EXHIBIT 2

EXHIBIT 3

EXHIBIT 4

EXHIBIT 5

EXHIBIT 6

OFFICE OF THE DISTRICT ATTORNEY
WESTCHESTER COUNTY
MIRIAM E. ROCAH
DISTRICT ATTORNEY
WESTCHESTER COUNTY COURTHOUSE
111 Dr. Martin Luther King, Jr. Blvd.
White Plains, New York 10601
(914) 995-3414

Steven Epstein, Esq.
Barket Epstein Kearon Aldea & LoTurco, LLP
666 Old Country Road, Suite 700
Garden City, New York 11530

November 12, 2021

Re: **People v. Michael Molina**
New Rochelle City Docket # CR-3495-21

Dear Mr. Epstein:

Enclosed please find an ***"Affirmation in Opposition"*** relating to the captioned case.

If you have any questions regarding this matter, please contact this office at (914) 813-5800.

Thank you for your consideration in this matter.

Sincerely,

MIRIAM E. ROCAH
District Attorney

Philip Mellea
Assistant District Attorney
New Rochelle Branch

PM/ jv
Encl

cc: New Rochelle City Court
Attn: Criminal Court Clerk

GREENBURGH BRANCH
188 Tarrytown Road
White Plains, NY 10607
(914) 995-4075

MOUNT VERNON BRANCH
2 Roosevelt Square
Mount Vernon, NY 10550
(914) 813-6025

☒ NEW ROCHELLE BRANCH
475 North Avenue, 2nd Floor
New Rochelle, NY 10801
(914) 813-5800

☐ YORKTOWN BRANCH
1940 Commerce Street
Suite 204
Yorktown Heights, NY 10598
(914) 862-5140

☐ NORTHERN WESTCHESTER BRANCH
25 Moore Avenue
Mount Kisco, NY 10549
Tel: (914) 864-7122

☐ RYE BRANCH
3010 Westchester Avenue
Suite 205
Purchase, NY 10577
(914) 813-7257

☐ WHITE PLAINS BRANCH
City Court Building
77 South Lexington Avenue
White Plains, New York 10601
(914) 422-8285

☐ YONKERS BRANCH
104 South Broadway
Yonkers, NY 10701
(914) 231-2700

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AFFIDAVIT OF SERVICE
PEOPLE V MICHAEL MOLINA

STATE OF NEW YORK }
} ss.:
COUNTY OF WESTCHESTER }

PHILIP MELLEA, being duly sworn, deposes and says that on 12TH DAY of NOVEMBER 2021; (he) served **AFFIRMATION IN OPPOSITION** upon **STEVEN EPSTEIN, ESQ, Barket Epstein Kearon Aldea & LoTurco, LLP** by enclosing a true copy thereof in a securely sealed postpaid wrapper addressed to the said attorney at, **666 OLD COUNTRY ROAD, SUITE 700, GARDEN CITY, NEW YORK 11530** by depositing same in a Post Office Box regularly maintained by the United States Government, in the City of NEW ROCHELLE, NEW YORK.

Deponent further says that the said **ATTORNEY** is the attorney herein and the last address appearing from the last papers served on this office is SAME AS ABOVE.

Deponent is over the age of 18 years.

PHILIP MELLEA
Assistant District Attorney
New Rochelle Branch

Sworn to before me this
12TH DAY of NOVEMBER 2021

JULISSA VEGA
NOTARY PUBLIC

JULISSA VEGA
Notary Public, State of New York
Registration No. 01VE6253367
Qualified in Bronx County
Commission Expires Dec. 16, 2021

EXHIBIT 3 EXHIBIT 4 EXHIBIT 5

CITY COURT OF THE STATE OF NEW YORK
CITY OF NEW ROCHELLE

THE PEOPLE OF THE STATE OF NEW YORK,

--against-

MICHAEL MOLINA,

Defendant.

AFFIRMATION IN OPPOSITION

Docket CR-03495-21

STATE OF NEW YORK)
: ss.:
COUNTY OF WESTCHESTER)

PHILIP J. MELLEA, an attorney duly admitted to practice law in the Courts of the State of New York affirms the following under the penalties of perjury: that she is an Assistant District Attorney of Westchester County and submits this affirmation in opposition to defendant's motion to dismiss. This affirmation is made upon information and belief, the source of which is the file of this matter maintained by the Office of the District Attorney.

By New Rochelle City Court docket CR-0034954-21, defendant is charged with the following charges: VTL Driving While Intoxicated VTL 1192.3 VTL 375.2.A No Headlights/Inclement, VTL 1128A Moved From Lane Unsafely, VTL 1163A Improper or Unsafe Turn Without Signal with the pertinent facts set out in the accusatory instruments and supporting documentation previously filed with the Court and served on defendant, herein incorporated by reference.

On or about July 2, 2021, defendant was present in New Rochelle City Court, with Counsel Steven Epstein and defendant was arraigned. The People served on defendant and filed with the court a 710.30 Notice Statement, the DWI Supporting Deposition, Bill of Particulars and Refusal Report. TASC/OASAS was assigned on this date as well. The case was adjourned until July 27, 2021 for People to supply Discovery. (People Charged 25 Days)

On July 8, 2021, the People provided defense counsel with various items of discovery, via the Westchester District Attorney's Office Discovery Portal. A receipt is attached as People's Exhibit A.

On July 27, 2021 all parties appeared and the People requested the adjournment to August 10, 2021 to file their Certificate of Compliance. (People Charged 14 Days)

On July 28, 2021 the People filed their Certificate of Compliance via the Westchester District Attorney's Office Discovery Portal and announced their readiness for trial.

On August 10, 2021 the Defendant and Counsel appeared virtually, the People advised Judge Rice and the Defendant that the Certificate of Compliance had been filed via the Westchester County District Attorney's Discovery Portal at which time counsel for the defendant asked if the People could *"send another copy, Judge can we set a motion schedule?"* The Judge then inquired of the People as to their readiness and specifically asked Defense Counsel, "Do you wish to be heard as to whether disclosure requirements of CPL 245.20 have been met?" Defense Counsel stated *"Not at this time, Judge. Any objections, I'll file within the motion"*. Subsequently, the People consented to the appropriate Pre-Trial Hearings. The defendant asked, *"Judge, is this going to be for the pretrial hearings?"* The Court suggested September 27, 2021 for the hearings and subsequently asked if the date of September 30, 2021 was acceptable to the Defendant which counsel stated *"that's fine. No Judge, if there are any issues with respect to the certificate of compliance, do you want me to just go ahead and file a motion with a return date of September 30th?"* The Court stated, "That's fine". (*See Attached Exhibit B Certified Transcript from August 10, 2021 Court Appearance*). No time chargeable to the People. Defendant consented to a pre-trial hearing date of September 30, 2021 and requested that the date serve as a deadline to file a pre-trial motion if after a review of the discovery he felt one was warranted.

On September 30, 2021 the People and the Defendant appeared for Pre-Trial Hearings and the People acknowledged Readiness for the Hearings. The defendant filed the instant motion pursuant to CPL 30.30(1)(b) and 170.30(e). The Court set the following motion schedule: October 28, 2021 for People's response; November 4, 2021 for the defendant's reply; December 10, 2021 for the Court's decision.

Motion time is excludable from all CPL 30.30 calculations.

The People contacted counsel for the defendant and requested an extension of the motion response. Counsel for the defendant agreed to the extension of time. The matter was calendared at

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which time Judge Rice reset the motion schedule to allow the People to respond by November 12, 2021; defendant's reply by November 19, 2021 and the Court's decision by January 4, 2022. To the extent that the defense may argue that the People consented to take the additional time to respond to the motion, it is of no moment as all motion time is still excludable from the 30.30 calculation as the entire motion schedule was adjusted.

On November 5, 2021 the People provided counsel with additional discovery, via the Westchester District Attorney's Office Discovery Portal, including but not limited to discovery relating to CPL 245.20(1)(k), a receipt is attached as a People's Exhibit C .

On November 9, 2021 the People served on defense and filed with the Court via email, and via the Westchester County Discovery Portal and Via US Postal Mail to the defendant, a Supplemental Certificate of Compliance and Statement of Readiness, along with the Discovery Disclosure Index, the Discovery Addendum, Reciprocal Discovery Demand on the Defendant, and the CPL 245.20(1)(k)(iv) addendum regarding police witnesses. (See Attached Exhibit D)

On November 10, 2021 the People provided counsel with additional discovery, via the Westchester District Attorney's Office Discovery Portal, including but not limited to discovery relating to CPL 245.20(1)(k), A receipt is attached as People's Exhibit E.

On November 10, 2021 the People served on defense and filed with the Court and the defendant via email another Supplemental Certificate of Compliance and Statement of Readiness, along with the Discovery Disclosure Index, Reciprocal Discovery Demand on the Defendant, and the CPL 245.20(1)(k)(iv) addendum regarding police witnesses. This was also sent to the defendant via the Westchester County Discovery Portal. (See Attached Exhibit F)

WHEREFORE, for the reasons more fully set forth in the annexed Memorandum of Law, this Court should deny defendant's motion without a hearing.

Affirmed to be True,
Dated: November 11, 2021
New Rochelle, NY

Philip J. Mellea - Assistant District Attorney

MEMORANDUM OF LAW

POINT I

DEFENDANT'S MOTION TO DISMISS ON CPL 30.30 GROUNDS MUST BE SUMMARILY DENIED.

Defendant's motion to dismiss on CPL 30.30 grounds must be summarily denied. Only thirty three (33) days are chargeable to People under CPL 30.30, fifty-seven (57) days short of the 90 days allotted for the People to declare ready for trial under CPL 30.30(1)(b).

The People have 90 days to declare ready for trial on misdemeanors (CPL 30.30[1][b]). Adjournments granted at defendant's request, with defendant's consent, for pre-trial motions, and pre-trial hearings are excluded from the statutory 90 days the People have to be ready for trial on misdemeanors such as charge pending before this Court on this matter (CPL §§ 30.30[1][b], [4][b], [4][f]).

