

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

D21532  
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\_\_\_\_\_AD3d\_\_\_\_\_

Submitted - September 25, 2008

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

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2007-10762

DECISION & ORDER

The People, etc., appellant,  
v Charles Zarate, respondent.

(Ind. No.1811-07)

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

Bassett & Bassett, P.C., Central Islip, N.Y. (Kerry Sloane Bassett 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]).

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

ENTER:



James Edward Pelzer  
Clerk of the Court

February 10, 2009

PEOPLE v ZARATE, CHARLES