

HONORABLE GARY FRANCIS MIRET
Queens Supreme Court, Criminal Term
125-01 Queens Boulevard
Kew Gardens, New York
11415

Legal Experience

Acting Supreme Court Justice of the State of New York, Queens County.....June, 2021 to Present
Appointed to the New York State Court of Claims in June, 2021.

Assigned to the Felony Driving While Intoxicated Part where my judicial duties include, but are not limited to, conducting Pre-Trial Hearings, Trials, Sex Offender Registration Act Hearings, and Parole Recognizance Hearings. In addition, have rendered over one hundred decisions on Omnibus Motions, CPL 440 Motions, CPL 160.59 Sealing Motions and other related decisions. I have also participated in several moot court trial competitions as a presiding judge.

Law Offices of Gary F. Miret, Queens County, New York.....November, 1996 to June, 2021
Of Counsel to Law Offices of Anthony Maiocchi, LLP, Hawthorne, NY.....January, 1998 to June, 2021
General Practice

Involved in the General Practice of Law which areas include Criminal Defense, Real Estate, Landlord-Tenant, Matrimonial and Family Law, Wills and Estate Planning, and Business Law.

Office of the District Attorney, Queens County, New York.....August,1986 to October, 1996
Assistant District Attorney

Assigned to the Supreme Court Trial Bureau for over three years where I conducted approximately fifty Supreme Court Trials and Pre-Trial Hearings. Other assignments included the Homicide Investigations Bureau, Rackets and Economic Crimes Bureau, Narcotics Bureau, Appeals Bureau, Criminal Court and the Special Victims Bureau.

Speiser & Krause, P.C., New York, New York.....May,1985 to May,1986
Law Clerk

Participated in investigating and analyzing all phases of negligence litigation, including, but not limited to, the drafting of pleadings, motions, memoranda, trial and appellate briefs in State and Federal Courts for both plaintiff and defense, involving aviation, products liability, and negligence. In addition, attended pre-trial conferences, depositions and trials in State and Federal Courts.

United States District Court, Eastern District of New York.....May, 1984 to September, 1984
February, 1985 to May, 1985
Judicial Law Clerk to the Honorable Mark A. Costantino

Education

St. John's University School of Law, Jamaica, New York

Juris Doctorate conferred June of 1986

Activities

President, The Black and Latino Law Students Association

Member, The Criminal Trial Institute & Civil Trial Institute

Member, Phi Delta Phi Legal Fraternity

Honors

Finalist – Charles Sparacio Criminal Trial Competition, 1985

Finalist – Young Texas Lawyers Competition, Syracuse, New York, 1986

St. John's University, Jamaica, New York

College of Business Administration

Bachelor of Science, Business Management, May of 1983

Activities

Member of the St. John's Football Team, 1982

Member of the Pre-Law Society

Honors

Cum Laude

Dean's List (1980, 1981, 1982, 1983)

Activities

Member, Latino Lawyers Association of Queens County

Member, Latino Judges Association

Former Advisory Board Member, Latino Lawyers Association of Queens County

Former Member, Democratic Heights Club, Queens County

Former Member, Wood-Heights Democratic Club, Queens County

Former Member, Fred Wilson Democratic Club, Queens County

Former Member, Saul Weprin Democratic Club, Queens County

Former Member, Jose Peralta Democratic Club, Queens County

Member, Queens County Bar Association

Member, South Asian & Indo Caribbean Bar Association of Queens County

Member, Columbian Lawyers Association

Member, Second Vice President Catholic Lawyers Guild, Queens County

Member, Latino Court Officers Society

Member, Past Grand Knight, Knights of Columbus, Colon-Msgr. Higgins Council No. 309

Board Member, Msgr. McClancy Memorial High School, Board of Governors

Former Member, Grievance Committee for the Second, Eleventh and Thirteenth Judicial Districts

Former Dean, Academy of Law, Queens County Bar Association

Former Vice-Chair, Minorities in the Law Committee, Queens County Bar Association

Former Co-Chair, Criminal Court Committee, Queens County Bar Association

Former Member of the Board of Managers, Queens County Bar Association

Former Member, Board of Directors, Immaculate Conception Catholic Academy of Astoria

Guest Judge, Queens District Attorneys Annual Trial Competition

Guest Judge, Edward Hart Civil Competition, Frank Polestino Institute, St. John's University School of Law

Presiding Judge, Charles Sparacio Criminal Trial Internal Trial Competition, St. John's University School of Law

Former Assistant Varsity Baseball Coach, Msgr. McClancy Memorial High School
Former Assistant Freshman Basketball Coach, Msgr. McClancy Memorial High School
Former Volunteer Assistant Varsity Field Events Coach, Chaminade High School

Academy of Law Excellence Award, Queens County Bar Association, 2025
Catholic Lawyer of the Year, Catholic Lawyers Guild of Queens County, 2024
Lifetime Achievement Award, Latino Lawyers Association of Queens County, 2022
Latino Lawyer of the Year, Latino Lawyers Association of Queens County, 2013
Attorney Award from the South Asian Indo-Caribbean Bar Association, 2020
El Quijote Award from El Comite del Desfile de la Hispanidad, 2019

