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COURT OF APPEALS  
STATE OF NEW YORK

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PEOPLE,

Respondent,

-against-

No. 164

GENNA A. TURNER,

Appellant.

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20 Eagle Street  
Albany, New York 12207  
September 17, 2014

Before:

CHIEF JUDGE JONATHAN LIPPMAN  
ASSOCIATE JUDGE VICTORIA A. GRAFFEO  
ASSOCIATE JUDGE SUSAN PHILLIPS READ  
ASSOCIATE JUDGE ROBERT S. SMITH  
ASSOCIATE JUDGE EUGENE F. PIGOTT, JR.  
ASSOCIATE JUDGE JENNY RIVERA  
ASSOCIATE JUDGE SHEILA ABDUS-SALAAM

Appearances:

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Official Court Transcriber

1 CHIEF JUDGE LIPPMAN: We're going to start  
2 with number 164, People v. Genna A. Turner.

3 Counselor, do you want any rebuttal time?

4 MS. CZAPRANSKI: Please, Your Honor, if I  
5 may request two minutes, please.

6 CHIEF JUDGE LIPPMAN: Two minutes, sure.  
7 Go ahead.

8 MS. CZAPRANSKI: May it please the court.  
9 Kimberly Czapranski for Genna Turner.

10 There are two critical issues presented in  
11 this case: the incorrect suppression ruling at the  
12 trial level which, of course, was incorrectly also  
13 affirmed at the intermediate appellate court, and  
14 secondarily, the post-release supervision issue.

15 CHIEF JUDGE LIPPMAN: Let's start with the post-  
16 release supervision. Tell us what the problem is here.

17 MS. CZAPRANSKI: Your Honor, the problem  
18 was that Ms. Turner went through her entire plea,  
19 from beginning to end, without anyone mentioning  
20 post-release supervision at all to her. I might add  
21 that this is a fifteen-year determinate sentence  
22 which, by law, requires post-release supervision.

23 CHIEF JUDGE LIPPMAN: What happens when the  
24 DA, as in this case, says, at the point of  
25 sentencing, that gee, let's make this clear, I don't

1 remember whether we PRS, not PR - - - let - - - let's  
2 put it on the record at that point; what's wrong with  
3 that?

4 MS. CZAPRANSKI: Well, Your Honor, that is  
5 occurring right prior to sentencing, if you may - - -  
6 if I may - - -

7 CHIEF JUDGE LIPPMAN: There's not enough  
8 notice? Is that the - - - the problem?

9 MS. CZAPRANSKI: Not enough notice at all,  
10 such that she could be - - -

11 JUDGE GRAFFEO: Even though she  
12 acknowledged that she had talked to her attorney  
13 about it and was aware of it at the time of the plea  
14 allocution?

15 MS. CZAPRANSKI: Well, Your Honor, I  
16 believe she correctly - - - it could be more  
17 correctly characterized as her affirming have you  
18 talked to your attorney. And again, I would point to  
19 - - - and thankfully, this court is very aware that  
20 this individual, in taking all of the circumstances  
21 into account, is a very fragile individual, dealing  
22 with many difficulties.

23 CHIEF JUDGE LIPPMAN: What - - -

24 MS. CZAPRANSKI: But I think more  
25 importantly, let's get - - -

1 CHIEF JUDGE LIPPMAN: What should the judge  
2 have said when the DA says let's make it clear that  
3 there's PRS? What should the judge have done at that  
4 point?

5 MS. CZAPRANSKI: I would like to see,  
6 perhaps, the judge say, were you informed by the  
7 court at your plea that there would be an additional  
8 five years of post-release supervision after your  
9 fifteen-year determinate sentence has gone on?

10 JUDGE SMITH: Or should he have said do you  
11 want your plea back?

12 MS. CZAPRANSKI: And then, would you like  
13 to withdraw your plea; yes, thank you, Your Honor.

14 JUDGE GRAFFEO: Does the record indicate  
15 that her lawyer said she didn't want her plea in this  
16 - - - in this case?

17 MS. CZAPRANSKI: Your Honor, it never comes  
18 up, and I think that's part of the problem. If there  
19 had been - - -

20 JUDGE SMITH: But she does - - - they do  
21 ask her do you want to go ahead with sentencing  
22 today, and she says yes. Isn't it - - - doesn't - -  
23 - doesn't that kind of - - - can't you infer from  
24 that that she doesn't - - - doesn't want to - - - to  
25 withdraw her plea?

