

ORIGINAL

INFORMATION

JD-CR-71 Rev. 3-11

STATE OF CONNECTICUT SUPERIOR COURT

Disposition date

Police Case number

CFS22-00265335

Agency name

Connecticut State Police, CDMCS-F

Agency number

N620

Title, Allegation and Counts

State of Connecticut vs. (Name of accused)

Rivera, Luis

Residence (Town) of accused

New Haven

Docket number

Address

1 Union Avenue, New Haven CT 06519

Date of birth

12/20/1981

The undersigned Prosecuting
Authority of the Superior Court
of the State of Connecticut
charges that:

To be held at (Town)

New Haven

Geographical
area
number 23

Court date

Count One — Did commit the offense of:

Reckless Endangerment in the Second Degree

Continued to

Purpose

Reason

At (Town)

New Haven

On or about (Date)

06/19/2022

In violation of General Statute number

53a-64

Count Two — Did commit the offense of:

Cruelty to Persons

At (Town)

New Haven

On or about (Date)

06/19/2022

In violation of General Statute number

53-20(a)(2)

Count Three — Did commit the offense of:

At (Town)

On or about (Date)

In violation of General Statute number

☐ See other sheet for additional counts

Date

11/22/2022

Signed (Prosecuting Authority)

Court Action

Defendant advised of rights before plea

Bond

Surety

☐ 10 %

Election

(Date)

(Judge)

(Date)

☐ Cash☐ CT☐ JY☐ Attorney☐ Public defender

Guardian

Bond change

Seized property inventory number

Count	Plea date	Plea	Plea withdrawn		Verdict finding	Fine	Remit	Additional disposition
			Date	New plea				
1						\$	\$	
2						\$	\$	
3						\$	\$	

Date	Other Court Action	Judge

Receipt number	Cost ☐ IMP ☐ NCI	Bond information ☐ Bond forfeited ☐ Forfeiture vacated ☐ Forfeiture vacated and bond reinstated
Application fee - receipt number if paid	Circle one W I Q	Program fee - receipt number if paid
Prosecutor on original disposition	Reporter/monitor on original disposition	Signed (Clerk)
		Signed (Judge)

INFORMATION

JD-CR-71 Rev. 3-11

**STATE OF CONNECTICUT
SUPERIOR COURT**

Disposition date

Police Case number

CFS22-00265335

Agency name

Connecticut State Police, CDMCS-F

Agency number

N620

Arrest Warrant

Geographical
area
number

23

State of Connecticut vs. Rivera, Luis

To: Any Proper Officer of the State of Connecticut

By Authority of the State of Connecticut, you are hereby commanded to arrest the body of the within-named accused. ("X" all that apply)

- ☐ A. Accused is ordered to be brought before a clerk or assistant clerk of the Superior Court.
- ☐ B. Accused is not entitled to bail.

If A, B or both are checked above, you shall without undue delay bring the arrested person before the clerk or assistant clerk of the Superior Court for the geographical area where the offense is alleged to have been committed, or if the clerk's office is not open, to a community correctional center within said geographical area, or the nearest community correctional center if no such center exists in the geographical area, or to the Correctional Institution, as the case may be.

- ☒ C. Bail set at \$25,000 c/s.
- ☐ D. Non-financial conditions of release:

Extradition boundaries
established by prosecutor

- ☐ E. Conditions of release not determined by court.

By the Court

Signed (Judge of the Superior Court)

Date

Name of Judge (Print or type)

Return On Arrest Warrant

Geographical
area
number

23

Town of

New Haven

Date

11/23/22

State of Connecticut

Then and there, by virtue of the within and foregoing complaint and warrant, I arrested the body of the within-named accused and read the same in the hearing of said accused; and have said accused here in court for examination.

Attest (Officer's signature and Department)

Date

Other Court action

Judge

ARREST WARRANT APPLICATIONJD-CR-64b Rev. 3-11
C.G.S. § 54-2a
Pr. Bk. Sec. 36-1, 36-2, 36-3**STATE OF CONNECTICUT
SUPERIOR COURT**
www.jud.ct.gov

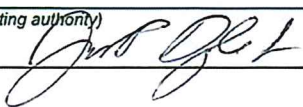
For Court Use Only	
Supporting Affidavits sealed	
☐ Yes	☐ No

Police Case number CFS22-00265335	Agency name Connecticut State Police, CDMCS-F	Agency number N620	
Name (Last, First, Middle Initial) Rivera, Luis	Residence (Town) of accused New Haven	Court to be held at (Town) New Haven	Geographical Area number 23

Application For Arrest Warrant

To: A Judge of the Superior Court

The undersigned hereby applies for a warrant for the arrest of the above-named accused on the basis of the facts set forth in the: ☒ Affidavit Below. ☒ Affidavit(s) Attached.

Date 11/20/22	Signed (Prosecuting authority) 	Type/print name of prosecuting authority Doyle
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Affidavit

The undersigned affiant, being duly sworn, deposes and says:

1. That the affiant, Detective Richard Buchetto #363, being duly sworn, does depose that he is a sworn member of the State of Connecticut, Department of Emergency Services and Public Protection, Division of State Police, and has been a member of said department since 06/12/2015. Affiant is currently assigned to the Central District Major Crime, Troop F, Westbrook Criminal Investigations Unit, and has been so since 12/31/2021, and at all times mentioned hereinafter, was acting in his official capacity as a member of said department. That affiant has received specialized training in the area of criminal investigations and that the facts and circumstances contained herein are related from personal knowledge and/or observations related to the affiant by other persons with personal knowledge of the incident described herein.

2. That on 06/21/2022, the affiant was assigned to conduct a criminal investigation regarding the injuries Richard Cox, DOB 01/19/1986 sustained on 06/19/2022, while in the care and custody of the New Haven Police Department (NHPD). The affiant learned the following facts from conducting interviews, reviewing police investigative reports and viewing surveillance videos to include officer's body worn camera videos, among other things.

