

APPELLATE DIVISION OF THE SUPREME COURT OF THE STATE OF NEW YORK, FIRST DEPARTMENT

People v. R.V.

2025 NY Slip Op 07110 · No. Ind. No. 70718/21; Appeal No. 5429; Case No. 2024-01633 · Decided December 18, 2025

SUMMARY

The Appellate Division, First Department, unanimously affirmed an order dismissing the indictment against the defendant in furtherance of justice under CPL 210.40. The court held that the lower court providently exercised its discretion, noting that the defendant purchased a false COVID-19 vaccination card to maintain employment as an essential worker and that his conduct caused no specific or societal harm.

CASE DETAILS

COURT	Appellate Division of the Supreme Court of the State of New York, First Department
WRITING FOR THE COURT	Kern, J.P.; Scarpulla, J.; Friedman, J.; Shulman, J.; Rosado, J.
JURISDICTION	New York Appellate Division, First Department
DECIDED	December 18, 2025
DOCKET	Ind. No. 70718/21; Appeal No. 5429; Case No. 2024-01633
DISPOSITION	affirmed
PROCEDURAL POSTURE	The People appealed from an order granting defendant's motion under CPL 210.40 to dismiss the indictment in furtherance of justice.
STANDARD OF REVIEW	Abuse of discretion; whether the lower court providently exercised its discretion after considering the relevant CPL 210.40 factors.
PRECEDENTIAL VALUE	published
PARTIES	The People of the State of New York v. R.V.

TOPICS

criminal procedure

appellate procedure

standard of review

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether Supreme Court providently exercised its discretion under CPL 210.40 by dismissing the indictment against defendant in furtherance of justice.

HOLDINGS

1. Supreme Court providently exercised its discretion in dismissing the indictment in furtherance of justice after considering the relevant CPL 210.40 factors.

KEY QUOTATIONS

*“After considering the relevant factors set forth in CPL 210.40, the court providently exercised its discretion in dismissing the indictment in furtherance of justice” (*1)*

FACTUAL BACKGROUND

Defendant purchased a false COVID-19 vaccination card to maintain his employment during the pandemic. He worked as an essential worker during the worst days of the pandemic. The court found that his conduct caused no specific or societal harm.

PROCEDURAL HISTORY

Supreme Court, New York County, granted defendant's CPL 210.40 motion and dismissed the indictment against him in furtherance of justice. The Appellate Division, First Department, unanimously affirmed.

DISPOSITION

affirmed

CASES CITED

- People v. Colon, 86 N.Y.2d 861, 863 (1995)
- People v. Rickert, 58 N.Y.2d 122, 128 (1983)

OPINION

PER CURIAM.

People v R.V. (2025 NY Slip Op 07110) People v R.V. 2025 NY Slip Op 07110 Decided on December 18, 2025 Appellate Division, First Department Published by New York State Law Reporting Bureau pursuant to Judiciary Law § 431. This opinion is uncorrected and subject to revision before publication in the Official Reports. Decided and Entered: December 18, 2025 Before: Kern, J.P., Scarpulla, Friedman, Shulman, Rosado, JJ. Ind. No. 70718/21|Appeal No.

5429|Case No. 2024-01633| [*1]The People of the State of New York, Appellant, v R., Defendant-Respondent.

Alvin L. Bragg, Jr., District Attorney, New York (David Gagne of counsel), for appellant. Caprice R. Jenerson, Office of the Appellate Defender, New York (Ronald Zapata of counsel), for respondent. Order, Supreme Court, New York County (Brendan T. Lantry, J.), entered on or about January 31, 2024, which granted defendant's CPL 210.40 motion to dismiss the indictment as against him in furtherance of justice, unanimously affirmed.

After considering the relevant factors set forth in CPL 210.40, the court providently exercised its discretion in dismissing the indictment in furtherance of justice (see *People v Colon*, 86 NY2d 861, 863 [1995]; *People v Rickert*, 58 NY2d 122, 128 [1983]). Among other things, the court recognized that defendant purchased the false Covid-19 vaccination card to maintain his employment during the pandemic, where he served as an essential worker during its worst days.

Moreover, the court properly found that defendant's actions caused no specific or societal harm. We have considered the People's remaining arguments and find them unavailing. THIS CONSTITUTES THE DECISION AND ORDER OF THE SUPREME COURT, APPELLATE DIVISION, FIRST DEPARTMENT. ENTERED: December 18, 2025