

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF WESTCHESTER

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THE PEOPLE OF THE STATE OF NEW YORK

TRANSFER ORDER

-against-

Supreme Ct. Dkt. #
6293M-2018

MARC FISHMAN,
Defendant.

Local Court Dkt. #
18-09716

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INTEGRATED DOMESTIC VIOLENCE PART

CAPECI, J.

Pursuant to Administrative Order of the Chief Administrative Judge of the Courts, AO/255/99, dated June 7, 1999, a Domestic Violence part was established in Westchester County Supreme Court to hear and determine both misdemeanor and felony charges that involve alleged criminal conduct giving rise to acts of Domestic Violence. Subsequently, the part was expanded pursuant to Administrative Order AO/340/01 to include criminal charges filed in the City Court, City of New Rochelle. In implementation of the part, this court requested to be notified when criminal charges are filed in those courts in cases where the complainant and the defendant have or had a relationship as members of the same family or household as those terms are defined in the relevant statutes.

The Office of the District Attorney has given notice to this court that an accusatory instrument has been filed with the City Court, City of New Rochelle, wherein defendant **MARC FISHMAN** is accused of committing: CRIMINAL CONTEMPT IN THE SECOND DEGREE.

That notice indicates the relationship between the defendant and the complainant/victim is that of FORMER SPOUSE.

Defendant has been arraigned in the City Court and is next scheduled to appear in the City Court on JANUARY 8, 2019. This court is informed that upon arraignment: ~~bail has been set in the amount of defendant having posted said amount, bail was set in the amount of \$ 300.00 B/ C but defendant having failed to post bail has been committed to the custody of the Westchester County Department of Corrections; bail was not set by the local court and defendant has been committed to the custody of the Westchester County Department of Corrections; defendant has been released on his/her own recognizance.~~

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The nature of the alleged offense(s) and the nature of the indicated relationship or former relationship between the parties present an instance of alleged Domestic Violence. This court has reviewed the allegations and determined that it would promote the administration of justice to transfer the pending charges to the Integrated Domestic Violence Court, pursuant to New York Constitution Article 6, §19, and hear and determine all aspects of the case, exercising the unlimited and unqualified jurisdiction of the Supreme Court, New York Constitution Article 6, §7. In accordance with that constitutional authority and the directive of the Chief Administrative Judge it is therefore:

ORDERED: Effective upon the completion of the criminal court calendar in the City Court, City of New Rochelle on JANUARY 8, 2019, this matter is removed from the City Court and transferred to the Integrated Domestic Violence part of the Supreme Court, Westchester County; and it is further

ORDERED: In the case of a defendant in custody who has made a request to replace a misdemeanor complaint with an information pursuant to CPL Section 170.65, or a request has been made for a preliminary proceeding pursuant to CPL Section 180.80, those matters shall be calendared and addressed in local court prior to the transfer; and it is further

ORDERED: any and all orders of protection issued by the New Rochelle City Court in connection herein shall remain in full force and effect unless and until issuance of a subsequent order or action by the DV/IDV Court or Family Court where authorized; and it is further

ORDERED: If defendant is at liberty, having been released on his/her own recognizance or having posted bail, he/she shall appear in Courtroom 201 of the Westchester County Courthouse Annex, 111 Dr. Martin Luther King Jr. Boulevard, White Plains, New York at 2:00PM on JANUARY 16, 2019; and it is further


ORDERED: If defendant, having received notice of this Order, should fail to appear as directed by this Order a warrant for his/her arrest may issue; any bail that has been posted may be ordered forfeited; charges of bail-jumping may be filed; and/or the case may be continued in the defendant's absence; and it is further

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ORDERED: If defendant is in the custody of White Plains or New Rochelle Police/Correction officials, defendant shall be transferred to the custody of the Westchester County Department of Corrections. If defendant is in the custody of the County Department of Corrections he shall be produced in Courtroom 201 of the Westchester County Courthouse Annex at 2:00PM on JANUARY 16, 2019.

SO ORDERED.

DATED: White Plains, N.Y.
December 21, 2018


SUSAN M. CAPECCI
A. J. S. C.

Anthony V. Mattesi, Esq.
1 North Broadway
White Plains, New York 10601
Phone: 632-4150
Fax: 632-4159

City Court of the City of New Rochelle
475 North Avenue
New Rochelle, N.Y. 10801
Phone: 358-8000
Fax: 654.0344

Westchester County District Attorney Office
New Rochelle Branch
475 North Avenue
New Rochelle, NY 10801
Phone: 813-5800
Fax: 813-5806

Westchester County District Attorney's Office
(White Plains Domestic Violence Bureau)
111 Dr. Martin Luther King, Jr., Blvd.
White Plains, New York 10601
Phone: 914-995-3000
Fax: 914-995-3422