

New York v. ██████████

County Court of New York, Steuben County

May 6, 2026, Decided

Index No. 2024-0869CV, Wayland Case No. 2310123

Reporter

2026 N.Y. Misc. LEXIS 4806 *; 2026 LX 242609

PEOPLE OF THE STATE OF NEW YORK, vs.
██████████, Defendant/Appellant.

Notice: THIS OPINION IS UNCORRECTED
AND WILL NOT BE PUBLISHED IN THE
PRINTED OFFICIAL REPORTS.

Core Terms

vacate

Judges: [*1] HON. MATHEW K. McCARTHY,
County Court Judge.

Opinion by: MATHEW K. McCARTHY

Opinion

ORDER

Defendant/Appellant having made application, by a Notice of Motion to Dismiss Pursuant to CPL § 460.10(3)(e), dated March 16, 2026, and Affirmation of Codruta Antonovici, Esq., dated March 16, 2026, 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 January 5, 2026, 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 [*2] 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 6, 2026

ENTER

/s/ Mathew K. McCarthy

HON. MATHEW K. McCARTHY

County Court Judge