

People v Finnegan

2017 NY Slip Op 33280(U)

August 4, 2017

County Court, Orange County

Docket Number: 2017-408

Judge: Craig Stephen Brown

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This opinion is uncorrected and not selected for official publication.

STATE OF NEW YORK
COUNTY COURT : ORANGE COUNTY

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PEOPLE OF THE STATE OF NEW YORK,

-against-

TIMOTHY FINNEGAN,

Defendant.

-----X
CRAIG STEPHEN BROWN, J.C.C.

,
DECISION & ORDER

Ind. No. 2017-408
Index No. 4253-2017

Defendant TIMOTHY FINNEGAN moves for the following relief:

1. For an order pursuant to CPL §210.30 granting an examination by the Court and the defendant of the minutes of the grand jury proceeding which resulted in the indictment against the defendant, and dismissing the indictment pursuant to CPL §210.20(1)(b), upon the ground that the evidence before the grand jury was not legally sufficient to establish the offenses charged or any lesser included offense, or reducing the charges in the indictment pursuant to CPL §210.20(1-a), upon the ground that the evidence before the grand jury was legally sufficient to support only a lesser included offense.
2. For an order dismissing the indictment pursuant to CPL §210.20(1)(a), upon the ground that the indictment or a count thereof is defective within the meaning of CPL §210.25.
3. For an order dismissing the indictment pursuant to CPL §210.20(1)(c), upon the ground that the indictment was found at a defective Grand Jury proceeding within the meaning of CPL §210.35.

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4. For an order for discovery pursuant to CPL §240.40.
 5. For an order for disclosure of evidence or material of an exculpatory nature pursuant to Brady v. Maryland, 373 U.S. 83.
 6. For an order pursuant to CPL §710.20(3) that any conversations or statements allegedly made by the defendant in connection with his arrest to any police officer or their agent be ordered suppressed as having been involuntarily made as a matter of law, and within the meaning of CPL §60.45, or in the alternative, that a hearing pursuant to CPL §710.60(4) be ordered to determine said issue.
 7. For an order pursuant to CPL §710.20(1) suppressing from use as evidence at trial tangible property on the ground that said property was obtained by means of an unlawful search and seizure, or in the alternative, that a hearing pursuant to CPL §710.60(4) be ordered to determine said issue.

The following papers were read:

Notice of Motion - Affirmation of Dennis McCormick, Esq. - Affidavit of Service	1 - 3
Grand Jury Minutes - Indictment - Voluntary Disclosure Form	4 - 6

Upon the foregoing papers it is hereby ORDERED that the defendant's motion is decided as follows:

MOTION TO INSPECT GRAND JURY MINUTES

The Motion is granted to the extent that the Court has reviewed the minutes of the Grand Jury and 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 FOR DISCOVERY AND INSPECTION

The request for information as set forth in paragraphs 7-10 of defendant's counsel's affirmation is granted to the following extent: the People are directed to provide (unless already provided), within ten (10) days from the date of this Order, the information sought in paragraphs 7, 8, 9 (reports only), and 10.

MOTION PURSUANT TO *BRADY V. MARYLAND*

Defendant's Motion is granted to the extent that it is hereby Ordered that the District Attorney provide defendant with any and all documents and materials as required under *Brady v. Maryland*.

MOTION TO SUPPRESS STATEMENTS

The Motion is granted to the extent that a Hearing is hereby Ordered pursuant to CPL §710.60 (4) to determine the admissibility of statements allegedly made by the defendant.

MOTION TO SUPPRESS PHYSICAL EVIDENCE

The Motion is granted to the extent that a Hearing is hereby Ordered pursuant to CPL§710.60(4) to determine the admissibility of physical evidence allegedly obtained from defendant.

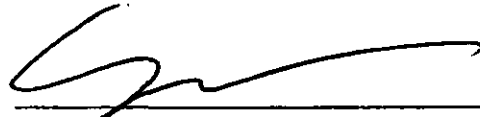
HEARING DATE

This matter is scheduled for a hearing to be held on August 14, 2017. at 3:00 P.M. The defendant, the defendant's counsel and assistant District Attorney are directed to be present.

The aforesaid constitutes the Decision and Order of the Court.

Dated: August 4, 2017
Goshen, New York

ENTER



HON. CRAIG STEPHEN BROWN
COUNTY COURT JUDGE

TO: LEGAL AID SOCIETY OF ORANGE COUNTY, INC.
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