

**STATE OF NEW YORK
LOCAL CRIMINAL COURT**

**COUNTY OF RENSSELAER
CITY OF RENSSELAER**

THE PEOPLE OF THE STATE OF NEW YORK

VS.

John F. Rivers

11/15/1981

FELONY COMPLAINT

Grand Larceny in the fourth degree

BE IT KNOWN THAT, by this Felony Complaint, Investigator Matthew Huss, as the Complainant herein, stationed at SIU Albany, accuses the above-mentioned Defendant, with having committed the felony of section 155.30, subdivision 8, in violation of the Penal Law of the State of New York.

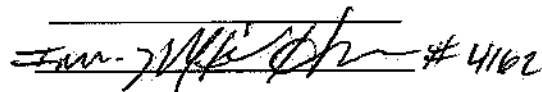
That on or about June 11, 2024, through June 20, 2024, in the City of Rensselaer, County of Rensselaer, State of New York, the Defendant did intentionally, knowingly, and unlawfully commit the felony of Grand Larceny in the 4th degree, subdivision 8. A person is guilty of Grand Larceny in the 4th degree, subdivision 8 when he steals property and when the value of the property exceeds one hundred dollars and the property consists of a motor vehicle, as defined in section one hundred twenty-five of the vehicle and traffic law, other than a motorcycle, as defined in section one hundred twenty-three of such law. Grand Larceny in the 4th degree sub (8) is a class E felony.

To Wit: On the aforementioned date, while conducting business at 396 South Street in the City of Rensselaer, County of Rensselaer, the Defendant did intentionally, knowingly and unlawfully steal a motor vehicle, being a 2011 Ford Explorer, color red, bearing VIN ending in 57630, valued at over one hundred dollars and did unlawfully dispose of said motor vehicle by selling it to Ben Weitsman of Albany (Port Facility and Scrapyard). All contrary to the provisions of said statute 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 the Complainant's information and the grounds for belief being the facts contained in the supporting depositions of Michelle Degraw (Sunmark Credit Union), and the investigation completed by the New York State Police.

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 3rd day of **DECEMBER, 2024**.

 # 4162

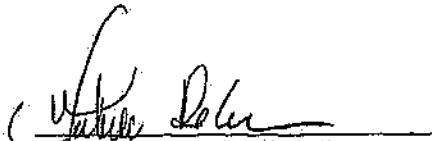
**Investigator Matthew P. Huss
New York State Police
SIU Albany, Auto Theft Unit**

AFFIDAVIT

Michelle L. DeGraw, being duly sworn, deposes and says:

1. I am the Loss Mitigation Administrator of Sunmark Credit Union ("Sunmark"). I have personal knowledge of the facts stated herein from my own actions and based upon my review of Sunmark's books and electronic records associated with Sunmark's titled interests in the vehicle which described below. I have personal knowledge of the manner in which Sunmark's books and electronic records are created and maintained, and I regularly use and rely upon these books and electronic records in the performance of my duties. The books and electronic records reviewed in support of this affidavit are made at or near the time the events occurred by a person with knowledge of the events they record. The books and electronic records are maintained in the ordinary course of business, and it is the regular practice of the business to make such records.
2. I have reviewed Sunmark's systems and business records and find the following occurred regarding the 2011 Ford Explorer (bearing VIN: 1FMHK8D86BGA57630) (hereinafter the "The Vehicle").
3. On or about October 27, 2022, Richard Mollenkopf purchased The Vehicle through a dealership in named Alpha Motors. As part of the purchase transaction, the purchaser granted a lien in the vehicle which was duly recorded. The lien and security agreement in The Vehicle was assigned to Sunmark and are currently under Sunmark's control for enforcement. That lien was at all times valid and remains valid and enforceable today making The Vehicle collateral for the \$15,312.92 balance owed to Sunmark.
4. By February 24, 2024, Sunmark's security agreement was in default due to non-payment which resulted in Sunmark attempting to locate The Vehicle in order to repossess it. In August of 2024, Sunmark contacted Richard Mollenkopf who advised Sunmark that a company named Rivers Asset Recovery had taken The Vehicle from him. Mr. Mollenkopf advised that on June 11, 2024, he received a text message from Johnny Rivers asking for the address where The Vehicle was. Mr. Mollenkopf provided copies of the text messages which were made a part of Sunmark's business records and are reproduced and attached hereto.
5. Sunmark never hired Johnny Rivers or Rivers Asset Recovery to repossess the vehicle for Sunmark and any actions by such persons were unauthorized by Sunmark.

6. Sunmark's investigation led it to discover that The Vehicle was scrapped sometime in June of 2024, which has caused Sunmark a loss of \$4,372.00, which was the lowest value for The Vehicle in the range of values for The Vehicle.

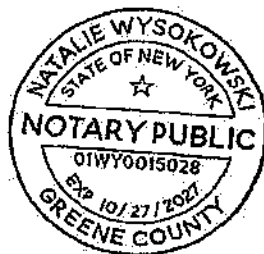

MICHELLE L. DEGRAW

STATE OF NEW YORK)
COUNTY OF ALBANY) ss:

On this 7th day of November in the year 2024 before me, the undersigned, personally appeared **Michelle L. DeGraw**, the subscribing witness to the foregoing instrument, with whom I am personally acquainted, who, being by me duly sworn, did depose and say that he/she is currently in the City described below; that he/she knows said witness to be the individual described in and who executed the foregoing instrument; that said subscribing witness was present and saw said witness execute the same; that said witness at the same time subscribed his/her name as a witness thereto; and that said subscribing witness made such appearance before the undersigned in Albany, New York.

The undersigned does hereby certify that he/she is a person duly authorized to administer an oath [for purposes of acknowledging the signing of a legal affidavit or document] under one or more of the following: a) the Law of New York, b) the Law of The United States, c) the Law of the State of New York, USA. The undersigned does hereby certify that he/she administered to the subscribing witness an oath of a form calculated to awaken the conscience and impress upon the mind of the subscribing witness that the statements so made by the subscribing witness are the truthful and accurate. The undersign certifies that the acknowledgment of the subscribing witness was taken in the manner prescribed by such law hereinabove described; and that it duly conforms with such laws and is in all respects valid and effective in such state.


NOTARY PUBLIC



**STATE OF NEW YORK
LOCAL CRIMINAL COURT**

**COUNTY OF RENSSELAER
CITY OF RENSSELAER**

THE PEOPLE OF THE STATE OF NEW YORK

VS.

John F. Rivers

11/15/1981

FELONY COMPLAINT

Falsifying business records in the 1st Degree

BE IT KNOWN THAT, by this Felony Complaint, Investigator Matthew Huss, as the Complainant herein, stationed at SIU Albany, accuses the above-mentioned Defendant, with having committed the felony of section 175.10, in violation of the Penal Law of the State of New York.

That on or about July 12, 2024, in the City of Rensselaer, County of Rensselaer, State of New York, the Defendant did intentionally, knowingly, and unlawfully commit the felony of Falsifying Business Records in the first degree. A person is guilty of Falsifying Business Records in the first degree, when a person is guilty of falsifying business records in the second degree when, with intent to defraud that includes an intent to commit another crime or to aid or conceal the commission thereof. Scheme to Defraud in the first-degree is a class E felony.

To Wit: On the aforementioned date, while conducting business at 396 South Street in the City of Rensselaer, County of Rensselaer, the Defendant did intentionally, knowingly and unlawfully with intent to defraud, complete and submit a New York State Department of Motor Vehicles MV-35 - Statement of Vehicle Owner that Does not have Valid Title indicating that he was the owner of a 2011 Ford Explorer bearing VIN ending in 57630, thereby causing the DMV to issue an MV907a under false pretenses of being the vehicle owner and falsifying the business records of the New York State Department of Motor Vehicles. Said defendant committed the above acts while also committing the crime of grand larceny in the fourth degree.

The above allegations of fact are made by the Complainant herein on direct knowledge and/or upon information and belief, with the sources of the Complainant's information and the grounds for belief being the facts contained in the attached supporting deposition of Michelle Degraw (Sunmark Credit Union), and the investigation completed by the New York State Police and the New York State Department of Motor Vehicles.

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 03 day of **DECEMBER, 2024**.

Matthew P. Huss #4162

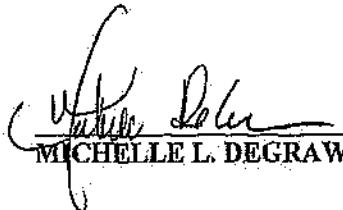
**Investigator Matthew P. Huss
New York State Police
SIU Albany, Auto Theft Unit**

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2. I have reviewed Sunmark's systems and business records and find the following occurred regarding the 2011 Ford Explorer (bearing VIN: 1FMHK8D86BGA57630) (hereinafter the "The Vehicle").
3. On or about October 27, 2022, Richard Mollenkopf purchased The Vehicle through a dealership in named Alpha Motors. As part of the purchase transaction, the purchaser granted a lien in the vehicle which was duly recorded. The lien and security agreement in The Vehicle was assigned to Sunmark and are currently under Sunmark's control for enforcement. That lien was at all times valid and remains valid and enforceable today making The Vehicle collateral for the \$15,312.92 balance owed to Sunmark.
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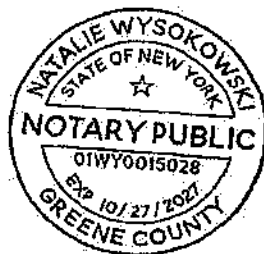

MICHELLE L. DEGRAW

STATE OF NEW YORK)
COUNTY OF ALBANY) ss:

On this 7th day of November in the year 2024 before me, the undersigned, personally appeared **Michelle L. DeGraw**, the subscribing witness to the foregoing instrument, with whom I am personally acquainted, who, being by me duly sworn, did depose and say that he/she is currently in the City described below; that he/she knows said witness to be the individual described in and who executed the foregoing instrument; that said subscribing witness was present and saw said witness execute the same; that said witness at the same time subscribed his/her name as a witness thereto; and that said subscribing witness made such appearance before the undersigned in Albany, New York.

The undersigned does hereby certify that he/she is a person duly authorized to administer an oath [for purposes of acknowledging the signing of a legal affidavit or document] under one or more of the following: a) the Law of New York, b) the Law of The United States, c) the Law of the State of New York, USA. The undersigned does hereby certify that he/she administered to the subscribing witness an oath of a form calculated to awaken the conscience and impress upon the mind of the subscribing witness that the statements so made by the subscribing witness are the truthful and accurate. The undersign certifies that the acknowledgment of the subscribing witness was taken in the manner prescribed by such law hereinabove described; and that it duly conforms with such laws and is in all respects valid and effective in such state.


NOTARY PUBLIC



**STATE OF NEW YORK
LOCAL CRIMINAL COURT**

**COUNTY OF RENSSELAER
CITY OF RENSSELAER**

THE PEOPLE OF THE STATE OF NEW YORK

VS.

John F. Rivers

11/15/1981

FELONY COMPLAINT

Grand Larceny in the third degree

BE IT KNOWN THAT, by this Felony Complaint, Investigator Matthew Huss, as the Complainant herein, stationed at SIU Albany, accuses the above-mentioned Defendant, with having committed the felony of section 155.35, subdivision 1, in violation of the Penal Law of the State of New York.

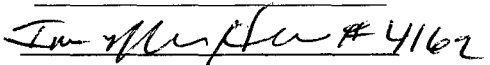
That on or about the date of September 13, 2022, in the City of Rensselaer, County of Rensselaer, State of New York, the Defendant did intentionally, knowingly, and unlawfully commit the felony of Grand Larceny in the 3rd degree, subdivision 1. A person is guilty of Grand Larceny in the 3rd degree, subdivision 1 when he steals property and when the value of the property exceeds three thousand dollars. Grand Larceny in the 3rd degree sub (1) is a class D felony.

To Wit: On the aforementioned date(s), while conducting business at 43 Wilson Street in the City of Rensselaer, County of Rensselaer, the Defendant did intentionally, knowingly and unlawfully steal a motor vehicle, being a 2019 Chevrolet Silverado pick-up truck, color white, ending in VIN 1241921, valued at over three thousand dollars and did unlawfully dispose of said motor vehicle by selling it to Robert A. Pitcher, date of birth 04/30/1965. All contrary to the provisions of said statute 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 the Complainant's information and the grounds for belief being an investigation completed by the New York State Police.

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 03 day of **DECEMBER, 2024**.



**Investigator Matthew P. Huss
New York State Police
SIU Albany, Auto Theft Unit**

SUPPORTING DEPOSITION (CPL § 100.20)

THE PEOPLE OF THE STATE OF NEW YORK
VS

DEFENDANT(S)

LOCATION OF INCIDENT:
 STATE OF NEW YORK, LOCAL CRIMINAL COURT
 COUNTY OF Albany
 City OF Albany

LOCATION OF DEPOSITION:
 STATE OF NEW YORK
 COUNTY OF ALBANY
 TOWN OF BETHLEHEM

On DATE: 10/31/24 at TIME STARTED: 4:00 AM PM, FULL NAME: WILLIAM MOSHER

STATE THE FOLLOWING:

My name is William Mosher and I am the Director of Fraud Risk for Broadview Federal Credit Union 4 Winners Circle, Albany, NY 12205. I am providing this deposition to Investigator Danielle Kohler of the New York State Police regarding a vehicle loan we made through our offices in Albany County in the State of New York. I am giving this deposition as an agent of Broadview under my own free will and volition.

In May 2020 SEFCU, now known as Broadview Federal Credit Union, made a vehicle loan to Ted and Susan Whitelaw for a 2019 Chevrolet Silverado 2500 HD with VIN 2GC2KREG2K1241921. As part of that loan, Broadview put a lien on the title of that vehicle.

In the fall of 2022, the loan became delinquent. In December 2022, Broadview made attempts to repossess the vehicle because the loan was not being repaid. We were unable to locate the vehicle. Ted Whitelaw informed us the vehicle had been towed by his apartment complex at 55 Sargent St. in Cohoes, NY and he didn't know where the vehicle was. We contacted the apartment complex who stated that the vehicle had been towed by Rivers Asset Recovery. Multiple calls were made to Rich at Rivers Asset Recovery. He repeatedly said he would get back to us with a location of the Silverado, but never gave us that information. SEFCU made a claim to our insurance carrier Lee and Mason. Our claim was not paid, and Broadview lost \$26,175.46 because we could not repossess the vehicle. Broadview (formerly known as SEFCU) has never released its lien on this vehicle. We received no notice or correspondence regarding the transfer of the title to this vehicle to any other party.

End of statement.

