY_IN=ALL.

71. If the Steuben County District Attorney's Office is permitted to prosecute this highly unusual, overtly political case, there is substantial risk the public could find the District Attorney's Office is biased against Rev. McCaslin in favor of Congressman Reed and his staff for the reasons set forth above. As such, a special prosecutor must be appointed.

WHEREFORE, the defendant respectfully requests an Order (a) dismissing the accusatory instrument charging defendant with the crime of Petit Larceny in violation of §155.25 of the Penal Law, a class A misdemeanor, for legal and factual facial insufficiency of the accusatory instrument under CPL §170.30 and in the interest of justice under CPL §§170.30(1)(g) and 170.40; and (b) disqualifying the Steuben County District Attorney's Office from participating in this prosecution due to an irremediable conflict of interest, along with such other and further relief which to the Court is just and proper.

Dated: July 23, 2018


 Christina Sonsire, Esq.
 Ziff Law Firm, LLP

Attorneys for Defendant

Office and Post Office Address

303 William Street, P.O. Box 1338

Elmira, NY 14902-1338

Phone: (607) 733-8866 / Fax: (607) 732-6062

EXHIBIT “A”

APPEARANCE TICKET*

Issued To: GARY A MCCASLIN 07/06/1948
NAME OF DEFENDANT DATE OF BIRTH

8 GRANNAN DR CORNING NY 14830
STREET AND NUMBER CITY OR TOWN STATE ZIP CODE

You are hereby directed to appear in the court described below on

07/19/2018 at 03:00 PM in connection with your alleged
commission of the offense of PETIT LARCENY contrary to the
provisions of section 155.25 of the PENAL law.

Name of court CORNING TOWN COURT

Location of court 20 SOUTH MAPLE ST. CORNING NY 14830

* NOTE - If you fail to appear on the date and at the time indicated, the court may issue a summons or warrant for your arrest (Criminal Procedure Law Section 150.60).

If you have posted bail, the bail will become forfeit upon your failure to comply with the directions of this ticket (Criminal Procedure Law Section 150.30).

Issued and subscribed by:


SIGNATURE OF MEMBER

164
SHIELD

TZS / DIVISION/PRECINCT

07/05/2018
DATE ISSUED

EXHIBIT “B”

STATE OF NEW YORK

COUNTY OF STEUBEN

TOWN

COURT

TOWN

of

CORNING

Defendant: NA

(Relationship to alleged victim)

Alleged Victim: NA

(Relationship to defendant)

THE PEOPLE OF THE STATE OF NEW YORK

-- VS. --

Date of Birth

GARY A MCCASLIN

07/08/1948

Defendant(s)

ACCUSATION

BE IT KNOWN THAT, by this INFORMATION, MATTHEW J BUTLER,
as the Complainant herein, STATIONED at STEUBEN CO. SHERIFF,
accuses the above mentioned Defendant(s), with having COMMITTED the MISDEMEANOR
of PETIT LARCENY in violation of Section 155.25,
Subdivision _____ of the PENAL Law of the State of New York.
That on or about 07/02/2018 at about 08:41 PM
in the TOWN of CORNING, County of STEUBEN, the defendant(s)
COUNT ONE: A person is guilty of petit larceny when he steals property. Petit larceny is a class A misdemeanor.

FACTS

That on July 2nd, 2018 at about 06:41 p.m., the above named defendant did commit the offense of Petit Larceny at State Route 352 in the town of Corning, County of Steuben, State of New York, TO WIT, Gary A. McCaslin did steal property consisting of one gps tracker that was placed inside a campaign sign. This is all contrary to the provisions of the statute in such case made and provided.

The above allegations of fact are made by the Complainant herein on direct knowledge and/or upon information and belief, with the sources of Complainant's information and the grounds for belief being the facts contained in the attached SUPPORTING DEPOSITION(s) of: NICHOLAS WEINSTEIN

WHEREAS, an Appearance Ticket was issued to the said Defendant, directing him to appear before this court at 03:00 PM on JULY 19, 2018

NOTICE

In a written instrument, any person who knowingly makes a false statement which such person does not believe to be true has committed a crime under the laws of the State of New York punishable as a Class A Misdemeanor. (PL 210.45)

Affirmed under penalty of perjury

this 05TH day of JULY, 2018

-OR-

Subscribes and sworn to before me this _____ day of _____, 20____


COMPLAINANT -

EXHIBIT “C”

THE PEOPLE OF THE STATE OF NEW YORK
-- vs.

