

Supreme Court of the State of New York
Appellate Division, First Judicial Department

Moulton, J.P., Mendez, Gesmer, O'Neill Levy, Michael, JJ.

7020

THE PEOPLE OF THE STATE OF NEW YORK,
Respondent,

Ind. No. 2313/19
Case No. 2023-00658

-against-

PEDRO FALCON,
Defendant-Appellant.

Twyla Carter, The Legal Aid Society, New York (Everett K. Hopkins of counsel), for appellant.

Judgment, Supreme Court, Bronx County (Laurence E. Busching, J.), rendered May 16, 2022, convicting defendant, upon his plea of guilty, of rape in the third degree, and sentencing him to 10 years of probation, unanimously modified, on the law, to the extent of striking the condition of probation requiring him to consent to a search by a probation officer of his person, vehicle, or place of abode and to the seizure of any illegal drugs, drug paraphernalia, guns or other weapons or contraband found, and the condition of probation requiring him to pay surcharges and fees as a condition of his probation, and otherwise affirmed.

Defendant's challenges to his conditions of probation requiring that he consent to searches of his person, home, and vehicle and that he pay the surcharges and fees survive his waiver of the right to appeal (*see People v Percy*, 234 AD3d 619, 620 [1st Dept 2025]). We strike those conditions because they are not reasonably related to

defendant's rehabilitation (*see id.*; *People v Aquirre*, 245 AD3d 421, 422 [1st Dept 2026]). We note that the People do not oppose this relief.

THIS CONSTITUTES THE DECISION AND ORDER
OF THE SUPREME COURT, APPELLATE DIVISION, FIRST DEPARTMENT.

ENTERED: July 2, 2026

A handwritten signature in black ink, reading "Susanna Molina Rojas". The signature is written in a cursive, flowing style with a large initial "S".

Susanna Molina Rojas
Clerk of the Court