

4. Pursuant to CPL 530.12(1)(A), this Court should consider whether the TOP as issued is likely to achieve its purpose in the absence of such condition. To make that evaluation, Courts may consider my client's "conduct subject to prior orders of protection, prior incidents of abuse, past or present injury, threats, drug or alcohol abuse, and access to weapons."
5. ██████████ resides with his mother, the complainant in the pending action ██████████ has no other place to live and has been living in his car since the OOP was issued. Although he is currently employed, he does not have the financial means to rent an apartment nor is he receiving any public assistance as he was residing with his mother. Upon information and belief, the complainant does not want to pursue the pending charges against ██████████.
6. As the First Department noted in Crawford, "[t]he impact of being barred from one's home, even temporarily, can be far-reaching" (197 AD3d at 33).
7. This set of facts and circumstances, at a minimum, compels a prompt evidentiary hearing concerning the scope of the TOP.

Accordingly, the defendant respectfully requests that the evidentiary hearing be granted.

██████████

(Notary Public)