NOTICE

(Penal Law Sec. 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 31st day of OCTOBER, 20 24

- or -

*Subscribed and Sworn to before me

this _____ day of _____, 20 _____

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

William Mosher
(SIGNATURE OF DEPONENT) - WILLIAM MOSHER

(WITNESS)

Danielle Kohler
(NAME OF PERSON TAKING DEPOSITION)
INV DANIELLE KOHLER, NYSP, IN ALBANY

TIME ENDED AM PM
04:15

**STATE OF NEW YORK
LOCAL CRIMINAL COURT**

**COUNTY OF RENSSELAER
CITY OF RENSSELAER**

THE PEOPLE OF THE STATE OF NEW YORK

VS.

John F. Rivers

11/15/1981

FELONY COMPLAINT

Grand Larceny in the fourth degree

BE IT KNOWN THAT, by this Felony Complaint, Investigator Matthew Huss, as the Complainant herein, stationed at SIU Albany, accuses the above-mentioned Defendant, with having committed the felony of section 155.30, subdivision 8, in violation of the Penal Law of the State of New York.

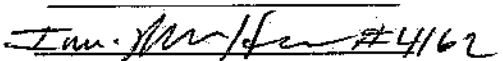
That on or about June 12, 2024, through June 20, 2024, in the City of Rensselaer, County of Rensselaer, State of New York, the Defendant did intentionally, knowingly, and unlawfully commit the felony of Grand Larceny in the 4th degree, subdivision 8. A person is guilty of Grand Larceny in the 4th degree, subdivision 8 when he steals property and when the value of the property exceeds one hundred dollars and the property consists of a motor vehicle, as defined in section one hundred twenty-five of the vehicle and traffic law, other than a motorcycle, as defined in section one hundred twenty-three of such law. Grand Larceny in the 4th degree sub (8) is a class E felony.

To Wit: On the aforementioned date(s), while conducting business at 396 South Street in the City of Rensselaer, County of Rensselaer, the Defendant did intentionally, knowingly and unlawfully steal a motor vehicle, being a 2009 Ford Escape, color white, bearing VIN ending in 56388, valued at over one hundred dollars and did unlawfully dispose of said motor vehicle by selling it to Ben Weitsman of Albany (Port Facility and Scrapyard). All contrary to the provisions of said statute 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 the Complainant's information and the grounds for belief being the facts contained in the supporting depositions of Ian Henry, and the investigation completed by the New York State Police.

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 3rd day of **DECEMBER, 2024**.



**Investigator Matthew P. Huss
New York State Police
SIU Albany, Auto Theft Unit**

NEW YORK STATE POLICE

THE PEOPLE OF THE STATE OF NEW YORK

-- vs. --

JOHN F. RIVERS

Defendant(s)

<p>INCIDENT LOCATION:</p> <p>STATE OF NEW YORK <u>LOCAL CRIMINAL</u> COURT</p> <p>COUNTY OF <u>ALBANY</u></p> <p>CITY of <u>ALBANY</u></p>	<p>LOCATION OF DEPOSITION:</p> <p>STATE OF NEW YORK</p> <p>COUNTY OF <u>RENSSELAER</u></p> <p>TOWN of <u>EAST GREENBUSH</u></p>
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On 07/10/2024 at 02:34 PM, I, IAN E HENRY

Date of Birth <u>12/08/1975</u>	No. and Street [REDACTED]	G/T/V [REDACTED]	State <u>NY</u>
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State The Following:

I am currently providing this voluntary deposition to Inv. Danielle Kohler of the NYSP, SIU Albany. I am a Trooper employed by the New York State Police, based out of Troop G Headquarters in Latham. This deposition is in regards to my personally owned vehicle, which was towed by Rivers Asset Recovery located at 396 South St. Rensselaer, NY.

I own a 2009 Ford Escape, color white, which was registered to me with the NY plate number LKU6075 and VIN 1FMCU94G09KC56388. On June 11, 2024 around 7:50 PM I parked this vehicle at the Hannaford Plaza at 900 Central Ave. in the City of Albany. The vehicle had a wheel issue which needed to be repaired. On June 20, 2024 I observed that the vehicle was no longer parked in the lot. I looked around the lot and found a sign which indicated that Rivers Asset Recovery does towing for the parking lot. I called the phone number from the sign (518-376-0757) and the owner, John Rivers, picked up the phone. I told him that my vehicle was towed and he told me that he would have his office manager call me back. A different man called me back a short time later. I told the man that I was looking for my vehicle which was towed and gave him the vehicle information. He told me it would cost me \$1,500.00 to get my vehicle back. I told him that was ridiculous and that I'm not paying that kind of money. He asked me if I wanted my plates. I told him I would be right down to get my plates. When I pulled onto 9J I passed by a Rivers Asset Recovery tow truck going the opposite direction. I pulled into the lot at Rivers Asset Recovery located at 396 South St. Rensselaer and went into the office. There was a man in the office and I advised him that I was there to collect my license plates. He provided me with a printed invoice for the tow and storage of my vehicle and the license plates. I

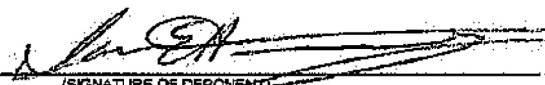
Notice

(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 10 TH day of JULY, 2024


(SIGNATURE OF DEPONENT)

- OR -

Subscribed and Sworn to before me

this _____ day of _____

(WITNESS)

(NAME OF PERSON TAKING DEPOSITION)

Time Ended <u>07/10/2024 03:08 PM</u>
--

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

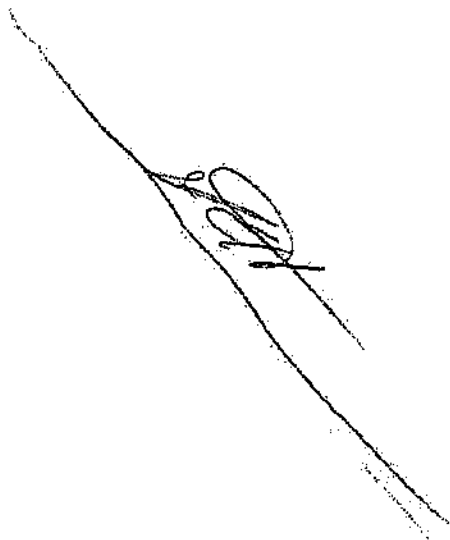
NEW YORK STATE POLICE

State The Following:

asked him who was in charge and who was the owner of the company. He told me it was "John" and that he just left. The office manager called John on his phone over speaker phone. I advised John that I had to get my vehicle and that it was ridiculous that he was charging me \$1,500.00 when he only had it for such a short period of time. After I told him my name, he released that he knew who I was from years of encounters when he was towing and I was working on the interstate. He told me that he was on his way to pick up another vehicle and he would get ahold of me at a later time. I left him with my phone number for him to call me back, but he never called me back. A short time later I was contacted by Inv. Danielle Kohler and she advised that she became aware of my vehicle being towed by Rivers because there was a current investigation involving the company and they were monitoring vehicles being towed to/from the lot. On June 21, 2024 I went back down to Rivers Asset Recovery under the direction of SIU to aid in the investigation. I offered to make a payment to get my car back. At that point he said "I'm gonna be honest with you.. I scrapped your car". I learned from Inv. Kohler that my car was actually scrapped on June 18, 2024 before I even made contact with Rivers Asset Recovery. My tow bill that was provided to me on June 20 indicated that I owed storage fees for 8 days from June 12-June 20, 2024, when in fact my car had been scrapped two days prior. I asked him how he was going to make up for scrapping my car, and he told me he would either reimburse me or get me another car. On June 25, 2024 I made a controlled phone call to John Rivers (under the direction of SIU). John told me that he would come up with another vehicle to replace my car and would give me a call back by the end of the next day. I never heard back from John Rivers or any other representative from Rivers Asset Recovery. I attempted to contact John Rivers by text message on July 1, 2024 for an update on a car. He did not response. I attempted to contact John Rivers by phone call on July 10, 2024 and he did not answer my call. I left a message for him to call me back. John Rivers has not returned my calls or my text message up to this time. My vehicle is valued at approximately \$2,500.00.

I would like to pursue charges against John Rivers of Rivers Asset Recovery and request restitution for the financial losses I sustained for him scrapping my vehicle.

END OF STATEMENT



Notice

(Penal Law §210.45)

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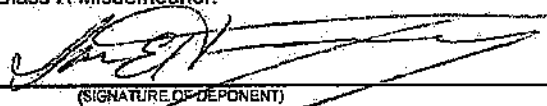
Affirmed under penalty of perjury

this 10TH day of JULY, 2024

- OR -

* Subscribed and Sworn to before me

this _____ day of _____



(SIGNATURE OF DEPONENT)

(WITNESS)

IN DEPT 4309
(NAME OF PERSON TAKING DEPOSITION)

Time Ended	07/10/2024	03:08 PM
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* This form need be sworn to, only when specifically required by the court

**STATE OF NEW YORK
LOCAL CRIMINAL COURT**

**COUNTY OF RENSSELAER
CITY OF RENSSELAER**

THE PEOPLE OF THE STATE OF NEW YORK

VS.

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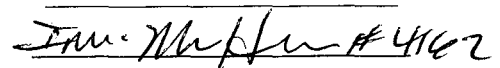
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Affirmed under penalty of perjury
this **03** day of **DECEMBER, 2024**.



**Investigator Matthew P. Huss
New York State Police
SIU Albany, Auto Theft Unit**

NEW YORK STATE POLICE

THE PEOPLE OF THE STATE OF NEW YORK

-- vs. --

JOHN F. RIVERS

Defendant(s)

<p><u>INCIDENT LOCATION:</u></p> <p>STATE OF NEW YORK <u>LOCAL CRIMINAL</u> COURT</p> <p>COUNTY OF <u>ALBANY</u></p> <p>CITY of <u>ALBANY</u></p>	<p><u>LOCATION OF DEPOSITION:</u></p> <p>STATE OF NEW YORK</p> <p>COUNTY OF <u>RENSSELAER</u></p> <p>TOWN of <u>EAST GREENBUSH</u></p>
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On 07/10/2024 at 02:34 PM I, IAN E HENRY

Date of Birth <u>12/08/1975</u>	No. and Street [REDACTED]	G/T/V [REDACTED]	State <u>NY</u>
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State The Following:

I am currently providing this voluntary deposition to Inv. Danielle Kohler of the NYSP, SIU Albany. I am a Trooper employed by the New York State Police, based out of Troop G Headquarters in Latham. This deposition is in regards to my personally owned vehicle, which was towed by Rivers Asset Recovery located at 396 South St. Rensselaer, NY.

I own a 2009 Ford Escape, color white, which was registered to me with the NY plate number LKU6075 and VIN 1FMCU94G09KC56388. On June 11, 2024 around 7:50 PM I parked this vehicle at the Hannaford Plaza at 900 Central Ave. in the City of Albany. The vehicle had a wheel issue which needed to be repaired. On June 20, 2024 I observed that the vehicle was no longer parked in the lot. I looked around the lot and found a sign which indicated that Rivers Asset Recovery does towing for the parking lot. I called the phone number from the sign (518-376-0757) and the owner, John Rivers, picked up the phone. I told him that my vehicle was towed and he told me that he would have his office manager call me back. A different man called me back a short time later. I told the man that I was looking for my vehicle which was towed and gave him the vehicle information. He told me it would cost me \$1,500.00 to get my vehicle back. I told him that was ridiculous and that I'm not paying that kind of money. He asked me if I wanted my plates. I told him I would be right down to get my plates. When I pulled onto 9J I passed by a Rivers Asset Recovery tow truck going the opposite direction. I pulled into the lot at Rivers Asset Recovery located at 396 South St. Rensselaer and went into the office. There was a man in the office and I advised him that I was there to collect my license plates. He provided me with a printed invoice for the tow and storage of my vehicle and the license plates. I

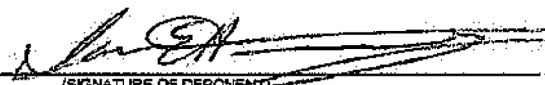
Notice

(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 10 TH day of JULY, 2024


(SIGNATURE OF DEPONENT)

- OR -

* Subscribed and Sworn to before me

this _____ day of _____

(WITNESS)

(NAME OF PERSON TAKING DEPOSITION)

Time Ended <u>07/10/2024 03:08 PM</u>
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* This form need be sworn to only when specifically required by this court

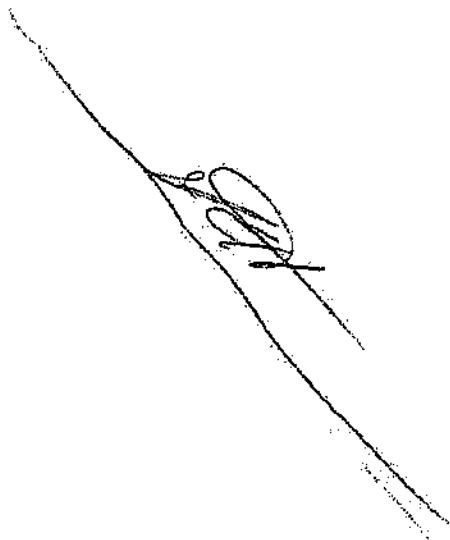
NEW YORK STATE POLICE

State The Following:

asked him who was in charge and who was the owner of the company. He told me it was "John" and that he just left. The office manager called John on his phone over speaker phone. I advised John that I had to get my vehicle and that it was ridiculous that he was charging me \$1,500.00 when he only had it for such a short period of time. After I told him my name, he released that he knew who I was from years of encounters when he was towing and I was working on the interstate. He told me that he was on his way to pick up another vehicle and he would get ahold of me at a later time. I left him with my phone number for him to call me back, but he never called me back. A short time later I was contacted by Inv. Danielle Kohler and she advised that she became aware of my vehicle being towed by Rivers because there was a current investigation involving the company and they were monitoring vehicles being towed to/from the lot. On June 21, 2024 I went back down to Rivers Asset Recovery under the direction of SIU to aid in the investigation. I offered to make a payment to get my car back. At that point he said "I'm gonna be honest with you.. I scrapped your car". I learned from Inv. Kohler that my car was actually scrapped on June 18, 2024 before I even made contact with Rivers Asset Recovery. My tow bill that was provided to me on June 20 indicated that I owed storage fees for 8 days from June 12-June 20, 2024, when in fact my car had been scrapped two days prior. I asked him how he was going to make up for scrapping my car, and he told me he would either reimburse me or get me another car. On June 25, 2024 I made a controlled phone call to John Rivers (under the direction of SIU). John told me that he would come up with another vehicle to replace my car and would give me a call back by the end of the next day. I never heard back from John Rivers or any other representative from Rivers Asset Recovery. I attempted to contact John Rivers by text message on July 1, 2024 for an update on a car. He did not response. I attempted to contact John Rivers by phone call on July 10, 2024 and he did not answer my call. I left a message for him to call me back. John Rivers has not returned my calls or my text message up to this time. My vehicle is valued at approximately \$2,500.00.

