

SUPREME COURT OF THE STATE OF NEW YORK, APPELLATE DIVISION,
FOURTH JUDICIAL DEPARTMENT

People v. Baker

2026 NY Slip Op 01641 · No. 39 KA 23-00978 · Decided March 20, 2026

SUMMARY

The Appellate Division, Fourth Department dismissed the defendant's appeal from a judgment convicting him upon his guilty plea to first-degree sexual abuse. The dismissal followed the defendant's death after the trial court, on remittal, determined that the People were not timely ready for trial and dismissed the indictment under CPL 30.30.

CASE DETAILS

COURT	Supreme Court of the State of New York, Appellate Division, Fourth Judicial Department
WRITING FOR THE COURT	Bannister, J.P.; Montour, J.; Smith, J.; Greenwood, J.; Nowak, J.
JURISDICTION	New York Appellate Division, Fourth Department
DECIDED	March 20, 2026
DOCKET	39 KA 23-00978
DISPOSITION	dismissed
PROCEDURAL POSTURE	Defendant appealed from a judgment of Wayne County Court convicting him upon his guilty plea of sexual abuse in the first degree. The Appellate Division previously remitted the matter twice for a determination whether the People were ready for trial within the statutory time period. After the trial court granted defendant's CPL 30.30 motion and defendant died, the Appellate Division dismissed the appeal.
PRECEDENTIAL VALUE	Published
PARTIES	Lawrence D. Baker v. The People of the State of New York

TOPICS

- appellate procedure
- speedy trial
- criminal procedure

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the defendant's death required dismissal of the pending appeal after the indictment had been dismissed on remittal under CPL 30.30.

HOLDINGS

1. Because defendant died after the indictment was dismissed on remittal, the appeal must be dismissed under the circumstances presented.

KEY QUOTATIONS

“Under these circumstances, we dismiss the appeal” ([*1])

FACTUAL BACKGROUND

Defendant pleaded guilty to sexual abuse in the first degree under Penal Law § 130.65(3). After remittal proceedings concerning the People's readiness for trial, County Court determined that the People had not been ready within the requisite time and granted defendant's motion to dismiss the indictment under CPL 30.30. Defendant subsequently died while the appeal was pending.

PROCEDURAL HISTORY

Wayne County Court rendered a judgment on April 5, 2023, following defendant's guilty plea. The Appellate Division twice held the appeal, reserved decision, and remitted the matter to County Court. On the most recent remittal, County Court found that the People were not ready for trial within the requisite period and dismissed the indictment under CPL 30.30. Defendant subsequently died, and the Appellate Division dismissed the appeal.

DISPOSITION

dismissed

CASES CITED

- People v. Baker, 238 AD3d 1507 (4th Dept 2025)
- People v. Baker, 229 AD3d 1324 (4th Dept 2024)
- People v. Matteson, 75 NY2d 745, 747 (1989)
- People v. Mintz, 20 NY2d 753, 754 (1967)

OPINION

PER CURIAM.

People v Baker (2026 NY Slip Op 01641) People v Baker 2026 NY Slip Op 01641 Decided on March 20, 2026 Appellate Division, Fourth 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 on March 20, 2026 SUPREME COURT OF THE STATE OF NEW YORK Appellate Division, Fourth Judicial Department PRESENT: BANNISTER, J.P., MONTOUR, SMITH, GREENWOOD, AND NOWAK, JJ. 39 KA 23-00978 [*1]THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, v 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