

State of New York Court of Appeals

MEMORANDUM

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

No. 84 SSM 2
The People &c.,
Respondent,
v.
Anthony Matthews,
Appellant.

No. 85 SSM 3
The People &c.,
Respondent,
v.
Lawrence Harris,
Appellant.

Case No. 84:
Submitted by Sam Feldman, for appellant.
Submitted by Morgan J. Dennehy, for respondent.

Case No. 85:
Submitted by Tammy E. Linn, for appellant.
Submitted by Morgan J. Dennehy, for respondent.

MEMORANDUM:

In each case, the order of the Appellate Division should be reversed and the case remitted to that Court for further proceedings in accordance with this memorandum.

We review for abuse of discretion the Appellate Division’s dismissal of a criminal appeal for “failure of timely prosecution or perfection” (CPL 470.60 [1], [3]; *see People v Perez*, 23 NY3d 89, 101 [2014]; *People v Taveras*, 10 NY3d 227, 233 [2008]). We have identified as relevant factors (1) the length of the appellant’s delay; (2) the reasonableness of any excuse for the delay, including whether the appellant received clear instructions on how to pursue an appeal and whether the delay was strategic or resulted from a belated change in strategy; and (3) the specific prejudice, if any, the respondent has suffered from the delay (*Perez*, 23 NY3d at 99-101; *Taveras*, 10 NY3d at 233; *People v West*, 100 NY2d 23, 27-28 [2003]). Under the circumstances of these cases, including the People’s concession, the Appellate Division abused its discretion in dismissing defendants’ appeals.

In each case:

On review of submissions pursuant to section 500.11 of the Rules, order reversed and case remitted to the Appellate Division, Second Department, for further proceedings in accordance with the memorandum herein. Chief Judge Wilson and Judges Rivera, Garcia, Singas, Cannataro, Troutman and Halligan concur.

Decided June 18, 2026