December 1, 1967

Hon. William J. Bulger
Town Justice
Town of Wappinger
Mill Street
Wappingers Falls, New York 12590

Dear Judge Bulger:

Thank you for your letter of November 27, 1967, addressed to the Chairman of this Commission, with its comments concerning some of the provisions of the proposed Criminal Procedure Law. We appreciate the time and interest which you have obviously devoted to the proposal and hope that we may count upon you as a consultant in the future.

You present suggestions and queries are most pertinent and will be carefully considered. While I will not discuss them all in this letter, the following remarks may be of interest.

The staff, also, has been considering the questions of whether the case of a defendant brought to and arraigned by the town court of town B upon a warrant returnable in the then unavailable town court of town A, should or should not be transmitted to town A for trial or other disposition. I have recently drafted a suggested amendment to the proposal which would, in effect, require town B to turn over the case to town A unless <u>both</u> town A and town B wish it to remain in town B.

You inquire, in connection with subdivision 3 of section 70.50, what local criminal courts are referred to in the phrase "unavailability of a local criminal court." As

indicated in subdivision 1, the particular local criminal courts to which an arrested defendant may be taken are specified in section 50.50. Unless the offense is committed in a city, the defendant, if the arrest is for a felony, may be taken to any town or village court in the county. If the arrest is for an offense other than a felony, the appropriate courts are limited to those of the village or town where the offense was committed and those of any adjoining town.

Sincerely,

RGD:HEG

Richard G. Denzer
Executive Director