I. **Time from July 2, 2021 to July 27, 201 are chargeable to the People (25 Days Chargeable to the People)**

II. **Time Frame July 27, 2021 to July 28, 2021 are chargeable to the People (One Day Chargeable to the People). The time frame from July 28, 2021 to August 10, 2021 are not chargeable to the People.**

It should be noted that the People filed their Certificate of Compliance on July 28, 2021 and we would argue that the time thereafter should not be chargeable to the People as the defendant did not timely object to the Certificate of Compliance. If the Court takes the position that the People are still chargeable until the next court date, the additional 13 days still keeps the People within the 90 day time limit.

"The defendant is obligated to pursue his rights; he should not silently lie in wait with a challenge to the People's discovery compliance while the speedy trial clock ticks loudly in the background". See *People v. Worley*, 66 N.Y.2d 523, 527-28 [1985]); *People v. Odoms*, 143 Misc.2d 503, 505 (N.Y. City Crim. Ct. 1989). In the following case, (*People v. (Carlos) Nova-Ceballos*, NY County Sup. Ct. 3/15/21), the Court held that the defense

was required to challenge the sufficiency of the COC at the time of its filing and not to wait until the filing or the Statement of Readiness, or later. Based on the defenses dilatory conduct in delaying its challenge to the sufficiency of the COC the court determined it would exclude the time from the filing of the People's COC until the defense motion was made.

III. **The time from August 10, 2021 to September 30, 2021 is excludable time.**

Adjournments made at defendant's request or with defendant's consent are excluded from the CPL 30.30 calculation, even when the People are not ready for trial (CPL 30.30[4][b]; *People v Worley*, 66 NY2d 523, 527 [1985] ["[T]he time required for defendant's pretrial motions and his requested adjournments should be excluded . . . ."]; *People v D'Aquino*, 163 Misc 2d 788, 791 [Yonkers City Ct 1995] ["Defendant may not request an adjournment and at the same time disclaim any waiver of delay."]; *see People v Percell*, 62 Misc 3d 190 [NY City Crim Ct 2020]).

Here, the defendant consented an adjournment from August 10, 2021 to September 30, 2021. Defendant consented to the adjournment, so that he could review the discovery and also for pretrial hearings which the People had consented to after filing their Certificate of Compliance. (See Attached Transcript)

Adjournments made at defendant's request or with defendant's consent are excluded from the CPL 30.30 calculation, even when the People are not ready for trial (CPL 30.30[4][b]; *People v Worley*, 66 NY2d 523, 527 [1985] ["[T]he time required for defendant's pretrial motions and his requested adjournments should be excluded . . . ."]; *People v D'Aquino*, 163 Misc 2d 788, 791 [Yonkers City Ct 1995] ["Defendant may not request an adjournment and at the same time disclaim any waiver of delay."]; *see People v Percell*, 62 Misc 3d 190 [NY City Crim Ct 2020]).

Further, "The defendant is obligated to pursue his rights; he should not silently lie in wait with a challenge to the People's discovery compliance while the speedy trial clock ticks loudly in the background". See *People v. Worley*, 66 N.Y.2d 523, 527-28 [1985]);

People v. Odoms, 143 Misc.2d 503, 505 (N.Y. City Crim. Ct. 1989). In the following case, (*People v. (Carlos) Nova-Ceballos*, NY County Sup. Ct. 3/15/21), the Court held that the defense was required to challenge the sufficiency of the Certificate of Compliance at the time of its filing and not to wait until the filing or the Statement of Readiness, or later. Based on the defenses dilatory conduct in delaying its challenge to the sufficiency of the Certificate of Compliance the court determined it would exclude the time from the filing of the People's Certificate of Compliance until the defense motion was made.

In the instant case, the People filed a Certificate of Compliance via the portal and announced their readiness for trial on July 28, 2021, that position was reiterated on August 10, 2021 when the defendant and his counsel were virtually present in Court and opted not to challenge the Certificate of Compliance on that date and did not thereafter request a short date to review the discovery but, instead requested a September 30, 2021 date for pre-trial hearings and a pre-trial motion deadline simultaneously. The defendant did not make efforts to make a timely challenge to the People's Certificate of Compliance but instead waited until September 30, 2021 to file such a challenge.

Based upon the foregoing, the period from July 28, 2021 through and including September 30, 2021, must be excluded from the calculation.

IV. **The time from September 30, 2021 to January 4, 2022 must be excluded as that entire period has been designated as a period to file motions therefore, 0 days are chargeable to the People)**

Adjournments made at defendant's request or with defendant's consent are excluded from the CPL 30.30 calculation, even when the People are not ready for trial (CPL 30.30[4][b]; *People v Worley*, 66 NY2d 523, 527 [1985] ["[T]he time required for defendant's pretrial motions and his requested

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adjournments should be excluded . . . ."]; *People v D'Aquino*, 163 Misc 2d 788, 791 [Yonkers City Ct 1995] ["Defendant may not request an adjournment and at the same time disclaim any waiver of delay."]; *see People v Percell*, 62 Misc 3d 190 [NY City Crim Ct 2020]).

In sum, only 26 days are chargeable to the People – 64 days under the 90 day limit set out in CPL 30.30(1)(b). Defendant's motion to dismiss must therefore be summarily denied.

POINT II

THE PEOPLE HAVE EXERCISED DUE DILLIGENCE AND FILED THE CERTIFICATE OF COMPLIANCE IN GOOD FAITH.

Defendant's motion to strike the People's Certificate of Compliance (COC), and nullifying the People's stated readiness should be denied. Defendant moves for the aforementioned relief on the grounds that the People have not turned over sufficient information related to evidence and information to police that tends to impeach the credibility of Trooper Angelo Fortune. Defendant argues the People failed to make "a good faith effort to obtain the document." However, the People exercised due diligence in all aspects of their investigation and in seeking relevant discovery. The People provided Defendant with all relevant documentation, pursuant to their continuing discovery obligation. It should be noted that the People supplied what is called the Troopers Resume. Such Resume gives a full list of information regarding any and all impeachment information. At that time, the People acted in good faith by suppling the information which we believed to be proper to disclose. As such, Defendant's motion should be denied. It should be noted that thereafter, we disclosed to the defendant all substantiated and unsubstantiated files which were mentioned in the Resume. See Attached Exhibits.

CPL 245.50 states that "no adverse consequence to the prosecution or the prosecutor shall result from the filling of a certificate of compliance in good faith and reasonable under the circumstances." In this regard, numerous courts have found that belated disclosures should not invalidate a certificate of compliance that was made in good faith after the exercise of due diligence where the delay resulted from, for example, minor oversights in the production of material, delayed discovery of the existence of certain items, or a good faith position that the material in question was not discoverable. (*People v. Alvarez*, 2021 NY Slip Op 50292 [March 29, 2021]). The striking of a certificate of readiness is a drastic remedy which should be used both sparingly and judiciously. (*People v. Nelson*, 67 Misc.3d 313 [February 10, 2020]). "...the new discovery law, designed as it was to be remedial in nature, should not be construed as an inescapable trap for the diligent prosecutor who professionally, assiduously and in

good faith attempts to comply with their new and extensive requirements under the discovery statute, but through no fault of his or her own, is unable to comply with every aspect of the automatic discovery rules specified in CPL 245.20." (People v. Erby, 68 Misc.3d 625 [May, 2020]).

New York Courts have stated the following: Assuming *arguendo* this document was discoverable and within the People's possession, custody, or control, striking the Certificate of Compliance is a drastic remedy. Where the People filed a Certificate of Compliance without turning over police 911 records, the Court found that the Certificate of Compliance was valid, even though it identified discovery material the prosecution was aware of, but did not yet possess. "That section requires that the Certificate of Compliance state that...the prosecutor has disclosed and made available all known material and information subject to discovery...If additional discovery is subsequently provided prior to trial pursuant to section 256.60..., a supplemental certificate shall be served." (*People v. Pealo*, 71 Misc.3d 337 [April 21, 2021]). Certificate of compliance was also deemed valid, where the prosecutor's initial disclosures did not include maintenance records for breath testing machine and after exercising due diligence to obtain and furnish all discoverable items, the prosecutor appropriately discharged her continuing duty to disclose by obtaining the records and providing them to defense counsel as soon as she learned of their existence. (People v. Davis, 70 Misc.3d 467 [October 9, 2020]). In light of the foregoing, the People have complied with their discovery obligations and have turned over all known material and information subject to discovery at this time. Defendant's motion should be denied.

In the instant case, the People filed their Certificate of Compliance on July 28, 2021 and the defendant did not file his motion until September 30, 2021. If this Court should find the People's Certificate of Compliance to be invalid, there should be no adverse consequence to the People and the time from the filing of the Certificate of Compliance until defendant submitted his motion should not be charged to the People, as the People acted in good faith. Further the People have filed two further supplemental Certificates of Compliance during the time frame of motion practice and have again

announced their readiness for trial. Even with the recent filing of these two additional Certificates of Compliance, the People are still within the 90 period of which the People need to their announce readiness for trial.

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POINT III

THE DEFENSE HAS NOT ALLEGED ANY PREJUDICE

"Criminal Procedure Law §§ 245.30, 245.35, 245.55, and 245.60 all contemplate disclosure of materials and evidence after the filing of the initial certificate of compliance and certificate of readiness. Therefore, delayed disclosure does not, alone, require the striking of a certificate of readiness, especially where the defense has not alleged any prejudice. Even if prejudice is proven, the Court has other, less extreme, remedies available, such as giving the defense additional time respond to the new material (See CPL § 245.80). The Court considers the striking of a certificate of readiness to be a drastic remedy which should be used both sparingly and judiciously. The People's failure to provide discoverable State Police records to defendant did not preclude filing of certificate of discovery compliance and trial readiness, and, thus, did not warrant striking of certificate; statutes governing flow of information and the People's continuing duty to disclose contemplated ongoing disclosures as new information became available, defendant did not allege actual prejudice, as necessary for certificate to be struck as sanction for discovery violation, and the People's good-faith attempts to timely obtain records from State Police did not warrant discretionary sanction." (*People v. Nelson*, 67 Misc.3d 313 [February 20, 2020]).

