

**SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF RICHMOND: CRIMINAL TERM**

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

-against-

**ANGELO NESIMI and
WILLIAM FORMICA**

Defendants.

-----X
COUNT ONE

THE GRAND JURY OF THE COUNTY OF RICHMOND, by this Indictment, accuses the defendant, *ANGELO NESIMI*, of the crime of:

MURDER IN THE SECOND DEGREE (P.L. §125.25-1), committed as follows:

The said defendant, in the Borough of Staten Island, County of Richmond, City and State of New York, on or about and between December 20, 2018, through December 21, 2018, with intent to cause the death of another person, caused the death of Michael Stewart by stabbing him.

COUNT TWO

AND THE GRAND JURY AFORESAID, by this Indictment, further accuses the defendant, *ANGELO NESIMI*, of the crime of:

MANSLAUGHTER IN THE FIRST DEGREE (P.L. §125.20-1), committed as follows:

The said defendant, in the Borough of Staten Island, County of Richmond, City and State of New York, on or about and between December 20, 2018, through December 21, 2018, with intent to cause serious physical injury to another, caused the death of Michael Stewart by stabbing him.

INDICTMENT

Indictment No.: 40/2019

Filed:

File No.: 18-1522

OFFICE ORIGIN

**SEALED COMPLETELY AS TO
WILLIAM FORMICA**

**SEALED AS TO COUNTS 1-17
AS TO ANGELO NESIMI**

**Supersedes Counts 18-22 of
Indictment No.: 00001-2019
as to ANGELO NESIMI**

COUNT THREE

AND THE GRAND JURY AFORESAID, by this Indictment, further accuses the defendant, **ANGELO NESIMI**, of the crime of:

MANSLAUGHTER IN THE SECOND DEGREE (P.L. §125.15-1), committed as follows:

The said defendant, in the Borough of Staten Island, County of Richmond, City and State of New York, on or about and between December 20, 2018, through December 21, 2018, recklessly caused the death of Michael Stewart by stabbing him.

COUNT FOUR

AND THE GRAND JURY AFORESAID, by this Indictment, further accuses the defendant, **ANGELO NESIMI**, of the crime of:

CRIMINAL POSSESSION OF A WEAPON IN THE FOURTH DEGREE (P.L. §265.01-2), committed as follows:

The said defendant, in the Borough of Staten Island, County of Richmond, City and State of New York, on or about and between December 20, 2018, through December 21, 2018, possessed a knife, with intent to use the same unlawfully against another.

COUNT FIVE

AND THE GRAND JURY AFORESAID, by this Indictment, further accuses the defendant, **ANGELO NESIMI**, of the crime of:

CRIMINAL POSSESSION OF A WEAPON IN THE THIRD DEGREE (P.L. §265.02-1), committed as follows:

The said defendant, in the Borough of Staten Island, County of Richmond, City and State of New York, on or about and between December 20, 2018, through December 21, 2018, possessed a dangerous knife with intent to use the same unlawfully against another.

COUNT SIX

AND THE GRAND JURY AFORESAID, by this Indictment, further accuses the defendant, **ANGELO NESIMI**, of the crime of:

CRIMINAL POSSESSION OF A CONTROLLED SUBSTANCE IN THE THIRD DEGREE (P.L. §220.16-12), committed as follows:

The said defendant, in the Borough of Staten Island, County of Richmond, City and State of New York, on or about December 29, 2018, knowingly and unlawfully possessed a preparation, compound, mixture and substance of an aggregate weight of one-half ounce and more containing a narcotic drug, namely, cocaine.

COUNT SEVEN

AND THE GRAND JURY AFORESAID, by this Indictment, further accuses the defendant, **ANGELO NESIMI**, of the crime of:

CRIMINAL POSSESSION OF A CONTROLLED SUBSTANCE IN THE FOURTH DEGREE (P.L. §220.09-1), committed as follows:

The said defendant, in the Borough of Staten Island, County of Richmond, City and State of New York, on or about December 29, 2018, knowingly and unlawfully possessed a preparation, compound, mixture and substance of an aggregate weight of one-eighth ounce and more containing a narcotic drug, namely, cocaine.