1 MS. CZAPRANSKI: Your Honor, I - - - I - -  
2 - with all due respect, though, at that point she's  
3 not in - - - informed that there's any other  
4 opportunity to do anything but, and I think that - -  
5 -

6 JUDGE READ: So she didn't know she had a  
7 choice?

8 MS. CZAPRANSKI: There's - - - yes, Your  
9 Honor, that's correct.

10 CHIEF JUDGE LIPPMAN: So she doesn't have  
11 to, in your mind, object at that point and - - - and  
12 say, wait a second, I don't want to do this. Under -  
13 - - under what of our cases - - - are you depending  
14 on Louree or what's - - - what - - - what case are  
15 you depending on?

16 MS. CZAPRANSKI: Louree and Catu. I - - -  
17 I think that the law has been clear, and I would back  
18 it up to where Your Honor, I thought, was leading me  
19 initially, which was with respect at the time of the  
20 plea. I think the larger notion is one of due  
21 process, which is notice of what you're facing as  
22 part of the plea.

23 CHIEF JUDGE LIPPMAN: So if you don't know  
24 at the plea, and it comes to sentencing, and all of a  
25 sudden you hear the - - - the D - - - DA says this is

1 part of the plea - - - this is part of the sentence,  
2 the fifteen - - - the five years PRS, the judge then  
3 stops and gives the defendant options, the judge  
4 adjourns, or any of the above?

5 MS. CZAPRANSKI: Well, Your Honor, I'd be a  
6 little more comfortable with the court fashioning  
7 that remedy. I think it has to be rewound, though,  
8 back to - - - we have to withdraw the plea and go  
9 back to square one so you're fully informed.

10 CHIEF JUDGE LIPPMAN: So you can't correct  
11 it at that point, you've got to go back to plea and  
12 say do you want to take this plea if there's a five-  
13 year PRS, or whatever it is?

14 MS. CZAPRANSKI: That would be my position.  
15 That would be preferred.

16 JUDGE PIGOTT: You've mentioned a couple of  
17 times, and it was something that I noticed too; are  
18 you - - - are you troubled at all by the fact that  
19 this was not done by the court but was - - - rather  
20 was done by the DA?

21 MS. CZAPRANSKI: Thank you, Your Honor,  
22 yes. And not only that, but the DA also, at the time  
23 incorrectly, at sentencing, says we know you took  
24 this as part of your plea; this was part of your  
25 plea. And as the dissent points out in the - - - in

1 the case that I'm here from, this was incorrect. So  
2 again, there's a momentum going on - - -

3 CHIEF JUDGE LIPPMAN: So the judge should  
4 have stepped in at that point?

5 MS. CZAPRANSKI: Well, I - - -

6 CHIEF JUDGE LIPPMAN: When the DA says this  
7 is part of the plea, the judge should step in?

8 MS. CZAPRANSKI: I would accept anybody  
9 stepping in and trying to correct - - -

10 JUDGE SMITH: Was it necessarily incorrect?  
11 Didn't he just mean it was part of your plea  
12 agreement?

13 MS. CZAPRANSKI: Pardon?

14 JUDGE SMITH: Didn't he just mean it was  
15 part of your plea agreement, and wasn't that really  
16 correct that - - - do you understand that part of the  
17 deal is you're going to get this term?

18 MS. CZAPRANSKI: I - - - I think that when  
19 a prosecutor who's there to prosecute, says  
20 something, it means actually a good deal more than  
21 say, for instance, when the court was mentioning that  
22 my client at some point said the word yes. Are we  
23 going to - - -

24 JUDGE SMITH: I mean, I'm questioning  
25 whether it was really incorrect. I know that the

1 dissent says it was, but can't - - - can't it be  
2 fairly read as saying do you understand that as part  
3 of the deal that you're going to get a term of post-  
4 release supervision?

5 MS. CZAPRANSKI: Well, Your Honor, I  
6 suppose it could - - - could be read either way. But  
7 I do think there are three points leading to why we'd  
8 - - - we'd be asking for reversal in this matter;  
9 that would be but one. And I do think it could be  
10 interpreted the way I'm presenting it as well.

