

People v Teterus

2022 NY Slip Op 33459(U)

September 28, 2022

County Court, Onondaga County

Docket Number: Case No. 20080108

Judge: Rory A. McMahon

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This opinion is uncorrected and not selected for official publication.

STATE OF NEW YORK
COUNTY OF ONONDAGA

COUNTY COURT

PEOPLE OF THE STATE OF NEW YORK,

Plaintiffs/Appellees,

vs.

Lower Court Appeal

2021-003397


Case Number: 20080108

STEVEN F. TETERUS,

Defendant/Appellant.

APPEARANCES: WILLIAM J. FITZPATRICK, ESQ.
Onondaga County District Attorney's Office
Attorney for Plaintiffs/Appellees
No Appearance

BENJAMIN GOLDMAN LAW OFFICE
Benjamin Goldman, Esq., of Counsel
Attorney for Defendant/Appellant


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Onondaga County, NY
Lisa Dell County Clerk

MCMAHON, Rory A., Presiding

DECISION / ORDER

CO-2021-003397

This is an Appeal from a conviction, decision and order entered in the Town of Geddes on or about March 22, 2021 wherein the judge of the lower court found upon evidence presented at trial that the Defendant/Appellant, Steven F. Teterus, was guilty of Speeding in a Posted Work Zone in violation of Section 1180 of the Vehicle and Traffic Law of the State of New York. Mr. Teterus was sentenced to pay a fine plus a mandatory surcharge.

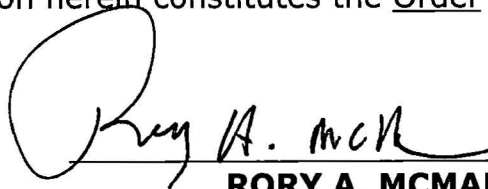
The Defendant/Appellant filed a Notice of Appeal on April 7th, 2021 and served the lower court, as well as the district attorney's office, with a copy of the Notice of Appeal and requested a copy of the digital recording of the proceeding from the clerk of the lower court. The Defendant/Appellant was subsequently advised by the court clerk that as a result of a malfunction with

the digital recorder, no record of the proceedings is available. She, however, provided the minutes of the proceedings.

The Defendant/Appellant is now seeking a summary granting of the Appeal upon the grounds that the lower court failed to comply with the procedural requirements pursuant to CPL Section 460.10. The matter was then assigned to this court, who then advised the Plaintiff/Appellee to serve a response upon the Defendant/Appellant and the court on or before May 2nd 2022 as to their position on this issue. To date, no response has been received. The Defendant/Appellant submits a decision should now be rendered.

In light of the foregoing, this court has considered the papers filed on behalf the Defendant and lack of response by the People and has reviewed the lower court file including the court minutes, and finds that the Defendant/Appellant's summary motion to vacate the defendant's conviction and sentence is granted in the interests of justice and accordingly, the Defendant's judgement of conviction is hereby **reversed**.

The decision herein constitutes the Order of this Court.



RORY A. MCMAHON
Judge of County Court

Dated: Syracuse, New York
September 28th, 2022