

DC-88 Order on Motion

Docket/Index No. 9 [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

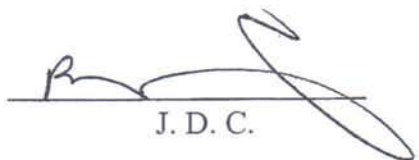
[REDACTED]

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.