

TAMPERING WITH PHYSICAL EVIDENCE

FELONY COMPLAINT

THE CITY COURT OF ROCHESTER
COUNTY OF MONROE NEW YORK
CITY COURT / CRIMINAL BRANCH

THE PEOPLE OF THE STATE OF NEW YORK

CR# 2013-316209

vs.

William Lewek DOB 01/05/52
27 Rowley Street, Rochester NY 14607

THE COMPLAINANT, INVESTIGATOR RANDY BENJAMIN, BEING DULY SWORN, DEPOSES AND STATES THAT HE WORKS AT THE PREMISES KNOWN AS ROCHESTER POLICE DEPARTMENT, 185 EXCHANGE BLVD, IN THE CITY OF ROCHESTER, COUNTY OF MONROE AND STATE OF NEW YORK. THAT ON THE 29TH DAY OF OCTOBER 2013 BETWEEN THE HOURS OF 2:00AM AND 3:00AM AT THE LOCATION KNOWN AS 27 ROWLEY STREET IN THE CITY OF ROCHESTER, COUNTY OF MONROE, STATE OF NEW YORK, I ACCUSE THE SAID DEFENDANT WILLIAM LEWEK OF INTENTIONALLY COMMITTING A FELONY IN VIOLATION OF SECTION 215.40 SUB SECTION 2 OF THE PENAL LAW OF THE STATE OF NEW YORK; TO WIT: TAMPERING WITH PHYSICAL EVIDENCE

THAT YOUR COMPLAINANT IS A POLICE INVESTIGATOR ASSIGNED TO THE MAJOR CRIMES SECTION OF THE CITY OF ROCHESTER, NEW YORK POLICE DEPARTMENT AND ON THE ABOVE DATE, TIME AND LOCATION THE SAID DEFENDANT BELIEVING THAT CERTAIN EVIDENCE IS ABOUT TO BE PRODUCED OR USED IN AN OFFICIAL PROCEEDING AND INTENDING TO PREVENT SUCH PRODUCTION OR USE, HE SUPPRESSES IT BY ANY ACT OF CONCEALMENT, ALTERCATION OR DESTRUCTION, OR BY EMPLOYING FORCE, INTIMIDATION OR DECEPTION AGAINST ANY PERSON.

THE FACTUAL BASIS FOR THE ABOVE BEING UPON PERSONAL KNOWLEDGE AS FOLLOWS:

ON THE ABOVE DATE, TIME AND LOCATION THE SAID DEFENDANT DID RE-MOVE THE BODY OF ONE MATTHEW STRATON FROM THE THIRD FLOOR BEDROOM OF 27 ROWLEY STREET TO THE OUTSIDE OF SAID LOCATION AND PLACED IN THE BACK YARD. THE DEFENDANT CONCEALED THE BODY BY COVERING IT WITH DIRT, GRASS, DEBRIS AND A PATIO CHAIR. THE VICTIM MATTHEW STRATON WAS REPORTED MISSING TO THE ROCHESTER POLICE DEPARTMENT ON OCTOBER 28, 2013 UNDER CR# 13-316209. THE MEDICAL EXAMINERS OFFICE RESPONDED TO THE ABOVE LOCATION AND THE VICTIM WAS PRONOUNCED DEAD BY DR. PAUL GOSINK AT 10:50PM. THE DEFENDANTS ACTIONS PREVENTED THE ROCHESTER POLICE DEPARTMENT FROM CONDUCTING A THOROUGHLY PROPER INVESTIGATION INTO THE DEATH OF ONE MATTHEW STRATON.

YOUR DEPONENT BASES THIS FELONY COMPLAINT UPON PERSONAL KNOWLEDGE, THE SOURCE BEING A CONVERSATION WITH THE DEFENDANT WHO AFTER BEING ADVISED OF HIS CONSTITUTIONAL RIGHTS AND VERBALLY WAIVING SAME STATED IN SUM AND SUBSTANCE HE DID COMMIT THE AFORESAID ACTS.

NOTICE: FALSE STATEMENTS MADE HEREIN ARE PUNISHABLE AS A CLASS A MISDEMEANOR PURSUANT TO SECTION 210.40 OF THE PENAL LAW OF THE STATE OF NEW YORK.

SWORN TO ME THIS
16TH DAY OF 2014.

STATE OF NEW YORK
ROCHESTER CITY COURT
2014 JAN 17 AM 6:39

Randy Benjamin

THE CITY COURT OF ROCHESTER, COUNTY OF MONROE NEW YORK

THE PEOPLE OF THE STATE OF NEW YORK

**CR# 14-013491
Felony Complaint**

Vs.

