

State of New York
Supreme Court, Appellate Division
Third Judicial Department

Decided and Entered: July 9, 2026

CR-23-1566

THE PEOPLE OF THE STATE OF
NEW YORK,

Respondent,

v

MEMORANDUM AND ORDER

DAVID A. COFFEY,

Appellant.

Calendar Date: November 19, 2025

Before: Garry, P.J., Aarons, Pritzker, Powers and Corcoran, JJ.

James A. Bartosik Jr., Glenmont, for appellant.

F. Paul Battisti, District Attorney, Binghamton (*Mary E. Saitta* of counsel), for respondent.

Pritzker, J.

Appeal from a judgment of the County Court of Broome County (Joseph Cawley, J.), rendered March 9, 2023, convicting defendant upon his plea of guilty of the crime of criminal possession of a weapon in the second degree.

The pertinent facts of this case are set forth in our prior decision (244 AD3d 1609 [3d Dept 2025]). In summary, we found that County Court (Cawley, J.) used the wrong standard in denying defendant's motion to dismiss on speedy trial grounds based upon the People having failed to meet their discovery obligations pursuant to CPL article 245 (*id.* at 1612). This Court, however, could not decide that motion because the record was not sufficient to "determine whether the People's alleged discovery violations invalidated the

People's [certificate of compliance (hereinafter COC)] and [statement of readiness (hereinafter SOR)]" (*id.*). As such, we held the appeal in abeyance and remitted the matter "to County Court to determine whether the People's COC was proper under the terms of CPL 245.50, as it was in effect at the time, and thus whether the SOR was valid" (*id.* at 1613 [internal quotation marks, brackets and citation omitted]).

Upon remittal, County Court (Burns, J.) held a hearing to determine this issue, after which it filed with this Court a transcript of the hearing and a very thorough Decision, Findings of Fact and Conclusions of Law. In this decision, the court concluded that because the People willfully failed to comply with their obligations under CPL article 245, the initial COC and SOR were illusory and thus, that defendant's speedy trial rights had been violated. Since County Court decided these issues in defendant's favor, "this Court is precluded from reviewing [these findings] on . . . defendant's appeal" (*People v Chazbani*, 153 AD3d 930, 932 [2d Dept 2017], *lv denied* 30 NY3d 1103 [2018], citing CPL 470.15 [1]; *see People v LaFontaine*, 92 NY2d 470, 473-474 [1998]). Accordingly, we reverse the judgment of conviction and remit the matter to County Court for the entry of an order granting defendant's motion to dismiss the indictment.

Garry, P.J., Aarons, Powers and Corcoran, JJ., concur.

ORDERED that the judgment is reversed, on the law, and matter remitted to the County Court of Broome County for further proceedings not inconsistent with this Court's decision.

ENTER:

A handwritten signature in black ink that reads "Robert D. Mayberger". The signature is written in a cursive, flowing style with a large, stylized 'R' and 'M'.

Robert D. Mayberger
Clerk of the Court