

ATTORNEYS^{WITH} SWAG

LEARNING CENTER • OCTOBER 2026

PROSECUTION / CRIMINAL PRACTICE / NEW YORK

Assistant District Attorneys

Independent judgment from intake to the courtroom.

A practical coursebook on charging, factual investigation, accusatory instruments, police encounters, witness communication, and early criminal litigation.

PROGRAM FACULTY

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OF QUEENS COUNTY

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About the course

Mehdi Essmidi and Nia-Tai Fung join Eugene Toussaint and David Ourlicht to examine how criminal cases enter and move through a district attorney's office. The discussion combines prosecution experience with defense questions about investigation, witnesses, charging, and early courtroom advocacy.

The manual develops the episode's legal subjects through primary authorities and completed practice exercises. Dated written supplements explain later legal developments and correct legal statements where necessary. The fictional practice files provide additional instruction beyond the recorded discussion.

The principal jurisdiction is New York. The course focuses on intake and early criminal proceedings, including local criminal court practice; it is not a comprehensive treatment of felony prosecution. The initial legal review was completed October 9, 2026; quality-review checks and corrections are dated October 12, 2026. Material developments after the recorded discussion are identified in the relevant chapters.

Proposed New York CLE credit: 2.0 Areas of Professional Practice. Subject to approval. No separate Ethics, Skills, or Diversity credit is represented. Attorney eligibility and presentation-format eligibility remain subject to the applicable approval.

Learning objectives

1. Separate charging discretion from probable cause, pleading sufficiency, admissibility, and trial proof.
2. Build an element-and-source chart for a misdemeanor information and identify facts requiring further investigation.
3. Analyze an arrest, I-card communication, and custodial statement using the correct legal standards.
4. Prepare a focused request concerning a temporary order of protection and communicate appropriately with witnesses.
5. Apply current discovery, readiness, and bail rules without treating office practices as statutory requirements.
6. Use independent investigation and careful preparation to reduce factual error and untested assumptions.

A practical reading path

Chapters 1–2 establish the prosecutor's role and the charging document. Chapters 3–5 test investigation, witness issues, and the episode's roadside hypothetical. Chapters 6–8 address disclosure, court appearances, and reliable case preparation. Application problems and reusable worksheets consolidate the analysis.

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Using the completed practice files

File A in chapters 2, 6 and 7 follows a fictional case through the complaint, supporting deposition, disclosure challenge, two separate calendars and release instructions. Chapter 4 supplies File P: supporting evidence, a protection-order application, opposition and operative proposed terms. Files I, S, R and H test arrest communication, statements, the roadside sequence and a completed handoff. The final fresh problem appears before its reasoned answer. Blank worksheets remain optional practice tools; they supplement the completed demonstrations.

Practice file	Completed task and where to find it
D1	Stage-specific discretionary decision; chapter 1
A1-A6	Source excerpts, complaint, verified supporting deposition and element map; chapter 2
I1-I3 / S1-S3	I-card hearing proof and actual statement chronology; chapter 3
P1-P5	Tenancy/caregiving evidence, request, response and proposed order; chapter 4
E1-E3 / R1-R2	Episode fact boundaries and a separate timestamped hearing exercise; chapter 5
A7-A11	Production/service records, conferral affirmation, motion and dated clocks; chapter 6
AR1 / client memo	Release evidence, court submissions and teach-back; chapter 7
H1-H5	Contradiction/disclosure record and accepted handoff; chapter 8
Problem K	A fresh file to decide before consulting the answer; Review and application

Meet the faculty

Eugene D. Toussaint, Esq.



President, Attorneys With Swag Inc.; Staff Attorney, The Legal Aid Society

Eugene D. Toussaint is President of Attorneys with Swag Inc. and a staff attorney in The Legal Aid Society's Criminal Defense Practice in Queens. As a public defender, he represents people facing criminal charges. He founded AWS to make legal knowledge accessible through its podcast, music, and community education programs, and serves as a host and showrunner.

He graduated from Mount Saint Vincent in 2010 after studying history and psychology and earned his J.D. from St. John's University School of Law in 2014. He was admitted to the New York bar in 2015. A Bronx native and first-generation college graduate, he developed his interest in public education and community organizing alongside his legal career.

Education: Mount Saint Vincent, 2010, history and psychology; J.D., St. John's University School of Law, 2014

Admission: New York, 2015

Leadership and practice: President, Attorneys With Swag Inc.; staff attorney, The Legal Aid Society, Queens Criminal Defense Practice; AWS host and showrunner

Meet the faculty continued

David Ourlicht II, Esq.



Founder, Law Offices of David E. Ourlicht, PLLC; AWS Co-host

David Ourlicht II is a New York criminal-defense attorney and founder of the Law Offices of David E. Ourlicht, PLLC. His practice includes criminal defense and firearm licensing. Before entering private practice, he served as a public defender with The Legal Aid Society in Manhattan, representing clients facing misdemeanor and felony charges.

He graduated from CUNY School of Law in 2017 and was admitted in New York in 2019. During law school, he was recognized among National Jurist's 2017 Law Students of the Year. He was also a named plaintiff in *Floyd v. City of New York*, the challenge to unconstitutional and racially discriminatory NYPD stop-and-frisk practices. He is an AWS co-host whose professional background includes public defense, private litigation, and civil-rights advocacy.

Education: J.D., CUNY School of Law, 2017

Admission: New York, 2019

Experience: Founder, Law Offices of David E. Ourlicht, PLLC; former Manhattan public defender, The Legal Aid Society

Public-interest background: Named plaintiff, *Floyd v. City of New York*; National Jurist Law Students of the Year recognition, 2017

Meet the faculty continued

Mehdi Essmidi, Esq.



Founder, The Law Offices of Mehdi Essmidi, P.L.L.C.; AWS Co-host

Mehdi Essmidi is a New York criminal-defense and family-law attorney and founder of The Law Offices of Mehdi Essmidi, P.L.L.C. He previously served as a Bronx County assistant district attorney in the Domestic Violence Bureau and Trial Division. His practice includes DWI, weapons, federal criminal, and domestic-violence matters, as well as custody, child support, and orders of protection.

A New York Law School graduate, he was admitted in New York in 2016 and is also admitted before the U.S. Supreme Court and the Southern and Eastern Districts of New York. His professional service includes the New York City Bar's Family Law and Ethics Committees, the New York State Association of Criminal Defense Lawyers' Publication Committee, and the Joint Bar Associations' Task Force on the New York City Assigned Counsel Plan. He is an AWS co-host.

Education: J.D., New York Law School

Admissions: New York, 2016; U.S. Supreme Court; U.S. District Courts for the Southern and Eastern Districts of New York

Experience: Founder, The Law Offices of Mehdi Essmidi, P.L.L.C.; former Bronx assistant district attorney, Domestic Violence Bureau and Trial Division

Professional service: Family-law and ethics committees, criminal-defense publications, and assigned-counsel advocacy

Meet the faculty continued

Nia-Tai Fung, Esq.



Assistant District Attorney, Bronx County District Attorney's Office

Nia-Tai Fung is an assistant district attorney in the Bronx County District Attorney's Office. Her experience spans prosecution, criminal defense and employment matters. She previously worked in the Queens County District Attorney's Office, including its Felony Trials IV Bureau, and handled disciplinary prosecutions at the Department of Correction.

In private practice at Joey Jackson Law, she represented clients in criminal and employment matters, including correction officers. She earned her J.D. from Penn State Law after undergraduate study at John Jay College of Criminal Justice and was admitted to practice in New York in 2019. Her background includes experience on both sides of criminal proceedings and in employment-related disciplinary cases.

Education: J.D., Penn State Law; undergraduate study, John Jay College of Criminal Justice

Admission: New York, 2019

Current practice: Assistant District Attorney, Bronx County District Attorney's Office

Earlier experience: Queens DA Felony Trials IV; correctional disciplinary prosecution; criminal and employment representation at Joey Jackson Law

1. The public prosecutor's judgment

Charging begins with independent evaluation of facts, law, and the public interest.

Identify the role before identifying the result

The episode asks a question that follows a case from intake through disposition: whom does an assistant district attorney represent? County Law § 700 assigns the district attorney responsibility for prosecutions within the county. The complainant supplies information and may need protection and support, but does not occupy the position of a private client who can direct the prosecution. Police recommendations likewise do not replace prosecutorial judgment. [2]

Probable cause is a threshold, not a command to charge

New York Rule 3.8(a) prohibits maintaining a criminal charge when its lack of probable cause is known or obvious. That prohibition does not require prosecution of every supported accusation. In *Matter of Soares v Carter*, the Court of Appeals recognized that a court could not compel a district attorney to prosecute. The recording's suggestion that any declination despite sufficient evidence necessarily constitutes misconduct is therefore too broad. [1,3]

Different procedural stages limit different actors. *People v Extale* explains that a prosecutor cannot unilaterally withdraw a count of an indictment over the defendant's objection; judicial permission is required. The existence of discretion before charging does not establish an unrestricted power to erase a pending charge. An attorney should identify the stage, the requested disposition, and the decision-maker before promising a result. [4]

Four questions that should not be collapsed

Decision	Question to resolve
Arrest or initial charge	What facts support reasonable cause, and what legal authority permits the action?
Accusatory instrument	Does this particular instrument satisfy its statutory pleading requirements?
Use of evidence	Was the evidence obtained and offered in a manner that permits admission?
Trial	Can the admissible proof establish every required element beyond a reasonable doubt?

The panel frequently moves among these questions. A useful attorney response names the question being answered. A confession may strengthen a factual theory but present a suppression issue. A detailed complaint may still lack a required supporting deposition. A sufficient information establishes a pleading threshold rather than a forecast of conviction. [5,6,7]

Complainant participation and public responsibility

Noncooperation is a fact to investigate, not a mechanical instruction either to dismiss or to prosecute. Ask whether the problem is fear, misunderstanding, inability to attend, changed recollection, dependence on the accused, or a dispute about the original account. Preserve the account actually given. Evaluate independent sources without presuming that either cooperation or reluctance establishes truth.

The episode also discusses mandatory domestic-violence arrests. CPL 140.10(4) addresses specified qualifying situations and includes important distinctions, including certain misdemeanor cases in which the victim requests otherwise and rules governing the primary physical aggressor. An arrest provision is not a universal command to prosecute every later referral. Consult its conditions rather than substituting an office slogan. [16]

Worked decision at intake

Editorial example. A store employee identifies a customer who intentionally damaged a display after an argument. A clear recording supports the employee's account. The customer offers restitution, has no identified prior record, and presents a verified treatment plan. The employee wants an apology and no further prosecution. Assume the proposed offense is supported; the example does not decide the precise property-damage charge.

A useful recommendation would read: The recording and identified witness support the accusation. Declination is not recommended because of a missing identification or an unwilling witness; neither assertion would describe this file. Instead, the requested decision is whether an available lawful alternative would adequately respond to the supported conduct, taking account of restitution, treatment, the complainant's position, and any contrary public-interest consideration. Confirm the actual alternative's eligibility conditions before offering it. Preserve the recording and interview notes even if the recommendation is accepted.

This memorandum exposes the judgment for review. A supervisor can disagree about the public interest without being misled about evidentiary strength. Defense counsel can present the mitigation without promising that the complainant controls disposition. If the record instead shows uncertainty over who damaged the display, the memo must separately identify that proof problem; favorable mitigation does not cure it.

Change the stage. Suppose an indictment has already been filed. The attorney must identify an authorized judicial disposition rather than simply mark the count withdrawn. Extale's procedural limitation matters at this point even though the underlying discretionary recommendation remains the same. The correct product is a recommendation and proposed procedural route, not an assurance to the client that the pending count has disappeared. [3,4]

A completed decision record: discretion that can be reviewed

The specimens throughout this book are fictional editorial teaching records, not actual court documents, client records, faculty submissions, or representations that a court approved the proposed relief. Dates and evidence excerpts are supplied so that the reader can perform the analysis. File A follows Alex Lane and Jordan Vega from intake to readiness. File P separately concerns a protection order; files I and S isolate arrest and statement issues. Their facts must not be combined.

Decision memorandum D1 – April 2, 2026, 9:10 a.m.

From: ADA Maya Chen. **To:** Intake supervisor Luis Grant. **Subject:** Display-damage referral; prefiling disposition recommendation. **Sources:** employee's recorded account; store video reviewed in full; replacement invoice; customer's treatment letter verified with permission. The existing example assumes a supported property-damage offense. This memo does not select a charge whose amount or other elements have not been established.

The employee describes intentional damage during an argument, and the recording supports that account. The request for no prosecution is based on restitution and an apology, not a retraction. The treatment provider confirms enrollment and attendance, not a guarantee against recurrence. I recommend considering a lawful prefiling alternative after confirming eligibility and the supervisor's delegated authority. I do not recommend describing this as an identification failure or recording the employee as uncooperative. Those entries would be false.

Before a final decision, I will obtain the complete invoice and interview the second employee by noon today; investigator Elena Park owns the callback. I will ask about threats, earlier incidents, and whether restitution has been offered voluntarily without a promise to suppress testimony. If the second employee reports repeated targeting, the public-interest assessment must be reopened. Grant will decide the recommendation after the supplemented record. No disposition has yet been promised to the customer or complainant. Evidence is preserved regardless of that decision.

Supervisor response, 12:40 p.m.: Second employee reports no earlier incident or threat and corroborates the displayed recording. Eligibility for the proposed office alternative still requires the designated review. Approve referral for that review; do not enter a dismissal or

tell anyone that a pending case has terminated. Maya Chen will communicate the actual decision and its limits at 3 p.m. **Fictional typed approvals:** Maya Chen / Luis Grant.

Why this is a decision rather than a slogan

The memo identifies the proof, the public-interest judgment, the person authorized to decide, and the fact that could change the recommendation. Neither a complainant's preference nor a supervisor's agreement supplies a missing element. Conversely, probable cause does not dictate a single permissible disposition. Soares limits judicial compulsion of prosecution; Extale limits unilateral withdrawal of an indicted count. Neither decision is a substitute for selecting the lawful procedural vehicle at the case's actual stage. [3,4]

Changed record: The second employee produces an authenticated message from the customer promising another attack if the first employee cooperates. Chen must preserve and disclose the message as required, assess an additional supported offense and protection needs, and reconsider the alternative. A desire to avoid testimony now may reflect fear. It would be unsound either to credit every accusation because the complainant is fearful or to dismiss because the complainant wants no case. Ask for the account in the witness's own words, identify independent corroboration, and record uncertainty.

Changed stage: If the identical underlying incident is already charged by indictment, D1 remains a recommendation only. Counsel must seek an authorized court disposition and provide the court's reasons and order in the file before reporting a terminated count. An internal “withdrawn” notation cannot do that work. [4]

Correcting an inference about the person

An intake note reads, “The witness missed the interview because people from that neighborhood do not cooperate.” Replace it with this completed entry: “Jordan did not answer the 8:30 a.m. call. At 10:15 Jordan reported that the phone had no service until a prepaid refill and asked for a 12:30 callback during a work break. No conclusion about credibility follows from the missed call. Park will confirm the new time, offer an interpreter if needed, and document the actual interview.” The inquiry can test facts without adopting a neighborhood, income, race, or employment stereotype. If the explanation later proves false, preserve that contradiction; the initial stereotype does not thereby become valid.

2. Intake, elements, and accusatory instruments

A usable complaint begins with facts that can be traced to a source.

Build the factual account before drafting legal conclusions

The panel's intake discussion describes the pressure to turn a police interview into a charging document quickly. Start with chronology: who observed what, where, when, and under what conditions? Mark statements based on personal observation, another person's report, a document, or an inference. Preserve important language without transforming uncertainty into certainty.

