

STATE OF NEW YORK
COUNTY COURT

COUNTY OF ULSTER

THE PEOPLE OF THE STATE OF NEW YORK,

-against-

DECISION AND ORDER

ISMAIL SHABAZZ, a/k/a/ GARY FAULKNER,

Indictment No. 87-15

Defendant.

Appearances:

For the People:

D. Holley Carnright, Ulster County District Attorney

For the Defendant:

Sussman & Watkins
by Joshua Povill, Esq.

WILLIAMS, J.

By Notice of Motion dated October 2, 2015, the defendant, Ismail Shabazz a/k/a Gary Faulkner, moves for this Court to recuse itself from presiding over this case. The People oppose the motion.

Initially, defendant's counsel acknowledges that this Court can impartially preside over this matter.¹ Indeed, this Court has no doubt that it can. However, in his motion papers the defendant asserts that he will raise and rely upon a defense that may place in issue his past, including "both his criminal behavior and his public work regarding the enforcement of our laws." This being the case, it is a valid concern that some of the evidence put forth in support of this defense may involve time periods when the Court, initially as an assistant district attorney and then as district attorney, prosecuted or supervised the prosecution of the defendant. Given

¹Specifically, counsel states on page 3 of his motion papers "defense counsel does not contend that Your Honor cannot be impartial in presiding over Mr. Shabazz's trial."

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that possibility, and in order to avoid the appearance of impropriety, appellate issues and the potential for subsequent recusal motions (both before or during trial) which could cause undue delay to future court proceedings, the Court concludes that recusal is the most prudent course of action.

Accordingly, the defendant's motion is in all respects granted and this Court is recused from presiding over this case.

The foregoing constitutes both the decision and order of this Court.

Dated: October 9, 2015

A handwritten signature in black ink, appearing to read "Donald A. Williams", written over a horizontal line.

Donald A. Williams
County Judge

Fax Message

To: 8452941623

Fax: 8452941623

From: Claudia Jones

Date: 10/9/2015 1:05 PM

Pages: 1 of 3 (including this page)

Subject: People vs. Shabazz, Ind #: 87-15

Counselors,

Attached please find the Decision/Order signed by Judge Williams.

Claudia J. Jones
Chief Clerk
Ulster Supreme & County Courts

-----Original Message-----

From: 3JD_Konica_Scan@nycourts.gov [mailto:3JD_Konica_Scan@nycourts.gov]

Sent: Friday, October 09, 2015 12:58 PM

To: Claudia Jones <cjones@nycourts.gov>

Subject: [Image File] Claudia,, #488

FROM:

Image data has been attached to
the E-Mail.