In the instant case, the case has yet to have any adversarial proceedings. Accordingly, there is no way that the defendant has been prejudiced. It should be further noted is that the information of which defendant was requesting is information regarding the credibility of the Trooper not information regarding the fact and circumstances of the incident. Defendant has failed enumerate why the late disclosure of credibility information warrants the striking of the Certificate of Compliance and statement of

readiness, without providing any reason why he is or would be prejudiced by not having this information.

As the defendant has not shown or even alleged any prejudice in his motion, which is necessary to strike a Certificate of Compliance, the defendant's motion should be denied.

We ask this Court to find that the People's original Certificate of Compliance and Announcement or readiness found to be in good faith. If the Court should find the Peoples original announce of readiness not to be in "Good Faith". We ask the Court to find that the People only be charged with 26 days and any motion for dismissal pursuant to CPL 30.30 be summarily denied.

CONCLUSION

For the foregoing reasons, defendant's motion should be summarily denied.

Respectfully Submitted,

MIRIAM E. ROCAH

District Attorney of Westchester County
New Rochelle Branch
475 North Ave
New Rochelle, NY 10801
914-813-5800

Philip J. Mellea
Assistant District Attorney

PEOPLE'S EXHIBIT A

EXHIBIT 4 EXHIBIT 5

PEOPLE'S EXHIBIT A

EXHIBIT 3 EXHIBIT 4 EXHIBIT 5

CHU COURT : New Rochelle
COUNTY OF WESTCHESTER : STATE OF NEW YORK

THE PEOPLE OF THE STATE OF NEW YORK

- against -

Michael Molina Defendant

LOCAL CRIMINAL COURT
CERTIFICATE OF
COMPLIANCE
CPL 245.50 (1)

DKT: # 3495-21

SCI/IND: #

CERTIFICATE OF COMPLIANCE

I, Assistant District Attorney S. Martinez, certify pursuant to CPL 245.50(1), that, after exercising due diligence and making reasonable inquiry to ascertain the existence of material and information subject to discovery, except for those items and information that are the subject of an order pursuant to CPL 245.70, the People have disclosed and made available to defendant all known material and information subject to discovery, which material and information is identified and/or attached in the accompanying Disclosure Index and Discovery Addendum.

With the exception of materials or information withheld pursuant to CPL 245.70, the materials and information provided with this form are those that are in the actual possession of, or known to, the People. The People's disclosures may include documents, information, and materials that are not required to be disclosed under CPL 245.20(1) but which have been disclosed in an exercise of the People's discretion.

245.20(1)(k) disclaimer - The People reserve the right, at a future date, to object to or to move *in limine* to prevent the admission into evidence of, or questioning of witnesses about, these matters. Furthermore, there may be materials and information disclosed pursuant to other sections of CPL 245.20(1), and not separately highlighted under this section, that could constitute responsive materials under this section.

STATEMENT OF READINESS

X The People confirm and announce their readiness for trial on all counts charged. The People hereby certify that all counts charged in the accusatory instrument meet the requirements of sections 100.15 and 100.40 of this chapter and those counts not meeting the requirements of sections 100.15 and 100.40 of this chapter have been dismissed.

Dated: 7/28/, 2021

Respectfully submitted,

Miriam E. Rocah
District Attorney of Westchester County
Westchester County Courthouse
111 Dr. Martin Luther King Jr. Blvd.
White Plains, New York 10601

BY: _____
Assistant District Attorney

Doc. # 1055279 (1/3/20)

EXHIBIT 3 EXHIBIT 4 EXHIBIT 5

RECIPROCAL DISCOVERY FOR THE PROSECUTION

PLEASE TAKE NOTICE, the District Attorney reminds defendant and counsel for defendant of defendant's reciprocal discovery obligations pursuant to the provisions of Article 245 of the Criminal Procedure Law.

PLEASE TAKE NOTICE, that subject to constitutional limitations and the statutory provisions of CPL 245.10 (2) and CPL 245.20(4)(c), no later than thirty calendar days after being served with the prosecution's CPL 245.50(1) certificate of compliance, defendant shall disclose to the prosecution, and permit the prosecution to discover, inspect, copy, or photograph, any material and relevant evidence within the possession or control of defendant or counsel for defendant, which defendant intends to introduce at trial or a pretrial hearing and which is discoverable under:

CPL 245(1)(f) – Relating to Expert Opinion Evidence

CPL 245(1)(g) – Relating to Tapes or Other Electronic Recordings

CPL 245(1)(h) – Relating to Photographs and Drawings Made or Completed by a Witness

CPL 245(1)(j) – Relating to Examinations, Tests, Experiments or Comparisons

CPL 245(1)(l) – Relating to Promises, Rewards, Inducements, and Requests for Consideration

CPL 245(1)(o) – Relating to Tangible Property

FURTHER BE REMINDED, that subject to constitutional limitations and the statutory provisions of CPL 245.10 (2) and CPL 245.20(4)(b), no later than thirty calendar days after being served with a certificate of compliance by the People, pursuant to CPL 245.50 (1), defendant shall disclose to the prosecution:

(1) The names, addresses, and birth dates of those persons other than defendant, whom defendant intends to call as witnesses at trial or a pretrial hearing; and

(2) All statements, written or recorded or summarized in any writing or recording, of those persons, other than defendant, whom defendant intends to call as witnesses at trial or a pretrial hearing.

Respectfully submitted,

Uriam E. Roach
District Attorney
Westchester County
111 Dr. Martin Luther King, Jr. Boulevard
White Plains, New York 10601

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WESTCHESTER COUNTY DISTRICT ATTORNEY'S OFFICE
DISCOVERY DISCLOSURE INDEX PURSUANT TO CPL 245.20 AND 245.50

[redacted]

PEOPLE v Michael Molina

DOCKET NO. CR-3495-21

DISCOVERABLE ITEM

Accusatory Instruments	PAGES	ATTACHED HERETO	INSPECTION CONSENTED	SENT VIA PORTAL	N/A	NONE PRESENTLY KNOWN
A) CPL § 710.30 Statement/Identification Notices	5			✓		
B) Civilian Witness List					✓	
C) Law Enforcement Witness List					✓	
D) Witness Statements/Relevant Information	1	✓				
E(1) Police Reports	4					✓
E(2) Supporting Depositions English and Spanish				✓		
E(3) Owner's Depositions						✓
E(4) Supplemental Reports						✓
E (6) Detective Reports						✓
E (7) Ballistics Report/ Rosario						✓
E (10) P.O./Det. Handwritten notes						✓
E (11) Property/Evidence Forms	2			✓		
E (12) HIPPA Forms						✓
E (13) Consent Forms						✓
E) Expert Opinion Evidence- See Portal						✓
G(1) 911 call						✓
G (2) Radio Transmissions + Sprint				✓		
G (3) Surveillance Video						✓
G (4) Booking Video						✓
G (5) City Camera Video						✓
G (6) Body Camera Video						✓
H (1) Photographs-CSU and Precinct						✓
H (2) Photographic Arrays/Single Photo ID						✓
H (3) Booking Photographs						✓
D) 450.10 Photographs						✓
J) Lab Reports/ Lab Rosario						✓
K) Impeachment Material on Civilian Witnesses						✓
K) Impeachment Material on Police Witnesses	42			✓		
L) Promises/Inducements to Witnesses						✓
M) Property/Evidence Possessed by Defendant						✓
N) Search warrant Documents						✓
O) List of Tangible Evidence for Trial						✓
P) Judgments of Conviction – Civilian Witnesses						✓
P) Judgments of Conviction – Police Witnesses						✓
Q) Pending Cases Against Civilian Witnesses						✓
Q) Pending Cases Against Police Witnesses						✓
R) Bill of Particulars – see Accusatory Instrument						

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S) VEHICLE & TRAFFIC OFFENSES

	PAGES	ATTACHED HERETO	INSPECTION CONSENTED	SENT VIA PORTAL	N/A	NONE PRESENTLY KNOWN
S(1)DWI Supporting Deposition/BOP/710.30 Notice	2		-	✓		
S(2) Report of Refusal	1			✓		
S (3) Refusal Warnings	1			✓		
S (4) DWI Investigative Notes	1			✓		
S (5) BAC Report	2			✓		
S (6) Operational Checklist				✓		
S (7) Calibration & Maintenance Records	41					✓
S (8) Operator Certification	2			✓		
S (9) DMV Abstract Documents				✓		
S (10) MV-104 Accident Report						✓
T) Computer crime evidence						✓
U) Electronically created or stored information - cell phone downloads						✓
EJustice Report						✓
N/A @ N/A						✓
DAT						✓
Driver's License/Registration	2			✓		
RAP Sheet	6			✓		
Miranda Warnings	1			✓		
Store Receipt						✓
Impound Form/ Tow Receipt	1			✓		
Order of Protection						✓
IK Responses – Civilian Witnesses						✓
IK Responses – Police Witnesses	2			✓		
Return to Court Reminder						✓

OTHER Drager Printout 2 ✓

Communications/background	12			✓		
Dall / Rall	4			✓		
Third Party ID.	1			✓		
Mugshot	2			✓		

Completed by: Sarah Martinez Date: 7/28/21

1 "Attached discovery materials," includes all information and material send electronically via the defense counsel portal.

- Please contact the White Plains Branch to schedule an appointment during which time items will be made available for inspection and copy subject to any protective order.
- Please bring a thumb drive or alternate means to copy the above referenced digital evidence.
- To the extent that the statement notices reference recordings that have not previously been provided, the Office of the District Attorney hereby consents to their inspection. Please contact the White Plains Branch at 914-422-6265 to schedule an appointment during which time the items will be made available for inspection and copy subject to protective order. Please bring a thumb drive or alternate means to copy the above referenced digital evidence.