CPL 100.15 requires factual allegations of an evidentiary character supporting the charges. CPL 100.40 differentiates an information, which generally requires nonhearsay allegations establishing each element and the defendant's commission, from a misdemeanor complaint's reasonable-cause standard. A complaint is not converted into an information simply because a lawyer has signed it or copied statutory terminology. [5,6]

People v Kalin instructs courts to give an information a fair, nontechnical reading. Facial sufficiency is a *prima facie* pleading standard, not the trial burden. Counsel should resist both extremes: a bare legal conclusion may be inadequate, but ordinary descriptive language is not defective merely because a different lawyer would have chosen more elaborate wording. [7]

For example, "the defendant punched me in the face" describes conduct; it is not inherently useless legalese. Whether the complete instrument sufficiently pleads a particular assault still depends on allegations supporting the required mental state, causation, injury, and identity. Avoid the opposite shortcut of treating a detailed verb as proof of every other element.

Injury is a separate element

Penal Law § 10.00(9) defines physical injury by impairment of physical condition or substantial pain. Its definition of serious physical injury is materially more demanding. Plead and investigate the applicable threshold; do not use "serious" colloquially as a substitute for the statutory requirement. [9]

In *People v Chiddick*, the Court considered a bitten finger, a cracked and bleeding nail, reported pain, and treatment. The decision explains that substantial pain exceeds slight or trivial pain but need not be severe. Objective injury, the person's experience, treatment, and the circumstances can all matter. The case does not establish that every cut or every medical visit automatically proves injury. [10]

An editorial injury interview should ask about the event, immediate symptoms, duration, limitations, treatment, and changes over time. Obtain available records and photographs with dates and provenance. Ask what the person could and could not do. A witness's authentic description is more useful than a lawyer's demand for a statutory adjective.

Choose the subdivision, not just the offense name

Provision discussed	Distinction that changes the analysis
Penal Law § 120.00	Third-degree assault includes intentional injury, reckless injury, and a specified criminal-negligence theory involving a weapon or dangerous instrument. [8]
Penal Law § 120.05(1), (2)	Subdivision (1) concerns intentional serious injury; subdivision (2) involves intentional physical injury caused with a deadly weapon or dangerous instrument. Not every second-degree assault theory requires serious injury. [11]
Penal Law § 120.06	Gang assault in the second degree requires intent to cause physical injury, assistance by two or more other persons actually present, and resulting serious physical injury. Several participants alone do not establish the offense. [12]

The episode's discussion of intentional and reckless theories illustrates why a charging chart should identify the mental state attached to the particular result. Do not assume that several pleaded theories may all be submitted to the jury or support simultaneous convictions. Preserve the issue for analysis under the actual counts, proof, and applicable submission rules; a categorical answer detached from those facts is unreliable.

Worked assault intake and pleading analysis

Editorial facts. At 8 p.m. in a building lobby, Jordan says Alex struck Jordan once in the mouth with a closed fist after an argument. Jordan reports a split lip, bleeding, throbbing pain through the next morning, and difficulty chewing breakfast. An officer arrives afterward and photographs the lip. Jordan knows Alex as a neighbor. Alex says Jordan first lunged with a bottle. The building camera has not yet been retrieved. These facts are created for instruction and are not a case described by the faculty.

For an intentional third-degree assault theory, the first task is to identify which facts support intentional causation of physical injury. The direct description of a targeted blow supports an inference about intent; Jordan's symptoms and functional limitation support the physical-injury inquiry. The photograph corroborates appearance at a particular time but does not independently establish everything that occurred. Alex's account raises a

justification issue to investigate, not a fact to omit because it complicates the proposed charge. [8–10]

Issue	Present source and inference	Required follow-up
Identity and conduct	Jordan's personal account identifies a known neighbor and describes the blow.	Confirm location, opportunity to observe, sequence and any contrary account.
Intent and causation	A directed closed-fist blow and immediate bleeding permit relevant inferences.	Obtain the complete exchange and camera recording; do not imply the officer witnessed the blow.
Physical injury	Reported continuing pain and difficulty chewing add facts beyond a statutory label.	Record the witness's actual description, duration, treatment and later changes.
Possible justification	Alex reports a lunge with a bottle.	Preserve that statement, locate the bottle and recording, and interview witnesses separately.

Illustrative factual allegation. Assuming Jordan truthfully verifies these facts, the factual account could read: I know Alex as my neighbor. At about 8 p.m. in our building lobby, after we argued, I saw Alex strike my mouth with a closed fist. My lip split and bled immediately. My mouth throbbed through the following morning, and chewing breakfast was difficult because of the pain. The actual instrument must also supply the required identifying, time, place and verification details. This editorial excerpt illustrates factual content; it is not a complete filing-ready information. [5,6]

If an officer instead swears only that Jordan supplied those facts, identify Jordan as the source and assess the needed nonhearsay support. The officer's later photograph does not convert the reported blow into the officer's observation. Keep Alex's contrary account in the investigative record and assess it; do not revise Jordan's statement to manufacture an answer to it.

Prosecution analysis. On the stated facts, there is a substantial basis to allege intentional physical injury. The specific symptoms and effect distinguish this account from one asserting only that the witness was injured. Investigate the justification account and camera before treating the initial narrative as the final merits assessment. If prosecution began on a complaint, obtain the required nonhearsay support and assess the whole information under CPL 100.40(1).

Defense analysis. Test the actual instrument and supporting depositions first. Does the source establish the alleged observations in the required form? Does the injury account describe substantial pain or impairment? Separately investigate justification and

admissibility. A favorable trial defense is not necessarily a facial defect, and a facially adequate allegation is not a finding that the defense is false.

Change the injury evidence. If the only reliable account is a momentary sting with no continuing pain, impairment, or other supporting circumstances, the injury theory requires a different assessment. Do not add trouble eating because it would make the document stronger. Conversely, treatment records showing a fracture may change the analysis, but the word fracture alone does not resolve every serious-physical-injury theory. Identify the applicable statutory consequence, duration and proof. [9,10]

Alternative theories need a separate submission decision

The episode's intentional-versus-reckless discussion should lead counsel to identify the charged result and mental state. Where guilt on one count necessarily negates guilt on another, CPL 300.30(5) defines the counts as inconsistent. CPL 300.40(5) addresses alternative jury submission of sufficiently supported inconsistent indictment counts and the corresponding verdict direction. Those provisions concern submission; they do not establish that merely listing alternative theories at an earlier stage automatically voids the entire instrument. [40,41]

For the lobby example, a purposeful punch causing the alleged injury supports a different account from an accidental collision occurring while someone consciously disregarded a risk. Counsel should identify the evidence supporting each actual theory and the result to which each mental state attaches. At a charge conference, request the applicable alternative instruction if the statutory conditions are met and identify the counts precisely. Do not request simultaneous inconsistent findings simply because both theories appeared in the charging document. This is a limited bridge from intake to trial submission, not a complete jury-charge treatment.

Threats and the current aggravated-harassment statute

People v Golb invalidated the former Penal Law § 240.30(1) provision addressing certain communications made with intent to harass, annoy, threaten, or alarm. The current statute is not simply that invalidated language restored unchanged. Current subdivision (1) addresses specified communications of threats of physical harm, with stated intent and knowledge requirements. Read the current subdivision against the facts. [13,14]

Counterman v Colorado adds a constitutional safeguard: a true-threats prosecution requires a subjective mental state of at least recklessness concerning the communication's threatening character. This does not erase any more demanding statutory element. Conditional wording does not by itself answer whether a communication is punishable; context and the governing elements remain essential. [15]

Threat application. In an editorial variation, a sender messages, If you testify tomorrow, I will break your arm, after an earlier physical confrontation. Preserve the whole exchange,

identity evidence, context and recipient response. Conditional phrasing alone is not a reason to end the analysis; the condition may explain the threat's purpose. Conversely, a quotation of that message in a complaint to counsel has a different communicative context. Determine the charged subdivision's intent and knowledge requirements and the constitutional mental-state question before characterizing either message as criminal. Do not equate an offensive tone or a recipient's fear with proof of every element. [13–15]

A charge review that another lawyer can use

Before filing or responding, pair every element with its source, identify missing allegations, and distinguish a defect in the document from a problem in the underlying proof. Note what a supporting deposition would establish and what it would leave unresolved. Do not assume that a defect affecting one count automatically dismisses an entire action. Chapter 6 addresses the separate readiness consequences and the current all-count certification rule.

File A: the source packet behind the charging decision

Fictional setting: People v Alex Lane, Criminal Court of the City of New York, Queens County, teaching docket A-2026-001. Alex and Jordan Vega are adult neighbors. They are not assumed to have a family or intimate relationship. The incident occurs in the lobby of 100 Example Court, Queens, a fictional address. No weapon, protected victim classification, additional attacker, hate-crime allegation, or other aggravating circumstance is established by this packet.

A1 — Jordan's initial account, recorded April 2 at 8:40 a.m.: “Yesterday at about eight at night, Alex stood in front of me in the lobby. I have known Alex as my neighbor for two years. The lights were on. Alex raised a closed right fist and hit my mouth. My lower lip split and bled. It throbbed all night. This morning chewing toast hurt enough that I stopped and ate yogurt. I did not hit Alex or raise a bottle at Alex.” This is a witness account, not an adjudicated fact.

A2 — Officer Alma Reed's observations: Reed arrived April 1 at 8:17 p.m., after the contact. Reed saw a cut in Jordan's lower lip and fresh blood, photographed it with Jordan's consent, and recorded Jordan's name and contact method. Reed did not see the punch or its lead-up. A2's photograph description is: a close view of a split lower lip with blood along its edge; no measurement or medical diagnosis. The photograph cannot identify the assailant or establish the duration of pain.

A3 — evidence-preservation note: At 8:25 p.m. Reed identified two lobby cameras. Building manager Sam Ortiz confirmed by email April 2 that both camera recordings were preserved and transferred that day to police video custodian Mina Cho. The police evidence-intake receipt confirms both files were held by the agency. Neither export had yet been delivered to the assigned prosecutor. “Preserved” does not mean “reviewed,” “consistent,” or “disclosed.” Chapter 6 traces the later requests and production.

A4 — contrary account: Reed's April 1 scene note records Alex's unsolicited statement before any arrest or question: "Jordan came at me with a bottle, and I hit once to get away." Reed reports no further questioning then. The note preserves those words; it does not resolve voluntariness or truth. Alex's account requires investigation of the asserted threat and the force used. The inquiry under Penal Law § 35.15 includes reasonable belief, necessity, the nature of the force, and applicable exceptions; a bottle reference alone neither proves justification nor disproves it. [46]

A5 — completed misdemeanor complaint

Criminal Court of the City of New York, County of Queens. The People of the State of New York against Alex Lane. Teaching docket A-2026-001. Misdemeanor complaint; April 2, 2026.

Accusatory part: Alex Lane is accused of one count of assault in the third degree, Penal Law § 120.00(1), a class A misdemeanor, committed on April 1, 2026, at approximately 8 p.m., in the lobby of 100 Example Court, Queens County, New York.

Factual part: I, Alma Reed, am a police officer. Jordan Vega informed me on April 2, 2026, that at the above time and place Alex Lane, whom Jordan has known as a neighbor for two years, stood facing Jordan in a lighted lobby, raised a closed right fist, and struck Jordan's mouth. Jordan informed me that the strike split Jordan's lower lip, caused bleeding and throbbing pain through the night, and made chewing sufficiently painful the next morning that Jordan stopped eating toast. I personally observed a cut and fresh blood on Jordan's lower lip when I arrived at that lobby at 8:17 p.m. on April 1. I did not witness the contact. The allegations concerning Alex's conduct, Jordan's identification of Alex, the cause and duration of pain, and the effect on chewing are based on the information Jordan supplied; the cut and blood are my personal observations.

Verification notice: False statements made in this instrument are punishable as a class A misdemeanor pursuant to Penal Law § 210.45. **Subscribed April 2, 2026: Alma Reed, fictional deponent.** This typed teaching signature represents the assumed subscription for the exercise; it is not a genuine executed instrument. [5,6,8,44]

A6 — completed supporting deposition filed May 4

Same court, parties and teaching docket. Supporting deposition of Jordan Vega, May 4, 2026. I have read Officer Alma Reed's April 2 complaint. The facts in its factual part attributed to me are true on my personal knowledge. At about 8 p.m. on April 1 in the lighted lobby of 100 Example Court, Queens, I saw Alex Lane, my neighbor of two years, facing me. Alex raised a closed right fist and struck my mouth. My lower lip split and bled. The pain throbbed through the night, and the next morning chewing toast hurt enough that I stopped and ate yogurt. I did not strike Alex or raise a bottle at Alex before that contact. I cannot say what either lobby camera recorded because I have not watched the recordings.

Verification notice: False statements made in this instrument are punishable as a class A misdemeanor pursuant to Penal Law § 210.45. **Subscribed May 4, 2026: Jordan Vega, fictional deponent.** For this exercise the court accepts this supporting deposition with A5 as an information on May 4; service and filing receipts are part of the assumed docket. A signature must reflect the witness's actual review and adopted knowledge in a real matter. [44,45]

Completed element and source analysis

Question	Supported allegation and limit	Decision
Identity, place and act	A1/A6: known neighbor, lighted lobby, specified punch; A2 did not observe the act	Direct witness allegations support identification and conduct; do not attribute them to Reed's observation
Intent to cause physical injury	Facing Jordan, raising a fist and striking the mouth permits an inference from conduct	Plead the conduct; acknowledge that A4 raises justification rather than treating the inference as a confession
Physical injury and causation	Immediate cut/bleeding; overnight throbbing; disrupted chewing; Jordan connects effects to strike	A6 supplies the nonhearsay source; injury remains a trial issue, not an automatic conclusion from the photograph
Instrument status	A5 contains hearsay about conduct; A6 adopts that account on personal knowledge	Complaint on April 2; information assumed May 4 after supporting deposition; not retroactively an information on April 2
Contrary evidence	Bottle account and two unreviewed camera exports	Preserve, investigate and disclose as applicable; facial sufficiency does not decide justification or admissibility

Charging decision, May 4: On this assumed record, authorize only the supported § 120.00(1) misdemeanor. Do not add a serious-injury count from the word “split,” or gang assault because neighbors were in the building. Section 120.06 requires aid by at least two other persons actually present and serious physical injury, among its elements. Sections 120.05(1) and (2) involve different injury, intent and instrument predicates. This file does not supply them. [8–12]

Changed injury: Jordan instead reports a momentary sting, no later pain or functional effect, and a photograph shows no observable injury. The present pleading rationale for

physical injury weakens materially. Ask for a truthful account and assess another actually supported offense; do not insert overnight pain into a deposition to preserve the assault charge. Chiddick does not eliminate the physical-injury element. **Changed corroboration:** A later camera shows Jordan lunging with a raised bottle immediately before the single punch. Review the entire sequence, proportionality and applicable justification rules before maintaining the original theory. A facially sufficient information does not license ignoring new exculpatory evidence. [1,10,46]

Alternatives at charging and at trial

Intentional and reckless assault theories can be investigated as alternatives when the facts warrant, but the theory must identify the relevant mental state and result. Do not automatically ask a jury to convict on inconsistent counts concerning the same result. CPL 300.30(5) defines inconsistency through whether guilt on one necessarily negates guilt on the other; CPL 300.40(5) governs alternative submission of inconsistent counts. A count supported at an early stage may require a different submission decision after evidence closes. The final charge conference must address the actual counts and proof, not merely reproduce the intake checklist. [40,41]

3. Arrests, I-cards, and statements

The legality of an investigative step depends on what was known when it occurred.

