

**SUPREME COURT: CRIMINAL TERM
COUNTY OF SUFFOLK: STATE OF NEW YORK**

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PEOPLE OF THE STATE OF NEW YORK,

-AGAINST-

DOUBLE "O" LANDSCAPING INC.,

DEFENDANT.
-----X

**SUPERIOR COURT
INFORMATION NO. 5005/2015**

**FELONY COMPLAINT
DOCKET NO. 2015SU026067**

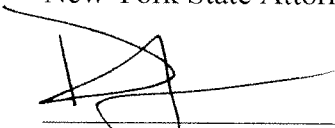
STATE OF NEW YORK)
 :SS.:
COUNTY OF SUFFOLK)

THE ATTORNEY GENERAL OF THE STATE OF NEW YORK, by this Information, accuses the defendant DOUBLE "O" LANDSCAPING INC. of the crime of FALSIFYING BUSINESS RECORDS IN THE FIRST DEGREE, in violation of Section 175.10 of the Penal Law of the State of New York, a class "E" Felony, committed as follows:

The defendant, on or about January 31, 2014, in Suffolk County, falsified business records in the first degree, as defined in Section 175.10 of the New York State Penal Law, when, with intent to defraud, the defendant made or caused a false entry in the business records of an enterprise and the intent to defraud included an intent to commit another crime or to aid or conceal the commission thereof, to wit the crime of Failure to Pay Wages (Labor Law § 198-a(1)).

DATED: August 19, 2015
Suffolk, New York

ERIC T. SCHNEIDERMAN
New York State Attorney General



By: Benjamin Holt, Esq.
Assistant Attorney General
Labor Bureau

**SUPREME COURT: CRIMINAL TERM
COUNTY OF SUFFOLK: STATE OF NEW YORK**

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PEOPLE OF THE STATE OF NEW YORK,

-AGAINST-

DOUBLE "O" LANDSCAPING INC.,

DEFENDANT.

WAIVER OF INDICTMENT

**SUPERIOR COURT
INFORMATION NO. 5005/2015**

**FELONY COMPLAINT
DOCKET NO. 2015SU026067**

-----X
STATE OF NEW YORK)
 :SS.:
COUNTY OF SUFFOLK)

I, RICHARD ORVIETO, as owner of defendant DOUBLE "O" LANDSCAPING INC., hereby waive a hearing on the felony complaint and thereby having been held for the action of a grand jury by the Criminal Court of the County of Suffolk, on Docket # 2015SU026067, hereby waive indictment and consent to defendant DOUBLE "O" LANDSCAPING INC., being prosecuted by a Superior Court Information charging the following offense, committed at the approximate times and locations here listed, to wit:

FALSIFYING BUSINESS RECORDS IN THE FIRST DEGREE, in violation of Section 175.10 of the Penal Law of the State of New York, committed on or about January 31, 2014 in the County of Suffolk;

I, RICHARD ORVIETO, as owner of defendant DOUBLE "O" LANDSCAPING INC., am aware that:

- (a) under the constitution of the State of New York, DOUBLE "O" LANDSCAPING INC. has the right to be prosecuted by Indictment filed by a grand jury;
- (b) DOUBLE "O" LANDSCAPING INC. waives such right and consents to

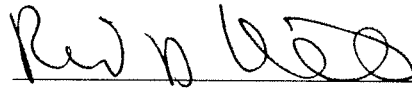
be prosecuted by Superior Court Information to be filed by the ATTORNEY GENERAL;

(c) the Superior Court Information to be filed by the ATTORNEY GENERAL will charge the offense named in this waiver; and

(d) the Superior Court Information to be filed by the ATTORNEY GENERAL will have the same force and effect as an indictment filed by a grand jury.

I, RICHARD ORVIETO, as owner of defendant DOUBLE "O" LANDSCAPING INC., have signed this waiver in open court and in the presence of my attorney.

DATED: August 19, 2015
Suffolk, New York



DOUBLE "O" LANDSCAPING INC.
By: Richard Orvieto, President
Defendant

This waiver was signed by RICHARD ORVIETO on behalf of the defendant DOUBLE "O" LANDSCAPING INC. in open court and in my presence.




PAUL KALKER, ESQ
Defendant's Attorney

I, **ERIC T. SCHNEIDERMAN**, Attorney General of the State of New York, hereby consent to the foregoing Waiver of Indictment.

