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COURT RULING ON BOGUS LIEN FILINGS
BY PRISON INMATES FIRST OF ITS KIND IN STATE

*Court Declares Liens Filed Against Prosecutors By Convicted Murderer Null and Void;
Awards Statutory Damages Against Bogus Lien Filer*

Queens District Attorney Richard A. Brown announced today that, as a result of an action brought by his office in Queens Supreme Court, a convicted murderer presently serving a twenty year to life prison sentence has had the bogus liens that he filed against the District Attorney and the prosecutors who worked on the murderer's case declared null and void. In addition, the defendant has been enjoined from future filings and a judgment has been entered against him for statutory damages.

District Attorney Brown said, "Instead of using his time as an inmate to rehabilitate himself, the defendant sought to retaliate against the prosecutors who worked on his case by filing bogus liens against them. These liens had the potential to do significant damage to the prosecutors' credit status – especially in these hard economic times."

The District Attorney added, "My office will use every tool at its disposal to deter and prevent those who would attempt to subvert and intimidate public officials in the performance of their duties. The attachment of the inmate's commissary account for payment of the court-ordered damages will certainly send a message to those who would squander their rehabilitative time on such evil and unproductive endeavors."

The respondent was identified as Ronald Thompson, an inmate at the New York State Department of Correctional Facility known as "Sing Sing" in Ossining, New York. On September 2, 1997, he was convicted of second-degree murder and third-degree criminal possession of a weapon and was sentenced to an indeterminate sentence of twenty years to life. His conviction was affirmed on appeal.

Thereafter, Thompson filed bogus documents (known as UCC-1's) with the New York State Secretary of State, claiming the public officials had violated a common law copyright in his name, and a "self executing security agreement" effective on receipt which purportedly indebted the prosecutors to him in an amount in excess of \$1 million.

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District Attorney Brown said that his action was instituted after it was determined that the bogus liens were filed in the Department of State's Uniform Commercial Code online database accessible to the public at www.dos.state.ny.us. The District Attorney commenced the litigation by a special proceeding filed in the Civil Term of State Supreme Court in Queens County, before Justice James P. Dollard, to: 1) declare the liens null and void; 2) to enjoin the respondent and others working with him from filing other and future liens; and 3) for statutory damages, as well as attachment of his commissary account, among other relief. In granting the relief, Justice Dollard rejected Thompson's claim of a common law copyright in his name as preempted by federal law, as well as his claim of being "sovereign" as a sham intended to harass the public officials involved.

District Attorney Brown stated, "The filing of false liens is a practice employed with some regularity nationwide by inmates, criminal defendants and disgruntled litigants against public officials and employees as a means of harassment. The practice has increased in recent years in New York. Though these liens are baseless, a record of them remains in certain public databases. These databases are often relied upon by the financial services industry to make decisions on the extension of credit. Accordingly, false liens impede an individual's ability to obtain credit and conduct certain financial transactions. The Court's decision, the first published New York State decision in this area, will be filed with the state database and will correct these false statements and remedy the harm done to the individuals' credit status. It will also be a guide to assist future litigants in this area of the law."

The investigation was conducted by Queens District Attorney Investigator William Abatangelo under the supervision of Deputy Chief Investigator Albert Velardi and Chief Investigator Lawrence Festa. Executive Assistant District Attorney for Investigations Peter A. Crusco represented the District Attorney.

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