Guest of The Luis Jimenez Show, July 2023 Discussing Latino's in the Judiciary

Publications

People v. Andrew Morgan Indictment No. 72203-2022 decision dated December 16, 2022
Dismissal of counts of Aggravated Vehicular Assault, Vehicular Assault in the Second Degree and
Assault in the Second Degree due to People failing to show serious physical injury.
Published in the New York Law Journal

People v. Nana Barnes Indictment No. 72685-2022 decision dated February 10, 2023
Court found that the People’s use of the defendant’s previous conviction of a forged instrument was improper pursuant to CPL §60.40 and the People’s charge to Grand Jury was incomplete to sustain the charge of operating a motor vehicle under the influence of alcohol.
Published in the New York Law Journal

People v. Walter Aroca **Indictment No. 73310-2022** **decision dated March 24, 2023**

Court determined that the prosecutor improperly introduced both evidence of St. Patrick's Day, a holiday associated with the consumption of alcohol, in an effort to induce the Grand Jury to decide the case on an improper basis as well as lay opinion testimony of intoxication that lacked a proper foundation.

Published in the New York Law Journal

People v Cornelius Cutler **Indictment No. 72483-2023** **decision dated January 11, 2024**

Court found that the evidence presented to the grand jury was sufficient to establish that the complainant's cell phone was taken by force by the Defendant and co-Defendant by the use of a dangerous instrument and was retained by both after the complainant demanded it's return.

People v Daniel Harris **Indictment No. 72483-2023** **decision dated January 11, 2024**

The defendant's motion for severance was denied. The Defendant failed to demonstrate that the statement allegedly made by the co-Defendant inculpated him or raised any of the concerns in Bruton, that any evidence in a joint trial would result in unfair prejudice to him and that his defense was antagonistic to that of his co-Defendant.

Published in the New York Law Journal

People v Shahbab Khan **Indictment Nos. 2748-18 & 870-19** **decision dated December 18, 2023**

The defendant's motion to withdraw his pleas of guilty on two unrelated indictments was denied by the Court. The record belied the defendant's claim that he would never had pled of guilty if he had known that his sentence could be enhanced based on a subsequent arrest to his pleas and that his counsel was ineffective for failing to challenge his predicate felony statement and other related matters.

Published in the New York Law Journal

People v Kelvin Dalrymple Indictment No. 74067-2023 decision dated January 31, 2024

The Court found that the evidence before the Grand Jury was legally sufficient and that the integrity of the Grand Jury proceeding was not impaired because the District Attorney properly advised the Grand Jury with a limiting instruction as to the defendant's prior conviction for operating a motor vehicle while under the influence of alcohol.

Published in the New York Law Journal

People v Michael Moreno Indictment No. 74193-2023 decision dated April 10, 2024

The Court denied the defendant's motion to controvert the search warrant and suppress the blood alcohol content recovered from the defendant. The defendant failed to demonstrate a preliminary showing that the police officer provided misleading or inaccurate information in her affidavit in support of the search warrant.

People v James Fogle **Indictment No. 72917-2023** **decision dated May 6, 2024**

The Court denied the defendant's motion to suppress physical evidence recovered following his arrest and statements made to the arresting officer. The Court found that the loaded ghost gun recovered subsequent to an inventory search of the car the defendant was operating was proper and his statements were spontaneous and voluntary.

People v Alexis Morillo **Indictment No. 73960-2023** **decision dated May 20, 2024**

The Court denied the defendant's motion to suppress the identification procedure and the search warrants of the vehicle he drove on the night of the shooting and his cell phone was denied. The Court found that the identification procedure did not fall within the meaning of CPL §710.30(1) (b) and both search warrants were supported by probable cause.

People v Randol Contreras Indictment No. 73151/2024 decision dated February 10, 2025

The Court denied the defendant's motion to invalidate the certificate of compliance. The Court found that the belated disclosure by the People within one day of being notified there was missing discovery, demonstrated that the People exercised due diligence and acted in good faith.

People v Abdul Haruna Indictment No. 74116/2023 decision dated May 6, 2025

The defendant and two co-defendants were charged with in a 575 count superceding indictment that alleged the defendants acting in concert conspired to sell firearms, including assault weapons and large capacity ammunition feeding devices and ammunition. The defendant moved for severance from his co-defendant's alleging there was substantially more proof as to one of the co-defendant's and the likelihood exists that the jury would be unable to separately consider the proof as it relates to each offense. The motion was denied. The Court held that there was no question that the defendant played a central role in the gun trafficking conspiracy and he failed to demonstrate that he and his co-defendant's defenses were so antagonistic to him that trying them together would result in undue prejudice or deprive him of a fair trial.

People v Jamie Delgado Indictment No. 74023/2024 decision dated April 23, 2025

The Court granted the defendant's motion to dismiss the indictment. The Court found that while the People shared with the Court the responsibility of being the legal advisor to the grand jury, once a charge has been presented for consideration and rejected by a grand jury, it may not again be re-presented to any grand jury without authorization from the court.

Special Qualifications

Possess the ability to speak, read and write Spanish fluently.