SC

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF WESTCHESTER
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ORIGINAL

MIRIAM E. ROCAH, as District Attorney of Westchester County

Petitioner,

-against-

MATTHEW J. COSTA, Judge of the New Rochelle City Court, MICHAEL MOLINA, Defendant, and GUSTAVO VILLAMARES SERRANO, Defendant

Respondents.
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Index No.:
1356-2022

AFFIRMATION IN REPLY TO RESPONDENT COSTA'S ANSWER

(Susan Cacace, J.)

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STATE OF NEW YORK)
ss.:
COUNTY OF WESTCHESTER)

BRIAN R. POULIOT, an attorney duly admitted to practice law before the Courts of the State of New York, makes the following affirmation under the penalty of perjury:

1. I am an Assistant District Attorney of Westchester County and counsel for the Petitioner, Westchester County District Attorney Miriam E. Rocah, and I make this affirmation in reply to Respondent Costa's Answer in the above-captioned matter.

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HON. SUSAN CACACE
COUNTY COURT JUDGE

2. The relevant facts and procedural history are set forth in the Petitioner's initial filings, including her Verified Petition, Affirmation in Support, and Memorandum of Law. To the degree Respondent Costa contradicts the Petitioner's factual statement, the Petitioner maintains the accuracy of the statements in her opening papers.

Respondent Costa raises no issue of material fact in his Answer, and there is no basis for the Court to depart from its prior determination that a writ of prohibition lies; Respondent Costa acted in excess of his authority, and the Petitioner has a clear legal right to relief.

3. As the Petitioner detailed in both her Petition and her opposition to Respondent Costa's motion to dismiss the Petition, Respondent Costa exceeded his statutory authority by issuing preclusion orders in the Molina and Serrano matters, in effect terminating serious charges, and the Petitioner has a clear right to relief.

4. A judge only receives statutory authority to issue a sanction under CPL 245.80(1)(a) where a party demonstrates it has suffered prejudice; without prejudice, there is no authorization for a sanction (*see* Petitioner's Mem. of Law at 2-3, 16-20, 28-29; Petitioner's Aff. in Opp. to Mtn. to Dismiss at 2-5; CPL 245.80[1][a]; *see, e.g.*, *People v Jateen*, 74 Misc3d 134[A] [App Term, 2d Dept, 9th & 10th Jud Dists 2022]; *People v White*, 72 Misc3d 1002, 1007 [Sup Ct, Bx Cty 2021] ["no punitive 245.80 remedy is available for a very simple reason: there is no allegation of prejudice"]; *People v Nelson*, 67 Misc3d 313, 316 [Cty Ct, Franklin Cty 2020]). Neither Respondent Molina nor Respondent Serrano,

however, showed such prejudice. To the degree Respondent Molina's terse comments about some general delay – asserted for the first time in his *reply* papers – could be interpreted as raising a claim of prejudice, they were legally baseless. A defendant is only prejudiced by the late disclosure of potential impeachment material when his ability to use that material is negatively impacted; yet Respondent Molina received a summary of the arresting officer's disciplinary history before he ever brought his motion to strike the People's Certificate of Compliance, and he received the background materials underlying that summary in the midst of the ensuing discovery-related motion practice, long before any testimonial proceedings (*see* Petitioner's Mem. of Law at 20-23; Petitioner's Aff. in Opp. to Mtn. to Dismiss at 4; *see, e.g. People v Cortijo*, 70 NY2d 868, 869-70 [1987]). Respondent Serrano claimed no prejudice whatsoever in his pre-trial motion papers, and there was therefore no authority for a sanction (*see Jateen*, 2022 NY Slip Op 50280[U] at *2; *White*, 72 Misc3d at 1007).

5. Not to mention, Respondent Costa's preclusion orders were tantamount to dismissal of serious driving-while-intoxicated charges in the underlying matters, underscoring that he acted outside his statutory authority (*see* Petition, Mem. of Law at 28-29; *see, e.g., Matter of Holtzman v Goldman*, 71 NY2d 564, 569-70 [1988]).

6. Accordingly, in denying Respondent Costa's motion to dismiss the Petition, this Court found that the remedy of prohibition would lie. Upon its "scrutinizing examination" of Respondent Molina's and Respondent Serrano's pre-trial submissions, the Court determined there was an "absence" of "any showing of prejudice" in those papers (9/30/2022 Decision and Order at 5-6), and it found that Respondent Costa's actions "fatally undermined" the Petitioner's "ability to maintain and continue her prosecution" of those matters (*id.* at 10). Thus, "petitioner's pleadings assert claims which successfully raise cognizable causes of action for prohibition" (*id.* 11).

