

People v Pilat

2017 NY Slip Op 33299(U)

August 18, 2017

County Court, Orange County

Docket Number: 4556-2017

Judge: Craig Stephen Brown

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 ORIGINAL

STATE OF NEW YORK
COUNTY COURT : ORANGE COUNTY

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PEOPLE OF THE STATE OF NEW YORK,

DECISION & ORDER

-against-

Ind. No. 2017-410
Index No. 4556-2017

LAURA PILAT,

Defendant.

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

Defendant LAURA PILAT moves for the following relief:

1. For an in camera inspection of the Grand Jury Minutes and Dismissal and/or reduction of the Indictment;
2. For an Order for Bill of Particulars;
3. For an Order of discovery pursuant to CPL §240.40;
4. For an Order suppressing any and all Statements of Admissions, or in the alternative, for a pre-trial Huntley Hearing;
5. For an Order for disclosure of evidence or other exculpatory material pursuant to Brady v. Maryland, 378 U.S. 83;
6. For an Order to prohibit the use of defendant's prior crimes or bad acts pursuant to People v. Sandoval, 34 N.Y.2d, 371, 378 (1974);
7. For an Order to grant a Hearing pursuant to People v. Ventimiglia, 52 N.Y.2d 350, 438 N.Y.S.2d 261 (1981);
8. For an Order of Disclosure of information pursuant to People v. Geaslin, 54 N.Y.2d 510, 446 N.Y.S. 2d 227 (1981);
9. For an Order Granting Leave to File Additional Motions.

The following papers were read:

Notice of Motion -Affirmation of Jamie T. Ferrara, Esq. -
Affidavit of Service

Anika Mohammed, Esq.'s Affirmation in Response - Affidavit of Service 4 - 5

Indictment - Grand Jury Minutes -Voluntary Disclosure Form 6 - 8

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 A BILL OF PARTICULARS (PARAGRAPH 20)

The request for information as set forth in paragraphs numbered "20(c)", "20(f)", "20(h)", and "20(p)" (breath test) of defendant's counsel's affirmation is denied on the basis that it was previously provided in the Voluntary Disclosure Form.

The request for information as set forth in paragraph numbered "20(p)" (excluding breath test) is denied based upon the District Attorney's representation that no such information is presently known.

The remaining requests for information set forth in paragraph numbered "20" are denied.

MOTION FOR DISCOVERY (PARAGRAPH 22)

The request for information as set forth in paragraphs "22(a)", "22(c)" (breath test), "22(d)", "22(f)", and "22(i)" of defendant's counsel's affirmation is denied on the basis that such information was previously provided in the Voluntary Disclosure Form.

The request for information requested in paragraph "22(j)" is denied as this is not a prosecution under Penal Law Section 156.05 or 156.10.

The request for information as set forth in paragraphs "22(b)", "22(c)" (excluding breath test), "22(g)", and "22(h)" is denied based upon the District Attorney's representation that no such information is presently known.

The requests for information set forth in paragraphs "22(e)" and "22(k)" are granted. The People are ordered to provide such information within ten (10) days from the date of this Order.

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 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 FOR A *SANDOVAL* HEARING

The motion is granted to the extent that a hearing is hereby ordered which will be held immediately prior to trial 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 further orders the District Attorney to provide defendant's attorney with a true copy of defendant's DCJS Summary Case History and to disclose to defendant's attorney any and all acts about which it intends to use as impeachment. The above information must be provided to defendant's attorney at least three days, excluding Saturdays, Sundays and holidays, prior to the commencement of jury selection.

MOTION PURSUANT TO *VENTIMIGLIA*

Defendant's motion for relief pursuant to *People v Ventimiglia*, 52 NY2d 350 is denied with leave to renew in the event that the District Attorney seeks to introduce evidence at trial of

defendant's prior bad acts or convictions.

MOTION PURSUANT TO *GEASLEN*

Granted to the extent that the District Attorney is ordered to provide to defendant's attorney, within ten (10) days from the date of this Order, any information required to be disclosed pursuant to *People v. Geaslen*.

MOTION GRANTING LEAVE TO FILE ADDITIONAL MOTIONS

The motion is granted only to the extent set forth in CPL §255.20(3).

ADJOURNED DATE

This matter is scheduled for a conference to be held on August 21, 2017, at 9:15 A.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 18, 2017
Goshen, New York

ENTER


HON. CRAIG STEPHEN BROWN
COUNTY COURT JUDGE

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