

Supreme Court
of the
State of New York



JUSTICES' CHAMBERS
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BROOKLYN, NEW YORK 11201
347-296-1052

HON. JO ANN FERDINAND
ACTING SUPREME COURT JUSTICE

TO: Judges and Justices of the NYC Criminal Court and Kings County
Supreme Court, Criminal Term

FROM: Judge Jo Ann Ferdinand

RE: Brooklyn Felony DWI Court

DATE: October 4, 2010

The Kings County Supreme Court will begin a DWI Court on October 12, 2010, as a separate track within the Brooklyn Treatment Court, to give alcohol or substance abusing defendants charged with a Felony DWI an opportunity to complete court supervised treatment and reduce criminal justice penalties.

The Court will accept Felony DWI charges where there is no serious physical injury or death, no children 15 years old or younger in the car, and where the defendant does not have a prior Felony DWI conviction. Eligible cases will be identified at the Arraignment in Brooklyn Criminal Court and defendants will be referred to Part APD, the Brooklyn Treatment Court. Upon agreement of the District Attorney and consent of the defendant, an evaluation will be ordered to determine whether an addiction exists that is appropriate for treatment. If both parties and the Judge agree, a felony plea will be entered with the sentence deferred to allow for participation in treatment and a favorable resolution of the charges upon the successful completion of the mandate.

To be eligible for the Brooklyn DWI Court a defendant must be 21 years old or older, charged with an E or D Felony DWI based on one or two prior misdemeanor DWI convictions within 10 years (Current Charge[s]: VTL §§ 1192.2; 1192.2-a[a]; 1192.3; 1192.4; 1192.4-a). The presence of other charges on the complaint or indictment will not act as a bar to the defendant's eligibility unless one or more of the following disqualifying factors exist: a child 15 years old or younger is in the car, the case alleges serious physical injury or death, the defendant has a prior conviction within the past 10 years for a Violent Felony or an A Felony, or the defendant has a pending Violent Felony or A Felony.

All potentially eligible cases will be identified at the Criminal Court Arraignment and stamped DWI COURT ELIGIBLE by Clerks unless the file has been marked INELIGIBLE FOR DWI COURT by the District Attorney's Office (if a child 15 years old or younger was in the car or the case involves serious physical injury or death).

Cases stamped DWI COURT ELIGIBLE should be adjourned to Part APD (the Brooklyn Treatment Court) for the next business day.

Arraignment judges should not order VTL § 1198 assessments or screenings for any cases adjourned to DWI COURT.

If you have any questions or would like a copy of the complete guidelines for the new part, please contact me by e-mail or in chambers at 347-296-1052.