

Supreme Court of the State of New York
Appellate Division: Second Judicial Department

D16626
K/nl

_____AD3d_____

Argued - October 5, 2007

ROBERT A. SPOLZINO, J.P.
FRED T. SANTUCCI
DANIEL D. ANGIOLILLO
THOMAS A. DICKERSON, JJ.

2007-08886

DECISION & JUDGMENT

The People, etc., ex rel. Christopher J. Cassar, on behalf of Ephraim Plummer, petitioner, v Vincent F. DeMarco, etc., respondent.

The Law Offices of Christopher J. Cassar, P.C., Huntington, N.Y., for petitioner.

Thomas J. Spota, District Attorney, Riverhead, N.Y. (Guy Arcidiacono and Grazia DiVincenzo of counsel), for respondent.

Writ of habeas corpus in the nature of an application for bail reduction upon Suffolk County Indictment No. 2484-07 to release the defendant on his own recognizance.

ADJUDGED that the writ is dismissed, without costs or disbursements.

The determination of the Supreme Court, Suffolk County, was not an improvident exercise of discretion, and did not violate "constitutional or statutory standards" (*People ex rel. Klein v Kruger*, 25 NY2d 497, 499; see *People ex rel. Rosenthal v Wolfson*, 48 NY2d 230).

SPOLZINO, J.P., SANTUCCI, ANGIOLILLO and DICKERSON, JJ., concur.

ENTER:


James Edward Pelzer
Clerk of the Court

October 9, 2007

PEOPLE EX REL. CASSAR, on behalf of PLUMMER v DeMARCO