7. Of course, upon review of such a motion to dismiss, a petitioner's pleadings are to be liberally construed, and every favorable inference is to be drawn in her favor (*see id.* at 7; *Nonnon v City of New York*, 9 NY3d 825, 827 [2007]). This Court's decision therefore reflected that, accepting the Petitioner's alleged facts as true, they fit into a cognizable legal theory (*Nonnon*, 9 NY3d at 827; *Leon v Martinez*, 84 NY2d 83, 87-88 [1994]). It was therefore incumbent upon Respondent Costa to challenge within his Answer the accuracy of the Petitioner's pleadings. But he makes no allegations placing any factual matters in dispute – let alone allegations supported by affidavits or other written proof (*see* CPLR § 7804[e]). Respondent Costa's Answer changes nothing, and primarily

regurgitates his rejected dismissal motion argument concerning the availability of a writ of prohibition.

8. Instead, Respondent Costa invents entirely new legal theories of prejudice never uttered in the parties' motion papers, or his decision – that Respondents Molina and Serrano could have used the complained-about materials in support of pre-trial motions to dismiss the accusatory instruments (*see* Resp. Costa's Answer, Mem. of Law at 13-14). Of course, no support for that belated argument, by sworn allegations of fact based on the record, can be found in Respondent Costa's Answer. Nor can such hypotheses be appropriately raised as objections in point of law within an answer to a verified petition, as they are entirely new (*see* CPLR § 7804[f]; *Matter of Smiler v Board of Educ*, 15 AD3d 409, 410 [2d Dept 2005]; *Matter of Scudder v O'Connell*, 272 AD 251 [1st Dept 1947]; *see also Matter of Kelly v Safir*, 96 NY2d 32, 39 [2001]). Besides, Respondent Costa's suppositions cannot satisfy CPL 245.80(1)(a), which requires a "showing of prejudice" before a court has authority to issue discovery sanctions, not post-hoc rationalizations (CPL 245.80[1][a]; *see Jateen*, 74 Misc3d 134[A] ["Defendant failed to make any showing that he was prejudiced"]; *Florez*, 74 Misc3d 1222[A] at *13 [Sup Ct, Nassau Cty 2022] ["sanctions have been authorized . . . upon the showing by the aggrieved party that they were prejudiced"]). Respondent Costa's resort to such newly minted notions of

prejudice, ones to which the Petitioner had no notice or opportunity to be heard before Respondent Costa issued the preclusion orders, highlights that he acted beyond his authority.

9. Nor do Respondent Costa's proposals withstand scrutiny. Respondents Molina and Serrano remained unprejudiced, as they could have brought separate dismissal motions pursuant to CPL 255.20(3), claiming they were not previously aware of the grounds therein due to the People's late disclosure. Respondent Costa's perfunctory response – buried in a footnote – that CPL 255.20(3) "arguably would not have applied" (*see* Resp. Costa's Answer, Mem. of Law at 14, n.2) rings hollow considering the clear language of that provision, and would not have prevented the other respondents from making such motions. Surely, Respondent Molina received the complained-about materials prior to the completion of the discovery-related motion practice, but made no such motion for dismissal – showing that no viable claim was present.

10. Manifestly, Respondent Molina was not harmed by any inability to use materials within the arresting officer's disciplinary record for a motion to dismiss the accusatory instrument in the interest of justice (*contra* Resp. Costa's Answer, Mem. of Law at 13). That proposed motion stood no chance of success, considering that Respondent Molina was charged with the serious misdemeanor of driving while intoxicated (VTL § 1192[3]) (CPL 170.4[1][a]), he had failed three

field sobriety tests (CPL 170.40[1][c]), dismissal would have reduced the safety of the community (CPL 170.40[1][g]), and the potential impeachment materials, which concerned an unrelated matter, revealed no "exceptionally serious misconduct" in the prosecution at issue (*cf* CPL 170.40[1][e]). Certainly, with respect to the prior founded complaint against the State Trooper now referenced by Respondent Costa, the Trooper did not unlawfully arrest someone for driving while intoxicated (*see* Resp. Costa's Answer, Mem. of Law at 13), but unlawfully took the complainant into custody for fingerprinting thereafter because the original prints had been rejected (*see* Verified Petition, Exhibit 1, Annexed Materials).

