

**People v Bedi**

2012 NY Slip Op 33846(U)

August 1, 2012

Supreme Court, Westchester County

Docket Number: 10-1485

Judge: Barbara G. Zambelli

Cases posted with a "30000" identifier, i.e., 2013 NY Slip Op 30001(U), are republished from various state and local government websites. These include the New York State Unified Court System's E-Courts Service, and the Bronx County Clerk's office.

This opinion is uncorrected and not selected for official publication.

FILED  
AND  
ENTERED ON  
Aug. 1, 2012  
WESTCHESTER  
COUNTY CLERK

COUNTY COURT OF THE STATE OF NEW YORK  
COUNTY OF WESTCHESTER

---

THE PEOPLE OF THE STATE OF NEW YORK

- against -

VICKRAM BEDI, DATALINK COMPUTER  
PRODUCTS, INC. a/k/a DCP, INC.

Defendants.

---

ZAMBELLI, J.

DECISION & ORDER

Indictment No.: 10-1485

**FILED**  
AUG 01 2012  
TIMOTHY C. IDONI  
COUNTY CLERK  
COUNTY OF WESTCHESTER

The defendants have been indicted for grand larceny in the first degree allegedly committed on or about and between August 5, 2004 and August 26, 2010 in the County of Westchester. Defendants previously filed an omnibus motion which was decided by this Court's Decision and Order dated May 31, 2012 ("Decision"). After the People provided the defendant an amended bill of particulars on June 25, 2012 pursuant to that Decision, during the Court appearance on July 10, 2012, the defense handed up to the Court the instant motion, stating that the motion was directed at the amended bill of particulars. The Court accepted the motion. However, the defendants' motion includes several grounds in addition to the bill of particulars, and the defendants did not have permission to file further motions on those grounds. Defendants were advised in the May 31, 2012 Decision that any additional motions will only be considered upon good cause shown pursuant to CPL §255.20(3). Defendant failed to offer any good cause for the bringing of a motion on grounds additional to the bill of particulars and the Court therefore declines to consider them.

The People's response to defendant's motion consists of an affirmation in opposition and a memorandum of law, as well as Exhibits 1-7. Given that the Court only granted defendant permission to file a motion as relates to the amended bill of particulars, the Court only considered that part of the People's motion which addressed that issue. The defendants also submitted a reply affirmation in support of their motion; as defendant's reply solely addressed the amended bill of particulars, it was considered by the Court in its entirety.

1. **MOTION TO DISMISS FOR FAILURE OF THE PEOPLE TO PROVIDE AN ADEQUATE BILL OF PARTICULARS**

Defendants move to dismiss the indictment on the grounds that it is facially insufficient, since, they argue, the People have failed to specifically indicate the times, places and manners in which defendant Bedi is alleged to have made representations to the victim or money was exchanged; defendants submit that the People's amended bill of particulars fails to cure this alleged defect. Defendants further argue that this failure on the People's behalf denies them due process of law under the State and Federal Constitutions. Defendants reiterate the arguments made in their omnibus motion regarding the prior bill of particulars - that the approximate six year time frame over which the crime was alleged to occur is too lengthy to enable them to prepare a defense and that amended bill of particulars provided by the People fail to cure this alleged defect; that the People fail to give sufficiently specific locations for the crime, as the amended bill of particulars indicates that the crime occurred at "165 Main Street, Mount Kisco, New York and elsewhere in the State of New York", and that the People have provided allegedly insufficient information regarding the representations allegedly made by the defendant Bedi to the victim. The

People oppose the motion and argue that the indictment and amended bill of particulars provides defendants adequate notice of the charges against them and the People's theory of criminal liability; thus, they submit that defendants' motion should be denied.

Defendants' motion to dismiss for failure to provide an adequate bill of particulars is denied. The People complied with this Court's May 31, 2012 Decision and Order and provided the defendant with an amended bill of particulars on June 25, 2012. This amended bill attached grand jury exhibits which set forth in table form the specific dates and amounts of monetary transactions which the People contend constitute part of the alleged grand larceny, as they detail charges alleged to have been made by the defendants at Datalink to the victim's American Express credit cards<sup>1</sup>. The People also attached bank documentation demonstrating specific transfers from the victim's account to the defendant Bedi's account totaling US\$10,950,000 and indicated that this transfer occurred on or about October 2005. The People further clarified that the US\$1.8 million transfer between the victim and Helga Ingvarsdottir was not included in the grand larceny charge against the defendants. In addition to providing specific dates and amounts for the monetary transfers upon which the grand larceny charge is based, the People provided further particulars regarding the People's theory of criminal liability by listing seven specific instances where they contend defendant Bedi made false pretenses to the victim in order to obtain the monies which constitute the larceny.

Considering all of the circumstances of this case, defendants have received sufficient specificity of the charge against them in order to adequately prepare a defense .

---

<sup>1</sup>As indicated by their motion papers, the defendants are aware of the identity of the victim, who in any event, is identified by name in the bill of particulars.

(People v. Morris, 61 N.Y.2d 290, 293 (1984)). Defendants' reliance on People v. Sanchez, 84 N.Y.2d 440 (1994) is misplaced, as that case is clearly distinguishable from the case at bar. Unlike the defendant in Sanchez, defendants herein faces one charge relating to one victim, whose identity is know to them, and as noted above, defendants herein have been provided with specific information as to dates, amounts and locations of the alleged criminal transactions, as well as the false pretenses which were alleged to have been made by defendant Bedi to obtain the monies.

The Court orders that this case be heard on August 16, 2012 in the Trial Assignment Part. The Court will forward the Trial Readiness Order to that Court.

This Decision constitutes the Order of the Court.

Dated: White Plains, New York  
August 1, 2012

  
\_\_\_\_\_  
BARBARA G. ZAMBELLI  
COUNTY COURT JUDGE

Hon. Janet DiFiore  
District Attorney, Westchester County  
111 Dr. Martin Luther King Jr. Blvd.  
White Plains, New York 10601  
Attn: Steven Vandervelden, Esq.  
Assistant District Attorney

Anthony M. Giordano, Esq.  
100 Executive Blvd., Suite 205  
Ossining, New York 10562

Nancy Barry, Esq.  
Chief Clerk