

NEW YORK STATE
SUPREME AND APPELLATE COURT
OPINIONS RELATIVE TO
PROBATION AND COUNTY COURT

Appellate Court - 3rd Dept.-Jefferson County - 9/25/80

In short, the supervision of a PINS case cannot be jointly or simultaneously placed in DSS or Probation; it must be one or the other.

Monroe County Supreme Court - 7/19/89

Monroe County vs. Probation Director Robert Dunning relative to re-organization and administration of Monroe County Probation Department.

Broome County Supreme Court - 11/16/79

Withholding of state aid re-imbursments for portion of salary of Probation Director - case dismissed. In favor of NYS Div. of Probation and Correctional Alternatives.

Genesee County Supreme Court - 1/3/90

Petitioner sentenced to Probation with a split sentence - applied and subsequently approved by Supreme Court for "Conditional Release".

Albany County Supreme Court - 10/2/97

Petitioner Thomas O'Brien challenged DPCA's Risk Level 3 - Sex Offender Classification.

Oneida County Supreme Court Decision - 8/4/90

Law suit filed by 2 Oneida County Probation Assistants vs. the Oneida County Probation and Personnel Departments - relates to provisional appointments issue.

Monroe County Court - 8/31/87

Pre-Trial Services of Monroe sought to quash a subpoena by District Attorney's Office to secure information provided an accused to Pre-Trial; Court so ordered the quash.

Supreme Court, Appellate Division-3rd Dept. - 5/13/71

Article 78 proceedings by Probation Officers in Bronx County seeking equalization of their salaries with those of Probation Officers in Supreme Court, New York County.

Supreme Court, Appellate Division-2nd Dept. - 6/4/69

Ruled Probation Officers not required to give probationer, who had voluntarily come to Nassau County Probation Department seeking help for a companion with a

narcotics problem, the Miranda Warnings before they inquired about needle marks on probationer's own arm and Probation Officer is "Peace Officer" not "Law Enforcement Officer".

Supreme Court, Appellate Division 2nd Dept. - 1/18/94

The People vs. Terry Johnson, a/k/a Lester Vadeyers; Court ruled that individual not entitled to "Interim Supervision" since he was already on Probation for a prior felony conviction and subsequently re-arrested for another Class B drug Felony conviction. This is pursuant to CPL 380.30 (3).

Queens County Supreme Court - 10/29/70

Article 78 proceeding in which 6 Probation Officers sought an order vs. Probation Director from enforcing an order prohibiting Probation Officers from carrying firearms during duty hours and from bringing such weapons into the Probation Department or Court buildings. Petition E granted to Probation Officers.

Cattaraugus County Supreme Court - 3/13/90

Court directed Cattaraugus County to create a local Conditional Release Commission.

Supreme Court, Appellate Division, 3rd Dept. - 2/13/69

NYS Respondent vs. James Willis, Appellant who was convicted in County Court, Chemung County in which Court ruled that giving of recommendation by Probation Officer that defendant be incarcerated for maximum amount of time prescribed by law was a practice not approved, since determination of length of sentence was a function solely of the Court.

Onondaga County Supreme Court - 7/98

The Court declines to register sex offenders who are sentenced to Probation with a combination sentence of incarceration to a local correctional facility (Shock Probation). Court places this responsibility on local correctional facility; cites NYS Court of Appeals Opinion (Pirro vs. Angiolillo 12/18/96) and a Bronx Supreme Court opinion 12/10/97 to support his case.

Supreme Court, Appellate Division, 3rd Dept. - 3/7/72

The Appellate Court reversed Queens County Supreme Court 10/29/70 decision regarding NY City Probation Director who wrote an order that Probation Officers cannot bear firearms while on duty. Appellate Court sustained Probation Directors authority.