11. Likewise, Respondent Serrano could not have used training manuals in support of a motion to dismiss the accusatory instrument for lack of facial sufficiency (*contra* Resp. Costa's Answer, Mem. of Law at 13). Respondent Costa overlooks that a court reviewing the facial sufficiency of an accusatory instrument must examine the document on its own four corners, without resort to extrinsic materials (*see, e.g.*, *People v Thomas*, 4 NY3d 143, 146 [2005]).

12. Indeed, Respondent Costa noticeably makes no effort to explain how the hypothetical dismissal motions were sustainable.

13. Moving on, Respondent Costa criticizes the sufficiency of the Petitioner's allegations – specifically, those explaining she was prevented from maintaining certain charges by the preclusion orders (*see* Resp. Costa's Answer,

Mem. of Law at 16). But Respondent Costa proposes no concrete evidence that could have allowed the People to maintain either prosecution; the nearest he comes is to suggest in broad-strokes that some other officer or evidence could have been used (*id.*), when in fact the State Trooper whose testimony was precluded in the Molina matter was the lone on-scene trooper (Verified Petition at 3-4).

Respondent Costa's inability to propose actual, alternate proof is telling, as he had ample insight into the cases given that he presided over the underlying matters, and, despite lacking authority to impose sanctions under CPL 245.80(1), was, in the event of demonstrated prejudice, tasked with fashioning a remedy that was "appropriate" given its impact on the proceedings (*see* CPL 245.80[1]; *People v Jenkins*, 98 NY2d 280, 284 [2002]). Altogether, Respondent Costa merely offers that the Petitioner's pleadings were insufficient, despite this Court previously deciding the matter in the Petitioner's favor (*see* 9/30/2022 Decision and Order at 10).

14. It did so correctly, as the Petition set forth "specific allegations" "tending to suggest" the People could not maintain the prosecution of certain charges in the face of the preclusion orders (*see Matter of Gagnon*, 119 AD2d 674, 675 [2d Dept 1986]). The matters at issue are straightforward driving-while-intoxicated cases, where unsurprisingly, the testimony of the arresting officers is integral to the prosecutions. Explained in the Petitioner's papers (Verified Petition

at 3-4), the State Trooper whose disciplinary records were at issue in the Molina matter was the only trooper on the scene; and Respondent Costa precluded his testimony, as well as "the use of any evidence procured" by him (Verified Petition, Exhibit 4 at 4). Since the Trooper was alone, there was no other on-scene officer, and no remaining available evidence, to describe Respondent Molina's operation of a motor vehicle or on-scene condition, and thus to establish his guilt of common law driving while intoxicated (VTL § 1192[3]). Similarly, Respondent Serrano was charged in part with driving while intoxicated *per se* (VTL § 1192[2]), of which Respondent Serrano's blood alcohol content was an element, after a breath test showed that his blood alcohol content was 0.16%. Respondent Costa's sweeping preclusion of any testimony regarding that chemical test therefore prevented the People from proving a critical element of the charged offense (Verified Petition at 4-6). Although self-evident, the effect of the preclusion orders was set forth in the Petitioner's papers, including in the affidavit of Assistant District Attorney Philip Mellea (*contra* Resp. Costa's Answer, Mem. of Law at 16) (*see* Aff. of Philip Mellea at ¶ 6).

15. In short, this Court has already determined on the face of the Petitioner's pleadings that Respondent Costa exceeded his authorized powers and the Petitioner has a clear legal right to relief – meaning a writ of prohibition is available. While Respondent Costa reiterates already-rejected legal arguments

from his dismissal motion, he provides no reason for the Court to revisit its conclusions.

* * *

16. While in-depth discussion of Respondent Costa's remaining grievances is unnecessary given this Court's prior decision, they can be handily refuted.