11 And then in addition to that you have the  
12 court go on and, sua sponte, bring up this whole  
13 waiver from the word "yes". A waiver, in - - - in  
14 all legal terms, is an - - - an affirmation, an  
15 affirmative relinquishment of an actual right or a  
16 privilege. And - - - and there's no issue about it;  
17 you stand up and say this is something I do not want.  
18 So this is the opposite of a waiver. So I think that  
19 language, coupled with these other two factors, the  
20 no information at the - - - at the plea - - -

21 JUDGE SMITH: What's the - - - what about  
22 People against Murray? How do you distinguish that?

23 MS. CZAPRANSKI: Well, Your Honor, I think  
24 Murray is easily distinguishable, because this  
25 individual was informed, at the time of the plea,



1 about post-release supervision. And in fact, later  
2 on, at sentencing, the term was corrected. And I'm  
3 not diminishing that, but the term from two to three  
4 years is quite different from not even knowing you're  
5 going to be sentenced to post-release supervision.

6 CHIEF JUDGE LIPPMAN: Do you think that - -  
7 - are you saying that the - - - the DA changed the  
8 barg - - - the plea bargain? Is that the problem,  
9 and you need notice?

10 MS. CZAPRANSKI: I - - - I think the  
11 argument is more that this is the first time that it  
12 be - - - it comes up as being - - -

13 CHIEF JUDGE LIPPMAN: It's not what you  
14 agreed to.

15 MS. CZAPRANSKI: Certainly not that we're  
16 aware of on the record.

17 CHIEF JUDGE LIPPMAN: And Murray the  
18 difference is that you know you have PRS, you don't -  
19 - - but you didn't know the exact year.

20 MS. CZAPRANSKI: Right, there's a one-year  
21 difference, right, Your Honor.

22 JUDGE SMITH: Talk very briefly about the  
23 suppression issue.

24 MS. CZAPRANSKI: Well, Your Honors, I  
25 actually find the suppression issue very interesting.

1 And I would note that we wouldn't be that plea and  
2 post-release supervision issue but not for the  
3 incorrect suppression ruling. And again, I would  
4 point to this court's decisions last fall, where the  
5 court well notes that a plea after an incorrect  
6 suppression ruling is very problematic. In this  
7 situation, the arrest without probable cause, I would  
8 say, never loses its taint up to the station house or  
9 as to the statement - - -

10 CHIEF JUDGE LIPPMAN: You don't think it's  
11 attenuated?

12 MS. CZAPRANSKI: I don't - - -

13 CHIEF JUDGE LIPPMAN: Here, in this case,  
14 how long a period was it, again?

15 MS. CZAPRANSKI: Your Honor, it's under an  
16 hour when she's seated in that chair. Under an hour  
17 she's seated in - - - in that chair in Greece. And  
18 even on the record, I would suggest that that  
19 statement, which also makes use of the knife that's  
20 otherwise suppressed, according to the second  
21 component of the suppression ruling, is brought up  
22 during the, quote, unquote, "confession". So I would  
23 actually say it's not even close to being attenuated;  
24 it remains tainted. And there's - - -

25 JUDGE GRAFFEO: Even though she was

1 transported, she was in a couple different locations?

2 MS. CZAPRANSKI: My understanding was she  
3 was in the back of the police car, to the back of a  
4 car, to the room in Greece. If - - - if I'm - - - if  
5 I'm mistaken, please correct me, but there - - -  
6 there's nothing that cleanses and neutralizes the  
7 illegal arrest, I find. If there had been some  
8 independent police work, almost anything else that  
9 would have led them to have a reason to have her in  
10 custody and to maybe give rise to probable cause, be  
11 it another route, other than the fact that there  
12 wasn't one here - - -

13 JUDGE ABDUS-SALAAM: How about the  
14 confirmatory ID by the victim?

15 MS. CZAPRANSKI: I actually would argue  
16 that that's the opposite of neutralizing an arrest  
17 without probable cause, to be brought by the house of  
18 somebody you've known for five years. I - - - I just  
19 don't even know that that means anything one way or  
20 another.

21 JUDGE SMITH: Well, you say that they knew  
22 - - - that the police knew all along that these  
23 people knew each other, but that - - - that assumes  
24 the police had the right person. If you assume that,  
25 they had probable cause to arrest her.

1 MS. CZAPRANSKI: But that's not known at  
2 the time. This is obviously in the - - -

3 JUDGE SMITH: Okay. But then it's  
4 perfectly appropriate - - - if they didn't know, it  
5 would be reasonable to have the confirmatory ID, say  
6 is this - - - is this the person you've known all  
7 these years.

8 MS. CZAPRANSKI: And given that, Your  
9 Honor, and - - - and if that's the case, would that  
10 be enough? I mean, so - - -

11 JUDGE SMITH: Do you argue that the show-up  
12 itself was tainted by the unlawful arrest?

13 MS. CZAPRANSKI: Absolutely; she's in the  
14 back of a police car in cuffs.

15 JUDGE SMITH: So even though it was  
16 confirmatory, presumably they could have done it  
17 without the arrest, but you say the fact that they  
18 did do it with the arrest is a taint?