COUNT EIGHT

AND THE GRAND JURY AFORESAID, by this Indictment, further accuses the defendant, **ANGELO NESIMI**, of the crime of:

CRIMINAL POSSESSION OF A CONTROLLED SUBSTANCE IN THE FIFTH DEGREE (P.L. §220.06-5), committed as follows:

The said defendant, in the Borough of Staten Island, County of Richmond, City and State of New York, on or about December 29, 2018, knowingly and unlawfully possessed more than five hundred milligrams of cocaine.

COUNT NINE

AND THE GRAND JURY AFORESAID, by this Indictment, further accuses the defendant, **WILLIAM FORMICA**, of the crime of:

CRIMINAL POSSESSION OF A CONTROLLED SUBSTANCE IN THE FIFTH DEGREE (P.L. §220.06-5), committed as follows:

The said defendant, in the Borough of Staten Island, County of Richmond, City and State of New York, on or about January 8, 2019, knowingly and unlawfully possessed more than five hundred milligrams of cocaine.

COUNT TEN

AND THE GRAND JURY AFORESAID, by this Indictment, further accuses the defendant, **ANGELO NESIMI**, of the crime of:

TAMPERING WITH PHYSICAL EVIDENCE (P.L. §215.40-2), committed as follows:

The said defendant, in the Borough of Staten Island, County of Richmond, City and State of New York, on or about December 21, 2018, believing that certain physical evidence, namely, a kitchen knife, a carpet, towels, blankets, rags, clothing, and assorted garbage, was about to be produced and used in a prospective official proceeding, and intending to prevent such production and use, suppressed it by any act of concealment, alteration and destruction, and by employing force, intimidation and deception against any person, in that the defendant did remove said physical evidence from 86B North Mada Avenue, Staten Island, New York, and did dispose of it in garbage dumpsters, and a waste transfer station.

COUNT ELEVEN

AND THE GRAND JURY AFORESAID, by this Indictment, further accuses the defendants, **ANGELO NESIMI** and **WILLIAM FORMICA**, of the crime of:

TAMPERING WITH PHYSICAL EVIDENCE (P.L. §215.40-2), committed as follows:

The said defendants, in the Borough of Staten Island, County of Richmond, City and State of New York, on or about and between December 21, 2018, through December 29, 2018, believing that certain physical evidence, namely, a refrigerator, two sinks, a carpet, a mirror, rags, towels, pieces of mail, flooring, wall linings, the lining from the trunk of a motor vehicle, and assorted garbage, was about to be produced and used in a prospective official proceeding, and intending to prevent such production and use, suppressed it by any act of concealment, alteration and destruction, and by employing force, intimidation and deception against any person, in that the defendant did remove said physical evidence from 86B North Mada Avenue, Staten Island, New York, and did dispose of it in garbage dumpsters, and a waste transfer station.

COUNT TWELVE

AND THE GRAND JURY AFORESAID, by this Indictment, further accuses the defendant, **WILLIAM FORMICA**, of the crime of:

HINDERING PROSECUTION IN THE FIRST DEGREE (P.L. §205.65), committed as follows:

The said defendant, in the Borough of Staten Island, County of Richmond, City and State of New York, on or about and between December 21, 2018, through December 29, 2018, rendered criminal assistance to a person who had committed a Class A felony, knowing or believing that such person had engaged in such conduct constituting a Class A felony, namely, Murder in the Second Degree.

COUNT THIRTEEN

AND THE GRAND JURY AFORESAID, by this Indictment, further accuses the defendant, **WILLIAM FORMICA**, of the crime of:

HINDERING PROSECUTION IN THE SECOND DEGREE (P.L. §205.60), committed as follows:

The said defendant, in the Borough of Staten Island, County of Richmond, City and State of New York, on or about and between December 21, 2018, through December 29, 2018, rendered criminal assistance to a person who had committed a Class B felony, namely, Manslaughter in the First Degree.