17. For instance, still contesting already-decided legal matters, Respondent Costa asserts that his effective dismissal of certain charges cannot factor into the threshold issue of whether prohibition lies – *ie*, whether or not he exceeded his statutory authority (Resp. Costa's Answer, Mem. of Law at 14).[1] Abundant authority cited within the Petitioner's prior papers refutes that assertion (*see* Petition, Mem. of Law at 28-29, *citing Matter of Holtzman v Goldman*, 71 NY2d at 569-70; *Matter of Brown v Schulman*, 244 AD2d 405, 407 [2d Dept 1997]; *Matter*

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[1] Setting up a straw-man argument, Respondent Costa further asserts that the Petitioner erroneously cited the lack of appealability of the preclusion orders as supporting the conclusion that a writ of prohibition is available (*see* Resp. Costa's Answer, Mem. of Law at 14-15, 17). The Petitioner did no such thing. Rather, the Petitioner explained that "[b]eyond prohibition being available, the Court should exercise its sound discretion to issue such a remedy" given in part that the Petitioner "is without statutory authority to appeal Respondent Costa's decisions" (Petitioner's Mem. of Law at 29; *see also* Petitioner's Mem. of Law at 15). While the non-appealability of an order may not alone warrant the exercise of a court's discretion in issuing a writ of prohibition, it is a valid consideration (*see Matter of Soares v Herrick*, 20 NY3d 139, 145 [2012]). And Respondent Costa's related belief that the non-appealability of his preclusion orders is "strong evidence of the legislature's intent for such orders not to be subjected to collateral review," is erroneous (Resp. Costa's Answer, Mem. of Law at 17). Collateral review exists for the consideration of claims that cannot be raised on direct appeal (*see* CPLR 7801[1]).

of Clark v Newbauer, 148 AD3d 260, 265 [1st Dept 2017]; *Matter of Cosgrove v Ward*, 48 AD3d 1150, 1152 [4th Dept 2008]).

18. Respondent Costa's citation to *Matter of State of New York v King* (36 NY2d 59 [1975]) (Resp. Costa's Answer, Mem. of Law at 14-15) confuses the issue. True, prohibition only lies where a court acts or threatens to act in excess of its authorized powers, and thus a court may not entertain a collateral proceeding to review a mere error of law, "however egregious" (*Matter of State of New York*, 36 NY2d at 62). But that proposition does not contradict the aforementioned and well-settled fact that the effective termination of a proceeding informs the analysis of whether or not a court's conduct exceeded its authority (*see also* Resp. Costa's Answer, Mem. of Law at 15, *citing Matter of Johnson v Sackett* (109 AD3d 427 [1st Dept 2013]).

19. Respondent Costa's citation to *Matter of Johnson v Price* (28 AD3d 79 [1st Dept 2006]) (Resp. Costa's Answer, Mem. of Law at 15) refutes his position, as in that case the Appellate Division, First Department, quoting *Matter of Holtzman*, explained that "Although the distinction between legal errors and actions in excess of power is not always easily made, abuses of power may be identified by their impact upon the entire proceeding *as distinguished from an error in a proceeding itself proper*" (*Johnson*, 28 AD3d at 82 [internal marks omitted, emphasis in original]). And his halfhearted attempt to challenge *Matter of*

Clark v Newbauer (148 AD3d 260 [1st Dept 2017]) (*see* Resp. Costa's Answer, Mem. of Law at 15-16) does not erase the Appellate Division's statement that a "writ of prohibition will lie where a trial court's erroneous ruling affects the proceeding in a conclusive manner, by terminating the case" (*id.* at 265). This Court has already recognized the "significance" of the preclusion orders' impact on the underlying prosecutions (9/30/2022 Decision and Order at 9-10).

20. Further, aside from his own new, retrospective theories of prejudice, Respondent Costa suggests the other respondents themselves claimed "prejudice" when they "moved for discovery sanctions" (Resp. Costa's Answer, Mem. of Law at 5) – again, an argument already rejected by this Court (*see* 9/30/2022 Decision and Order at 5-6). In reality, Respondent Serrano's prospective assertion that he needed access to various training manuals to cross-examine the People's witnesses (Petition, Exhibit 5 at ¶¶ 23, 26) – raised long before any testimonial proceedings – was not a claim that he had already been prejudiced by the alleged late or non-disclosure.[2] Nor could prejudice have been presumed at that early juncture, before the complained-about materials had been disclosed and examined for relevance – and, assuming they contained useful information, in time for Respondent Serrano to use them.

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[2] Indeed, noted in the Petition, Standard Field Sobriety Test and DWI Detection training manuals, as well as a Breath Analysis Operator Course manual, were provided to Respondent Serrano on April 29, 2022 (Verified Petition at 6).

