

APPELLATE DIVISION OF THE SUPREME COURT OF THE STATE OF NEW YORK, THIRD DEPARTMENT

Matter of Rodriguez v. Hobbs

2023 NY Slip Op 05433 (N.Y. Ct. App. 2023) · No. 535582 · Decided October 26, 2023

SUMMARY

The Appellate Division, Third Department dismissed a CPLR article 78 proceeding seeking a writ of prohibition to prevent prosecution based on an allegedly invalid search warrant issued during the COVID-19 pandemic. The court held that prohibition is unavailable to challenge a search warrant when the defendant has an adequate remedy through a motion to suppress and subsequent direct appeal.

CASE DETAILS

COURT	Appellate Division of the Supreme Court of the State of New York, Third Department
WRITING FOR THE COURT	Egan Jr., J.; Garry, P.J.; Aarons, J.; McShan, J.; Mackey, J.
JURISDICTION	New York
DECIDED	October 26, 2023
DOCKET	535582
DISPOSITION	dismissed
PROCEDURAL POSTURE	CPLR article 78 proceeding seeking a writ of prohibition to prevent prosecution on the ground that the search warrant preceding petitioner's arrest was invalid.
STANDARD OF REVIEW	A writ of prohibition is available only upon a clear legal right where a court exceeds its jurisdiction or authorized power in a manner implicating the legality of the entire proceeding, and it is unavailable when an adequate remedy at law exists.
PRECEDENTIAL VALUE	published
PARTIES	Keith Rameel Rodriguez v. Gary C. Hobbs, as Acting County Judge of St. Lawrence County, St. Lawrence County District Attorney, St. Lawrence County Chief Assistant District Attorney

TOPICS

criminal procedure

search and seizure

suppression of evidence

writ of certiorari

appellate procedure

PRACTICE AREAS

criminal procedure

appellate procedure

writ of prohibition

search and seizure

QUESTIONS PRESENTED

1. Whether prohibition was available to challenge the validity of a search warrant used to obtain evidence leading to a criminal prosecution.
2. Whether Rodriguez had an adequate remedy at law through a suppression motion and a direct appeal from any resulting conviction.

HOLDINGS

1. A writ of prohibition is not available to challenge the validity of a search warrant when the evidence obtained through the warrant leads to a criminal prosecution.
2. Prohibition lies only where the petitioner has a clear legal right and a court has exceeded its jurisdiction or authorized power in a manner implicating the legality of the entire proceeding; even then, prohibition is unavailable if an adequate remedy at law exists.

KEY QUOTATIONS

*“The extraordinary remedy of prohibition lies only where there is a clear legal right and, with respect to pending criminal proceedings, only when a court exceeds its jurisdiction or authorized power in such a manner as to implicate the legality of the entire proceeding” (*1)*

*“prohibition will not be available to challenge the validity of a search warrant” (*2)*

FACTUAL BACKGROUND

On May 1, 2020, Watertown City Court issued a warrant to search a Jefferson County residence during an investigation into cocaine and heroin sales. The warrant was executed on May 6, 2020, and Rodriguez was arrested. An 80-count indictment was subsequently handed up against Rodriguez and 44 codefendants, and Rodriguez later sought suppression of the warrant evidence in the criminal case.

PROCEDURAL HISTORY

A warrant issued by Watertown City Court was executed in May 2020, and Rodriguez was later indicted in St. Lawrence County on multiple drug-related charges. In April 2022, he moved to suppress evidence obtained through the warrant, but the Acting County Judge denied that branch of the motion as untimely. Rodriguez then commenced this article 78 proceeding in the Appellate Division under CPLR 506(b)(1), seeking prohibition; the court dismissed the petition because suppression and direct appeal provided an adequate remedy at law.

DISPOSITION

dismissed

CASES CITED

- Matter of Patel v. Breslin, 45 A.D.3d 1240, 1241 (3d Dep't 2007)
- Matter of Rush v. Mordue, 68 N.Y.2d 348, 352-353 (1986)
- Matter of State of New York v. King, 36 N.Y.2d 59, 62 (1975)
- Matter of Canning v. Revoir, 2023 NY Slip Op 04623, *1 (3d Dep't 2023)
- Matter of Lipari v. Owens, 70 N.Y.2d 731, 732-733 (1987)
- Matter of B.T. Prods. v. Barr, 44 N.Y.2d 226, 233 (1978)
- Matter of HCI Distrib., Inc. v. New York State Police, Troop B Commander, 110 A.D.3d 1297, 1298-1299 (3d Dep't 2013)
- Matter of Agresta v. Roberts, 66 A.D.2d 929, 930 (3d Dep't 1978)

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