Separate a police record from arrest authority

An I-card is not a judicial arrest warrant. Its significance depends on the information it conveys, the underlying legal basis, and how the arresting officer received and relied on it. Begin with the arrest report, the originating investigation, the actual communications, and a chronology. A database label cannot supply facts that the investigation never established. [16,20]

Current-law supplement — April 16, 2026. In *People v Palacios*, the Court of Appeals addressed an arrest following an I-card. The People had to establish that the arresting officer received and relied on the communication of probable cause. Direct testimony was not invariably required; sufficient circumstantial evidence could establish the connection. But the record there did not do so. The mere later arrest and delivery to the originating precinct were inadequate. The Court suppressed the resulting statement and remitted for further proceedings. [20]

The practical question is therefore more precise than “was there an I-card?” Seek the message, recipient, access or transmission evidence, description, timing, and action taken. Do not turn *Palacios* into an invented requirement for a particular oral conversation. Also separate this communication issue from challenges to the originating officer’s probable cause or to the authority for an entry into premises.

Compare two I-card hearing records

Editorial comparison. In Record A, a detective explains the complainant interview and says an I-card was created. No witness or exhibit explains who arrested the defendant, whether that officer accessed a communication, or why the officer acted. The next day’s booking at the detective’s precinct supplies a chronology but leaves the reliance link unproved. A suppression response that repeats the detective’s probable cause does not answer that gap.

In Record B, an arresting officer identifies a radio message received before the arrest, describes the suspect and offense information conveyed, and explains that the message prompted the arrest. The originating detective supplies the supporting investigation. This evidence addresses a link absent from Record A, but counsel must still test reliability, identification, timing and the originating basis. The fact that Record B is stronger does not guarantee that its arrest was lawful. [20]

A focused defense hearing question is: What information had you received about this person before you restricted movement, and from whom? Follow with the actual communication, time and action taken. A focused prosecution preparation question is:

What admissible testimony or circumstantial record establishes the communication and reliance? Neither question invites a witness to claim an exchange that did not occur. Palacios's lesson is to prove the actual link, not to create a formula every witness must recite.

Stop and frisk are distinct decisions

CPL 140.50 permits specified temporary stops on reasonable suspicion; its protective-search authority additionally depends on a reasonable suspicion of physical danger. *Terry v Ohio* likewise ties a protective frisk to a reasonable belief that the person is armed and dangerous and limits its protective purpose. A lawful inquiry or detention does not automatically justify a frisk. [17,19]

For an attorney, the useful sequence is encounter, restriction of movement, questioning, protective search, evidentiary search, arrest, and statements. The categories may occur seconds apart, but each transition needs an explanation. Record whether an officer blocked a path, activated lights, issued commands, touched the person, or retained property. Later discovery of incriminating material does not retroactively supply the earlier justification.

Miranda is not a warning required at every arrest

Miranda addresses custodial interrogation. Ask whether the person was in custody and whether the police interrogated the person; an arrest alone does not answer both questions. Conversely, conversational tone or a station-house label of “interview” does not eliminate the issue. [21]

Rhode Island v Innis includes express questioning and its functional equivalent: police words or conduct, other than those normally attendant to custody, that police should know are reasonably likely to elicit an incriminating response. A volunteered statement differs from one produced by interrogation. Classification depends on the actual exchange, not an officer’s later description of the answer as spontaneous. [22]

The episode’s examples involving friendly questioning and pedigree information are reasons to obtain the complete recording and exact words. Identify the speaker, custody circumstances, preceding questions, warnings, any asserted rights, and the asserted waiver. Consider New York right-to-counsel issues separately when the facts implicate them; a Miranda form is not a universal answer to every constitutional objection.

Work through a statement chronology

Editorial example. An arrested person sits handcuffed at a station desk. Before warnings, an officer asks for a mailing address, then asks why the person was outside the store at midnight. After the person responds, an officer reads warnings and obtains a signed form. A later report calls the first incriminating answer spontaneous.

Custody is apparent on these assumed facts. The store question expressly seeks event-related information and is materially different from a routine administrative address request. Examine the actual recording, the question's context and any follow-up. A report's label cannot transform an answer to that question into an unprompted statement. A subsequent warning form does not by itself decide the admissibility of either the earlier answer or the later interview; the sequence, waiver, voluntariness and applicable successive-interrogation law require their own analysis. [21,22,24]

Change the exchange. If the person blurts out an incriminating remark before any relevant question or eliciting conduct, interrogation presents a different issue. Preserve what happened immediately before the remark, including conversations within hearing range. Do not infer the absence of interrogation from a recording that begins only after the alleged spontaneous statement.

New York counsel screen. Ask whether counsel has entered the investigated matter, whether the person requested counsel, and whether the person is in custody on another represented matter. *People v Lopez* explains that custody on a represented matter can restrict uncounseled questioning about an unrelated matter; circumstances indicating a probable likelihood of representation can require inquiry. It does not revive a blanket derivative right solely because someone has a lawyer on an unrelated, noncustodial charge. A bare notation that Miranda was waived leaves these questions unanswered. [42]

The resulting motion record should distinguish the arrest-based suppression ground, the specific statement and interrogation ground, any counsel ground, and notice. For the example, request the entire station recording and custody chronology, not only the signed form. The prosecutor should evaluate the disputed statements separately and ensure that the intended-use notice corresponds to the evidence actually proposed.

Voluntariness, notice, and the record

CPL 60.45 independently regulates involuntary statements, including coercion and specified official conduct creating a substantial risk of false self-incrimination. Its recording provisions concern enumerated serious offenses and qualifying custodial settings. Do not generalize those provisions into an automatic exclusion rule for every unrecorded misdemeanor interview. [24]

CPL 710.30 generally requires notice within fifteen days of arraignment for covered statements the People intend to offer, subject to statutory exceptions and good cause for late notice. Calendar the actual arraignment and service. Compare the notice with every statement, recording, and witness account rather than treating one notice as an inventory of all possible admissions. [23]

Litigation task	Record to assemble
Arrest authority	Originating facts; communication; receipt and reliance; timing; officer identity
Custody and interrogation	Full recording; commands and restraint; questions; setting; duration
Warnings and voluntariness	Warning language; interpretation; response; waiver; threats, promises, or coercion
Procedural preservation	Arraignment; notice and service; motion grounds; hearing testimony; requested ruling

This chart is an editorial preparation tool. It should lead to specific requests and issues, not a conclusory motion asserting that every statement was involuntary.

File I: proving the communication before the arrest

I1 — issuing detective's record: On May 6 at 9 a.m., Detective Rosa Bell interviewed a known eyewitness who identified Dana Cole as the person who intentionally set a stairwell mattress alight. Assume that account supplies probable cause. Bell created a probable-cause I-card at 9:20. The creation timestamp establishes what Bell did; it does not establish what an arresting officer later knew.

I2 — insufficient hearing record: Dana was arrested May 7 at 4 p.m. by officers absent from the hearing and taken to Bell's precinct. Bell testifies only to I1, the arrest date and the receiving precinct. No card, dispatch recording, arrest circumstances or evidence of receipt is offered. The prosecutor argues that an arrest the next day proves the card worked. That is the inference Palacios rejected on its record. A court should not fill the communication gap merely because probable cause existed somewhere in the department. [20]

I3 — changed, documented record: Before the same arrest, Officer Lin's terminal log shows an authenticated query at 3:54 p.m. returning Bell's card with Dana's identifying details. Lin testifies that the displayed card directed arrest for the described arson, that Lin matched the photograph and identifying information, and that Lin arrested Dana at 4 p.m. because of that communication. Bell establishes the source basis and card content; the actual exhibit is offered. The defense can contest the identification, source reliability and timing. On the assumed credible proof, however, the specific receipt-and-reliance gap in I2 is supplied. It is not enough simply to rename I2 “an I-card arrest.”

Hearing questions and answers on I3: “What did you see before you restricted Dana's movement?” — “The card displayed at 3:54.” “What identifying details did you compare?” —

“Photograph, name and described clothing; the displayed photo matched the person I approached.” “What action did the card direct, and what did you rely on?” — “Arrest for the described arson; I relied on that direction.” “How do you know the query preceded the arrest?” — “The terminal log and my contemporaneous memo show the sequence.” These assumed answers must be tested against the actual records. A preparation session cannot supply an officer with a recollection the officer does not have.

Changed timing: The first query is actually 4:08 p.m., after the arrest. I3 no longer proves prearrest receipt through that query. Investigate an earlier radio transmission or another actual basis; do not backdate the terminal entry. Palacios permits proof through adequate circumstances, so the absence of a particular officer's testimony is not automatically fatal. What matters is evidence of the communication and reliance, not a mandatory witness formula. [20]

File S: an actual statement chronology

This separate station-house example concerns a suspected store offense, not File A's lobby assault or File I's arson. The source labels allow each issue to be tested without importing facts from another example.

Time on June 3	Source and event	Analysis
12:10 a.m.	S1 custody log: defendant handcuffed in interview room, door controlled by police	Custody is assumed for this exercise
12:12	S2 recording: officer asks name and current mailing address	Identify the purpose and context; do not treat all questions during processing as identical
12:13	S2: “Why were you inside the closed store at midnight?” Defendant: “I went in to take the cash.”	Express offense-related questioning; answer was elicited, not spontaneous
12:16	S2 first recorded warnings; no earlier warning shown	Later warnings do not establish a prior valid waiver for the 12:13 answer
12:20	S3 counsel call: attorney identifies defendant and enters this matter; desk officer logs it	Preserve who received the call and when; further questioning raises New York counsel rules

Time on June 3	Source and event	Analysis
12:30	S2 interview resumes without counsel or a counseled waiver	Do not certify this as an uncomplicated warned admission; refer for suppression analysis

Completed intake entry: “The initial report's ‘spontaneous statement’ label is contradicted by S2 at 12:13. Preserve the original report and this correction. Do not rely on the label in a notice, hearing representation or witness preparation. Obtain the complete recording and counsel-call log; review Miranda, Innis, CPL 60.45 and New York counsel attachment separately. Maya Chen owns the review by noon June 3; supervisor Grant must resolve the intended use before the next appearance.” [21–24,42]

Changed facts: If the defendant blurts the same words at 12:12 before any question or conduct reasonably likely to elicit them, the interrogation analysis changes. Custody alone does not convert every volunteered statement into an unwarned interrogation product. Voluntariness, lawful arrest and counsel issues still require their own analysis. If counsel instead represents the defendant solely on an unrelated case on which the defendant is already at liberty, Lopez does not impose an automatic bar on questioning about every new matter. If the defendant remains in custody on that represented case, the result can be different. Record the custodial case and the scope of representation, not just “has lawyer.” [21,22,42]

Notice decision: Assume arraignment June 3, 2026, and a decision to offer a statement within CPL 710.30(1). Fifteen days after arraignment is June 18, excluding June 3; the prosecutor should serve an accurate notice within that period and preserve proof. This calendar does not establish admissibility. If a notice omits a covered statement or is late, analyze the statute's good-cause and suppression-motion provisions rather than assuming discovery production cured the problem. Preserve all statements even when the intended trial-use decision is no. [23,47]

4. Protection orders and witness communication

Safety concerns and substantial personal interests both require an accurate record.

Family-offense jurisdiction is not an office assignment rule

The discussion describes different ways offices assign domestic-violence matters. Those descriptions do not alter CPL 530.11. Its covered relationships include certain current or former intimate relationships regardless of cohabitation or whether the relationship was sexual. The statute and the facts govern; a borough-specific bureau label cannot narrow statewide law. [25]

Obtain the actual temporary order of protection, including its terms, protected people, expiration, service information, and any exceptions. Do not advise from the phrase “full order” alone. Residence, children, property retrieval, employment, and communication arrangements can all require separate attention. Determine whether another court has issued an order and whether the proposed practical arrangement would conflict with it.

CPL 530.12 directs consideration of specified risk factors and whether protection should include stay-away conditions. A protected person’s invitation does not itself change the court’s order. Seek judicial modification when necessary; private agreement is not a dependable substitute for authorized relief. [26]

What Crawford does and does not establish

Matter of Crawford v Ally concerns temporary orders that immediately and significantly deprive a defendant of substantial personal or property interests. The First Department required a prompt evidentiary hearing in the circumstances described. It did not create an automatic universal forty-eight-hour hearing rule or prescribe one fixed hearing format for every case. Its holding should be distinguished from the unrelated federal confrontation decision bearing the Crawford name. [27]

A useful request identifies the actual deprivation, supplies a factual basis, and proposes a concrete response to the identified safety concern. An assertion that an order is inconvenient is not equivalent to showing loss of the home or another substantial interest. Conversely, an undeveloped allegation of risk should not prevent counsel from asking the court to make the necessary factual assessment.

Editorial hearing plan. Establish the affected interest with a lease, residence history, work schedule, caregiving information, or another relevant source. Identify the requested modification and why narrower conditions would address the asserted risk. Ask what

evidence will be considered, who may respond, and when the hearing will occur. Preserve both the request and the reasons given for any denial or postponement.

Preparing a request for protective-order review

Editorial example. At arraignment, a temporary stay-away order excludes a defendant from a rented apartment shared with a former partner. The defendant is the named tenant and provides daily care for a child who also lives there. The accusation describes a recent push and a threat during an argument. The defense has the lease and a caregiving schedule; the prosecutor has not yet obtained the alleged threatening messages. No finding about the accusation is assumed.

Defense proffer. Identify the apartment, tenancy and immediate caregiving disruption; offer the lease and explain the schedule's source. Request a prompt evidentiary hearing on the exclusion condition. Propose defined interim arrangements, such as supervised property retrieval and a specified third party for essential logistics, subject to judicial authorization. If seeking return home, explain exactly how the proposal addresses the alleged danger and why narrower conditions are workable. Do not present the lease as a right to disregard the order.

Prosecution response. Identify the allegation and available safety evidence, distinguish a witness account from uncollected corroboration, and explain why the particular condition is requested. Seek the messages and any relevant prior orders or incidents promptly. Address the proposed alternative on its facts; neither a generic domestic-violence label nor silence in the intake file resolves its adequacy.

The decision sought. Counsel should ask the court to identify the evidence it will receive, set a prompt hearing appropriate to the demonstrated deprivation, and state the basis for the interim condition. The dispute is about protection and the affected interest, not final resolution of title, custody or guilt. Crawford supports the prompt-hearing request in the circumstances it describes; it does not promise that the defendant will return home or that the hearing always occurs within forty-eight hours. [26,27]

Change the risk evidence. Suppose authenticated messages now threaten retaliation at the apartment and refer to an accessible weapon. That change requires a substantive response to the risk and may undermine the return-home proposal. It does not eliminate the need to identify the substantial interest and obtain a reasoned ruling. A property-retrieval arrangement may remain a distinct request even if return to shared occupancy is denied. Conversely, if reliable evidence undermines the claimed residence or caregiving interest, revise the proffer rather than continuing to invoke it.

After the ruling, obtain the actual order, verify permitted channels and exceptions, and explain them accurately. Counsel should not arrange private contact on the assumption that an exception was granted when it was only requested.

Contact with a complainant requires role clarity

The recording includes problematic advice about telling a complainant not to answer prosecutorial communications or sign statements. Do not adopt that advice as a general defense tactic. Rule 3.4(f) limits requests that nonclients refrain from voluntarily giving relevant information, with a narrow exception involving specified relationships and a reasonable belief that the person's interests will not be adversely affected. Rule 4.3 requires clarity when dealing with an unrepresented person and restricts legal advice where interests may conflict. [1]

Ask at the outset whom the lawyer represents and whether the witness has counsel. Avoid implying neutrality. A witness with an independent legal concern may need independent counsel. Distinguish a voluntary interview from a subpoena or court order, and never treat reluctance to cooperate as permission to obstruct lawful process. Preserve the witness's actual account, including corrections that undermine a preferred theory.