COUNT FOURTEEN

AND THE GRAND JURY AFORESAID, by this Indictment, further accuses the defendant, **WILLIAM FORMICA**, of the crime of:

CRIMINAL NUISANCE IN THE FIRST DEGREE (P.L. §240.46), a committed as follows:

The said defendant, in the Borough of Staten Island, County of Richmond, City and State of New York, on or about and between December 1, 2018, through December 21, 2018, knowingly conducted and maintained a premises at 86B North Mada Avenue, Staten Island, New York, premises and place where persons come and gather for purposes of engaging in the unlawful sale of controlled substances, and that the defendant thereby derived the benefit from such unlawful conduct.

COUNT FIFTEEN

AND THE GRAND JURY AFORESAID, by this Indictment, further accuses the defendant, **ANGELO NESIMI** of the crime of:

CONCEALMENT OF A HUMAN CORPSE (P.L. §195.02[a]), committed as follows:

The said defendant, in the County of Richmond, City and State of New York, on or about and between December 20, 2018, through December 21, 2018, concealed the human corpse of Michael Stewart when, having reasonable expectation that a human corpse, or a part thereof will be produced for or used as physical evidence in an official proceeding and said defendant concealed and altered such corpse or part thereof with the intent to prevent its production, use and discovery.

COUNT SIXTEEN

AND THE GRAND JURY AFORESAID, by this Indictment, further accuses the defendant, **ANGELO NESIMI** of the crime of:

CONCEALMENT OF A HUMAN CORPSE (P.L. §195.02[b]), committed as follows:

The said defendant, in the County of Richmond, City and State of New York, on or about and between December 20, 2018, through December 21, 2018, concealed the human corpse of Michael Stewart when, having reasonable expectation that a human corpse, or a part thereof will be produced for or used as physical evidence in an autopsy as part of a criminal investigation and said defendant concealed and altered such corpse or part thereof with the intent to prevent its production, use and discovery.

COUNT SEVENTEEN

AND THE GRAND JURY AFORESAID, by this Indictment, further accuses the defendant, **ANGELO NESIMI** of the crime of:

CONCEALMENT OF A HUMAN CORPSE (P.L. §195.02[c]), committed as follows:

The said defendant, in the County of Richmond, City and State of New York, on or about and between December 20, 2018, through December 21, 2018, concealed the human corpse of Michael Stewart when, having reasonable expectation that a human corpse, or a part thereof will be produced for or used as physical evidence in an examination by law enforcement personnel as part of a criminal investigation and said defendant concealed and altered such corpse or part thereof with the intent to prevent its production, use and discovery.

COUNT EIGHTEEN

AND THE GRAND JURY AFORESAID, by this Indictment, further accuses the said defendant, *ANGELO NESIMI* of the crime of:

ASSAULT IN THE SECOND DEGREE (P.L. §120.05-2), committed as follows:

The said defendant, in the Borough of Staten Island, County of Richmond, City and State of New York, on or about December 26, 2018, with intent to cause physical injury to another person, caused such injury to Zamara Sanchez, by means of possessing a dangerous instrument, namely, a metal object, and striking Zamara Sanchez causing physical injury, namely, bruising, redness to her skin, lacerations to her body, and substantial pain.

COUNT NINETEEN

AND THE GRAND JURY AFORESAID, by this Indictment, further accuses the said defendant, *ANGELO NESIMI* of the crime of:

ASSAULT IN THE THIRD DEGREE (P.L. §120.00-1), committed as follows:

The said defendant, in the Borough of Staten Island, County of Richmond, City and State of New York, on or about December 26, 2018, with intent to cause physical injury to another person, caused such injury to a Zamara Sanchez.

