## UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF NEW YORK

IVAN ANTONYUK, COREY JOHNSON, ALFRED TERRILLE, JOSEPH MANN, LESLIE LEMAN, and LAWRENCE SLOANE,

Plaintiffs,

v.

KATHLEEN HOCHUL, in her Official Capacity as Governor of the State of New York, KEVIN P. BRUEN, in his Official Capacity as Superintendent of the New York State Police, Judge MATTHEW J. DORAN, in his Official Capacity as the Licensing-official of Onondaga County, WILLIAM FITZPATRICK, in his Official Capacity as the Onondaga County District Attorney, EUGENE CONWAY, in his Official Capacity as the Sheriff of Onondaga County, JOSEPH CECILE, in his Official Capacity as the Chief of Police of Syracuse, P. DAVID SOARES in his Official Capacity as the District Attorney of Albany County, GREGORY OAKES, In his Official Capacity as the District Attorney of Oswego County, DON HILTON, in his Official Capacity as the Sheriff of Oswego County, and JOSEPH STANZIONE, in his Official Capacity as the District Attorney of Greene County,

Defendants.

Civil Action No.: 1:22-cv-986 (GTS/CFH)

#### ATTORNEY DECLARATION

TODD M. LONG, pursuant to Section 1746 of Title 28 of the United States Code, under the penalty of perjury, to the best of my knowledge, declares:

- 1. I am an attorney duly admitted to practice in the United States District Court for the Northern District of New York.
- 2. I am also a Senior Assistant Corporation Counsel for the City of Syracuse ("City") and represent Defendant Chief of Police Joseph Cecile in his official capacity as Chief of Police for the City of Syracuse Police Department ("Defendant Chief Cecile") in the above-entitled

action ("Action"). As such, I am sufficiently familiar with the facts and circumstances of this Action to make this Declaration.

- 3. All statements contained herein are true to the best of my knowledge and, where stated, upon information and belief, and are based upon personal knowledge, a review of documents/records, or communication with persons knowledgeable of the substance of the matters stated herein.
- 4. I make this Declaration on behalf of Defendant Chief Cecile and in Opposition to Plaintiffs' Motion for a Preliminary Injunction<sup>1</sup> ("Motion") pursuant to Federal Rule of Civil Procedure 65 ("Fed. R. Civ. P."). *See* Dkt. No. 6.
- 5. Attached hereto as Exhibit "1" is a true and accurate copy of a "Property Description Report For: 201 Coleridge Ave, Municipality of City of Syracuse" that was accessed on, downloaded on, and printed as a \*.PDF website on October 12, 2022 from the publicly available government website for "Property Assessment Information" from the Onondaga County Office Department of Finance, of Real Property Services (see https://ocfintax.ongov.net/imate/search.aspx) ("County Property Website") for Tax ID 098.2-01-02.1. This Tax ID, to the best of my knowledge, is the parcel of the Rosamond Gifford Zoo.
  - 6. Attached hereto as Exhibit "2" is a true and accurate redacted<sup>2</sup> copy of Tax Map

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Plaintiffs' motion was for a "Plaintiffs' Motion For A Temporary Restraining Order, Preliminary Injunction, and/or Permanent Injunction." *See* Dkt. No. 6, p. 1. Having already been heard and decided by this Court on the Temporary Restraining Order (*see* the docket's Text Minute Entry dated September 29, 2022), all that remains is a motion for preliminary injunction and permanent injunction. By text orders from this Court, what is before the Court on motion for the hearing on October 25, 2022, is just the Plaintiffs' motion for a preliminary injunction. *See* Dkt. Nos. 8, 27, and Text Order dated October 12, 2022. Insofar as the Court converts Plaintiffs' motion to one for a permanent injunction, counsel for Defendant Chief Cecile respectfully request leave from the Court to brief opposition to the motion as to any permanent injunction.

<sup>2</sup> Exhibit "2" was redacted to eliminate a term used in the map to describe the legal name of a parcel that is both insensitive and derogatory.

downloaded from the County Property Website on October 12, 2022, depicting Tax ID 098.2-01-02.1 (*see* https://ocfintax.ongov.net/Imate/quickstream.aspx?file=PDFMAPS/311500/098002.pdf).