3. That on 06/19/2022, at approximately 1929 hours, New Haven police personnel were dispatched to the area of Lilac Street for a complaint of a male in possession of a handgun threatening a female. The Lilac Street area was closed for an organized "block party" and NHPD personnel were nearby providing security. A short while later after meeting with the female victim, Richard Cox was identified as being the suspect who threatened her with a handgun. Cox was searched and was found to be in possession of a loaded (10 rounds) Ruger P89, 9mm, semi-automatic handgun and was arrested for Breach of Peace, 53a-181, Threatening in the Second Degree, 53a-62, Threatening in the First Degree, 53a-61aa, Carrying a Pistol without a Permit, 29-35 and Criminal Possession of a Firearm, 53a-217. Cox was transported to the New Haven Police Department (NHPD), police #7 substation, 596 Winchester Avenue, in New Haven.

(This is page 1 of a 16 page Affidavit.)

Date 11/22/2022	Signed (Affiant) RB 363
Jurat Subscribed and sworn to before me on (Date) 11/22/2022	Signed (Judge/Clerk, Commissioner of Superior Court, Notary Public) 58-244

Finding

The foregoing Application for an arrest warrant, and affidavit(s) attached to said Application, having been submitted to and considered by the undersigned, the undersigned finds from said affidavit(s) that there is probable cause to believe that an offense has been committed and that the accused committed it and, therefore, that probable cause exists for the issuance of a warrant for the arrest of the above-named accused.

Date and Signature New Haven	Signed at (City or town) 11-23-22	Signed (Judge/Judge Trial Referee) 	Name of Judge/Judge Trial Referee Hansen
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ARREST WARRANT APPLICATION

JD-CR-64a Rev. 3-11
C.G.S. § 54-2a
Pr. Bk. Sec. 36-1, 36-2, 36-3

**STATE OF CONNECTICUT
SUPERIOR COURT**

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Name (Last, First, Middle Initial)	Residence (Town) of accused	Court to be held at (Town)	Geographical Area number
Rivera, Luis	New Haven	New Haven	23

Affidavit - Continued

4. That Officer Oscar Diaz, of the NHPD, was assigned to operate the NHPD prisoner transport van and transport Cox from substation #7 to the NHPD Detention Center, at 1 Union Avenue, in New Haven, CT. At approximately 2030 hours, Officer Diaz arrived at substation #7. Cox, who was handcuffed with his hands behind his back, was escorted and seated in the rear of the NHPD transport van (Connecticut Registration 171-NH, Chevrolet Express Van, color white, Unit #171, VIN #1GCZGGFP9K1305591). This transport van was not equipped with safety seat belt restraints. There are straps affixed to the metal bench seats that the prisoners are told to hold onto during transport. From viewing and listening to the van's rear internal surveillance video and from the officer's body worn cameras, Cox was never told by any of the officers including Officer Diaz to hold onto to the straps during transport. The rear of the transport van is monitored by a surveillance camera (both audio and video) so the operator of the transport van can view and communicate with the prisoner from a mounted monitor on the vehicle's dashboard. Officer Oscar Diaz was the only police officer inside the transport van and besides Cox, there were no other prisoners in the van.

5. That from watching the transport van's interior surveillance video, once Cox sat inside the van, he proceeded to shout expletives to the officers and began to strike his back area numerous times (approximately 29 times) against the metal wall. As Officer Diaz (20:34:36 hours) begins to drive away, Cox is seen on video kicking the rear internal door as he sits on the bench. Cox is then seen standing up from sitting on the bench where he proceeds to sit down on top of the transport van's floor area, while kicking the rear internal door numerous times (approximately 30 times). Cox repositions himself off the floor and sits back down on the bench and again kicks the rear internal door and wall another four (4) times.

6. That at approximately 20:36:37 hours, as Officer Diaz was operating the transport van traveling on Division Street approaching the intersection of Mansfield Street, an unknown non-contact vehicle failed to grant the right of way and traveled through a stop sign on Mansfield Street, causing Officer Diaz to brake hard to avoid a collision. Based on the transport van's GPS monitor, which was eventually calibrated, Officer Diaz was traveling at a speed of 36 mph in the posted 25 mph zone prior to braking. As a result of the sudden braking, Cox is seen on video sliding forward on the seat prior to striking his back/neck area on the metal partition inside the van. After striking the metal partition, Cox is observed falling from the bench onto the floor where he remained in a prone (face down) position. The following dialogue was captured on the prisoner transport van's surveillance camera and on Officer Diaz's body worn camera:

20:36:44 Richard Cox: Help, help, help, help, help, help.

20:36:53 Officer Diaz: You alright?

20:36:55 Richard Cox: Help, help, help.

(This is page 2 of a 16 page Affidavit.)

Date	11/22/2022	Signed (Affiant)	RBH 3.3
Jurat	Subscribed and sworn to before me on (Date) 11/22/2022	Signed (Judge/Clerk, Commissioner of Superior Court, Notary Public)	1244
Reviewed (Prosecutorial Official)	Date 11/22/2022	Reviewed (Judge/Judge Trial Referee)	Date 11-23-22

ARREST WARRANT APPLICATION

JD-CR-64a Rev. 3-11
C.G.S. § 54-2a
Pr. Bk. Sec. 36-1, 36-2, 36-3

**STATE OF CONNECTICUT
SUPERIOR COURT**

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Name (Last, First, Middle Initial)	Residence (Town) of accused	Court to be held at (Town)	Geographical Area number
Rivera, Luis	New Haven	New Haven	23

