

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

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_____AD3d_____

Argued - September 25, 2008

WILLIAM F. MASTRO, J.P.
DANIEL D. ANGIOLILLO
EDWARD D. CARNI
RANDALL T. ENG, JJ.

2007-10761

DECISION & ORDER

The People, etc., appellant,
v Andrew Luciere, respondent.

(Ind. No.1984-07)

Thomas J. Spota, District Attorney, Riverhead, N.Y. (Steven A. Hovani and Thomas Costello of counsel), for appellant.

Christopher J. Cassar, P.C., Huntington, N.Y., for respondent.

Appeal by the People from an order of the County Court, Suffolk County (Kahn, J.) dated October 29, 2007, which granted the defendant's motion to dismiss the indictment pursuant to CPL 210.20 (1)(g) and CPL 30.30(1)(a).

ORDERED that the order is affirmed.

Contrary to the prosecution's contention, the County Court properly granted the defendant's motion to dismiss the indictment on speedy trial grounds (*see People v Price*, _____ AD3d_____ [decided herewith]).

MASTRO, J.P., ANGIOLILLO, CARNI and ENG, JJ., concur.

ENTER:



James Edward Pelzer
Clerk of the Court

February 10, 2009

PEOPLE v LUCIERE, ANDREW