

STATE OF NEW YORK
APPELLATE DIVISION

SUPREME COURT
THIRD DEPARTMENT

THE PEOPLE OF THE STATE OF NEW YORK

Affirmation in
Opposition to
Motion for Change
of Venue

-against-

Alexander West,

Defendant.

Emilee B. Davenport, an Assistant District Attorney for the County of Warren, hereby affirms under penalty of perjury:

1. I am the Assistant District Attorney assigned to respond to the defendant's motion for change of venue. As such, I am fully familiar with the facts and circumstances surrounding this matter.
2. I make this affirmation in opposition upon information and belief. The source of this information and basis for belief is a review of files maintained by the Warren County District Attorney's Office, media coverage of this case and the applicable law.

Procedural History

3. At approximately 9:24 p.m. on July 25, 2016, Alexander West (hereinafter the defendant) drove his boat over a boat driven by Robert Knarr (hereinafter Knarr), killing Knarr's 8 year-old granddaughter Charlotte McCue and seriously physically injuring her mother, Courtney McCue. Although several witnesses on shore heard screaming coming from the Knarr boat, the defendant fled, did not report what he had done and secreted himself from law enforcement until approximately 8:51 a.m. on July 26, 2016. The defendant had spent the afternoon at Log Bay Day, a yearly party on Lake George. He was observed by several witnesses there drinking alcohol, smoking "dabs" of concentrated

cannabis, and snorting cocaine in the hours prior to driving over the Knarr boat. Cocaine was recovered from the defendant's boat after he surrendered himself, and a blood analysis confirmed that several hours following the crash, he had marijuana, cocaine and ecstasy in his system.

4. The defendant and each of his four passengers, Matthew Marry (hereinafter Marry), Kristine Tiger (hereinafter Tiger), Cara Mia Canale (hereinafter Canale) and Moreland Keyes (hereinafter Keys) spoke to law enforcement officers on July 26, 2016.
5. On July 29, 2016, the defendant was arraigned in Lake George Town Court on charges of Leaving the Scene of an Accident (Navigation Law [hereinafter NL] § 47 [2][a][b][ii]) and Leaving the Scene of an Accident Without Reporting (NL § 47 [2][b][i]). He was represented by Stephen R. Coffey, Esq. (hereinafter Coffey). By Order of the Honorable Michael E. Stafford, Lake George Town Court Judge, the digital recording of the defendant's statement was sealed.
6. The defendant's four passengers were also arraigned in Lake George Town Court on July 29, 2016. Marry was charged with Hindering Prosecution, Making a False Written Statement and Offering a False Instrument for Filing. Tiger was charged with Hindering Prosecution. Canale was charged with Hindering Prosecution and Offering a False Instrument for Filing. Keyes was charged with Making a False Written Statement and Offering a False Instrument for Filing.
7. On or about August 15, 2016, Cheryl Coleman, Esq. (hereinafter Coleman) replaced Coffey as the defendant's attorney.
8. On October 21, 2016, a Warren County Grand Jury filed an indictment charging the defendant with Manslaughter in the Second Degree (Penal Law [hereinafter PL] § 125.15 [1]), Assault in the Second Degree (PL § 120.05 [4]), Vehicular Manslaughter in the Second Degree (PL § 125.12 [1]), Vehicular Assault in the First Degree (PL § 120.04 [4]), Vehicular Assault in the Second Degree (PL § 120.03 [1]), Criminally Negligent Homicide (PL § 125.10), Leaving the Scene of an Accident (NL § 47 [2][a][b][ii]), Leaving the Scene of an Accident Without Reporting (NL § 47 [2][b][i]), Boating While Ability Impaired by Alcohol (NL § 49-a [2][a]), Boating While Ability Impaired by Drugs (NL § 49-a [2][e]),

Reckless Operation of a Vessel (NL § 45 [1][a]) and Criminal Possession of a Controlled Substance in the Seventh Degree (PL § 220.03) (A 1-6)¹.

