

COUNTY COURT OF THE STATE OF NEW YORK

COUNTY OF STEUBEN : COUNTY COURT TERM

THE PEOPLE OF THE STATE OF NEW YORK

APPEARANCE

-Against-

IND. 70805-25/001

JENNIFER L. MULLEN,

Defendant.

Steuben County Courthouse
Bath, New York
June 30, 2026

B e f o r e :

HONORABLE CHRISTOPHER M. TUNNEY
Judge

A p p e a r a n c e s :

BROOKS T. BAKER, ESQ.,
District Attorney, Steuben County
Steuben County Office Building
Bath, New York 14810
BY: JOAN MERRY, ESQ.,
Deputy District Attorney

LUKE Z. FENCHEL, ESQ.,
Attorney for the Defendant

Jamie C. Hawley
Official Court Reporter
Steuben County Courthouse
Bath, New York 14810

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Official Court Reporter

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1 THE COURT: This is the matter of the People
2 of the State of New York versus Jennifer Mullen,
3 Indictment 70805-25. Ms. Mullen appears today with
4 Attorney Fenchel. The People are represented by
5 Attorney Merry. We are on today for a Huntley hearing.
6 It's my understanding that Ms. Mullen is prepared to
7 forgo that hearing and enter a plea today pursuant to
8 an amended offer recently conveyed by the People.

9 Attorney Merry, would you put that offer on
10 the record?

11 MS. MERRY: We have consulted with the
12 District Attorney on this matter. It's our position
13 today as we stand here that Ms. Mullen would plead to
14 an E felony. She will plead to count two of the
15 indictment which is offering a false instrument for
16 filing in the first degree.

17 After that, Your Honor, she will be placed on
18 a term of interim probation for a year. At the end of
19 the year on probation, if she does well, she will be
20 allowed to withdraw her plea and enter a plea to petty
21 larceny in satisfaction and she will finish the term of
22 probation.

23 In addition she will pay restitution in the
24 amount of \$1,008 to the Department of Labor. It's my
25 understanding that she may have done that. That will

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1 be cleared out with the pre-sentence investigation,
2 Judge, when that time comes. In addition, she will
3 waive her right to appeal.

4 If she doesn't do well on probation while
5 she's on interim probation supervision, she would be --
6 her plea will stand and that she would be sentenced to
7 a term of six months incarceration plus five years
8 probation, Your Honor. That's my understanding of the
9 agreement today.

10 THE COURT: Thank you.

11 Attorney Fenchel?

12 MR. FENCHEL: That's exactly right. To be
13 clear, we were here originally for a Huntley hearing.
14 We are in receipt of the Court's decision on the
15 Omnibus motions. We are waiving that. There are not
16 going to be any more hearings, not going to be even a
17 scheduled trial. Instead, our understanding is that
18 Ms. Mullen is going to enter a plea to that second
19 count of the indictment. We will be back so that she
20 may be placed on interim probation supervision.
21 Interim supervision provision. Interim probation
22 supervision, by statute, will be approximately a year
23 and so we will come back probably a little bit before
24 that and when it, though technically I think the word
25 is, if successful, we expect she'll withdraw her plea

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1 to the E felony and enter a misdemeanor plea. I did
2 discuss with her also the waiver of appeal. I think
3 that sums it up.

4 THE COURT: You mentioned count two, offering
5 a false instrument, that's what's being proposed?

6 MR. FENCHEL: That's exactly right.

7 THE COURT: All right. For some reason I
8 thought grand larceny was the misdemeanor count she was
9 pleading to.

10 All right. Ms. Mullen, your attorney has
11 indicated that you wish to accept the People's offer
12 today; is that right?

13 THE DEFENDANT: Yes, sir. That's correct.

14 THE COURT: All right. First of all, I'm
15 going to have you sworn in, okay?

16 THE DEFENDANT: I'm sorry, what was that?

17 THE COURT: I'm going to have you sworn in.

18 THE DEFENDANT: Okay.

19 J E N N I F E R L. M U L L E N,
20 having been called as a witness,
21 having been duly sworn, was
22 examined and testified as follows:

23 THE COURT: Okay. Ms. Mullen, I have to
24 decide whether to accept your plea of guilty. In order
25 to do that, I have to ask some questions of you and get

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1 some answers and evaluate them.

2 You need to understand that by answering my
3 questions and by pleading guilty, you give up two
4 rights. You give up your right to remain silent and
5 you also give up your right to not incriminate
6 yourself; do you understand that?

7 THE DEFENDANT: Yes, sir, I do.

8 THE COURT: Have you spoken with your
9 attorney about your case, about pleading guilty and
10 waiving your right to a trial by jury?

11 THE DEFENDANT: Yes, sir, I have.

12 THE COURT: Are you satisfied with the
13 services of your attorney?

14 THE DEFENDANT: Yes.

15 THE COURT: Okay. Do you understand that by
16 pleading guilty, you waive your right to a trial by
17 jury?

18 THE DEFENDANT: Yes, sir, I do.

19 THE COURT: At a trial by jury you're
20 presumed to be innocent and have the following rights:
21 You have the right to be represented by your lawyer.
22 You have the right to confront and cross-examine
23 witnesses presented by the DA. You have the right to
24 remain silent and to not incriminate yourself. You
25 have the right to call your own witnesses and to

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1 present evidence and you're not required to do that.
2 You also have the right to require that the District
3 Attorney prove your guilt beyond a reasonable doubt to
4 a jury of twelve people who must be unanimous in
5 finding you guilty. Do you understand those rights and
6 that by pleading guilty you give up those rights?

