

DC-88 Order on Motion

Docket/Index No. 116
[REDACTED]

DISTRICT COURT OF THE COUNTY OF SUFFOLK, FIRST DISTRICT

Present:

HON. TONI A BEAN

MOTION DATE: SEPTEMBER 18, 2009

THE PEOPLE OF THE STATE OF N.Y.

AGAINST

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 a supporting deposition 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 a supporting deposition within the time period specified in the order of the Hon. Madeleine A. Fitzgibbon dated 6/24/09 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: _____
Opinion filed herewith.

Dated: 9/30/09

J. D. C. [Signature]