Editorial communication example. Defense counsel may begin by identifying the client and saying that counsel does not represent the witness, wishes to ask about the event, and cannot advise the witness on conflicting personal interests. Ask whether the witness is represented before proceeding. If the witness asks whether to ignore a prosecutor's subpoena, do not suggest that refusing all contact is the defense strategy; identify the need for independent advice about that process. A voluntary request for an interview and a compulsory court demand require different responses. An accurate role statement is useful because it lets the witness decide about the proposed conversation without mistaking opposing counsel for a neutral adviser. [1]

Make a communication record without scripting testimony

As an editorial practice, note the date, participants, interpreter, method, materials shown, and significant statements. Record a change of account as a change, not as a replacement that erases the earlier version. Separate facts from the lawyer's assessment. Where an interview reveals a new safety concern, take appropriate lawful steps while preserving disclosure and recordkeeping obligations.

Prepare a witness for the setting and questions; do not supply a desired answer. Useful preparation includes asking the witness to identify what was personally observed, what was inferred, and what cannot be remembered. Rehearsing candor about an actual limit in recollection is more reliable than polishing a doubtful narrative into certainty.

File P: a complete request, opposition and proposed interim order

Teaching posture: People v Riley Stone, Criminal Court, Bronx County, docket P-2026-004. At arraignment on October 5, 2026, a temporary order excludes Riley from the apartment shared with former intimate partner Casey Hart. A complaint alleges a deliberate push during an argument and charges harassment in the second degree under Penal Law §

240.26(1). Casey also reports a threat, but the underlying messages have not been collected. Assume a sufficient pending complaint; guilt is disputed. Their child, age eight, lives in the apartment. This file is distinct from File A. [25,26,49]

P1–P3: the evidence supplied with the request

P1 — lease excerpt: Named tenant Riley Stone; apartment 2B, 200 Example Avenue, Bronx, a fictional address; term January 1–December 31, 2026; authorized occupants Riley, Casey Hart and their child. Riley supplies the executed lease copy to counsel. It supports a tenancy interest, not a final determination of exclusive possession or a right to override a protection order.

P2 — Riley's declaration, October 5: “I have lived at this apartment since January. I normally collect our child from school at 3 p.m. on Mondays, Wednesdays and Fridays, prepare dinner, and remain until Casey returns at 7. Casey ordinarily covers Tuesdays and Thursdays. The school pickup authorization names both of us. I am staying with my sister Avery tonight. My work uniform and medication are still in the apartment. I contest the accusation. I will follow the existing order while the court decides my request. I propose one supervised retrieval and no direct contact with Casey. I ask for a prompt hearing on the home exclusion and caregiving disruption.” “I affirm on October 5, 2026, under the penalties of perjury under the laws of New York, which may include a fine or imprisonment, that the foregoing personal-knowledge statements are true, and I understand that this document may be filed in an action or proceeding in a court of law.” **Fictional subscription:** Riley Stone, October 5, 2026. P2 includes the school's dated pickup authorization as an excerpt, not a custody order. [50]

P3 — prosecutor's current proffer: At a recorded October 5 interview, Casey says Riley pushed Casey against the kitchen counter during an argument on October 4 and said that speaking to police would have consequences. Casey requests separation and expresses fear of further confrontation at the apartment. Casey describes messages but has not supplied the phone or exports. No weapon access, prior order violation or earlier abuse has yet been verified. The prosecutor identifies those as unanswered questions, not negative findings. Casey can arrange school pickup through an adult relative for two days, according to Casey's interview; that proposed arrangement still needs confirmation.

P4: defense application and supporting argument

To the arraignment court, October 5, through counsel Dana Brooks: Riley requests a prompt evidentiary hearing addressing the exclusion from apartment 2B and the resulting disruption of daily care. P1 establishes a concrete tenancy interest. P2 and the school authorization identify the actual caregiving schedule and the immediate consequences. The request is for an individualized factual determination under CPL 530.12 and Crawford, not an adjudication of guilt, title or custody. [26,27]

Pending that hearing, Riley requests one supervised retrieval on October 6 and an express channel through counsel for essential logistics. Riley proposes no unsupervised encounter with Casey, no direct or indirect personal messages, and no child exchange unless the court expressly permits the arrangement. For the hearing, Riley seeks consideration of a limited order with a defined schedule only if the evidence demonstrates that the arrangement adequately addresses the alleged risk. A lease does not answer that safety question. Counsel offers Riley and the relevant documents and asks the People to identify their proposed safety proof, including the reported messages.

The requested hearing date is October 7 at 10 a.m., subject to the court's calendar and an actual scheduling order. If the court cannot hear the matter then, counsel requests the earliest workable date and reasons for the interim conditions and delay on the record. The proposed date is a tailored request based on the demonstrated deprivation; it is not a claimed statutory forty-eight-hour entitlement. **Submitted by fictional counsel Dana Brooks.**

Prosecution response that addresses the proposed relief

ADA Maya Chen, October 5: The People oppose immediate return to shared occupancy. P3 describes recent physical contact and a threat of consequences for reporting; a schedule alone may not prevent confrontation. The People do not claim that unseen messages corroborate the allegation. Investigator Elena Park will seek the complete thread and ask about prior abuse and weapons today. The People consent to a prompt hearing and to a police-supervised retrieval that avoids contact, if arranged in advance and written into the order. The proposed counsel channel must not become a route for personal messages or pressure to withdraw the complaint. The People ask that the exclusion remain in force pending the hearing and that the court articulate its interim reasons.

P5: proposed operative order for the court's consideration

People v Riley Stone, P-2026-004. Proposed supplemental temporary order, October 5, 2026. This specimen is unentered and has no legal effect. Upon the parties' proffers and without determining guilt, the requested disposition is:

1. The pending temporary protection order remains in force through October 7, 2026, at 5 p.m., unless earlier modified or superseded by the court. Riley shall stay away from Casey Hart and apartment 2B at 200 Example Avenue, Bronx, except for the single retrieval expressly described below. Riley shall not harass, threaten, intimidate or commit an offense against Casey or the child.
2. On October 6, between 11 a.m. and noon, Riley may enter apartment 2B once, accompanied continuously by a police officer, solely to retrieve medication, identification and work clothing. Counsel shall confirm police availability and arrangements avoiding contact with Casey before any entry. If those arrangements cannot be confirmed, entry is not authorized under this exception; counsel must request a new court-approved

arrangement. The exception does not authorize disputed-property removal or another person's entry.

3. Communications solely to arrange the authorized retrieval or to present a proposed child-care arrangement to the court may pass between counsel. This paragraph authorizes no personal messages to Casey through counsel or another person. It creates no direct-contact or child-exchange exception. Any change requires an express court ruling.

4. The parties shall appear October 7 at 10 a.m. in the assigned criminal part for a hearing on the basis and scope of continued home exclusion. Each side may offer relevant testimony and documents and respond to the other's proof as directed by the court. The People shall identify the status of the reported messages and other safety inquiries. The defense shall identify the tenancy and caregiving evidence relied on. Applicable disclosure and protective-order requirements remain in effect.

5. The interim exclusion is proposed because the sworn allegations and P3 describe a recent confrontation and claimed retaliatory threat whose circumstances remain unresolved. The hearing is proposed promptly because the exclusion affects a documented home and caregiving arrangement. No finding of guilt, exclusive tenancy or final custody is made. The court is requested to adopt, modify or reject these proposed findings on the record.

6. Counsel shall obtain and review the entered order with Riley before any retrieval and provide the order through authorized court channels to the protected party and appropriate personnel. A request in this specimen does not alter the existing order. **Proposed for judicial signature; no judicial signature or approval is represented.**

What the papers accomplish, and what changes the answer

P4 identifies the substantial interest, the factual contest and the requested process. P5 turns general suggestions into bounded permissions, a time, a place, a defined purpose and a failed-arrangement rule. It leaves both the immediate safety question and the ultimate scope to the court. The home-exclusion ruling must address the statutory factors; a prosecutor's consent is not the legal test. Failure to state a required determination does not itself void a temporary order under the statute. [26,27]

Changed harm: At 4 p.m. Casey supplies an authenticated complete thread in which Riley threatens retaliation at the apartment, includes a current photograph of an accessible weapon, and responds to Casey's stated fear by repeating the threat. Counsel must confront that evidence. On these assumed facts, a return-home schedule is markedly less protective; the defense should consider withdrawing that interim request while preserving a prompt hearing and a safe retrieval proposal. The prosecutor should identify the actual message and access evidence, investigate protective measures under the applicable law, and disclose the material appropriately. The court still needs reasons, a defined order and an opportunity to test disputed facts.

Changed relationship: If Riley and Casey are merely casual roommates with no family, child-in-common or intimate relationship, do not label the case a family offense solely because both occupy the apartment. Analyze the actual relationship under § 530.11 and the separate authority under § 530.13 for nonfamily victims. Do not assume that a domestic-violence bureau assignment supplies jurisdiction. [25,48]

A witness conversation and the record it should leave

October 6, 9:15 a.m.; defense investigator present; voluntary call with unrepresented eyewitness Morgan Ellis, who is not Casey and is not a protected person under P5. Brooks: “I represent Riley Stone. I do not represent you, and I am seeking information for Riley's defense. Do you have a lawyer for this matter?” Morgan: “No. Do I have to talk now?” Brooks: “I am requesting a voluntary interview. I am not serving a subpoena or court order. Are you willing to discuss what you personally observed?” Morgan: “I can give you ten minutes.” Brooks: “Please describe what you saw before the argument, without guessing about anything you could not see.” [1]

Morgan: “I heard a bang but was in the hall. I saw Casey afterward, not the push.” Brooks: “I will record that distinction. Are there records or another witness who could clarify the sequence?” Morgan: “The prosecutor also called. Should I ignore them?” Brooks: “I cannot advise you to withhold information to help Riley. I am not your lawyer. If you need legal advice about your interests or a subpoena, you should obtain independent counsel.”

Completed contact note: Voluntary phone interview, 9:15–9:24 a.m., Brooks and investigator Lee present; role and representation explained; no interpreter requested after inquiry; no documents shown; no promise, payment or instruction to refuse another interview. Morgan heard a bang and saw Casey afterward; Morgan did not observe the alleged push. Preserve this note and review disclosure obligations. No inference that Morgan corroborates the push is authorized by the account.

Changed representation: Morgan says at the start, “My lawyer represents me about this incident.” Pause to identify the scope of representation and the person's role before deciding what communication is permitted. New York Rule 4.2 refers to a represented party; do not silently treat that text as a rule covering every nonparty witness in every situation. When it applies, the represented party's invitation does not substitute for the other lawyer's prior consent or an actual legal authorization. Do not use an investigator to evade an applicable restriction. **Changed compulsory process:** Morgan produces a prosecutor's subpoena. Brooks must not tell Morgan to ignore it as a defense tactic; the witness needs independent advice about the actual process. A voluntary interview request and a subpoena are different events. Rule 3.4(f) also limits requests that an independent witness refuse relevant information to the other side. [1]

5. The roadside hypothetical: analyze each transition

The episode's disputed fact pattern becomes useful when uncertainty is made explicit.

Establish the scenario without deciding disputed facts

The panel considers a driver, a passenger with alcohol, face paint, a vehicle at a red light and later parked, and police questioning. The speakers disagree about aspects of the encounter and the inferences they support. This chapter supplies an editorial method, not a finding that the hypothetical driver committed an offense or that the police acted lawfully.

Begin with a shared chronology. Was the vehicle already stopped by ordinary traffic conditions? Did police direct it to move or remain? Who possessed a container, and what was observable? When did the officer perceive any odor, speech change, coordination issue, or other fact? A conclusion based on an altered version of the scenario does not answer the original question.

Keep the original facts separate from added variants

Source status	Facts to use
Original scenario as discussed	A driver and passenger, both wearing Day of the Dead face paint, are in a car stopped at a red light. Foot officers approach and ask questions. The passenger claims the alcohol container. The scenario ends with parking and departure on foot, rather than an arrest.
Matters disputed or supplied during debate	Whether odor, slurred speech, eye appearance or other signs were observed; what inference the officers could draw; the precise sequence and force of directions. Treat these as facts needing proof or explicit variations.
Separate editorial variation	A frisk, a station-house test and the hearing examples below are analytical additions unless independently present in a particular account. They are not facts silently inserted into the original encounter.

This separation matters because the justification must exist when the action occurs. If a participant assumes slurred speech that the original narrator did not supply, the resulting conclusion answers a different hypothetical. Counsel should resolve the evidentiary

version before debating the legal label. The recording supplies a useful disputed problem, not a judicial finding or a complete evidentiary record.

New York encounter law supplies separate thresholds

People v Garcia applies the *De Bour* and *Hollman* framework to questioning during a lawful traffic stop. In that case, nervousness alone did not establish the founded suspicion needed for the weapon inquiry. The decision distinguishes authority to order occupants out of a lawfully stopped vehicle from the justification for more intrusive inquiry. It does not authorize an automatic frisk of every occupant. [18]

Police action	Governing distinction to test
Initial request for information	An objective credible reason, not necessarily indicative of criminality, supports the initial approach. Identify the reason actually present. [18]
Accusatory common-law inquiry	Founded suspicion that criminal activity is afoot is required. More pointed questioning is not justified merely by calling it a conversation. [18]
Temporary forcible detention	CPL 140.50(1) addresses a felony or Penal Law misdemeanor. For a vehicle stop, distinguish reasonable suspicion of crime from probable cause for a traffic infraction under <i>Hinshaw</i> . [17,51]
Protective frisk	The applicable danger basis is additional to the stop's justification; examine both the asserted threat and protective scope. [17,19]
Arrest	Reasonable cause for the particular offense and the applicable arrest authority are required. Do not use a later discovery to supply an earlier missing basis. [16]

The table is an analytical aid rather than a substitute for the governing cases. New York's encounter framework should not be compressed into a claim that federal law requires probable cause for every investigative stop. *Terry*'s reasonable-suspicion analysis and New York's additional encounter protections must be applied to the particular intrusion. [17,18,19]

Operation, impairment, and intoxication are different issues

VTL 1192 distinguishes alcohol-related impairment, a specified blood-alcohol concentration offense, and intoxication. The offense selected controls the proof. Erratic driving is not an

element common to all those subdivisions. Equally, proof that someone operated a car is not itself proof of impairment or intoxication. [33]

The New York criminal jury instruction for alcohol impairment explains operation and the impairment inquiry. A motionless vehicle may still present an operation issue depending on the facts; movement is not the only possible evidence. Analyze the driver's actual conduct and the applicable definition rather than assuming that "parked" ends the inquiry. [34]

An admission of drinking does not establish a precise blood-alcohol level. The recording's one-beer discussion should not become a numerical rule in client advice or charging analysis. Identify what was admitted, when, and under what circumstances; compare it with observations and any admissible test evidence. The manual supplies no formula for converting a drink count into a legal result.

Avoid hindsight in probable-cause analysis

An editorial timeline should have two columns: facts known before the challenged action and facts learned afterward. If a prosecution argument relies on a later admission or test, ask what justified the earlier detention or arrest. If a defense argument assumes that no meaningful observations occurred, compare that assertion with the complete recording and testimony.

For the passenger's alcohol, separate attribution from inference. Record the location of the container, possession, statements, and what police actually observed. Do not assume that a passenger's possession proves the driver's consumption. Face paint and other unusual appearance features likewise require an evidentiary connection to the question being litigated; they are not self-explanatory evidence of impairment.

Evaluating the incomplete episode record

On the original limited account, counsel cannot responsibly certify that every police action was lawful or unlawful. The driver's presence at a red light is not itself a police seizure. Ask what objective reason supported the approach, what the initial questions conveyed, and when directions prevented departure. Face paint worn by either occupant does not supply an unexplained inference of the driver's impairment.