19 MS. CZAPRANSKI: Thank you, yes; that's  
20 exactly what I'm trying to say.

21 CHIEF JUDGE LIPPMAN: Okay. Thanks,  
22 counsel.

23 MS. CZAPRANSKI: Thank you.

24 MR. DUNHAM: Good afternoon. May it please  
25 the court. Matthew Dunham, appearing on behalf of

1 the Monroe County District Attorney's Office.

2 CHIEF JUDGE LIPPMAN: Counsel, where does  
3 this fit in with Catu and Louree and on the PRS  
4 issue?

5 MR. DUNHAM: I think this case is closest  
6 to the Murray case and - - - and I think it be - - -

7 CHIEF JUDGE LIPPMAN: In Murray there was  
8 some notice.

9 MR. DUNHAM: There was - - -

10 CHIEF JUDGE LIPPMAN: They knew that there  
11 was PRS, right?

12 MR. DUNHAM: Correct, they knew that there  
13 would be some type of PRS.

14 CHIEF JUDGE LIPPMAN: So isn't it  
15 relatively distinguishable?

16 MR. DUNHAM: It's somewhat different, but I  
17 don't think that - - - that distinguishing - - -

18 CHIEF JUDGE LIPPMAN: What's the principle  
19 that's the same?

20 MR. DUNHAM: The principle is, if - - - if  
21 a defendant's sentence is enhanced, unbeknownst to  
22 them, after the plea, at the time of sentencing, do  
23 they have the opportunity to speak up and challenge  
24 that enhancement, and whether that enhancement is  
25 just one year of post-release supervision tacked on

1 or whether it's a full five years.

2 CHIEF JUDGE LIPPMAN: Yeah, but isn't it  
3 that the plea is changed, the plea bargain is totally  
4 changed, that they don't know that - - - that there's  
5 anything to do with PRS.

6 MR. DUNHAM: Right, but I would argue that  
7 that - - - that the change is even greater in this  
8 case than it was in Murray, because now we have post-  
9 release being entered into the equation, on the  
10 record anyway, for the first time. And - - - and  
11 that, if anything, would - - - would arouse the more  
12 likelihood that there'd be an objection to that.

13 CHIEF JUDGE LIPPMAN: How many - - - how  
14 much time did the defendant have to say yes, it's  
15 okay?

16 MR. DUNHAM: She had quite a bit of time,  
17 actually. The record - - - after she's first  
18 informed of PRS, the transcript continues for seven  
19 full pages, or maybe it's six and a half, but six and  
20 a half, seven pages of transcript. During that time,  
21 her attorney speaks twice to the court on her behalf.  
22 During that time, an order of protection is served, a  
23 commitment order is signed, the judge reads a letter  
24 from the victim - - - I'm sorry, from the defendant.  
25 He takes the time to do that during this time.

1 CHIEF JUDGE LIPPMAN: Does the judge have  
2 an obligation to step in, into that kind of situation  
3 where the - - - the counsel said, oh, you know, the -  
4 - - the DA says, oh, PRS, part of the plea. What  
5 does the judge do? What's the judge's  
6 responsibility?

7 MR. DUNHAM: I think it's preferable if the  
8 judge steps in and if the judge clarifies the  
9 situation. I think we'd all agree that that - - -  
10 that would be the preferable circumstance - - -

11 CHIEF JUDGE LIPPMAN: Rather than the DA  
12 clarifying the situation?

13 MR. DUNHAM: It's usually cleaner if the  
14 judge does it, but I don't think that that's - - -  
15 that that results in a - - - in a reversal in this  
16 case. And I think if we go too far down that road of  
17 what's required of the judge and what he must say in  
18 the circumstance, that we might undo the Murray case,  
19 because if ultimately - - - if we require the judge  
20 to say, you know, you can withdraw your plea, then if  
21 that's required then that does away with the  
22 preservation requirement.

23 CHIEF JUDGE LIPPMAN: But look - - - but  
24 this was a judge who knew about these kinds of things  
25 in the - - - previously, he had adjourned when they

1 wanted the - - - the defendant to waive, right? The  
2 judge - - - judge understands about that. Why  
3 wouldn't the judge just as, you know, concretely step  
4 in at this - - - at the sentencing stage?

