

TOWN OF POUGHKEEPSIE JUSTICE COURT
COUNTY OF DUTCHESS STATE OF NEW YORK

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PEOPLE of the State of NEW YORK,

Plaintiff,

DECISION

vs.

JOSEPH M. LaROSSA,

Defendant

-----X

SULLIVAN, J

The defendant by his attorney Michael G. Hayes, Esq., has brought a motion before this Court requesting that a portion of the Superseding Information in this matter be dismissed as unconstitutionally vague. The motion consisted of the Affirmation of Michael G. Hayes, Esq. and exhibits. The People submitted an Affirmation of Kyle W. Barnett, Esq. and a Memorandum of Law. The Defendant submitted a Reply Affirmation of his attorney with an exhibit. Oral argument on the Motion was had before the Court on November 3, 2006. The Court having considered all of the arguments submitted in regard to the motion decides the matter in the following manner.

The Defendant asserts that the term "warehouse" as defined in the Town Ordinance is unconstitutionally vague. The People assert that the Defendant lacks standing to raise such an issue and made no attempt to defend whether or not the definition was too vague or not.

The Court finds that the defendant does have standing to raise the issue of whether or not the charge lodged against him is unconstitutionally vague or not. The Court further finds that the term as applied in the present case is indeed unconstitutionally vague and is therefore stricken

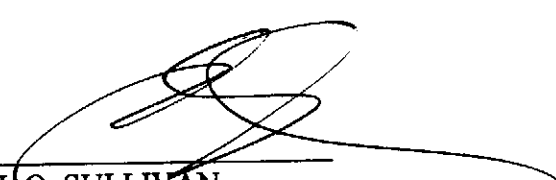
from the superseding information.

The above constitutes the Decision and Order of the Court.

So Ordered.

ENTER

dated: day of November, 2006



PAULO. SULLIVAN
Town Justice

cc: Kyle Barnett, Esq,
Van DeWater & Van DeWater
P.O. Box 112
40 Garden Street
Poughkeepsie, NY 12602

Michael G. Hayes, Esq.
Daniels & Porco, LLP
517 Route 22 P.O. Box 668
Pawling, NY 12564