An accusation that the driver is intoxicated must be assessed using the observations then available and the nature of the inquiry. Identify any odor's source; an odor in a shared vehicle and a passenger's container require attribution analysis. A statement that the driver must stay, an exit direction, or taking control of the car may change the encounter's legal character. Do not borrow the lawful-traffic-stop exit rule without first identifying the lawful basis for the stop in this particular sequence. [18]

Changed observation. Assume, expressly as a variation, that before further restraint the officer personally observes the driver slurring words, fumbling repeatedly with controls

and admitting recent alcohol consumption. Those facts strengthen the impairment investigation and may support materially different conclusions when assessed together. They still do not establish a particular blood-alcohol percentage. The attorney must identify the actual offense, the action under challenge and the evidence known before that action. [33,34]

Separate frisk variation. Suppose an otherwise lawful temporary detention occurs, followed by a pat-down. If the report states only that the person was nervous, the frisk analysis remains undeveloped. If the officer instead describes a specific threatening movement toward a visible weapon-shaped bulge, examine that observation and the search's protective scope. Do not use suspected alcohol impairment as an automatic substitute for the required danger justification. [17,19]

Focus the hearing on the disputed transition

An editorial examination plan begins with neutral chronology: Where were you when you first saw the car? What caused you to approach? What did you say before directing the driver to remain? What did you observe before that direction? Which person supplied each statement? When did you first perceive the asserted sign of impairment? Link answers to the complete recording before moving to later events.

For defense counsel, a useful submission might identify that the officer's first recorded observation of a speech problem follows the challenged restraint, while the pre-restraint recording shows both occupants' face paint and the passenger's container. The argument concerns that evidentiary sequence and the required level of justification; it does not depend on claiming that erratic driving is always necessary. For the prosecutor, a response must identify the earlier objective observations or explain why the challenged act did not yet constitute the asserted restraint. A later test cannot fill a missing earlier basis by hindsight.

If the recording is incomplete or clocks differ, identify the limitation and seek the other source. A hearing brief should state which fact is disputed and what consequence follows if the court resolves it each way. This is more useful than describing the entire encounter with one conclusion such as consensual or probable cause.

Freeze the episode facts before adding a hearing record

At approximately 1:04:53–1:06:33, the narrator describes both the driver and the passenger wearing Day of the Dead face makeup. The car is a Tesla; a suggestion of tinted windows is expressly rejected. Two foot officers approach at a red light in Queens. The speaker distinguishes that approach from being pulled over. Later discussion introduces and contests possible impairment observations. The book does not resolve that debate by silently adopting every suggested observation.

Record label	What the participant may use	What it does not establish
Episode E1	Both occupants' face paint; car at red light; foot approach; passenger's claimed alcohol container	Face paint is not a test result; no assumed tint violation or police-initiated moving stop
Episode E2	Questions, later parking and departure on foot in the narrated resolution	No recorded frisk, station test or arrest is added to that ending
Debate E3	Speakers discuss odor, speech, eyes and possible police inferences	These require an agreed factual version or evidence; they are not all undisputed E1 observations
Editorial R	The timestamped hearing record below	Created for practice; it is not a reconstruction of a real event involving faculty

Editorial R: a completed hearing analysis

R1 — synchronized assumed recording: 11:02:00 p.m., vehicle stopped at red signal; no traffic violation observed. At 11:02:10 Officer Lin approaches because a passenger is visibly holding an open alcohol container and asks whose container it is. The passenger claims it. At 11:02:20 the officer says to the driver, “Keep the car here; you are not free to leave.” Assume this is the first forcible restraint. At 11:02:45 the officer first records an observation of slurred speech. No arrest or frisk occurs in this editorial base record.

R2 — officer's hearing account: Before 11:02:20 Lin observed the container and both occupants' paint, but no unsafe movement, driver-specific odor, slurred speech, unusual coordination, admission of drinking or other offense fact. The prosecutor identifies no independent observed driver offense. Assume for this problem that the passenger-container inquiry did not itself authorize this continuing restraint of the driver. That assumption isolates the disputed driver-impairment basis; an actual container offense and its lawful enforcement powers would need separate analysis.

Defense submission: The challenge concerns the 11:02:20 restraint, not the ordinary red-light stop. At that time R2 supplies no driver-specific impairment fact. The observation first recorded at 11:02:45 cannot justify an already completed escalation unless the People establish it was actually perceived earlier. The passage from a limited inquiry to compelled remaining requires its own legal basis. [18,51]

Prosecution response: Ask whether R2 is complete, whether an actual traffic-offense enforcement basis independently justified the action, and whether the challenged direction

was restraint in context. On the stipulated facts those routes are foreclosed. The prosecutor should acknowledge the deficient pre-restraint impairment record rather than argue that the later observation traveled backward in time. A real hearing may resolve those assumptions differently; the analysis must then identify the fact and source that changed.

Questions that test the legal transition

Q: At 11:02:10, who held and claimed the container? **Assumed A:** The passenger. **Q:** Before directing the driver to remain, did you hear slurred speech or smell alcohol coming from the driver? **A:** No. **Q:** What explains the 11:02:45 entry? **A:** That is when I first noticed the speech. **Q:** Had you seen a traffic infraction or irregular driving? **A:** No. **Q:** What did “not free to leave” mean? **A:** I would have prevented the car from leaving. The hearing submission can now address an actual sequence and intrusion, not the general assertion that police had concerns.

Changed pre-restraint observations: A second synchronized recording instead establishes that, at 11:02:15, the driver repeatedly fumbles the controls, slurs answers and admits substantial recent drinking, with alcohol odor specifically coming from the driver's breath. Those facts support a materially stronger suspicion of criminal intoxication before the restraint; the officer need not first observe weaving. Hinshaw distinguishes reasonable suspicion of crime from probable cause for a traffic-infraction vehicle stop. Specify the suspected § 1192 offense and the action being justified. These observations do not prove .08, which concerns a different statutory route. [33,34,51]

Separate frisk variation: Assume a lawful detention is independently established. Mere nervousness does not supply a protective search rationale. A credible observation of a weapon-shaped bulge and a movement toward it changes the danger assessment, but the search must remain tied to protection and the governing facts. A traffic inquiry, founded suspicion, detention, frisk and arrest are separate decisions. Terry and CPL 140.50(3) do not authorize every intrusive step whenever an officer can justify the first conversation. [17–19]

Operation variation: The vehicle is motionless, but the driver sits at its controls for the purpose of placing it in motion and the engine is running. The CJI definition permits an operation analysis on those facts; moving traffic is not indispensable. With a Tesla or another electric vehicle, establish what its controls and motive system were doing rather than relying on the sound of an idling engine. This book makes no technical finding about a particular electric vehicle. Operation alone still does not prove alcohol impairment, and an admission to one drink is not a numerical BAC calculation. [33,34]

6. Discovery, readiness, and the 2025 amendments

Track the charging document, disclosure compliance, and readiness as separate obligations.

Disclosure reaches information that weakens the case

Brady v Maryland holds that prosecution suppression of evidence favorable to the accused violates due process when the evidence is material to guilt or punishment, regardless of good or bad faith. Giglio v United States applies the constitutional disclosure principle to material credibility evidence, including an undisclosed promise of leniency to a key witness. The trial prosecutor's lack of personal knowledge did not excuse the office's failure to disclose a promise made by another prosecutor. These decisions require attention to both favorable evidence and materiality; they do not make every later-discovered omission an automatic ground for a new trial. [35,36]

CPL 245.20(1)(k) separately requires disclosure of evidence and information that tends to negate guilt, reduce the degree of an offense, support a potential defense, impeach a testifying prosecution witness, undermine identification, support suppression, or mitigate punishment. It applies whether the information is tangible and whether the prosecutor credits it. The listed information must be disclosed expeditiously upon receipt, without waiting for the ordinary discovery deadlines. Constitutional materiality is not a license to withhold information that this statute requires. Subdivision (1)(l) also covers promises, rewards, inducements, and requests for consideration. Rule 3.8(b) independently requires timely disclosure of known evidence or information tending to negate guilt, mitigate the offense, or reduce the sentence, except when a protective order permits otherwise. Disclosure work therefore requires inquiry and review, not just copying the documents supporting the charge. [1,28,35,36]

An editorial disclosure log should identify each custodian, the requested material, the request and follow-up dates, the response, and what was actually delivered. For recordings, distinguish existence, retrieval, review, and service. For witness information, ask about inconsistent accounts and benefits as well as favorable observations. A log is useful only if it describes actual work and exposes unresolved gaps.

Certificates under the amendments effective August 7, 2025

Current-law supplement. The 2025 amendments took effect August 7, 2025. CPL 245.50(1), (5) and (6) require a contextual review of diligence and good faith; a later production is not automatically fatal to an earlier certificate. Identify what was obtained and disclosed, what

remains unobtained despite efforts, and the reason for delayed disclosure. The assessment concerns the prosecution's efforts as a whole rather than an isolated-item formula. [29,43]

Under subdivision (4)(c), where an indictment or information was filed before the certificate was filed, the ordinary challenge period runs thirty-five days from service of the certificate. The prior filing condition and the service-based clock are different events. A challenge requires the specified good-faith conferral affirmation. Request any good-cause extension before expiry; examine its speedy-trial consequences and statutory exceptions. Later challenges require a qualifying material change or grounds that could not have been known despite diligence. Other CPL 30.30 grounds are not waived by this certificate procedure. [29]

Build the calendar from documents rather than assumptions

Editorial example. An information is filed May 4, 2026; the certificate is filed June 1 and served June 2. The information preceded the certificate's filing, so the stated condition is met. Counting thirty-five days after June 2 gives July 7 as the basic calendar date. Confirm the legally operative service method, computation rules and any applicable court order before setting a real deadline; the arithmetic example does not resolve a service dispute.

The defense reviews the production on June 4, identifies an apparent missing recording and sends a particularized inquiry June 5. The prosecutor responds June 9 that retrieval is being checked. The completed File A below specifies the June 10 delivery and June 12 follow-up about the remaining certificate-validity issue; an unanswered correspondence exchange does not itself extend the July 7 deadline.

Change the sequence. If the certificate was filed before an information or indictment, do not apply the foregoing condition merely because an information was filed before service. Determine the applicable procedural route in that actual posture. If genuinely new material arrives after the ordinary period, identify when it arrived and why the particular challenge could not previously have been raised. A supplemental production does not revive every known objection without analysis. [29]

Work a discovery problem from both sides

Editorial facts. A patrol report identifies two officers and mentions a body camera. Initial discovery contains one officer's recording and the report. The second recording is produced after the certificate. The question is not resolved simply by counting the missing file or counting all files delivered.

Event	File record	Question it answers
May 12	Assigned prosecutor requests both officers' recordings by name and incident number.	Was the known source specifically sought?
May 19	Custodian supplies one file and says the second search remains open.	Was incompleteness known before certification?
May 22 and May 28	Follow-ups request the missing file and search explanation.	What continuing effort actually occurred?
June 1 and June 2	Certificate filed and served, identifying the outstanding known item and efforts.	What was represented and when?
June 10	Second file received, reviewed, promptly disclosed with supplemental certificate and explanation.	How did the office respond to later receipt?

On those assumed facts, the prosecution can point to identified requests, follow-up, candor about the outstanding item and prompt correction. The defense should investigate whether the requested search was reasonably adequate, whether the explanation is supported, and whether the recording's contents expose other unaddressed sources or prejudice. The legal conclusion depends on the whole record; the table does not guarantee a valid certificate. [29]

Change the diligence facts. Suppose the report naming the second camera was in the file from the outset, nobody reviewed it, no request was made, and repeated defense inquiries were answered only with an unsupported statement that production was complete. That variation materially changes the diligence assessment. The defense can attach the report and correspondence and explain the missed investigative opportunity. The prosecution should disclose the actual lapse and corrective work, rather than copy the first scenario's diligence claims.

A remedy request should explain the recording's use. If it identifies a witness who has since become hard to locate, describe the lost investigative opportunity and proposed relief. If a short adjournment would permit meaningful preparation, explain why; if it would not, explain the unresolved harm. Certificate validity, chargeable time and an appropriate disclosure remedy remain related but separate determinations. [29,31]

Readiness and the “poison pill” misconception

CPL 30.30 distinguishes applicable time limits, exclusions, and readiness requirements. Under subdivision (5-a), a statement of readiness upon a local criminal court accusatory instrument must include the required certification concerning all counts; insufficient counts may be dismissed before a valid statement of readiness. A defective count does not automatically compel dismissal of every other count or the entire action. [30]

Maintain a period-by-period ledger. For each interval, identify the court event, readiness statement, instrument, certificate status, requested adjournment, and asserted exclusion. Then calculate the legally chargeable time. A general assertion that “the People were never ready” obscures the issues the court must decide. Likewise, a prosecutor’s announcement cannot substitute for the legal predicates and actual ability to proceed.

A worked readiness ledger

Editorial assumptions. A local criminal action contains a class A misdemeanor and no felony, so the ninety-day provision in CPL 30.30(1)(b) is the relevant dismissal clock. The defendant is released; this example does not calculate the separate custody-release clock. Use numbered elapsed days to isolate the legal decisions. Day 0 is commencement; the parties agree on the interval lengths and no unlisted exclusion applies. [30]

Interval	Assumed event and treatment	Chargeable days
Days 1–20	People not ready; no applicable exclusion.	20
Days 21–35	Fifteen-day continuance requested by counseled defense, granted on the record; applicable exclusion established.	0
Days 36–60	People not ready; no applicable exclusion.	25
Days 61–75	Certificate and readiness announced at start of interval; their validity is disputed.	0 if valid; 15 if ineffective and no exclusion applies

At the end of day 75, the alternatives are forty-five or sixty chargeable days. Neither reaches ninety. A successful challenge to the certificate in this example does not alone establish entitlement to dismissal; it changes the ledger and the remaining-time analysis. If another thirty-five entirely chargeable days pass without a valid readiness event or exclusion, the alternatives become eighty or ninety-five. On the second branch, the attorney must present

the grounds and calculation supporting dismissal, rather than stop at the phrase defective certificate.

Before using this method in a real case, replace every assumption with the docket, instrument, notices, certificates, service records and adjournment minutes. Post-readiness periods, changed charges, court findings and statutory exceptions can change the analysis. The fifteen-day exclusion in the example depends on the stated defense continuance; mere silence should not be substituted for a demonstrated basis. [30]

Defective-count variation. If one local-court count lacks required allegations, identify that count and the CPL 100.15/100.40 defect. Determine when, if at all, the deficiency was cured or the count dismissed and the required certification made. Then test each readiness statement under CPL 30.30(5-a). The defect's practical consequence is established through those events and elapsed chargeable time, not by assuming every count vanishes immediately. [5,6,30]

Remedies should address the demonstrated problem

CPL 245.80 distinguishes late disclosure from material that has been lost or destroyed. For late disclosure, the remedy or sanction must be appropriate and proportionate to the prejudice suffered. Even without a showing of prejudice, the party entitled to disclosure must receive reasonable time to prepare and respond. For lost or destroyed material, an appropriate remedy or sanction is required when the entitled party shows that the material may have contained information relevant to a contested issue; the response must reflect its potential usefulness. Available responses to noncompliance with a discovery order include further discovery, a continuance, reopening a hearing, recalling a witness, evidentiary relief, and other authorized measures. Dismissal requires consideration of the other remedies and must be appropriate and proportionate to the prejudice. A filed certificate does not eliminate these remedies, and every lapse does not require dismissal. [31]

For a late recording, describe what it reveals, when it became available, what preparation it changes, and what relief would respond. For missing material, identify evidence of its existence, custody, and loss. Do not make an unsupported accusation of concealment merely because the first production was incomplete. Conversely, do not minimize a substantive omission as clerical without investigating its effect.