I would like to pursue charges against John Rivers of Rivers Asset Recovery and request restitution for the financial losses I sustained for him scrapping my vehicle.

END OF STATEMENT




Notice

(Penal Law §210.45)

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Affirmed under penalty of perjury


this 10TH day of JULY, 2024


 (SIGNATURE OF DEPONENT)

- OR -

* Subscribed and Sworn to before me

this _____ day of _____

(WITNESS)

 (NAME OF PERSON TAKING DEPOSITION)

Time Ended	07/10/2024	03:08 PM
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* This form need be sworn to, only when specifically required by the court

**STATE OF NEW YORK
LOCAL CRIMINAL COURT**

**COUNTY OF RENSSELAER
CITY OF RENSSELAER**

THE PEOPLE OF THE STATE OF NEW YORK

VS.

John F. Rivers

11/15/1981

FELONY COMPLAINT

Scheme to Defraud in the 1st Degree

BE IT KNOWN THAT, by this Felony Complaint, Investigator Matthew Huss, as the Complainant herein, stationed at SIU Albany, accuses the above-mentioned Defendant, with having committed the felony of section 190.65, subdivision 1(a), in violation of the Penal Law of the State of New York.

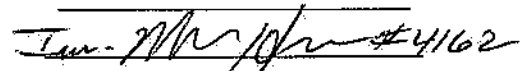
That on or about September 13th, 2022 through August 31st, 2024, in the City of Rensselaer, County of Rensselaer, State of New York, the Defendant did intentionally, knowingly, and unlawfully commit the felony of Scheme to Defraud 1st degree, subdivision 1(a). A person is guilty of Scheme to Defraud in the first degree, subdivision 1(a) when one engages in a scheme constituting a systematic ongoing course of conduct with intent to defraud ten or more persons or to obtain property from 10 or more persons by false or fraudulent pretenses, representations or promises, and so obtains property from one of more such persons. Scheme to Defraud in the first-degree sub 1(a) is a class E felony.

To Wit: On the aforementioned dates, while conducting business at 43 Wilson Street and/or 396 South Street in the City of Rensselaer, County of Rensselaer, the Defendant did intentionally, knowingly and unlawfully possess and scrap 10 or more vehicles, owned by 10 or more separate individuals/victims, without lawfully obtaining ownership or permission from any of the aforementioned lawful owners/victims of the aforementioned vehicles. All contrary to the provisions of said statute 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 the Complainant's information and the grounds for belief being the facts contained in the attached supporting depositions; and the investigation completed by the New York State Police.

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 03 day of DECEMBER, 2024.



**Investigator Matthew P. Huss
New York State Police
SIU Albany, Auto Theft Unit**

**STATE OF NEW YORK
LOCAL CRIMINAL COURT**

**COUNTY OF RENSSELAER
CITY OF RENSSELAER**

THE PEOPLE OF THE STATE OF NEW YORK

VS.

John F. Rivers

11/15/1981

FELONY COMPLAINT

Grand Larceny in the third degree

BE IT KNOWN THAT, by this Felony Complaint, Investigator Matthew Huss, as the Complainant herein, stationed at SIU Albany, accuses the above-mentioned Defendant, with having committed the felony of section 155.35, subdivision 1, in violation of the Penal Law of the State of New York.

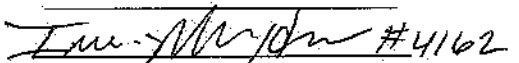
That on or about the dates of August 30, 2023 through September 2023, in the City of Rensselaer, County of Rensselaer, State of New York, the Defendant did intentionally, knowingly, and unlawfully commit the felony of Grand Larceny in the 3rd degree, subdivision 1. A person is guilty of Grand Larceny in the 3rd degree, subdivision 1 when he steals property and when the value of the property exceeds three thousand dollars. Grand Larceny in the 3rd degree sub (1) is a class D felony.

To Wit: On the aforementioned date(s), while conducting business at 396 South Street in the City of Rensselaer, County of Rensselaer, the Defendant did intentionally, knowingly and unlawfully steal a motor vehicle, being a 2016 Ford Econoline E350 "box truck" color white, ending in VIN 755557, valued at over three thousand dollars and did unlawfully dispose of said motor vehicle by selling it to Robert A. Pitcher, date of birth 04/30/1965, All contrary to the provisions of said statute 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 the Complainant's information and the grounds for belief being an investigation completed by the New York State Police.

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 03 day of **DECEMBER, 2024**.

 #4162

**Investigator Matthew P. Huss
New York State Police
SIU Albany, Auto Theft Unit**

**STATE OF NEW YORK
LOCAL CRIMINAL COURT**

**COUNTY OF RENSSELAER
CITY OF RENSSELAER**

THE PEOPLE OF THE STATE OF NEW YORK

VS.

John F. Rivers

11/15/1981

FELONY COMPLAINT

Grand Larceny in the fourth degree

BE IT KNOWN THAT, by this Felony Complaint, Investigator Matthew Huss, as the Complainant herein, stationed at SIU Albany, accuses the above-mentioned Defendant, with having committed the felony of section 155.30, subdivision 8, in violation of the Penal Law of the State of New York.

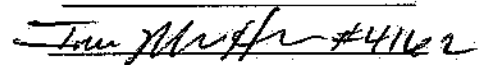
That on or about the dates of September 15, 2023 through February 26, 2024, in the City of Rensselaer, County of Rensselaer, State of New York, the Defendant did intentionally, knowingly, and unlawfully commit the felony of Grand Larceny in the 4th degree, subdivision 8. A person is guilty of Grand Larceny in the 4th degree, subdivision 8 when he steals property and when the value of the property exceeds one hundred dollars and the property consists of a motor vehicle, as defined in section one hundred twenty-five of the vehicle and traffic law, other than a motorcycle, as defined in section one hundred twenty-three of such law. Grand Larceny in the 4th degree sub (8) is a class E felony.

To Wit: On the aforementioned date(s), while conducting business at 396 South Street in the City of Rensselaer, County of Rensselaer, the Defendant did intentionally, knowingly and unlawfully steal a motor vehicle, being a Subaru Outback, color blue, ending in VIN 283735, valued at over one hundred dollars and did unlawfully dispose of said motor vehicle by selling it to Robert A. Pitcher, date of birth 04/30/1965. All contrary to the provisions of said statute 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 the Complainant's information and the grounds for belief being the facts contained in the supporting depositions of Caleb Clock and Wendy Ng, and the investigation completed by the New York State Police.

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 03 day of DECEMBER, 2024.



**Investigator Matthew P. Huss
New York State Police
SIU Albany, Auto Theft Unit**

SUPPORTING DEPOSITION (CPL § 100.20)

THE PEOPLE OF THE STATE OF NEW YORK
-VS-

JOHN F. RIVERS

ROBERT A. PITCHER ; CO-CONSPIRATOR(S)
DEFENDANT(S)

LOCATION OF INCIDENT:

STATE OF NEW YORK LOCAL CRIMINAL COURT

COUNTY OF RENSSELAIRE

CITY OF RENSSELAIRE

LOCATION OF DEPOSITION:

STATE OF NEW YORK

SARATOGA

COUNTY OF ~~RENSSELAIRE~~

SARATOGA SPRINGS

TOWN OF STILLWATER

On DATE: 7/11/24 at TIME STARTED: 4:28 PM I, FULL NAME: CALEB W. CLOCK (10/31/1981)

state the following: I am currently providing this voluntary deposition to INS. DANIELLE KOUCZ of the NYSP. I have a Bachelor's degree and I can read, write and understand English. I understand that providing a false statement is a crime in NY. I previously owned (2) vehicles which I believe were towed by RIVERS ASSET RECOVER (JOHN RIVERS): A 2012 SUBARU FORESTER (BWB) (I cannot recall the VIN) and a 2001 JEEP CHEROKEE (BWB) (cannot recall VIN). In September 2023, possibly the week of the 17th - 23rd, my SUBARU FORESTER had been towed from the side of the road of RIVER CHASE RD. OF FOX HOLLOW the mansions at TECH PARK IN RENSSELAIRE, NY. There were several cars parked on the road on a regular basis. At the time my Subaru was towed it had NJ plates MO1KMY which belonged to a Jeep I owned but was in my friend's (MICHAEL THENNEL'S NAME). I noticed my vehicle was missing toward the end of that week and I contacted the office of the apartment complex to ask

NOTICE

(Penal Law § 210.45)

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Affirmed under penalty of perjury.

this 11TH day of JULY, 2024

-OR-

* Subscribed and Sworn to before me

this _____ day of _____

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

[Signature]
(SIGNATURE OF DEPONENT)

(WITNESS) [Signature] 7/11/24 5:28 PM
(NAME OF PERSON TAKING DEPOSITION)

SUPPORTING DEPOSITION (CPL § 100.20) DEPONENT: CALEB W. LOUK

THE PEOPLE OF THE STATE OF NEW YORK vs JOHN F. RIVERS, ROBERT A. FITCHER
DEFENDANT(S)

ABOUT THE WHEREABOUTS OF MY VEHICLE, THERE WERE NO SIGNS ANY WHERE SHOWING IT WOULD BE TOWED AND BY WHOM THE OFFICE TOLD ME THEY WOULD LOOK INTO IT AND CALL ME BACK. I LEFT TOWN FOR WORK FOR THREE WEEKS AND RETURNED ON 10/20/23 AND I STILL HADN'T RECEIVED A CALL BACK ABOUT MY CAR. I EMAILED THE OFFICE ON 10/23/23 TO ASK ABOUT MY SUBARU AGAIN AND THEY EMAILED ME WITH THE CONTACT INFO FOR JOHN^{NY} RIVERS 518-376-8757 AND THAT HE HAD TOWED MY CAR. I CALLED JOHN RIVERS THAT SAME DAY AND LEFT A VOICEMAIL. I CALLED HIM AROUND 1/2 DOZEN TIMES FROM MY CELLPHONE AND MY WORK PHONE (SUNOLD CLASSICS) AND HE DID NOT RETURN A SINGLE PHONE CALL. ALTHOUGH THE VEHICLE HAD NOT YET BEEN REGISTERED TO ME, THE OFFICE WAS AWARE THAT IT WAS MY CAR AND I LEFT SEVERAL MESSAGES FOR JOHN RIVERS. I EVENTUALLY GAVE UP ON MY CAR BECAUSE I WAS DEALING WITH SOME OTHER HARD SHIPS AT THE TIME. I HAD PURCHASED THE CAR FROM WENDY NG ON 5/31/23 FOR \$5,000.00 AND IT RAN FINE AND HAD NO DAMAGE. MY SECOND CAR WHICH I BELIEVE WAS ALSO TOWED BY RIVERS WAS A 2001 JEEP CHEROKEE SUV WHICH WAS PARKED IN A PARKING STALL AT 29 FOX HOUND CONSULTANTS^{CONSULTANTS} DUE TO ENGINE PROBLEMS. THE PLATES WERE NOT ON THE JEEP BUT THE VIN WOULD HAVE COME BACK TO MY FRIEND, MICHAEL

NOTICE

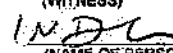
(Penal Law Sec. 210.45)

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 JULY
this 17th day of -MONTH, 2021


(SIGNATURE OF DEPONENT)

*Subscribed and Sworn to before me
this _____ day of _____, 20 _____

(WITNESS)	#4304	TIME ENDED	<input type="checkbox"/> AM
		5:29	<input checked="" type="checkbox"/> PM
(NAME OF PERSON TAKING DEPOSITION)			

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

THE PEOPLE OF THE STATE OF NEW YORK

vs JOHN F. RIVERS, ROBERT A. FITCHER
DEFENDANT(S)

THEHNER IN NJ. I SPOKE TO MIKE AND HE WAS NEVER CONTACTED BY ANY MEANS ABOUT THE JEEP BEING TOWED. THE JEEP HAD BEEN PARKED IN THE SAME SPOT SINCE SEPTEMBER 2022 AND IT WAS TOWED SOMETIME IN DECEMBER 2023. I DON'T RECALL THERE BEING ANY SIGNS SAYING A TOW COMPANY IN THE NEIGHBORHOOD OR WHERE MY VEHICLES WERE PARKED. I OWNED THE JEEP BUT HAD NOT YET TITLED OR REGISTERED IT IN MY NAME DUE TO THE ENGINE ISSUES. I BOUGHT IT FROM MIKE THEHNER IN FEBRUARY 2022 FOR \$5,500.00, I DIDN'T LOOK INTO THE WHEREABOUTS OF MY VEHICLE DUE TO SOME HARDSHIPS AT THE TIME AND THE ISSUES WITH THE ENGINE. I WOULD LIKE TO HAVE ANY AND ALL PERSONS INVOLVED WITH TAKING/DISPOSING OF MY VEHICLES ARRESTED AND I WOULD LIKE RESTITUTION FOR THE LOSS I SUSTAINED FINANCIALLY.

LCWC

NOTICE

(Penal Law Sec. 210.45)

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Affirmed under penalty of perjury, *July*
this *11th* day of *MONTH*, 20*24*

[Signature]
(SIGNATURE OF DEPONENT)

*Subscribed and Sworn to before me
this _____ day of _____, 20____

(WITNESS)	TIME ENDED	<input type="checkbox"/> AM
<i>[Signature]</i> # 4324	5:29	<input checked="" type="checkbox"/> PM
(NAME OF PERSON TAKING DEPOSITION)		

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

NEW YORK STATE POLICE

THE PEOPLE OF THE STATE OF NEW YORK

-- vs. --

Defendant(s)

<u>INCIDENT LOCATION:</u>	<u>LOCATION OF DEPOSITION:</u>
STATE OF NEW YORK LOCAL CRIMINAL COURT	STATE OF NEW YORK
COUNTY OF <u>RENSSELAER</u>	COUNTY OF <u>RENSSELAER</u>
CITY of <u>RENSSELAER</u>	CITY of <u>RENSSELAER</u>

Date On <u>05/10/2024</u>	at <u>03:31 PM</u>	Full Name: <u>WENDY A NG</u>
Date of Birth <u>07/21/1960</u>	No. and Street [REDACTED]	CITY [REDACTED]
		State <u>NY</u>

State The Following:

I am current providing this voluntary deposition to Inv. Daniëlle Kohler, Troop H, SIU Albany. I understand that providing a false statement is a crime in NY.

