

STATE OF NEW YORK
COUNTY COURT

COUNTY OF MONROE

THE PEOPLE OF THE STATE OF NEW YORK

-vs-

JAMES P. SMITH

FIRST COUNT:

THE GRAND JURY OF THE COUNTY OF MONROE, by this indictment, accuses the defendant, JAMES P. SMITH, of the crime of Official Misconduct, in violation of Section 195.00, Subdivision 1 of the Penal Law of the State of New York, committed as follows:

The defendant, on or about May 29, 2007, in the County of Monroe, State of New York, with intent to obtain a benefit or deprive another person of a benefit, committed an act relating to his office but constituting an unauthorized exercise of his official functions, knowing that such act is unauthorized.

SECOND COUNT:

AND THE GRAND JURY OF THE COUNTY OF MONROE, by this indictment, further accuses the defendant, JAMES P. SMITH, of the crime of Official Misconduct, in violation of Section 195.00, Subdivision 2 of the Penal Law of the State of New York, committed as follows:

The defendant, on or about May 29, 2007, in the County of Monroe, State of New York, with intent to obtain a benefit or deprive another person of a benefit, knowingly refrained from performing a duty which is imposed upon him by law or is clearly inherent in the nature of his office.

THIRD COUNT:

AND THE GRAND JURY OF THE COUNTY OF MONROE, by this indictment, further accuses the defendant, JAMES P. SMITH, of the crime of Official Misconduct, in violation of Section 195.00, Subdivision 1 of the Penal Law of the State of New York, committed as follows:

The defendant, on or about and between May 26, 2008 and June 24, 2008, in the County of Monroe, State of New York, with intent to obtain a benefit or deprive another person of a benefit, committed an act relating to his office but constituting an unauthorized exercise of his official functions, knowing that such act is unauthorized.

FOURTH COUNT:

AND THE GRAND JURY OF THE COUNTY OF MONROE, by this indictment, further accuses the defendant, JAMES P. SMITH, of the crime of Official Misconduct, in violation of Section 195.00, Subdivision 2 of the Penal Law of the State of New York, committed as follows:

The defendant, on or about and between May 26, 2008 and June 24, 2008, in the County of Monroe, State of New York, with intent to obtain a benefit or deprive another person of a benefit, knowingly refrained from performing a duty which is imposed upon him by law or is clearly inherent in the nature of his office.

FIFTH COUNT:

AND THE GRAND JURY OF THE COUNTY OF MONROE, by this indictment, further accuses the defendant, JAMES P. SMITH, of the crime of Official Misconduct, in violation of Section 195.00, Subdivision 1 of the Penal Law of the State of New York, committed as follows:

The defendant, on or about and between June 12, 2008 and June 24, 2008, in the County of Monroe, State of New York, with intent to obtain a benefit or deprive another person of a benefit, committed an act relating to his office but constituting an unauthorized exercise of his official functions, knowing that such act is unauthorized.

SIXTH COUNT:

AND THE GRAND JURY OF THE COUNTY OF MONROE, by this indictment, further accuses the defendant, JAMES P. SMITH, of the crime of Official Misconduct, in violation of Section 195.00, Subdivision 2 of the Penal Law of the State of New York, committed as follows:

The defendant, on or about and between June 12, 2008 and June 24, 2008, in the County of Monroe, State of New York, with intent to obtain a benefit or deprive another person of a benefit, knowingly refrained from performing a duty which is imposed upon him by law or is clearly inherent in the nature of his office.

MICHAEL C. GREEN
DISTRICT ATTORNEY OF MONROE COUNTY

STATE OF NEW YORK COUNTY OF MONROE
COUNTY COURT

Indictment #

THE PEOPLE OF THE STATE OF NEW YORK

CR# 09-000023-MDA

-against-

CPL § 710.30 Notice

JAMES P SMITH

CPL § 250.20 Demand

PLEASE TAKE NOTICE that the People intend to offer at the trial of the above case:

Evidence of oral statement(s) made by the defendant, to a public servant,
_____, at _____ on _____ (at or about _____ a.m./p.m.),
the sum and substance of which is:

Evidence of a written statement made by the defendant to public servant(s)
_____ at _____ on _____ (at or about
_____ a.m./p.m.), a copy of which is attached to this notice.

Testimony regarding an observation of the defendant at the time or place of commission of the offense and/or upon some other occasion relevant to the case, such testimony to be given by a witness who has previously identified the defendant at the following identification procedure(s) [The "Name of Witness" refers to name of witness making a positive identification]:

Date:	Type:	Place:	Approx. Time:	Name of Witness:
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PLEASE TAKE FURTHER NOTICE that if the defendant intends to offer for any purpose whatever testimony that at the time of the commission of the crime charged the defendant was at some place or places other than the scene of the crime and intends to call witnesses in support of such defense, the People request that the within eight days of the service of this demand the defendant serve upon the People and file a copy thereof with the court, a "NOTICE OF ALIBI" in accordance with Criminal Procedure Law Section 250.20(1).

X THE PEOPLE ARE READY FOR TRIAL. People v. Kendzia, 64 NY2d 331 (1985).

Dated: Rochester, New York
October 2, 2009

Respectfully submitted,
MICHAEL C. GREEN
Monroe County District Attorney
832 Ebenezer Watts Building
Rochester, New York 14614