

People v. N.T. (Greece Tn. Ct., 12/21)

**MR. CORLETTA USES KNOWLEDGE OF EVOLVING LAW TO OBTAIN
DOUBLE DISMISSAL FOR DWI CLIENT**

Effective **January 1, 2020**, New York passed a new Discovery law, which required Prosecutors to provide mandatory Discovery materials, without request from Defendant, within a specified period of time, or be charged with Speedy Trial Time, which is a departure from prior law.

If this were not enough, the Pandemic intervened. There were a series of Executive Orders tolling Speedy Trial Time. However, that ended in **October, 2020**. Many Prosecutors were lulled into a false sense of security (or outright laziness), based upon repeated “administrative adjournments” due to the Pandemic.

However, effective **October 4, 2020**, the Governor's Executive Orders stopped the toll on Speedy Trial Time in Misdemeanor **DWI** cases. Therefore, this was not a license to continue to do thing.

Many prosecutors did not take note, and continued to delay service of Discovery materials after **October 4, 2020**. This is what happened in **People v. N.T.** (Greece Tn. Ct., 12/21).

There, Defendant was arrested in **November, 2020**, but Court appearances were delayed until **April, 2021**. However, that did not excuse the Prosecutor’s requirement to file and serve Discovery. They failed to do so.

Accordingly, upon resumption of Court appearances in late **April, 2021**, Mr. Corletta immediately attacked, objecting to the Court's jurisdiction and arguing there was an expiration of Speedy Trial time due to the District Attorney’s failure to do anything for **5** months. As a result, the case, which was charged as a Refusal, never got off the ground. Mr. Corletta's client's license was never suspended, and the charge was ultimately dismissed due to the Prosecutor’s inaction in a written Decision chastising the Prosecutor, which will serve as precedent in this county.

Accordingly, Mr. Corletta's client got a rare “daily double” in a **DWI** Refusal case; *i.e.* no consequences for the Refusal from the **DMV**, and an outright dismissal of the **DWI** charge.

Needless to say, the client was extremely grateful for this outstanding result, which rarely occurs in Driving While Intoxicated cases.