

**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.

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

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