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ERIE COUNTY CLERK  
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APR 26 2023

STATE OF NEW YORK  
ERIE COUNTY SUPREME COURT

ERIE COUNTY  
DEPARTMENT OF LAW

THE PEOPLE OF THE STATE OF NEW YORK  
ex rel. [REDACTED]

*Petitioner,*

v.

**ORDER TO SHOW CAUSE**  
**(PETITION FOR WRIT OF**  
**HABEAS CORPUS)**

[REDACTED]

[REDACTED]

*Respondent.*

On the petition made on behalf of [REDACTED] verified on the [REDACTED] of April, 2023, for the issuance of a writ of habeas corpus pursuant to CPLR 7010(a), it is

ORDERED, that respondent, and/or the Erie County District Attorney, show cause before a Justice of this Court, on the [REDACTED] day of April 2023 at 10:00 a.m., why petitioner should not be discharged, as requested in the petition; and it is further

ORDERED, that a copy of this writ of Habeas Corpus, together with the petition on which it was granted, be served on the office of [REDACTED] Erie County Sheriff, respondent, and [REDACTED] Erie County District Attorney, on or before April [REDACTED] 2023, and that such be deemed good and sufficient service, and it is further

ORDERED, that a copy of the respondent's return or any response to the writ be served on the Assigned Counsel Program on or before April [REDACTED] 2023, and it is further


ERIE COUNTY DISTRICT ATTORNEY  
APR 25 2023 PM 2:51

ORDERED, that the filing fee be waived due to petitioner's indigence.

DATED:

[REDACTED]

Buffalo, New York

  
JUSTICE OF THE SUPREME COURT

FILED

ERIE COUNTY CLERK  
RCPT # 23055389  
I 2023000015

STATE OF NEW YORK  
ERIE COUNTY SUPREME COURT

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THE PEOPLE OF THE STATE OF NEW YORK  
ex rel. [REDACTED]

*Petitioner,*

v.

**VERIFIED PETITION FOR  
WRIT OF HABEAS CORPUS**

[REDACTED]  
Sheriff of Erie County,

*Respondent.*

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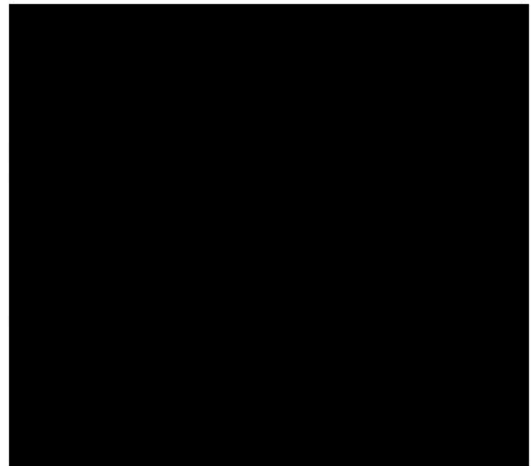
1. Under the auspices of the Assigned Counsel Program of Erie County, I am of counsel to [REDACTED] ESQ., the attorney for petitioner.
2. I make this verified petition on behalf of petitioner because the factual allegations are made upon information and belief, the sources of which are my review of the charging papers and conversations with Mr. [REDACTED] concerning the events of April [REDACTED] 2023.
3. Under File No. [REDACTED] petitioner is charged with assault in the third degree (Penal Law § 120.00[1]) and harassment in the second degree (Penal Law § 240.26[1]). Under File No. [REDACTED] he is charged with criminal contempt in the second degree (Penal Law § 215.50[3]). Under File No. [REDACTED] he is charged with criminal contempt in the second degree (Penal Law § 215.50[3]).
4. None of these charges are felonies.

5. Petitioner was arraigned before Hon. Carrie Phillips in Buffalo City Court. Judge Phillips set bail at \$15,000 on the latter file and \$1 on the other two.
6. Petitioner posted bail, and all three cases were transferred to Hon. Deborah Haendiges in the Integrated Domestic Violence (IDV) Part of Erie County Supreme Court.
7. Petitioner showed up for his first appearance in front of Judge Haendiges on [REDACTED] 2023. She remanded petitioner to the custody of the Sheriff on all three files.
8. "A person illegally imprisoned or otherwise restrained in his liberty within the state ... may petition without notice for a writ of habeas corpus to inquire into the cause of such detention and for deliverance. A judge authorized to issue writs of habeas corpus having evidence, in a judicial proceeding before him, that any person is so detained shall, on his own initiative, issue a writ of habeas corpus for the relief of that person" (CPLR 7002[a]).
9. This Court is authorized to issue a writ of habeas corpus (CPLR 7002[b][1]).
10. Venue and jurisdiction are based on the fact that petitioner is currently incarcerated at the Erie County Holding Center, located in the County of Erie, State of New York, under the custody of the Erie County Sheriff, since on or about [REDACTED]
11. For three reasons, petitioner is being illegally detained.
12. First, remand is impermissible when no felonies are charged (CPL 510.10[4]).
13. Second, Judge Haendiges revoked the securing orders without good cause, in violation of CPL 530.60(1), and without holding a hearing, in violation of CPL 530.60(2)(c).

14. Third, Judge Haendiges did not select the least restrictive alternative and condition or conditions that would reasonably assure petitioner's return to court (CPL 530.60[2][d][ii]).
15. "If the person is illegally detained a final judgment shall be directed discharging him forthwith" (CPLR 7010[a]). Petitioner seeks a writ of habeas corpus vacating the illegal remands, reinstating the posted bail on all three files, and ordering his discharge from custody.
16. Petitioner waives his appearance for any court proceeding on this petition.
17. With counsel assigned due to petitioner's indigence, he also requests that the Court waive any fee associated with filing this petition.

WHEREFORE, petitioner respectfully requests that this Court issue the writ of habeas corpus and grant any further relief it deems proper.

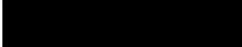
DATED: [REDACTED]  
Buffalo, New York



VERIFICATION

STATE OF NEW YORK )  
COUNTY OF ERIE )  
CITY OF BUFFALO )

ss.

I,  an attorney licensed to practice in the courts of this State, affirm under penalties of perjury that I am counsel for the petitioner in this proceeding, and I have read this petition for a writ of habeas corpus, and that it is true of my own knowledge, except to those matters which are alleged on information and belief, and those matters I believe to be true.