Reassignment requires an intelligible handoff

The episode contrasts horizontal and vertical case assignment. Whatever the system, the next attorney needs a usable record of witness promises, changed accounts, outstanding discovery, notices, motions, court orders, and commitments. An internal task owner and a date prevent “someone else handles that” from becoming the operating assumption. The worksheet at the end provides a practical starting point.

File A continued: the actual disclosure and service record

The earlier short examples isolate rules. The following connected file adds enough facts to test diligence, deadlines and requested relief. It does not assume that a later diligent period excuses an earlier unexplained delay. Alex was arraigned April 2 and remained released. The first scheduled trial date is August 3. The ordinary initial-discovery date on these assumptions is May 7, thirty-five days after arraignment; exceptions, diligent-effort stays and protective orders must be established, not presumed. [47,52]

A7: production, request and service ledger

Date in 2026	Supplied record excerpt	Consequence
April 2	Reed's A3 note and police evidence receipt enter the prosecution file; both views are in police custody	Known evidence exists; preservation is not retrieval or disclosure
May 4	A6 filed and served; court docket accepts information	This precedes the later COC filing
May 6	Initial production receipt: complaint, A1 interview, A2 photo, Reed's scene notes including A4, A3 preservation email and police body-camera file; no lobby export	The defense can see the missing-source issue; favorable A4 is not hidden
May 12	Chen's first recorded request to police video custodian: "Please provide both preserved lobby views for April 1, 7:50–8:20 p.m."	No prosecutor request before this date is documented; why?
May 19	Police video custodian supplies camera 1, which begins after the punch; same-day defense delivery confirmed	Camera 2 remains outstanding and is not duplicative of the lead-up
May 22 and 28	Chen asks for camera 2; police video custodian reports export error and ongoing recovery	Actual follow-up supports one part of the diligence analysis
June 1	A8 COC filed, identifying produced items and camera 2 still unobtained; service not yet complete	Filing date is preserved separately

Date in 2026	Supplied record excerpt	Consequence
June 2	Defense service receipt at 9 a.m.; readiness stated on the record at 10 a.m. with all-count certification	Base COC challenge date is measured from June 2
June 10	Camera 2 received, reviewed and delivered with supplemental COC and delayed-production explanation	New disclosure is analyzed on its contents and effect, not only its size

The police custody premise matters. Section 245.20(2) attributes the specified New York police-held material to the prosecution. The amended provision also limits a prosecutor's obligation to obtain material equally available to the defense by subpoena. If a different file involved only a private building custodian and equally available third-party records, counsel would need to analyze that distinction instead of copying this police-possession argument. Here A3 supplies the agency receipt, so an internal transfer failure is not treated as proof that the evidence was solely private. [28]

A8 — COC excerpt supplied for critical review, not a model certification to copy: “Known materials obtained have been disclosed and listed in the attached inventory. Camera 2 is outstanding despite the May 12 request and May 22 and 28 follow-ups. The police video custodian reports an export error. Further recovery is pending.” The certificate also asserts diligence and good faith. Its attachments establish those listed efforts; they supply no explanation for the April 2–May 12 gap. The court must assess the entire effort, the case's modest complexity, the volume produced and outstanding, known evidence, the explanation, remedial response and prejudice. A certificate's assertion is not its own proof. [29]

A9 — June 10 supplemental record: Camera 2 shows a person identifiable as Jordan holding a bottle and moving toward Alex immediately before the punch. The angle obscures the distance; it has no usable audio. The police video custodian's attached explanation identifies the export fault and recovery steps. This is material to A4's justification account and contradicts A6's blanket denial of raising a bottle, though it does not by itself decide necessity or every justification exception. The supplemental certificate identifies the new file, explains receipt and delivery, and does not erase the original request history. Chen must revisit the case assessment and interview Jordan about the discrepancy without withholding the recording pending that interview. [1,28,29,46]

A10: actual conferral correspondence and affirmation

Defense email, June 5: “A3 identifies two preserved lobby views. Only camera 1 appears in the May 19 delivery. Please identify the request and search history for camera 2, supply that file, and explain the absence of a documented request between April 2 and May 12. These

issues affect the June 1 COC, the June 2 readiness statement and preparation of the bottle/justification issue.”

Prosecution email, June 9: “The police video custodian is correcting an export error; we requested both views May 12 and followed up May 22 and 28. I am checking the earlier period. We have no earlier prosecutor request to provide at present.” **Defense follow-up, June 12, after A9:** “Receipt of camera 2 is confirmed. The earlier gap remains unexplained. We ask whether the People will withdraw the disputed certificate or agree on a court determination and reasonable preparation time. The second angle changes our witness investigation; no agreement about certificate validity has been reached.” **People's response, June 15:** “We rely on the efforts as a whole and will not withdraw. We consent to reasonable preparation time but not invalidation.”

Conferral affirmation of Dana Brooks, defense counsel, June 17: I reviewed the May 6 and May 19 productions, A3, A8, the June 2 service receipt and A9. After filing of the People's certificate I timely conferred in good faith through the June 5, June 12 and June 15 correspondence reproduced above and considered the June 9 response. The specific disputed matters were camera 2, the timing and adequacy of efforts to obtain it, the unexplained earlier gap, and the resulting certificate and preparation issues. Delivery on June 10 resolved the demand for that file; it did not resolve the disputed validity issue. The People declined withdrawal. No accommodation resolving that challenge could be reached, although reasonable preparation time is not opposed. The attached excerpts are accurate fictional reproductions for this exercise. I affirm on June 17, 2026, under the penalties of perjury under New York law, which may include a fine or imprisonment, that the foregoing is true, and understand that this document may be filed in a court proceeding. **Fictional subscription: Dana Brooks.** [29,50]

A11: completed motion request and reasoned competing positions

People v Alex Lane, A-2026-001; defense submission June 17: Alex moves under CPL 245.50(4) for a determination that the June 1 certificate was invalid and the June 2 statement ineffective on that ground; for an on-record ruling identifying the diligence findings; and for reasonable preparation time and any proportionate discovery remedy supported by the record. The submission includes A3, A7–A10 and the service receipt. It is within thirty-five days after June 2. At this stage the motion does not assert that the ninety-day dismissal threshold has expired. [29–31]

The missing lead-up was known from April 2 in a one-incident case, yet the supplied record has no retrieval effort until May 12. Later follow-ups and the prompt June 10 disclosure are favorable to the People, but do not explain that gap. The belatedly disclosed angle is neither insignificant nor simply duplicative: it bears on justification and contradicts the principal witness. The defense requests an opportunity to investigate the bystander visible at the edge of camera 2 and to consult about the obscured distance. Counsel does not represent

that a particular witness has disappeared or that expert analysis is certain to help. Those harms must be proved if claimed.

People's completed opposition: The prosecution relies on the substantial May 6 production, police preservation, repeated requests after May 12, Cho's technical problem, identification of the missing item in A8 and prompt supplemental disclosure. It concedes that the provided file contains no earlier retrieval request and cannot characterize the camera as irrelevant. It asks the court to evaluate all statutory factors, including correction and the opportunity to prepare before the August 3 trial. If the court finds due diligence and good faith, subdivision (6) prohibits invalidation. A valid certificate does not eliminate the separate right to reasonable preparation time or an appropriate remedy for demonstrated prejudice. [29,31]

Reasoned assessment: The unexplained early inactivity is a serious defect on this small, known-source record. The later response matters but does not compel a finding of diligence. The court must make an explained determination on the totality, and may require evidence resolving the missing period. Defense counsel must seek that determination and preserve the record rather than announce automatic invalidity from the date of the last video. The arithmetic below shows both legal outcomes because the court's finding is a premise of the clock, not an arithmetic fact. Rubio is a trial-court application of the amended statute, not a statewide appellate rule that every late camera invalidates a certificate. [29,43]

Two clocks, calculated separately

COC challenge: June 2 service is day zero. June 3–30 supplies 28 days; July 1–7 supplies seven. The ordinary date is Tuesday, July 7, 2026. The information was filed May 4, before the June 1 COC filing, satisfying the stated filing condition. Assume personal service on counsel on June 2, no service-method addition, no contrary court order and no applicable exception changing this date. The June 17 motion is timely. June 1 filing would yield July 6 if wrongly used; that is not this specimen's service-based calculation. [29,47]

Readiness: The following docket excerpts supply the earlier numbered example's real dates. Assume the sole § 120.00(1) charge, no felony, Alex released throughout, no unlisted exclusion, and actual availability for trial during the claimed ready period. These assumptions are necessary; a certificate alone is not actual readiness. [30]

Inclusive interval	Docket source and legal treatment	Valid June 2 readiness	Ineffective June 2 readiness
April 2	Complaint filed and arraignment; commencement date excluded	0	0

Inclusive interval	Docket source and legal treatment	Valid June 2 readiness	Ineffective June 2 readiness
April 3–22	People unready; no exclusion claimed	20	20
April 23–May 7	April 22 minutes: counsel requests these 15 days; court grants and records the applicable defense-continuance exclusion	0	0
May 8–June 1	People unready; no exclusion	25	25
June 2–16	A8 served and readiness plus all-count certification recorded June 2; validity disputed	0	15
June 17	For this teaching branch, court hears and determines A11 the same day and records one excluded motion day; no later motion pendency	0	0
June 18–July 22	People expressly unready and request all 35 days; assume court finds all chargeable, with no exceptional circumstance or other exclusion	35	35
Total through July 22	111 elapsed days after April 2; 16 agreed excluded days; the disputed 15-day ready interval distinguishes branches	80	95

At June 16 the totals are 45 and 60. At July 22 they are 80 and 95. The second branch exceeds the ninety-day allowance; counsel can seek dismissal with the ineffective-readiness finding, docket and interval proof. The first branch does not. The pending-motion day is excluded in both and pushes the end of the additional thirty-five days to July 22; copying July 21 from a calculation that omitted that day would be wrong. If A11 remained under consideration

beyond June 17, or another adjournment had an applicable exclusion, this supplied ledger would require revision. [30,47]

All-count variation: Suppose A8 is valid but the June 2 instrument includes a second count with no nonhearsay allegation of an essential element, and it is neither cured nor dismissed with the required certification. Analyze § 30.30(5-a) independently of discovery. A valid COC cannot cure that readiness defect. Obtain the dismissal/correction date and a later valid readiness event before recomputing time. The original valid assault count does not disappear merely because the second count is deficient. [5,6,30]

A completed extension request and a late-ground variation

Independent variation, July 1: Assume no June 17 motion was made. Brooks requests under § 245.50(4)(c)(i) an extension of the July 7 challenge date to July 21. The submitted grounds are a documented June 29 hospitalization of the retained video specialist, whose recovery report is needed to assess whether the technical explanation is accurate; a replacement specialist can complete that work July 14. The request attaches the June 5–15 conferral record, identifies the specific disputed video and explains why the additional time is needed. It asks for a ruling before July 7 and an express speedy-trial determination. If the court has not granted the request, counsel must not assume that filing it alone enlarged the deadline. This is an alternative procedural track, not an extra exclusion silently added to the base ledger.

If the court grants an extension, the statute ordinarily excludes the extension period, subject to its specified findings concerning unreasonable prosecutorial response delay or lack of good faith. Counsel must record what period the court actually grants and which exception, if any, it finds. An extension helps a party prepare a challenge; its effect on the speedy-trial clock is a separate consequence to explain to the client. [29,30]

Genuinely later ground, August 4: A newly delivered predecessor-ADA note records a May 1 promise to communicate Jordan's cooperation to a sentencing prosecutor in another matter. The defense specifically asked about benefits June 12 and received a June 15 response that none existed; no earlier supplied source revealed this note. A later challenge should attach those documents, identify August 4 as the first disclosure, explain the defense's earlier inquiry and why this particular ground could not reasonably have been known, and invoke § 245.50(4)(c)(ii). It is not enough to repeat an old camera argument after July 7. The benefit and request-for-consideration disclosure duties must also be addressed, even if another lawyer made the promise. [28,29,35,36]

7. Arraignment, mitigation, and parallel proceedings

Make a specific request supported by facts the court is authorized to consider.

The prosecutor recommends; the court decides

The panel discusses supervisors' involvement in release recommendations. An office's approval process is not the governing release statute. Under CPL 510.10, the court applies the current framework, including the distinction between qualifying and nonqualifying offenses and an individualized assessment concerning return to court. Eligibility for bail does not itself make money bail mandatory. [32]

Avoid recycling an outdated formulation of the statute. The current text should be consulted for its factors and available orders rather than silently using pre-amendment language. Identify the actual offense and subdivision, any asserted statutory exception, the proposed form of release, and the factual basis. A recommendation framed solely as a punishment for the accusation misses the pretrial question.

Translate mitigation into an operational plan

As an editorial preparation method, obtain reliable contact information, a realistic method of receiving notices, transportation options, caregiving obligations, employment details, and the explanation for any prior missed appearance. Verify what can be verified. A concrete plan to attend court is more useful than an unsupported assurance that the person is a "good client."

Financial information should be accurate and relevant to the proposed order. Do not substitute a private lawyer's appearance for evidence that a defendant can afford a particular amount. The episode's discussion of unequal resources makes this distinction especially important. A family's payment for legal representation does not resolve what financial conditions would mean for the defendant.

Prepare a short court submission with the requested relief, statutory basis, supporting facts, and a response to the opposing concern. If a factual proposition is uncertain, identify it as uncertain and explain what source is expected. The credibility of the application depends on the precision of its representations, not the number of favorable adjectives.

The release application framework

Editorial assumptions. The defendant is charged only with ordinary intentional third-degree assault arising from a first alleged incident. There is no hate-crime allegation, no qualifying pending-case circumstance, no other qualifying charge, and no asserted

revocation or other independent detention basis. Under those assumptions, apply the nonqualifying-offense branch of CPL 510.10(3). The prosecutor's preference for money bail cannot create an exception that the statute does not supply. [32]

Defense counsel requests recognizance release and provides a verified mailing address, a working contact channel, the next-date notice plan and transportation arrangements. If the court identifies an attendance concern, counsel proposes a tailored nonmonetary response and explains how it addresses that concern. A missed appearance in another matter should be investigated: a notice sent to an old address presents a different explanation from a demonstrated effort to evade court. Neither explanation should be asserted without checking the available record.

A concise application could state: The sole charge falls within the nonqualifying framework on the stated record. The defendant can receive notices at the verified address and has a specific transportation plan. We request recognizance release. If the court finds that insufficient, we ask that it identify the attendance concern and consider the proposed nonmonetary response. Counsel should also obtain and explain any separate protective order.

Change the qualifying fact. If the assault is charged as a hate crime, CPL 510.10(4)(m) changes the eligibility analysis. Address the actual charge and supporting allegations; do not assume that any accusation of bias establishes the statutory charge. In a qualifying case, bail eligibility still does not dictate a particular amount or make detention inevitable. Present the individualized attendance analysis and, where money bail is considered, reliable financial information. [32]

The prosecutor should identify the statutory route, correct any unsupported premise and explain the requested conditions. For either side, a private attorney's appearance or a relative's resources is not a completed inquiry into the defendant's own ability to post bail without undue hardship.

Keep protective relief separate from release advocacy

A favorable release decision does not cancel an order of protection. An order allowing return to a residence does not automatically decide custody or resolve another proceeding. Before the appearance ends, obtain and read every operative order, clarify any inconsistency, and explain the practical requirements to the client. Avoid instructions based on an anticipated ruling rather than the signed order.

An editorial client memorandum should identify the next appearance, the conditions actually imposed, prohibited contact, the route for requesting modification, and whom to contact if compliance becomes impossible. Ask the client to explain the requirements back in ordinary language. This method can expose misunderstandings before they become another legal problem.

