

WARREN COUNTY ATTORNEY'S OFFICE

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Town Supervisor and Town Justices
Town of XX
Street Address
Warren County Town, NY 12XXX

RE: Warren County Counsel At First Appearance Plan

Dear Mr.(Ms.) (Supervisor) and Justice XXX:

As you may be aware, the New York Court of Appeals ruled in *Hurrell-Harring v. State*, 15 NY3d 8 (2010) that criminal defendants are entitled to legal representation at their first appearance in town and village courts throughout New York. In an effort to comply with this requirement, Warren County's Public Defender's Office, District Attorney and Sheriff's Department have been expending tremendous resources to ensure that a qualified lawyer from the Public Defender's Office is present to advise and represent all criminal defendants at "off-hours" arraignments. Such arraignments currently take place in Glens Falls City Court and any of the town courts in the county at night and on weekends.

To relieve the pressure on all involved, Glens Falls City Court Judge Gary Hobbs, the supervising judge for town justices in Warren County, in cooperation with Public Defender Marcy Flores, District Attorney Jason Carusone, Sheriff Bud York, the Board of Supervisors (acting through Supervisor Ron Montesi) and the Warren County Magistrates' Association have prepared a plan for centralized arraignments in a remodeled courtroom at the Warren County Municipal Center. Under the plan, "off-hours" arraignments would occur not at local courts, with the attendant need for three agencies to travel to each court involved, rather at the central facility in the Municipal Center, allowing the county agencies and the defendant to make the short trip and meet the assigned city judge or town justice for arraignments for all courts in the county that are needed that morning or evening. The state Judiciary Law has been amended to allow the sitting judge, from whatever town court is "up" on the rotation, to preside at the arraignment for any other local court in the county.

In consideration of the justice's additional authority and workload, each judge who agrees to preside at such arraignment sessions will be compensated by the State on a per day basis. There will be no additional cost to the city, the towns or the town courts.

I have enclosed a DRAFT version of the plan that Judge Hobbs intends to submit to the

State Office of Court Administration for approval. If the State approves the plan, the statute requires and Judge Hobbs advises that all costs for implementation will be reimbursed to the County by the State.

To implement this important plan, Judge Hobbs, the Public Defender, the District Attorney, the Sheriff and the Board of Supervisors need to know that each participating town is agreeable with the plan.

To that end, I am writing to each of you to ask for an expression of support for the plan, either by letter or enacted resolution of your governing board or council. I have taken the liberty of including a draft model resolution for your convenience. Please feel free to use the model as written or revise to your satisfaction.

If you have questions about the implementation or consequences, please contact Judge Hobbs, Marcy Flores, Jason Carusone or me.

Thank you for your attention.

Very truly yours,

Mary Elizabeth Kissane

MEK/abm
Enc.

Cc: Hon. Gary C. Hobbs
Marcy Flores, Esq.
Jason Carusone, Esq.
Hon. Ron Montesi

**RESOLUTION IN SUPPORT OF WARREN COUNTY'S PLAN FOR COUNSEL AT
INITIAL APPEARANCE FOR ARRAIGNMENTS IN LOCAL COURTS**

WHEREAS, Warren County is submitting a plan for counsel at initial appearance coverage for arraignments in local courts, and

DRAFT

WHEREAS, the plan provides for a central arraignment part conducted twice a day at the Warren County Municipal Center rather than at the town or city location of the arrest, and

WHEREAS, this plan requires the cooperation of the various local town and city justices and judges, and

WHEREAS, this plan should assure consistency in representation, as well as in the after hours schedules of the various town and city justices and judges, and

WHEREAS, State funding is available to provide for the expenses of the justices and judges as they travel to Queensbury, and

WHEREAS, this program will promote efficiencies among the town and city courts and justices and judges, as well as in County operations providing for mutual cooperation of the County's municipalities, now, therefore, be it

RESOLVED, that the _____ of _____ hereby indicates its support for Warren County's plan for counsel at initial appearance coverage for arraignments in local courts.

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