

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

D56187  
/jr

\_\_\_\_\_AD3d\_\_\_\_\_

Submitted - July 3, 2018

RUTH C. BALKIN, J.P.  
SHERI S. ROMAN  
SANDRA L. SGROI  
JOSEPH J. MALTESE, JJ.

2018-07190

DECISION & JUDGMENT

The People, etc., ex rel. Evans D. Prieston,  
on behalf of Kenel Beaubrun, petitioner, v  
Nassau County Sheriff's Department, respondent.

Evans D. Prieston, Long Island City, NY, petitioner pro se.

Madeline Singas, District Attorney, Mineola, NY (Tova B. Simpson of counsel), for  
respondent.

Writ of habeas corpus in the nature of an application for the release of the detainee,  
Kenel Beaubrun, upon his posting of an insurance company bail bond in the aggregate sum of  
\$500,000 on Nassau County Indictment Nos. 1512N/17 and 86N/18.

ADJUDGED that the writ is sustained, without costs or disbursements, and the  
respondent Nassau County Sheriff's Department is directed to immediately release the detainee,  
Kenel Beaubrun, upon his posting of an insurance company bail bond in the aggregate sum of  
\$500,000 on Nassau County Indictment Nos. 1512N/17 and 86N/18.

“While CPL 520.30 allows a court to conduct an inquiry into the source of collateral  
pledged to secure issuance of an insurance company bail bond, the court cannot question the business  
judgment of the issuing company with regards to the amount of collateral it requires to secure the  
bond” (*People ex rel. Savage v Horn*, 56 AD3d 806, 806-807). Here, the Supreme Court erred in  
disapproving the bail on the ground that the amount of collateral posted to secure the bond was  
insufficient (*see People ex rel. Savage v Horn*, 56 AD3d at 807).

BALKIN, J.P., ROMAN, SGROI and MALTESE, JJ., concur.

ENTER:



Aprilanne Agostino  
Clerk of the Court

July 3, 2018

PEOPLE EX REL. PRIESTON on behalf of BEAUBRUN V NASSAU COUNTY SHERIFF'S  
DEPARTMENT