

_____ COURT OF THE STATE OF NEW YORK
COUNTY OF _____ : PART _____
-----X

THE PEOPLE OF THE STATE OF NEW YORK

-against-

DECISION DENYING MOTION
TO PRESERVE EVIDENCE
Indictment/Docket No. **(NUMBER)**

(NAME),

Defendant.

-----X
HON. _____:

Pursuant to CPL §245.30(1), the **(PROSECUTOR/DEFENDANT)** has moved for an order from this Court to preserve the following item(s) **(LIST ITEMS)**, related to the subject matter of this case, in the possession, custody or control of **(INDIVIDUAL/ENTITY/AGENCY)** for a specified period of time, namely **(TIME FRAME)**. The **(MOVING PARTY)** asserts that **(GROUNDS FOR THE MOTION)**. The **(OPPOSING PARTY)** objects on the grounds that **(REASON)**.

Upon consideration of the **(ORAL ARGUMENT/WRITTEN SUBMISSIONS)** of the parties, as well as **(ORAL ARGUMENT/WRITTEN SUBMISSIONS)** of the **(INDIVIDUAL/ENTITY/AGENCY)**, this Court hereby denies the **(PROSECUTION/DEFENDANT)**'s motion to preserve evidence because a showing has been made that the preservation of the evidence will create a significant hardship to **(INDIVIDUAL/ENTITY/AGENCY)** such that **(DESCRIBE SIGNIFICANT HARDSHIP)**.

Further, this Court finds that the probative value of the evidence has been preserved by the following alternative means: **(DESCRIBE ALTERNATIVE MEANS)**.

(DATE)

HON. _____