

STATE OF NEW YORK
COUNTY OF ONTARIO

COUNTY COURT

THE PEOPLE OF THE STATE OF NEW YORK,

-against-

DECISION AND ORDER
Indictment No.: 22-07-085A

KEENAN P. FISHER,
Defendant.

APPEARANCES

For the People

Hon. James Ritts
Ontario County District Attorney
By: Peter Van Dellon, A.D.A
Ontario County Courthouse
27 North Main Street
Canandaigua, New York 14424

For the Defendant

ABELOVE LAW, P.C.
Joel E. Abelove, Esq.
1702a Central Avenue
Albany, New York 12205

Dennis, Brian D., J.

Upon motion of the defendant, dated November 14, 2022, for an Order, pursuant to CPL §210.20(1)(c), dismissing the indictment upon the ground that the grand jury proceeding was defective, within the meaning of section 210.35; and

Upon the People's Affirmation in Opposition thereto, dated January 14, 2023; and

Upon oral argument heard by the Court on January 17, 2023;

The Court now finds that the integrity of the grand jury was impaired by the admission of erroneous testimony concerning the license required by the defendant to possess the items charged in the indictment; therefore,

It is **ORDERED**, that defendant's motion to dismiss the indictment upon the ground that the grand jury proceeding was defective, within the meaning of section 210.35, is hereby **GRANTED**, and the indictment is **DISMISSED**.

DATED: February 17, 2023

A handwritten signature in black ink, appearing to read "Brian D. Dennis", written over a horizontal line.

Hon. Brian D. Dennis
Ontario County Court Judge