EXHIBIT 3 EXHIBIT 4 EXHIBIT 5

WESTCHESTER COUNTY DISTRICT ATTORNEY'S OFFICE
DISCOVERY ADDENDUM CPL § 245.10 & 245.20

PEOPLE v Michael Molina DOCKET NO. 3495-21

245.20(1)(C). In addition to those names referenced in the attached discovery materials[1], the people may call the following non-law enforcement witnesses during the prosecution of this case, who can be reached at the below telephone numbers:

Name	Contact Information
1.	
2.	
3.	
4.	
5.	

245.20(1)(D). In addition to those names referenced in the attached discovery materials, the people may call the following law enforcement witnesses in during the prosecution of this case:

Name	Agency
1. Tpr. Fortune	NYSP
2. Tpr. McMahon	
3.	
4.	
5.	

245.20(1)(F). The information about the expert witness is unknown for disclosure at this time. This information will be disclosed when it is received.

245.20(1)(M). The following tangible property was possessed or obtained from the defendant or co-defendants:

Item	Location of Item	(Actual/Constructive/Abandoned)
1.		
2.		
3.		
4.		
5.		

245.20(1)(O). The prosecution intends to introduce all tangible property referenced in the discovery materials and the above list.

245.20(1)(P). The People hereby consent to inspection of any judgements of conviction for all defendants and persons designated as potential prosecution witnesses. Please contact the respective branch office to schedule an appointment during which time the items will be made available for inspection and copying subject to any protective order.

245.20(1)(R). See attached discovery materials for the approximate date, time and place of the charged offenses, arrest of the defendant, and seizure of the defendant if applicable. If additional information is required, it is as follows:

245.20(1)(U). The People hereby consent to the inspection of any electronically created or stored information including cellular telephone downloads. Please contact the respective Branch Office and schedule an appointment when the materials will be made available for copying. Please bring a thumb drive or alternate means to copy the above evidence.

[1] "Attached discovery materials," includes all information and material send electronically via the defense counsel portal.

- Please contact the White Plains Branch to schedule an appointment during which time items will be made available for inspection and copy subject to any protective order. Please bring a thumb drive or alternate means to copy the above referenced digital evidence.
- To the extent that the statement notices reference recordings that have not previously been provided, the Office of the District Attorney hereby consents to their inspection. Please contact the White Plains Branch at 914-422-6265 to schedule an appointment during which time the items will be made available for inspection and copy subject to protective order. Please bring a thumb drive or alternate means to copy the above referenced digital evidence.

EXHIBIT 3 EXHIBIT 4 EXHIBIT 5

Westchester County District Attorney's Office
Discovery Package Transmittal Notice

Case Information

Defendant's Name:	MICHAEL MOLINA - Y000669069
Court:	New Rochelle City Court
Ind/SCI or Local Court Docket #:	
Local PD Incident #:	NY21-1829/10275884
Incident Date:	June 11, 2021

Attorney Information

Attorney's Name:	Steven B. Epstein
Attorney's Email Address:	sepstein@barketepstein.com

Discovery Package Information

DP-0031766-Y000669069 transmitted on July 8, 2021 at 4:52 PM contained 12 files:

Category	Name	Type	Size	Note
	MOLINAARRESTREPORT.pdf	PDF	81.7 KB	
	MolinaMichael10275884.pdf	PDF	342.34 KB	
	MOLINAMICHAELBILLLAB23LAB23DREFUSALNOTES.pdf	PDF	138.02 KB	
	MOLINAMICHAELCALIBRATIONGASRECORD.pdf	PDF	885.83 KB	
	MOLINAMICHAELCRIMINALHISTORY.pdf	PDF	107.86 KB	
	MOLINAMICHAELDRAGERPRINTOUT.pdf	PDF	53.01 KB	
	MOLINAMICHAELDWIPACKET.pdf	PDF	86 KB	
	MOLINAMICHAELLICENSEREGISTRATIONHISTORY.pdf	PDF	84.93 KB	
	MOLINAMICHAELMUGSHOT.pdf	PDF	26.02	

			KB	
	MOLINAMICHAELPERSONALPROPERTYRECORD.pdf	PDF	37.5 KB	
	MOLINAMICHAELTHIRDPARTY.pdf	PDF	15.11 KB	
	MOLINAMICHAELUTT.pdf	PDF	117.98 KB	

EXHIBIT 3

EXHIBIT 4

EXHIBIT 5

Westchester County District Attorney's Office
Discovery Package Transmittal Notice

Case Information

Defendant's Name:	MICHAEL MOLINA - Y000669069
Court:	New Rochelle City Court
Ind/SCI or Local Court Docket #:	
Local PD Incident #:	NY21-1829/10275884
Incident Date:	June 11, 2021

Attorney Information

Attorney's Name:	Steven B. Epstein
Attorney's Email Address:	sepstein@barketepstein.com

Discovery Package Information

DP-0032348-Y000669069 transmitted on July 16, 2021 at 5:36 PM contained 2 files:

Category	Name	Type	Size	Note
Digital Evidence	Recorded on 11-Jun-2021 at 23.48.37 (3E90E)IG02515437).zip	Compressed	255.01 KB	
Other	STSOCX121071314470.pdf	PDF	67.43 KB	

EXHIBIT 3 EXHIBIT 4 EXHIBIT 5

Westchester County District Attorney's Office
Discovery Package Transmittal Notice

Case Information

Defendant's Name:	MICHAEL MOLINA - Y000669069
Court:	New Rochelle City Court
Ind/SCI or Local Court Docket #:	
Local PD Incident #:	NY21-1829/10275884
Incident Date:	June 11, 2021

Attorney Information

Attorney's Name:	Steven B. Epstein
Attorney's Email Address:	sepstein@barketepstein.com

Discovery Package Information

DP-0033077-Y000669069 transmitted on July 28, 2021 at 2:29 PM contained 19 files:

Category	Name	Type	Size	Note
Other	DDI.pdf	PDF	260.97 KB	
Other	Fortune, Angelo Resume 4-23-21.pdf	PDF	220.56 KB	
Other	Fortune_Angelo_NYSP_11_09_20.pdf	PDF	28.53 KB	
Other	McMahon, Meghan Resume 4-20-2021.pdf	PDF	201.12 KB	
Other	McMahon_Meghan_NYSP_06_22_21.pdf	PDF	16.21 KB	
	MOLINAARRESTREPORT.pdf	PDF	81.7 KB	
	MolinaMichael10275884.pdf	PDF	342.34 KB	
	MOLINAMICHAELBILLLAB23LAB23DREFUSALNOTES.pdf	PDF	138.02 KB	

	MOLINAMICHAELCALIBRATIONGASRECORD.pdf	PDF	885.83 KB	
	MOLINAMICHAELCRIMINALHISTORY.pdf	PDF	107.86 KB	
	MOLINAMICHAELDRAGERPRINTOUT.pdf	PDF	53.01 KB	
	MOLINAMICHAELDWIPACKET.pdf	PDF	86 KB	
	MOLINAMICHAELLICENSEREGISTRATIONHISTORY.pdf	PDF	84.93 KB	
	MOLINAMICHAELMUGSHOT.pdf	PDF	26.02 KB	
	MOLINAMICHAELPERSONALPROPERTYRECORD.pdf	PDF	37.5 KB	
	MOLINAMICHAELTHIRDPARTY.pdf	PDF	15.11 KB	
	MOLINAMICHAELUTT.pdf	PDF	117.98 KB	
Digital Evidence	Recorded on 11-Jun-2021 at 23.48.37 (3E90E)IG02515437).zip	Compressed	255.01 KB	
Other	STSOCX1210713144470.pdf	PDF	67.43 KB	

Westchester County District Attorney's Office
Discovery Package Transmittal Notice

Case Information

Defendant's Name:	MICHAEL MOLINA - Y000669069
Court:	New Rochelle City Court
Ind/SCI or Local Court Docket #:	
Local PD Incident #:	NY21-1829/10275884
Incident Date:	June 11, 2021

Attorney Information

Attorney's Name:	Steven B. Epstein
Attorney's Email Address:	sepstein@barketepstein.com

Discovery Package Information

DP-0038616-Y000669069 transmitted on November 5, 2021 at 2:48 PM contained 3 files:

Category	Name	Type	Size	Note
Other	Fortune, Angelo DCN2018-0456.pdf	PDF	7.65 MB	
Other	Fortune, Angelo DCN2020-0071.pdf	PDF	9.76 MB	
Other	FortuneAngeloDCN20180456.pdf	PDF	221.47 KB	

Westchester County District Attorney's Office
Discovery Package Transmittal Notice

Case Information

Defendant's Name:	MICHAEL MOLINA
Court:	New Rochelle City Court
Ind/SCI or Local Court Docket #:	
Local PD Incident #:	NY21-1829/10275884
Incident Date:	June 11, 2021

Attorney Information

Attorney's Name:	Steven B. Epstein
Attorney's Email Address:	sepstein@barketepstein.com

Discovery Package Information

DP-0038828-Y000669069 transmitted on November 9, 2021 at 2:16 PM contained 1 file:

Category	Name	Type	Size	Note
Other	Molina Supplimental COC.pdf	PDF	298.9 KB	

PEOPLE'S EXHIBIT B

PEOPLE'S EXHIBIT B

STATE OF NEW YORK

CITY COURT: CITY OF NEW ROCHELLE

----------x

THE PEOPLE OF THE STATE OF NEW YORK,

-versus-

MICHAEL MOLINA,

Defendant

DOCKET NO.
3495-21

----------x

New Rochelle City Court
475 North Avenue
New Rochelle, New York 10801
August 10, 2021

B E F O R E: HONORABLE MATTHEW J. COSTA
City Court Judge

APPEARANCES: MIRIAM E. ROCAH, ESQ.
Westchester County District Attorney
111 Dr. Martin Luther King, Jr. Blvd.
White Plains, New York 10601
BY: KERRIE WILLIAMS, ESQ.
Assistant District Attorney

BARKET EPSTEIN KEARON ALDEA & LOTURCO LLP
666 Old Country Road, #700
Garden City, New York 11530
BY: STEVEN EPSTEIN, ESQ.
Attorney for Defendant

ALSO PRESENT: MICHAEL MOLINA, Defendant

CHLOE M. STEFANELLI
OFFICIAL COURT REPORTER

THE COURT OFFICER: Michael Molina.

