

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

D21531  
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\_\_\_\_\_AD3d\_\_\_\_\_

Argued - September 25, 2008

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

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2007-10763

DECISION & ORDER

The People, etc., appellant,  
v Henry Cozzani, respondent.

(Ind. No. 2028-07)

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Thomas J. Spota, District Attorney, Riverhead, N.Y. (Grazia DiVincenzo and Thomas Costello of counsel), for appellant.

Aaron M. Wallenstein, New York, N.Y. (Jeremy Gutman of counsel), 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]). We note that while the prosecution raised in its opposing papers the contention that CPL 30.30(3)(b) warranted the denial of the defendant's motion, that contention is without merit.

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

ENTER:



James Edward Pelzer  
Clerk of the Court

February 10, 2009

PEOPLE v COZZANI, HENRY