

Criminal Court of the City of New York  
County of Kings: Part APAR

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The People of the State of New York,

-against-

State of New York  
County of Kings

Gerald Garson

Defendant

**Felony Complaint**

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First Deputy Chief Investigator George Terra, Shield Number 303, of the Special Investigations Unit of the Kings County District Attorney's Office, says that:

(1) On or about and between January 28, 2003 and March 4, 2003, at 210 Joralemon Street and 333 Adams Street, Brooklyn, County of Kings, and elsewhere, in the City and State of New York,

**The Defendant committed the offense of:**

P.L. 200.25                      Receiving a Reward for Official Misconduct in the Second Degree

(2) On or about and between October 15, 2002 and March 10, 2003, at 210 Joralemon Street, Brooklyn, County of Kings, City and State of New York,

**The Defendant committed the offense of:**

P.L. 200.25                      Receiving a Reward for Official Misconduct in the Second Degree

**In that the Defendant:**

Being a public servant, solicited, accepted, or agreed to accept any benefit from another person for having violated his duty as a public servant.

**The source of Deponent's information and the grounds for Deponent's belief are as follows:**

Deponent states that he is the lead investigator assigned to a long-term investigation of the defendant and others. Deponent states that during the course of that investigation he has employed a variety of investigative techniques such as physical surveillance, interviews of civilian witnesses, undercover police activities, and court-ordered electronic and video surveillance. As lead detective investigator, the Deponent states that he has been directly involved in all phases of the investigation, that he has spoken to civilian witnesses and police officers involved in the investigation and reviewed reports written by other members of the investigative team, and that he has reviewed audio and videotapes created during the course of the court-ordered electronic and video surveillance. Deponent states that based upon that experience he is fully familiar with the facts set forth below and that he recognizes the voice of the defendant and his co-conspirators and accomplices in the intercepted conversations.

Deponent further states that he is informed by Thomas Kilfoyle that Kilfoyle is the Chief Clerk of the Supreme Court, Civil Term, for Kings County, and that as such he is a custodian of the official records of the Office of Court Administration, which records are kept in the ordinary course of business by employees who have a duty to keep accurate and contemporaneous records, and that those records reveal that during the times listed above the Defendant was employed as a Justice of the Supreme Court, assigned to Kings County Supreme Court, Civil Term.

Deponent is informed by conversations intercepted and monitored pursuant to court-ordered

**DEFENDANT: Garson**  
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surveillance that at the first above-mentioned time and place, the Defendant gave Paul Siminovsky, an attorney, ex parte advice regarding a case that Siminovsky was trying before the Defendant, including advice as to the merits of the case, and questions to ask witnesses.

Deponent states that he has reviewed the Code of Judicial Ethics, Canon 2, and this Canon provides that a judge has a duty not to engage in such activity.

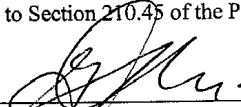
Deponent is further informed by conversations and observations intercepted and monitored pursuant to court-ordered surveillance that on March 4, 2003, the Defendant accepted from Siminovsky a box of cigars as a reward for the advice.

Deponent is further informed by conversations and observations intercepted and monitored pursuant to court-ordered surveillance that during the second above-mentioned time and place, the Defendant accepted \$1,000 United States currency from Siminovsky as a referral fee for certain clients that the Defendant had referred to Siminovsky. Defendant then asked that instead of cash, Siminovsky provide a check to the Defendant's wife to defray a debt she owed.

Deponent states that he has reviewed the Code of Judicial Ethics, Canon 3, and this Canon provides that a judge has a duty not to engage in such activity.

False statements made in this document are punishable as a class A Misdemeanor pursuant to Section 210.45 of the Penal Law.

4/23/04  
Date

  
Signature