THE DEFENDANT: Present.

MR. EPSTEIN: Good morning.

THE COURT: Mr. Molina, please repeat your name.

THE DEFENDANT: Michael Molina present.

THE COURT: Do you consent to appear virtually today in New Rochelle City Court?

THE DEFENDANT: Yes, sir.

THE COURT: Thank you.

MR. EPSTEIN: Barket Epstein Kearon Aldea & LoTurco by Steven Epstein, 666 Old Country Road, Garden City, New York for Mr. Molina. We consent to the appearance being via virtual appearance.

Good morning, Your Honor.

THE COURT: Good morning.

MS. WILLIAMS: Judge, Kerrie Williams for the People. People ready. The People have served and filed a certificate of compliance on the portal on or about July 28th of 2021.

THE COURT: 7/28?

MS. WILLIAMS: Yes.

MR. EPSTEIN: I'm having difficulty hearing the People. The certificate of compliance

wasn't in the upload, but there was discovery uploaded.

THE COURT: Well, the People just stated that they served the COC on July 28th. You did not receive that?

MR. EPSTEIN: Well, there was an upload in the file. Did you search it separately from the upload?

MS. WILLIAMS: I'm not sure I just have the COC dated 7/28/21.

MR. EPSTEIN: Okay. If you could just have the assistant send me another copy, Judge. Can we set a motion schedule then?

THE COURT: So I just have some questions.

MS. WILLIAMS: Yes, Judge.

THE COURT: Have the People filed a certificate of compliance with discovery requirements of CPL 245.20?

MS. WILLIAMS: Yes.

THE COURT: Are you or another prosecutor presently available and ready to try the case?

MS. WILLIAMS: Yes.

THE COURT: Are there witnesses, including any expert witnesses, that you deem necessary

for the People presently available to go to trial and available to testify with?

MS. WILLIAMS: Yes.

THE COURT: Any exhibits presently available for that purpose?

MS. WILLIAMS: Yes.

THE COURT: In sum, have you done all that is required to bring the case to a point where it maybe tried?

MS. WILLIAMS: Yes, Judge, and we're announcing readiness.

THE COURT: Mr. Epstein, I understand that you have not yet received the certificate of compliance, but one will be provided to you today.

Do you wish to be heard as to whether disclosure requirements of CPL 245.20 have been met.

MR. EPSTEIN: Not at this time, Judge. Any objections I'll file within the motion.

THE COURT: Thank you. Okay. You'd like a motion schedule, or -- the People will consent to hearings if you want to request hearings.

MR. EPSTEIN: Judge, if -- we definitely

would need a Dunaway Huntley refusal hearing. If there are any objections to the certificate of compliance once I receive the certificate, I'll advise the Court and file a motion if the People want to consent to Huntley Dunaway refusal hearings.

MS. WILLIAMS: That's fine, Judge.

THE COURT: The People would consent.

MR. EPSTEIN: Okay.

THE COURT: Just hold on one minute. I need to get the trial schedule.

How is September 27th?

MR. EPSTEIN: Judge, is this going to be for the pretrial hearings only?

THE COURT: Yes.

MR. EPSTEIN: The date in September, I'm sorry, Judge, was the 27 you were suggesting?

THE COURT: No. Let's go to the 30th. How's the 30th?

MR. EPSTEIN: That's fine.

THE COURT: That will be at 230.

MR. EPSTEIN: 2:30?

THE COURT: Yes.

MR. EPSTEIN: Now, Judge, if there are any

issues with respect to the certificate of compliance, do you want me to just go ahead and file a motion with a return date of September 30th?

THE COURT: That's fine.

MR. EPSTEIN: Okay.

THE COURT: Thank you. 9/30/21 Huntley Dunaway refusal at 2:30.

MR. EPSTEIN: Have a nice day.

(Whereupon at this time the matter was concluded.)

C E R T I F I C A T I O N

I hereby certify that this is a true and accurate transcript.

_____

CHLOE M. STEFANELLI
OFFICIAL COURT REPORTER

PEOPLE'S EXHIBIT C

PEOPLE'S EXHIBIT C

EXHIBIT 3 EXHIBIT 4 EXHIBIT 5

Westchester County District Attorney's Office
Discovery Package Transmittal Notice

Case Information

Defendant's Name:	MICHAEL MOLINA - Y000669069
Court:	New Rochelle City Court
Ind/SCI or Local Court Docket #:	
Local PD Incident #:	NY21-1829/10275884
Incident Date:	June 11, 2021

Attorney Information

Attorney's Name:	Steven B. Epstein
Attorney's Email Address:	sepstein@barketepstein.com

Discovery Package Information

DP-0038616-Y000669069 transmitted on November 5, 2021 at 2:48 PM contained 3 files:

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Other	Fortune, Angelo DCN2018-0456.pdf	PDF	7.65 MB	
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Other	FortuneAngeloDCN20180456.pdf	PDF	221.47 KB	

EXHIBIT 3 EXHIBIT 4 EXHIBIT 5

Westchester County District Attorney's Office
Discovery Package Transmittal Notice

Case Information

Defendant's Name:	MICHAEL MOLINA
Court:	New Rochelle City Court
Ind/SCI or Local Court Docket #:	
Local PD Incident #:	NY21-1829/10275884
Incident Date:	June 11, 2021

Attorney Information

Attorney's Name:	Steven B. Epstein
Attorney's Email Address:	sepstein@barketepstein.com

Discovery Package Information

DP-0038828-Y000669069 transmitted on November 9, 2021 at 2:16 PM contained 1 file:

Category	Name	Type	Size	Note
Other	Molina Supplimental COC.pdf	PDF	298.9 KB	

PEOPLE'S EXHIBIT D

PEOPLE'S EXHIBIT D

CITY COURT: CITY OF NEW ROCHELLE
COUNTY OF WESTCHESTER: STATE OF NEW YORK

THE PEOPLE OF THE STATE OF NEW YORK

- against -

MICHAEL MOLINA

Defendant.

SUPPLEMENTAL CERTIFICATE OF COMPLIANCE
CPL 245.50 (1)
CPL 245.60

DKT: CR#003495-21

SCI/IND:

SUPPLEMENTAL CERTIFICATE OF COMPLIANCE

I, Assistant District Attorney Philip Mellea, certify pursuant to CPL 245.50 (1) and CPL 245.60, that, after exercising due diligence and making reasonable inquiry to ascertain the existence of material and information subject to discovery, except for those items and information that are the subject of an order pursuant to CPL 245.70, the People have learned of additional material or information and have disclosed and made available to defendant all such additional material or information identified and/or attached in the accompanying Supplemental Disclosure Index.

The material and information disclosed may include items, information, and material not required to be disclosed under CPL 245.20 but which are disclosed in the exercise of the People's discretion.

245.20(1)(k) disclaimer - The People reserve the right, at a future date, to object to or to move *in limine* to prevent the admission into evidence of, or questioning of witnesses about, these matters. Furthermore, there may be materials and information disclosed pursuant to other sections of CPL 245.20(1), and not separately highlighted under this section, that could constitute responsive materials under this section.

STATEMENT OF READINESS

☒ The People confirm and announce their readiness for trial on all counts charged in this matter.

Dated: November 9, 2021

Respectfully submitted,

MIRIAM E. ROCAH
District Attorney of Westchester County
Westchester County Courthouse
111 Dr. Martin Luther King Jr. Blvd.
White Plains, New York 10601

BY: *Philip Mellea*
Philip Mellea
Assistant District Attorney

Doc. # 1048625
7/2/20

EXHIBIT 3 EXHIBIT 4 EXHIBIT 5

DISCOVERY DISCLOSURE INDEX PURSUANT TO CPL 245.20 AND 245.50
NEW ROCHELLE CITY COURT BUREAU
PEOPLE v. DOCKET NO.CR-

DISCOVERABLE ITEM

Accusatory Instruments	PAGES	ATTACHED HERETO	INSPECTION CONSENTED	SENT VIA PORTAL	N/A	NONE PRESENTLY KNOWN
A) CPL § 710.30 Statement/Id Notices						
B) Grand Jury Testimony						
C) Civilian Witness List- See police reports						
D) Law Enforcement Witness List- See police reports						
E) Witness Statements/Relevant Information						
E(1) Police Reports						
E(2) Supporting Depositions						
E(3) Owner's Depositions						
E(4) Supplemental Reports						
E(5) CSU Reports						
E (6) Detective Reports						
E (7) Ballistics Report/ Rosario						
E (8) Detention/Booking Paperwork					√	
E (9) CAD						
E (10) P.O./Det. Handwritten notes						
E (11) Property/Evidence Forms						
E (12) HIPPA Forms						
E (13) Consent Forms						
F) Expert Opinion Evidence- See Portal						
G) Tapes and Electronic Recordings –						
G(1) 911 call						
G (2) Radio Transmissions						
G (3) Surveillance Video						
G (4) Booking Video						
G (5) City Camera Video Interview IN CAR						
H) Photographs and Drawings						
H (1) Photographs-CSU and Precinct - FILE						
H (2) Photographic Arrays/Single Photo ID						
H (3) Booking Photographs						
I) 450.10 Photographs						
J) Lab Reports/ Lab Rosario						
K) Impeachment Material on Witnesses	171			√		
L) Promises/Inducements to Witnesses						
M) Property/Evidence Possessed by Defendant						
N) Search warrant Documents						
O) List of Tangible Evidence for Trial see police report						
P) Judgments of Conviction for Witnesses						
Q) Pending Cases against civilian witnesses						
R) See Attached Discovery Materials[1]						

[1] "Attached discovery materials," includes any materials and information sent electronically via the defense counsel portal.

