

Supreme Court
of the
State of New York



100 CENTRE STREET
New York, N.Y. 10013

March 20, 2012

Peter S. Smith, Esq.
389 Fort Salonga Road
Northport, N.Y. 11768

Re: Danny Sarita
Ind # 05942-2008

Dear Mr. Smith:

Please be advised that the Hon. Thomas Farber rendered a decision on March 16, 2012 granting the CPL 440 motion filed on this case.

Enclosed is a certified copy of the Decision/Order. As the order directs the defendant receive a copy I am requesting you forward him the additional certified copy enclosed.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Mary A. Price".

Mary A. Price, CCS
Supreme Court-New York County

encs.

cc: ADA Bonnie Sard

Ms. Helene Antonelli
Department of Correctional Services
1220 Washington Avenue
Albany, N.Y. 12226-2050

Supreme Court
of the
State of New York

Part 52*-New York County

-----X
The People of the State of New York

INDICTMENT: 05942-2008

-against-

MOTION FOR: CPL § 440.10

Danny Sarita,

CALENDAR DATE: November 15, 2011

Defendant
-----X

Ordered that upon the papers submitted, this motion is hereby

GRANTED  _____

DENIED _____

MAR 16 2012

Date _____

Hon.  _____

Hon. T. Farber

SUPREME COURT OF THE STATE OF NEW YORK
NEW YORK COUNTY: PART 52

_____ x
THE PEOPLE OF THE STATE OF NEW YORK

-against-

Indictment No. 5942/08

DANNY SARITA,

Defendant.

Order

NYSID 02671667 J

_____ x
THOMAS FARBER, J.:

Whereas defendant has filed a motion to vacate his conviction pursuant to CPL §440.10(g), and the People, having considered defendant's motion, consent to vacate defendant's conviction on Indictment 5942/08, and

Whereas both parties have agreed that defendant should be restored to his status as a pre-trial detainee pending the People's decision on whether they will re-try the defendant on Indictment 5942/08; and

Whereas the Court has considered all of the facts and circumstances of this case;

It is hereby ORDERED that:

Defendant's conviction on Indictment 5942/08 is hereby vacated and,

Defendant is ordered to be released immediately from custody on his own recognizance, with instructions to return to Court on the next adjourn date of this case.

The clerk shall immediately provide a copy of this ORDER to the State Department of Correction, and also forward a copy to the District Attorney and the defendant and his or her counsel.

Dated: New York, New York
March 16, 2012



Th. J. Farber

J.S.C.

DATE:

I hereby certify that the foregoing paper is a true copy of the original thereof, filed in my office.



County Clerk and Clerk of the
Supreme Court New York County
OFFICIAL USE

MAR 20 2012
MAR 16 2012