- 7. Attached hereto as **Exhibit "3"** is a true and accurate copy of a printed \*.PDF of the website of "Parks" from the Onondaga County Parks homepage, which is a publicly available government website (*see* <a href="https://onondagacountyparks.com/parks/">https://onondagacountyparks.com/parks/</a>), that was accessed and downloaded on October 12, 2022.
- 8. Attached hereto as **Exhibit "4"** is a true and accurate copy of a printed \*.PDF of the website of the "Onondaga County Park Rangers Department" from the Onondaga County Parks homepage, which is a publicly available government website (*see* <a href="https://onondagacountyparks.com/parks/">https://onondagacountyparks.com/parks/</a>), that was accessed and downloaded on October 12, 2022.
- 9. Attached hereto as **Exhibit "5"** is a true and accurate copy of a snippet (using the "snipping tool"), saved as a \*.PDF, taken on October 12, 2022, of the "Find Restaurant" section of the "Longhorn Steakhouse" website using as the search query "Syracuse, New York, United States." *See, generally*, https://www.longhornsteakhouse.com/locations/location-search.
- 10. Attached hereto as **Exhibit "6"** is a true and accurate copy of a printed \*.PDF that was accessed and downloaded on October 12, 2022, of a news article from Syracuse.com|Post Standard dated September 2, 2022, titled "Syracuse DA, police chief: We won't target gun owners under new law, but will take guns." The news article contains statements alleged to have been made by Defendant Chief Cecile. *See* <a href="https://www.syracuse.com/crime/2022/09/syracuse-da-police-chief-we-wont-target-gun-owners-under-new-law-but-will-take-gun.html">https://www.syracuse.com/crime/2022/09/syracuse-da-police-chief-we-wont-target-gun-owners-under-new-law-but-will-take-gun.html</a>.
- 11. Attached hereto as **Exhibit "7"** is a true and accurate copy of a \*.PDF that was accessed and downloaded on October 13, 2022, of a portion of the City of Syracuse Zoning Map from the website maintained by the City of Syracuse website. *See*

http://syrgov.net/uploadedFiles/Departments/Zoning/Content/Map05.pdf. Exhibit "7" constitutes

the relevant portion of the western edge of the City of Syracuse. The New York State Fairgrounds

are further west of Exhibit "7."

Plaintiff Corey Johnson asserts certain facts in his declaration concerning Bowman 12.

Lake State Park based on a website maintained by New York State. See Dkt. No. 1-3, n.1;

https://parks.ny.gov/parks/76/. According to that website, titled "Bowman Lake State Park," which

I visited on October 13, 2022, the State Park is located in Oxford, New York.

Submitted along with the aforementioned seven exhibits, a Declaration of Julie 13.

LaFave has been offered in opposition to the Motion and is incorporated herein by reference.

14. Therefore, based upon this Attorney Declaration, the exhibit attached hereto, the

Declaration of Julie LaFave, and the accompanying Memorandum of Law, Defendant Chief Cecile

respectfully request that Plaintiffs' motion for a preliminary injunction be denied, and for any

further relief the Court may deem just and proper.

15. Pursuant to Section 1746 of Title 28 of the United States Code, I declare under

penalty of perjury that the foregoing is true and correct to the best of my knowledge and, where

stated, upon information and belief.

Executed on October 13, 2022

Syracuse, New York

/s/ Todd M. Long

Todd M. Long, Esq.

Senior Assistant Corporation Counsel

Bar Roll No.: 519301

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# EXHIBIT "1"



## Case 1:22-cv-00986-GTS-CFH Document 47-1 Filed 10/13/22 Page 2 of 3 Property Description Report For: 201 Coleridge Ave,

#### Municipality of City of Syracuse

Status: Roll Section:

Active Wholly Exem

Swis: Tax Map ID #:

311500 098.2-01-02.1 0818200802

No Photo Available

Property #: **Property Class:** 962 - County park Site: COM 1

In Ag. District:

No

Site Property Class: **Zoning Code:** 

962 - County park 006

**Neighborhood Code: Total Assessment:** 

15780

Total Acreage/Size:  $414.5 \times 2335$ 2022 - \$1,611,800 **School District:** Syracuse

Land Assessment: Full Market Value: 2022 - \$7,497,101

2022 - \$5,173,000

**Equalization Rate:** 

**Property Desc:** 

FI 169 171 176 414.50x2335 Zoo

Deed Book: 4392 **Grid East:** 607495 Deed Page: 55 **Grid North:** 1108540

#### Owners

County Of Onondaga Onon County Parks & Rec 106 Lake Dr Liverpool NY 13088

#### Sales

Sale Date Price 12/10/1999 \$1

**Property** Sale Class Туре 962 -Land County Only

park

**Prior Owner** City Of Syracuse

Value Usable No

Arms Length No

Addl. **Parcels** No

**Deed Book** and Page 4392/55

Utilities

Sewer Type: **Utilities:** 

Comm/public Gas & elec

Water Supply:

Comm/public

Inventory

Overall Eff Year Built: Overall Grade:

Average

Overall Condition: **Overall Desirability:** 

Eff

Normal 3

#### Buildings

**Basement Year** AC% Sprinkler% Alarm% Elevators Type Built 100 O 0 Partial 1984

fin

Year **Built Condition Quality** Normal Average

Num **Gross Floor** Indent Area (sqft) Stories Bldgs 56967 1

Site Uses

Rentable Area (sqft)

**Total Units** 

Amusemt park Non-contrib

56,967 0 38,075

#### Improvements

Structure	Size	Grade	Condition	Year
Pavng-asphlt	217800 × 4	Average	Normal	1984
Fence-chn lk	3000 × 8	Average	Normal	1984
Shed-machine	4,715.00 sq ft	Average	Normal	1980
Shed-machine	6,411.00 sq ft	Average	Normal	1984

#### Land Types

Type Size 39.14 acres Primary

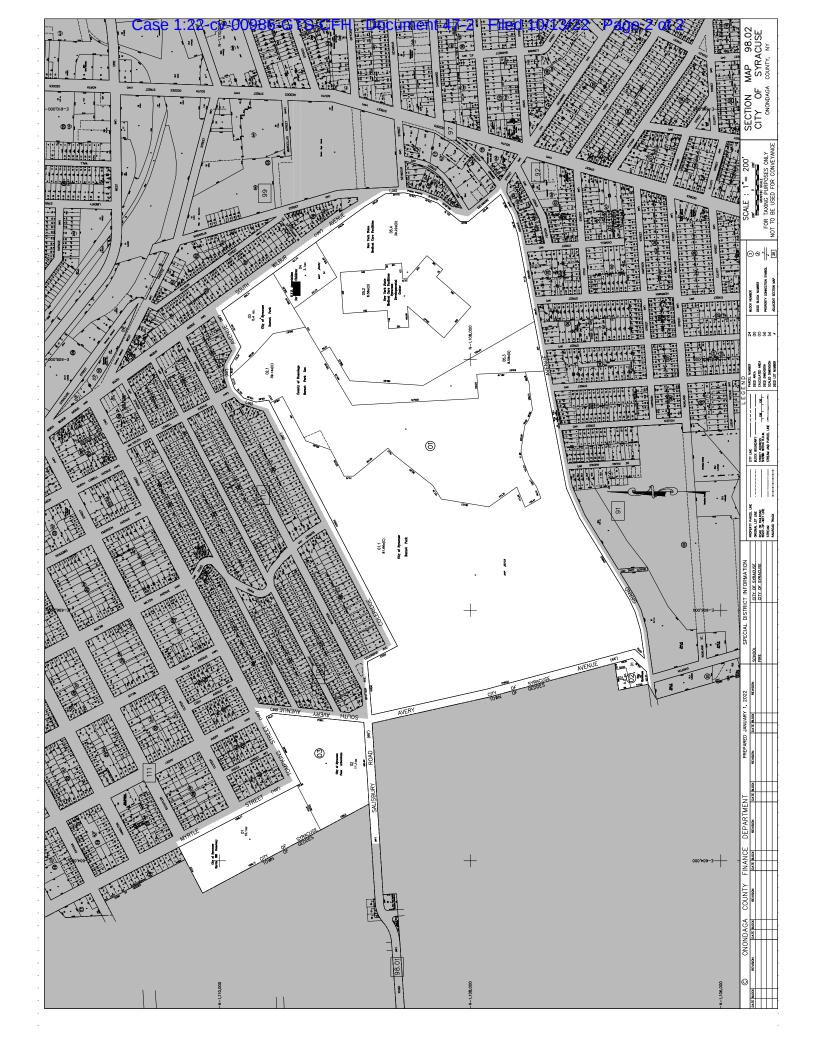
Special I	Districts for 2	Case 1:22	2-cv-0098	6-GTS-C	CFH	Docum	nent 47	'-1 Filed	10/13/22	Page 3 of 3
Description	on U	Inits	Percent	т	уре		Value			
SKC02-Co Sidewalk	m NW 0		0%	Т			0			
FL001-Swe	eeping 4	14.5	0%				0			
CWR50-Co water E	ounty 0		0%				0			
CSW15-Or San Unit	non Co 3	89.3	0%				0			
Exempti	ons									
<b>Year</b> 2022	<b>Description</b> COUNTY OWN	<b>Amount</b> \$5,173,000	Exempt % 0	Start Yr 1993	End Yr	V Flag	H Code	<b>Own %</b> 0		

#### Taxes

Year Description Amount

 $<sup>\</sup>boldsymbol{\ast}$  Taxes reflect exemptions, but may not include recent changes in assessment.

