



New York State
Unified Court System

Schenectady City Court • 4th Judicial District (Schenectady County)

Hon. Teneka E. Frost
City Court Judge

Hon. Carl G. Falotico
City Court Judge

Rebecca Rose
Chief Clerk

Hon. Katherine A. McGuirl
City Court Judge

Hon. Oscar A. Quintero
City Court Judge

Vicki Hernandez
Deputy Chief Clerk

June 29, 2026

Codruta Antonovici, Esq.
Benjamin Goldman Law Office, P.C.
Attorney for Defendant
189 Southwoods Dr.
Monticello, NY 12701

Schenectady County District Attorney's Office
612 State St.
Schenectady, NY 12305

Re: People v. [REDACTED]
Docket No.: CR-00687-26
Uniform Traffic Ticket No: S260275599

Decision/Letter Order

By motion filed on April 24, 2026, defendant moves for an order dismissing the above referenced simplified traffic information charging defendant with the offense of operating a moving motor vehicle while using a portable electronic device (*see* Vehicle and Traffic Law § 1225-d), on the grounds that a supporting deposition was timely requested but not served upon defendant in accordance with CPL 100.25 (2); the complainant officer failed to file proof of service of a supporting deposition; the People were not ready for trial in accordance with CPL 30.30 (1) (d); or in the alternative, an order compelling the People to provide discovery pursuant to CPL 245.10 (1) (a) (iii). The People have not taken a position.

A defendant charged by a simplified information is, upon a timely request, entitled as a matter of right to have filed with the court and served upon him or his attorney, a supporting deposition of the complainant police officer, containing allegations of fact, based either upon personal knowledge or upon information and belief, providing reasonable cause to believe that the defendant committed the offense charged (CPL 100.25 [2]). Upon such a request, the court must order the complainant police officer to serve the supporting deposition upon the defendant or his attorney, within thirty days of the court's receipt of the request, and to file with the court such supporting deposition with proof of service (CPL 100.25 [2]). Failure to do so "renders the simplified information insufficient on its face" (CPL 100.40 [2]) and subjects it to dismissal upon motion (CPL 170.35 [1] [a]).

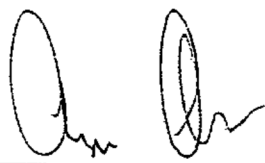
105 Jay Street, Schenectady, NY 12305
531 Liberty Street, Schenectady, NY 12305
(518) 453-6989 • schenectadycity@nycourts.gov

Here, defendant was issued the above referenced simplified traffic information on January 31, 2026. On or about February 3, 2026, the ticket and a supporting deposition were electronically filed with the Court via TraCS. By email correspondence dated February 9, 2026, defense counsel entered a plea of "not guilty" on defendant's behalf and requested a supporting deposition. Exhibit A of defense counsel's affirmation is a copy of the correspondence, together with a screen shot of the email reply from the court. Although the court's email acknowledged the request and advised to "please allow 2-4 weeks for processing," there is nothing in the court file indicating that the complainant officer was ordered to serve the supporting deposition and file proof of service thereof.

Consequently, as the requirements of CPL 100.25 (2) have not been complied with, the simplified traffic information is facially insufficient (*see* CPL 100.42 [2]; *People v Garcha*, 79 Misc 3d 128 [A]; *2023 NY Slip Op 50680 [U]*, *2 [App Term, 2d Dept, 9th & 10th Jud Dists 2023], *lv denied* 40 NY3d 1012 [2023]; *People v Wagschal*, 59 Misc 3d 29, 31 [App Term, 2d Dept, 9th & 10th Jud Dists 2018]).

Accordingly, and for the reasons stated herein, defendant's motion to dismiss is granted and Uniform Traffic Ticket No: S260275599 is **DISMISSED**.

SO ORDERED.



Hon. Oscar A. Quintero