Civil litigation is a separate procedural track

The episode raises parallel civil and criminal proceedings and the possibility that discovery in one affects the other. CPLR 2201 permits a stay in a proper case on just terms; it is not a universal automatic stay whenever criminal charges exist. Obtain the actual civil order and identify what it covers. Do not assume that a pause in one action excuses compliance in another. [39]

Coordinate with authorized counsel concerning deadlines, statements, document preservation, and potential privilege issues. Identify who represents the person in each matter and what consent permits sharing information. Before recommending testimony, a sworn submission, or discovery responses, assess the particular exposure and seek any necessary relief through the proper court. This manual does not prescribe a blanket strategy of cooperation or silence across different proceedings.

File A at arraignment: a supported request and client instructions

April 2 defense packet AR1: Alex confirms apartment 3A at the fictional 100 Example Court; counsel checks the lease and an authorized same-day call to the building manager. A working mobile number is confirmed by a test callback. Employer Harbor Print, a fictional business, supplies a signed schedule showing weekday work and permission for court appearances. Alex has \$180 available after essential expenses; no family funds are pledged. Counsel records that a paid private appearance does not establish greater accessible funds. Alex reports no prior missed court date; the supplied court-history check shows none.

Completed defense submission: “The sole ordinary § 120.00(1) charge falls within the nonqualifying branch on this stipulated record. No hate-crime allegation, qualifying pending-case circumstance, independent detention ground or revocation basis is asserted. We request recognizance. Alex's lease, working callback number and employer schedule support a practical return plan. Counsel will provide written notice of April 22 at 9 a.m., confirm it April 20 and assist with a transit route. If the court identifies a specific attendance concern, we request a tailored nonmonetary response and the reasons for it. A prosecutor's requested dollar amount cannot create a qualifying offense.” [32]

Completed prosecution recommendation: “The People do not identify a qualifying route and do not request money bail on this record. We ask that Alex receive and acknowledge the court date and comply with the separate order concerning Jordan. The alleged injury and A4 dispute remain merits issues; neither changes the statutory category by itself.” The court, not either lawyer, enters the securing order.

Assumed entered disposition for teaching: Recognizance; next appearance April 22 at 9 a.m.; separate temporary order under § 530.13 prohibits threatening, harassing or direct contact with Jordan and requires staying away from Jordan personally, but expressly does not exclude Alex from apartment 3A or permit contact merely because the parties share a building. This assumed order is for File A and is not P5. Counsel must clarify exact distance,

contact and building-access terms in a real entered order rather than infer a workable exception. [32,48]

Client memorandum, April 2: “The judge released you on recognizance. Attend April 22 at 9 a.m. at the assigned Queens Criminal Court part shown on your notice. Keep that notice and our callback information. Tell counsel immediately if your address or phone changes. The separate order still applies: no direct contact, threats or harassment of Jordan, and stay away from Jordan as the order states. Apartment access is expressly preserved; it does not authorize a conversation or confrontation in the lobby. Do not ask another person to deliver a message that would violate the order. If an unexpected encounter or compliance problem arises, avoid contact and call counsel to seek clarification or modification. Do not assume Jordan can privately cancel the order.”

Teach-back record: Alex correctly repeats the date and contact restriction, then asks whether Jordan's invitation permits discussion. Counsel explains that the entered order governs and only an authorized court modification changes it. The April 20 reminder task is assigned to defense assistant Lee with attorney Brooks as backup; Lee records receipt rather than only sending a message.

Changed qualifying facts: Reliable added allegations and the filed charge assert assault as a hate crime, triggering the cited eligibility route in § 510.10(4)(m). Recheck the actual pleading and other applicable provisions. The court now has additional options; it still must make the individual determination, and counsel should present the \$180 available-funds record and the same appearance plan. This is not a recommendation that a qualifying charge automatically requires bail or that \$180 determines the amount. [32]

Parallel-case coordination: a completed limited memorandum

June 12, Brooks to Alex and separately retained civil counsel, with Alex's informed authorization: “The criminal case is pending. A civil deposition concerning the lobby incident is noticed for June 30. No stay has been entered. Preserve the notice and all requested evidence. We propose requesting a limited stay of that deposition through August 10, with a July 27 status review, while maintaining document preservation and any unstayed obligations. The application should identify the overlapping questions and particular exposure, the criminal calendar, the prejudice to the civil parties and narrower alternatives. We cannot represent that criminal charges automatically stop the civil case.”

Civil counsel will seek relief from the court in the civil action under CPLR 2201 and circulate the entered order by June 25. Brooks will assess criminal consequences before any substantive sworn account is approved. Sharing is confined to authorized information needed for that assessment; representation and privilege issues remain distinct. If the request is denied, the lawyers must advise on the actual deposition and available protections; simply failing to appear is not the plan. The requested dates are a proposed arrangement, not a court-approved stay. [39]

8. Reliable preparation across an imperfect system

Experience improves judgment when it is tested against evidence and communicated clearly.

Interview the police witness rather than adopting the report

A central practical theme is that a prosecutor should investigate independently. Ask the officer to reconstruct the event from observation rather than read a report back as if every entry resolved its own accuracy. Identify the report's author, the source of each assertion, the sequence of events, and any other witnesses or recordings. A discrepancy may be explainable, important, or fatal; it should not be invisible.

The same approach assists defense preparation. Compare accounts across reports, recordings, notices, and testimony. Select the differences that affect a legal question. A cross-examination built around immaterial variations can distract from an unsupported arrest basis or an unreliable identification. This is an editorial preparation recommendation, not a promise that every inconsistent statement establishes misconduct.

Use preparation to clarify truth

Ask witnesses to distinguish memory refreshed by a document from independent recollection. Discuss the courtroom process, the need to listen, and the difference between not knowing and not remembering. If preparation produces new substantive information, preserve and assess it under the applicable disclosure rules. Do not make the recording or note less accurate because the account is inconvenient.

For a defendant's testimony, avoid a universal rule that clients must always or never testify. The decision requires individualized advice about the proof, risks, available defenses, and the client's rights. This episode introduces the practical concern; a complete trial decision requires analysis beyond an intake conversation.

Test assumptions about background and credibility

The panel links local knowledge, diversity, and access to effective representation. Attorneys can use that insight concretely without assuming that race, neighborhood, profession, or income predicts credibility. Ask what an expression, interaction, or document actually means in context. Use qualified language assistance where necessary, and distinguish an interpretation difficulty from evasion.

An editorial bias check can be brief: What inference am I drawing? What observed fact supports it? What alternative explanation have I investigated? Would I ask the same follow-

up question if the person's background were different? Record the answer in terms relevant to the case. The goal is better fact development, not a claim that personal familiarity substitutes for evidence.

Manage workload around legal consequences

The episode's discussion of volume and burnout has a practical implication: design a task list around consequences and ownership. Separate approaching filing deadlines, detained-client issues, safety concerns, expiring recordings, and routine administration. Identify coverage when an attorney is unavailable. A case should not disappear between intake, an arraignment shift, and a trial bureau.

Rules 1.1, 1.3, and 1.4 address competence, diligence, and communication. Rules 5.1 and 5.2 address supervisory and subordinate responsibilities. Office hierarchy does not make an unresolved professional issue vanish. Seek a reasoned supervisory decision and preserve the relevant facts. Outside employment also requires review of the actual applicable restrictions and conflicts; the recording's career anecdotes do not establish a single rule for every office or position. [1]

Communication and outside-work questions

The brief recorded discussion of client access and billing should not be converted into a rule that all client calls must be free or that responsiveness can depend entirely on a client's ability to pay. Rule 1.4 imposes communication duties; Rule 1.5 governs fees and expenses. An engagement should explain the applicable basis or rate, while case management ensures that the client receives the information needed for decisions. A lawyer should evaluate the actual fee and communication practice against those obligations, rather than use the anecdote as a billing rule. [1]

For outside employment, identify the office's actual written restrictions, necessary approvals, conflicts and effect on assigned responsibilities. Permission for one person's adjunct teaching or other work is not permission for every prosecutor's private engagement. The episode's career and salary anecdotes remain historical context; they do not establish current office policy or statewide compensation facts.

Complete a handoff that exposes the disputed fact

Editorial example. An officer's intake summary states that the defendant admitted owning a bag before it was searched. The disclosed body-camera file begins after the search, and the officer's later interview places the admission afterward. The assigned attorney is rotating to another bureau the next morning.

A reliable handoff must identify the discrepancy, preserve both accounts, assign a named attorney and deadline, record acceptance, and explain the possible legal consequence. File

H below supplies the completed contradiction log, disclosure record and accepted handoff rather than leaving the reader to invent the owner or date.

The handoff should also identify the consequence: if the search justification depended on an earlier admission, the timing discrepancy may matter to suppression. It should not assert fabrication without evidence or rewrite the first statement to match the later one. Assess disclosure of the changed account and any resulting motion position; reassignment does not remove office responsibility. [28,35,36]

Change the recording. If a complete synchronized recording shows the admission before the search, identify its precise location and explain how it resolves the discrepancy. If it shows the opposite, revise the legal recommendation. If it remains inconclusive, preserve that uncertainty. In each branch, another attorney should be able to understand the open question and take the next necessary step without reconstructing the entire intake conversation.

This example also tests an assumption about credibility: do not prefer the police report merely because it is official, or the later account merely because it fits a theory. Identify the source, sequence and corroboration. The practical output is a defensible factual assessment, not a declaration that every discrepancy proves dishonesty.

A disciplined case conference

Use six questions: What is charged? What proves each element? What contradicts the theory? What evidence may be unavailable or inadmissible? What decision is needed now? Who will do what by when? Require an actual answer to the fifth question before ending the conference; otherwise the meeting risks becoming a recital of events without a decision.

When a later discovery changes the analysis, update the recommendation. Preserve the earlier version so another attorney can understand why the decision changed. The strongest practical lesson of the discussion is the need for an attorney to exercise judgment personally, while making the supporting record clear enough for another lawyer and the court to evaluate.

File H: a completed contradiction log and handoff

Teaching docket H-2026-006; October 6; assigned ADA Maya Chen transfers the next morning. H1 is Officer Bell's signed intake summary dated October 4: "Quinn said the bag was mine before I opened it." H2 is the produced body-camera file, whose first visible frame shows the bag already open; metadata places the start at 8:14 p.m. H3 is Bell's recorded October 6 interview: "I now think Quinn said it after I opened the bag." No source yet establishes the missing earlier interval. No particular search exception is assumed.

Completed issue entry: H1 and H3 differ on an admission's timing. H2 does not resolve the difference. An ownership statement is not itself consent to search, and establishing that it came first would not dispense with identifying a lawful search basis. The earlier summary

remains preserved. Do not edit H1 into agreement with H3 or present either as corroborated by H2. Assess suppression, credibility and disclosure; do not label the discrepancy a deliberate lie without evidence. [1,28,35,36]

Task and consequence	Named owner and deadline	Receipt and escalation record
Obtain partner-officer camera and dispatch timing; preserve original files	Investigator Elena Park, October 6 at 3 p.m.	Park accepts 10:05 a.m.; if unavailable, send custodian response and preservation confirmation to Grant by 3:15
Disclose H3 and accurate chronology of H1–H2 as required; check protective restrictions	Chen, October 6 at 1 p.m.	Delivery to defense confirmed 12:42; H3 interview file and correction note identified; no claim of final resolution
Reassess intended statement use, search theory and pending suppression response due October 8	Incoming ADA Noor Patel, October 7 at noon	Patel accepts file and deadline October 6 at 4:10; Grant is coverage if Patel unavailable
Correct any materially inaccurate court representation and address needed relief	Grant and Patel, before October 8 response or sooner if required	No motion paper may repeat “admission before search” as established while issue remains unresolved

H4 — handoff message, October 6, 4 p.m.: “Patel: H1's pre-search admission is disputed by H3. H2 starts too late. Park reports the partner's recording request is pending and preservation confirmed; no complete synchronized record has arrived. Defense received H3 at 12:42. Your suppression response is due October 8. Please review H1–H3 and the actual search authority before drafting. If missing proof prevents a supportable position, confer with Grant by noon tomorrow about further inquiry, an appropriate scheduling request and the position to state to court. Do not assume an extension exists. Please acknowledge both ownership and deadline.” **Patel's reply, 4:10:** “Accepted. I have opened H1–H3, confirmed the docket deadline and calendared the noon review with Grant.”

Changed recording: H5 arrives October 7 and, after clock synchronization, records the admission at 8:10 and search at 8:12. Patel may now explain why H5 supports the earlier sequence and inquire why Bell's recollection changed. Preserve and disclose H3 as required; a resolving recording does not authorize destroying the changed account. If H5 instead shows search at 8:10 and admission at 8:12, withdraw any contrary factual premise and reassess the search. If it has an unexplained two-minute clock offset, report uncertainty until the offset is resolved. The legal theory still needs more than ownership.

Preparation without supplying testimony

Completed preparation note, October 7: Patel asks Bell to describe what is remembered independently before showing H1 or H3. Bell says, “I am unsure about the order.” Patel records that answer, then shows the actual records separately, asking which, if any, refresh recollection and why. The note distinguishes refreshed recollection from a conclusion drawn only from a timestamp. Patel explains that “I do not remember” is appropriate when true. No instruction is given to choose the chronology most helpful to prosecution. New information is preserved and reviewed for disclosure before any hearing representation. [1,28]

Defense testimony consultation: Brooks's note for a separate client identifies the actual disputed observation, what admissible evidence already supports the defense, the client's proposed truthful account, possible cross-examination and the client's informed decision. A note stating “all our clients testify” would supply none of those things. Rule 1.2(a) assigns the testimony decision to the criminal client after consultation; counsel supplies individual advice and must not assist false testimony. For this teaching consultation, the client requests a further conference after a pending evidentiary ruling; Brooks calendars that conference rather than treating the decision as permanently made at intake. [1]

Communication, workload and outside work: completed practical entries

Client-access entry: The engagement states the hourly rate and how calls are billed. A client reports inability to afford another call about a plea offer. Counsel promptly explains the offer and its deadline sufficiently for an informed decision, documents the client's questions and the fee discussion separately, and does not withhold a material development until an additional payment arrives. This example does not mandate free unlimited access or approve any particular fee; Rules 1.4 and 1.5 require analysis of the actual arrangement and conduct. [1]

Workload escalation, October 6, 11 a.m.: “Grant: I have the H-file suppression response due October 8, today's H3 disclosure and two routine research assignments. Patel has accepted the response with your coverage, and I will complete disclosure today. Please reassign the routine research due tomorrow so those consequences are covered.” Grant records the reassignment and receipt. A general complaint about being busy would not identify the threatened obligation or fix responsibility. Subordinate lawyers remain bound by the rules; a supervisor's resolution of an arguable professional-duty question has the specific treatment in Rule 5.2, not blanket immunity for any instruction. [1]

Outside-work inquiry: Patel proposes a weekend teaching engagement. Before accepting, Patel submits its duties, payor, subjects, hours and possible overlap with office matters for the actual required ethics/employment review. The file records “approval pending; no engagement accepted.” If the payor becomes involved in an assigned prosecution, Patel must renew the conflicts inquiry and seek direction before proceeding. [1]

Review and application

These original editorial exercises test the legal distinctions developed in the course. They are not additional facts or statements from the recording.

1. Supported accusation, proposed declination

A complainant gives a reliable account of a minor offense, but the prosecutor recommends a lawful alternative disposition based on documented circumstances. A colleague says probable cause makes prosecution ethically mandatory. What should the memorandum explain?

