

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

D24392
K/nl

_____AD3d_____

Submitted - September 1, 2009

WILLIAM F. MASTRO, J.P.
JOHN M. LEVANTHAL
CHERYL E. CHAMBERS
SHERI S. ROMAN, JJ.

2009-07833

DECISION & JUDGMENT

The People, etc., ex rel. Steven L. DeVito, on behalf
of David Bruswitz, petitioner v Charles Ewald, Warden
of the Suffolk County Correctional Facility, respondent.

Robert C. Mitchell, Riverhead, N.Y. (Steven L. DeVito, pro se, and S. Betsy Heckman of counsel), for petitioner.

Thomas J. Spota, District Attorney, Riverhead, N.Y. (Joshua S. Shapiro and Kimberly A. Shalvey of counsel), for respondent.

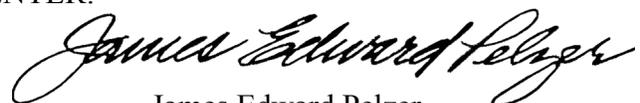
Writ of habeas corpus in the nature of an application for bail reduction upon Suffolk County Docket Nos. R09-TRF-1282, R08-TRF-5100, R09-CR1-144, and R09-CR1-313 to release the defendant on his own recognizance.

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

The determination of the County 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).

MASTRO, J.P., LEVENTHAL, CHAMBERS and ROMAN, JJ., concur.

ENTER:



James Edward Pelzer
Clerk of the Court

September 2, 2009

PEOPLE EX REL. DeVITO, on behalf of BRUSWITZ v EWALD