Doc. # 1048625
1/2020

S) VEHICLE & TRAFFIC OFFENSES

	PAGES	ATTACHED HERETO	INSPECTION CONSENTED	SENT VIA PORTAL	N/A	NONE PRESENTLY KNOWN
S(1)DWI Supporting Deposition/BOP/710.30						
S(2) Report of Refusal						
S (3) Refusal Warnings						
S (4) DWI Investigative Notes						
S (5) BAC Report						
S (6) Operational Checklist						
S (7) Calibration & Maintenance Records						
S (8) Operator Certification						
S (9) DMV Abstract Documents						
S (10) MV-104 Accident Report						
ALCOHOLIC INF REPORT						
FIELD SOBRIETY TESTS						
T) Computer crime evidence						
U) Electronically created or stored information - cell phone downloads						

OTHER

Completed by: ADA Philip Mellea
Assistant District Attorney

Date: 11/9/2021

RECIPROCAL DISCOVERY FOR THE PROSECUTION

PLEASE TAKE NOTICE, the District Attorney reminds defendant and counsel for defendant of defendant's reciprocal discovery obligations pursuant to the provisions of Article 245 of the Criminal Procedure Law.

PLEASE TAKE NOTICE, that subject to constitutional limitations and the statutory provisions of CPL 245.10 (2) and CPL 245.20(4)(c), no later than thirty calendar days after being served with the prosecution's CPL 245.50(1) certificate of compliance, defendant shall disclose to the prosecution, and permit the prosecution to discover, inspect, copy, or photograph, any material and relevant evidence within the possession or control of defendant or counsel for defendant, which defendant intends to introduce at trial or a pretrial hearing and which is discoverable under:

CPL 245(1)(f) – Relating to Expert Opinion Evidence

CPL 245(1)(g) – Relating to Tapes or Other Electronic Recordings

CPL 245(1)(h) – Relating to Photographs and Drawings Made or Completed by a Witness

CPL 245(1)(j) – Relating to Examinations, Tests, Experiments or Comparisons

CPL 245(1)(l) – Relating to Promises, Rewards, Inducements, and Requests for Consideration

CPL 245(1)(o) – Relating to Tangible Property

FURTHER BE REMINDED, that subject to constitutional limitations and the statutory provisions of CPL 245.10 (2) and CPL 245.20(4)(b), no later than thirty calendar days after being served with a certificate of compliance by the People, pursuant to CPL 245.50 (1), defendant shall disclose to the prosecution:

(1) The names, addresses, and birth dates of those persons other than defendant, whom defendant intends to call as witnesses at trial or a pretrial hearing; and

(2) All statements, written or recorded or summarized in any writing or recording, of those persons, other than defendant, whom defendant intends to call as witnesses at trial or a pretrial hearing.

Respectfully submitted,

Miriam E. Rocah
District Attorney
Westchester County
111 Dr. Martin Luther King, Jr. Boulevard
White Plains, New York 10601

WESTCHESTER COUNTY DISTRICT ATTORNEY'S OFFICE
DISCOVERY ADDENDUM CPL § 245.10 & 245.20

PEOPLE v Michael Molina DOCKET NO. CR-3495-21

245.20(1)(C). In addition to those names referenced in the attached discovery materials[2], the people may call the following non-law enforcement witnesses during the prosecution of this case, who can be reached at the below telephone numbers:

Name	Contact Information
1.	
2.	
3.	
4.	
5.	

245.20(1)(D). In addition to those names referenced in the attached discovery materials, the people may call the following law enforcement witnesses in during the prosecution of this case:

Name	Agency
1.	
2.	
3.	
4.	
5.	

245.20(1)(F).. The information about the expert witness is unknown for disclosure at this time. This information will be disclosed when it is received.

245.20(1)(M). The following tangible property was possessed or obtained from the defendant or co-defendants:

Item	Location of Item	(Actual/Constructive/Abandoned)
1.		
2.		
3.		
4.		
5.		

245.20(1)(O). The prosecution intends to introduce all tangible property referenced in the discovery materials and the above list.

245.20(1)(P). The People hereby consent to inspection of any judgements of conviction for all defendants and persons designated as potential prosecution witnesses. Please contact the respective branch office to schedule an appointment during which time the items will be made available for inspection and copying subject to any protective order.

245.20(1)(R). See attached discovery materials for the approximate date, time and place of the charged offenses, arrest of the defendant, and seizure of the defendant if applicable. If additional information is required, it is as follows:

245.20(1)(U). The People hereby consent to the inspection of any electronically created or stored information including cellular telephone downloads. Please contact the respective Branch Office and schedule an appointment when the materials will be made available for copying. Please bring a thumb drive or alternate means to copy the above evidence.

[2] "Attached discovery materials," includes all information and material send electronically via the defense counsel portal.

Doc # 1051351 (1/3/20)
Doc. # 1048625
1/2/20

CHG COURT: New Rochelle
COUNTY OF WESTCHESTER: STATE OF NEW YORK

THE PEOPLE OF THE STATE OF NEW YORK X

- against -

Michael Molina Defendant

X

LOCAL CRIMINAL COURT
CERTIFICATE OF
COMPLIANCE
CPL 245.50 (1)

DKT: # 3495-21

SCI/IND: #

CERTIFICATE OF COMPLIANCE

I, Assistant District Attorney S. Martinez, exercising due diligence and making reasonable inquiry to ascertain the existence of material and information subject to discovery, except for those items and information that are the subject of an order pursuant to CPL 245.70, the People have disclosed and made available to defendant all known material and information subject to discovery, which material and information is identified and/or attached in the accompanying Disclosure Index and Discovery Addendum.

With the exception of materials or information withheld pursuant to CPL 245.70, the materials and information provided with this form are those that are in the actual possession of, or known to, the People. The People's disclosures may include documents, information, and materials that are not required to be disclosed under CPL 245.20(1) but which have been disclosed in an exercise of the People's discretion.

245.20(1)(k) disclaimer - The People reserve the right, at a future date, to object to or to move *in limine* to prevent the admission into evidence of, or questioning of witnesses about, these matters. Furthermore, there may be materials and information disclosed pursuant to other sections of CPL 245.20(1), and not separately highlighted under this section, that could constitute responsive materials under this section.

STATEMENT OF READINESS

X The People confirm and announce their readiness for trial on all counts charged. The People hereby certify that all counts charged in the accusatory instrument meet the requirements of sections 100.15 and 100.40 of this chapter and those counts not meeting the requirements of sections 100.15 and 100.40 of this chapter have been dismissed.

Dated: 7/28, 2021

Respectfully submitted,

Miriam E. Rocah
District Attorney of Westchester County
Westchester County Courthouse
111 Dr. Martin Luther King Jr. Blvd.
White Plains, New York 10601

BY: _____
Assistant District Attorney

Doc. # 1055279 (1/3/20)

RECIPROCAL DISCOVERY FOR THE PROSECUTION

PLEASE TAKE NOTICE, the District Attorney reminds defendant and counsel for defendant of defendant's reciprocal discovery obligations pursuant to the provisions of Article 245 of the Criminal Procedure Law.

PLEASE TAKE NOTICE, that subject to constitutional limitations and the statutory provisions of CPL 245.10 (2) and CPL 245.20(4)(c), no later than thirty calendar days after being served with the prosecution's CPL 245.50(1) certificate of compliance, defendant shall disclose to the prosecution, and permit the prosecution to discover, inspect, copy, or photograph, any material and relevant evidence within the possession or control of defendant or counsel for defendant, which defendant intends to introduce at trial or a pretrial hearing and which is discoverable under:

CPL 245(1)(f) – Relating to Expert Opinion Evidence

CPL 245(1)(g) – Relating to Tapes or Other Electronic Recordings

CPL 245(1)(h) – Relating to Photographs and Drawings Made or Completed by a Witness

CPL 245(1)(j) – Relating to Examinations, Tests, Experiments or Comparisons

CPL 245(1)(l) – Relating to Promises, Rewards, Inducements, and Requests for Consideration

CPL 245(1)(o) – Relating to Tangible Property

FURTHER BE REMINDED, that subject to constitutional limitations and the statutory provisions of CPL 245.10 (2) and CPL 245.20(4)(b), no later than thirty calendar days after being served with a certificate of compliance by the People, pursuant to CPL 245.50 (1), defendant shall disclose to the prosecution:

(1) The names, addresses, and birth dates of those persons other than defendant, whom defendant intends to call as witnesses at trial or a pretrial hearing; and

(2) All statements, written or recorded or summarized in any writing or recording, of those persons, other than defendant, whom defendant intends to call as witnesses at trial or a pretrial hearing.