GARY A MCCASLIN

Defendant(s)

<p style="text-align: center;"><u>INCIDENT LOCATION:</u></p> <p>STATE OF NEW YORK <u>LOCAL CRIMINAL</u> COURT</p> <p>COUNTY OF <u>STEUBEN</u></p> <p>TOWN of <u>CORNING</u></p>	<p style="text-align: center;"><u>LOCATION OF DEPOSITION:</u></p> <p>STATE OF NEW YORK</p> <p>COUNTY OF <u>STEUBEN</u></p> <p>TOWN of <u>CORNING</u></p>
---	--

On	Date <u>07/05/2018</u>	at	Time Started <u>08:05 PM</u>	I,	Full Name <u>NICHOLAS W WEINSTEIN</u>
Date of Birth <u>06/23/1992</u>	No. and Street <u>23 W MARKET ST STE 001</u>	CITY <u>CORNING</u>	State <u>NY</u>		

State The Following:

I am speaking with Deputy Butler from the Steuben County Sheriff's Office. On 07/05/2018 at about 02:00 p.m., I was checking my gps tracker that I had placed in a campaign sign for Congressman Reed and noticed it had moved from the location it was placed. I had placed multiple campaign signs in the area of State Route 352 in the Town of Corning near the intersection of Main Street for Gibson. No one had permission to move the signs other than my staff and when I checked the location of the gps, I did not recognize the address where the gps tracker was. I then drove to said location which was at 8 Grannan Drive in the City of Corning and rang the door bell of this address. I then observed a male answer the door and recognized him to be Gary McCaslin. I asked him if he had taken the campaign signs and he admitted he had them. I asked him to return the signs and after going back into his house, he turned over one campaign sign to me. As I walked away from the house, I realized the gps tracker that I had placed in the campaign sign was no longer there. I rang the door bell a second time, and after initially denying any knowledge of the tracker, he admitted to possessing it but refused to return it. He then suggested that I call the police. 4W

Notice

(Penal Law §210.45)

In a written instrument, any person who knowingly makes a false statement which such person does not believe to be true has committed a crime under the laws of the state of New York punishable as a Class A Misdemeanor.

Affirmed under penalty of perjury

this 05 day of JULY , 2018

- OR -

* Subscribed and Sworn to before me

this day of

* This form need be sworn to only when specifically required by the court

Nicholas W. Weinstein
(SIGNATURE OF DEPONENT)

Manuel [Signature]
(WITNESS)

Deputy Butler
(NAME OF PERSON TAKING DEPOSITION)

Time Ended 07/05/2018 08:13 PM

EXHIBIT “D”

