

JUSTICE COURT:TOWN OF SOUTHAMPTON
SUFFOLK COUNTY NEW YORK: CRIMINAL PART
x-----

People of the State of New York,

-against-

Decision
01991384-

Stuart B. Vorpahl,

Defendant

x-----

Defendant has moved to dismiss the charges of not having a commercial fishing license and taking lobsters without a permit. The defendant has raised various grounds for dismissal including the Department of Environmental Conservation does not have jurisdiction by virtue of the "Dongan Patent" It very well may be that the "Dongan Patent" does not require freeholders of the Towns of Southampton and Easthampton to have commercial licenses issued by the state, however that issue need not be determined. The case was first tried by jury on 5-16-00 and resulted in a mistrial. The decision of Justice Weber transferring the case to Southampton Justice Court is dated 6-22-01. The last file entry from Easthampton 7-19-01. October 10th is the first file entry for Southampton. More than 90 days have elapsed since the case was transferred to Southampton without the People marking the case as Ready. Therefore the charges are dismissed pursuant to CPL 30.30 and under the State Constitutional provisions relating to speedy trial. The incidents go back to August 1998. As misdemeanors the delay in trying the matters is too great and prejudices the defendant. This decision is the order of the Court.

Dated: 1-31-02

S/_____
Thomas J. DeMayo, Town Justice