

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

10663/95

THE PEOPLE OF THE STATE OF NEW YORK

-against-

LAMAR SANCHEZ,
JOSE RODRIGUEZ,

Defendants.

THE GRAND JURY OF THE COUNTY OF NEW YORK, by this indictment, accuse the defendants of the crime of **MURDER IN THE FIRST DEGREE**, in violation of Penal Law §125.27(1)(a)(viii), (b), committed as follows:

The defendants, in the County of New York, on or about October 20, 1995, each being more than eighteen years old at the time of the commission of the crime, with intent to cause the death of Arelis Batista, caused the death of Arelis Batista; and as part of the same criminal transaction, the defendants, with intent to cause serious physical injury to, or the death of, an additional person, caused the death of an additional person, not a participant in the criminal transaction.

SECOND COUNT:

AND THE GRAND JURY AFORESAID, by this indictment, further accuse the defendants of the crime of **MURDER IN THE FIRST DEGREE**, in violation of Penal Law §125.27(1)(a)(viii), (b), committed as follows:

The defendants, in the County of New York, on or about October 20, 1995, each being more than eighteen years old at the time of the commission of the crime, with intent to cause the death of Miriam Batista, caused the death of Miriam Batista; and as part of the same criminal transaction, the defendants, with intent to cause serious physical injury to, or the death of, an additional person, caused the death of an additional person, not a participant in the criminal transaction.

THIRD COUNT:

AND THE GRAND JURY AFORESAID, by this indictment, further accuse the defendants of the crime of **MURDER IN THE FIRST DEGREE**, in violation of Penal Law §125.27(1)(a)(viii), (b), committed as follows:

The defendants, in the County of New York, on or about October 20, 1995, each being more than eighteen years old at the time of the commission of the crime, with intent to cause the death of William Batista, Jr., caused the death of William Batista, Jr.; and as part of the same criminal transaction, the defendants, with intent to cause serious physical injury to, or the death of, an additional person, caused the death of an additional person, not a participant in the criminal transaction.

FOURTH COUNT:

AND THE GRAND JURY AFORESAID, by this indictment, further accuse the defendant Sanchez of the crime of **MURDER IN THE FIRST DEGREE**, in violation of Penal Law §125.27(1)(a)(vii), (b), committed as follows:

The defendant Sanchez, in the County of New York, on or about October 20, 1995, being more than eighteen years old at the time of the commission of the crime, with intent to cause the death of Arelis Batista, caused the death of Arelis Batista; and Arelis Batista was killed while defendant Sanchez was in the course of the attempted commission and commission and in furtherance of the crime of Robbery, and in the course of and furtherance of immediate flight therefrom; and Arelis Batista was not a participant in such crime.

FIFTH COUNT:

AND THE GRAND JURY AFORESAID, by this indictment, further accuse the defendant Rodriguez of the crime of **MURDER IN THE FIRST DEGREE**, in violation of Penal Law §125.27(1)(a)(vii), (b), committed as follows:

The defendant Rodriguez, in the County of New York, on or about October 20, 1995, being more than eighteen years old at the time of the commission of the crime, with intent to cause the death of Miriam Batista, caused the death of Miriam Batista; and Miriam Batista was killed while defendant Rodriguez was in the course of the attempted commission and commission and in furtherance of the crime of Robbery, and in the course of and furtherance of

immediate flight therefrom; and Miriam Batista was not a participant in such crime.

SIXTH COUNT:

AND THE GRAND JURY AFORESAID, by this indictment, further accuse the defendant Rodriguez of the crime of **MURDER IN THE FIRST DEGREE**, in violation of Penal Law §125.27(1) (a) (vii), (b), committed as follows:

The defendant Rodriguez, in the County of New York, on or about October 20, 1995, being more than eighteen years old at the time of the commission of the crime, with intent to cause the death of William Batista, Jr., caused the death of William Batista, Jr.; and William Batista, Jr., was killed while defendant Rodriguez was in the course of the attempted commission and commission and in furtherance of the crime of Robbery, and in the course of and furtherance of immediate flight therefrom; and William Batista, Jr. was not a participant in such crime.

SEVENTH COUNT:

AND THE GRAND JURY AFORESAID, by this indictment, further accuse the defendants of the crime of **MURDER IN THE SECOND DEGREE**, in violation of Penal Law §125.25(1), committed as follows:

The defendants, in the County of New York, on or about October 20, 1995, with intent to cause the death of Arelis Batista, caused the death of Arelis Batista.

EIGHTH COUNT:

AND THE GRAND JURY AFORESAID, by this indictment, further accuse the defendants of the crime of **MURDER IN THE SECOND DEGREE**, in violation of Penal Law §125.25(1), committed as follows:

The defendants, in the County of New York, on or about October 20, 1995, with intent to cause the death of Miriam Batista, caused the death of Miriam Batista.

NINTH COUNT:

AND THE GRAND JURY AFORESAID, by this indictment, further accuse the defendants of the crime of **MURDER IN THE SECOND DEGREE**, in violation of Penal Law §125.25(1), committed as follows:

The defendants, in the County of New York, on or about October 20, 1995, with intent to cause the death of William Batista, Jr., caused the death of William Batista, Jr.

TENTH COUNT:

AND THE GRAND JURY AFORESAID, by this indictment, further accuse the defendants of the crime of **MURDER IN THE SECOND DEGREE**, in violation of Penal Law §125.25(3), committed as follows:

The defendants, in the County of New York, on or about October 20, 1995, engaged in the attempted commission and commission of the crime of Robbery, and in the course of such crime, and in the furtherance thereof, and of the immediate flight therefrom, a participant in the crime caused the death of Arelis Batista, not a participant in the crime.

ELEVENTH COUNT:

AND THE GRAND JURY AFORESAID, by this indictment, further accuse the defendants of the crime of **MURDER IN THE SECOND DEGREE**, in violation of Penal Law §125.25(3), committed as follows:

The defendants, in the County of New York, on or about October 20, 1995, engaged in the attempted commission and commission of the crime of Robbery, and in the course of such crime, and in the furtherance thereof, and of the immediate flight therefrom, a participant in the crime caused the death of Miriam Batista, not a participant in the crime.

TWELFTH COUNT:

AND THE GRAND JURY AFORESAID, by this indictment, further accuse the defendants of the crime of **MURDER IN THE SECOND DEGREE**, in violation of Penal Law §125.25(3), committed as follows:

The defendants, in the County of New York, on or about October 20, 1995, engaged in the attempted commission and commission of the crime of Robbery, and in the course of such crime, and in the furtherance thereof, and of the immediate flight therefrom, a participant in the crime caused the death of William Batista, Jr., not a participant in the crime.

ROBERT M. MORGENTHAU
District Attorney

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THE PEOPLE OF THE STATE OF NEW YORK

-against-

LAMAR SANCHEZ,
JOSE RODRIGUEZ,

Defendants.

INDICTMENT

- MURDER IN THE FIRST DEGREE, P.L. §125.27(1)(a)(viii),(b), 3 cts
- MURDER IN THE FIRST DEGREE, P.L. §125.27(1)(a)(vii),(b), (Def. Sanchez only)
- MURDER IN THE FIRST DEGREE, P.L. §125.27(1)(a)(vii),(b), 2 cts, (Def. Rodriguez only)
- MURDER IN THE SECOND DEGREE, P.L. §125.25(1), 3 cts
- MURDER IN THE SECOND DEGREE, P.L. §125.25(3), 3 cts

ADA Francine James
Trial Bureau 40

ROBERT M. MORGENTHAU
District Attorney

A True Bill

Foreman