EXTREME THACAL FOR

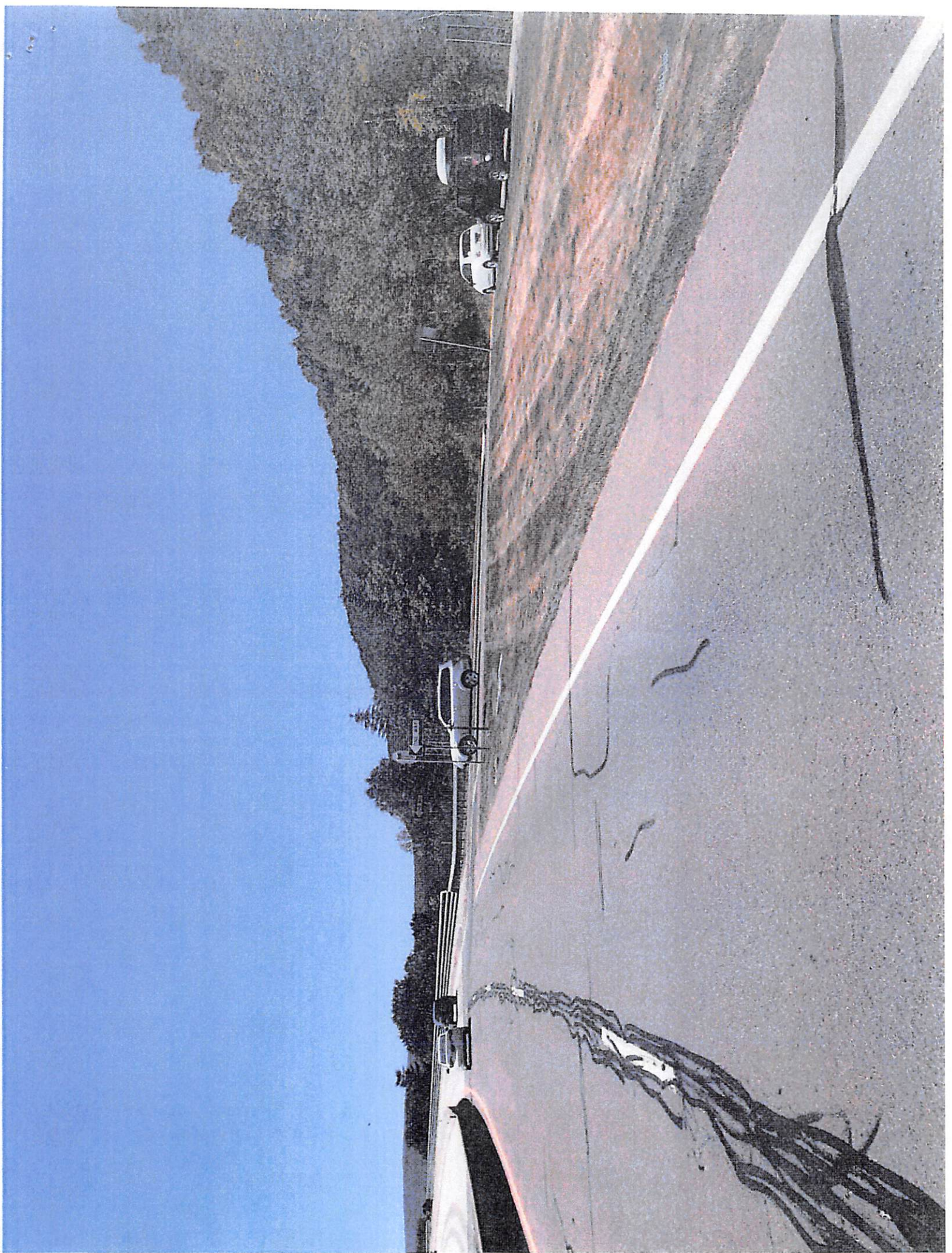
Also on Amazon.com: The Thacal Chronicles

Extremethacal**Liberal.com**

EXHIBIT “E”



