

JUSTICE COURT OF THE TOWN OF WEBSTER, MONROE COUNTY, NEW YORK

People v. Chandler

201 Mich. App. 611 (Justice Court of the Town of Webster Monroe County New York 1993) · No. Case No. 25110055 · Decided February 26, 2026

SUMMARY

The court held that the accusatory instruments charging Gregory W. Chandler with common-law and per se driving while intoxicated were facially insufficient. The instruments failed to allege nonhearsay facts establishing that Chandler operated the vehicle, and the court declined to consider alleged admissions referenced only in a CPL 710.30 notice. The court granted the defendant's motions to dismiss under CPL §§ 170.3(1)(a), 100.40(1), and 100.15.

CASE DETAILS

COURT	Justice Court of the Town of Webster, Monroe County, New York
WRITING FOR THE COURT	Thomas J. DiSalvo
JURISDICTION	Justice Court of the Town of Webster, Monroe County, New York
DECIDED	February 26, 2026
DOCKET	Case No. 25110055
DISPOSITION	dismissed
PROCEDURAL POSTURE	Defendant moved in omnibus motions to dismiss the accusatory instruments charging common-law and per se driving while intoxicated as facially insufficient. The court granted the motions and dismissed both charges.
STANDARD OF REVIEW	Facial sufficiency review of local criminal court accusatory instruments under CPL 100.40 and 100.15; the court considers the factual allegations within the four corners of the accusatory instrument and any supporting depositions.
PRECEDENTIAL VALUE	Published trial-level New York opinion; persuasive authority within the state but not binding on higher courts.
PARTIES	The People of the State of New York v. Gregory W. Chandler

TOPICS

criminal procedure

evidence

probable cause

PRACTICE AREAS

criminal law

criminal procedure

DWI

QUESTIONS PRESENTED

1. Whether the accusatory instruments sufficiently alleged the operation element of common-law driving while intoxicated under VTL 1192 (3).
2. Whether the accusatory instruments sufficiently alleged vehicle operation for per se driving while intoxicated under VTL 1192 (2), despite the reported .16% breath-test result.
3. Whether alleged admissions referenced only in a CPL 710.30 notice could be considered in determining the facial sufficiency of the accusatory instruments.

HOLDINGS

1. An accusatory instrument charging common-law driving while intoxicated is facially insufficient when it merely alleges that the defendant was near the vehicle and provides no non-conclusory facts showing that the defendant operated the vehicle.
2. A CPL 710.30 notice is not an accusatory instrument or supporting deposition and may not be used to supply missing factual allegations or establish facial sufficiency.
3. A per se driving-while-intoxicated charge is facially insufficient when the accusatory instruments establish an alcohol concentration above the statutory threshold but fail to allege non-hearsay facts establishing that the defendant operated the vehicle.

KEY QUOTATIONS

*“So long as the factual allegations of an information give an accused notice sufficient to prepare a defense and are adequately detailed to prevent a defendant from being tried twice for the same offense, they should be given a fair and not overly restrictive or technical reading.” (*3)*

*“As we recently reiterated, ‘in evaluating the sufficiency of an accusatory instrument,’ a court does ‘not look beyond its four corners (including supporting declarations appended thereto)’” (*5)*

*“Attaching an unverified document, such as a 710.30 Notice, to a set of accusatory instruments does not turn that document into a supporting deposition.” (*6)*

FACTUAL BACKGROUND

The defendant was charged with common-law driving while intoxicated under VTL 1192 (3) and per se driving while intoxicated under VTL 1192 (2), based on events occurring shortly after midnight on November 9, 2025. The supporting deposition stated that the defendant was near the vehicle and described signs of intoxication, but did not allege that he was behind the wheel, possessed the keys, or that the engine was running. The breath-test supporting deposition reported a .16% chemical-analysis result, but the accusatory instruments did not otherwise provide non-hearsay factual allegations establishing vehicle operation. The arresting officer's deposition referred

to alleged oral admissions in a CPL 710.30 notice without setting out the substance of those admissions in the accusatory instruments or supporting depositions.

PROCEDURAL HISTORY

The defendant was arraigned on December 3, 2025, filed omnibus motions on December 12, 2025, and argued the motions on January 21, 2026. The court issued a decision and order on February 6, 2026 granting dismissal, after which the People filed a responding affirmation and cross motion on February 12, 2026. This supplemental decision addressed the People's response, clarified the court's reasoning, and superseded the February 6 decision.

DISPOSITION

dismissed

CASES CITED

- People v. Casey, 95 N.Y.2d 354, 360-361, 717 N.Y.S.2d 88 (2000)
- People v. Alamo, 34 N.Y.2d 453, 459 (1974)
- Matter of Prudhomme v. Hults, 27 A.D.2d 234, 237 (3d Dep't 1967)
- People v. Prescott, 95 N.Y.2d 655, 662 (2001)
- People v. Lekram, 57 Misc. 3d 1220(A), 2017 NY Slip Op. 51562(U) (2017)
- People v. Dreyden, 15 N.Y.3d 100 (2010)
- People v. Dumas, 68 N.Y.2d 729 (1986)
- People v. Concepcion, 36 Misc. 3d 551, 553 (Crim. Ct., N.Y. County 2012)
- People v. Lawrence, 55 Misc. 3d 1209(A), 2017 NY Slip Op. 50474(U) (2017)
- People v. Kaminski, 143 Misc. 2d 1089, 1094, 542 N.Y.S.2d 923 (1989)
- People v. Suber, 19 N.Y.3d 247, 946 N.Y.S.2d 552, 969 N.E.2d 770 (2012)
- People v. Slade, 37 N.Y.3d 127, 136-137, 148 N.Y.S.3d 413 (2021)
- People v. Hardy, 35 N.Y.3d 466, 475, 132 N.Y.S.3d 394, 157 N.E.3d 117 (2020)
- People v. Thomas, 4 N.Y.3d 143, 146, 791 N.Y.S.2d 68, 824 N.E.2d 499 (2005)
- People v. Konieczny, 2 N.Y.3d 569, 576, 780 N.Y.S.2d 546, 813 N.E.2d 626 (2004)
- People v. Anzalone, 85 Misc. 3d 648, 650, 222 N.Y.S.3d 361 (Just. Ct., Orchard Park 2024)
- People v. Lane, 85 Misc. 3d 1274(A), 2025 NY Slip Op. 50714(U) (Crim. Ct., Kings County 2025)
- People v. Wilkins, 2025 NY Slip Op. 25212(U) (Crim. Ct., Kings County 2025)
- People v. F.M., 2026 NY Slip Op. 50125(U) (Crim. Ct., Kings County 2026)
- People v. Pelt, 150 Misc. 2d 90, 596 N.Y.S.2d 301 (Crim. Ct., Kings County 1993)
- People v. Alejandro, 70 N.Y.2d 133, 138, 517 N.Y.S.2d 927, 511 N.E.2d 71 (1987)