

People v. R.S. (Greece Tn. Ct., 4/22)

MR. CORLETTA GETS JUDGE TO REVERSE HERSELF

Staying with it, and not giving up, is epitomized by a defense attorney making a Motion to Reargue, after their initial Motion to Dismiss was denied. Many attorneys are reluctant to call out a Judge for making a mistake. Not Mr. Corletta. If Mr. Corletta believes he is right, he will keep after it.

Such was the case in **People v. R.S.** (Greece Tn. Ct., 4/22).

In that case, Mr. Corletta noticed a Speedy Trial defect, and promptly made Motion to Dismiss.

The Assistant District Attorney undoubtedly knowing the same defect was there, disingenuously attempted to save the case by making a specious legal argument. Mr. Corletta vigorously argued the Motion on his client's behalf.

The Town Justice got confused on a key fact, and denied Mr. Corletta's Motion. Not to be denied, Mr. Corletta made a Motion to Reargue and again reiterated the facts and applicable law he believed the Judge misapprehended.

The ADA again made the same specious argument in response, to which Mr. Corletta replied with a further Memorandum of Law.

After all of these efforts, Mr. Corletta's point was made. The Judge, to their credit, candidly admitted they were wrong on the law, and that Mr. Corletta was right.

The charge was dismissed, and Mr. Corletta's client, who was an older person with no prior criminal history, was extremely grateful.