Affidavit - Continued

20:37:02 Officer Diaz: That car went right in front of us. We almost got hit, bro.
20:37:06 Richard Cox: Help, help, help, help, [unintelligible].
20:37:13 Officer Diaz: What's going on?
20:37:15 Richard Cox: Hey pull over, pull over.
20:37:17 Officer Diaz: I can't hear you, what's going on?
20:37:19 Richard Cox: Help, help. Please, help I can't get up.
20:37:28 Officer Diaz: I can't hear you.
20:37:30 Richard Cox: Help, I can't get up, help, yo.
20:38:00 Officer Diaz: You have to [unintelligible]. I can't open the door without another officer.
20:38:03 Richard Cox: Help.
20:38:05 Officer Diaz: We're almost there, okay.
20:38:07 Richard Cox: [unintelligible].
20:38:08 Officer Diaz: What's going on?
20:38:11 Richard Cox: [unintelligible].
20:38:12 Officer Diaz: Huh?
20:38:15 Richard Cox: I can't move.
20:38:16 Officer Diaz: You what?
20:38:17 Richard Cox: I can't move, help, I fell.
20:38:22 Officer Diaz: You fell?
20:38:23 Richard Cox: Yes, I can't move.
20:38:27 Officer Diaz: Alright, hold on.
20:38:28 Richard Cox: Please help.
20:38:31 Officer Diaz: I'll help you out, just give me a second alright.
20:38:33 Richard Cox: I can't even scream, help.
20:38:34 Officer Diaz: You can't what?
20:38:35 Richard Cox: I can't scream. I'm on my face.
20:38:37 Officer Diaz: I'll get you an ambulance when we get there okay?
20:38:49 Richard Cox: No, help me.
20:38:51 Officer Diaz: What do you mean, no?
20:38:52 Richard Cox: [unintelligible].
20:38:53 Officer Diaz: I'm not going to open the door now, just so you know that, alright.
20:38:56 Richard Cox: I can't move, so call now, I can't move, I'm on my face, [unintelligible].
20:39:06 Officer Diaz: I can see you on the camera, you're on the side, get up.
20:39:09 Richard Cox: I [unintelligible] can't. I literally can't move. I can't move. I literally can't move. Yo, I think I broke my neck, yo.
20:39:33 Officer Diaz: The what?
20:39:34 Richard Cox: I think I broke my neck.
20:39:35 Officer Diaz: I can't hear you.

(This is page 3 of a 16 page Affidavit.)

Date	11/22/2022	Signed (Affiant)	[Signature]
Jurat	Subscribed and sworn to before me on (Date) 11/22/2022	Signed (Judge/Clerk, Commissioner of Superior Court, Notary Public)	[Signature]
Reviewed (Prosecutorial Official)	Date 11/22/2022	Reviewed (Judge/Judge Trial Referee)	Date 11-23-22

ARREST WARRANT APPLICATION

JD-CR-64a Rev. 3-11
C.G.S. § 54-2a
Pr. Bk. Sec. 36-1, 36-2, 36-3

**STATE OF CONNECTICUT
SUPERIOR COURT**

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Name (Last, First, Middle Initial)	Residence (Town) of accused	Court to be held at (Town)	Geographical Area number
Rivera, Luis	New Haven	New Haven	23

Affidavit - Continued

20:39:36 Officer Diaz: How can you?

20:39:36 Richard Cox: I broke my neck, I can't move.

20:39:40 Officer Diaz: Alright, alright, let me stop somewhere.

20:39:44 Richard Cox: No, now.

20:39:44 Officer Diaz: Hold on.

20:39:47 Richard Cox: I can't move. I'm going to die like this. Please, please, please help me.

Oh my God, please somebody help me.

20:40:07 Officer Diaz: I'm stopping. I'm going to check you out.

7. That at approximately 20:40:12 hours, Officer Diaz pulls the transport vehicle to the side of the road, in the vicinity of 497 College Street and exits the vehicle. Officer Diaz then opens the rear doors of the transport van and the following dialogue was captured on the prisoner transport van's surveillance camera and on Officer Diaz's body worn camera:

20:40:14 Richard Cox: Please help. Oh my God, I can't move, help.

20:40:36 Officer Diaz: What happened?

20:40:38 Officer Diaz: What?

20:40:40 Richard Cox: I fell.

20:40:41 Officer Diaz: You fell?

20:40:41 Richard Cox: Yeah.

20:40:44 Officer Diaz: What happened?

20:40:46 Officer Diaz: Can you move at all?

20:40:47 Richard Cox: I can't move.

20:40:48 Officer Diaz: Well how is your leg all the way up there.

20:40:51 Richard Cox: I understand, listen to me.

20:40:52 Officer Diaz: Alright, well I can't move you. So, I have to, hold on. I'm going to have to call, get you an ambulance.

20:40:56 Richard Cox: Look, no.

20:40:57 Officer Diaz: Huh?

20:40:59 Richard Cox: Yes, but understand me.

20:41:00 Officer Diaz: I under, go ahead.

20:41:02 Richard Cox: I, I fell, I cannot move my arms.

20:41:04 Officer Diaz: Alright do not move. I can see you moving your arms.

20:41:08 Richard Cox: No.

20:41:08 Officer Diaz: Okay.

20:41:10 Richard Cox: Look at my hands.

20:41:11 Officer Diaz: I can't, alright hold on, hold on.

20:41:13 Richard Cox: Help.

(This is page 4 of a 16 page Affidavit.)

Date	11/22/2022	Signed (Affiant)	REBEKAH BO3
Jurat	Subscribed and sworn to before me on (Date) 11/22/2022	Signed (Judge/Clerk, Commissioner of Superior Court, Notary Public)	11-23-22
Reviewed (Prosecutorial Official)	Date 11/22/2022	Reviewed (Judge/Judge Trial Referee)	Date 11-23-22

ARREST WARRANT APPLICATION

JD-CR-64a Rev. 3-11
C.G.S. § 54-2a
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**STATE OF CONNECTICUT
SUPERIOR COURT**
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Name (Last, First, Middle Initial)	Residence (Town) of accused	Court to be held at (Town)	Geographical Area number
Rivera, Luis	New Haven	New Haven	23

Affidavit - Continued

20:41:13 Officer Diaz closes internal transport vehicle door.

20:41:15 Richard Cox: Lift my head up.

20:41:15 Officer Diaz: Hold on. I'm going to call an ambulance.

8. That at approximately 20:41:18 hours, Officer Diaz closes the rear door of the transport van as Cox again asks him to please help. Officer Diaz never entered the rear of the transport van and failed to render any medical attention to Cox as he remained lying on the floor face down. At approximately 21:41:29 hours, Officer Diaz enters the driver's seat of the transport vehicle and proceeds to drive away. Officer Diaz contacts NHPD dispatch on the police radio and requests that an ambulance meet him at the NHPD Detention Center, 1 Union Avenue. Officer Diaz reports to dispatch that the prisoner claimed he fell in the van and he can't move.

