

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

D19088
W/kmg

_____AD3d_____

Submitted - March 25, 2008

DAVID S. RITTER, J.P.
JOSEPH COVELLO
DANIEL D. ANGIOLILLO
WILLIAM E. McCARTHY, JJ.

2006-11407

DECISION & ORDER

The People, etc., appellant,
v Sydney Miller, respondent.

(Ind. No. 06-452)

Francis D. Phillips II, District Attorney, Goshen, N.Y. (David R. Huey of counsel),
for appellant.

Sussman & Watkins, Goshen, N.Y. (Michael H. Sussman of counsel), for respondent.

Appeal by the People from an order of the County Court, Orange County (Berry, J.),
dated November 17, 2006, which granted that branch of the defendant's omnibus motion which was
to suppress the results of a test performed on blood taken from him.

ORDERED that the order is affirmed.

Contrary to the People's contentions, the blood sample at issue was taken from the
defendant in violation of Vehicle and Traffic Law § 1194(2)(a)(1) and § 1194(3), and the results of
the test were therefore properly suppressed.

RITTER, J.P., COVELLO, ANGIOLILLO and McCARTHY, JJ., concur.

ENTER:



James Edward Pelzer
Clerk of the Court

April 29, 2008

PEOPLE v MILLER, SYDNEY