

FILED

FELONY COMPLAINT

2011 APR 13 PM 2:37

THE CITY COURT OF ROCHESTER,
COUNTY OF MONROE NEW YORK
CITY COURT / CRIMINAL BRANCH

STATE OF NEW YORK
CR#11-096857

THE PEOPLE OF THE STATE OF NEW YORK

VS.

ERIC A. MAGIN, DOB 05/17/69, OF 62 N. UNION ST, ROCHESTER, N.Y.

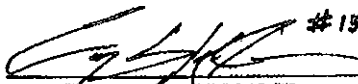
YOUR COMPLAINANT, OFFICER CORY KLEINMAN, BEING DULY SWORN, DEPOSES AND STATES THAT HE WORKS AT THE ROCHESTER POLICE DEPARTMENT, 185 EXCHANGE BLVD. IN THE CITY OF ROCHESTER, COUNTY OF MONROE AND STATE OF NEW YORK. THAT ON THE 3RD DAY OF APRIL 2011, AT ABOUT 10:30 P.M. AT THE LOCATION KNOWN AS 135 E. MAIN ST, IN THE CITY OF ROCHESTER, COUNTY OF MONROE, STATE OF NEW YORK, I ACCUSE SAID DEFENDANT, ERIC A. MAGIN, OF INTENTIONALLY, KNOWINGLY, AND UNLAWFULLY COMMITTING THE CLASS D FELONY OF ASSAULT IN THE SECOND DEGREE IN VIOLATION OF SECTIONS 120.05 (3) OF THE PENAL LAW OF THE STATE OF NEW YORK. THE FACTS UPON WHICH THIS ACCUSATION IS MADE ARE UPON PERSONAL KNOWLEDGE AS FOLLOWS:

YOUR COMPLAINANT IS EMPLOYED AS A POLICE OFFICER WITH THE CITY OF ROCHESTER POLICE DEPARTMENT AND WAS WORKING IN SAID CAPACITY AT THE AFOREMENTIONED DATE AND TIME.

ON THE ABOVE DATE, TIME AND LOCATION THE ABOVE DEFENDANT, ERIC A. MAGIN, WITH INTENT TO PREVENT A POLICE OFFICER FROM PERFORMING A LAWFUL DUTY, CAUSED PHYSICAL INJURY TO A POLICE OFFICER, WHILE THE DEFENDANT, ERIC A. MAGIN, DID INTENTIONALLY PREVENT A POLICE OFFICER FROM EFFECTING AN AUTHORIZED ARREST OF HIMSELF, TO WIT: AFTER BEING PLACED UNDER ARREST PURSUANT TO A STOLEN VEHICLE INVESTIGATION, THE DEFENDANT DID REFUSE TO PLACE HIS HANDS BEHIND HIS BACK AND COMPLY WITH THE ARREST WHILE ACTIVELY FIGHTING WITH YOUR COMPLAINANT. THE DEFENDANT DID SWING HIS ARMS TOWARDS YOUR COMPLAINANT AND ATTEMPTED TO HIT YOUR COMPLAINANT SEVERAL TIMES, AND WHILE ACTIVELY RESISTING; HE CAUSED YOUR COMPLAINANT, A SWORN POLICE OFFICER OF THE STATE OF NEW YORK, TO BREAK A BONE IN HIS RIGHT WRIST, CAUSING SIGNIFICANT PAIN. YOUR COMPLAINANT WAS TREATED AT STRONG MEMORIAL HOPSITAL FOR SAID INJURY.

THIS INFORMATION IS BASED UPON: THE PERSONAL INVESTIGATION OF YOUR COMPLAINANT.

NOTICE: FALSE STATEMENTS MADE HEREIN ARE PUNISHABLE AS A CLASS A MISDEMEANOR PURSUANT TO SECTION 210.40 OF THE PENAL LAW OF THE STATE OF NEW YORK.

 #1536

COMPLAINANTS NAME date 4/13/11

OFFICER CORY KLEINMAN
ROCHESTER POLICE DEPARTMENT