21. *Equally*, Respondent Molina never *moved* for sanctions on the grounds of prejudice; Respondent Costa cites an offhand remark from Respondent Molina's *reply* papers, not his moving papers (Resp. Costa's Answer, Mem. of Law at 5, *citing* Petition, Exhibit 3). And discussed above and in the Petitioner's prior filings, the terse suggestion of delay in Respondent Molina's reply papers failed to demonstrate actual prejudice. The meaning of prejudice in the context of belatedly disclosed potential impeachment material is well settled, and concerns a negative impact on a party's ability to use the materials. The concept of prejudice was rooted before the creation of CPL 245, and the Legislature, which incorporated a prejudice requirement into CPL 245.80(1)(a) as a prerequisite to the authority for sanctions, is presumed to have been aware of earlier case law and to have incorporated the term's meaning (*see* McKinney's Cons. Laws of NY, Book 1, *Statutes*, Ch. 6 ["Construction and Interpretation"] § 191, Comment ["The Legislature will be assumed to have known of . . . judicial decisions in enacting amendatory legislation"]; *People v Galindo*, 38 NY3d 199, 205 [2022]).[3]

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[3] Notably, Respondent Costa's own papers debunk several arguments advanced by Respondent Serrano. Despite Respondent Serrano's argument that Respondent Costa did not issue sanctions under CPL 245.80(1) but instead did so under CPL 245.80(2), and that prejudice was not required for Respondent Costa to impose sanctions (Resp. Serrano's Answer at ¶¶ 40-41, 50-53), Respondent Costa himself states that he made the preclusion orders after determining Respondent Serrano had demonstrated prejudice (Resp. Costa's Verified Answer at ¶ 43). And despite Respondent Serrano's argument, now echoed by Respondent Costa, that Respondent Costa could have sanctioned the People for their supposed failure to consult with him on the discoverability of certain materials (*see* Serrano's Answer at ¶¶ 32, 48; Resp. Costa's Answer, Mem. of Law at 6-7, n.1), CPL 245.20(5), now cited by Respondent Costa, only authorizes

22. Contrary to Respondent Costa's contention, the numerous pre-CPL 245 cases tying prejudice to a deprivation of usage are determinative of whether Respondents Molina and Serrano suffered prejudice (*see* McKinney's Cons. Laws of NY, Book 1, *Statutes*, §75 ["Where a word has received a judicial construction it will almost invariably be given the same meaning where it is again used by the Legislature in connection with the same subject"]). Without question, Respondent Costa provides no basis for the Court to conclude otherwise, or to deviate from that longstanding meaning (*see People v Vasquez*, 75 Misc3d 49, 52-53 [App Term, 2d Dept, 9th & 10th Jud Dists 2022] [noting that the terms prereadiness and postreadiness have standard definitions, and that "[n]o reading of the amended CPL 30.30 or new CPL article 245 statutes requires or even permits a modification of these terms[]"]). Even his newfound and misguided theory of prejudice – that Respondents Molina and Serrano were purportedly harmed by their inability to use the at-issue materials in pre-trial motions – recognizes that prejudice in the context of CPL 245.80 concerns a deprivation of the *use* of evidence. Given the extensive decisional law pre-dating CPL 245, the plain text of CPL 245.80, and the cases

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sanctions for the "failure to provide discovery" (*see* CPL 245.25[5]), rather than a failure to confer with the court.

applying that provision, albeit limited in number, the Petitioner has a clear legal right to relief (*see Pirro v Angiolillo*, 89 NY2d 351, 356-58 [1996]).[4]

23. Nor does Respondent Costa present meaningful backing for his proposition that a finding of prejudice – as opposed to the appropriate sanction to impose after such a finding – is a discretionary determination (*see* Resp. Costa's Answer, Mem. of Law at 10, *citing People v Jenkins*, 98 NY2d 280, 284 [2002] ["*the appropriate sanction to be imposed* is within the sound discretion of the trial court"] [emphasis added]; *People v Collins*, 106 AD3d 1544, 1546 [4th Dept 2013] ["Defendant failed to establish, however, that he was surprised or prejudiced by the late disclosure, *and thus the court did not abuse its discretion in concluding that no sanction was warranted*"] [emphasis added]). And the Petitioner does not herein criticize Respondent Costa's discretionary *choice* of sanction (*contra* Resp. Costa's Answer, Mem. of Law at 10-11), but clearly argues Respondent Costa lacked

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[4] Respondent Costa argues that various cases cited by the Petitioner and addressing *Brady* or *Rosario* violations are irrelevant, as such errors require a showing of "substantial" prejudice (*see* Resp. Costa's Answer, Mem. of Law at 18). But those cases did not alter the established definition of prejudice, and only concerned substantial prejudice because potential reversal or a new hearing, rather than a sanction, was at stake. And in several, the Appellate Division, Second Department relayed that the defendants therein suffered *no prejudice whatsoever* by late disclosure – not just that there was no "substantial" prejudice (*see People v Sanchez*, 144 AD3d 1179, 1180 [2d Dept 2016]; *People v Robertson*, 192 AD2d 682 [2d Dept 1993]). In any event – and as Respondent Costa admits – the Petitioner cited a variety of other cases specifically discussing prejudice in the context of potential discovery sanctions for late disclosure (*see* Resp. Costa's Answer, Mem. of Law at 18).