# EXHIBIT "2"



# EXHIBIT "3"



Home » Park

#### **Parks**



Beaver Lake Nature Center



Erie Canalway / Jordan Level Trail



Jamesville Beach Park



Carpenter's Brook Fish Hatchery



Highland Forest



NBT Bank Stadium



Cemeteries & Memorials



Hopkins Road Softball Park



Oneida Shores Park



Onondaga Lake Park



Otisco Lake Park



Pratt's Falls Park



Rosamond Gifford Zoo



**Spafford Forest** 



Edgecliff Park/Trail

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Onondaga County Parks 106 Lake Drive • Liverpool, New York 13088 T: (315) 451-7275 • F: (315) 457-3681



Onondaga County does not discriminate on the basis of race, color, national origin, gender or gender identity, sexual orientation, or disability in employment or the provision of services. Links:

Onondaga County's policy, complaint process, and language assistance or disability access issues.

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# EXHIBIT "4"









Home » About us » Park Rangers

### **Park Rangers**

#### TIP LINE: If you have a tip or wish to report an incident within-Onondaga County Parks, please email us at parkrangers police@ongov.net.

The Onondaga County Park Rangers Department is a full-service law enforcement agency, established in 1935 and authorized by Criminal Procedures Law §2.10(11). The primary mission of the department is to help maintain a safe environment for patrons of the Onondaga County Parks System and to provide related law enforcement services.

The geographic area of employment for our department is Onondaga County, pursuant to Criminal Procedure Law §140.25(5) and our sworn officers respond to law enforcement calls for services throughout Onondaga County to assist other law enforcement agencies as needed.

Sworn officers have the power to make warrantless arrests and to issue appearance tickets, simplified traffic informations, simplified parks informations and simplified environmental conservation informations within Onondaga County.

Our officers enforce the Penal Law, Vehicle and Traffic Law, Environmental Conservation Law, Parks Recreation and Historic Preservation Law, Agriculture and Markets Law, City of Syracuse Parks Local Laws and the Onondaga County Parks and Recreation Local Laws.

Our officers are dispatched to calls for service through the Onondaga County Emergency Communications Center 911 system. In addition, our department participates in the countywide law enforcement report writing and criminal information database system.

Click here to download the Onondaga County Park Rangers Subject Management Policy.

Park Ranger Kevin DiGregorio was awarded the Distinguished Service Bar on August 1, 2022 in recognition of his pursuit and apprehension of a suspect accused of making fraudulent withdrawals at several local banks. A grateful community thanks you for your service, Officer DiGregorio.



(I to r) Park Ranger Chief Howard Grant; Parks Commissioner Brian Kelley; Officer DiGregorio

During your visit to Onondaga County Parks, you may be photographed, videotaped, or filmed by Onondaga County Parks or authorized parties. Your attendance/admission serves as permission for use of these images by Onondaga County Parks. Commercial photography or filming is prohibited without permission of Onondaga County Parks.













































Thank you for your interest in the Onondaga County Park Rangers. We are always accepting applications for part-time positions.

Applicants must hold a current certification from the Division of Criminal Justice Services as Police Officers or Peace Officers with firearms certification.

Click here to download an application. Click here to download the Criminal Record Supplemental Questionnaire. Both of these must be completed by the applicant. Applicants may include a resume with their application.

Once both forms are completed, mail to:

Onondaga County Park Rangers 106 Lake Drive Liverpool, NY 13088

or scan and send via email to:

Chief Howard Grant - howardgrant@ongov.net or

Lt. Frank Jordan - frankjordan@ongov.net

The Onondaga County Park Rangers serve the people of Onondaga County and strive to provide a safe environment for all park patrons by:

Recognizing that its goal is to help people and provide assistance at every opportunity;

Providing preventive, investigative, law enforcement and asset protection services;

Increasing patron satisfaction with public safety and

Maintaining patron cooperation through the Department's training, skills, and professional efforts

In achieving this mission, the men and women of the Onondaga County Park Rangers will conduct themselves in an ethical manner.