William Lewek, DOB 01/05/52, of 27 Rowley St, Rochester, NY 14607

I, Investigator Michael Houlihan, the complainant herein, work for the Rochester Police Department, in the City of Rochester, New York, and accuse the defendant, William Lewek, in this action, that on or about the 16th day of January 2014 at about 2:50 PM o'clock, at the premises known as 27 Rowley St, in the City of Rochester, New York, said defendant(s) did, intentionally, knowingly, & unlawfully commit the class B felony **CRIMINAL POSSESSION OF A CONTROLLED SUBSTANCE IN THE THIRD DEGREE** contrary to the provisions of Section(s) and Sub-Section(s) **220.16 (1)** of the Penal Law of the State of New York.

THE FACTS ON WHICH THIS ACCUSATION IS MADE ARE OF MY OWN KNOWLEDGE AND ON INFORMATION AND BELIEF AS FOLLOWS: That your complainant is an Investigator for the Rochester Police Department and is assigned to the Major Crimes Unit. That on the above date and time and at 27 Rowley St, Rochester, New York, your complainant did observe and confiscate a quantity of controlled substance from the direct control and possession of the defendant, William Lewek, to wit: seventeen small, clear plastic zip-lock style bags containing crack cocaine. These bags were located during the execution of a court ordered search warrant in the residence of the defendant at 27 Rowley St. The bags of crack cocaine were found stuffed into the toe of a white sneaker in the bedroom of your defendant.

Further more, the substances were field tested and did prove positive for the presence of cocaine. That the defendant was in direct control and possession of the above substances and the substances were possessed with the intent to sell same in that the substances were packaged for street sale and were possessed by the defendant in violation of Section 220.16 (1) of the New York State Penal Law.

The basis of your complainant's knowledge of the fact is the supporting deposition by your complainant which is attached hereto and made a part of this accusatory instrument.

FALSE STATEMENTS MADE HEREIN ARE PUNISHABLE AS A CLASS A MISDEMEANOR PURSUANT TO SECTION 210.45 OF THE PENAL LAW OF THE STATE OF NEW YORK.

Date: January 16, 2014

Complainant


**Investigator Michael Houlihan
Rochester Police Department**

STATE OF NEW YORK
ROCHESTER CITY COURT
CRIMINAL DIVISION

2014 JAN 17 AM 6:39

DEPOSITION

**CITY OF ROCHESTER
COUNTY OF MONROE
STATE OF NEW YORK**

CR# 14-013491

**In the matter of the Defendant(s) listed below:
William Lewek, DOB 01/05/52, of 27 Rowley St, Rochester, NY 14607**

Michael Houlihan, being duly sworn, deposes and states:

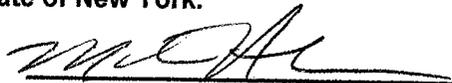
That I am a police Investigator employed by the Rochester Police Department and that I am assigned to the Major Crimes Unit. That your deponent has employed by the Rochester Police Department since February of 1992. Since becoming a police officer, I have been involved in numerous narcotic and controlled substance arrests and I have participated in a number of successful investigations of illicit drug distribution networks and have interrogated many defendants, informants, and others who were sellers, distributors or users of narcotics and other illicit drugs. As a result of this background, I am familiar with the jargon of narcotics and other illicit drug trafficking and the way narcotics and other illicit drug users and sellers seek to disguise activity relating to drug trafficking. Furthermore, I am familiar with the distinguishing physical characteristics and appearance of marijuana, cocaine, heroin and other controlled substances and illicit drugs. I have conducted practical applications in the field-testing of controlled substances and marijuana and have had the opportunity to check the results of my field tests with the Monroe County Lab and can state that I have been correct in one hundred percent of the field tests I have conducted and verified.

That on January 16, 2014, at the location of the 27 Rowley St, Rochester, NY, I examined a sample of a substance seized from the above defendant(s). This observation was made at approximately 4:20 PM. At this time I did observe the physical characteristics of the substance. Based upon my observations, training and experience, I believe this substance to be crack cocaine.

At the same times, place and date, I did conduct a Cocaine Salts and Base Reagent Field Tests upon a portion of the substance seized from the above named defendant(s) and this test did prove positive for the presence of COCAINE. After determining this substance to be cocaine.

Notice: False statement made herein are punishable as a Class A Misdemeanor pursuant to Section 210.45 of the Penal Law of the State of New York.

DATE: January 16, 2014


Investigator Michael Houlihan
ROCHESTER POLICE DEPARTMENT