

STATE OF NEW YORK
COUNTY OF MONROE

JUSTICE COURT
TOWN OF RUSH

PEOPLE OF THE STATE OF NEW YORK

v.

DECISION AND ORDER

CR No. 25-110018

The Court has reviewed its August 8, 2026 Decision and Order concerning the production of discovery and the filing of a Certificate of Compliance. Additionally, the Court has reviewed the uncontested affirmation of facts contained in the September 8th affirmation of Attorney Goldman. The Court has reviewed the pertinent Criminal Procedure Law and relevant case law. Lastly, the Court notes the People's express declination to contest the affirmed facts, affirm other pertinent facts and present procedural and case law in opposition to the motion to dismiss.

There are various remedies for the lack of production of discovery and the failure to file a Certificate of Compliance. A Statement of Readiness for trial cannot be asserted by the People under these circumstances. The Court finds drawing an adverse inference concerning Officer Snowden's testimony or its preclusion altogether to be problematic under these circumstances.

Beyond its obligation as a trier of fact, the Court is responsible for ensuring that the defense possesses the information it's entitled to receive to conduct its defense, particularly the examination of Officer Snowden, the key and possibly only witness in the People's case-in-chief.

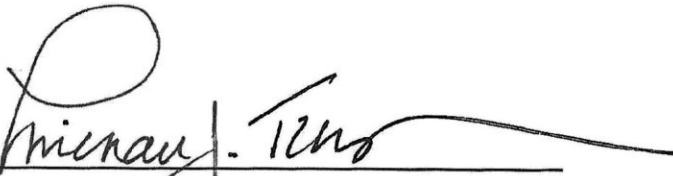
The prejudice manifested were the case to proceed to trial cannot be remedied. Dismissal pursuant to Criminal Procedure Law 245.80(1) is appropriate and proportional to the prejudice to be suffered by the Defendant were the matter--- a serious allegation of operating a motor vehicle at a speed of 90 mph---to proceed to trial. Accordingly, the Uniform Traffic Ticket E490LOBRVB is dismissed.

Conclusion

This constitutes the Decision and Order of the Court.

Dated: September 13, 2026

At: Rush, New York

A handwritten signature in black ink, appearing to read "Michael J. Tallon", is written over a horizontal line. The signature is fluid and cursive, with a large loop at the beginning and a long, sweeping tail.

Michael J. Tallon

Rush Town Justice