They will:

Respect and protect the rights of citizens as determined by the law;

Treat citizens and their fellow employees courteously and with the same amount of dignity with which they expect to be treated themselves;

Be examples of honesty and integrity in their professional and personal lives, thereby earning the public trust;

Perform their duties with the knowledge that protection of the lives and property of all citizens is their primary duty





nt 47-4 Filed 10/13/22 Page 6 of 6

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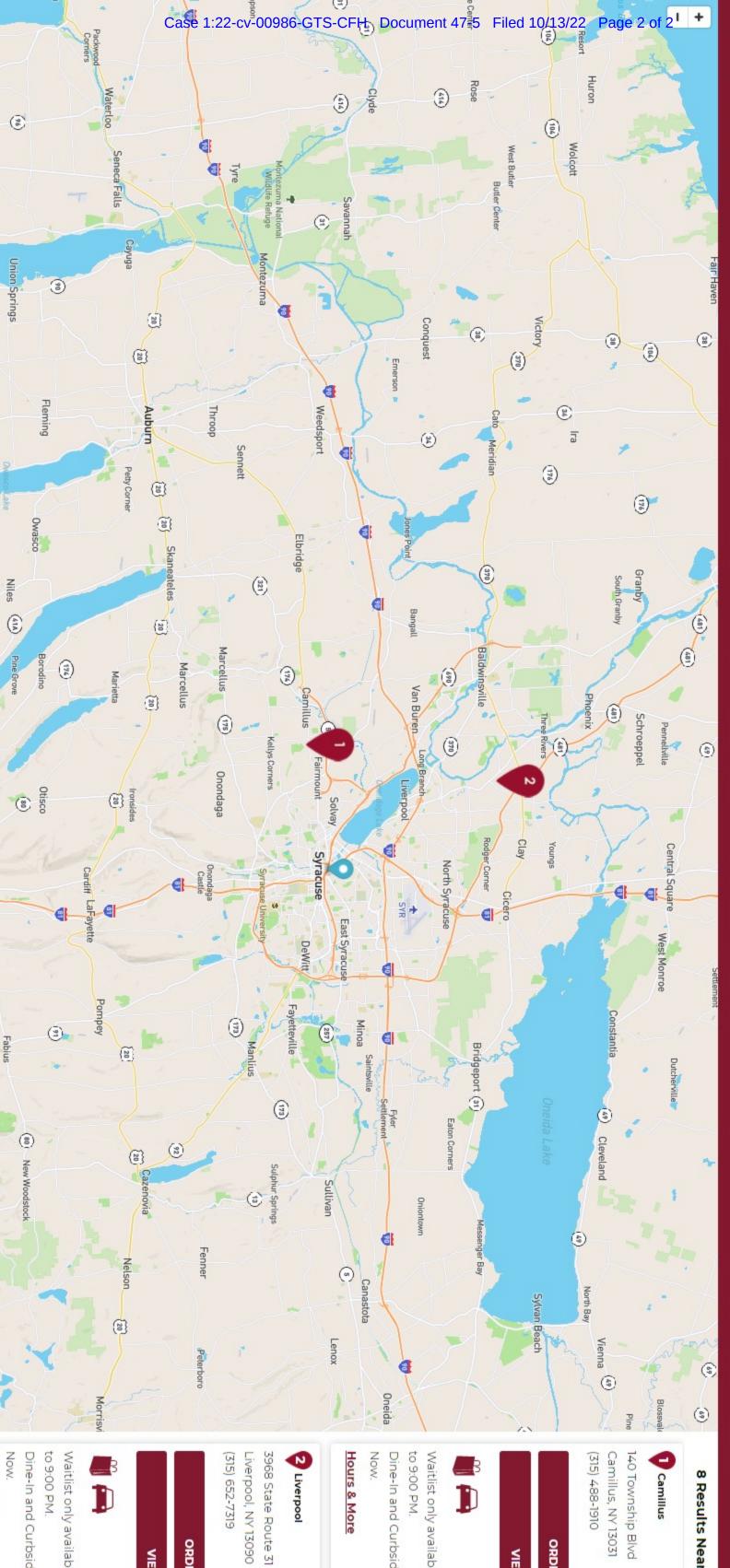
Onondaga County's policy, complaint process, and language assistance or disability access issues.

