

STATE OF NEW YORK  
COUNTY OF ONONDAGA

COUNTY COURT

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THE PEOPLE OF THE STATE OF NEW YORK,

vs.

Indictment Number: 18-0588-1

Index Number: 18-5936

JACOB STANTON,

Defendant.

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APPEARANCES: WILLIAM J. FITZPATRICK, ESQ.,  
District Attorney of Onondaga County  
ROBERT E. MORAN, of counsel  
Attorney for the People

EDWARD W. KLEIN, ESQ.,  
J. DAVID HAMMOND, ESQ.,  
Attorneys for Defendant, Jacob Stanton

**DORAN**, Matthew J., Presiding

**DECISION / ORDER**

The Defendant has made a Motion to Dismiss the Indictment upon the grounds that the grand jury proceedings fail to conform to the requirements of Article 190 of the Criminal Procedure Law. More particularly, the Defendant alleges that the People failed to properly charge the grand jury on the complete or exculpatory defense of alibi, thereby impairing the integrity of the grand jury and resulting in prejudice to the Defendant.

The Court has considered the Defendant's motion, the People's response thereto, as well as oral argument of counsel. The Court has also re-reviewed the grand jury minutes and legal instructions, which revealed, in part, that at the request of the Defendant and pursuant to CPL Section 190.50(6),

the Defendant's mother, Darla Halstead, and his then girlfriend, Cortney Spraker, testified before the grand jury. The defendant also testified. The defendant contends that it was through this testimony that the complete and exculpatory defense of alibi was raised before the grand jury. In other words, the defendant argues that this testimony, coupled with the appropriate instruction, if believed, would have exculpated the defendant, resulting in a finding of no criminal liability. A review of the grand jury minutes also revealed that there was no instruction by the prosecutor relative to the defense of alibi. The People contend that such an instruction was not warranted.

The case law is clear that while the District Attorney is required to instruct the Grand Jury with respect to matters before it (Criminal Procedure Law Section 190.25(6)), it is axiomatic that a Grand Jury need not be instructed with the same degree of precision that is required when a Petit Jury is instructed on the law (see, **People v CalBud, Inc**, 49 NY2d 389).

The Court of Appeals in **People v Valles**, 62 NY2d 36 at p 38:

"Although the Grand Jury need not be charged with the same degree of precision as the petit jury, the District Attorney must give guidance adequate for the Grand Jury to carry out its function. We have held that, in the usual case it is sufficient, if the District Attorney provides the Grand Jury with enough information to enable it intelligently to decide whether a crime has been committed and to determine whether there exists legally sufficient evidence to establish the material elements of the crimes...In this connection, we have recognized that a failure to furnish adequate or complete instructions may in a given case, render the Grand Jury proceedings defective, mandating dismissal of

the indictment."

Therefore, while instructions to the Grand Jury need not be as precise as those given to a Petit Jury, they may not be so misleading or incomplete as to substantially undermine the integrity of the proceeding (see, **People v CalBud, Inc**, supra; see also, Criminal Procedure Law Section 210.35(5)).

The case law is also clear that with regard to the question of defenses, not every plea defense suggested by the evidence must be charged to the grand jury. Rather, whether a particular defense needs to be charged "depends upon its potential for eliminating a needless or unfounded prosecution" **People v Fountain**, 2017 NY Slip Op 30674(U) citing **People v Lancaster**, 69 NY2d 20, 27; **People v Valles**, 62 NY2d 36, 38; see also, **People v Allah**, 2001 NY Slip Op 40025(U).

Relative to an exculpatory defense, however, a prosecutor must charge a grand jury with a defense when it is a complete defense, and there is evidence before the grand jury to support it, "thus potentially eliminating a needless or unfounded prosecution" **People v Mujahid**, 45 AD3d 1184, 1186; **People v Valles**, 62 NY2d 36; **People v Lancaster**, 69 NY2d 20; **People v Mitchell**, 82 NY2d 509).

Thus, a reviewing court must ensure that a district attorney instructed the panel as to an appropriate defense that was "complete" and "exculpatory", such that if a grand jury could have found the defense to be

applicable, "no indictment would have been returned and an unwarranted prosecution would have been avoided" **People v Valles**, 62 NY2d 36 at 38-39.

There is no question that alibi is such a defense.

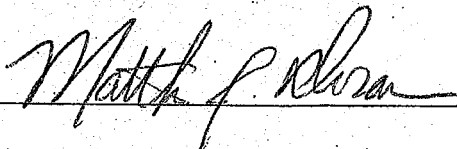
In the present case, the Court finds that the complete and exculpatory defense of alibi was raised before the grand jury through the testimony of the defendant, the defendant's mother and the defendant's then girlfriend. The Court further finds that based upon such evidence, the People were required to provide legal instruction to the grand jury as to such defense, or at the very least, should have advised the grand jury that a defendant does not have the burden of proving the truth of his alibi and that even if disbelieved, no inference of guilt could be drawn from their disbelief. See, **People v Hughes**, 159 Misc2d 663, 669; see **People v Tucker**, 101 Misc2d 660; see also, **People v Lewis**, 188 AD2d 1094; **People v Allah**, 2001 NY Slip Op 40025(U)). No instruction of any kind relative to the defense of alibi was given.

Based upon the foregoing, the Court is of the opinion that the People were required to instruct the grand jury relative to the defense of alibi and that based upon their failure to do so, the integrity of the grand jury was impaired resulting in a substantial likelihood of prejudice to the defendant (see, **People v Huston**, 88 NY2d 400, 409-410).

Therefore, the Defendant's Motion to Dismiss the Indictment is **granted**. The People are granted leave to represent this case to another grand

jury and the Defendant's bail status shall continue in accordance with Criminal Procedure Law Section 210.45(9).

The Decision herein constitutes the **Order** of the Court.



**MATTHEW J. DORAN**  
Judge of County Court

Dated: Syracuse, New York  
March 6<sup>th</sup>, 2019

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