COUNT TWENTY

AND THE GRAND JURY AFORESAID, by this Indictment, further accuses the said defendant, *ANGELO NESIMI* of the crime of:

CRIMINAL POSSESSION OF A WEAPON IN THE FOURTH DEGREE (P.L. §265.01-2), committed as follows:

The said defendant, in the Borough of Staten Island, County of Richmond, City and State of New York, on or about December 26, 2018, did possess a dangerous instrument, namely, a metal object, with intent to use the same unlawfully against Zamara Sanchez.

COUNT TWENTY - ONE

AND THE GRAND JURY AFORESAID, by this Indictment, further accuses the said defendant, **ANGELO NESIMI** of the crime of:

CRIMINAL POSSESSION OF A WEAPON IN THE THIRD DEGREE (P.L. §265.02-1), committed as follows:

The said defendant, in the Borough of Staten Island, County of Richmond, City and State of New York, on or about December 26, 2018, did possess a dangerous instrument, namely, a metal object, with intent to use the same unlawfully against Zamara Sanchez.

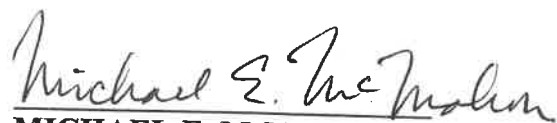
COUNT TWENTY - TWO

AND THE GRAND JURY AFORESAID, by this Indictment, further accuses the said defendant, **ANGELO NESIMI** of the crime of:

CRIMINAL MISCHIEF IN THE FOURTH DEGREE (P.L. §145.00-1), committed as follows:

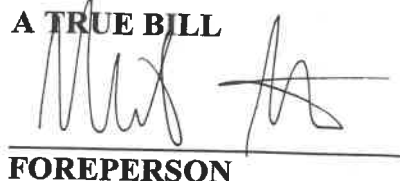
The said defendant, in the Borough of Staten Island, County of Richmond, City and State of New York, on or about December 30, 2018, having no right to do so and no reasonable ground to believe that he had such right, intentionally damaged property inside of the 120 Precinct, located at 78 Richmond Terrace, Staten Island, New York, by pulling a sound proofing board from a wall, thereby causing damage to said board.

Dated: Staten Island, New York
January 24, 2019



MICHAEL E. McMAHON
DISTRICT ATTORNEY
RICHMOND COUNTY

A TRUE BILL


FOREPERSON

**SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF RICHMOND: CRIMINAL TERM**

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

-against-

CPL § 200.60 INFORMATION

Indictment No.:

ANGELO NESIMI,

File No.: 18-1522

Defendant.
-----X

BE IT REMEMBERED, that I, **MICHAEL E. McMAHON**, Richmond County District Attorney, pursuant to the provisions of Criminal Procedure Law § 200.60, do hereby state that the above-named defendant has been indicted for two counts of the crimes of:

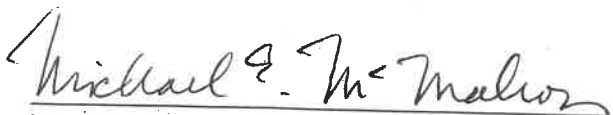
CRIMINAL POSSESSION OF A WEAPON IN THE THIRD DEGREE [P.L. §265.02-1], et al, for offenses that occurred on or about and between December 20, 2018, through December 21, 2018, and offenses that occurred on December 26, 2018,

And that the defendant has previously been convicted of the following crime:

MENACING IN THE SECOND DEGREE [P.L. § 120.14], on **JANUARY 29, 2017**, in Richmond County Supreme Court under Indictment Number 54/2017 and was sentenced to a state prison term of two (2) years.

WHEREFORE, I, **MICHAEL E. McMAHON**, Richmond County District Attorney, pray that this defendant be dealt with according to the provisions of Criminal Procedure Law § 200.60.

Dated: Staten Island, New York
January 24, 2019


MICHAEL E. McMAHON
DISTRICT ATTORNEY
RICHMOND COUNTY