

State of New York Court of Appeals

MEMORANDUM

This memorandum is uncorrected and subject to revision before publication in the New York Reports.

No. 83 SSM 19
The People &c.,
Respondent,
v.
Thomas Timko,
Appellant.

Submitted by Michael S. Pollok, for appellant.
Submitted by Brian R. Pouliot, for respondent.

MEMORANDUM:

The order of the Appellate Term should be reversed and the accusatory instrument dismissed.

As the People concede, the accusatory instrument was legally insufficient. The allegations in the factual part of the instrument and in the supporting depositions did not

provide reasonable cause to believe that defendant communicated “a threat to cause physical harm to, or unlawful harm to the property of, [the complainant], or a member of such person’s same family or household” (Penal Law § 240.30 [1] [a], *as amended by L* 2014, ch 188, § 1; *see generally People v Golb*, 23 NY3d 455, 466-468 [2014]).

On review of submissions pursuant to section 500.11 of the Rules, order reversed and accusatory instrument dismissed, in a memorandum. Chief Judge DiFiore and Judges Rivera, Fahey, Garcia, Wilson, Singas and Cannataro concur.

Decided October 7, 2021