

AND ENTERED
ON 1/21/09
City Court of White Plains

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Present: HON. JO ANN FRIJA
CITY COURT JUDGE

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THE PEOPLE OF THE STATE OF NEW YORK,

DECISION ON MOTION

DOCKET NO.: [REDACTED]
MOTION DATE: 1/7/09

-against-

[REDACTED]

Defendant.

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The following papers numbered 1 to 6 read on this motion by defendant.

- Notice of Motion 1
- Affirmation of Camille O. Russell 2
- Exhibits A - C 3
- Affirmation of Michael Ashraf 4
- Memorandum of Law 5
- Reply Affidavit of Camille O. Russell 6
- Filed Papers: All papers on file.

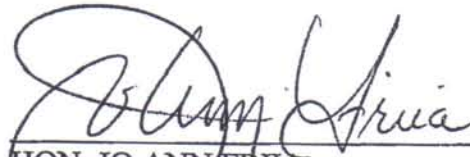
Upon the foregoing papers, the Court finds and decides as follows:

Motion pursuant to CPL §§ 100.15 (3), 100.40 (1) (c), 170.35 (1) (a) and 170.30 (1) (a) for an order dismissing the accusatory instrument is granted.

In short, the supporting deposition of Chris O’Keeffe is devoid of nonhearsay allegations of fact which tend to support any inference that defendant possessed the requisite culpable mental state(s) to commit the charged crime(s). Further, the same supporting deposition is devoid of nonhearsay allegations of fact which tend to establish the balance of the elements of the charged crime(s).

THIS DECISION CONSTITUTES THE ORDER OF THE COURT

Dated: White Plains, New York
January 21, 2009


HON. JO ANN FRIA
CITY COURT JUDGE

TO: Hon. Janet DiFiore
Westchester County District Attorney
By: Michael Ashraf, Esq.
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