§ 330.2. Suppression of evidence. 1. A respondent in a juvenile delinquency proceeding may make a motion to suppress evidence in accordance with sections 710.20 and 710.60 of the criminal procedure law.

2. Whenever the presentment agency intends to offer at a fact-finding hearing evidence described in section 710.20 or subdivision one of section 710.30 of the criminal procedure law, such agency must serve upon respondent notice of such intention. Such notice must be served within fifteen days after the conclusion of the initial appearance or before the fact-finding hearing, whichever occurs first, unless the court, for good cause shown, permits later service and accords the respondent a reasonable opportunity to make a suppression motion thereafter. If the respondent is detained, the court shall direct that such notice be served on an expedited basis.

3. When a motion to suppress evidence is made before the commencement of the fact-finding hearing, the fact-finding hearing shall not be held until the determination of the motion.

4. After the pre-trial determination and denial of the motion, if the court is satisfied, upon a showing by the respondent, that additional pertinent facts have been discovered by the respondent which could not have been discovered by the respondent with reasonable diligence before determination of the motion, it may permit him to renew. Such motion to renew shall be made prior to the commencement of the fact-finding hearing, unless the additional pertinent facts were discovered during the fact-finding hearing.

5. Upon granting a motion to suppress evidence, the court must order that the evidence in question be excluded. When the order excludes tangible property unlawfully taken from the respondent's possession, and when such property is not otherwise subject to lawful retention, the court may, upon request of the respondent, further order that such property be restored to him.

6. An order finally denying a motion to suppress evidence may be

reviewed upon an appeal from an ensuing finding of delinquency, notwithstanding the fact that such finding is entered upon an admission made by the respondent, unless the respondent, upon an admission, expressly waives his right to appeal.

7. A motion to suppress evidence is the exclusive method of challenging the admissibility of evidence upon the grounds specified in this section, and a respondent who does not make such a motion waives his right to judicial determination of any such contention.

8. In the absence of service of notice upon a respondent as prescribed in this section, no evidence of a kind specified in subdivision two may be received against him at the fact-finding hearing unless he has, despite the lack of such notice, moved to suppress such evidence and such motion has been denied.

9. An order granting a motion to suppress evidence shall be deemed an order of disposition appealable under section eleven hundred twelve. In taking such an appeal the presentment agency must file, in addition to a notice of appeal, a statement alleging that the deprivation of the use of the evidence ordered suppressed has rendered the sum of the proof available to the presentment agency either: (a) insufficient as a matter of law, or (b) so weak in its entirety that any reasonable possibility of proving the allegations contained in the petition has been effectively destroyed. If the respondent is in detention he shall be released pending such appeal unless the court, upon conducting a hearing, enters an order continuing detention. An order continuing detention under this subdivision may be stayed by the appropriate appellate division.

10. The taking of an appeal by the presentment agency pursuant to subdivision nine constitutes a bar to the presentment of the petition involving the evidence ordered suppressed, unless and until such suppression is reversed upon appeal and vacated.