

People v Benjamin Riley

Motion No: 2023-03196

Slip Opinion No: 2023 NY Slip Op 72927(U)

Decided on September 07, 2023

Appellate Division, First Department, Motion Decision

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Judiciary Law § 431.

This motion is uncorrected and is not subject to publication in the
Official Reports.

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

Present – Hon. Anil C. Singh, Lizbeth González Tanya R. Kennedy Julio Rodriguez III Bahaati E. Pitt-Burke,	Justice Presiding, Justices.
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The People of the State of New York, Respondent, -against-	Motion No. 2023-03196 Ind. No. 5257/14 Case No. 2016-02093
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Benjamin Riley,
Defendant-Appellant.

An order of this Court having been entered on November 03, 2016 (M-4813), inter alia, assigning Seymour W. James, Jr., Esq., as predecessor to Twyla Carter, Esq., The Legal Aid Society, as counsel to prosecute defendant's appeal from a judgment of the Supreme Court, New York County, rendered on or about April 07, 2016,

And assigned counsel having moved for an order abating the appeal by reason of appellant's death, remanding the matter to the trial court to vacate the judgment of conviction, and dismissing the indictment,

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

It is ordered that the motion is granted to the extent of dismissing the appeal due to appellant's death on April 24, 2018, and remanding the matter to the Supreme Court, New York County, for further proceedings consistent with *People v Mintz* (20 NY2d 770[1967]).

ENTERED: September 07, 2023



Susanna Molina Rojas
Clerk of the Court