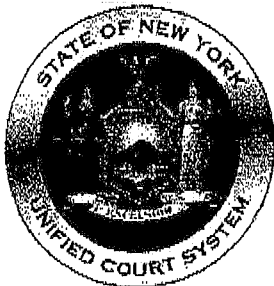


NIAGARA COUNTY COURT



JUDGE'S CHAMBERS
NIAGARA COUNTY COURTHOUSE
175 HAWLEY STREET
LOCKPORT, NY 14094-2758
(716) 280-6399

HON. MATTHEW J. MURPHY
County Judge and Surrogate

August 4, 2015

Joseph M. LaTona, Esq.
403 Main Street
716 Brisbane Building
Buffalo, New York 14203

Re: Michael O'Neill

Dear Mr. LaTona:

In response to your letter of today, the Court made an inquiry into the status of Mr. O'Neill's pistol permit at the time of his arrest. His pistol permit is in suspended status at this time. I have attached a copy of the Suspension Order dated September 8, 2010.

Please advise the Court when the Federal charges are resolved so that the appropriate next steps can be taken in connection with this permit.

Very truly yours,

A handwritten signature in black ink, appearing to read "Matthew J. Murphy". The signature is fluid and cursive, with a large loop at the end.

Hon. Matthew J. Murphy
Niagara County Court

MJM/daf
Enclosure

107715

STATE OF NEW YORK
COUNTY OF NIAGARA

RECORDED

NIAGARA COUNTY COURT

IN THE MATTER OF THE
PISTOL PERMIT OF
MICHAEL C. O'NEILL

2010 SEP 10 AM 9:35

NIAGARA COUNTY Pistol Permit Number 21077
CLERK'S OFFICE
LOCKPORT, NY

SUSPENSION ORDER


MURPHY, J.

COPY

It appearing to the satisfaction of this Court that the Niagara County Pistol Permit Office received a DCJS notice regarding an August 27, 2009, NYSP arrest for DWI (BAC of .11%), requiring this Court's review of Mr. O'Neill's continuing ability to responsibly handle the license previously issued to him, and the matter having come before this Court's designated hearing officer on September 2, 2010, for a hearing and this Court having reviewed the Pistol Permit file (including the electronically-recorded due process hearing, which is incorporated into this decision by reference) and recommendation of the hearing officer, and having determined that good cause exists to suspend said Pistol Permit license for a period of three years based upon Michael O'Neill's conviction for DWAI upon the aforementioned arrest, which constitutes his first alcohol-related conviction, but is only the latest in a series of alcohol-related issues disclosed in his employment records (as conceded during the hearing); it is now

ORDERED, that the Pistol Permit in question be suspended for a period of three years commencing on September 16, 2009, (when he was immediately and temporarily suspended pending investigation) and ending on September 16, 2012. If there are no further incidents negatively reflecting upon the holder's proper ability to be reinstated at that time and provided that the holder (at the holder's expense, if any) undergoes an alcohol evaluation by the Northpointe agency, or other appropriate agency approved by this Court *in advance*, and such agency submits a written evaluation report to this Court dated within sixty days of September 16, 2012, the holder's privileges will at that time be considered for reinstatement at Level Three (meaning that any future misconduct will likely result in the revocation of this license).

Dated: September 8, 2010

Hon. 
Hon. Matthew J. Murphy
Niagara County Court Judge

AM

CERTIFICATE OF DISPOSITION

STATE OF NEW YORK
 NIAGARA COUNTY

LEWISTON TOWN COURT
 CRIMINAL PART

PEOPLE OF THE STATE OF NEW YORK

VS.

MICHAEL C. ONEILL; Defendant


CASE NO: 12020158

Date of Birth: JC501 no:
 Date of Arrest: 10/12/2011 NYSID no:
 Disposition Date: 06/28/2012

Section Charged	Section Disposed	Ticket No & Description	Disposition	Fine	Civil-Fee	Surchg
VTL 1192 03	VTL 1192 01	QG2102BVSP DWAI ALCOHOL	Fine/fee	500.00	0.00	260.00
VTL 1194 01B	VTL 1194 01B	QG2102BWSP BREATH TEST VIO	Dismissed	0.00	0.00	0.00
VTL 1180 0D	VTL 1201 0A	QG2102BTSP STOP/PARK TO 24A	Fine	125.00	0.00	0.00

Upon a proper request for an official statement of disposition, I certify that the above named defendant having appeared before this court was charged as shown above. Each of the charges was disposed of as indicated.

Dated: The 3rd day of August 2015


 Hon. Thomas J. Sheeran

NOTE: A copy of the request will be filed with this certificate in the case records.

CAUTION: This information must not be divulged if the case is sealed or where the defendant has been adjudicated a youthful offender.

Copies: ___ Court, ___ Defendant, ___ Agency, ___ DA

ECMC 462 GRIDER STREET | BUFFALO, NEW YORK 14215
(716) 898-3000 | (716) 898-5178 FAX

ECMC.EDU

July 31, 2015

Dear Sir:

My name is Mark Livecchi. I am currently the attending physician for Michael O'Neill at ECMC on the 8th floor. Michael has suffered a left below the knee amputation as a result of a blast injury. I believe that placing him in cuffs and/or shackles would prove to be an impediment to his rehabilitation care during his stay on the 8th floor. Michael has exhibited no behaviors which would lead me to believe that he will be uncooperative with his current rehabilitation care needs. I offer this opinion from a medical standpoint and understand the legal ramifications of the situation need to be also considered. I respectfully submit that Michael remain untethered at this point in time. I will advise his attorney as well as the court upon an imminent discharge date. Thank you for your time and consideration of this request.

Respectfully submitted,



Mark Livecchi, DMD, MD, MBA
Clinical Chief, ECMC Rehabilitation Services

