

SUPREME COURT OF THE STATE OF NEW YORK
Appellate Division, Fourth Judicial Department

437

KA 08-02070

PRESENT: HURLBUTT, J.P., MARTOCHE, CENTRA, PERADOTTO, AND GORSKI, JJ.

IN THE MATTER OF THE SEVENTH REPORT OF
THE SENECA COUNTY SPECIAL GRAND JURY OF
JANUARY 2007.

FIRST NAMED PUBLIC OFFICIAL, APPELLANT;

MEMORANDUM AND ORDER

R. MICHAEL TANTILLO, SPECIAL DISTRICT
ATTORNEY OF SENECA COUNTY, RESPONDENT.

GEIGER AND ROTHENBERG, LLP, ROCHESTER (DAVID ROTHENBERG OF COUNSEL),
FOR APPELLANT.

R. MICHAEL TANTILLO, SPECIAL DISTRICT ATTORNEY OF SENECA COUNTY,
CANANDAIGUA, RESPONDENT PRO SE.

Appeal from an order of the Seneca County Court (Dennis F. Bender, J.), dated February 15, 2008. The order accepted Report Number 7 of the January 2007 Seneca County Special Grand Jury and directed the filing of the report as a public record.

It is hereby ORDERED that the order so appealed from is unanimously reversed on the law and the report is sealed.

Memorandum: We agree with appellant, a public official of Seneca County, that County Court erred in directing that a grand jury report be filed as a public record for the same reasons as those set forth in our decision in *Matter of Second Report of Seneca County Special Grand Jury of Jan. 2007* (___ AD3d ___ [Feb. 6, 2009]).

Entered: March 20, 2009

JoAnn M. Wahl
Clerk of the Court