Respectfully submitted,

Miriam E. Rocah
District Attorney
Westchester County
111 Dr. Martin Luther King, Jr. Boulevard
White Plains, New York 10601

WESTCHESTER COUNTY DISTRICT ATTORNEY'S OFFICE
DISCOVERY DISCLOSURE INDEX PURSUANT TO CPL 245.20 AND 245.50

[redacted]

PEOPLE v Michael Molina

DOCKET NO. CR-3495-21

DISCOVERABLE ITEM

Accusatory Instruments	PAGES	ATTACHED HERETO	INSPECTION CONSENTED	SENT VIA PORTAL	N/A	NONE PRESENTLY KNOWN
A) CPL § 710.30 Statement/Identification Notices	5			✓		
B) Civilian Witness List					✓	
C) Law Enforcement Witness List					✓	
D) Witness Statements/Relevant Information	1	✓				
E(1) Police Reports						✓
E(2) Supporting Depositions English and Spanish	4			✓		
E(3) Owner's Depositions						✓
E(4) Supplemental Reports						✓
E (6) Detective Reports						✓
E (7) Ballistics Report/ Rosario						✓
E (10) P.O./Det. Handwritten notes						✓
E (11) Property/Evidence Forms	2					✓
E (12) HIPPA Forms				✓		
E (13) Consent Forms						✓
E) Expert Opinion Evidence- See Portal						✓
G(1) 911 call						✓
G (2) Radio Transmissions + Sprint.						✓
G (3) Surveillance Video				✓		
G (4) Booking Video						✓
G (5) City Camera Video						✓
G (6) Body Camera Video						✓
H (1) Photographs-CSU and Precinct						✓
H (2) Photographic Arrays/Single Photo ID						✓
H (3) Booking Photographs						✓
I) 450.10 Photographs						✓
J) Lab Reports/ Lab Rosario.						✓
K) Impeachment Material on Civilian Witnesses						✓
K) Impeachment Material on Police Witnesses	4			✓		
L) Promises/Inducements to Witnesses						✓
M) Property/Evidence Possessed by Defendant						✓
N) Search warrant Documents						✓
O) List of Tangible Evidence for Trial						✓
P) Judgments of Conviction – Civilian Witnesses						✓
P) Judgments of Conviction – Police Witnesses						✓
Q) Pending Cases Against Civilian Witnesses						✓
Q) Pending Cases Against Police Witnesses						✓
R) Bill of Particulars – see Accusatory Instrument						✓

S) VEHICLE & TRAFFIC OFFENSES

	PAGES	ATTACHED HERETO	INSPECTION CONSENTED	SENT VIA PORTAL	N/A	NONE PRESENTLY KNOWN
S(1)DWI Supporting Deposition/BOP/710.30 Notice	2			✓		
S(2) Report of Refusal	1					
S (3) Refusal Wamings	1			✓		
S (4) DWI Investigative Notes	1			✓		
S (5) BAC Report	2			✓		
S (6) Operational Checklist				✓		
S (7) Calibration & Maintenance Records	41					✓
S (8) Operator Certification	2			✓		
S (9) DMV Abstract Documents				✓		
S (10) MV-104 Accident Report						✓
T) Computer crime evidence						✓
U) Electronically created or stored information - cell phone downloads						✓
						✓
EJustice Report						
N/A @ N/A						✓
DAT						✓
Driver's License/Registration	2			✓		
RAP Sheet	6			✓		
Miranda Warnings	1			✓		
Store Receipt						✓
Impound Form/ Tow Receipt	1			✓		
Order of Protection						✓
1K Responses – Civilian Witnesses						✓
1K Responses – Police Witnesses	2			✓		
Return to Court Reminder						✓

OTHER Drager Printout 2 ✓

Communications/background	12			✓		
Dall / Rall	4			✓		
Third Party ID	1			✓		
Mugshot	2			✓		

Completed by: Sarah Martinez Date: 7/28/21

[1] "Attached discovery materials," includes all information and material send electronically via the defense counsel portal.

- Please contact the White Plains Branch to schedule an appointment during which time items will be made available for inspection and copy subject to any protective order.
- Please bring a thumb drive or alternate means to copy the above referenced digital evidence.
- To the extent that the statement notices reference recordings that have not previously been provided, the Office of the District Attorney hereby consents to their inspection. Please contact the White Plains Branch at 914-422-6265 to schedule an appointment during which time the items will be made available for inspection and copy subject to protective order. Please bring a thumb drive or alternate means to copy the above referenced digital evidence.

EXHIBIT 3 EXHIBIT 4 EXHIBIT 5

WESTCHESTER COUNTY DISTRICT ATTORNEY'S OFFICE
DISCOVERY ADDENDUM CPL § 245.10 & 245.20

PEOPLE v Michael Molina DOCKET NO. 3495-21

245.20(1)(C). In addition to those names referenced in the attached discovery materials[1], the people may call the following non-law enforcement witnesses during the prosecution of this case, who can be reached at the below telephone numbers:

	Name	Contact Information
1.		
2.		
3.		
4.		
5.		

245.20(1)(D). In addition to those names referenced in the attached discovery materials, the people may call the following law enforcement witnesses in during the prosecution of this case:

	Name	Agency
1.	Tpr. Fortune	NYSP
2.	Tpr. McMahon	
3.		
4.		
5.		

245.20(1)(F). The information about the expert witness is unknown for disclosure at this time. This information will be disclosed when it is received.

245.20(1)(M). The following tangible property was possessed or obtained from the defendant or co-defendants:

	Item	Location of Item	(Actual/Constructive/Abandoned)
1.			
2.			
3.			
4.			
5.			

245.20(1)(O). The prosecution intends to introduce all tangible property referenced in the discovery materials and the above list.

245.20(1)(P). The People hereby consent to inspection of any judgements of conviction for all defendants and persons designated as potential prosecution witnesses. Please contact the respective branch office to schedule an appointment during which time the items will be made available for inspection and copying subject to any protective order.

245.20(1)(R). See attached discovery materials for the approximate date, time and place of the charged offenses, arrest of the defendant, and seizure of the defendant if applicable. If additional information is required, it is as follows:

245.20(1)(U). The People hereby consent to the inspection of any electronically created or stored information including cellular telephone downloads. Please contact the respective Branch Office and schedule an appointment when the materials will be made available for copying. Please bring a thumb drive or alternate means to copy the above evidence.

[1] "Attached discovery materials," includes all information and material send electronically via the defense counsel portal.
- Please contact the White Plains Branch to schedule an appointment during which time items will be made available for inspection and copy subject to any protective order. Please bring a thumb drive or alternate means to copy the above referenced digital evidence.
- To the extent that the statement notices reference recordings that have not previously been provided, the Office of the District Attorney hereby consents to their inspection. Please contact the White Plains Branch at 914-422-6265 to schedule an appointment during which time the items will be made available for inspection and copy subject to protective order. Please bring a thumb drive or alternate means to copy the above referenced digital evidence.

EXHIBIT 3
EXHIBIT 4
EXHIBIT 5

Westchester County District Attorney's Office
Discovery Package Transmittal Notice

Case Information

Defendant's Name:	MICHAEL MOLINA - Y000669069
Court:	New Rochelle City Court
Ind/SCI or Local Court Docket #:	
Local PD Incident #:	NY21-1829/10275884
Incident Date:	June 11, 2021

Attorney Information

Attorney's Name:	Steven B. Epstein
Attorney's Email Address:	sepstein@barketepstein.com

Discovery Package Information

DP-0031766-Y000669069 transmitted on July 8, 2021 at 4:52 PM contained 12 files:

Category	Name	Type	Size	Note
	MOLINAARRESTREPORT.pdf	PDF	81.7 KB	
	MolinaMichael10275884.pdf	PDF	342.34 KB	
	MOLINAMICHAELBILLLAB23LAB23DREFUSALNOTES.pdf	PDF	138.02 KB	
	MOLINAMICHAELCALIBRATIONGASRECORD.pdf	PDF	885.83 KB	
	MOLINAMICHAELCRIMINALHISTORY.pdf	PDF	107.86 KB	
	MOLINAMICHAELDRAGERPRINTOUT.pdf	PDF	53.01 KB	
	MOLINAMICHAELDWIPACKET.pdf	PDF	86 KB	
	MOLINAMICHAELLICENSEREGISTRATIONHISTORY.pdf	PDF	84.93 KB	
	MOLINAMICHAELMUGSHOT.pdf	PDF	26.02	

	MOLINAMICHAELPERSONALPROPERTYRECORD.pdf	PDF	37.5 KB	
	MOLINAMICHAELTHIRDPARTY.pdf	PDF	15.11 KB	
	MOLINAMICHAELUTT.pdf	PDF	117.98 KB	

Westchester County District Attorney's Office
Discovery Package Transmittal Notice

Case Information

Defendant's Name:	MICHAEL MOLINA - Y000669069
Court:	New Rochelle City Court
Ind/SCI or Local Court Docket #:	
Local PD Incident #:	NY21-1829/10275884
Incident Date:	June 11, 2021

Attorney Information

Attorney's Name:	Steven B. Epstein
Attorney's Email Address:	sepstein@barketepstein.com

Discovery Package Information

DP-0032348-Y000669069 transmitted on July 16, 2021 at 5:36 PM contained 2 files:

Category	Name	Type	Size	Note
Digital Evidence	Recorded on 11-Jun-2021 at 23.48.37 (3E90E)IG02515437).zip	Compressed	255.01 KB	
Other	STSOCX121071314470.pdf	PDF	67.43 KB	

Westchester County District Attorney's Office
Discovery Package Transmittal Notice

Case Information

Defendant's Name:	MICHAEL MOLINA - Y000669069
Court:	New Rochelle City Court
Ind/SCI or Local Court Docket #:	
Local PD Incident #:	NY21-1829/10275884
Incident Date:	June 11, 2021

Attorney Information

Attorney's Name:	Steven B. Epstein
Attorney's Email Address:	sepstein@barketepstein.com

Discovery Package Information

DP-0033077-Y000669069 transmitted on July 28, 2021 at 2:29 PM contained 19 files:

Category	Name	Type	Size	Note
Other	DDI.pdf	PDF	260.97 KB	
Other	Fortune, Angelo Resume 4-23-21.pdf	PDF	220.56 KB	
Other	Fortune_Angelo_NYSP_11_09_20.pdf	PDF	28.53 KB	
Other	McMahon, Meghan Resume 4-20-2021.pdf	PDF	201.12 KB	
Other	McMahon_Meghan_NYSP_06_22_21.pdf	PDF	16.21 KB	
	MOLINAARRESTREPORT.pdf	PDF	81.7 KB	
	MolinaMichael10275884.pdf	PDF	342.34 KB	
	MOLINAMICHAELBILLLAB23LAB23DREFUSALNOTES.pdf	PDF	138.02 KB	