5 MR. DUNHAM: Well, like I said, it would -  
6 - - it would be preferable. I can't - - - as to why  
7 he didn't in this case, I'd be speculating. I  
8 suppose we know that these trial dockets are busy and  
9 they're trying to get through cases and - - -

10 CHIEF JUDGE LIPPMAN: Yeah, yeah, but we  
11 don't trample on people's rights because the dockets  
12 are busy.

13 MR. DUNHAM: It's absolutely not a good  
14 excuse, and we certainly don't want to trample on - -  
15 -

16 CHIEF JUDGE LIPPMAN: Right.

17 MR. DUNHAM: - - - on someone's rights.

18 CHIEF JUDGE LIPPMAN: So you're just saying  
19 it wasn't the best of practice but it was okay,  
20 sufficient.

21 MR. DUNHAM: Exactly, yes.

22 JUDGE GRAFFEO: What specifically did she  
23 say during this questioning that makes it perfectly  
24 clear that she was aware of the five years of PRS at  
25 the time of the plea?



1 MR. DUNHAM: I think that the key question  
2 is when she's asked did you discuss this, meaning  
3 PRS, with your attorney, and she says yes. And the  
4 attorney was standing right there - - -

5 JUDGE GRAFFEO: Is that sufficient? Does  
6 that tell us that she knows the term of the PRS  
7 that's being added to her sentence?

8 MR. DUNHAM: I think it's sufficient in the  
9 context of the entire colloquy, and also in the - - -  
10 with the - - - with the understanding that the  
11 defense attorney's standing right there and he has -  
12 - - and he advocated zealously for her, throughout  
13 the sentencing proceeding and the suppression  
14 hearing, and he didn't step in at that point and say  
15 - - -

16 JUDGE SMITH: Are you saying - - -

17 MR. DUNHAM: - - - hold on a - - -

18 JUDGE SMITH: Are you saying that she knew  
19 at the time of the plea?

20 MR. DUNHAM: Well, the record wouldn't - -  
21 - wouldn't support that, no.

22 JUDGE SMITH: No, you're - - - so if I  
23 understand you right, you're admitting - - - everyone  
24 admits that there was Catu error in that the judge  
25 failed to advise her at the time of the plea, but

1           you're saying that the error had to be preserved  
2           because she had an opportunity to complain of it.

3                     MR. DUNHAM:   Exactly, yes.

4                     JUDGE PIGOTT:  The colloquy that we've been  
5           talking about, my notes, I think, indicate that the  
6           judge didn't participate in that, that - - - I mean,  
7           at one point he did; he said, well, I intended to,  
8           when - - - you know, when somebody pointed out there  
9           was no PRS.  But all of that colloquy is between the  
10          district attorney and the defendant, correct?

11                    MR. DUNHAM:  Correct.  And I think if the  
12          court's concern is - - - if this court's concerns is  
13          - - - is that the judges should step in more, they  
14          should be more participatory in these kind of  
15          situations - - -

16                    JUDGE PIGOTT:  It's not even that.  It just  
17          seems to me that's his - - - his or her job.  I - - -  
18          I - - - there's been other transcripts similar to  
19          this where the judge just witnesses the DA saying,  
20          defendant, you're charged with such and such and  
21          such, you've agreed to plead down to this, you know,  
22          is that - - - is that your plea, and they say yes,  
23          and the judge says I'll accept the plea.  And there  
24          just seems to be a tendency - - - I - - - I don't  
25          know if it's this court or not, but where the judge

1           seems to be sitting back and the - - - and the People  
2           are - - - are the ones moving the case forward. And  
3           - - - and in this case, whatever happened before  
4           sentencing isn't - - - isn't clear, but in - - - in  
5           this case it seems like the district attorney,  
6           similar to what Judge Smith seemed to be asking,  
7           they're saying, well, remember PRS was part of the  
8           plea, right. And it's almost like do we all - - -  
9           can we all go back and test our memories, to be - - -  
10          to be clear that at the time of the plea we knew the  
11          PRS was - - - was involved. And then we go from  
12          there. And it's just not quite clear that anybody,  
13          you know, made sure that the whole thing was kosher,  
14          so to speak.

15                 MR. DUNHAM: And I would concede it should  
16          - - - it should have been clearer, not fatal to our  
17          case, I don't believe. And I - - - I think some of  
18          the issue - - - these issues arise because in our  
19          jurisdiction various trial judges do things  
20          differently, and some judges have the prosecutor do  
21          everything from arraignment right on to ruling and  
22          others don't.

