

**People v Scores**

2021 NY Slip Op 34067(U)

August 4, 2021

Supreme Court, Westchester County

Docket Number: Ind. No. 20-00524-01

Judge: Robert A. Neary

Cases posted with a "30000" identifier, i.e., 2013 NY Slip Op 30001(U), are republished from various New York State and local government sources, including the New York State Unified Court System's eCourts Service.

This opinion is uncorrected and not selected for official publication.

**FILED**

**AUG - 4 2021**

TIMOTHY C. IDONI  
COUNTY CLERK  
COUNTY OF WESTCHESTER

<p><b>FILED</b> <b>AND</b> <b>ENTERED</b> ON <u>8-4-2021</u> <b>WESTCHESTER</b> <b>COUNTY CLERK</b></p>
---

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF WESTCHESTER

-----X  
THE PEOPLE OF THE STATE OF NEW YORK

- against -

DECISION AND ORDER

GINAMARIE SCORES,

Ind. No. 20-00524-01

Defendant.

-----X

NEARY, J.

The defendant, Ginamarie Scores, has been charged with the crimes of Driving While Intoxicated as a felony (Vehicle and Traffic Law §1192[2]), Driving While Intoxicated as a felony (Vehicle and Traffic Law §1192[3]), Driving While Ability Impaired by a Combined Influence of Drugs or of Alcohol and any Drug or Drugs as a felony (Vehicle and Traffic Law §1192[4-a]), Moving from Lane Unsafely (Vehicle and Traffic Law §1128[a]); Driving across Highway Markings (Vehicle and Traffic Law §1128[d]) and Failure to Signal (Vehicle and Traffic Law §1163[d]). The defendant has made an omnibus motion which consists of a Notice of Motion and an Affirmation and Memorandum of Law in Support thereof. In response, the

People have filed an Affirmation in Opposition together with a Memorandum of Law. Having read all of the submitted papers and reviewed the court file, this Court makes the following determination.

A. MOTION TO INSPECT THE GRAND JURY MINUTES AND DISMISS THE INDICTMENT OR CERTAIN COUNTS FOR INSUFFICIENT EVIDENCE AS THE EVIDENCE BEFORE THE GRAND JURY WAS LEGALLY INSUFFICIENT TO SUPPORT THE OFFENSES CHARGED

The defendant's motion to inspect the Grand Jury minutes is granted. Upon an *in camera* inspection of the Grand Jury minutes by Court, the motion to dismiss the indictment or reduce a charged offense in the indictment is denied.

The Court has reviewed the minutes of the proceeding before the Grand Jury. The Grand Jury was properly instructed (see *People v. Calbud*, 49 NY2d 389, 426 NYS2d 389, 402 NE2d 1140 and *People v. Valles*, 62 NY2d 36, 476 NYS2d 50, 464 NE2d 418) and the evidence presented, if accepted as true would be legally sufficient to establish every element of the offenses charged. [See CPL §210.30(2)]. In addition, the minutes reveal that a quorum of the grand jurors was present during the presentation of evidence and at the time the district attorney instructed the Grand Jury on the law, and that it was instructed that only those grand jurors who had heard all the evidence could participate in voting on the matter.

The Court does not find that the release of the Grand Jury minutes or certain portions thereof to the parties was necessary to assist the Court in making this determination.

B. MOTION TO SUPPRESS ALL NOTICED STATEMENTS PURSUANT TO CPL ARTICLE 710 OR IN THE ALTERNATIVE FOR A HUNTLEY HEARING

This branch of the defendant's motion is granted to the extent that a *Huntley* hearing shall be held prior to trial to determine the admissibility and voluntariness of any statements allegedly made by the defendant, which have been noticed by the People pursuant to CPL §710.30 (1)(a), CPL §710.20(3), CPL §710.60[3][b]; *People v. Weaver*, 49 NY2d 1012, 429 NYS2d 399, 406 NE2d 1335.

C. MOTION FOR SANDOVAL/VENTIMIGLIA HEARING

Immediately prior to commencement of jury selection, the prosecutor shall, upon request of the defendant, notify the defendant of any prior criminal act which the People seek to use in the cross-examination of the defendant as well as all specific instances of the defendant's prior uncharged criminal, vicious or immoral conduct of which the prosecutor has knowledge and which the prosecutor intends to use at trial for the purposes of impeaching the credibility of the defendant. Thereafter, upon the defendant's request, the trial court shall conduct a *Sandoval* and/or *Ventimiglia* hearing prior to the commencement of trial. [See *People v. Sandoval*, 34 NY2d 371 (1974); *People v. Ventimiglia*, 52 NY2d 350 (1981); *People v. Molineux*, 168 NY 264 (1901)].

D. MOTION TO RESERVE THE RIGHT TO MAKE FURTHER MOTIONS PURSUANT TO CPL 255.20(2) AND (3)

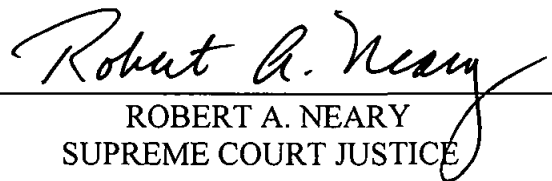
Upon a proper showing, the Court will entertain appropriate additional motions based upon grounds of which the defendant could not, with due diligence, have been previously

aware, or which, for other good cause, could not reasonably have been raised in this motion.

[See CPL §255.20(3)].

This constitutes the opinion, decision and order of this Court.

Dated: White Plains, New York  
August 4, 2021

  
ROBERT A. NEARY  
SUPREME COURT JUSTICE

Taylor Piscionere  
Assistant District Attorney  
Westchester County  
Office of the District Attorney  
Richard J. Daronco Courthouse  
111 Martin Luther King Blvd.  
White Plains, New York 10601  
[tpiscionere@westchesterda.net](mailto:tpiscionere@westchesterda.net)

John D. Pappalardo, Esq.  
Pappalardo & Pappalardo, LLP  
Attorneys for Defendant  
222 Bloomingdale Road, Suite 301  
White Plains, New York 10605  
[johnd@pappalardolaw.com](mailto:johnd@pappalardolaw.com)