Imagery ©2018 Google, Map data ©2018 Google 100 ft



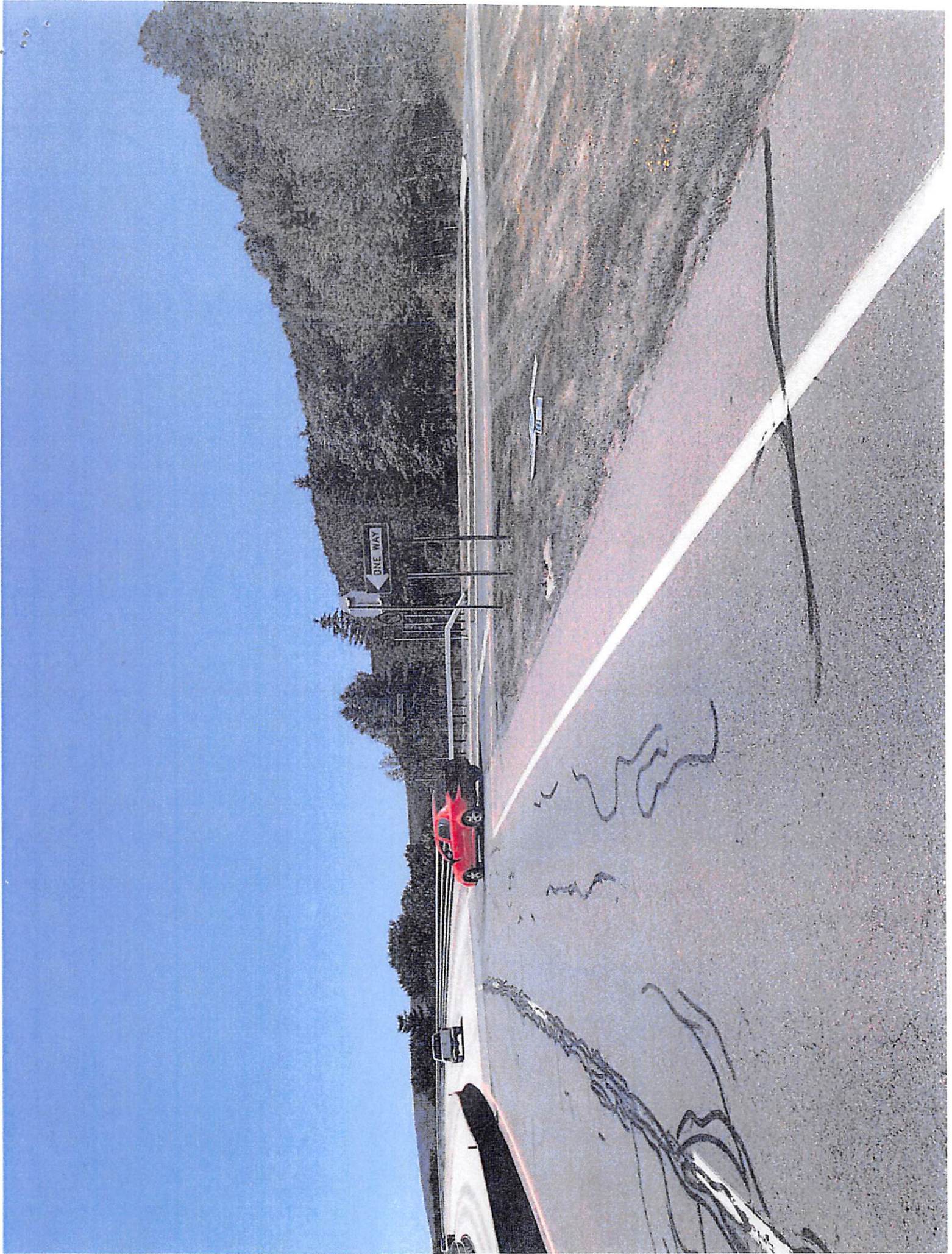


EXHIBIT “F”

Vote! Democratic Primary June 26th

 **LINDA
ANDREI, MD**
FOR CONGRESS

www.AndreiMD4Congress.com
@Linda4Congress

VOTE

JUNE 26

Democratic Primary
U.S. Congress NY-23

**MAX
DELLA PIA** ★ ★ ★
DEMOCRAT FOR CONGRESS

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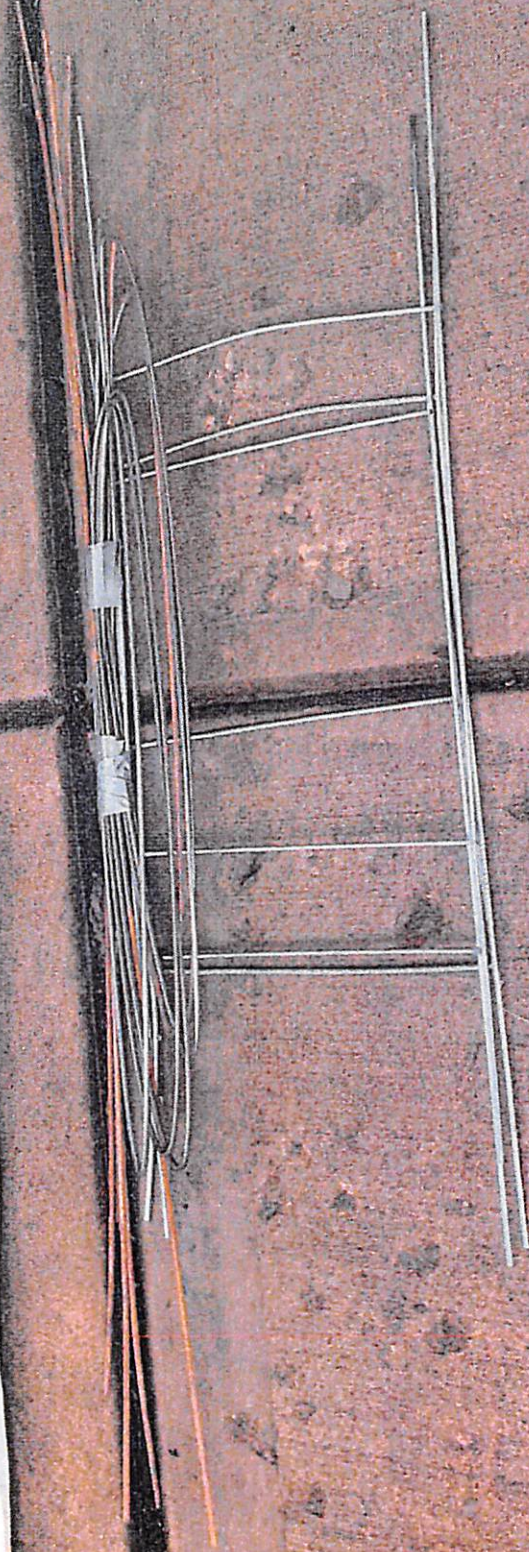


EXHIBIT “G”

