

July 17, 2014

Garry Thomas' note

Onondaga County Court House, judge Thomas J. Miller presiding:

Salisbury: Feels merits of the case favor an appeal because:

- In the matter of the Order of Protection (OOP), protected party was not a witness to the violation;
- The Hancock base cannot be a protected party because it is property, not an individual;
- The OOP was vague, the order to "stay away" lacks specificity; Mary Anne was not made clear of what the boundaries were; in an analogous case trespass charge had been thrown out because of lack of specificity; charge to jury was to "use their life experience," which could lead to a variety of interpretations;
- The sentence was overly harsh and "does not meet the standard" for such a case.

McNamara counters:

- It is not required for there to be an eye witness to the violation, according to 530
- The judge's sentence is appropriate because, as he said, it would serve as a deterrent

After a bench visit by both the ADA and Salisbury, Judge Miller says "after taking into consideration the statements of McNamara and Salisbury" he grants "a stay of execution of the sentence," releases her from jail, and sets the bail at \$5,000.