

State of New York
Supreme Court, Appellate Division
Third Judicial Department

Decided and Entered: July 22, 2021

110093

THE PEOPLE OF THE STATE OF
NEW YORK,

Respondent,

v

DECISION AND ORDER
ON MOTION

JEFFREY LEWIS,

Appellant.

(SCI No. 70-17)

Motion to vacate the memorandum and order of this Court decided and entered September 24, 2020 (186 AD3d 1831 [2020]), to dismiss the appeal and to remit the matter to the County Court of Ulster County for further proceedings.

Upon the papers filed in support of the motion, and no papers having been filed in opposition thereto, it is

ORDERED that the motion is granted upon the ground that the criminal prosecution has abated by reason of defendant's death, which occurred without this Court's knowledge prior to this Court's memorandum and order decided and entered September 24, 2020 (see People v Castro, 84 NY2d 976 [1994]; People v Carey, 124 AD3d 982 [2015]), and it is further

ORDERED that the memorandum and order decided and entered September 24, 2020 is vacated and the appeal is dismissed, and it is further

ORDERED that the matter is remitted to the County Court of Ulster County to vacate the judgment of conviction and dismiss the accusatory instrument, sua sponte, or on application by the

District Attorney or the attorney who appeared for defendant
(see People v Matteson, 75 NY2d 745 [1989]).

Egan Jr., J.P., Pritzker, Reynolds Fitzgerald and
Colangelo, JJ., concur.

ENTER:

A handwritten signature in black ink that reads "Robert D. Mayberger". The signature is written in a cursive, slightly slanted style.

Robert D. Mayberger
Clerk of the Court