



People v. Corey Westfield

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DECISION & ORDER

(Ind. No. 2450/99)

ORDERED that the judgment is affirmed.

After the presentation of their evidence against the defendant to the Grand Jury, the People withdrew the case at the defendant's request to allow him the opportunity to present his own evidence. The defendant did not present his evidence before the Grand Jury's term ended. Thus, the People resubmitted the case to a subsequent Grand Jury, which indicted the defendant on several counts of robbery.

Under the circumstances of this case, it was not reversible error for the People to resubmit the charges against the defendant without obtaining permission of the court (compare *People v. Aarons*, 2 NY3d 547, with *People v. Montanez*, 90 NY2d 690, and *People v. Wilkins*, 68 NY2d 269; see *People v. Castillo*, 208 AD2d 944, 945).

LUCIANO, J.P., CRANE, FISHER and LIFSON, JJ., concur.

