

SUPREME COURT OF THE STATE OF NEW YORK
Appellate Division, Fourth Judicial Department

39

KA 23-00978

PRESENT: BANNISTER, J.P., MONTOUR, SMITH, GREENWOOD, AND NOWAK, JJ.

THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT,

V

MEMORANDUM AND ORDER

LAWRENCE D. BAKER, DEFENDANT-APPELLANT.

ANDREW D. CORREIA, PUBLIC DEFENDER, LYONS, EASTON THOMPSON KASPEREK SHIFFRIN LLP, ROCHESTER (BRIAN SHIFFRIN OF COUNSEL), FOR DEFENDANT-APPELLANT.

CHRISTINE CALLANAN, ACTING DISTRICT ATTORNEY, LYONS (CATHERINE A. MENIKOTZ OF COUNSEL), FOR RESPONDENT.

Appeal from a judgment of the Wayne County Court (Richard M. Healy, J.), rendered April 5, 2023. The appeal was held by this Court by order entered May 2, 2025, decision was reserved and the matter was remitted to Wayne County Court for further proceedings (238 AD3d 1507 [4th Dept 2025]). The proceedings were held and completed.

It is hereby ORDERED that said appeal is unanimously dismissed.

Memorandum: Defendant appeals from a judgment convicting him upon his plea of guilty of sexual abuse in the first degree (Penal Law § 130.65 [3]). We previously twice held this case, reserved decision, and remitted the matter to County Court for a determination whether the People were ready for trial within the requisite time period (*People v Baker*, 238 AD3d 1507 [4th Dept 2025]; *People v Baker*, 229 AD3d 1324 [4th Dept 2024]). Upon the most recent remittal, the court determined that the People were not ready for trial within the requisite time period and granted defendant's motion to dismiss the indictment pursuant to CPL 30.30. Defendant subsequently died. Under these circumstances, we dismiss the appeal (see generally *People v Matteson*, 75 NY2d 745, 747 [1989]; *People v Mintz*, 20 NY2d 753, 754 [1967]).

Entered: March 20, 2026

Ann Dillon Flynn
Clerk of the Court