9. On October 26, 2017, the defendant was arraigned on the indictment in Warren County Court with Coleman as counsel. The Honorable John S. Hall, Jr, Warren County Court Judge (hereinafter Judge Hall), continued the order sealing the defendant's statement to law enforcement. Judge Hall also sealed a video of the collision the police recovered from a home surveillance system.
10. On December 22, 2016, the defense filed an omnibus motion arguing, *inter alia*, that there was insufficient evidence to support the counts contained in the indictment, and the results of the defendant's blood analysis should be suppressed, because the warrant authorizing the blood draw was signed on July 27, 2016, after the defendant's blood was drawn on July 26, 2016 (A 7-36).
11. On January 17, 2017, in an affirmation opposing much of the defendant's omnibus relief requests, the People stated that the "warrant [for the defendant's blood] does not comport with the technical requirements of CPL Article 690. As a result, the People will not seek to introduce evidence at trial pertaining to analysis of the defendant's blood" (A 37-46). The People outline the other evidence the Grand Jury heard that supported the charged crimes.
12. On February 2, 2017, the defense filed reply papers to the People's opposition accusing the Warren County District Attorney's Office of prosecutorial misconduct for presenting the results of the defendant's blood analysis and the testimony of a forensic toxicologist who offered his opinion as to the impairing effects of the drugs in the defendant's system at Grand Jury based upon the post-indictment concession that the warrant was technically defective (A 47-51). The defense charged that at the time of the Grand Jury presentation in October 2016, the People knew the search warrant was fatally flawed and that the blood evidence was inadmissible, but "deliberately chose to use that evidence to obtain an indictment against [the] defendant".

¹ Due to the voluminous amount of exhibits, supporting documentation has been converted into an Appendix. All cites are to the Appendix, except for cites to television broadcasts which are contained on a flash drive attached to the defense motion and labeled Exhibit B.

13. The defense arguments were factually inaccurate and did not support their request for dismissal. As a result, the People filed sur-reply papers on February 21, 2017 (A 52-76). In their papers, the People explained that they were not seeking to introduce the blood results, because it was discovered that the blood draw was done on the strength of a verbal warrant which was later memorialized in writing. Since the law does not sanction verbal warrants, the People were constrained to concede suppression. The presentation of the blood evidence to the Grand Jury did not impact upon the integrity of the indictment, because the People were not aware of the verbal warrant at the time, and possessed a written warrant signed by Judge Hall which was accorded a presumption of regularity.
14. By Decision and Order dated February 28, 2018, Judge Hall denied the defendant's request for dismissal of the indictment and rejected the defense's imputation of bad faith upon the People. Judge Hall further ordered pre-trial hearings to occur on April 14, 2017, and trial is scheduled to begin with jury selection on April 17, 2017.
15. Shortly before 5:00 p.m. on April 6, 2017, Kathryn E, Conklin, Esq. (hereinafter Conklin), one of Coleman's associates, delivered the instant Motion for Change of Venue to our office. By that motion, the defense claims that the defendant will be unable to receive a fair trial in Warren County, because of the media coverage generated by this case.
16. The defense has attached 62 newspaper articles published by the Post Star, Times Union and Daily Gazette, and 48 television segments broadcasted by Time Warner Cable News, News Channel 6-WRGB, News Channel 10-WTEN and News Channel 13-WYNT in support of their argument (Defense Exhibits A and B).
17. The Post Star serves Warren, Washington and Saratoga Counties. The Times Union serves the capital region of Albany, Schenectady and Troy. The Daily Gazette focuses on Schenectady, Saratoga, Fulton, Montgomery, Schoharie and Albany Counties.
18. The People respectfully submit that the defense motion is premature and should be rejected.

Legal Analysis

19. “CPL § 230.20 authorizes a change of venue when either party shows ‘reasonable cause to believe that a fair and impartial trial cannot be had in such county.’” People v. Cahill, 2 N.Y. 3d 14, 38 (2003) (citing CPL § 230.20 [2]).
20. While “[i]t is imperative that prospective jurors be open-minded and unbiased...they need not ‘be totally ignorant of the facts and issues involved.’” People v. Cahill, 2 N.Y. 3d at 38 (citing Irvin v. Dowd, 366 U.S. 717, 722 [1961]). “It is sufficient if the juror can lay aside his impression or opinion and render a verdict based on the evidence presented in court.” People v. Cahill, 2 N.Y. 3d at 38-39 (citing Irvin v. Dowd, 366 U.S. 717 at 723).
21. As a result, and because the courts are “[d]isinclined to presume prejudice,” motions for change of venue filed before jury selection are “rarely granted.” People v. Cahill, 2 N.Y. 3d at 39. To succeed on such a motion, the moving party “must show not only extensive publicity and comment but also that media coverage has aroused ‘a deep and abiding resentment’ in the county.” Id. (citing People v. Boudin, 90 A.D. 2d 253, 259 [2nd Dept. 1982]; Preiser, Practice Commentaries. McKinney’s Cons. Laws of N.Y., CPL § 230.20, at 311).
22. Contrary to the defendant’s arguments, a pre-voir dire change of venue is not warranted in this case. Although there has been media coverage of the procedural posture of the case, Warren County has not been “‘deluged by a tidal wave of prejudicial publicity to such an extent that even an attempt to select an unbiased jury would be fruitless.’” Id. (citing People v. Boss, 261 A.D. 2d 1, 4 [1st Dept. 1999]).
23. Of the 62 newspaper articles cited to by the defense, 43 are actually reporting on the case (A 77-264).² The publication dates of those 43 articles overlap between the Post Star, Times Union and Daily Gazette, and the content is the same.