7 THE DEFENDANT: Yes, sir, I do.

8 THE COURT: Do you understand that by
9 pleading guilty you give up any defense you have to
10 these charges?

11 THE DEFENDANT: Yes, sir, I do.

12 THE COURT: Do you understand that a plea of
13 guilty is the same as a verdict of guilty rendered by a
14 jury after a trial?

15 THE DEFENDANT: Yes, sir, I do.

16 THE COURT: Ordinarily a defendant retains
17 the right to appeal even after pleading guilty. In
18 this case, however, as a condition of the plea and
19 sentence agreement, you are asked to waive that right
20 to an appeal.

21 An appeal is a proceeding before a higher
22 Court or what we call an Appellate Court.

23 If the defendant cannot afford the cost of an
24 appeal or a lawyer, the state will bear those costs.
25 On an appeal, the defendant may through her lawyer

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1 argue that an error took place in this court which
2 requires a modification or reversal of the conviction.
3 A reversal would require either new proceedings in this
4 court or dismissal; do you understand that?

5 THE DEFENDANT: Yes, sir, I do.

6 THE COURT: By waiving your right to appeal,
7 you do not give up your right to take an appeal by
8 filing a notice of appeal with the District Attorney
9 and this Court within thirty days of your sentence, but
10 if you do take an appeal, you are by this waiver giving
11 up the right to have the Appellate Court consider most
12 claims of error and whether the sentence I impose,
13 whatever it may be, is excessive and should be
14 modified. As a result, a conviction by this plea and
15 sentence will normally be final; do you understand
16 that?

17 THE DEFENDANT: Yes, sir, I do.

18 THE COURT: Have you spoken to your lawyer
19 about waiving your right to appeal?

20 THE DEFENDANT: Yes, I have.

21 THE COURT: Are you willing to do so in
22 return for the plea and sentence agreement?

23 THE DEFENDANT: Yes, sir, I am.

24 THE COURT: Do you waive your right to appeal
25 voluntarily and of your own free will and choice?

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1 THE DEFENDANT: Yes, sir.

2 THE COURT: Other than the plea and sentence
3 agreement which has been placed on the record, has
4 anyone made any other promise or commitment or
5 representation of any kind to get you to plead guilty?

6 THE DEFENDANT: They have not.

7 THE COURT: Has anyone threatened you, forced
8 you or pressured you in any way to get you to plead
9 guilty against your will?

10 THE DEFENDANT: No, sir, they haven't.

11 THE COURT: Have I or your lawyer or anyone
12 else said anything to you to have you plead guilty
13 against your will?

14 THE DEFENDANT: No, sir.

15 THE COURT: Are you therefore pleading guilty
16 of your own free will and choice?

17 THE DEFENDANT: Yes, sir, I am.

18 THE COURT: Do you understand that if you're
19 ever convicted of another crime in the future, this
20 conviction may be used against you to impose an
21 additional or different punishment for that new crime?

22 THE DEFENDANT: Yes, Your Honor.

23 THE COURT: I need a factual basis for the
24 plea so I'm going to turn your attention to count two
25 of the indictment.

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1 Ms. Mullen, is it true that on or about March
2 10th you were in the Town of Corning, County of
3 Steuben, State of New York?

4 THE DEFENDANT: Yes.

5 THE COURT: Did you file a written instrument
6 including a TC335 form with the New York State
7 Department of Labor knowing such form contained false
8 information and with the intent to defraud the state or
9 any political subdivision, public authority or public
10 benefit corporation of the state?

11 THE DEFENDANT: Yes, sir.

12 THE COURT: All right. Is that allocution
13 sufficient, Attorney Merry?

14 MS. MERRY: It is, Your Honor.

15 THE COURT: To the crime of offering a false
16 instrument for filing in the first degree, a Class E
17 felony in violation of Penal Law 175.35, how do you
18 plead; guilty or not guilty?

19 THE DEFENDANT: Guilty, sir.

20 THE COURT: I will accept the plea as
21 knowingly and voluntarily made. We will just adjourn
22 so that probation can provide us with terms and
23 conditions of interim probation supervision and we will
24 get a sentencing date then.

25 THE DEFENDANT: Yes, sir.

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1 COURT CLERK: July 14th at 11:30.

2 MR. FENCHEL: I'm available.

3 THE COURT: All right. Anything else for the
4 record today?

5 MS. MERRY: Just, do we need a sentence date?

6 THE COURT: We don't have a sentence date,
7 but I guess we can establish it now, but it'll go in
8 the probation conditions.

9 MS. MERRY: That's fine.

10 COURT CLERK: July 8th, 2027.

11 MR. FENCHEL: I think technically it has to
12 occur prior to.

13 THE COURT: It does.

14 COURT CLERK: It's not signed until July
15 14th.

16 THE COURT: Is it the plea or signing the
17 conditions?

18 COURT CLERK: It's a year from the
19 conditions.

20 THE COURT: Is it? Okay.

21 COURT CLERK: I can go earlier.

22 THE COURT: Just to be safe, let's go
23 earlier.

24 COURT CLERK: June 29th, 2027 at 10:00 a.m.

25 MR. FENCHEL: I'm surprisingly available.

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1 Did we have a time?

2 COURT CLERK: 10:00 a.m.

3 MR. FENCHEL: Thank you.

4 THE COURT: Okay. Anything else for the
5 record?

6 MS. MERRY: No, thank you, Your Honor.

7 MR. FENCHEL: No, thank you.

8 THE COURT: Thank you for your appearances.

9 See everybody in a couple weeks. Thank you.

10 * * *

11 (Certified to be a true and accurate transcript.)

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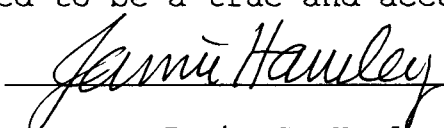
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