I am the previous owner of a 2012 Subaru Outback (limited), color blue, VIN 4S4BRDKCXC2283735. On May 31, 2023, I sold this vehicle to a man named Caleb Clock who resided at 84 Fox Hollow Rd. Rensselaer, NY 12144 for \$5,000.00 (which he paid via bank check). I provided him with the title to the vehicle, but he did not request for me to sign it. I have not observed this vehicle since May 31, 2023.

I was recently contacted by Inv. Daniëlle Kohler of the NYSP who advised me that she believes this vehicle was possibly stolen. She also advised me that a duplicate title request for the vehicle was made with the NYS DMV in my name, with the address of 980 Broadway in Thornwood, NY, and that the document had a signature which presented as mine as the signer. I did not complete a duplicate title request for this vehicle and I do not recognize the address of 980 Broadway, Thornwood, NY. I observed a copy of the duplicate title request which was shown to me by Inv. Kohler and that is not my signature on the form, nor do I recognize the handwriting.

I have resided at 860 Farm to Market Rd. Troy, NY since 2010 and I have not changed addresses since I registered the vehicle, or thereafter. I never received any correspondence by mail or contact otherwise, notifying me that the

Notice (Penal Law §210.45)

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Affirmed under penalty of perjury this 10TH day of MAY, 2024

- OR -

Subscribed and Sworn to before me this day of

Wendy A Ng
(SIGNATURE OF DEPONENT)

[Signature]
(WITNESS)

[Signature]
(NAME OF PERSON TAKING DEPOSITION)

Time Ended 05/10/2024 03:57 PM

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

NEW YORK STATE POLICE

State The Following:

above Subaru Outback was towed or impounded, or that it was no longer in the possession of Caleb Clock.

Prior to selling the vehicle to Caleb Clock, I had paid off a vehicle loan and the lien was satisfied with Chase bank.

END OF STATEMENT

WJ

Notice

(Penal Law §210.45)

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Affirmed under penalty of perjury:

this 10TH day of MAY, 2024

- OR -

* Subscribed and Sworn to before me

this _____ day of _____

[Signature]

 (SIGNATURE OF DEPONENT)

[Signature]

 (WITNESS)

[Signature]

 (NAME OF PERSON TAKING DEPOSITION)

Time Ended	05/10/2024 03:57 PM
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* This form need be sworn to only when specifically required by the court

**STATE OF NEW YORK
LOCAL CRIMINAL COURT**

**COUNTY OF RENSSELAER
CITY OF RENSSELAER**

THE PEOPLE OF THE STATE OF NEW YORK

VS.

John F. Rivers

11/15/1981

FELONY COMPLAINT

Grand Larceny in the fourth degree

BE IT KNOWN THAT, by this Felony Complaint, Investigator Matthew Huss, as the Complainant herein, stationed at SIU Albany, accuses the above-mentioned Defendant, with having committed the felony of section 155.30, subdivision 8, in violation of the Penal Law of the State of New York.

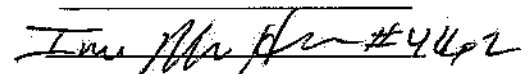
That on or about January 20, 2024, in the City of Rensselaer, County of Rensselaer, State of New York, the Defendant did intentionally, knowingly, and unlawfully commit the felony of Grand Larceny in the 4th degree, subdivision 8. A person is guilty of Grand Larceny in the 4th degree, subdivision 8 when he steals property and when the value of the property exceeds one hundred dollars and the property consists of a motor vehicle, as defined in section one hundred twenty-five of the vehicle and traffic law, other than a motorcycle, as defined in section one hundred twenty-three of such law. Grand Larceny in the 4th degree sub (8) is a class E felony.

To Wit: On the aforementioned date, while conducting business at 396 South Street in the City of Rensselaer, County of Rensselaer, the Defendant did intentionally, knowingly and unlawfully steal a motor vehicle, being a 2012 Kia Soul, color black, ending in VIN 475205, valued at over one hundred dollars and did unlawfully dispose of said motor vehicle by selling it to Steven M. Hough, date of birth 01/06/1977. All contrary to the provisions of said statute 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 the Complainant's information and the grounds for belief being the facts contained in the supporting depositions of Christopher L. Hagnac, and the investigation completed by the New York State Police.

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 03 day of **DECEMBER, 2024**.



**Investigator Matthew P. Huss
New York State Police
SIU Albany, Auto Theft Unit**

THE PEOPLE OF THE STATE OF NEW YORK
- VS.

JOHN RIVERS

DEFENDANT(S)

LOCATION OF INCIDENT:

STATE OF NEW YORK LOCAL CRIM. COURT

COUNTY OF ALBANY

TOWN OF COLONIE

LOCATION OF DEPOSITION:

STATE OF NEW YORK

COUNTY OF ALBANY

TOWN OF COLONIE

On DATE: 6/28/24

at TIME STARTED: 12:45 PM

by FULL NAME: CHRISTOPHER HANGAC

state the following: I AM WILLINGLY SPEAKING WITH INVESTIGATOR MATTHEW HUSS AND INVESTIGATOR DANIELLE KOHLER FROM THE NYSP-SIU-ALBANY OFFICE. ON 8/1/23, I PARKED MY 2012 KIA SOUL, BEARING NY GTF 5852, AT 800 LOUDON RD, LATHAM, NY NEAR THE HOES RESTAURANT, AROUND 9 PM. I WENT BACK ON 8/2/23 TO RETRIEVE SOME PERSONAL ITEMS FROM MY VEHICLE AND IT WAS GONE - THERE WAS NO SIGNAGE DECLARING THAT THERE WAS NO OVERNIGHT PARKING BUT I FIGURED IT HAD GOTTEN TOWED. I WAS LEFT MY VEHICLE IN THE LOT BECAUSE I WAS HAVING TRANSMISSION ISSUES. ON 8/4/23 I RECEIVED A PHONE CALL FROM RIVERS TOWING SAYING THAT IT WOULD COST ME \$2,000 TO GET MY CAR BACK. I TOLD THEM THAT I WAS IN VERMONT FOR A BACHELOR PARTY AND THAT I WOULDN'T BE BACK UNTIL 8/6/23. I WAS THEN TOLD THAT IT WOULD COST ME \$8,000, BECAUSE STORAGE FEES WERE \$1,000 PER DAY. I TELL RIVERS THAT I ~~CANNOT~~ ^{WAS NOT} COULD NOT AFFORD THAT AMOUNT. RIVERS THEN TOLD ME THAT I CAN SIGN THE

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 28th day of JUN, 2024

- OR -

* Subscribed and Sworn to before me

this _____ day of _____, 2024

[Signature]
(SIGNATURE OF DEPONENT)

IN JURY # 4307
(WITNESS)

Matthew Huss
(NAME OF PERSON TAKING DEPOSITION)

TIME ENDED:
1:07 PM

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

SUPPORTING DEPOSITION CONTINUATION SHEET (CPL § 100.20)

THE PEOPLE OF THE STATE OF NEW YORK VS. JOHN RIVERS

DEFENDANT(S)

TITLE OVER TO HIM, OTHERWISE RIVERS WOULD KEEP THE CAR, EVENTHOUGH HE KEPT SAYING THAT HE DIDNT WANT TO THE FOLLOWING WEEK, I WENT TO RIVERS' SHOP ON NY 9J IN THE CITY OF RENSSELAER AND SIGNED THE TITLE OVER TO JOHN RIVERS. THE ONLY PART I FILLED OUT WAS THE SIGNATURE LINE. AT NO POINT DID I SELL MY VEHICLE TO A STEVEN HOUGH, NOR DID I FILL OUT THE BUYER SECTION OF THE TITLE FOR MY VEHICLE, STATING STEVEN HOUGH PURCHASED IT. THIS STATEMENT IS TRUE AND ACCURATE. CH

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 28TH day of JUNE, 2024



(SIGNATURE OF DEPONENT)

**STATE OF NEW YORK
LOCAL CRIMINAL COURT**

**COUNTY OF RENSSELAER
CITY OF RENSSELAER**

THE PEOPLE OF THE STATE OF NEW YORK

VS.

John F. Rivers

11/15/1981

FELONY COMPLAINT

Grand Larceny in the third degree

BE IT KNOWN THAT, by this Felony Complaint, Investigator Matthew Huss, as the Complainant herein, stationed at SIU Albany, accuses the above-mentioned Defendant, with having committed the felony of section 155.35, subdivision 1, in violation of the Penal Law of the State of New York.

That on or about December 21st, 2023, in the City of Rensselaer, County of Rensselaer, State of New York; the Defendant did intentionally, knowingly, and unlawfully commit the felony of Grand Larceny in the 3rd degree, subdivision 1. A person is guilty of Grand Larceny in the 3rd degree, subdivision 1 when he steals property and when the value of the property exceeds three thousand dollars. Grand Larceny in the 3rd degree sub (1) is a class D felony.

To Wit: On the aforementioned date, while conducting business at 396 South Street in the City of Rensselaer, County of Rensselaer, the Defendant did intentionally, knowingly and unlawfully steal a motor vehicle, being a 2004 Chevrolet Pickup Truck, bearing VIN ending in 08617, and a 2004 MXZX 800 Snow Mobile, valued in total at over three thousand dollars and did unlawfully dispose of said motor vehicle by (selling said 2004 Chevrolet Pickup Truck to Cash for Cars in Albany, NY). All contrary to the provisions of said statute 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 the Complainant's information and the grounds for belief being the facts contained in the supporting depositions of Joshua D Winters; and the investigation completed by the New York State Police.

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 **03** day of **DECEMBER, 2024**.



**Investigator Matthew P. Huss
New York State Police
SIU Albany, Auto Theft Unit**



State
Police

**SUPPORTING
DEPOSITION**

STATE OF NEW YORK
RENSSELAER COUNTY
TOWN OF SCHODACK

The People of the State of New York

vs.

Statement

On 01/19/2024 19:07 at 1485 US 9, CASTLETON ON HUDSON, NY 12033, I, JOSHUA D WINTERS, born on 03/02/1989 and residing at 6773 STATE ROUTE 66, EAST NASSAU, RENSSELAER NY USA 12062, state the following:

I am speaking with Trooper Ziamandanis at the SP Schodack barracks located at 1485 US-9, Castleton-on-Hudson, NY 12033 regarding the incident that occurred at 885 Stony Point Rd, Schodack Landing, NY 12033 around the time of Thursday, December 21, 2023.

I received a call from my friend Benjamin Place, the tenant at 885 Stony Point Rd, Schodack Landing, NY 12033 on Saturday, December 23, 2023 in the evening. He noticed that my truck, a white 2004 Chevrolet pick-up truck, NY Reg JSB-5108, VIN: 2GCEK19T941208617, as well as my 2004 MXZX 800 snowmobile that was in the bed of the pick-up truck, was no longer on the property. Once he told me, I hung up and called the State Police to report both had been either stolen or are missing.

I began asking around to friends and neighbors if they had seen anything. My friend, Ben Place, had a photo sent to him by his neighbor of a tow truck towing my truck and the snowmobile in the back that was time stamped on Thursday, December 21, 2023. I got a call last week, Monday or Tuesday, January 8 or 9, from my cousin Kevin Winters who had spoken with the owner of Rivers Asset Recovery, Johnny Rivers, who had told Kevin that Michael Lasher was the driver that had towed my vehicle. He also told Kevin that they had taken my truck, with the plow on the front, to a scrap yard and had it scrapped. Once I found this new information out, I called the State Police and relayed that information. After another day or two, Inv. Danielle Kohler from the State Police had called me and informed me that she had found my snowmobile was still at Rivers Asset Recovery located at 396 South Street, Rensselaer, NY 12144. She instructed me to contact the city of Rensselaer PD to escort me to Rivers Asset Recovery to retrieve my snowmobile. On Tuesday, January 16, 2024, I went and retrieved my snowmobile. I asked Mike Lasher, who was there, about my license plates from my truck (NY Reg JSB-5108), because they were still valid, as well as the plow to my truck. Mike said the plow had been scrapped and that he did not have the license plates anymore.

I researched on Kelley Blue Book for the value of my truck, which came out to be \$7,800 for the national average. Based on the condition that my plow was in, I also researched and found the fair value of the plow, as well as the wiring and electronics that accompany it, which totaled approximately \$3,000, additionally. As long as I can get compensated for what was taken from me, being my truck and plow, I do not wish to pursue criminal charges; however, if I do not receive the fair value for my truck and plow, I would like to pursue criminal charges against those responsible.

I am providing this statement upon my own free will and attest that all of it is true to the best of my knowledge and belief. I can read and write the English language.

Notice and Signatures

Time ended: 19:38

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 (Penal Law § 210.45)

Affirmed under penalty of perjury on January 19, 2024


WINTERS, JOSHUA D

Person taking deposition (Printed name/signature)

Witness/guardian (Printed name/signature)

TROOPER M. P. ZIAMANDANIS #5058

None

Electronically signed 01/19/2024 See 9 NYCRR 540.4

**STATE OF NEW YORK
LOCAL CRIMINAL COURT**

**COUNTY OF RENSSELAER
CITY OF RENSSELAER**

THE PEOPLE OF THE STATE OF NEW YORK

VS.

John F. Rivers

11/15/1981

FELONY COMPLAINT

Grand Larceny in the fourth degree

BE IT KNOWN THAT, by this Felony Complaint, Investigator Matthew Huss, as the Complainant herein, stationed at SIU Albany, accuses the above-mentioned Defendant, with having committed the felony of section 155.30, subdivision 8, in violation of the Penal Law of the State of New York.

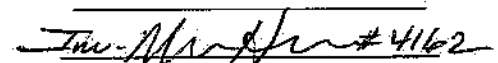
That on or about February 27th, 2024, in the City of Rensselaer, County of Rensselaer, State of New York, the Defendant did intentionally, knowingly, and unlawfully commit the felony of Grand Larceny in the 4th degree, subdivision 8. A person is guilty of Grand Larceny in the 4th degree, subdivision 8 when he steals property and when the value of the property exceeds one hundred dollars and the property consists of a motor vehicle, as defined in section one hundred twenty-five of the vehicle and traffic law, other than a motorcycle, as defined in section one hundred twenty-three of such law. Grand Larceny in the 4th degree sub (8) is a class E felony.

To Wit: On the aforementioned date, while conducting business at 396 South Street in the City of Rensselaer, County of Rensselaer, the Defendant did intentionally, knowingly and unlawfully steal a motor vehicle, being a 2001 Jeep Cherokee, color blue, bearing VIN ending in 528684, valued at over one hundred dollars and did unlawfully dispose of said motor vehicle by selling it to Robert A. Pitcher. All contrary to the provisions of said statute 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 the Complainant's information and the grounds for belief being the facts contained in the supporting depositions of Caleb Clock and Michael Thennell, and the investigation completed by the New York State Police.

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 3rd day of **DECEMBER, 2024**.