² The remaining articles discuss local efforts to end Log Bay Day and a gymnastics scholarship created in Charlotte’s memory (A 265-343).

24. Of the 48 television segments cited to by the defense, 41 report on the case itself (Defense Exhibit B).³ The airing dates are the same between Time Warner Cable News, News Channel 6-WRGB, News Channel 10-WTEN and News Channel 13-WYNT, and the content is the same.
25. The media outlets all reported on or about the same dates and about the same topics. The outlets reported on Charlotte's death and the beginning investigation (July 26-28, 2016), the defendant's arraignment in local court (July 29-30, 2016), the change in representation (August 15-17, 2016), the defendant's blood test results (August 23-24, 2016), the filing of the indictment (October 24, 2016), the defendant's arraignment on the indictment (October 26, 2016), reduction and posting of bail (November 10, 14, 15, 2016), defense motion to dismiss (December 30, 2016), People's response to defense motion (January 22-25, 2017), renewed motion by defense for dismissal (February 6, 2017), People's response to the renewed motion (February 22, 2017), Judge Hall's Decision and Order denying the defense motion (February 28-March 1, 2017) and the People's statement that they would not use the blood test evidence (March 3, 2017) (A 77-364, Defense Exhibit B).
26. Press coverage on 13 occasions on the same topics in the nine months since the incident can hardly be categorized as "intensive saturation publicity."
27. Although many of the potential jurors may have heard of this case, that does not necessitate a change of venue. As the Court of Appeals recognized in People v. Cahill, "[t]he test for removal...is not based on the number of prospective jurors who heard of the case. If that were the test, juries in highly publicized cases would necessarily consist only of the most reclusive and uninformed segment of the population. What counts is not knowledge of the accusation, but whether that knowledge has shaped the jurors' attitudes and predispositions. Merely having heard of the case is not enough, if the jurors come into the courtroom knowing no more than they are told of the charge in open court. The question is whether media or other accounts have been so inflammatory as to thwart the selection of a fair-minded jury."

³ The remainder pertain to the Log Bay Day event and Charlotte's scholarship (Defense Exhibit B).

28. Here, the content of the articles and newscasts have been unbiased as to the defendant and have not opined as to the defendant's guilt or innocence. They certainly have not been "of such a sensational character as to excite local popular passion and prejudice so that the defendant will not be able to have the fair trial to which he is entitled." People v. Cahill, 2 N.Y. 3d at 39-40 (citing People v. DiPiazza, 24 N.Y. 2d 342, 347 [1969]). The only inflammatory statements to the press have come from the defense, particularly in recent months and especially to the Times Union Newspaper which serves the area where defense counsel has her office, not Warren County where the case is to be tried.
29. The content of the articles and newscasts actually reporting on the case is outlined below.

Media Coverage

Investigation

30. On July 26, 2016, the Post Star and Daily Gazette printed articles describing the collision and the investigative efforts of the Warren County Sherriff's Office in determining what occurred before the defendant drove his boat over Knarr's boat (A 77-84). The articles stated that a blood sample had been secured from the defendant. The articles also identified Charlotte McCue as the child victim and called for anyone with information in the case to contact the Sherriff's Office.
31. Time Warner Cable, News Channel 6-WRGB, News Channel 13-WYNT and News Channel 10-WTEN broadcasted segments on the nascent investigation on July 26, 2016 (Defense Exhibit B).
32. On July 27, 2016, the Post Star, Times Union, News Channel 6-WRGB and News Channel 10-WTEN reported that the police investigation continued and that charges had yet to be filed (A 88-102).
33. On July 28, 2016, News Channel 13-WNYT broadcasted a segment reporting that no arrests had been made in the case (Defense Exhibit B).

