

STATE OF NEW YORK
COUNTY COURT : COUNTY OF STEUBEN

PEOPLE OF THE STATE OF NEW YORK,

vs.

ORDER

Index No. 2025-0116CV
Wayland Case No. 24060107


Defendant/Appellant.

Defendant/Appellant having made application, by a Notice of Motion to Dismiss Pursuant to CPL § 460.10(3)(e), dated December 17, 2026, and Affirmation of Codruta Antonovici, Esq., dated December 17, 2025, for an Order vacating the conviction rendered against him in the Wayland Town Court on the ground that said Court failed to serve and file a Court Return in the above appeal, as required by the Criminal Procedure Law; and the Court having received no papers in opposition to said application from either the People or the Wayland Town Court; and an Order, dated October 21, 2025, having been issued directing the Wayland Town Court to file and serve the Return with respect to the above appeal within twenty (20) days of the date of said Order, and there being no record of the Wayland Town Court having complied with said Order;

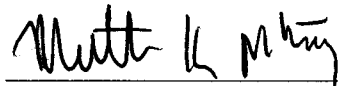
AND, this Court having found, pursuant to *People v. Feldes*, 73 NY2d 661 (1989), that it has the discretion to fashion an appropriate remedy for the failure of the Wayland Town Court to comply with the Criminal Procedure Law with respect to this appeal, said failure having prevented Defendant/Appellant from being able to pursue this appeal, and this Court having further found that vacating the within conviction against Defendant/Appellant is such a remedy;

NOW, therefore, upon the papers and proceedings had herein, it is hereby

ORDERED, that Defendant's motion to vacate the conviction in the within matter
be and the same hereby is granted, and said conviction be and the same hereby is vacated.

DATED: ~~May~~ 1st, 2026

ENTER Shu



HON. MATHEW K. McCARTHY
County Court Judge