**Investigator Matthew P. Huss
New York State Police
SIU Albany, Auto Theft Unit**

NEW YORK STATE POLICE

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

JOHN F RIVERS

ROBERT A PITCHER

Defendant(s)

<u>INCIDENT LOCATION:</u>	<u>LOCATION OF DEPOSITION:</u>
STATE OF NEW YORK LOCAL CRIMINAL COURT	STATE OF NEW YORK
COUNTY OF RENSSELAER	COUNTY OF RENSSELAER
CITY of RENSSELAER	TOWN of EAST GREENBUSH

Date 7/25/2024	at	Time Started 03:07 PM	I,	Full Name: MICHAEL THENELL
Date of Birth 3/31/1970	No. and Street	CITY	State NJ	

State The Following:

I am currently providing this voluntary deposition to Investigator Danielle Kohler of the New York State Police, SIU Albany. I can read and write and understand English. I understand that providing a false statement to the police is a crime.

On 03/31/2022 I sold my 2001 Jeep Cherokee, color blue, bearing VIN 1J4FF48S91L528684 to Caleb Clock. I knew Caleb because I was playing volleyball with him at the time. I sold him the Jeep for \$5,000.00 and I provided him with a title signed by me. At the time of sale, the Jeep was registered in my name with NJ registration number M21KMY. The plates were still on the vehicle when I sold it to Caleb. The understanding was that Caleb would complete the process of having the Jeep registered and titled in his name. In September 2022 I had to go to the NJ Department of Motor Vehicles and report my plates stolen because Caleb still hadn't titled or registered the Jeep to himself. I have not seen the Jeep, the title, or the plates since I sold it to Caleb on 03/31/2022. I have not been contacted by anyone (Caleb or others) regarding the Jeep or a title for the Jeep. I have not signed any documents related to the Jeep other than the original title and bill of sale which I gave to Caleb when I sold it to him on 03/31/2022. I have not signed any requests for a duplicate title or other forms related to the sale or ownership of the Jeep since I sold it to Caleb. Other than the original title and bill of sale which I provided to Caleb on 03/31/2022, any additional or subsequent documents which appear to have my signature would be forged.
END OF STATEMENT

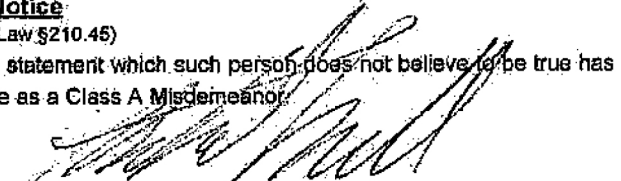
Notice

(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

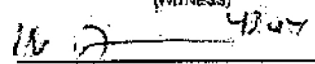
this 25TH day of JULY, 2024


(SIGNATURE OF DEPONENT)

OR -

Subscribed and Sworn to before me

this _____ day of _____

(WITNESS)

(NAME OF PERSON TAKING DEPOSITION)

Time Ended
7/25/2024 03:12 PM

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

SUPPORTING DEPOSITION (CPL § 100.20)

THE PEOPLE OF THE STATE OF NEW YORK
-VS-

JOHN F. RIVERS

ROBERT A. PITCHER ; CO-CONSPIRATOR
DEFENDANT(S)

LOCATION OF INCIDENT:

STATE OF NEW YORK LOCAL CRIMINAL COURT

COUNTY OF RENSSELAER

CITY OF RENSSELAER

LOCATION OF DEPOSITION:

STATE OF NEW YORK

SARATOGA

COUNTY OF RENSSELAER

SARATOGA SPRINGS

TOWN OF STILLWATER

On DATE: 7/11/24 at TIME STARTED: 4:28 PM FULL NAME: CALEB W. CLOCK (10/31/1981)

state the following: I am CURRENTLY PROVIDING THIS VOLUNTARY DEPOSITION TO INV. DANIEL KOUZE OF THE NYCP. I HAVE A BACHELORS DEGREE AND I CAN READ, WRITE AND UNDERSTAND ENGLISH. I UNDERSTAND THAT PROVIDING A FALSE STATEMENT IS A CRIME IN NY. I PREVIOUSLY OWNED (2) VEHICLES WHICH I BELIEVE WERE TOWED BY RIVERS ASSET RECOVER (JOHN RIVERS): A 2012 SUBARU FORESTER (BWE) ^{OUTBACK} (I CANNOT RECALL THE VIN) AND A 2001 JEEP CHEROKEE (BWE) (CANNOT RECALL VIN). IN SEPTEMBER 2023, POSSIBLY THE WEEK OF THE 17TH - 23RD, MY SUBARU FORESTER ^{OUTBACK} HAD BEEN TOWED FROM THE SIDE OF THE ROAD OF RIVER CHASE RD. OF FOX HOLLOW THE MANSIONS AT TELM PARK IN RENSSELAER NY. THERE WERE SEVERAL CARS PARKED ON THE ROAD ON A REGULAR BASIS. AT THE TIME MY SUBARU WAS TOWED IT HAD NO PLATES MAYBE MY WHICH BELONGED TO A JEEP I OWNED BUT WAS IN MY FRIEND (MICHAEL THANNEL'S NAME). I NOTICED MY VEHICLE WAS MISSING TOWARD THE END OF THAT WEEK AND I CONTACTED THE OFFICE OF THE APARTMENT COMPLEX TO ASK

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 11th day of JULY, 2024

- OR -

* Subscribed and Sworn to before me
this _____ day of _____, _____

[Signature]
(SIGNATURE OF DEPONENT)

(WITNESS) *[Signature]* #4367
(NAME OF PERSON TAKING DEPOSITION)

TIME ENDED: 5:29 PM

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

SUPPORTING DEPOSITION (CPL § 100.20) DEPOSITION OF CALES W. LLOQUE

THE PEOPLE OF THE STATE OF NEW YORK vs JOHN F. RIVERS, ROBERT A. PITCHER DEFENDANT(S)

ABOUT THE WHEREABOUTS OF MY VEHICLE, THERE WERE NO SIGNS ANY WHERE SHOWING IT WOULD BE TOWED AND BY WHOM THE OFFICE TOLD ME THEY WOULD LOOK INTO IT AND CALL ME BACK. I LEFT TOWN FOR WORK FOR THREE WEEKS AND RETURNED ON 10/20/23 AND I STILL HADN'T RECEIVED A CALL BACK ABOUT MY CAR. I EMAILED THE OFFICE ON 10/23/23 TO ASK ABOUT MY SUBARU AGAIN AND THEY EMAILED ME WITH THE CONTACT INFO FOR JOHN RIVERS 518 376-0757 AND THAT HE HAD TOWED MY CAR. I CALLED JOHN RIVERS THAT SAME DAY AND LEFT A VOICEMAIL. I CALLED HIM AROUND 1/2 DZEN TIMES FROM MY CELLPHONE AND MY WORK PHONE (SUNOLD CLASSIC) AND HE DID NOT RETURN A SINGLE PHONE CALL. ALTHOUGH THE VEHICLE HAD NOT YET BEEN REGISTERED TO ME, THE OFFICE WAS AWARE THAT IT WAS MY CAR AND I LEFT SEVERAL MESSAGES FOR JOHN RIVERS. I EVENTUALLY GAVE UP ON MY CAR BECAUSE I WAS DEALING WITH SOME OTHER HARDSHIPS AT THE TIME. I HAD PURCHASED THE (SUBARU) CAR FROM WENDY NG ON 5/31/23 FOR \$5,000.00 AND IT RAN FINE AND HAD NO DAMAGE. MY SECOND CAR WHICH I BELIEVE WAS ALSO TOWED BY RIVERS WAS A 2001 JEEP CARGOEE BOWE WHICH WAS PARKED IN A PARKING STALL AT 87 FOX HOLLOW, KENNESAW, NY DUE TO ENGINE PROBLEMS. THE PLATES WERE NOT ON THE JEEP BUT THE VIN WOULD HAVE COME BACK TO MY FRIEND, MILHAEL

NOTICE

(Penal Law Sec. 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 JULY this 17th day of -MONTH 2021

(SIGNATURE OF DEPOSITION)

*Subscribed and Sworn to before me this ___ day of ___ 20__

(WITNESS) INDC 4/3/24 (NAME OF PERSON TAKING DEPOSITION)

TIME ENDED 5:29 AM PM

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

SUPPORTING DEPOSITION (CPL § 100.20)

DEPONENT: CALEB W. CROCK

THE PEOPLE OF THE STATE OF NEW YORK

vs JOHN F. RIVERS, ROBERT A. FITCHER
DEFENDANT(S)

THEHNER IN NJ. I SPOKE TO MIKE AND HE WAS NEVER CONTACTED BY ANY MEANS ABOUT THE JEEP BEING TUNED. THE JEEP HAD BEEN PARKED IN THE SAME SPOT SINCE SEPTEMBER 2022 AND IT WAS TUNED SOMETIME IN DECEMBER 2023. I DON'T RECALL THERE BEING ANY SIGNS SAYING A TOW COMPANY IN THE NEIGHBORHOOD OR WHERE MY VEHICLES WERE PARKED. I OWNED THE JEEP BUT HAD NOT YET TITLED OR REGISTERED IT IN MY NAME DUE TO THE ENGINE ISSUES. I BOUGHT IT FROM MIKE THEHNER IN FEBRUARY 2022 FOR \$5,500.00, I DIDN'T LOOK INTO THE WHEREABOUTS OF MY VEHICLE DUE TO SOME HARDSHIPS AT THE TIME AND THE ISSUES WITH THE ENGINE. I WOULD LIKE TO HAVE ANY AND ALL PERSONS INVOLVED WITH TAKING/DISPENSING OF MY VEHICLES ARRESTED AND I WOULD LIKE RESTITUTION FOR THE LOSS I SUSTAINED FINANCIALLY.

CWC

NOTICE

(Penal Law Sec. 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: JULY
this 11th day of MONTH, 2024

Caleb W. Crock
(SIGNATURE OF DEPONENT)

*Subscribed and Sworn to before me
this _____ day of _____, 20____

(WITNESS) # 4364
[Signature]
(NAME OF PERSON TAKING DEPOSITION)

TIME ENDED 5:29 AM PM

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

**STATE OF NEW YORK
LOCAL CRIMINAL COURT**

**COUNTY OF RENSSELAER
CITY OF RENSSELAER**

THE PEOPLE OF THE STATE OF NEW YORK

VS.

John F. Rivers

11/15/1981

FELONY COMPLAINT

Grand Larceny in the third degree

BE IT KNOWN THAT, by this Felony Complaint, Investigator Matthew Huss, as the Complainant herein, stationed at SIU Albany, accuses the above-mentioned Defendant, with having committed the felony of section 155.35, subdivision 1, in violation of the Penal Law of the State of New York.

That on or about the dates of May 19, 2023, through December 21, 2023, in the City of Rensselaer, County of Rensselaer, State of New York, the Defendant did intentionally, knowingly, and unlawfully commit the felony of Grand Larceny in the 3rd degree, subdivision 1. A person is guilty of Grand Larceny in the 3rd degree, subdivision 1 when he steals property and when the value of the property exceeds three thousand dollars. Grand Larceny in the 3rd degree sub (1) is a class D felony.

To Wit: On the aforementioned date(s), while conducting business at 43 Wilson Street and/or 396 South Street in the City of Rensselaer, County of Rensselaer, the Defendant did intentionally, knowingly and unlawfully steal a motor vehicle, being a 2014 Jeep Cherokee, color green, ending in VIN 320282, valued at over three thousand dollars and did unlawfully dispose of said motor vehicle by selling it to Robert A. Pitcher, date of birth 04/30/1965 and/or Cash Auto Sales LLC. operated by Gregory H. Rotondi and Carmine Basciano. All contrary to the provisions of said statute 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 the Complainant's information and the grounds for belief being the facts contained in the supporting depositions of William Mosher (Broadview Federal Credit Union) and the investigation completed by the New York State Police.

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 03 day of **DECEMBER, 2024.**

 #4162

**Investigator Matthew P. Huss
New York State Police
SIU Albany, Auto Theft Unit**

SUPPORTING DEPOSITION (CPL § 100.20)

THE PEOPLE OF THE STATE OF NEW YORK
VS

DEFENDANT(S)

LOCATION OF INCIDENT:		
STATE OF NEW YORK, LOCAL CRIMINAL COURT		
COUNTY OF Albany		
City OF Albany		

LOCATION OF DEPOSITION:		
STATE OF NEW YORK		
COUNTY OF ALBANY		
TOWN OF BETHLEHEM		

On	DATE: 7/11/24	at	TIME STARTED: 10:00	<input checked="" type="checkbox"/> AM <input type="checkbox"/> PM	FULL NAME: WILLIAM MOSHER
----	---------------	----	---------------------	---	---------------------------

STATE THE FOLLOWING:

My name is William Mosher, and I am the Director of Fraud Risk for Broadview Federal Credit Union 4 Winners Circle, Albany, NY 12205. I am providing this deposition to Investigator Danielle Kohler of the New York State Police regarding a vehicle loan we made through our offices in Albany County in the State of New York. I am giving this deposition as an agent of Broadview under my own free will and volition.

In September 2018 SEFCU, now known as Broadview Federal Credit Union, made a vehicle loan to Jessica Verenini and Kenneth Hulsöpple for a 2014 Jeep Grand Cherokee with VIN 1C4RJFBG2EC320282. As part of that loan, Broadview put a lien on the title of that vehicle.

In the fall of 2020, the loan became delinquent. In the fall of 2021 Broadview made attempts to repossess the vehicle because the loan was not being repaid. We were unable to locate the vehicle and made a claim to our insurance carrier Lee and Mason. On or about 1/26/22 Lee and Mason paid our claim on the vehicle for \$14,390.88. Broadview sustained a loss of \$3,475.31 after the insurance payment. Broadview's interest in the title was transferred to Lee and Mason as a result of their payment. Lee and Mason continued to attempt to find and repossess the vehicle.

On or about 5/19/23, Broadview received a call from River Asset and Recovery who said they had towed the 2014 Jeep Grand Cherokee due to parking violations and was storing it at their facility. We advised them to contact Lee and Mason who now owned the rights to the vehicle. We also notified Lee and Mason of the phone call.

On or about 6/28/23, Broadview received a notice about our lien on the vehicle from A&E Liens. We forwarded the notice to Lee & Mason.