Local Court Arraignment

34. Following the defendant's arraignment in Lake George Town Court on July 29, 2016, the Post Star, Times Union and Daily Gazette printed articles outlining the charges against the defendant and his passengers (A

85-86, 103-120). Time Warner Cable, News Channel 6-WRGB, and News Channel 10-WTEN broadcasted segments on the arraignment that same day (Defense Exhibit B).

35. On July 30, 2016, the Times Union reported on the arraignments of the defendant and his passengers in Lake George Town Court (A 121-129). News Channel 13-WYNT broadcasted a segment on the arraignment that day as well (Defense Exhibit B).

Change of Representation and Removal to Warren County Court

36. On August 15, 2016, the Post Star reported that the defendant had retained Coleman in place of Coffey, and that the defendant's case was removed from Lake George Village Court to Warren County Court for Grand Jury presentation (A 136-138). Warren County Sherriff Bud York (hereinafter Sherriff York) advised that the police continued to await the blood test results. News Channel 10-WTEN and the Daily Gazette reported the same information on August 16, 2016 and August 17, 2016, respectively (A 139-141).

Blood Test Results

37. On August 23, 2016, the Post Star, Daily Gazette, Time Warner Cable, News Channel 6-WRGB, and News Channel 10-WTEN reported on a press-conference held by Sherriff York during which he disclosed that the defendant's blood tests were positive for the presence of the metabolites of three types of drugs, but declined to identify what those drugs were (A 141-148, Defense Exhibit B). Warren County District Attroney Kathleen B. Hogan (hereinafter DA Hogan) made no comment. Coleman criticized Sherriff York for his "disclosure" of the results of the defendant's blood tests, telling the Post Star reporter, "There are a lot of drugs that can linger in the system but are not within the psychoactive period... Whether he was under the influence is not the same as whether he tests positive" (A 142).
38. On August 24, 2016, the Times Union and News Channel 13-WYNT reported on Sheriff York's press-conference, with the Times Union mistakenly reporting that the defendant "had two prescription drugs and one illegal drug in his blood" (A 153-158, Defense Exhibit B).

Grand Jury Investigation and Indictment

39. On October 7, 2016, the Post Star reported that the case had been submitted to a Warren County Grand Jury for consideration (A 158-160). DA Hogan declined comment. Coleman told the reporter that the defendant would not testify before the grand jury, because “Prosecutors control grand jury proceedings without judicial supervision, and indictment require only probable cause a person committed a crime.” She also promised, “When the time comes, we will have plenty to say” (A 160).
40. On October 24, 2016, The Post Star, Daily Gazette, News Channel 13-WNYT and News Channel 6-WRGB reported that the Grand Jury returned an indictment charging the defendant with 12 counts including manslaughter, vehicular manslaughter and criminally negligent homicide (A 151-152, 161-171, Defense Exhibit B). DA Hogan did not comment on the filing of the indictment. Coleman told the Post Star reporter that the charges were, “totally in line with what we expected...You can’t litigate the case without having it be indicted” (A 162).

Arraignment on Indictment and Bail

41. On October 26, 2016, the Post Star, Time Warner Cable and News Channel 13-WNYT reported that the defendant was arraigned on the indictment in Warren County Court and plead not guilty to the charges (A 171-180). Judge Hall set bail at \$100,000 cash or \$300,000 bond and sealed all evidence filed in connection with the indictment specifically “to preserve a fair trial” (A 173).⁴ Even so, the Post Star article states that Coleman “went on the attack after the arraignment, saying her client was innocent and the public was only hearing a portion of the story. She accused police and prosecutors of ‘exploiting every opportunity to poison the potential jury pool’ and said that a motion to move the case out of Warren County would be considered” (A 172).
42. The Times Union and Daily Gazette also printed articles on October 26, 2016 regarding the defendant’s arraignment (A 175-180). Coleman spoke to the Times Union reporter, calling the arraignment a “circus” and

⁴ On October 28, 2016, Lehman posted in his on-line blog that the sealing was “unprecedented” locally (A 186-187). He expressed concern that the evidence was being withheld from the public and stated the Post Star and its news partner, News Channel 13, were considering hiring counsel to litigate the issue.

stating, “I’m disappointed but not surprised. I’m telling you, you only heard half the story...It was an accident” (A 175).

