

STATE OF NEW YORK

LOCAL CRIMINAL COURT

COUNTY OF

MONROE

CITY

OF

ROCHESTER

THE PEOPLE OF THE STATE OF NEW YORK

VS

LEONEL A YAS-PENA

DEFENDANT

FELONY COMPLAINT

ACCUSATION:

BE IT KNOWN THAT, BY THIS COMPLAINT, SERGEANT JOSEPH J LAIOSA,
AS THE COMPLAINANT HEREIN, STATIONED AT ROCHESTER POLICE DEPT. - 02701,
ACCUSES LEONEL A YAS-PENA, THE ABOVE MENTIONED DEFENDANT(S) WITH HAVING COMMITTED THE FELONY
OF DRIVING WHILE INTOXICATED, IN VIOLATION OF SECTION 1192 SUBDIVISION 3 OF THE VEHICLE AND TRAFFIC LAW OF THE STATE OF
NEW YORK.

FACTS:

THAT ON OR ABOUT 11/25/2021 AT ABOUT 3:11 AM IN THE CITY OF ROCHESTER
COUNTY OF MONROE, THE DEFENDANT(S) DID KNOWINGLY AND UNLAWFULLY COMMIT THE FELONY OF DRIVING
WHILE INTOXICATED. A PERSON IS GUILTY OF THE FELONY DRIVING WHILE INTOXICATED WHEN HE COMMITS THE CRIME OF DRIVING
**WHILE INTOXICATED IN VIOLATION OF SECTION 1192 SUBDIVISION 2, 2A, 3, 4 OR 4A OF THE VEHICLE AND TRAFFIC LAW, AND HAS
PREVIOUSLY BEEN CONVICTED OF A VIOLATION OF SUBDIVISION 2, 2A, 3, 4 OR 4A OF SUCH SECTION WITHIN THE PRECEDING TEN YEARS.**

TO WIT: THAT ON 10/29/2019 IN THE LOCAL CRIMINAL COURT OF ROCHESTER CITY CT. CRIMINAL PART COUNTY OF
MONROE, NEW YORK, THE DEFENDANT WAS CONVICTED OF VIOLATING SECTION 1192.3 OF THE NEW YORK STATE
VEHICLE AND TRAFFIC LAW AND THAT ON THE AFORESAID TIME AND PLACE, DID KNOWINGLY AND UNLAWFULLY OPERATE A MOTOR
VEHICLE IN AN INTOXICATED CONDITION AND THAT THE DEFENDANT DID OPERATE A 2011 NISS XTERRA
BEARING STATE OF NY REGISTRATION NUMBER [REDACTED] ON 31 PRINCE ST A PUBLIC HIGHWAY IN THE
CITY OF ROCHESTER, MONROE COUNTY, NEW YORK IN AN INTOXICATED
CONDITION, ALL CONTRARY TO THE PROVISIONS OF THE STATUTE IN SUCH CASE MADE AND PROVIDED.

THAT THE SOURCES OF THE DEPONENT'S INFORMATION AND GROUNDS OF HIS BELIEF AS TO THE OPERATION OF DEFENDANT'S
VEHICLE AT THE AFORESAID TIME AND PLACE ARE BASED UPON DIRECT KNOWLEDGE AND UPON STATEMENTS AND ADMISSIONS MADE
BY SAID DEFENDANT TO DEPONENT THAT HE / SHE WAS OPERATING THE AFORESAID VEHICLE AT SAID TIME AND PLACE. THE SOURCES
OF DEPONENT'S INFORMATION IN REGARD TO DEFENDANT'S INTOXICATION ARE BASED UPON DIRECT KNOWLEDGE, THOSE BEING THE
OBSERVATIONS OF DEFENDANT BY DEPONENT AT SAID TIME AND PLACE AND THE PERFORMANCE OF FIELD SOBRIETY TESTS. THESE
ACTIONS WERE SUCH THAT WOULD LEAD DEPONENT TO BELIEVE THAT THE DEFENDANT WAS INTOXICATED AT THE AFORESAID TIME AND
PLACE.

WHEREAS, AN APPEARANCE TICKET WAS ISSUED TO THE SAID DEFENDANT, DIRECTING HIM TO APPEAR BEFORE THIS COURT AT
9:30 AM, ON 11/26/2021

NOTICE
PL SECTION 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 25 TH DAY OF NOVEMBER, 2021

COMPLAINANT
(Signature)