(over)

NOTICE (Penal Law Sec. 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	<i>William H. Mosher</i> (SIGNATURE OF DEPONENT) - WILLIAM MOSHER		
this 11th day of JULY, 20 24			
- or -			
*Subscribed and Sworn to before me	(WITNESS) <i>[Signature]</i> 4304	TIME ENDED 11:05	<input checked="" type="checkbox"/> AM <input type="checkbox"/> PM
this _____ day of _____, 20 _____	(NAME OF PERSON TAKING DEPOSITION)		
<small>* This form need be sworn to only when specifically required by the court.</small>			

SUPPORTING DEPOSITION (CPL § 100.20)

THE PEOPLE OF THE STATE OF NEW YORK VS. _____
DEFENDANT(S)

Broadview did not engage Rivers Asset Recovery to repossess this vehicle. Any actions they took were not on our behalf. Lee and Mason notified us that they were also unable to locate and repossess the vehicle.

End of statement

NOTICE

(Penal Law Sec. 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 11TH day of JULY, 2007
- or -

*Subscribed and Sworn to before me

this _____ day of _____, 20____

(SIGNATURE OF DEPONENT) - WILLIAM MOSHER

(WITNESS)

Lee D. Mason
(NAME OF PERSON TAKING DEPOSITION)

TIME ENDED

AM
 PM

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

**STATE OF NEW YORK
LOCAL CRIMINAL COURT**

**COUNTY OF RENSSELAER
CITY OF RENSSELAER**

THE PEOPLE OF THE STATE OF NEW YORK

VS.

John F. Rivers

11/15/1981

FELONY COMPLAINT

Grand Larceny in the third degree

BE IT KNOWN THAT, by this Felony Complaint, Investigator Matthew Huss, as the Complainant herein, stationed at SIU Albany, accuses the above-mentioned Defendant, with having committed the felony of section 155.35, subdivision 1, in violation of the Penal Law of the State of New York.

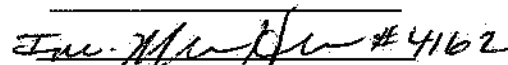
That on or about May 24, 2024, in the City of Rensselaer, County of Rensselaer, State of New York, the Defendant did intentionally, knowingly, and unlawfully commit the felony of Grand Larceny in the 3rd degree, subdivision 1. A person is guilty of Grand Larceny in the 3rd degree, subdivision 1 when he steals property and when the value of the property exceeds three thousand dollars. Grand Larceny in the 3rd degree sub (1) is a class D felony.

To Wit: On the aforementioned date, while conducting business at 396 South Street in the City of Rensselaer, County of Rensselaer, the Defendant did intentionally, knowingly and unlawfully steal a motor vehicle, being a 2017 Hyundai Sonata bearing VIN ending in 060120, valued at over \$3,000.00 and did unlawfully dispose of said motor vehicle by selling it to Formel Motor Company Inc. (salvage yard). All contrary to the provisions of said statute 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 the Complainant's information and the grounds for belief being the facts contained in the affidavit of Denise Ashley of Nationwide Insurance and the investigation completed by the New York State Police.

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 3rd day of **DECEMBER, 2024**.

 #4162

**Investigator Matthew P. Huss
New York State Police
SIU Albany, Auto Theft Unit**

COMMONWEALTH of VIRGINIA :
 :
COUNTY of PRINCE WILLIAM :

AFFIDAVIT OF DENISE L. ASHLEY

Denise L. Ashley, being duly sworn, deposes and says under the penalties of perjury that:

1. Nationwide Mutual Insurance Company provided insurance coverage for a 2017 Hyundai Sonata VIN KMHE24L14HA060120 (the "Vehicle") at the time that the Vehicle was damaged.
2. Nationwide issued payment under the terms of its insurance policy, and it thereafter took title to the Vehicle. At all times relevant to this proceeding, Nationwide has held sole legal title to the Vehicle.
3. Nationwide regularly uses CCC reports in the ordinary course and scope of its business operations in order to value total loss vehicles based upon comparable vehicles in the area. Pursuant to the attached CCC report, the Vehicle's estimated value was \$20,916.38 as of May 25, 2022. (See Exhibit "A.")
4. Nationwide provided the Vehicle to the National Insurance Crime Bureau ("NICB") as part of a formalized program for combating insurance-related crime and/or fraud (the "Program.") As part of that Program, the NICB made the Vehicle available to law enforcement; in this case, the New York State Police.
5. Law enforcement was permitted to use the Vehicle in connection with the Program. However, Nationwide received updates concerning the Vehicle's usage, and it had the right to demand the Vehicle's return. No one had the right to unilaterally dispose of the Vehicle without Nationwide's consent. (See Exhibits "B" and "C.")
6. Nationwide never authorized the sale, scrapping or disposal of the Vehicle.

7. I make the above statements knowing that the Court and the parties will rely upon the truthfulness of those statements.

Nationwide Mutual Insurance Company

By



Denise L. Ashley
Consultant, Special Operations

Date 7/31, 2024

Sworn to before me

this 31st day of July, 2024.



CERTIFICATE OF CONFORMITY

COMMONWEALTH OF VIRGINIA :
: COUNTY of Fairfax :

The undersigned does hereby certify that he/she is a resident of the Commonwealth of Virginia and duly admitted to practice law therein; that he/she is a person duly qualified to make this Certificate of Conformity pursuant to Section 299-a of the Real Property Law of the State of New York; that he/she is fully acquainted with the laws of the Commonwealth of Virginia pertaining to the acknowledgment or proof of deeds of real property to be recorded therein; that the foregoing acknowledgment of the signature of Denise L. Ashley identified in the foregoing Affidavit taken before a notary public was taken in the manner prescribed by the laws of the Commonwealth of Virginia being the state in which the instrument was taken; and, that the acknowledgment conforms with such laws and is in all respects valid and effective in such state.

Witness my signature this 31st day of July 2024.



Signature

Frank E. Hudson III

Print Name

79348

Virginia Bar Number

**STATE OF NEW YORK
LOCAL CRIMINAL COURT**

**COUNTY OF RENSSELAER
CITY OF RENSSELAER**

THE PEOPLE OF THE STATE OF NEW YORK

VS.

John F. Rivers

11/15/1981

FELONY COMPLAINT

Grand Larceny in the second degree

BE IT KNOWN THAT, by this Felony Complaint, Investigator Matthew Huss, as the Complainant herein, stationed at SIU Albany, accuses the above-mentioned Defendant, with having committed the felony of section 155.40 subdivision 1, in violation of the Penal Law of the State of New York.

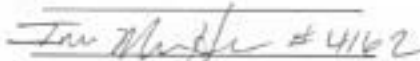
That on or about the dates of October 2022 through January 10, 2023 in the City of Rensselaer, County of Rensselaer, State of New York, the Defendant did intentionally, knowingly, and unlawfully commit the felony of Grand Larceny in the 2nd degree, subdivision 1. A person is guilty of Grand Larceny in the 2nd degree, subdivision 1 when he steals property and when the value of the property exceeds fifty thousand dollars. Grand Larceny in the 2nd degree sub (1) is a class C felony.

To Wit: On the aforementioned dates, while conducting business at 43 Wilson Street in the City of Rensselaer, County of Rensselaer, the Defendant did intentionally, knowingly and unlawfully steal (3) Harley Davidson motorcycles bearing VINS ending in 851965, 601202, and 624111, valued at over fifty thousand dollars and did unlawfully dispose of said motorcycles by selling them to Robert A. Pitcher, date of birth 04/30/1965. All contrary to the provisions of said statute 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 the Complainant's information and the grounds for belief being the facts contained in the supporting depositions of Brian Granger (BG Lenders) and the investigation completed by the New York State Police.

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 03 day of DECEMBER, 2024.

 # 4162

**Investigator Matthew P. Huss
New York State Police
SIU Albany, Auto Theft Unit**

NEW YORK STATE POLICE

THE PEOPLE OF THE STATE OF NEW YORK

-- VS. --

HOLLY F RIVERS

JOHN RIVERS

Defendant(s)

<p>INCIDENT LOCATION:</p> <p>STATE OF NEW YORK LOCAL CRIMINAL COURT</p> <p>COUNTY OF <u>RENSSELAER</u></p> <p>CITY of <u>RENSSELAER</u></p>	<p>LOCATION OF DEPOSITION:</p> <p>STATE OF NEW YORK</p> <p>COUNTY OF <u>RENSSELAER</u></p> <p>CITY of <u>RENSSELAER</u></p>
--	--

Date: <u>08/31/2023</u>	Time Started: <u>07:11 PM</u>	Full Name: <u>BRIAN E GRANGER</u>
Date of Birth: <u>11/21/1962</u>	No. and Street: <u>[REDACTED]</u>	CITY: <u>[REDACTED]</u>
		State: <u>NY</u>

State The Following:

My name is Brian E. Granger and I am speaking on behalf of Servicing Solutions of Irving, Texas with the power of attorney. I am speaking with Tpr. Kalognis and Tpr. Cox from the New York State Police about events that took place between 10/01/2022 through 11/15/2022.

JOHNNY and HOLLY RIVERS owners of Rivers Asset Recovery were contracted to repossess 3 Harley Davidson's on behalf of Servicing Solutions between the dates of 10/01/2022 and 11/15/2022. The parties repossessed the 3 Harley Davidson's and held them at their facility which at the time which was 43 Wilson St. in the City of Rensselaer. The 3 Harley Davidson's were a 2018 Model FLTRXS Road Glide Special VIN 1HD1KTC13JB624111, a 2017 Model FLHTCUTG Tri Glide Ultra VIN 1HD1MAD1XHB851965, and a 2018 Model FLHX Street Glide VIN 1HD1KBC19JB601202. Servicing Solutions paid River's Asset Recovery with a check dated 11/15/2022 in the amount of \$1200.00 USD for the aforementioned repossession services. This check was endorsed and cashed by both JOHNNY and HOLLY RIVERS which was given to me as a copy by JP Morgan Chase with their signatures on it dated 11/18/2022.

Servicing Solutions has made numerous attempts from December 2022 to present to pick the motorcycles up for auction via email, physical mail, and phone calls and return their property to them. Servicing Solutions Law Offices of BEG

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 31ST day of AUGUST, 2023

-OR-

* Subscribed and Sworn to before me

this 31ST day of AUGUST

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

BEG
 (SIGNATURE OF DEPOSITOR)

[Signature]
 (WITNESS)

J.S.K.
 (NAME OF PERSON TAKING DEPOSITION)

Time Ended: 08/31/2023 07:49 PM

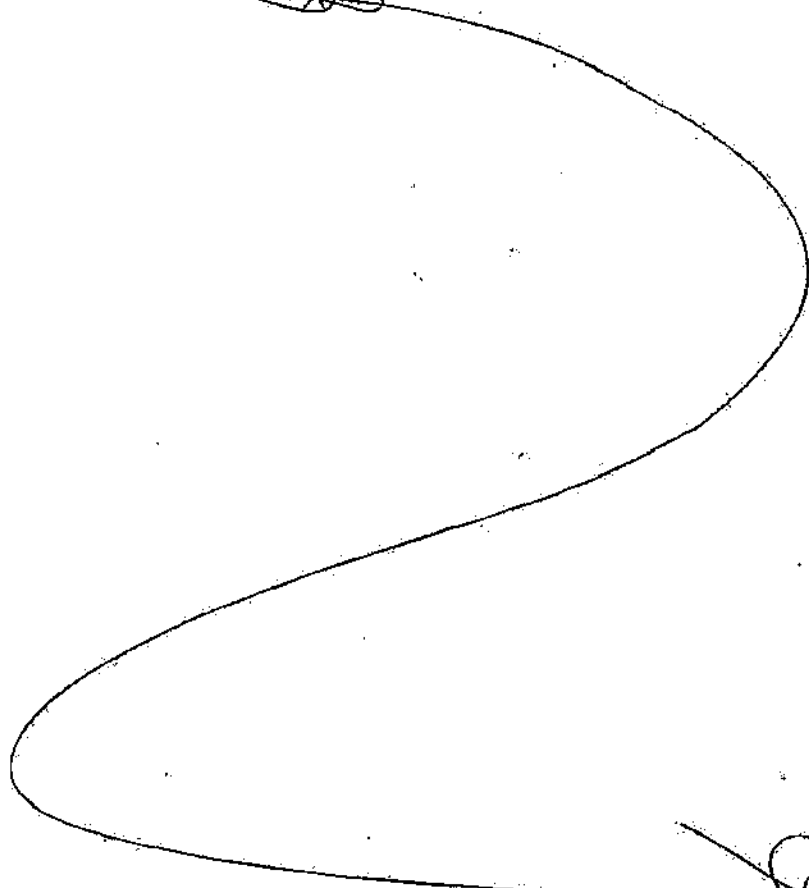
NEW YORK STATE POLICE

State The Following:

Rudolph Meola of Albany NY sent a Demand to Recover Vehicle and Lien Law 203 Redemption letter dated 2/10/23 demanding the release of the three aforementioned vehicles. I spoke to JOHNNY RIVERS via telephone on May 23, 2023 and he stated he was going to get me a bill for storage and never did. Harley Davidson, through the leinholder of Eaglemark Savings Bank, received a Notice of Claim of lien and Proposed Sale of Vehicle on August 21, 2023 in which a picture of the bike was attached and showed the bike (2018 Model FLTRXS Road Glide Special VIN 1HD1KTC13JB624111) was stripped to its frame. I am unsure where the other two motorcycles are located. Their new facility is located 396 South St. Rensselaer, NY 12144. This has cost Servicing Solutions approximately \$50,000.00 USD to \$60,000.00 USD in the three lost bikes.

I would like to pursue all applicable charges.

BEG



BEG

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 31ST day of AUGUST, 2023

- OR -

* Subscribed and Sworn to before me

this 31ST day of AUGUST

[Signature]

(SIGNATURE OF DEponent)

[Signature]

(WITNESS)

J.S.K

(NAME OF PERSON TAKING DEPOSITION)

Time Ended
08/31/2023 07:48 PM

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

**STATE OF NEW YORK
LOCAL CRIMINAL COURT**

**COUNTY OF RENSSELAER
CITY OF RENSSELAER**

THE PEOPLE OF THE STATE OF NEW YORK

VS.

John F. Rivers

11/15/1981

FELONY COMPLAINT

Grand Larceny in the third degree

BE IT KNOWN THAT, by this Felony Complaint, Investigator Matthew Huss, as the Complainant herein, stationed at SIU Albany, accuses the above-mentioned Defendant, with having committed the felony of section 155.35, subdivision 1, in violation of the Penal Law of the State of New York.

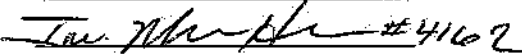
That on or about February 27, 2024, in the City of Rensselaer, County of Rensselaer, State of New York, the Defendant did intentionally, knowingly, and unlawfully commit the felony of Grand Larceny in the 3rd degree, subdivision 1. A person is guilty of Grand Larceny in the 3rd degree, subdivision 1 when he steals property and when the value of the property exceeds three thousand dollars. Grand Larceny in the 3rd degree sub (1) is a class D felony.