43. On October 28, 2016, the Post Star reported that the defendant remained incarcerated for lack of bail (A 181-186).
44. On November 10, 2016, the Post Star and News Channel 13-WNYT reported that an unidentified judge had reduced the defendant’s bail to \$100,000 cash or \$200,000 bond (A 188-190, Defense Exhibit B).
45. On November 14, 2016, the Post Star, Daily Gazette and News Channel 10-WTEN reported that the defendant posted bail (A 191-198).
46. On November 15, 2016, the Times Union reported that the defendant posted bail (A 199-202).

Pre-Trial Motions

47. On December 13, 2016, the Post Star reported that Judge Hall granted Coleman additional time to prepare her pre-trial motions (A 203-205).
48. In an article dated December 30, 2016, the Post Star reported that in their pre-trial motion papers, the defense argued there was “insufficient evidence of West’s alleged ‘drug impairment’ to support the vehicular manslaughter, vehicular assault and boating while ability impaired charges against him and...the grand jury presentation that resulted in his indictment was ‘defective” (A 214-217). The article also stated that Conklin raised “an inconsistency with the search warrant that Warren County sheriff’s officers received to take a blood sample from West for drug and alcohol testing,” because the blood sample was secured on July 26, 2016, but the warrant was dated July 27, 2016. Conklin was quoted as writing, “By the time the chemical analysis and application were executed, Mr. West’s 4th Amendment rights had been violated.”
49. On January 22, 2017 and January 24, 2017, the Post Star reported on the People’s response to the defense motion to dismiss the indictment and suppress the blood test results (A 226-235). The articles outlined the evidence the People argued supported the charges in the indictment. Citing to the People’s responding papers, the articles disclosed that “[w]itnesses who were with [the defendant] at the annual Log Bay Day party on Lake George saw him smoke hashish twice and snort cocaine twice on his boat at the gathering” (A 227). It was further divulged

that “[t]he defendant’s blood tested positive for marijuana, cocaine and ecstasy,” police recovered a bag of cocaine during a search of the boat and a forensic toxicologist “concluded the drugs ‘would have impaired the defendant’s ability to complete complex tasks such as driving a boat’” (A 227). As to the results of the blood test, it was reported that the People were declining to present them at trial because the warrant did “not comport with the technical requirements” of the Criminal Procedure Law” (A 231). DA Hogan declined to comment. Coleman “said she questioned whether the move related to a date discrepancy on the search warrant that directed sheriff’s officer to take a sample of [the defendant’s] blood,” and was quoted as saying, “It’s the first time in 31 years I haven’t seen them give it the old college try at a suppression hearing” (A 231).

50. The January 24, 2017 article generated 11 on-line comments, all denigrating Sheriff York and DA Hogan, not commenting on the defendant’s guilt or innocence (A 234-235).
51. The Times Union and Daily Gazette also printed articles on January 24, 2017 regarding the People’s decision not to present the blood test results at trial due to a defect in the warrant (A 236-241). Coleman spoke to the Times Union reporter, stating “It’s a bombshell...It casts doubt upon the whole indictment” (A 237). She also said, “if prosecutors presented the blood evidence to the grand jury knowing it would not be used at trial, the indictment should be tossed” (A 237).
52. Time Warner Cable, News Channel 13-WNYT and News Channel 10-WTEN broadcasted segments on the People’s responding papers on January 23, 2017 and January 24, 2017 (Defense Exhibit B).
53. On January 25, 2017, the Times Union printed another article on the blood warrant after speaking to Coleman (A 242-244). That article reported that “Coleman slammed police for presenting a warrant with the wrong date on it. She suggested they either made a mistake or did it on purpose. She said it did not matter—the evidence is out either way” (A 243). Coleman was quoted as saying, “Imagine trying to backdate your warrant and giving it to the judge?...Do you hope he’s not going to notice?” Coleman also told the reporter that “she plans to show Robert A. Knarr, the grandfather of Charlotte McCue and the man piloting the 28-foot boat carrying the child, admitted he drank alcohol that day and refused to have his blood tested out of fear” (A 234). On this topic, the

article quoted Coleman, “Everybody was left with the impression that the driver of the other boat, who was (McCue’s) grandfather, was clean, right? Not true...They asked him to take a test. What would you say if you weren’t drinking? You’d say ‘Oh my God, of course,’ He said no. He refuses and he says, ‘I’m afraid to’ and admits that he’s drinking” (A 244).

