

DISTRICT COURT -- FELONY COMPLAINT

Citation#

Arrest# 209AR0000514

CR# 209CR0001228

Return Date 01/10/2009

000810

Date / Time of Arrest 01/09/2009 at 14:35

Court Docket

FIRST DISTRICT

DOB
7/23/1985

THE PEOPLE OF THE STATE OF NEW YORK AGAINST

Age
3

STEPHEN BUTTAFUOCO
50 41 CLEARVIEW EXPRESSWAY
QUEENS NY 11704

Offense

10.50 (1)
15.05(1)(A) /
A HATE CRIME SUB A
AGG
HARASSMENT
4D SUB 1

IN THE STATE OF NEW YORK COUNTY OF NASSAU: DET ANTHONY J REMPEL, SHIELD# 11121, BEING A MEMBER OF THE NASSAU COUNTY POLICE DEPT DEPOSES AND SAYS THAT ON OR ABOUT THE 5TH DAY OF JANUARY, 2009, AT ABOUT 1:00 AM, AT 200 SOUTHWOODS RD WOODBURY, THE DEFENDANT DID VIOLATE NEW YORK STATE PENAL LAWSUCTION(s) §240.30 (1) AND §485.05(1)(A) AS A HATE CRIME SUB A.

FELONY

§ 240.30 AGGRAVATED HARASSMENT IN THE SECOND DEGREE. A PERSON IS GUILTY OF AGGRAVATED HARASSMENT IN THE SECOND DEGREE WHEN, WITH INTENT TO HARASS, ANNOY, THREATEN OR ALARM ANOTHER PERSON, HE OR SHE:

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1. COMMUNICATES, OR CAUSES A COMMUNICATION TO BE INITIATED BY MECHANICAL OR ELECTRONIC MEANS OR OTHERWISE, WITH A PERSON, ANONYMOUSLY OR OTHERWISE, BY TELEPHONE, OR BY TELEGRAPH, MAIL OR ANY OTHER FORM OF WRITTEN COMMUNICATION, IN A MANNER LIKELY TO CAUSE ANNOYANCE OR ALARM.

Prepared By
J58REMPE

AND
§ 485.05(1)(A) A PERSON COMMITS A HATE CRIME WHEN HE OR SHE COMMITS A SPECIFIED OFFENSE, AND THE DEFENDANT INTENTIONALLY SELECTS THE PERSON AGAINST WHOM THE OFFENSE IS COMMITTED IN WHOLE OR IN SUBSTANTIAL PART BECAUSE OF A BELIEF OR PERCEPTION REGARDING RACE, COLOR, NATIONAL ORIGIN, ANCESTRY, GENDER, RELIGION, RELIGIOUS PRACTICE, AGE, DISABILITY OR SEXUAL ORIENTATION OF A PERSON, REGARDLESS OF WHETHER THE BELIEF OR PERCEPTION IS CORRECT, THE ABOVE LISTED OFFENSE IS A SPECIFIED OFFENSE UNDER PENAL LAW 485.05(3).

TO WIT: On the aforementioned date, time and place of occurrence, the defendant Buttafuoco, Stephen DOB 07/23/85 did use a taped audio message from his cell phone to communicate by an intercom system from the sanctuary of the Woodbury Jewish center, during a Jewish faith wedding, which transmitted throughout the reception hall. The prayer and chant of "Takbir" with a response "Allahu Akbar", then "Takbir", " Allah Akbar" did alarm and instill fear in the victim and other guests at the wedding which was for the victims son. This prayer and chant was recorded from a rally that the defendant had attended and taped on his cell phone according to the defendants own statements to the witness. The defendant did intentionally select the person against this crime was committed because of a belief regarding religion. The defendant admitted he did this with the intention of disrespecting the religion. This is a violation of NYS Penal Law section 485.05 (1) A, which would make this a hate crime.

The above is based upon information and belief; the sources being the written statements by the victim and witness, The oral statements by the defendant, the audio message on the defendants cell phone, which was overheard by an investigating Detective, with consent by the defendant and other information received by the investigating Detective's.

* ANY FALSE STATEMENT MADE HEREIN IS PUNISHABLE AS A CLASS A MISDEMEANOR, PURSUANT TO SECTION 210.45 OF THE PENAL LAW.

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SUBSCRIBED BEFORE ME THIS
9TH DAY OF JANUARY 2009.

DET ANTHONY J REMPEL

LT DANIEL GALLAGHER

Offense

10.30 (1)
35.05(1)(A) /
STATE CRIME SUB A
AGG
HARASSMENT
2ND SUB 1

FELONY

Arrestor
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Reported By
JSSREMPPE