To Wit: On the aforementioned date, while conducting business at 396 South Street in the City of Rensselaer, County of Rensselaer, the Defendant did intentionally, knowingly and unlawfully steal a motor vehicle, being a 2018 Hyundai Sonata, red, bearing VIN ending in 602058, valued at over \$3,000.00 and did unlawfully dispose of said motor vehicle by selling it to Robert A. Pitcher. All contrary to the provisions of said statute 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 the Complainant's information and the grounds for belief being the facts contained in the affidavit of Paul Reveal and the investigation completed by the New York State Police.

**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 3rd day of **DECEMBER, 2024.**



**Investigator Matthew P. Huss
New York State Police
SIU Albany, Auto Theft Unit**

THE PEOPLE OF THE STATE OF NEW YORK
-VS-

JOHN RIVERS

ROBERT FITCHER
DEFENDANT(S)

LOCATION OF INCIDENT:
 STATE OF NEW YORK LOCAL CRIMINAL COURT
 COUNTY OF ALBANY
 TOWN OF COLONIE

LOCATION OF DEPOSITION:
 STATE OF NEW YORK
 COUNTY OF RENSSELAER
 TOWN OF HOOSICK FALLS

On DATE: 5/6/2024 at TIME STARTED: 2:15 PM I, FULL NAME: PAUL W. REVEAL

state the following: I, PAUL W. REVEAL, AM SPEAKING WILLINGLY WITH INVESTIGATORS HUSS & KOHLER FROM THE NYSP-SU-ALBANY OFFICE. ON 9/28/2023, I WAS AT TASTE OF ITALY, LOCATED AT 800 LONDON RD., LATAM, NY, HAVING LUNCH. I HAD DRIVEN MY 2018 HYUNDAI SONATA, BEARING NY REGISTRATION JLL7057, AND PARKED IT IN THE PARKING LOT AT THIS LOCATION SHORTLY AFTER LUNCH AT APPROXIMATELY 3:30 PM, I COLLAPSED IN THE PARKING LOT WHILE I WAS WALKING BACK TO MY CAR. I ULTIMATELY ENDED UP BEING TRANSPORTED TO ALBANY MEDICAL CENTER VIA COLONIE EMS/AMBULANCE. I THEN REMAINED IN THE HOSPITAL FOR EXACTLY 1 WEEK, AND WAS RELEASED ON 10/5/23. SHORTLY AFTER BEING RELEASED I WENT BACK TO THE PARKING LOT LOCATED AT 800 LONDON RD. IN LATAM, AND REALIZED THAT MY VEHICLE WAS NO LONGER THERE. I THEN WENT INTO TASTE OF ITALY AND SPOKE WITH A WAITRESS THERE AND SHE TOLD ME THAT VEHICLES ARE TOWED NIGHTLY FROM THE PARKING LOT BY A TOW COMPANY AND THAT SHE

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 _____ day of _____

- OR -

* Subscribed and Sworn to before me

this _____ day of _____

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

Paul W. Reveal
 (SIGNATURE OF DEPONENT)

In [Signature] 4304
 (WITNESS)

Tina [Signature]
 (NAME OF PERSON TAKING DEPOSITION)

TIME ENDED:
3:30 PM

SUPPORTING DEPOSITION (CPL § 100.20)

THE PEOPLE OF THE STATE OF NEW YORK

vs JOHN RIVERS / ROBERT FITCHER
DEFENDANT(S)

WOULD GET ME THE PHONE NUMBER TO THE TOW
 COMPANY, SHE THEN GAVE ME PHONE NUMBER (518)
 376-0757, AND I BEGAN TRYING TO CONTACT THEM, I TRIED
 CALLING TWICE; HOWEVER NO ONE ANSWERED, SO I LEFT A
 MESSAGE FOR RIVERS ASSET AND RECOVERY. FOUR DAYS
 LATER, I GOT A CALL BACK FROM JOHN AT RIVERS ASSET &
 RECOVERY. JOHN AND I THEN DISCUSSED MY VEHICLE BEING
 TOWED AND HOW MUCH IT WILL COST TO GET IT BACK.
 JOHN THEN TELLS ME IT WILL COST ME \$5,000 TO GET
 MY CAR BACK. JOHN ADDS THAT THE PRICE INCLUDED
 BOTH TOWING AND STORAGE FEES. I THEN EXPLAINED
 TO JOHN HOW I EXPERIENCED A MEDICAL EMERGENCY BACK
 ON 9/28/23, AND THAT WAS WHY THE VEHICLE REMAINED
 AT 800 LONDON RD. THAT NIGHT. JOHN RESPONDED BY
 SAYING HE DIDN'T GIVE A SHIT. I THEN TOLD JOHN THAT
 I WAS GOING TO CONTACT THE PROPERTY MANAGER AND
 JOHN SAID HE DIDN'T GIVE A SHIT. APPROXIMATELY, A ^{DAY} WEEK
 LATER I RECEIVED A CALL FROM JOHN AND HE SAID HE SPOKE
 WITH HIS PARTNER AND SAID I COULD GET MY CAR BACK FOR
 \$500 AND THAT WAS THE BEST HE COULD DO BECAUSE HE HAD TO
 MAKE MONEY. I TOLD JOHN I NEEDED SOME TIME TO GET THE
 MONEY TOGETHER. MY SON, MATTHEW REVEAL, THEN TRIED

NOTICE

(Penal Law Sec. 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 _____ day of _____ MONTH, 20____

or

*Subscribed and Sworn to before me

this _____ day of _____, 20____

Paul W. Boreal
(SIGNATURE OF DEPONENT)

(SIGNATURE OF DEPONENT)

(WITNESS)

Tim Alvin 4102
(NAME OF PERSON TAKING DEPOSITION)

TIME ENDED

3:30

AM
 PM

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

SUPPORTING DEPOSITION (CPL § 100.20)

THE PEOPLE OF THE STATE OF NEW YORK:

vs JOHN RIVERS / ROBERT FITCHER
DEFENDANT(S)

TO CONTACT JOHN, HOWEVER HE COULD NOT GET A HOLD OF HIM. IN NOVEMBER 2023, I SPOKE TO JOHN AND HE TOLD ME THAT THE \$500 DEAL WAS OFF THE TABLE AND THAT IT WAS NOW GOING TO BE \$7,000 TO GET MY CAR BACK. AFTER THIS CONVERSATION I NEVER SPOKE TO JOHN AGAIN. I CONTACTED THE ATTORNEY GENERAL WHO REFERRED ME TO CONSUMER AFFAIRS. SINCE THEN I HAVE BEEN IN CONTACT WITH SEVERAL ATTORNEYS. AT THIS POINT IN TIME I HAVE NO IDEA WHERE MY CAR IS AND AT NO POINT DID I HAVE MY CAR SERVICED AT TONY & VICTOR'S AUTO REPAIR IN MT. VERNON, NY. I ALSO ^{NEVER} GAVE PERMISSION TO ^{JOHN TO} SELL MY VEHICLE. I HAVE NEVER BEEN TO TONY & VICTOR'S AUTO REPAIR, NOR HAVE I EVER HEARD OF IT. THIS STATEMENT IS TRUTHFUL AND I AM WILLING TO PRESS CHARGES AGAINST JOHN AND WHOEVER ELSE IS RESPONSIBLE FOR THIS CAUSING ME THIS LOSS.

Paul W. Reveal
 Paul W. Reveal

NOTICE

(Penal Law Sec. 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 _____ day of _____ MONTH, 20 _____

- or -

*Subscribed and Sworn to before me

this _____ day of _____, 20 _____

Paul W. Reveal

(SIGNATURE OF DEPONENT)

In Dr. Km 4304

(WITNESS)

Tim Miller 4162

(NAME OF PERSON TAKING DEPOSITION)

TIME ENDED:

3:30

AM

PM

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

**STATE OF NEW YORK
LOCAL CRIMINAL COURT**

**COUNTY OF RENSSELAER
CITY OF RENSSELAER**

THE PEOPLE OF THE STATE OF NEW YORK

VS.

John F. Rivers

11/15/1981

FELONY COMPLAINT

Grand Larceny in the third degree

BE IT KNOWN THAT, by this Felony Complaint, Investigator Matthew Huss, as the Complainant herein, stationed at SIU Albany, accuses the above-mentioned Defendant, with having committed the felony of section 155.35, subdivision 1, in violation of the Penal Law of the State of New York.

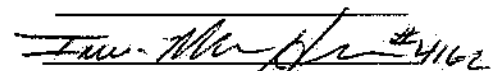
That on or about the dates of September 7, 2023, in the City of Rensselaer, County of Rensselaer, State of New York, the Defendant did intentionally, knowingly, and unlawfully commit the felony of Grand Larceny in the 3rd degree, subdivision 1. A person is guilty of Grand Larceny in the 3rd degree, subdivision 1 when he steals property and when the value of the property exceeds three thousand dollars. Grand Larceny in the 3rd degree sub (1) is a class D felony.

To Wit: On the aforementioned date, while conducting business at 396 South Street in the City of Rensselaer, County of Rensselaer, the Defendant did intentionally, knowingly and unlawfully steal a motor vehicle, being a 2017 Jeep Compass, color blue, ending in VTN 640199, valued at over three thousand dollars and did unlawfully dispose of said motor vehicle by selling it to Robert A. Pitcher, date of birth 04/30/1965 and/or Cash Auto Sales LLC operated by Gregory H. Rotondi and Carmine Basciano. All contrary to the provisions of said statute 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 the Complainant's information and the grounds for belief being the facts contained in the supporting depositions of Rudy Meola (Meola Law Group, representing Santander Bank) and the investigation completed by the New York State Police.

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 03 day of DECEMBER, 2024.



**Investigator Matthew P. Huss
New York State Police
SIU Albany, Auto Theft Unit**

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF ALBANY

-----X
SANTANDER CONSUMER USA, INC.,

Petitioner/Plaintiff,

-against

**AFFIDAVIT OF VICTOR
FIORENZA O/B/O TONY &
VICTOR'S AUTO REPAIR,
INC.**

TONY & VICTOR AUTO REPAIR, INC.,
and THE NEW YORK STATE DEPARTMENT
OF MOTOR VEHICLES,,

Index No. 901161-24

Defendant.

-----X
STATE OF NEW YORK)

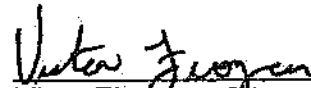
COUNTY OF WESTCHESTER)

) ss.:

I, Victor Fiorenza, Date of Birth, February 15, 1965, hereby swear and affirm the following under penalty of perjury:

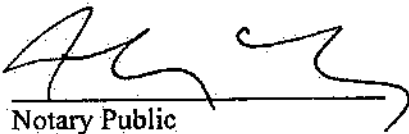
1. I the owner and Principal of Tony and Victor's Auto Repair, located at 25 West Lincoln Avenue, Mount Vernon, NY 10550, which is a corporate entity authorized to conduct business in the State of New York and registered under New York State Department of State Identification No. 3768525.
2. Tony & Victor's Auto Repair, Inc. is named as a defendant in the above action (incorrectly sued herein as "Tony & Victor Auto Repair, Inc.") seeking, *inter alia*, to discharge a mechanic's lien purportedly filed by Tony & Victor's Auto Repair pertaining to the following vehicle: a 2017 Jeep Compass Subn. Under Vehicle Identification No. 3C4NJDBB4HT640199 and for an order against Tony & Victor's Auto Repair, Inc. releasing the vehicle to the lienholder plaintiff, Santander Consumer USA, Inc.

3. The aforementioned vehicle was never in the possession of Tony & Victor's Auto Repair, Inc. and the mechanic's lien attached as Exhibit 2 to the Petition in the instant action was fraudulently prepared and filed by an individual not associated with, nor authorized to conduct business on behalf of, Tony & Victor's Auto Repair, Inc.
4. Tony & Victor's Auto Repair, Inc. has no objection to the discharging of the mechanic's lien as it was fraudulently lodged and the aforementioned vehicle was never in the possession of, care of, custody of, or control of Tony & Victor's Auto Repair, Inc. or its employees, agents, or any individual authorized to conduct business on the corporation's behalf.
5. I am providing this affidavit of my own free will and have not been coerced, forced, or threatened into providing same and I am of sound mind and body. Further, I have not consumed any substances that would impair my ability to do so accurately and am aware that providing a false affidavit would constitute a felony under New York State law.

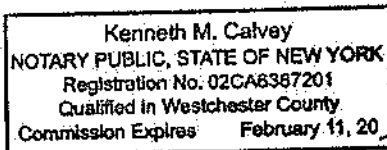


Victor Fiorenza o/b/o
Tony & Victor's Auto Repair, Inc.

Sworn to before me on this
23rd day of August, 2024



Notary Public



**STATE OF NEW YORK
LOCAL CRIMINAL COURT**

**COUNTY OF RENSSELAER
CITY OF RENSSELAER**

THE PEOPLE OF THE STATE OF NEW YORK

VS.

John F. Rivers

11/15/1981

FELONY COMPLAINT

Grand Larceny in the third degree

BE IT KNOWN THAT, by this Felony Complaint, Investigator Matthew Huss, as the Complainant herein, stationed at SIU Albany, accuses the above-mentioned Defendant, with having committed the felony of section 155.35, subdivision 1, in violation of the Penal Law of the State of New York.

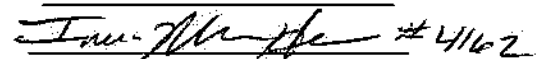
That on or about the dates of October 2, 2022, in the City of Rensselaer, County of Rensselaer, State of New York, the Defendant did intentionally, knowingly, and unlawfully commit the felony of Grand Larceny in the 3rd degree, subdivision 1. A person is guilty of Grand Larceny in the 3rd degree, subdivision 1 when he steals property and when the value of the property exceeds three thousand dollars. Grand Larceny in the 3rd degree sub (1) is a class D felony.

To Wit: On the aforementioned time and date, in the City of Rensselaer, County of Rensselaer, the Defendant did intentionally, knowingly and unlawfully steal a motor vehicle, being a 2016 GMC Sierra, color white, ending in VIN 118559, valued at over three thousand dollars and did unlawfully dispose of said motor vehicle by selling it to Robert A. Pitcher, date of birth 04/30/1965. All contrary to the provisions of said statute 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 the Complainant's information and the grounds for belief being the facts contained in the supporting depositions of Gerald Dessaureau and the investigation completed by the New York State Police.

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 08 day of OCTOBER, 2021.

