

DC-88 Order on Motion

9  
Docket/Index No. [REDACTED]

**DISTRICT COURT OF THE COUNTY OF SUFFOLK, FIRST DISTRICT**

Present:

HON. PATRICIA FILIBERTO

MOTION DATE: JANUARY 12, 2010

THE PEOPLE OF THE STATE OF N.Y.

AGAINST  
[REDACTED]

Upon the following papers numbered 1 to 2 read on this motion TO DISMISS Notice of Motion and supporting papers 1; Notice of Cross Motion and supporting papers    ; Answering Affidavits and supporting papers 2; Replying Affidavits and supporting papers 3; Filed papers    ; Other     (and after hearing counsel in support of and opposed to the motion) it is,

**ORDERED** that this motion to dismiss the three (3) simplified informations filed herein on the ground that the defendant has not been timely provided with supporting depositions despite demand therefor is granted, the People interposing no opposition thereto. In this regard, the Court notes that the failure to provide the defendant with supporting depositions within the time period specified in the order of the Hon. Madeleine A. Fitzgibbon dated 9/25/09 renders the instruments facially insufficient [CPL §100.40(2); People v Tyler, 1 NY3d 493; People v Nuccio, 78 NY2d 102; People v Titus, 178 Misc.2d 687, lv.den. 92 NY2d 986].

New court date: 2.18.10  
Opinion filed herewith.

Dated: 1.29.10

  
J. D. C.

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JUSTICE COURT : VILLAGE OF SUFFERN  
COUNTY OF ROCKLAND: STATE OF NEW YORK

-----X  
THE PEOPLE OF THE STATE OF NEW YORK,

-against-

DECISION AND ORDER

[REDACTED]

Defendant.

-----X

Defendant has moved for a Dismissal pursuant to Criminal Procedure Law Section 30.30. Having considered all submissions with regard to this matter, the Court grants Defendant's Motion to Dismiss pursuant to Criminal Procedure Law Section 30.30 as the People were not ready within statutory requirements.

The charges of Harassment in the Second Degree (PL 240.25-01) and Trespass (PL 140.05) are dismissed and the Order of Protection issued by the Court on June 12, 2009 is vacated as a result of this Dismissal.

This constitutes the Decision and Order of this Court.

Dated: Suffern, New York  
March 23, 2010



MATTHEW J. BYRNE  
VILLAGE JUSTICE

ENTERED: March 23, 2010

  
Court Clerk