

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X	:	
JOSEPH CRACCO,	:	
	:	
<i>Plaintiff,</i>	:	
	:	
<i>-against-</i>	:	
	:	14 Civ. 8235 (PAC)
CYRUS R. VANCE, JR., in his official	:	
capacity as District Attorney for the County of	:	
New York,	:	<u>OPINION & ORDER</u>
	:	
<i>Defendant.</i>	:	
-----X	:	

HONORABLE PAUL A. CROTTY, United States District Judge:

On March 27, 2019, the Court held that the New York state gravity knife statute, codified at N.Y. Penal Law §§ 265.01(1) and 265.00(5), was unconstitutionally vague and granted summary judgment for Plaintiff Joseph Cracco. (*See* ECF 91.) Defendant Cyrus R. Vance, Jr. appealed.

While the appeal was pending, the New York state legislature passed, and Governor Andrew M. Cuomo signed into law, Assembly Bill 5944, which repeals N.Y. Penal Law § 265.01(1) and its prohibition on gravity knives. *See Governor Cuomo Signs Legislation Ending The Legal Ban On Gravity Knives*, Governor’s Press Office (May 30, 2019), <https://www.governor.ny.gov/news/governor-cuomo-signs-legislation-ending-legal-ban-gravity-knives>. Based on this statutory development, the Second Circuit vacated this Court’s summary judgment order and remanded with instructions to dismiss the complaint. *Joseph Cracco v. Cyrus R. Vance, Jr., et al.*, No. 19-1129-cv (2d Cir. Nov. 25, 2020). Pursuant to the Second

Circuit's instructions, the Court now dismisses Cracco's complaint as moot and directs the Clerk of the Court to terminate the case.

Dated: New York, New York
November 30, 2020

SO ORDERED



PAUL A. CROTTY
United States District Judge