	MOLINAMICHAELCALIBRATIONGASRECORD.pdf	PDF	885.83 KB	
	MOLINAMICHAELCRIMINALHISTORY.pdf	PDF	107.86 KB	
	MOLINAMICHAELDRAGERPRINTOUT.pdf	PDF	53.01 KB	
	MOLINAMICHAELDWIPACKET.pdf	PDF	86 KB	
	MOLINAMICHAELLICENSEREGISTRATIONHISTORY.pdf	PDF	84.93 KB	
	MOLINAMICHAELMUGSHOT.pdf	PDF	26.02 KB	
	MOLINAMICHAELPERSONALPROPERTYRECORD.pdf	PDF	37.5 KB	
	MOLINAMICHAELTHIRDPARTY.pdf	PDF	15.11 KB	
	MOLINAMICHAELUTT.pdf	PDF	117.98 KB	
Digital Evidence	Recorded on 11-Jun-2021 at 23.48.37 (3E90E)IG02515437).zip	Compressed	255.01 KB	
Other	STSOCX121071314470.pdf	PDF	67.43 KB	

PEOPLE'S EXHIBIT E

Westchester County District Attorney's Office
Discovery Package Transmittal Notice

Case Information

Defendant's Name:	MICHAEL MOLINA
Court:	New Rochelle City Court
Ind/SCI or Local Court Docket #:	
Local PD Incident #:	NY21-1829/10275884
Incident Date:	June 11, 2021

Attorney Information

Attorney's Name:	Steven B. Epstein
Attorney's Email Address:	sepstein@barketepstein.com

Discovery Package Information

DP-0038979-Y000669069 transmitted on November 10, 2021 at 2:02 PM contained 2 files:

Category	Name	Type	Size	Note
Other	Fortuna, Angelo DCN2015-0100 (unsubstantiated).pdf	PDF	1.52 MB	
Other	Fortuna, Angelo DCN2018-0023 (unsubstantiated).pdf	PDF	1.72 MB	

PEOPLE'S EXHIBIT E

Westchester County District Attorney's Office
Discovery Package Transmittal Notice

Case Information

Defendant's Name:	MICHAEL MOLINA
Court:	New Rochelle City Court
Ind/SCI or Local Court Docket #:	
Local PD Incident #:	NY21-1829/10275884
Incident Date:	June 11, 2021

Attorney Information

Attorney's Name:	Steven B. Epstein
Attorney's Email Address:	sepstein@barketepstein.com

Discovery Package Information

DP-0038979-Y000669069 transmitted on November 10, 2021 at 5:02 PM contained 2 files:

Category	Name	Type	Size	Note
Other	Fortune, Angelo DCN2015-0100 (unsubstantiated).pdf	PDF	1.52 MB	
Other	Fortune, Angelo DCN2018-0023 (unsubstantiated).pdf	PDF	1.72 MB	

EXHIBIT 3
EXHIBIT 4
EXHIBIT 5

PEOPLE'S EXHIBIT F

CITY COURT: CITY OF NEW ROCHELLE
COUNTY OF WESTCHESTER: STATE OF NEW YORK

THE PEOPLE OF THE STATE OF NEW YORK ——X

- against -

MICHAEL MOLINA

Defendant.

SUPPLEMENTAL CERTIFICATE OF COMPLIANCE
CPL 245.50 (1)
CPL 245.60

DKT: CR#003495-21.

SCI/IND:

——X

SUPPLEMENTAL CERTIFICATE OF COMPLIANCE

I, Assistant District Attorney Philip Mellea, certify pursuant to CPL 245.50 (1) and CPL 245.60, that, after exercising due diligence and making reasonable inquiry to ascertain the existence of material and information subject to discovery, except for those items and information that are the subject of an order pursuant to CPL 245.70, the People have learned of additional material or information and have disclosed and made available to defendant all such additional material or information identified and/or attached in the accompanying Supplemental Disclosure Index.

The material and information disclosed may include items, information, and material not required to be disclosed under CPL 245.20 but which are disclosed in the exercise of the People's discretion.

245.20(1)(k) disclaimer - The People reserve the right, at a future date, to object to or to move *in limine* to prevent the admission into evidence of, or questioning of witnesses about, these matters. Furthermore, there may be materials and information disclosed pursuant to other sections of CPL 245.20(1), and not separately highlighted under this section, that could constitute responsive materials under this section.

STATEMENT OF READINESS

☒ The People confirm and announce their readiness for trial on all counts charged in this matter.

Dated: November 10, 2021

Respectfully submitted,

MIRIAM E. ROCAH
District Attorney of Westchester County
Westchester County Courthouse
111 Dr. Martin Luther King Jr. Blvd.
White Plains, New York 10601

BY: *Philip Mellea*
Philip Mellea
Assistant District Attorney

Doc. # 1048625
1/2/20

EXHIBIT 4

EXHIBIT 5

DISCOVERY DISCLOSURE INDEX PURSUANT TO CPL 245.20 AND 245.50
NEW ROCHELLE CITY COURT BUREAU
PEOPLE v. Molina DOCKET NO.CR-003495-21

DISCOVERABLE ITEM

Accusatory Instruments	PAGES	ATTACHED HERETO	INSPECTION CONSENTED	SENT VIA PORTAL	N/A	NONE PRESENTLY KNOWN
A) CPL § 710.30 Statement/Id Notices						
B) Grand Jury Testimony						
C) Civilian Witness List- See police reports						
D) Law Enforcement Witness List- See police reports						
E) Witness Statements/Relevant Information						
E(1) Police Reports						
E(2) Supporting Depositions						
E(3) Owner's Depositions						
E(4) Supplemental Reports						
E(5) CSU Reports						
E (6) Detective Reports						
E (7) Ballistics Report/ Rosario						
E (8) Detention/Booking Paperwork					√	
E (9) CAD						
E (10) P.O./Det. Handwritten notes						
E (11) Property/Evidence Forms						
E (12) HIPPA Forms						
E (13) Consent Forms						
F) Expert Opinion Evidence- See Portal						
G) Tapes and Electronic Recordings –						
G(1) 911 call						
G (2) Radio Transmissions						
G (3) Surveillance Video						
G (4) Booking Video						
G (5) City Camera Video Interview IN CAR						
H) Photographs and Drawings						
H (1) Photographs-CSU and Precinct - FILE						
H (2) Photographic Arrays/Single Photo ID						
H (3) Booking Photographs						
I) 450.10 Photographs						
J) Lab Reports/ Lab Rosario						
K) Impeachment Material on Witnesses	66			√		
L) Promises/Inducements to Witnesses						
M) Property/Evidence Possessed by Defendant						
N) Search warrant Documents						
O) List of Tangible Evidence for Trial see police report						
P) Judgments of Conviction for Witnesses						
Q) Pending Cases against civilian witnesses						
R) See Attached Discovery Materials[1]						

[1] "Attached discovery materials," includes any materials and information sent electronically via the defense counsel portal.

S) VEHICLE & TRAFFIC OFFENSES

	PAGES	ATTACHED HERETO	INSPECTION CONSENTED	SENT VIA PORTAL	N/A	NONE PRESENTLY KNOWN
S(1)DWI Supporting Deposition/BOP/710.30						
S(2) Report of Refusal						
S (3) Refusal Warnings						
S (4) DWI Investigative Notes						
S (5) BAC Report						
S (6) Operational Checklist						
S (7) Calibration & Maintenance Records						
S (8) Operator Certification						
S (9) DMV Abstract Documents						
S (10) MV-104 Accident Report						
ALCOHOLIC INF REPORT						
FIELD SOBRIETY TESTS						
T) Computer crime evidence						
U) Electronically created or stored information - cell phone downloads						

OTHER

Completed by: ADA Philip Mellea
Assistant District Attorney

Date: 11/10/2021

RECIPROCAL DISCOVERY FOR THE PROSECUTION

PLEASE TAKE NOTICE, the District Attorney reminds defendant and counsel for defendant of defendant's reciprocal discovery obligations pursuant to the provisions of Article 245 of the Criminal Procedure Law.

PLEASE TAKE NOTICE, that subject to constitutional limitations and the statutory provisions of CPL 245.10 (2) and CPL 245.20(4)(c), no later than thirty calendar days after being served with the prosecution's CPL 245.50(1) certificate of compliance, defendant shall disclose to the prosecution, and permit the prosecution to discover, inspect, copy, or photograph, any material and relevant evidence within the possession or control of defendant or counsel for defendant, which defendant intends to introduce at trial or a pretrial hearing and which is discoverable under:

CPL 245(1)(f) – Relating to Expert Opinion Evidence

CPL 245(1)(g) – Relating to Tapes or Other Electronic Recordings

CPL 245(1)(h) – Relating to Photographs and Drawings Made or Completed by a Witness

CPL 245(1)(j) – Relating to Examinations, Tests, Experiments or Comparisons

CPL 245(1)(l) – Relating to Promises, Rewards, Inducements, and Requests for Consideration

CPL 245(1)(o) – Relating to Tangible Property

FURTHER BE REMINDED, that subject to constitutional limitations and the statutory provisions of CPL 245.10 (2) and CPL 245.20(4)(b), no later than thirty calendar days after being served with a certificate of compliance by the People, pursuant to CPL 245.50 (1), defendant shall disclose to the prosecution:

(1) The names, addresses, and birth dates of those persons other than defendant, whom defendant intends to call as witnesses at trial or a pretrial hearing; and

(2) All statements, written or recorded or summarized in any writing or recording, of those persons, other than defendant, whom defendant intends to call as witnesses at trial or a pretrial hearing.

Respectfully submitted,

Miriam E. Rocah
District Attorney
Westchester County
111 Dr. Martin Luther King, Jr. Boulevard
White Plains, New York 10601

Westchester County District Attorney's Office
Discovery Package Transmittal Notice

Case Information

Defendant's Name:	MICHAEL MOLINA
Court:	New Rochelle City Court
Ind/SCI or Local Court Docket #:	
Local PD Incident #:	NY21-1829/10275884
Incident Date:	June 11, 2021

Attorney Information

Attorney's Name:	Steven B. Epstein
Attorney's Email Address:	sepstein@barketepstein.com

Discovery Package Information

DP-0038986-Y000669069 transmitted on November 10, 2021 at 5:22 PM contained 1 file:

Category	Name	Type	Size	Note
Other	Molina_Certificate_of_Compliance_11102021.docx	MS Word	63.81 KB	