

# Cattaraugus County Assistant District Attorney Admits Sheriff Sergeant Assaulted Local



In another twist of events occurring in a local court case, a Sheriff Sergeant, who has a history of assault and perjury was found to have assaulted a local citizen who was exercising his constitutional rights.

In Cattaraugus County, New York, it is considered a crime to exercise your rights, [including remaining silent](#).



In a local case, the DA failed to challenge the citizens accusation that [Bryan Schwabenbauer a "sheriff's sergeant" with a history of such acts](#) assaulted him, so by law that is considered an admission by the DA, *i.e. "the people" that he did in fact assault him; "...failure to deny the statement is generally admissible as evidence demonstrating his or her acquiescence to the truth of the statement"* People v Allen, 300 NY 222, 225.

In New York, individuals in their pleadings, (affidavits, motions, etc....) are required to admit, deny or claim they cannot form a belief on an accusation when they plead there case before the court. The have to do it specifically.

N.Y. C.P.L.R. 3018(a)] specifically states;

(a) Denials. "A party shall deny those statements known or believed by him to be untrue. He shall specify those statements as to the truth of which he lacks knowledge or information sufficient to form a belief and this shall have the effect of a denial. All other statements of a pleading are deemed admitted, except that where no responsive pleading is permitted they are deemed denied or avoided. "

Admissions are binding; Rahman v. Smith, No. 23495/03, 2005 WL 5118512 (N.Y. Sup. Ct. Nov. 29, 2005).

## **Cat County Corruption**

~~Cattaraugus County, New York State Corruption & the Powers of the NYS Jury & Grand Jury System~~

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So the question now becomes, what kind of criminal conduct are DA's Ensell and Balcom going to engage in now? [They have already fabricated evidence in the case.](#)

Have you had an issue with Bryan H Schwabenbauer or any other one in Catt county? Tell us about it;

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