 # 41162

**Investigator Matthew P. Huss
New York State Police
SIU Albany, Auto Theft Unit**

NEW YORK STATE POLICE

THE PEOPLE OF THE STATE OF NEW YORK

-- vs. --

Defendant(s)

<u>INCIDENT LOCATION:</u>		<u>LOCATION OF DEPOSITION:</u>	
STATE OF NEW YORK	LOCAL CRIMINAL COURT	STATE OF NEW YORK	
COUNTY OF	ALBANY	COUNTY OF	ALBANY
TOWN	of COLONIE	TOWN	of COLONIE

Date	Time Started	Full Name	
03/01/2024	01:08 PM	I, GERALD J DESSUREAU	
Date of Birth	No. and Street	CITY	State
07/25/1986			NY

State The Following:

I am at State Police Latham speaking with Investigator Khoetgen about my stolen 2016 GMC Denali (vehicle identification number 1GT42YE85GF118559). Sometime in the fall of 2022 I was keeping the Denali and a 2003 Kenworth parked at my friend Russell Blair's property in Averill Park, NY. During that time I was admitted to Albany Memorial Hospital for approximately 24 hours. When I got out of the hospital I contacted Russell and he told me that my truck and tractor were no longer at his property. I asked Russell where they were and he replied that they were towed to River's Towing in Rensselaer. I asked Russell why and he said he didn't want them on his property anymore.

I went down to River's Towing and saw both of my vehicles in the yard. I asked Johnny Rivers how much it was going to cost me to get my trucks back. Johnny told me I could take the Kenworth at no charge. He said he would figure it out how much the Denali was going to cost and let me know. At that time, Johnny unlocked the truck and let me get some personal property from it. That same day I came back with \$500 and offered to pay to get the Denali. Johnny said he couldn't tell me how much it was going to be and wouldn't release it.

A short time later I heard that Johnny Rivers was seen driving my Denali truck around town. I went to Rensselaer Police Department and tried to report my truck as stolen. The officer at Rensselaer told me that Rivers had repossessed the truck and that I couldn't get it back. They told me it was a civil matter and they couldn't help me.

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 01ST day of MARCH, 2024

Gerald J Dessureau
 (SIGNATURE OF DEPONENT)

- OR -

* Subscribed and Sworn to before me

this _____ day of _____

WITNESS:
[Signature]
 (NAME OF PERSON TAKING DEPOSITION)

Time Ended
 03/01/2024 02:07 PM

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

NEW YORK STATE POLICE

State The Following:

I contacted my lawyer who called River's Towing and they advised him that we would have to take them to court. My lawyer discussed my options and he thought it was going to cost me more to sue River's than what I owed on the truck.

Approximately 2 months later, a friend told me my truck was on a tow truck on its way to Florida. I put a posting on Facebook explaining that my truck was stolen by Johnny Rivers. A female friend of mine in Florida was able to run the vin and told me that it was retitled in Florida. I then found out it was offered for sale at Deals on Wheels in Florida.

Around that time a friend named Jeremy Rupert told me the truck was up on auction in Florida at was eventually sold to someone out west. Jeremy sent me photos of my truck at auction in Florida. I know Holly Rivers was down in Daytona, FL around that same time because she posted a photo on Facebook and there was also a photo of Johnny River's tow truck with a palm tree in the background around the same time.

I knew the entire time that my truck was not repossessed and was illegally taken by Rivers. I never signed any titles or other paperwork after it was removed requesting a duplicate title or authorizing it to be retitled. When I last had the truck it had around 60,000 miles on the odometer. I gave no one permission to take or sell my truck and wish the person(s) responsible to be arrested.

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 01ST day of MARCH, 2024.

- OR -

* Subscribed and Sworn to before me.

this _____ day of _____

(SIGNATURE OF DEPONENT)
(WITNESS)
(NAME OF PERSON TAKING DEPOSITION)

Time Ended
03/01/2024 02:07 PM

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

**STATE OF NEW YORK
LOCAL CRIMINAL COURT**

**COUNTY OF RENSSELAER
CITY OF RENSSELAER**

THE PEOPLE OF THE STATE OF NEW YORK

VS.

John F. Rivers

11/15/1981

FELONY COMPLAINT

Grand Larceny in the fourth degree

BE IT KNOWN THAT, by this Felony Complaint, Investigator Matthew Huss, as the Complainant herein, stationed at SIU Albany, accuses the above-mentioned Defendant, with having committed the felony of section 155.30, subdivision 8, in violation of the Penal Law of the State of New York.

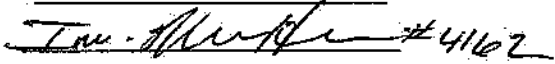
That on or about May 24, 2024, at approximately 9:00 a.m. in the City of Rensselaer, County of Rensselaer, State of New York, the Defendant did intentionally, knowingly, and unlawfully commit the felony of Grand Larceny in the 4th degree, subdivision 8. A person is guilty of Grand Larceny in the 4th degree, subdivision 8 when he steals property and when the value of the property exceeds one hundred dollars and the property consists of a motor vehicle, as defined in section one hundred twenty-five of the vehicle and traffic law, other than a motorcycle, as defined in section one hundred twenty-three of such law. Grand Larceny in the 4th degree sub (8) is a class E felony.

To Wit: On the aforementioned date, while conducting business at 396 South Street in the City of Rensselaer, County of Rensselaer, the Defendant did intentionally, knowingly and unlawfully steal a motor vehicle, being a 2009 Mercedes Benz bearing VIN ending in 390090, valued at over \$100.00 and did unlawfully dispose of said motor vehicle by selling it to Formel Motor Company Inc (salvage yard). All contrary to the provisions of said statute 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 the Complainant's information and the grounds for belief being the facts contained in the supporting deposition of Nancy Kern and the investigation completed by the New York State Police.

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 3rd day of **DECEMBER, 2024**.

 #41162

**Investigator Matthew P. Huss
New York State Police
SIU Albany, Auto Theft Unit**

THE PEOPLE OF THE STATE OF NEW YORK
—VS.

DEFENDANT(S)

LOCATION OF INCIDENT:
 STATE OF NEW YORK _____ COURT
 COUNTY OF ALBANY
 TOWN OF COLONIE

LOCATION OF DEPOSITION:
 STATE OF NEW YORK
 COUNTY OF ALBANY
 TOWN OF BETHLEHEM

On DATE: 6/10/24 at TIME STARTED: 9:23 AM FULL NAME: NANCY A KERN 7/11/64

state the following: I AM SPEAKING WITH INU. KNODTSEN OF THE NYSP IN REGARDS TO MY 2009 MERCEDES BENZ - VIN# WDBUF87X493390090. I OWN THE VEHICLE AND ON APPROXIMATELY 5/16/24 MY FRIEND SEAN WAS DRIVING IT IN COLONIE WHEN IT BROKE DOWN. HE PARKED IT IN THE TARGET PARKING LOT LOCATED AT 1440 CENTRAL AVE, COLONIE, NY. SEAN SPOKE WITH THE TARGET MANAGER AND ADVISED THEM IT WOULD BE PARKED THERE OVERNIGHT UNTIL HE COULD REPAIR IT. THE MANAGER SAID THAT WAS FINE. ON 5/23/24 SEAN WENT TO REPAIR THE CAR AND IT WAS GONE. I CALLED COLONIE PD AND THEY ADVISED IT HAD BEEN TOWED BY RIVERS TOWING. SEAN CALLED RIVERS TOWING ON THE 29TH OF ^{MAY} JUNE AND NO ONE ANSWERED THE PHONE. ON 6/6/24 INU. KNODTSEN ADVISED HE WAS LOOKING FOR INFORMATION ON WHERE MY VEHICLE WAS LOCATED. I AGAIN CALLED RIVERS TOWING AT 518-376-0757. A GENTLEMAN ANSWERED AND SAID HE DIDNT HAVE ANY INFORMATION ON MY VEHICLE AND WOULD TALK TO HIS BOSS AND CALL ME BACK. HE NEVER CALLED BACK. I CALLED AGAIN AND THE SAME PERSON AGAIN SAID HE WOULD NEED TO TALK TO HIS BOSS AND CALL ME BACK. I NEVER RECEIVED A CALL BACK. I HAVE NOT RECEIVED ANY NOTIFICATIONS

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 10TH day of JUNE, 2024

- OR -

* Subscribed and Sworn to before me

this _____ day of _____

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

Nancy Kern
 (SIGNATURE OF DEPONENT)

(WITNESS)
[Signature]
 (NAME OF PERSON TAKING DEPOSITION)

TIME ENDED:
9:48 AM

SUPPORTING DEPOSITION CONTINUATION SHEET (CPL § 100.20)

THE PEOPLE OF THE STATE OF NEW YORK VS.

DEFENDANT(S)

BY MAIL, EMAIL, OR ANY OTHER CONTACT REGARDING MY VEHICLE -
 AT THE TIME IT WAS PARKED AT TARGET IT HAD APPROX. 117,000 MILES.
 IT WAS IN GOOD WORKING ORDER OTHER THAN THE SUSPECTED
 RADIATOR ISSUE. I STILL HOLD THE TITLE AND DID NOT SELL
 OR TURN THE VEHICLE OVER TO ANOTHER. NO ONE HAS
 PERMISSION TO DRIVE OR POSSESS THE VEHICLE. AT THE TIME IT WAS
 PARKED IT WAS BEARING NY LICENSE PLATE LSD9194.

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 10th day of JUNE 2024

Nancy Kern
 (SIGNATURE OF DEPONENT)

**STATE OF NEW YORK
LOCAL CRIMINAL COURT**

**COUNTY OF RENSSELAER
CITY OF RENSSELAER**

THE PEOPLE OF THE STATE OF NEW YORK

VS.

John F. Rivers

11/15/1981

FELONY COMPLAINT

Grand Larceny in the third degree

BE IT KNOWN THAT, by this Felony Complaint, Investigator Matthew Huss, as the Complainant herein, stationed at SIU Albany, accuses the above-mentioned Defendant, with having committed the felony of section 155.35, subdivision 1, in violation of the Penal Law of the State of New York.

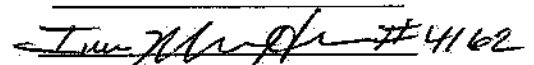
That on or about the dates of September 27, 2023, through October 12, 2023, in the City of Rensselaer, County of Rensselaer, State of New York, the Defendant did intentionally, knowingly, and unlawfully commit the felony of Grand Larceny in the 3rd degree, subdivision 1. A person is guilty of Grand Larceny in the 3rd degree, subdivision 1 when he steals property and when the value of the property exceeds three thousand dollars. Grand Larceny in the 3rd degree sub (1) is a class D felony.

To Wit: On the aforementioned date(s), while conducting business at 396 South Street in the City of Rensselaer, County of Rensselaer, the Defendant did intentionally, knowingly and unlawfully steal a motor vehicle, being a 2014 Jeep Cherokee, color white, ending in VIN 378487, valued at over three thousand dollars and did unlawfully dispose of said motor vehicle by selling it to Robert A. Pitcher, date of birth 04/30/1965 and/or Steven M. Hough, date of birth 01/06/1977. All contrary to the provisions of said statute 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 the Complainant's information and the grounds for belief being the facts contained in the supporting depositions of Jennifer Charleston and the investigation completed by the New York State Police.

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 03 day of **DECEMBER, 2024**.



**Investigator Matthew P. Huss
New York State Police
SIU Albany, Auto Theft Unit**

NEW YORK STATE POLICE

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

JOHN F RIVERS

ROBERT A PITCHER

Defendant(s)

INCIDENT LOCATION:

LOCATION OF DEPOSITION:

STATE OF NEW YORK LOCAL CRIMINAL COURT

STATE OF NEW YORK

COUNTY OF RENSSELAER

COUNTY OF ALBANY

CITY of RENSSELAER

CITY of ALBANY

Date 09/18/2024	at 01:31 PM	Full Name: JENNIFER L CHARLESTON
Date of Birth 11/11/1980	No. and Street [REDACTED]	CITY [REDACTED]
		State NY

State The Following:

I am currently providing this voluntary deposition to Inv. Danielle Kohler of the New York State Police. I can read, write and understand English. I understand that providing a false statement to the police is a crime in NY.

In late September 2023 I left my 2014 Jeep Cherokee, white, VIN:1C4RJFBG2EC378487 parked at Walmart parking lot at 311 Rte 9W

Glenmont, NY. I left my Jeep there because the engine failed and an employee told me that I could leave it parked there. When I went to pick up my Jeep 3 days later, I saw that it was no longer there. I went into Walmart and spoke to Loss Prevention and they told me that it had been towed by the tow company that patrols the lot (Rivers Asset Recovery). There were no signs saying I couldn't park my vehicle there overnight and there were no signs indicating that my vehicle would be towed. I tried calling the company and they wouldn't return my calls. I went to their business location on the following day and saw my Jeep parked in the parking lot. A person who worked there came outside because I was looking at my Jeep. He told me that it would cost me \$1,500.00 (\$1,000 for storage and \$500 for tow fees) to take my Jeep back. It was a young (maybe late 20's heavy set white guy) and he had to call the owner to get the amount owed. It was less than 5 days since I had parked it at the Walmart parking lot. I told him I couldn't afford to pay that much money. He told me that if I couldn't pay he would take legal action against me and told me that I needed to sign the Jeep over to him. I signed a handwritten note that I was turning over my Jeep to Rivers. I did not provide a

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 18TH day of SEPTEMBER, 2024

- OR -

* Subscribed and Sworn to before me

this _____ day of _____

Jennifer L Charleston
 (SIGNATURE OF DEPONENT)

 (WITNESS)

M P 9307
 (NAME OF PERSON TAKING DEPOSITION)

Time Ended
 09/18/2024 02:07 PM

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

NEW YORK STATE POLICE

State The Following:

title to the Jeep. I did not request a duplicate title for the Jeep on a later date and I did not sign any DMV forms related to the vehicle after it was towed. Inv. Kohler showed me copies of a duplicate title request for a title to the Jeep which had my information typed on it and was dated 9/27/2023, and contained a signature on the signature line which was not mine and is forged. I did not provide permission for anyone else to request a title for my vehicle or forge my signature on any forms.

I would like to pursue charges against any/all suspects involved in defrauding me of my vehicle and later forging my signature on forms. I request to have my Jeep bearing VIN 1C4RJFBG2EC378487 returned to me, and if unable to be recovered I request restitution for the value of the vehicle.

END OF STATEMENT

JLC

Notice

(Penal Law §210.46)

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 18TH day of SEPTEMBER, 2024.

- OR -

*Subscribed and Sworn to before me

this _____ day of _____

[Signature]
(SIGNATURE OF DEPONENT)

[Signature]
(WITNESS)
[Signature]
(NAME OF PERSON TAKING DEPOSITION)

Time Ended
09/18/2024 02:57 PM

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