

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK: PART 62

-----X
THE PEOPLE OF THE STATE OF NEW YORK

-against-

STEVEN MCENANEY,

Defendant
-----X

FELICIA A. MENNIN, AJSC.:

DECISION AND ORDER

Ind. No. 70297-22

Defendant's omnibus motion is decided as follows:

1. The motion to inspect the Grand Jury minutes is granted. The motion to dismiss or reduce the indictment for legal insufficiency of the evidence or defects in the proceedings is denied. The Court has inspected the Grand Jury minutes and finds that they are legally sufficient to support the charges and that the proceedings were properly conducted.

2. The People do not intend to offer statements made by defendant to a law enforcement officer at trial and therefore a *Huntley* hearing is not necessary.

3. The People do not intend to offer identification evidence at trial and therefore a *Wade* hearing is not necessary.

4. The motion to suppress physical evidence recovered from the defendant's residence is denied. The physical evidence was obtained upon execution of a search warrant which authorized a search of the target premises. The defendant has moved to controvert the warrant. This Court has examined the warrant materials and finds that reasonable cause was sufficiently established to justify the warrant's issuance by the magistrate. CPL 690.10(2); *People v. Tambe*, 71 NY2d 492 [1988]. The information given by the affiant detective provided reasonable cause to believe that evidence of the alleged crimes were being kept at the target premises. The warrant sufficiently particularized the place to be searched and what was to be seized. The information was not stale.

4. The *Sandoval* and *Ventimiglia* motions will be heard immediately before trial.

This shall constitute the decision and order of the court.

Dated: New York, New York
February 23, 2023

HON. FELICIA A. MENNIN
FELICIA A. MENNIN
AJSC