

TO:

Hon. [REDACTED]
Erie County Supreme Court [REDACTED]
25 Delaware Ave.
Buffalo, NY 14202

Denetra D. Roberts
Office of the Attorney General
350 Main St. #300A
Buffalo, NY 14202

STATE OF NEW YORK
ERIE COUNTY SUPREME COURT

IN THE MATTER OF

██████████

Releasee.

SUPPORTING AFFIRMATION

Parole Warrant #

STATE OF NEW YORK)
COUNTY OF ERIE) ss.
TOWN OF CHEEKTOWAGA)

██████████, ESQ., an attorney licensed to practice in the courts of this State, affirms the truth of the following statements under penalties of perjury.

1. I am counsel for the releasee, ██████████.
2. The Division of Parole has retaken Mr. ██████i on Parole Warrant # _____ and brought a proceeding for a recognizance hearing.
3. I make this affirmation in support of my motion to dismiss the proceeding as null and void on the ground that the Court lacks jurisdiction to proceed on a warrant that has been previously adjudicated.
4. On _____, 2022, Mr. ██████ was retaken on Parole Warrant # _____.
5. Following a recognizance hearing held on _____, 2022, Mr. ██████ was released, and Parole deactivated the warrant.
6. On _____, 2022, the Division of Parole reactivated the warrant on the basis of new allegations.
7. "If a parole officer having charge of a releasee shall have probable cause to believe that such person has violated one or more of the conditions of their release in an important respect, the officer shall report such fact to a member of the board or a designated officer" (9 NYCRR 8004.2[a]).
8. If probable cause exists, a warrant for the retaking and temporary detention of a releasee may issue (9 NYCRR 8004.2[d]).

9. Reactivating a warrant on that has been previously adjudicated violates the requirement that the parole officer report the alleged violations to a member of the board or a designated officer and apply for a new warrant.
10. As such, this Court lacks jurisdiction to proceed with the recognizance hearing.
11. In a decision dated [REDACTED], Hon. [REDACTED] of Erie County Court reached the same conclusion and dismissed a proceeding as null and void (see attached). The same result is compelled here.

For these reasons, the proceeding must be dismissed, and Mr. Yaghi must be released.

[REDACTED]