

1 CRIMINAL COURT OF THE CITY OF NEW YORK
2 COUNTY OF NEW YORK: PART AR1

2 -----x

3 THE PEOPLE OF THE STATE OF NEW YORK,

4 -against-

Docket No.

5 DARRELL JOHNSON,

CR-028931-21NY
CR-014876-20NY
ARRAIGNMENT

6 Defendant.

7 -----x

8 100 Centre Street
9 New York, New York 10013
10 December 3, 2021

11 B E F O R E: HONORABLE ROBERT ROSENTHAL,
12 CRIMINAL COURT JUDGE

13 A P P E A R A N C E S:

14 OFFICE OF CYRUS VANCE, JR., ESQ.
15 District Attorney, New York County
16 One Hogan Place
17 New York, New York 10013

18 BY: DAMYRE BENJAMIN, ESQ.
19 Assistant District Attorney

20 NEW YORK COUNTY DEFENDER SERVICES,
21 Attorneys for the Defendant
22 100 William Street
23 New York, New York 10038
24 BY: KRISTIN MCALPIN, ESQ.

25 Tracy Groth
Official Court Reporter

1 THE COURT OFFICER: 931, Darrell Johnson. This
2 Defendant charged with four counts assault third degree and
3 underlying charges. Pre-sworn affidavit.

4 Defendant before the Court, New York County DAT
5 warrant 876 of 2020, top charge on that is two counts
6 assault third degree, warranted Judge Moyne, November 6,
7 2020 out of the DAT part.

8 Counsel, waive the reading of the rights and
9 charges but not the rights thereunder? Move to vacate on
10 the DAT?

11 MS. MCALPIN: Yes.

12 MS. BENJAMIN: As to docket ending in 931, there's
13 no offer or recommendation at this time.

14 The People are serving statement notice that on
15 December 2nd, 2021, at approximately 9:32 a.m., at West 79th
16 Street and West End Avenue, the Defendant stated in
17 substance to Sergeant Carmen Fabian, C-A-R-M-E-N,
18 F-A-B-I-A-N, the first woman had a dog that approached me.

19 There are no further notices at this time.

20 And the People are requesting supervised release.
21 The Defendant has three failures to appear, two felony
22 convictions, including one violent felony, two misdemeanor
23 convictions, one open felony, including one violent felony,
24 two open misdemeanor cases, and one on an adjournment in
25 contemplation of dismissal status.

1 Therefore, supervised release is the least
2 restrictive means.

3 THE COURT: All right. Before we get to that -- so
4 just statement notice and what do we have with the other
5 case before we talk about release?

6 MS. BENJAMIN: One moment, Your Honor.

7 As to docket ending in 876, the People -- on a plea
8 to the charge, the People recommend 60 days' jail.

9 THE COURT: So no disposition there?

10 MS. MCALPIN: No. We're not going to take that
11 today.

12 THE COURT: Where were we on that case? Looks like
13 when warrants began -- we're going to need a TOP on that
14 case, People. So he's just been arraigned on that case now,
15 right? He's never appeared?

16 MS. MCALPIN: My understanding was that yeah, he
17 never appeared for arraignment.

18 THE COURT: That's correct. And you arraigned him,
19 correct?

20 THE COURT OFFICER: I arraigned him, yes, Judge.

21 THE COURT: All right. And that case -- and there
22 is a supporting deposition in the file?

23 MS. BENJAMIN: Yes, Your Honor. The People filed a
24 supporting deposition via EDDS on November 4th.

25 MS. MCALPIN: I would ask that a copy be served on

1 me also.

2 THE COURT: There was a copy served on you?

3 MS. MCALPIN: No, I would ask that one be served on
4 me at some point.

5 MS. BENJAMIN: Additionally, for the record, as to
6 docket ending in 876, there is no notices at this time and
7 the People are also requesting supervised release as to the
8 previous application made for the previous docket.

9 THE COURT: Okay. So that supervised release
10 was -- what? That supporting deposition was filed on
11 November of 2020, and this case is now converted, I believe.
12 That case is converted.

13 So that case, I imagine you want a trial date on
14 that.

15 MS. MCALPIN: Please.

16 THE COURT: All right. So let's go to Part B, and
17 we'll do that about 60 days out, which is -- well, let's do
18 February 1st?

19 MS. MCALPIN: Sure. Part D or B?

20 THE COURT: B.

21 MS. MCALPIN: As in boy?

22 THE COURT: Yep.

23 MS. BENJAMIN: This is for docket ending 876,
24 correct?

25 THE COURT: This is 876. And we'll put docket 931

1 on the same day in Part B, February 1st for supporting
2 deposition. There are three supporting depositions needed
3 in that case.

4 And I'll hear from supervised release.

5 MS. SMITH: Emily Smith for CASES Supervised
6 Release. Your Honor, I did speak with Mr. Johnson earlier
7 and he is eligible for tier 2 level 4 reporting with us.

8 If he's given supervised release, we will have him
9 come to our Harlem office on Monday and after we set up the
10 exact date and time after this arraignment, any
11 noncompliance will be reported back to the Court in a timely
12 manner.

13 THE COURT: Okay. And you can track these
14 together, if I -- you prefer that I put them on one and not
15 both?

16 MS. SMITH: Yes, Your Honor. We would request that
17 he be released on supervised release in docket ending 931
18 and we will remind him of all court dates associated.

19 THE COURT: Okay. These are going to travel
20 together, so I'm going to do that. We'll put him on
21 supervised release tier 2 level 4 on docket 931.

22 I'm going to release you on your own recognizance
23 on docket 876, sir. Supervised release means you need to go
24 for your intake on Monday. You need to be there. You need
25 to make all of your supervised release appointments, all of

1 your court appearances.

2 If you miss a supervised release appointment,
3 whether it's a phone call or in person, or you miss a court
4 date, a warrant will be issued for your and arrest and
5 return to court in custody, at which time additional
6 restrictions, in some circumstances bail, could be set.

7 So do stay in touch with supervised release. Stay
8 in touch with your attorney.

9 We will see you back in this courthouse on
10 February 1st for trial on 876 and three supporting
11 depositions in 931.

12 I'm sorry. Ms. Mcalpin, any concerns with the TOP?
13 I didn't hear the request.

14 MS. MCALPIN: It just needed to be extended, right?

15 (CONTINUED ON NEXT PAGE FOR CERTIFICATION)

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1 THE COURT: Oh, yeah. I'm sorry. You're all good.
2 TOP is extended.

3 MS. BENJAMIN: The People want to serve 876, it's
4 identification notice -- the People are serving
5 identification notice that on August 3, 2020, at
6 approximately 12:45 p.m., inside of 506 Lenox Avenue, one
7 witness identified the Defendant in a confirmatory
8 identification via surveillance video.

9 THE COURT: Any other notices?

10 MS. BENJAMIN: There are no further notices at this
11 time.

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13 This is certified to be a true and accurate
14 transcript of the stenographic notes.

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19 TRACY GROTH

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Official Court Reporter

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