9. That according to NHPD administration and to NHPD General Order, 5.02 Special Transport Situations, Subsection, Physically Injured or Ill Prisoners, Officer Diaz violated the department's policy and procedure for continuing the transport to the detention center and not rendering medical aid or waiting for the arrival of an ambulance.

10. That while in transport to the detention center, the following dialogue was captured on the prisoner transport van's surveillance camera and on Officer Diaz's body worn camera:

20:42:01 Richard Cox: Help, I can't even move, help.

20:42:04 Officer Diaz: I've got an ambulance coming.

20:42:07 Richard Cox: [unintelligible].

20:42:07 Officer Diaz: Do not move. Don't do anything.

20:42:11 Richard Cox: Help, listen. I'm on my neck man, I need help.

20:42:13 Officer Diaz: I got it. I understand.

20:42:16 Richard Cox: Please, please, please, I can't breathe.

20:42:21 Officer Diaz: I already called you for an ambulance, okay.

20:42:32 Richard Cox: Help.

20:42:33 Officer Diaz: Try not to move. I'm going to go nice and easy. The ambulance is on his way.

20:42:36 Richard Cox: I can't. I need you to help me. Listen [unintelligible] I'm going to die like this, please, please, [unintelligible].

20:43:02 Officer Diaz: Do you were standing up when you, when you fell?

20:43:10 Richard Cox: Help me, please.

20:43:10 Officer Diaz: I'm asking you, do you were standing up in the back when you fell?

20:43:15 Richard Cox: I can't talk, bro.

20:43:15 Officer Diaz: Huh?

(This is page 5 of a 16 page Affidavit.)

Date	11/22/2022	Signed (Affiant)	DE 1234
Jurat	Subscribed and sworn to before me on (Date) 11/22/2022	Signed (Judge/Clerk, Commissioner of Superior Court, Notary Public)	244
Reviewed (Prosecutorial Official)	Date 11/22/2022	Reviewed (Judge/Judge Trial Referee)	Date 11-23-22

ARREST WARRANT APPLICATION

JD-CR-64a Rev. 3-11
C.G.S. § 54-2a
Pr. Bk. Sec. 36-1, 36-2, 36-3

**STATE OF CONNECTICUT
SUPERIOR COURT**

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Name (Last, First, Middle Initial)	Residence (Town) of accused	Court to be held at (Town)	Geographical Area number
Rivera, Luis	New Haven	New Haven	23

Affidavit - Continued

20:43:22 Richard Cox: Please, help me, stop, stop the car, help me.

20:43:31 Officer Diaz: Listen, I got an ambulance coming for you alright. Give me one second, I'm hit. I'm taking you there right now.

20:43:38 Richard Cox: You're not helping me. I can't move, [unintelligible] help, I can't move, please.

20:44:35 Officer Diaz: Alright we made it. We made it here. We'll get you out in two seconds.

20:44:46 Richard Cox: Oh my God. Oh my fucking, God. Please, please help [unintelligible].

20:45:00 Officer Diaz: Alright.

11. That at approximately 20:45:00 hours, (approximately 8 minutes and 23 seconds after Cox sustained his injuries) Officer Diaz arrived at the sally port area within the NHPD Detention Center, 1 Union Avenue. Officer Diaz is met by Officer Luis Rivera, Officer Ronald Pressley, Officer Jocelyn Lavandier and Sergeant Betsy Segui, who are all sworn NHPD officers assigned to the detention center. Sgt. Segui is the supervisor on scene and unlike the other officers was not wearing her body worn camera. According to NHPD administration and to NHPD General Order, 7.10 Body Worn Cameras, Sgt. Segui was in violation of their department's policy and procedure for not wearing her assigned body worn camera. The following dialogue was captured on the prisoner transport van's surveillance camera and on Officer Diaz's, Officer Rivera's, Officer Pressley's and Officer Lavandier's body worn cameras:

20:45:05 Richard Cox: Yo, oh my God, yo.

20:45:07 Officer Diaz: I'm coming, I'm coming.

20:45:10 Officer Diaz: (Speaking to Sergeant Segui) Alright, I called for an ambulance. On the way here, somebody crossed me over, so I stop on the brakes, but I don't know. He said he fell inside the van and he's all, you know I opened the door to check on and I was talking to him and he said he can't move.

20:45:25 Officer Diaz opens the exterior transport vehicle door.

20:45:27 Officer Diaz: If he really, he really fell, I would not even move him. I would not even move him until the ambulance gets here, just in case.

20:45:31 Officer Diaz opens internal transport vehicle door.

20:45:33 Richard Cox: Help [unintelligible] I fell, I cannot move.

20:45:36 Sergeant Segui: Cox, either we can move you or you can wait till AMR moves you.

20:45:39 Richard Cox: Listen, I cannot move, and I literally cannot move.

20:45:44 Sergeant Segui: Okay, do you want us to help you.

20:45:49 Officer Diaz: What happened?

20:45:48 Richard Cox: If it will save my life, listen.

20:45:50 Sergeant Segui: What happened?

20:45:51 Richard Cox: If it will save my life, I cannot move. I cannot move, [unintelligible] the

(This is page 6 of a 16 page Affidavit.)

Date	11/22/2022	Signed (Affiant)	DBH 363
Jurat	Subscribed and sworn to before me on (Date) 11/22/2022	Signed (Judge/Clerk, Commissioner of Superior Court, Notary Public)	Sgt. Diaz 244
Reviewed (Prosecutorial Official)	Date 11/22/2022	Reviewed (Judge/Judge Trial Referee)	Date 11-23-22

ARREST WARRANT APPLICATION

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C.G.S. § 54-2a
Pr. Bk. Sec. 36-1, 36-2, 36-3

STATE OF CONNECTICUT
SUPERIOR COURT

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Rivera, Luis	New Haven	New Haven	23

Affidavit - Continued

car and I fell.

20:45:57 Officer Diaz: Just be careful, he was kicking the door and everything else before.

20:45:59 Officer Rivera enters transport vehicle.

20:46:05 Officer Rivera: Alright, ready.

20:46:06 Officer Rivera: Try to straighten that leg first, uh you see that leg to the wall? Exactly.

20:46:09 Richard Cox: Please, please.