23                 CHIEF JUDGE LIPPMAN: Yeah, but the  
24          prosecutor doesn't clarify what the plea is. Isn't  
25          it incumbent upon the judge, when the prosecutor says



1 time is up?

2 MR. DUNHAM: Yes. So we believe that the -  
3 - - that there was attenuation in this case, the  
4 intervening event primarily being the - - - the show-  
5 up identification procedure.

6 JUDGE SMITH: Why isn't that, in itself,  
7 tainted, as your adversary says?

8 MR. DUNHAM: I think it's - - - and what I  
9 argued in my brief, the officer in this case, the  
10 ruling was there was no probable cause for the  
11 arrest. Really can't take issue with that.

12 JUDGE SMITH: And you accept that ruling  
13 for the purposes of this appeal, right?

14 MR. DUNHAM: I do. And I - - - but I do  
15 think that there was - - - there was reasonable  
16 suspicion. I - - - I believe that the trial court  
17 maybe even ruled that there was reasonable suspicion.

18 JUDGE SMITH: So he could have done a Hicks  
19 stop and maybe brought the victim to her instead of  
20 her to the victim?

21 MR. DUNHAM: Exactly, and I think that's  
22 what you should - - -

23 JUDGE SMITH: Is that the way it works?  
24 Does he get credit for what he could have done, so to  
25 speak, or isn't he stuck with what he in fact did?

1                   MR. DUNHAM: Well, he's - - - he is stuck  
2 with what he did, to an extent, and there was  
3 evidence that was suppressed and we lost evidence in  
4 this case because of what he did. But I think as  
5 long as the - - - if the - - - the ultimate station  
6 house confession is that the product of the - - - of  
7 the unlawful acts of the police officer, and I - - -  
8 and I don't think it is, I think that's - - - that  
9 would have happened anyway. That was the product of  
10 - - - of the police work that he had done up to that  
11 point, which would have been lawful, had he not  
12 slapped the cuffs on her and threw her in the back of  
13 the police car.

14                   JUDGE ABDUS-SALAAM: Does it matter how  
15 long it was before she was taken to the police  
16 station? Your adversary says it was under an hour.  
17 I think it was around sixty-five minutes, or  
18 something like that. So what's your position on the  
19 timing?

20                   MR. DUNHAM: The timing alone - - - I think  
21 it was sixty-five minutes - - - would - - - that  
22 wouldn't be enough. There's case law saying that  
23 that's not enough time, in and of itself. But the  
24 fact that timing isn't there, in an attenuation case,  
25 it is not fatal, necessarily, to the case. And so -

1           - - so if we couple together with the other factors  
2           at play, including that Miranda was read, that  
3           different investigators were involved, I believe she  
4           was - - - she just wanted to confess. I mean, she  
5           blurted it out at the scene that - - - that she could  
6           show the officer where the knife was. And then she -  
7           - - you know, she went on to say - - - she was just  
8           dying to confess, I think. So I don't think it was  
9           the product of the illegal arrest.

10                        CHIEF JUDGE LIPPMAN: Okay. Thanks,  
11           counselor.

12                        MR. DUNHAM: Thank you.

13                        CHIEF JUDGE LIPPMAN: Counselor, rebuttal?

14                        MS. CZAPRANSKI: Only one brief detail with  
15           respect to Your Honor's question on the temporal  
16           proximity. The - - - at appendix 21, the crime  
17           report shows that my client was absolutely illegally  
18           seized by 1930, or otherwise known as 7:30 p.m. The  
19           interrogation reporting time stamp is 2023:13, adding  
20           seconds, of course, being 8:23 p.m. That's less than  
21           an hour later, not necessarily when the police  
22           actually keep repeatedly coming and interrogate her,  
23           per se, but they put her in the room alone, where  
24           she's left for some time, which of course is part of  
25           the interrogation.

1                   On behalf of Ms. Turner, we of course  
2 respectfully request that the plea be vacated, the  
3 conviction reversed, and the suppression ruling  
4 altered.

5                   CHIEF JUDGE LIPPMAN: Okay.

6                   MS. CZAPRANSKI: Thank you.

7                   CHIEF JUDGE LIPPMAN: Thanks.

8                   (Court is adjourned)

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C E R T I F I C A T I O N

I, Sharona Shapiro, certify that the foregoing transcript of proceedings in the Court of Appeals of People v. Genna Turner, No. 164, was prepared using the required transcription equipment and is a true and accurate record of the proceedings.

*Sharona Shapiro*

Signature: \_\_\_\_\_

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