54. On February 6, 2017, the Post Star reported that Coleman filed a new motion for dismissal based upon the People’s decision to withdraw the blood test results on account of the defective warrant (A 245-251)t. It was reported that Coleman was now arguing that the submission of the blood test evidence to the grand jury “unquestionably impaired the integrity of the entire grand jury proceedings” (A 246).
55. The February 6, 2017 article generated 30 on-line comments (A 248-251). The vast majority of the comments criticize Judge Hall, Sheriff York, DA Hogan and the justice system as a whole, claiming that each was failing in their respective position, not commenting on the defendant’s guilt or innocence. In one comment, the defendant is offered support, with the writer stating, “Guilty or innocent, Alex West was not spoiled as a child. You obviously don’t know this young man” (A 249).
56. On February 22, 2017, the Post Star reported on the People’s response to the newest defense motion (A 252-256). The article explained that the People withdrew the blood test results, because “the blood sample was taken after [Judge Hall] issued a ‘verbal’ search warrant authorizing it on July 26, but it wasn’t memorialized in writing until later that day and signed the next day by the judge” (A 253). As to the impact of the decision to withdraw the blood results, the article quoted the People papers, stating, “It is well-established that evidence subsequently suppressed on 4th Amendment ground does not invalidate an indictment” (A 253).
57. On February 28, 2017, the Post Star reported on Judge Hall’s Decision denying the defense motion to dismiss (A 257-261). The article noted that Judge Hall found “no bad faith or misconduct by the people” in introducing the blood test results, as they discovered the defect in the indictment months after the grand jury presentation, and that the judge directed the parties to submit additional filings on whether the blood tests may be admissible by virtue of the defendant’s consent for the draw prior to an attorney entering the case.

58. On March 1, 2017, News Channel 13-WNYT and News Channel 10-WTEN broadcasted segments on Judge Hall's denial of the defense motion (Defense Exhibit B). The reporters spoke to Coleman who stated that the decision "gives us one hell of an appeal issue...as far as we're concerned we've got one in the hole."
59. On March 3, 2017, the Post Star reported that the People would not use the blood test evidence at trial, even in light of the defendant's consent, because he was not told that an attorney had intervened on his behalf after he provided his consent, and that he could have withdrawn that consent upon the advice of counsel (A 262-264).

Application of Standard

60. As forgoing establishes, the media coverage in this case has been neither intensive nor particularly prejudicial. *Compare* People v. Porco, 30 A.D. 3d 543 (2006).
61. While some on-line comments speak to the defendant's guilt, those comments do not lead to the necessary conclusion that a change of venue is appropriate. As the Court stated in People v. Boss, even a "defendant who is charged with a highly publicized crime that had inflamed public passions is [not necessarily] entitled to a change of venue, particularly where there has not yet been an attempt to select an impartial jury." People v. Boss, 261 A.D. 2d at 4.
62. The defendant's contention that news media reporting that locals are pushing to end Log Bay Day, the printing of Charlotte's obituary and stories about the scholarship fund set up in Charlotte's memory have necessarily biased the potential jury pool should be rejected. This publicity is of the type discussed in People v. Cahill where the Court reflected on People v. DiPiazza, which "upheld the denial of a change of venue: 'The victim's funeral and the members of her family were sympathetically portrayed and the defendant's action was described as having caused a widespread reaction and aroused a deep feeling. But there was very little that could be said to be affirmatively hostile to him.'" People v. Cahill, 2 N.Y. 3d at 40-41 (citing People v. DiPiazza, 24 N.Y. 2d at 347).
63. The media coverage of this case is not of the type which would support a request for a pre-voir dire change of venue, because it has not created a

situation in which an attempt to select an unbiased jury would be fruitless. People v. Boss, 261 A.D. 2d at 4. As a result, the People respectfully submit that the jury selection should occur in Warren County Court on April 17, 2016 as scheduled.

WHEREFORE, your affiant respectfully requests that the prayed for relief be denied in all respects.

Dated: April 11, 2017
Lake George, New York

Respectfully submitted,



Emilee B. Davenport
Assistant District Attorney

WNYT NewsChannel 13