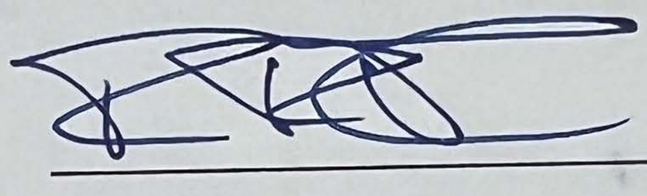
authority to issue *any* sanction given the absence of any showing of prejudice that would trigger such authority, and his effective termination of charges.

The Court should exercise its discretion to issue the available writ of prohibition.

24. The Petitioner recognizes that she seeks an extraordinary remedy in the form of a writ of prohibition. But she only does so in response to the extraordinary preclusion orders by Respondent Costa. In that regard, the Petitioner is not merely disagreeing with Respondent's Costa's calibration of sanction to the facts of the cases. Neither Respondent Molina nor Respondent Serrano made a showing of prejudice, and, despite lacking authority to issue any sanction, Respondent Costa by and large concluded the prosecution of serious charges through a non-appealable order (*see Matter of Soares v Herrick*, 20 NY3d 139, 145 [2012]). Respondent Costa provides no argument whatsoever that, given the availability of a writ of prohibition, the Court should not exercise its discretion to issue such a writ. His Answer adds nothing of substance, and considering this Court's prior decision rejecting his motion to dismiss the Petition, the requested relief should be granted.

WHEREFORE, for the reasons set forth above as well as in the Petitioner's Verified Petition and Memorandum of Law, the Petitioner respectfully requests that this Court grant the relief requested in the Petitioner's Order to Show Cause and Verified Petition.

Dated: White Plains, New York
November 16, 2022

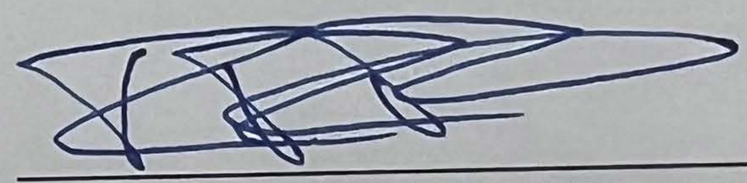


BRIAN R. POULIOT
Assistant District Attorney
bpouliot@westchesterda.net

CERTIFICATION

BRIAN R. POULIOT, an attorney duly admitted to practice law before the courts of the State of New York, hereby certifies pursuant to 22 NYCRR §§ 202.8-b(a), (b) that the foregoing affirmation consists of 3,811 words, excluding any captions, table of contents, table of authorities, and signature block. The aforesaid word count was determined by using the word count of the word-processing system used to prepare the document.

Dated: White Plains, New York
November 16, 2022



BRIAN R. POULIOT

AFFIDAVIT OF SERVICE

STATE OF NEW YORK)
: ss.:
COUNTY OF WESTCHESTER)

Deborah Trimarchi, being duly sworn, deposes and says that on the 16th day of November 2022, she served one (1) copy of this *Petitioner's Affirmation in Reply to Respondent Costa's Answer* upon: ROBERT A. SPOLZINO, ESQ., *Abrams, Fensterman LLP, 81 Main Street, Suite 400, White Plains, New York 10601* by enclosing a true copy in a securely sealed postpaid wrapper and depositing same in a Post Office Box regularly maintained by the United States Government in the City of White Plains, New York.

Deponent further states that the party named above is the attorney for the respondent MATTHEW J. COSTA herein, and his last known address, from papers served upon this Office, is as stated above.

Deponent is over the age of 18 years.

Sworn to before me this 16th
day of November 2022

Notary Public
KIM JEFFREY
Notary Public, State of New York
No. 01JE6304495
Qualified in Westchester County
Commission Expires May 27, 2026