

_____ COURT
COUNTY OF _____ STATE OF NEW YORK, PART ____

IN RE THE CRIMINAL CONTEMPT OF COURT OF

_____¹
COMMITTED IN THE IMMEDIATE VIEW
AND PRESENCE OF THE COURT
(JUDICIARY LAW § 750) WHICH
OBSTRUCTED AND IMMEDIATELY
THREATENED TO OSBSTRUCT THE
PROCEEDINGS AND IMPAIRED THE
COURT'S AUTHORITY TO PRESIDE
OVER THE PROCEEDINGS ENTITLED:

**Mandate of Commitment²
for Criminal Contempt
Committed in the
Immediate View and
Presence of the Court³**

Index No.: _____⁴

At a [Special / Trial / Etc.] Term of the _____ Court in the _____ Judicial
Department, held in and for the County of _____, on the _____ day of [Month],
[Year], at the Courthouse at [Number And Street], County of _____, there was regularly

¹ Some spectator contemnors refuse to identify themselves. This is not an obstacle since the court is punishing the contemnor, not his or her name. Like a "John Doe" indictment, the contemnor's name—as purely a police-corrections matter—can be substituted for "John Doe."

² N.Y. Judiciary Law § 752 (Jud. Law) Requisites of Commitment for Criminal Contempt; Review of Certain Mandates

Where a person is committed for contempt, as prescribed in section seven hundred fifty-one [up to \$1,000 fine and/or up to 30 days in jail], the particular circumstances of his offense must be set forth in the mandate of commitment. Such mandate, punishing a person summarily for a contempt committed in the immediate view and presence of the court, is reviewable by a proceeding under article seventy-eight of the civil practice law and rules.

Jud. Law § 755. When Punishment may be Summary

Where the offense is committed in the immediate view and presence of the court, or of the judge or referee, upon a trial or hearing, it may be punished summarily. For that purpose, an order [Mandate of Commitment] must be made by the court, judge, or referee, stating the facts which constitute the offense and which bring the case within the provisions of this section, and plainly and specifically prescribing the punishment to be inflicted therefor. Such order is reviewable by a proceeding under article seventy-eight of the civil practice law and rules.

³ Neither statute nor case law requires the court to specify which subdivision of Jud. Law § 750 is involved. "It [is] proper for the magistrate to interpolate his version of the occurrences in conjunction with the stenographer's minutes." *Berkon v. Mahoney*, 268 A.D. 825, 825, 49 N.Y.S.2d 551 (1944), *aff'd*, 294 N.Y. 828 (1945).

⁴ Language adapted from *Gompers v. Buck's Stove and Range Co.*, 221 U.S. 418, 446 (1911).