

**People v Pagan**

2016 NY Slip Op 33024(U)

April 21, 2016

County Court, Orange County

Docket Number: 2015-675

Judge: Nicholas De Rosa

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This opinion is uncorrected and not selected for official publication.

**ORIGINAL**

COUNTY COURT : ORANGE COUNTY  
STATE OF NEW YORK

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THE PEOPLE OF THE STATE OF NEW YORK,

-against-

IND. NO. 2015-675  
INDEX NO. 227/16 ✓

ANGELO PAGAN,

**DECISION AND ORDER**

Defendant.

-----X

DE ROSA, N.

Defendant is charged in this indictment with the crimes of **Aggravated Criminal Contempt**, a Class D Felony, in violation of §215.52(1); **Criminal Contempt in the First Degree**, a Class E Felony, in violation of §215.51(b)(v); **Aggravated Family Offense** (2 counts), Class E Felonies, in violation of §240.75 (1) and (2); **Criminal Contempt in the Second Degree**, a Class A Misdemeanor, in violation of §215.50(3); **Assault in the Third Degree**, a Class A Misdemeanor, in violation of §120.00(1); **Criminal Obstruction of Breathing or Blood Circulation**, a Class A Misdemeanor, in violation of §121.11(a) and **Harassment in the Second Degree**, a violation of §240.26(1) of the Penal Law of the State of New York.

Defendant has moved for certain pre-trial relief which the Court, having considered: 1) the defendant's notice of motion and affirmation, submitted by Mark J. Gordon, Esq. and adopted by substituted counsel, Andrew Greher, Esq. 2) the People's

[\* 2]

affirmation in response, submitted by Kelle K. Grimmer, Esq., Senior Assistant District Attorney, Orange County District Attorney's Office, and 3) the transcript of Grand Jury proceedings, decides as follows.

**MOTION TO INSPECT GRAND JURY MINUTES**

Defendant's motion is granted to the extent that the Court has reviewed the minutes of the Grand Jury *in camera*. The Court finds that release of the minutes is not necessary to the determination of this motion. The Court further finds that the indictment is based upon legally sufficient evidence and that the Grand Jury was properly instructed with respect to the applicable law.

**MOTION TO SUPPRESS STATEMENTS**

Defendant's motion is denied based upon the People's representation that they do not seek to introduce any statements of defendant.

**MOTION TO SUPPRESS PHYSICAL EVIDENCE**

Defendant's motion to suppress physical evidence is denied based upon the People's representation that they do not seek to introduce any physical evidence seized from the defendant.

**MOTION FOR DISCOVERY AND INSPECTION**

Defendant's motion is granted to the extent that the information was previously provided or inspection was consented to in the People's Voluntary Disclosure Form and/or Affirmation

[\*3]  
in Response. In all other respects, defendant's application is denied.

**MOTION FOR BRADY MATERIAL**

Defendant's motion is granted to the extent that the District Attorney is directed to disclose to defendant any and all documents, materials and/or information, if any, required to be disclosed pursuant to Brady v. Maryland.

**MOTION FOR A SANDOVAL AND VENTIMIGLIA HEARING**

Defendant's motion is granted to the extent that a hearing is hereby ordered which will be held to determine which, if any, bad acts or convictions may be used as impeachment in the event that the defendant elects to testify at trial. The Court will also order a hearing to determine, which, if any, bad acts or convictions may be used as evidence in the People's direct case. The District Attorney is ordered to disclose, in accordance with CPL Section 240.43, any and all acts which he intends to use for purposes of impeaching defendant at trial, as well as any and all acts and/or convictions to be presented as evidence in chief.

**MOTION TO DISMISS IN THE INTERESTS OF JUSTICE**

Defendant's motion to dismiss the indictment in the interests of justice is denied. Defendant has failed to set forth any compelling factors warranting such dismissal. CPL §170.30(g) and §170.40.

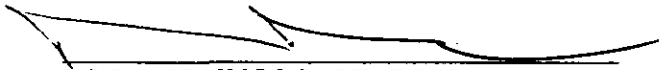
CONFERENCE/HEARING DATE

This matter is scheduled for a pre-trial hearing to be held on **April 21, 2016**. All parties are directed to be present.

The foregoing constitutes the Decision and Order of the Court.

Dated: Goshen, New York  
April 21, 2016

E N T E R .



HON. NICHOLAS DE ROSA  
COUNTY COURT JUDGE

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