

CRIMINAL COURT OF THE CITY OF NEW YORK  
COUNTY OF NEW YORK

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THE PEOPLE OF THE STATE OF NEW YORK

against

MISDEMEANOR

1. Loretta Harper (F 35)
2. Brian Florence (M 37)



Defendants.

Police Officer William Smith, shield 23664 of the 018 Precinct-Midtown North Precinct, states as follows:

On August 15, 2002, at about 16:15 hours at St. Patrick's Cathedral located at 14 East 51st Street in the County and State of New York, the Defendants committed the offenses of:

1. FL235.05(2) Obscenity 3rd Degree  
(defendant #1: 1 count)  
(defendant #2: 1 count)
2. FL245.00 Public Lewdness  
(defendant #1: 1 count)  
(defendant #2: 1 count)
3. FL245.01 Exposure of a Person  
(defendant #1: 1 count)  
(defendant #2: 1 count)

the defendants, knowing its content and character, produced, presented and directed an obscene performance or participated in a portion which was obscene or which contributed to its obscenity; the defendants intentionally exposed the private parts of his body in a lewd manner in a public place or in private premises in which he might readily be observed from a public place with intent that he be so observed or committed any lewd act; and the defendants appeared in a public place in such a manner that the private parts of his body were exposed.

The offenses were committed under the following circumstances:

Deponent states that deponent is informed by Orlando Sheffer, of an address known to the District Attorneys Office, that informant observed the defendants inside the above named location, a public place that was crowded with the public, engage in sexual intercourse.

Deponent is further informed by informant that his reasons for believing the defendants were engaging in sexual intercourse are the following: (i) defendant Harper was naked from the

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waist down and her genitals were open to view by the public inside the above named location, (ii) defendant Harper was standing with her back to defendant Florence and defendant's bodies were touching one another, (iii) defendants were rocking their pelvises back and forth in a sexual manner, and (iv) defendant Florence placed his hands in his genital area and was touching his genital area.

Deponent states that deponent is informed by Police Officer Brian Sullivan, shield #24435 of the 18th Precinct, that informant was listening to the "Opie and Anthony Show" on the radio station 102.7 WNEW at approximately 4:15 PM, when he heard a separately charged individual being broadcast live on the radio show. Deponent is further informed that the separately charged individual stated that he was speaking on a cell phone from inside the above named location and that he was watching the defendants engage in sexual intercourse. Deponent is further informed that the separately charged individual was describing defendant's conduct while they were engaging in sexual intercourse.

False statements made herein are punishable as a class A misdemeanor pursuant to section 210.45 of the penal law.

 23664   
Deponent Date and Time