

RYE CITY COURT : CITY OF RYE, N.Y.
COUNTY OF WESTCHESTER : STATE OF NEW YORK

-----X
THE PEOPLE OF THE STATE OF NEW YORK

- against -

Check One:

Schubert, Robert W
980 Forest Ave
Rye, NY 10580

D.O.B. 4/21/23

Information
 Misdemeanor
 Felony

Defendant(s)
-----X

Be it known that the complainant herein PO Balls Of the City of Rye Police Department (or of XXXXX) accuses the defendant(s) named above of the following offenses committed at 1051 Boston Post Rd in the City of Rye, New York on the 18 day of March 2011 at about 1:45 o'clock P.M.
COUNT ONE: The offense of Harassment in violation of section 240.26 subd. 3 of the Penal Law which is a Violation.
COUNT TWO: The offense of _____ in violation of section _____ subd. _____ of the _____ which is a _____.
COUNT THREE: The offense of _____ in violation of section _____ subd. _____ of the _____ which is a _____.

And, in support of the foregoing, your complainant under penalty of section 210.45 of the penal law states as follows:

COUNT(S): 1

A person is guilty of Harassment in the 2nd degree when, with intent to harass, annoy or alarm another person, he or she engages in a course of action or repeatedly commits acts which alarm or seriously annoy such other person and which serves no legitimate purpose.

TO WIT:

Beginning early March, the defendant did visit the City Manager's office on an almost daily basis, unannounced and without an appointment to see the City Manager. When asked to leave, he refused to do so. The defendant did while in the City Manager's office did refer to obtaining a pistol and causing a "Tuscon-like" event to create attention to his dispute. While inside the City Manager's office, defendant did state that if he showed up at City Hall with a gun then people would be forced to notice him and take him seriously. Defendant also made statements that he would drive a car through the store window of city Councilwoman Parker.

The above allegations of fact are made by the complainant herein on direct knowledge (and upon information and belief), with the sources of complainant's information and the grounds for his belief being

Police Department Investigation

NOTICE: PURSUANT TO THE PENAL LAW, SECTION 210.45, IT IS A CRIME PUNISHABLE AS A CLASS A MISDEMEANOR TO KNOWINGLY MAKE A FALSE STAEMENT HEREIN.

Signed 

PO Edward Balls

RECEIVED RYE CITY COURT
2011 MAR 18 PM 3:38

J At a term of the RYE CITY COURT, COUNTY OF WESTCHESTER, at the Courthouse at 21 MCCULLOUGH PLACE, State of New York

ORDER OF PROTECTION

Non-Family Offenses - C.P.L. 530.13

(Not involving victims of domestic violence)

Youthful Offender (check if applicable)

Part: Index/Docket No: 11-141

Indictment No., if any:

Charges: PL-240.26-03 -V-

Ant: Hon. Joseph L. Latwin, PEOPLE OF THE STATE OF NEW YORK,

SCHUBERT, Defendant DOB: 04-21-1923

Ex Parte (CHECK ONE)

Defendant Present In Court

NOTICE: YOUR FAILURE TO OBEY THIS ORDER MAY SUBJECT YOU TO MANDATORY ARREST AND CRIMINAL PROSECUTION WHICH MAY RESULT IN YOUR INCARCERATION FOR UP TO SEVEN YEARS FOR CONTEMPT OF COURT. THIS IS A TEMPORARY ORDER OF PROTECTION AND YOU FAIL TO APPEAR IN COURT WHEN YOU ARE REQUIRED TO DO SO, THIS ORDER MAY BE EXTENDED IN YOUR ABSENCE AND THEN CONTINUES IN EFFECT UNTIL A NEW DATE SET BY THE COURT.