20:46:14 Officer Rivera: I'm going to pull your leg, alright.

20:46:14 Officer Diaz: No, if you take the key to open the door, then the whole thing shuts off.

20:46:16 Richard Cox: Please hurry. I can't feel my shit. Yup, that's my leg.

20:46:21 Officer Rivera: Yup, I'm trying to straighten it out, I mean.

20:46:26 Richard Cox: I can't even feel it, you heard.

20:46:27 Officer Rivera: Yup.

20:46:28 Officer Diaz: Is it stuck there or no?

20:46:28 Richard Cox: I can [unintelligible] my arm.

20:46:29 Officer Diaz: What if we take the cuff, I mean we're in here already, so take the cuffs off.

20:46:33 Officer Rivera: Can you give me some light?

20:46:33 Richard Cox: [unintelligible].

20:46:34 Officer Diaz: You know what, let me turn the key on, and I'll give you some lights.

20:46:41 Officer Rivera: Yup, were going to get you out.

20:46:57 Officer Pressley: I'm not worried about handcuffing people, un-handcuff him.

20:46:57 Richard Cox: I can't move [unintelligible] I can't move, I can't feel shit.

20:47:01 Officer Diaz: No, but I mean just to move him out, ya know.

20:47:03 Officer Pressley: Yea. Yea, well have him walk in there.

20:47:09 Officer Rivera: removes handcuffs from Cox.

20:47:10 Sergeant Segui: Stretch out Cox.

20:47:11 Officer Rivera: Sixteen too. (Signal 16 is a NHPD radio code for an intoxicated person).

20:47:12 Sergeant Segui: Stretch out Cox, stretch your arm out.

20:47:19 Richard Cox: Listen.

20:47:20 Sergeant Segui: Put your arm out. You don't have cuffs on anymore. Take them out from behind your back, there you go, now move your leg down. Take that leg that's bent and move it down.

20:47:34 Richard Cox: I literally can't get up.

20:47:43 Sergeant Segui: Roll, roll over to your back.

20:47:43 Officer Rivera: Can you roll on the right side of your body? Roll to your right side.

20:47:50 Richard Cox: I can't move that side. Look, look, look, look at my hand I can barely move [unintelligible] fingers.

(This is page 7 of a 16 page Affidavit.)

Date	11/22/2022	Signed (Affiant)	RB/12-342
Jurat	Subscribed and sworn to before me on (Date) 11/22/2022	Signed (Judge/Clerk, Commissioner of Superior Court, Notary Public)	1244
Reviewed (Prosecutorial Official)	Date	Reviewed (Judge/Judge Trial Referee)	Date
[Signature]	11/22/2022	[Signature]	11-23-22

ARREST WARRANT APPLICATION

JD-CR-64a Rev. 3-11
C.G.S. § 54-2a
Pr. Bk. Sec. 36-1, 36-2, 36-3

STATE OF CONNECTICUT
SUPERIOR COURT

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Name (Last, First, Middle Initial)	Residence (Town) of accused	Court to be held at (Town)	Geographical Area number
Rivera, Luis	New Haven	New Haven	23

Affidavit - Continued

20:47:56 Officer Lavandier enters transport vehicle.
20:48:02 Officer Lavandier: Move your leg.
20:48:03 Officer Diaz: Just move it over to the side.
20:48:04 Officer Lavandier: Sit up.
20:48:05 Richard Cox: I can't lift them. I can't move.
20:48:05 Officer Lavandier: You're not even trying.
20:48:08 Officer Pressley: Tell them in the back I'll get him. I'm not even joking around, just got to get him by the shoulders.
20:48:11 Richard Cox: Listen, can I?
20:48:13 Sergeant Segui: Look, look turn your body.
20:48:15 Richard Cox: Alright.
20:48:16 Officer Lavandier: No, I'm trying to turn your body.
20:48:17 Sergeant Segui: Turn your body. You're not listening.
20:48:18 Officer Lavandier: You're not listening.
20:48:19 Officer Lavandier: You're not even trying.
20:48:19 Sergeant Segui: No, turn your body, see?
20:48:22 Richard Cox: Oh, shit hold on.
20:48:23 Sergeant Segui: Okay now stretch out.
20:48:25 Officer Lavandier: Come on or we're going to pull you out.
20:48:29 Officer Pressley: Slide down my man.
20:48:30 Officer Pressley: Ya, slide down so you can get you out of here.
20:48:33 Officer Lavandier: Alright, alright, I'll drag you then.
20:48:35 Richard Cox: If you got to drag me, do what you got to do.
20:48:44 Officer Pressley: You're almost there, your almost there. Just gotta get your shoulders out. Ready 1, 2, 3 stand up.
20:48:44 Sergeant Segui: Alright, alright, alright there you go.
20:48:49 Cox is removed from transport vehicle.
20:48:51 Officer Pressley: How you making out, ready?
20:48:52 Sergeant Segui: Get up.
20:48:54 Officer Pressley asks Officer Lavandier: Actually, go get that chair for me.
20:48:58 Officer Pressley: Hey Rich, what's going on man? Rich, what's going on?
20:49:01 Richard Cox: I think I cracked my neck.
20:49:02 Internal transport vehicle door closed.
20:49:09 Sergeant Segui: You didn't crack it, no, you drank too much.
20:49:12 Sergeant Segui: Sit up.
20:49:18 Officer Pressley: We going to try to be easy the rest of the day, today Sunday.
20:49:20 Richard Cox: I was fine before...[unintelligible]
20:49:21 Officer Diaz: Listen he was fine walking...[unintelligible]. Like I said he was kicking

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Reviewed (Prosecutorial Official) [Signature]	Date 11/22/2022	Reviewed (Judge/Judge Trial Referee) [Signature]	Date 11-23-22

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that door, no problems.

20:49:36 Richard Cox is placed into a wheelchair.

20:49:38 Sergeant Segui: Sit up.

20:49:40 Richard Cox: I can't feel anything.

20:49:41 Richard Cox: Oh my God, yo.

20:49:42 Sergeant Segui: Yea, sit up, you doing extra shit, sit up.

20:49:50 Richard Cox is escorted in wheelchair from view.

