

State of New York Court of Appeals

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

No. 108 SSM 18
The People &c.,
Respondent,
v.
Jaime Cruz,
Appellant.

Submitted by Harold V. Ferguson, Jr., for appellant.
Submitted by Alan Gadlin, for respondent.

On review of submissions pursuant to section 500.11 of the Rules, order reversed and accusatory instrument dismissed. As the People acknowledge, the accusatory instrument's misdemeanor count, to which defendant pleaded guilty, was facially deficient (*see People v Hill*, 38 NY3d 460, 462 [2022]). The People consent to dismissal of the remaining portion of the accusatory instrument. Acting Chief Judge Cannataro and Judges Rivera, Garcia, Wilson, Singas and Troutman concur.

Decided December 13, 2022