

People v. S. L. (Irondequoit Tn. Ct., 3/2021)

**MR. CORLETTA ACHIEVES STILL ANOTHER
SPECTACULAR RESULT, DESPITE PANDEMIC**

Consider these facts. A police officer, at approximately 3:00 A.M., observes a vehicle weaving over various hazard markings on a busy main thoroughfare in a commercial area. After following the vehicle for several blocks, he stops it and observes 2 individuals inside with an open container of alcohol and cups with alcohol in the center console.

The driver is ordered out of the vehicle, and fails Field Sobriety Tests. The driver becomes uncooperative and refuses to submit to a chemical test. The driver is charged with Driving While Intoxicated and numerous traffic offenses, including Consuming Alcohol in a Motor Vehicle.

Many lawyers would simply throw up their hands, advise their client to plead guilty, and plead for leniency.

As he always does, Mr. Corletta did not take this approach. Instead, he carefully broke down all the charges and attacked the proof by filing several motions. He attacked the facial sufficiency of the underlying traffic charges, held a Probable Cause Hearing, and after the new Discovery laws went into effect on January 1, 2021, demanded further Discovery and filed Motions to Dismiss based upon undue delay. He then proceeded to trial on all the charges, and then thoroughly briefed the proof in a written Memorandum to the Court.

The result? Of the 5 charges his client was originally charged with, the client was convicted of none. All of the traffic offenses, including Consumption of Alcohol in a Motor Vehicle charge, were **dismissed** based upon insufficient proof. Mr. Corletta's client was only convicted of the minor traffic infraction of Driving While Ability Impaired, **not** Driving While Intoxicated.

The client avoided not only criminal penalties, such as probation or incarceration, but the imposition of an Ignition Interlock device on their vehicle for a period of one year. Instead, the client paid a small fine and will attend an Impaired Driver Program.

Mr. Corletta also made a unique post-trial motion in the case, based upon the Court's delay in rendering the verdict caused by the pandemic, which forced closure of the courts. Mr. Corletta argued the Court had lost jurisdiction during this period based upon well-established caselaw. Although the motion was denied due to the intervention of the pandemic, it undoubtedly had some impact on the Town Justice, who dismissed all underlying traffic charges against the client and found the client not guilty of Driving While Intoxicated.

In all, Mr. Corletta's client, a medical professional who could have had their license affected by a Driving While Intoxicated conviction, was more than pleased with Mr. Corletta's tireless advocacy.