20:50:22 Sergeant Segui: Cox sit up. What else did you have, any drugs or alcohol?

20:50:27 Richard Cox: Listen, no I was fine.

20:50:28 Sergeant Segui: You're not fine, how many did you, how much?

20:50:28 Richard Cox: I was fine.

20:50:30 Sergeant Segui: OK, how much did you have to drink?

20:50:36 Sergeant Segui: OK, but we need to write that down for AMR purposes. Did you have a lot to drink? Any drugs?

20:50:46 Richard Cox: No.

20:50:48 Sergeant Segui: Do you feel like harming yourself?

20:50:49 Richard Cox: No.

20:50:50 Sergeant Segui: OK, any medical conditions we need to know about?

20:50:52 Richard Cox: Shakes his head side to side as if to say, no.

20:50:53 Sergeant Segui: Alright.

20:50:58 Sergeant Segui: Trinidadian party, huh?

20:51:18 Sergeant Segui: Richard put your hands out.

20:51:36 Sergeant Segui: You don't have anything on you that's sharp?

20:51:45 Officer Rivera: Don't move your head. I'm trying to take off your earrings.

20:51:48 Richard Cox: My neck hurts.

20:51:53 Officer Rivera: Well don't move your head.

20:51:54 Sergeant Segui: Your sitting all awkward.

20:51:58 Sergeant Segui: If something hurts, then sit upright.

20:52:00 Richard Cox: If I could I would.

20:52:20 Richard Cox: Owe, I told you, my shit hurt.

20:52:43 Officer Lavandier: Listen to this announcement.

20:52:44 The PREA announcement is played for Cox. During the announcement the officers are speaking amongst themselves and it is unclear what they are saying.

20:53:46 Officer Pressley: You're going to be in a cell by yourself the whole time. Are you going to sexually abuse anybody else while you are here? Yes or No?

20:53:52 Richard Cox: No.

20:53:55 Sergeant Segui: Are you going to sexually abuse anyone else while you're here?

20:54:00 Richard Cox: No.

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20:54:10 Richard Cox: Listen, I'm fucking hurting.

20:54:13 Sergeant Segui: OK, probably cause your sitting there.

20:54:27 Sergeant Segui: Sit up.

20:54:23 Officer Lavandier: Are we going to put him in the holding tank?

20:54:23 Richard Cox: Why would I lie?

20:54:30 Sergeant Segui: We're going to have you sit in the holding tank until AMR gets, um gets here.

20:54:32 Officer Rivera: You got to pick up your feet.

20:54:36 Officer Rivera and Sergeant Segui: Pick up your feet.

20:54:38 Richard Cox: I'm trying man.

20:54:47 Richard Cox: Ugh, oh my God, yo.

Officers begin to wheel Cox to the holding cell when he falls from the chair.

20:54:52 Sgt. Segui, Ofc. Diaz and Ofc. Rivera pick Cox up and place him back on the wheelchair.

20:54:53 Richard Cox: Oh my God. I fuckin broke my neck (as he falls back down to the floor).

20:55:04 Officer Lavandier: Hold on.

20:55:05 Officer Pressley and Officer Rivera drags Cox by his arms into the holding cell.

20:55:09 Officer Pressley: We don't need you to do anything, don't worry about it.

20:55:15 Officer Pressley: Grab his arm, just grab his other arm.

20:55:23 Video depicts Officers place Cox in the holding tank and lean him against the cell's bench.

20:55:21 Officer Lavandier: [unintelligible]

20:55:29 Officer Pressley let go of Cox and exits the cell. Cox is observed immediately falling backward until his body is supine on the floor with his arms above his head.

20:55:31 Officer Lavandier: Hold on, hold on. (places leg shackles on Cox's ankles) Can I have the key? Door to Cox's cell is closed.

12. That shortly after Cox was placed in the holding cell, American Medical Response (AMR) ambulance arrived at the detention center. Emergency Medical Technician (EMT) Pasquale D'Amato and EMT Melissa Blyth were assigned to provide Cox medical attention. EMT D'Amato went inside the holding cell to evaluate Cox, while EMT Blyth remained outside the cell block area, watching EMT D'Amato evaluate Cox. The following dialogue was captured on Officer Pressley's and Officer Lavandier's body worn camera:

21:02:17 EMT D'Amato is in the cell standing next to Cox and appear to be having a conversation. D'Amato moves Cox's handcuffed arms from over his head, and place on his stomach. D'Amato starts touching Cox's arms in different locations, then holds onto Cox's right hand.

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21:02:48 Richard Cox: [unintelligible] Right hand. I'm trying to open it. I can't. I literally can't open my shit.

21:02:52 EMT D'Amato: When did all this start?

21:02:54 Richard Cox: In the car [unintelligible]

21:02:57 EMT D'Amato: I'm just trying to figure out...did you take anything today?

21:03:03 Richard Cox: No. It was at a fucking block party.

21:03:07 EMT D'Amato: Were you guys just drinking?

21:03:09 Richard Cox: I just told you man, my girl was there.

21:03:11 EMT D'Amato : You didn't smoke nothing, didn't take nothing?

21:03:13 Richard Cox: No man.

21:03:14 EMT D'Amato : It's not normal for someone to be in the back of a car that stops and then not be able to feel their whole body... You have any medical history?

21:03:21 Richard Cox: No. But the driver obviously hit a fucking corner, bro.

21:03:26 EMT D'Amato : I'm just saying, I need to know what to tell the doctor.

21:03:28 Richard Cox: I cannot even sit up. I was handcuffed behind my back. This shit hit the corner and I fell...then it was blank.

21:03:40 EMT D'Amato : Ok. Who do you have for your medical insurance?

21:03:45 Richard Cox: Umm, fuck umm.

21:03:47 EMT D'Amato : Your state one...Husky?

21:03:52 Cox: Help me please.

21:03:54 EMT D'Amato : I need you to help me get you out of here to [unintelligible].

21:03:58 Richard Cox: Listen, alright, I'll do whatever.

21:04:01 EMT D'Amato : Alright, if I help you stand up.

21:04:02 Richard Cox: [unintelligible] I can't stand.

21:04:04 EMT D'Amato : You gotta try.