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# EXHIBIT "5"

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Dine-In and Curbside To Go Available

# 2 Liverpool

Liverpool, NY 13090



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Spafford Valley

# **EXHIBIT "6"**

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#### Crime & Safety

# Syracuse DA, police chief: We won't target gun owners under new law, but will take guns

Updated: Sep. 02, 2022, 4:44 p.m. | Published: Sep. 02, 2022, 12:01 p.m.



Onondaga County District Attorney William Fitzpatrick unveils his plan in response to the state's new gun-control measures. He's joined by other law enforcement, including Syracuse Police Chief Joe Cecile (to the DA's immediate left) and Onondaga County Police Chief's Association President Michael Crowell, of Manlius.

NEW!

#### By <u>Douglass Dowty | ddowty@syracuse.com</u>

Syracuse, NY -- Onondaga County gun owners who run afoul of the state's new gun law likely won't face criminal charges, but will not get a free pass either, the county's top law enforcement officials said Friday.

Violators will have their weapons confiscated while prosecutors investigate any other criminal activity, District Attorney William Fitzpatrick said. Their cases will be referred to the judge who granted them concealed-carry licenses in the first place, possibly leading to the revocation of their carry privileges.

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What's not likely to happen: otherwise legal gun owners ending up with a felony charge for simply carrying their gun where it's now not allowed, Fitzpatrick said.

The state's sweeping new gun-control measure, which took effect Thursday, makes virtually every public location presumptively a gun-free zone, other than public streets and a gun-owner's own home. Violation of the new law is supposed to be a felony that could carry a sentence of up to 4 years in prison.

RELATED: NY's new law returns fire at Supreme Court: Guns are now banned almost everywhere

But Fitzpatrick's approach will lead to an automatic guin seizure, while leaving discretion of who to charge up to his office. Violators with a history of ignoring the new gun law, or those linked to domestic violence, for example, are at risk of facing criminal prosecution, he said.

The DA noted there's bound to be widespread confusion over which places are off-limits. Technically, walking on the sidewalk in front of a school with a gun is considered a felony. So is walking through downtown Syracuse's Clinton Square or Columbus Circle, both public parks where guns are always banned.

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In addition, a Syracuse-based federal judge on Wednesday wrote an opinion suggesting that the state's new law -- including the long list of prohibited locations -- was unconstitutional under the Second Amendment. That ruling, however, was not binding and so the law is in effect as written.

RELATED: Federal judge allows NY gun law to go into effect Thursday, but warns it may be unconstitutional

Still, Fitzpatrick suggested, that ruling had an impact on how law enforcement will handle the new restrictions.

Law enforcement won't be proactively enforcing the new law by trying to catch legal gun-owners in prohibited locations, Syracuse Police Chief Joseph Cecile said.

"It will be complaint-driven," the chief said.

Manlius Police Chief Michael Crowell, president of the Unondaga County Chiefs of Police Association, attended a news conference Friday in support of the new policy, but declined comment.

Fitzpatrick, the Republican DA, slammed the new legislation passed by the state legislature, controlled by Democrats. The law was passed days after the U.S. Supreme Court's conservative majority overturned a state law that required a gun owner to explain a specific reason why he or she needed a handgun license (always concealed-carry in New York; open carry by civilians is illegal in all cases). The Second Amendment gives every law-abiding citizen a right to carry a gun for protection, Justice Clarence Thomas wrote in his opinion.



Fitzpatrick said the new state law was poorly written. For example, it prohibits the longtime prosecutor from carrying a gun for protection into his own office, because it's a government building that is now always off-limits for guns by non-police officers.

Cecile declined to comment on his personal view of the law, but noted that very few violent crimes in Syracuse are caused by people with legal concealed-carry permits -- those targeted by the new law.

In the end, Cecile said, the compromise strikes a good balance between enforcing the law and not tying up resources that could be spent on more pressing issues.

Staff writer Douglass Dowty can be reached at <a href="mailto:ddowty@syracuse.com">ddowty@syracuse.com</a> or (315) 470-6070.

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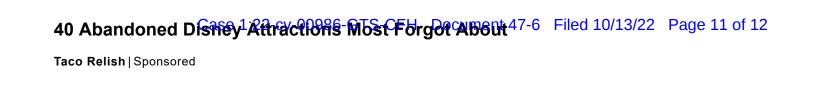
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syracuse.com



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# EXHIBIT "7"

