

State of New York Court of Appeals

This memorandum is uncorrected and subject to revision before publication in the New York Reports.

No. 44 SSM 3
In the Matter of State of New
York,
 Appellant,
 v.
Donald G.,
 Respondent.

Submitted by Frederick A. Brodie, for appellant
Submitted by Gary Muldoon, for respondent

On review of submissions pursuant to section 500.11 of the Rules, order reversed, without costs, and order of Supreme Court, Cayuga County, reinstated. Under these circumstances, Supreme Court did not abuse its discretion as a matter of law in ordering a new trial in the interest of justice on the ground of juror misconduct. Respondent's remaining contentions have been considered and are without merit. Chief Judge DiFiore and Judges Rivera, Stein, Fahey, Garcia and Wilson concur.

Decided March 30, 2021