21:04:06 Richard Cox: My body is fucked up, bro. Whatever he did I feel like, listen I broke my neck. Listen, if I could move, I would.

21:04:13 EMT D'Amato : If you broke your neck you wouldn't be (moves fingers).

21:04:17 Richard Cox: [unintelligible] Look [unintelligible] my neck hurt.

21:04:30 Richard Cox: I'm still here, why would I fucking lie. I can't wiggle my fingers right...I can't open my hand, I can't do nothing. I'm not faking it. I literally can't move. I literally can't move.

13. That at approximately 21:04:30 hours, EMT D'Amato exits the cell and walks into the booking area, where at 21:07:40 hours, EMT D'Amato and EMT Blyth leave to retrieve a medical gurney/stretcher. They return to the booking area with the gurney at 21:09:28 hours. Sgt. Segui, Officer Pressley, Officer Rivera and Officer Lavandier proceed to lift and carry Cox from the holding cell into the booking room where they place him onto the gurney as both EMT D'Amato and EMT Blyth

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watched. The following dialogue was captured on Officer Pressley's body worn camera:

21:09:45 Officer Pressley enters the cell with Richard Cox.
21:09:47 Officer Pressley: Huh?
21:09:49 Richard Cox: I can't move [unintelligible].
21:09:52 Officer Pressley: You're going to have to help me out some, alright? You're too heavy.
21:09:56 Richard Cox: Listen.
21:09:56 Officer Pressley: I'm going to sit you up, ready?
21:09:57 Richard Cox: Call somebody.
21:09:59 Officer Pressley: Huh? You funny.
21:10:01 Officer Pressley: Say that again, say that right here, I can't hear you.
21:10:03 Richard Cox: I said call somebody, uh listen.
21:10:11 Richard Cox: I, my arms can't move, listen.
21:10:12 Officer Pressley: Alright, listen we're going to grab you by your shoulders right here, so watch your head here, okay.
21:10:13 Officer Rivera and Richard Cox come into view on camera. Officer Rivera is standing and Richard Cox is laying in the supine position on the floor of the cell.
21:10:13 Ofc. Lavandier BWC turned on, no audio.
21:10:16 Richard Cox: You watch my head fucking move, right.
21:10:19 Officer Pressley: You watch your head, you funny, listen.
21:10:21 Richard Cox: [unintelligible]
21:10:23 Officer Pressley: Huh? What you winking your eye at me for? You funny.
21:10:27 Richard Cox: Listen up man, cause I don't want to argue. I'm trying to explain.
21:10:29 Officer Pressley: Huh?
21:10:31 Richard Cox: I'm trying to tell you something, and I need you to understand.
21:10:33 Officer Pressley: Help me, go ahead.
21:10:36 Richard Cox: That I would never play if I'm in trouble.
21:10:39 Officer Pressley: Alright, really you never been in trouble?
21:10:40 Richard Cox: No, I'm saying I need somebody to take me serious, if I tell you [unintelligible] serious.
21:10:43 Officer Pressley: So um let's his right here, ready? Look I'm going to grab your arm right here, ready? Watch your head.
21:10:43 Ofc. Rivera and Ofc. Pressley are observed in Cox's cell, and physically sit him up.
21:10:46 Officer Pressley: Watch your head, there we go. Ok
21:10:47 Richard Cox: Owe.
21:10:49 Officer Pressley: There we go, so now can we um turn that?
21:10:52 Officer Lavandier: You want me to bring him out.

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21:10:53 Officer Pressley: Oh ya, ya would you.

21:10:54 Ofc. Lavandier grabs Cox by both of his ankles and drags him on his back out of the cell.

21:10:56 Richard Cox: Oh my God.

21:10:58 Officer Pressley: One second, just go ahead, one second. I'll get the left arm, alright look, you get that arm right here, ready?

21:11:02 Richard Cox: Jesus.

21:11:04 Officer Pressley: Alright look. If you twist [unintelligible] Ofc. Pressley, Ofc. Rivera, and Ofc. Lavender lift Cox from the floor and place him onto the EMS stretcher.

21:11:07 Officer Pressley: [unintelligible]

21:11:08 Richard Cox: [unintelligible]

21:11:24 Richard Cox: Is my neck down?

21:11:24 Officer Pressley: Huh?

21:11:26 Richard Cox: I said is my neck down?

21:11:27 Officer Pressley: Is your neck down? Yeah, they'll hold it.

21:11:28 Richard Cox: I can't.

21:11:30 Officer Pressley: They'll hold it.

21:11:31 Richard Cox: I'm trying [unintelligible] help me.

21:11:36 Officer Pressley: Just make sure these are locked. I just wanna make sure [unintelligible].

21:11:49 Officer Pressley: This is so it won't lock on your hand (Officer Pressley locking handcuffs on Richard Cox). Okay, thank you.

21:11:55 Officer Ortiz: [unintelligible]

21:11:57 Officer Lavandier: She has it. Betsy put it in the ah [unintelligible].

21:12:11 Richard Cox: Please, my neck hurts.

21:12:20 Richard Cox: Hurts.

21:12:21 Officer Pressley: You keep messing with me. I'll see you when you come back. I'll be here tonight.

21:12:26 Richard Cox is escorted on a stretcher from the room by AMR, EMTs, Blyth and D'Amato.

21:12:30 Officer Pressley: You said we got a car? We got a car?

21:12:31 Sergeant Segui: Ummm, let me see.

14. That Richard Cox was transported to Yale New Haven Hospital, (St. Raphael's Campus) at 1450 Chapel St., New Haven CT by AMR ambulance personnel D'Amato and Blyth. At approximately 21:23:04 hours, they arrived at the emergency room and subsequently Cox was diagnosed to have a fractured neck and was paralyzed from the chin down.