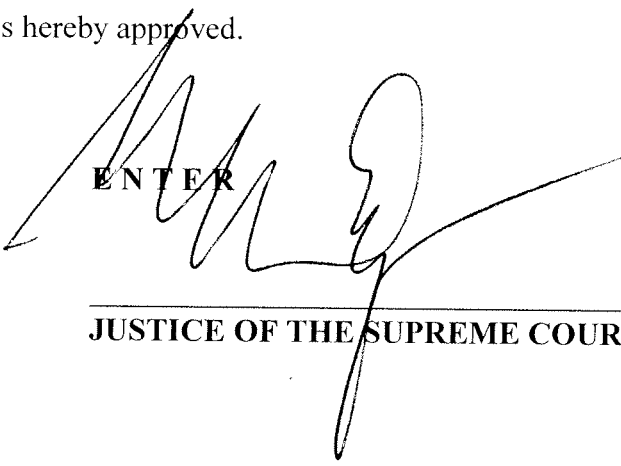
DATED: August 19, 2015
Suffolk, New York

ERIC T. SCHNEIDERMAN
Attorney General of the
State of New York

By: 
Benjamin Holt, Esq.
Assistant Attorney General
Labor Bureau

It appearing to the satisfaction of this Court that the written Waiver of Indictment and consent to be prosecuted by Superior Court Information executed in open court by the defendant, DOUBLE "O" LANDSCAPING INC., on the 19th day of August, 2015, fully complies with the provisions of Sections 195.10 and 195.20 of the Criminal Procedure Law, and the Attorney General of New York State having endorsed his consent thereon on said 19th day of August, 2015, it is

ORDERED, that the aforesaid Waiver of Indictment and consent to be prosecuted by Superior Court Information be and the same is hereby approved.


ENTER

JUSTICE OF THE SUPREME COURT

SUPREME COURT: CRIMINAL TERM
COUNTY OF SUFFOLK: STATE OF NEW YORK

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

WAIVER OF APPEAL

-AGAINST-

SUPERIOR COURT
INFORMATION NO. 5005/2015

DOUBLE "O" LANDSCAPING INC.,

FELONY COMPLAINT

DEFENDANT.

DOCKET NO. 2015SU026067

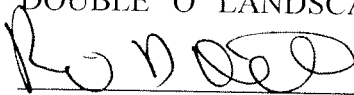
-----X
STATE OF NEW YORK)
) :SS.:
COUNTY OF SUFFOLK)


I, RICHARD ORVIETO, as owner of defendant DOUBLE "O" LANDSCAPING INC., understand that defendant DOUBLE "O" LANDSCAPING INC. has the right to appeal its conviction and sentence in the above-captioned case to an intermediate appellate court, which may consider and determine any question of law or issue of fact involving error or defect in the criminal court proceedings which may have adversely affected it, and, if it is indigent, to prosecute the appeal as a poor person and to have counsel appointed to represent it. I understand that DOUBLE "O" LANDSCAPING INC.'s right to appeal is separate and distinct from those rights automatically forfeited upon a plea of guilty and that it would ordinarily retain its right to an appeal even after pleading guilty.

I, RICHARD ORVIETO, as owner of defendant DOUBLE "O" LANDSCAPING INC. am waiving its right to appeal, because it wishes to accept a particular plea bargain offered by the People of the State of New York on the condition that it give up its right to appeal. I intend DOUBLE "O" LANDSCAPING INC.'s waiver to be a comprehensive and unconditional waiver of any and all claims it could raise on an appeal of its conviction or sentence (except claims of violation of the constitutionally protected right to a speedy trial, illegality of the sentence imposed, and lack of competency to stand trial).

My attorney has fully advised me of DOUBLE "O" LANDSCAPING INC.'s right to take an appeal and of the consequences of waiving that right in this case. No off-the-record coercion or promises have affected DOUBLE "O" LANDSCAPING INC.'s decision to plead guilty and waive its right to appeal. It is aware of the potential sentences the court may impose in its discretion.

HAVING READ AND UNDERSTOOD ALL OF THE INFORMATION ON THIS PAGE, AND DISCUSSED IT WITH MY ATTORNEY, I HEREBY KNOWINGLY, INTELLIGENTLY AND VOLUNTARILY WAIVE DOUBLE "O" LANDSCAPING INC.'S RIGHT TO APPEAL ITS CONVICTION AND SENTENCE UPON THE PLEA OF GUILTY IT IS ENTERING TODAY IN THE ABOVE-CAPTIONED CASE.

DOUBLE "O" LANDSCAPING INC.:

08/19/2015
By: Richard Orvieto, President Date

ATTORNEY FOR DEFENDANT:

08/19/2015
Signature Date
PAUL KALKER