Analysis. Identify the facts supporting the charge, the reason for the recommendation, and the procedural stage. Rule 3.8(a)'s prohibition on unsupported charges is not a command to prosecute all supported charges. Soares recognizes discretion; Extale cautions that a pending indictment cannot simply be withdrawn unilaterally. Determine the required decision-maker and route. [1,3,4]

2. A short assault allegation

An information alleges a punch, pain, and a visible injury but gives little detail about duration or effect. Defense counsel argues that the word "punched" is always conclusory. What is the better analysis?

Analysis. Read the complete information and supporting depositions fairly, element by element. Separate conduct, intent, injury, and identity. Investigate the actual pain and impairment rather than demanding a magic phrase. Chiddick supplies a contextual injury analysis; it does not convert every visible mark into substantial pain. Any pleading objection should identify the missing legal requirement. [5,6,7,9,10]

3. An I-card without a communication record

An originating detective had probable cause and issued an I-card. Another officer arrested the suspect the next day. The hearing record does not establish whether that officer received or relied on the card. Does the card alone resolve the arrest issue?

Analysis. No. Palacios requires proof of the relevant receipt and reliance, which may be direct or sufficiently circumstantial. Identify the actual transmission, access, timing, and testimony. Do not assume that the existence of the card proves the missing link or that an oral conversation is always required. [20]

4. A stay-away order and a request to return home

The defendant shows that a temporary order excludes the defendant from the only residence and interrupts essential caregiving. The complainant offers private permission to

return. Counsel seeks a hearing “within forty-eight hours under Crawford.” What should change?

Analysis. Advise from the operative order; private permission does not modify it. Document the substantial interest and request a prompt hearing and appropriate relief. Crawford does not supply a universal forty-eight-hour deadline. Develop both the deprivation and a concrete proposal addressing the stated safety concern. [26,27]

5. A parked vehicle and a later admission

An officer approaches a parked vehicle, directs the driver to remain, frisks the driver, and later obtains an admission of drinking. The report explains all earlier actions by reference to the later admission. What evidence should counsel seek?

Analysis. Build a chronology and identify the facts known before each action. Seek the complete recording, the words and restrictions used, and the asserted danger basis for the frisk. Analyze operation and impairment separately. The later statement cannot automatically supply earlier justification, and an alcohol admission supplies no fixed numerical blood-alcohol level. [17,18,19,33,34]

6. A late recording and a defective count

After service of a certificate, the defense receives a recording that changes preparation and identifies a potentially insufficient count. Counsel proposes a motion asserting that both problems automatically require dismissal of the entire case.

Analysis. Separate the issues. Apply current CPL 245.50 to the certificate and procedural deadlines; identify diligence, conferral, the missing material, and the specific challenge. Analyze the count under CPL 100.40 and the all-count readiness provision of CPL 30.30(5-a). Explain the actual time consequences and request a supported remedy under CPL 245.80 rather than invoking automatic whole-case dismissal. [6,29,30,31]

Fresh application: the file you have not already solved

Problem K — decide before reading the answer. An information charging a class A misdemeanor is filed May 20, 2026. A COC is filed June 8 and personally served on defense counsel June 10. On June 18 defense counsel notices that an April report identifies an interview recording absent from production. Counsel emails the specific discrepancy June 19. The prosecutor responds June 23 that the source is being checked but gives no result. Counsel follows up June 26. The court has not granted an extension. No new disclosure occurs before the ordinary challenge deadline.

The case's readiness ledger through the proposed motion date contains three undisputed chargeable intervals of 18, 27 and 23 days, plus a disputed 20-day interval that would be chargeable if the COC/readiness were ineffective. One additional 12-day interval is expressly excluded on a supported defense continuance. Those numbers are supplied source facts for this fresh problem; do not import File A's dates or exclusions.

At the same time, an officer's report says a witness personally saw a punch; the witness's actual recorded interview says the witness arrived afterward. A supervisor suggests describing the report as accurate because there is still a good case. The incoming attorney takes over tomorrow. Prepare the challenge date, a short conferral affirmation, the two clock totals, the disposition presently supported and the handoff entry. Then change one fact: on August 1 the defense first receives a previously undisclosed note of a benefit promised to that witness, despite a timely earlier particularized inquiry.

Reasoned answer to Problem K

Date: The May 20 information precedes the June 8 COC filing, so the stated statutory filing condition is met. June 10 service is day zero. June 11–30 is 20 days; July 1–15 is 15 more. The ordinary date is Wednesday, July 15, 2026. The June 8 filing date does not move it to July 13. A pending unanswered request is not an assumed court extension. [29,47]

Completed short affirmation: “I reviewed the production June 18 and identified the interview recording named in the April report. After the People's June 8 COC filing, I timely sought that specific recording and an explanation by email June 19, considered the June 23 response, and renewed the request June 26. The recording and an adequate resolution were not supplied; no accommodation was reached. The attached correspondence documents those good-faith efforts. I affirm on July 15, 2026, under the penalties of perjury under New York law, which may include a fine or imprisonment, that these statements are true and understand that this affirmation may be filed in a court proceeding. Fictional counsel Dana Brooks.” File the properly supported motion with the actual service and filing record; do not merely retain the affirmation internally. [29,50]

Clock: $18 + 27 + 23 = 68$. If the disputed 20 days are chargeable, the total is 88. The 12 excluded days are not added to either branch. Neither total supports dismissal for

exceeding ninety days. Seek the supported certificate determination, preparation time and appropriate remedy, preserve the deadline and continue the ledger. Two more chargeable days would reach 90; three would produce 91. An invalid certificate alone is not a dismissal calculation. [29–31]

Handoff: “The witness's personal observation is contradicted by the interview, which says arrival afterward. Preserve both records; disclose as required; do not submit the report's eyewitness assertion as established. Patel accepts tomorrow's ownership; Grant reviews any court correction today; the missing-recording challenge remains due July 15. Supervisor preference does not authorize a false factual representation.” A report's official appearance and the remaining strength of the case do not resolve the contradiction. [1,28]

Changed later ground: The August 1 promise note creates a different, potentially later-permitted challenge if the actual record demonstrates a material change or a ground not reasonably knowable with diligence before July 15. Attach the earlier inquiry, response and new note; explain that chronology and seek a particularized ruling. Do not relabel the old, known recording omission as newly discovered. Assess the benefit's disclosure and impeachment consequences independently, including the effect on earlier representations. [28,29,35,36]

Worksheet 1: Intake and element map

Complete one analysis for each proposed count; distinguish a source's observations from an inference.

Charge / subdivision / instrument type / jurisdiction

Element / source / exact supporting fact / missing proof

Contrary account / defense / admissibility issue / investigation

Decision / reason / supervisor / next review date

Worksheet 2: Encounter and statement chronology

Record what was known before each police action, not merely what was discovered afterward.

Time / location / officer action / asserted authority

Source of suspicion / communication received / reliability

Custody / words used / warnings / waiver / recording

Notice / motion / hearing proof / preservation task

Worksheet 3: Disclosure and court plan

Use separate entries for discovery compliance, readiness, release, and protective relief.

Missing item / custodian / request / follow-up / production

Certificate service / challenge date / conferral / motion

Release or protection issue / concrete facts / requested order

Client or witness communication / next deadline / owner

Glossary

Working definitions for the New York practice addressed in this course.

Accusatory instrument. The charging document; different types carry different statutory requirements.

Certificate of compliance. The discovery certification governed by CPL 245.50; its validity and effects require the current statutory analysis.

Complainant. A person reporting or alleging an offense; not thereby the prosecutor's private client.

Conversion. The process of satisfying the requirements for an information where prosecution began on a misdemeanor complaint.

Custodial interrogation. The combination triggering Miranda safeguards; custody and interrogation are separate inquiries.

Facial sufficiency. Whether the charging instrument meets the applicable pleading requirements, distinct from ultimate trial proof.

Horizontal assignment. An office arrangement in which different attorneys may handle different stages of a matter.

I-card. A police investigative communication whose legal significance depends on its contents, underlying basis, and receipt and reliance; not a judicial warrant.

Physical injury. Impairment of physical condition or substantial pain under Penal Law § 10.00(9).

Protective frisk. A limited protective search justified by the applicable danger standard; not an automatic incident of every stop.

Readiness. The legally effective ability and declaration to proceed, assessed with applicable statutory predicates and chargeable time.

Vertical assignment. An office arrangement in which an attorney retains a matter across multiple stages.

Selected authorities

Primary legal authorities reviewed October 9, 2026; approved faculty biographies and portraits preserved. Numbered citations support nearby legal propositions. Hypothetical records, dates and proposed outcomes are editorial teaching material. Statutory versions and current controlling law must be checked for a later matter.

Public duties and charging

1. New York Rules of Professional Conduct, 22 NYCRR Part 1200, Rules 1.1, 1.2(a), 1.3–1.5, 3.3–3.4, 3.8, 4.2–4.3 and 5.1–5.2. Text in compilation amended through July 1, 2026; rule text distinguished from advisory comments. [Read New York Rules of Professional Conduct.](#)
2. [County Law § 700](#), district attorney's powers and duties.
3. *Matter of Soares v Carter*, 25 NY3d 1011, 1013–1014 (2015). Courts cannot compel prosecution through the hearing directive at issue. [Read Matter of Soares v Carter.](#)
4. *People v Extale*, 18 NY3d 690, 692–696 (2012). Judicial discretion over proposed withdrawal of an indicted count. [Read People v Extale.](#)

Pleading and offense elements

5. [CPL 100.15](#), form and content of specified accusatory instruments.
6. [CPL 100.40](#), facial sufficiency standards by instrument.
7. *People v Kalin*, 12 NY3d 225, 228–232 (2009). Fair reading and prima facie pleading; the standard differs from trial proof. [Read People v Kalin.](#)
8. [Penal Law § 120.00](#), third-degree assault.
9. [Penal Law § 10.00\(9\)–\(10\)](#), physical and serious physical injury.
10. *People v Chiddick*, 8 NY3d 445, 447–448 (2007). Substantial pain and contextual injury evidence. [Read People v Chiddick.](#)
11. [Penal Law § 120.05](#), second-degree assault; distinguish subdivisions.
12. [Penal Law § 120.06](#), second-degree gang assault.
13. [Penal Law § 240.30](#), current aggravated harassment in the second degree.
14. *People v Golb*, 23 NY3d 455 (2014), former aggravated-harassment provision.
15. *Counterman v Colorado*, 600 US 66, 69, 73–82 (2023). Subjective recklessness floor in true-threats prosecutions; not a decision rewriting every New York offense. [Read Counterman v Colorado.](#)

Arrests and statements

16. [CPL 140.10](#), warrantless arrest authority and specified mandatory-arrest provisions.
17. [CPL 140.50](#), temporary questioning and protective-search authority.
18. *People v Garcia*, 20 NY3d 317, 321–324 (2012). De Bour/Hollman inquiry during a lawful traffic stop; nervousness and weapon inquiry. [Read People v Garcia.](#)
19. *Terry v Ohio*, 392 US 1 (1968), investigative detention and limited protective search.

20. *People v Palacios*, 2026 NY Slip Op 02360, *1–2 (Ct App Apr. 16, 2026). Communication, receipt and reliance; direct or adequate circumstantial evidence. [Read *People v Palacios*](#).

21. *Miranda v Arizona*, 384 US 436 (1966), custodial interrogation.

22. *Rhode Island v Innis*, 446 US 291 (1980), interrogation and its functional equivalent.

23. [CPL 710.30](#), covered evidence notices and timing.

24. [CPL 60.45](#), involuntary statements and specified recording provisions.

Protection, discovery, and court practice

25. [CPL 530.11](#), family-offense jurisdiction and covered relationships.

26. [CPL 530.12](#), protection orders in family-offense matters.

27. *Matter of Crawford v Ally*, 197 AD3d 27, 32–35 (1st Dept 2021). Prompt hearing where a TOP affects significant liberty/property interests; no universal 48-hour rule. [Read *Matter of Crawford v Ally*](#).

28. [CPL 245.20](#), automatic discovery, including subdivisions (1)(k) and (l).

29. [CPL 245.50\(1\)](#), (1-a), (3), (4)(c) and (5)–(6). Certificates, current diligence test, filing condition, service-based challenges, conferral, extensions and later grounds. [Read *CPL 245.50\(1\)*](#).

30. [CPL 30.30\(1\)\(b\)](#), (2), (4)(a)–(b), (g), (5) and (5-a). Distinct dismissal/custody clocks, supported exclusions, actual readiness and all-count certification. [Read *CPL 30.30\(1\)\(b\)*](#).

31. [CPL 245.80](#), remedies and sanctions.

32. [CPL 510.10](#), securing orders and current release framework.

33. [VTL 1192](#), operation while impaired or intoxicated and related subdivisions.

34. *New York CJI2d*, [VTL 1192\(1\)](#), alcohol-impairment instruction, including operation.

35. *Brady v Maryland*, 373 US 83, 87 (1963). Favorable material evidence concerning guilt or punishment. [Read *Brady v Maryland*](#).

36. *Giglio v United States*, 405 US 150, 153–155 (1972). Credibility information and attributed prosecution-office knowledge. [Read *Giglio v United States*](#).

Faculty and additional resource

37. [Essmidi Law Firm, About](#), professional biography supporting Mehdi Essmidi’s education, prosecution background, and practice.

38. [New York Unified Court System attorney registration](#), Nia-Tai Fung; [NYC City Record personnel action](#), October 8, 2025, p. 25; [Queens DA historical announcement](#). Professional sources identify her current Bronx DA affiliation, New York admission and earlier Queens prosecution experience. The case announcement supplies employment history, not proof of charged allegations.

39. [CPLR 2201](#), judicial authority to stay proceedings in a proper case.

Additional authorities for the worked applications

40. [CPL 300.30\(5\)](#), definition of inconsistent counts.

41. [CPL 300.40\(5\)](#), alternative submission of inconsistent indictment counts and verdict direction.
42. *People v Lopez*, 16 NY3d 375, 377, 380–387 (2011). Represented custodial matter, inquiry and constructive knowledge; conviction affirmed on harmless-error grounds. [Read *People v Lopez*](#).
43. *People v Rubio*, 88 Misc 3d 614, 615–616 and n (Crim Ct, Bronx County 2025), identifying August 7, 2025 as the effective date and quoting L 2025, ch 56, part LL, § 8. Cited here for the enactment date and transition text, not as statewide appellate authority for every application issue.
44. CPL 100.30(1)(d). Notice and subscription method of verification. [Read CPL 100.30\(1\)\(d\)](#).
45. CPL 100.20. Supporting deposition: verified factual allegations supplementing the accusatory instrument. [Read CPL 100.20](#).
46. Penal Law 35.15(1)–(2). Defense of a person, reasonable necessity and applicable exceptions; different rules for deadly force. [Read Penal Law 35.15\(1\)–\(2\)](#).
47. General Construction Law 20. Calendar-day computation excluding the starting day; applied to the expressly assumed service and notice calendars. [Read General Construction Law 20](#).
48. CPL 530.13(1). Temporary protection for nonfamily victims or designated witnesses, on the stated statutory conditions. [Read CPL 530.13\(1\)](#).
49. Penal Law 240.26(1). Harassment in the second degree by specified physical contact with the required intent; a violation. [Read Penal Law 240.26\(1\)](#).
50. CPLR 2106(a). Affirmation of truth and current form; special verification requirements for accusatory instruments remain separately addressed in reference 44. [Read CPLR 2106\(a\)](#).
51. *People v Hinshaw*, 35 NY3d 427, 429–437 (2020). New York vehicle-stop standards; reasonable suspicion of crime and probable cause for traffic infractions. [Read *People v Hinshaw*](#).
52. CPL 245.10(1)(a)(i)–(ii), (iv), read with CPL 245.20(1)(u). Initial discovery timing, identified stays/extensions and electronic information. [Read CPL 245.10\(1\)\(a\)\(i\)–\(ii\)](#).