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15. That on 06/21/2022 at 1641 hours, Detective Adrian Holmes #1475 (CSP-CDMC-I) and the affiant met and interviewed Richard Cox in the Surgical Intensive Care Unit at Yale New Haven Hospital (St. Raphael's campus). In part, Cox stated that on 06/19/2022, he attended a block party in the area Lilac Street (New Haven). Cox admitted to consuming alcohol and smoking marijuana prior to attending the block party. Cox stated that at one point he left the block party and then later returned to the area of Lilac Street. Cox stated that upon returning, he was approached by several NHPD officers and was immediately detained. He explained that the police then began patting him down with their hands over his clothing and located a handgun in the front of his waistband. Cox stated the police removed the handgun from his person, at which time he was handcuffed behind his back, and placed under arrest.

16. That Cox continued by stating he was placed in the backseat of a NHPD cruiser and was transported to the NHPD substation (substation #7, 596 Winchester Ave). Cox stated that while at the substation, they transferred him from the police cruiser into the back of a transport van where he remained handcuffed behind his back. Cox stated he was cooperative during this process and as he entered the rear of the transport van, he didn't recall the officers mentioning anything about holding onto the straps located on the bench during transport. Cox stated that he had no idea what the straps were used for and as the transport van began to move, he started banging his back against the side wall and kicking the rear door with his heel.

17. That Cox went on to state, during the transport the officer suddenly hit the brakes and the van came to an abrupt stop. Cox stated that at the time he felt the sudden braking, he was sitting upright on the bench and slid towards the front of the transport van, where his head struck the metal partition. Cox stated that he remembered he fell onto the floor between the bench and center wall, causing him to become wedged in between the bench and wall, with his knees up towards his chest. Cox stated he began to yell for help knowing the transport van was equipped with cameras and assumed the officer could see him. Cox stated that the officer told him to get up to which he told him he could not. Cox stated that after several minutes of yelling for help, the officer finally pulled over and checked on him. Cox stated that he told the officer he was hurt, and that he could not get up. Cox stated that at this point he felt the officer thought he was not telling the truth when he told him that he could not move. Cox stated that the officer did not say anything to him other than he was going to continue to the police station.

18. That Cox continued by stating upon arriving at the police station, he recalled feeling a little "fuzzy" and could not remember much, although he was aware there were additional NHPD officers now standing outside the transport van speaking to him. Cox stated that he assumed the officers did not believe him when he said he could not move, due to them continuously telling him to stand up and move his legs. Cox stated he repeatedly told the officers that he was hurt and unable to move, and stated he was still in the same awkward position on his stomach with his knees up toward his chest. Cox stated that the officers accused him of being drunk and told him that was the reason why he could not stand up. Cox stated that the officers told him that if he did not get out of the van himself, they would drag him out. Cox stated that he told the officers that they were going to have to (drag him out), because he was stuck and couldn't move. Cox stated that the officers eventually dragged him out by his feet, grabbing him by his ankles and then tried to make him stand up. Cox stated that he recalled at

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this point that he again told the officers that he was hurt, and specifically that his neck was broken but the officers refused to listen or believe him. Cox concluded by stating, that after the officers dragged him out from the transport van he could not remember much. He stated that after they dragged him from the transport van the officers did not render him medical aid.

19. That on 06/21/2022, pending a criminal and an internal affairs investigation regarding the incident where Cox was injured, Officer Oscar Diaz and Sgt. Betsy Segui's police powers were suspended and both were placed on administrative leave by NHPD, Acting Chief, Regina Rush-Kittle. On 06/23/2022, Officer Ronald Pressley, Officer Luis Rivera, and Officer Jocelyn Lavandier also had their police powers suspended and were placed on administrative leave.

20. That on 06/27/2022, Sgt. James McGlynn, #244 (CSP-CDMC-F) contacted Officer Oscar Diaz, Sgt. Betsy Segui, Officer Ronald Pressley, Officer Jocelyn Lavandier, and Officer Louis Rivera to inform them of the criminal investigation regarding the injury to Richard Cox, DOB 01/19/1986 while in their care and custody. During the phone call Sgt. McGlynn asked each officer if they would be willing to consent to an interview regarding their actions and observations during the incident. All five (5) respectfully informed Sgt. McGlynn that they had obtained the legal services of an attorney. Their attorneys later informed Sgt. McGlynn that the officers would not be providing interviews for this criminal investigation.

21. That during the investigation, Detective Sarah Starkey, #602 (CSP-CDMC-F) and the affiant conducted interviews with Pasquale D'Amato, DOB 06/03/1991 and Melissa Blyth, DOB 05/21/1989. Both are employed by American Medical Response (AMR) as emergency medical technicians and responded to the NHPD Detention Center on the evening of 06/19/2022 to render medical aid to Richard Cox and transport him to Yale New Haven Hospital, (St. Raphael's Campus). During their interviews, among other things, both D'Amato and Blyth recalled Cox explaining to them that he had been in an accident; however, they did not believe Cox had been in an accident due to the information they received from NHPD Officers on scene stating specifically that there was no collision. Blyth stated at one point during their assessment, she stepped out to the sally port to check the transport van for any damage consistent with having been in an accident but did not observe any damage.

22. That on 08/03/2022, a search and seizure warrant affidavit for all medical records pertaining to the treatment of Richard Cox, DOB 01/19/1986 for his admission at Yale New Haven Hospital, (Saint Raphael's Campus) on 06/19/2022, was presented the Honorable, Judge Gerald Harmon. Upon reviewing the affidavit, Judge Harmon issued the search and seizure warrant.

23. That on 08/09/2022, the affiant obtained Richard Cox's medical records, which documented that as a result of his injuries sustained while in the care and custody of NHPD personnel, among other medical diagnosis, he was diagnosed with a cervical spinal cord injury (fractured neck) with

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quadriparesis (paralyzed from chin down).

24. Wherefore, on 06/19/2022, Luis Rivera, DOB 12/20/1981 engaged in reckless conduct through his actions when Richard Cox was rendered immobile as a result of his injuries and depriving Richard Cox of proper physical care. As a result, the affiant believes that probable cause exists that Luis Rivera, DOB 12/20/1981 committed the crimes of Reckless Endangerment in the Second Degree, in violation of Connecticut General Statute, 53a-64 and Cruelty to Persons, in violation of Connecticut General Statute, 53-20(a)(2) and that an arrest warrant be issued for Luis Rivera, DOB 12/20/1981 for the aforementioned crimes.

25. That this arrest warrant application has not been applied for or presented to any other court.

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