TEMPORARY ORDER OF PROTECTION - Whereas good cause has been shown for the issuance of a temporary order of protection [as a condition of: recognizance release on bail adjournment in contemplation of dismissal] ORDER OF PROTECTION - Whereas defendant has been convicted of [specify crime or violation]:

and the Court having made a determination in accordance with section 530.13 of the Criminal Procedure Law, IT IS HEREBY ORDERED that the above-named defendant observe the following conditions of behavior (CHECK APPLICABLE PARAGRAPHS AND SUBPARAGRAPHS)

- 01] Stay away from [A] [name(s) of protected person(s) or witness(es)]: ELEANOR MILITANA and/or from the [B] home of ELEANOR MILITANA [C] school of ELEANOR MILITANA [D] business of ELEANOR MILITANA [E] place of employment of ELEANOR MILITANA [F] other Rye City Hall except when accompanied by his attorney. 14] Refrain from communication or any other contact by mail, telephone, e-mail, voice-mail or other electronic or any other means with [specify protected person(s)]: ELEANOR MILITANA; 15] Refrain from assault, stalking, harassment, aggravated harassment, menacing, reckless endangerment, disorderly conduct, criminal mischief, sexual abuse, sexual misconduct, forcible touching, intimidation, threats, or any criminal offense or interference with the victim or victims of, or designated witness(es) to, the alleged offense and such members of the family or household of such victim(s) or witness(es) as shall be specifically named [specify]: Eleanor Militana 16] Refrain from intentionally injuring or killing without justification the following companion animal(s) (pet(s)) [specify type(s) and if available, name(s)]: 17] Surrender any and all handguns, pistols, revolvers, rifles, shotguns and other firearms owned or possessed, including, but not limited to, the following and do not obtain any further guns or other firearms Such surrender shall take place immediately, but no later than [specify date/time]: at: 18] Specify other conditions defendant must observe for the purpose of protection:

Page 2 of 2

IT IS FURTHER ORDERED that the above-named Defendant's license to carry, possess, repair, sell or otherwise dispose of a firearm or firearms, if any, pursuant to Penal Law 400.00, is hereby [13A] ___ suspended or [13B] ___ revoked (note: final order only), and/or [13C] ___ the defendant shall remain ineligible to receive a firearm license during the period of this order. (Check all applicable boxes).

NOTE: If this paragraph is checked, a copy of this form must be sent to: New York State Police, Pistol Permit Section, State Campus Building #22, 1220 Washington Avenue Albany, New York 12226-2252.

IT IS FURTHER ORDERED that this Order Of Protection shall remain in force until and including 03-17-2012.

DATED: March 18, 2011 Joseph L. Latwin
Hon. Joseph L. Latwin, City Court Judge (Court Seal)

Defendant advised in Court of issuance and contents of Order.
 Order personally served on Defendant in Court X Robert W Schubert
(Defendant's Signature)

Order to be served by other means [specify]: MARY E JONES

Warrant issued for Defendant

ADDITIONAL SERVICE INFORMATION: [specify]: _____

The Criminal Procedure Law provides that presentation of a copy of this order of protection to any police officer or peace officer acting pursuant to his or her special duties shall authorize and in some situations may require, such officer to arrest a defendant who is alleged to have violated its terms and to bring him or her before the Court to face penalties authorized by law.

Federal Law requires that this order be honored and enforced by state and tribal courts, including courts of a state, the District of Columbia, a commonwealth, territory or possession of the United States, if the person against whom the order is sought is an intimate partner of the protected party and has been or will be afforded reasonable notice and opportunity to be heard in accordance with state law sufficient to protect that person's rights (18 USC 2265, 2266).

It is a federal crime to:
cross state lines to violate this order or to stalk, harass or commit domestic violence against an intimate partner or family member;
buy, possess or transfer a handgun, rifle, shotgun or other firearm or ammunition while this Order remains in effect (Note: there is a limited exception for military or law enforcement officers but only while they are on duty); and
buy, possess or transfer a handgun, rifle, shotgun or other firearm or ammunition after a conviction of a domestic violence-related crime involving the use or attempted use of physical force or a deadly weapon against an intimate partner or family member, even after this order has expired. (18 U.S.C. 922(g)(8), 922(g)(9), 2261, 2261A, 2262).

cc: Police Department Complainant Family Reg Clerk
 Process Server Defense Attorney Probation Department
 Correctional Facility District Attorney Parole