

EXHIBIT B
2018 UPDATED CRIMINAL LAW
HON ROBERT G. BOGLE

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18 West's McKinney's Forms Criminal Procedure Law § 120:4

West's McKinney's Forms

February 2018 Update

Criminal Procedure Law

Hon. Robert G. Bogle

Article 120. Warrant of Arrest

By: Hon. Robert G. Bogle *

§ 120:4. Petition for writ of habeas corpus upon ground that accusatory instrument filed with justice (judge) is insufficient to confer jurisdiction to issue warrant of arrest [Form: CPL § 120.20]

Correlation Table References

[Title of court and cause]

PETITION

Index No. [index number]

TO THE SUPREME COURT OF THE STATE OF NEW YORK

COUNTY OF [NAME OF COUNTY]

The petition of [name of relator's attorney] for a writ of habeas corpus respectfully shows to this Court and alleges:

FIRST: That [he/she] is the attorney for the relator, [name of relator], the person on whose behalf this application is made.

SECOND: That the said [name of relator], is imprisoned and restrained of [his/her] liberty at [place of imprisonment], and the officer or person by whom [he/she] is so imprisoned or restrained is [title of officer].

THIRD: That the said [name of relator] is not committed or detained by virtue of any process or mandate issued by any court of the United States, or by any judge thereof; nor is [he/she] committed or detained by virtue of the final judgment or decree of a competent tribunal of civil or criminal jurisdiction, or the final order of such a tribunal made in a special proceeding instituted for any cause except to punish [him/her] for contempt; nor by virtue of any execution or other process issued upon such a judgment, decree or final order.

FOURTH: That the cause or pretense of the imprisonment and restraint, according to the best knowledge and belief of your petitioner, is a certain commitment of the [name of court] of [name of county] committing the said [name of relator] for preliminary examination pursuant to a warrant of arrest under [an] [specification of accusatory instrument] purporting to charge [him/her] with the commission of the offense of [specification of offense] in violation of section(s) [designations of sections] of the Penal Law.

FIFTH: That based upon the aforesaid [specification of accusatory instrument] the relator was arrested on the [date of arrest], and was brought before [name of judge], a [Justice/Judge] of the [name of court], County of [name of county] who committed the relator as aforesaid.

SIXTH: That the imprisonment and restraint of the relator are illegal, in that the aforesaid *[specification of accusatory instrument]*, a copy of which is annexed hereto as "Exhibit *[designation of exhibit]*," fails to allege facts to show the commission of any crime or to supply reasonable ground for belief that the relator committed any crime, and hence is insufficient as a matter of law to confer jurisdiction upon the *[Justice/Judge]* of the *[name of court]* to issue the warrant of arrest and to hold the relator for examination.

SEVENTH: That no previous application for this writ or for the relief sought herein has been made by the relator or by anyone in *[his/her]* behalf. *[OPTIONAL: [Statement of facts regarding previous application and justification for new application].]*

WHEREFORE, your petitioner prays that a writ of habeas corpus issue, directed to *[name and title of officer]*, or whosoever has custody of *[name of relator]*, the relator herein, commanding *[him/her]* to produce the body of the said *[name of relator]* before this Court, Part *[part number]* thereof, the *[requested date of hearing]*, at *[requested time of hearing]* *[a.m./p.m.]* of said day, so that this Court may inquire into the legality of *[his/her]* detention.

Dated: *[Date of petition]*
[Name of city], New York

[Name of attorney]
Attorney for Defendant
[Bar number of attorney]
[Name of law firm]
[Address of attorney]
[Telephone number of attorney]
[Jurat]

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Footnotes

* Robert G. Bogle is a Nassau County Court Judge and Acting New York State Supreme Court Justice. He is also the Supervising Judge of the Nassau County Town and Village Courts. He is an Adjunct Professor of Criminal Justice for graduate and undergraduate students at the C.W. Post Campus of Long Island University. He is a member of the New York State Advisory Committee on Judicial Ethics and is a lecturer for the Judicial Education Program for the Office of Court Administration. He is the author of "Criminal Procedure in New York" (4 volumes) and is co-author of "Village Towns and District Courts in New York", both published by Thomson Reuters. He served as Valley Stream Village Justice (1986–2016) and Acting Long Beach City Court Judge (1996–2015), as well as President of the New York State Magistrates Association (2004–2005) and the Nassau County Magistrates Association (1995–1996). In 2006, he received the New York State Magistrate of the Year Award and in 2008 he received the Frank Santagata Bar Association Award for service to the Nassau County Courts.

He has also served as Chief Court Attorney for the Nassau County Court Law Dept. (1999–2015), Law Secretary to the Hon. Ira H. Wexner, Supervising Judge of the Nassau County District and County Courts (1988–1999) and Deputy Nassau County Attorney for the Appeals and Major Litigation Bureaus (1983–1988). He is a graduate of Hofstra University School of Law and Niagara University (BA Cum Laude) and attended Cornell University and George Washington University. He has two sons, James and Robert and is married to his wife Kathleen, to whom he dedicates this work.