



OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS
Hearings Division

DECISION

Michael Nacmias, Esq. - Nacmias Law Firm 592 Pacific Street 1st Floor Brooklyn, NY 11217	Summons No: 0218331951 et al. (1 Summons) NEW YORK CITY POLICE DEPT, -against- TRAJVONT S YORK Hearing Date: 12/05/2024 Hearing Location: Remote Type of Hearing: By Telephone
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Total Penalty Amount: \$0.00
Community Service(Hr): Not Applicable

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
0218331951	Dismissed	10/16/2024	East 57th Street and Clarendon Road Brooklyn

LINE ITEM	OATH CODE	CODE SECTION/RULE	RESULT	PENALTY
1	AD6L	AC 19-190(B)	Dismissed	\$0.00

Findings of Fact & Conclusions of Law

Michael Nacmias, Attorney for Respondent, TRAJVONT S YORK appeared for a hearing by telephone on December 5, 2024. Petitioner, New York City Police Department, did not appear.

Respondent is charged with a violation of Section 19-190(b) of the NYC Administrative Code. The issuing officer states that Respondent failed to yield to a pedestrian that had the right of way. The summons states that the pedestrian was removed to the hospital with injury to the arm. The Affidavit of Service was left blank.

Section 19-190(b) of the Administrative Code of the City of New York provides, in relevant part, that any driver of a motor vehicle who fails to yield to a pedestrian who has the right of way and whose motor vehicle causes contact with and injury to that pedestrian, shall, in addition to being guilty of a misdemeanor, be subject to a civil penalty of not more than \$ 250. For

purposes of this section, "physical injury" shall have the same meaning as in section 10.00 of the penal law.

Under Penal Law § 10.00 (10), a serious physical injury is defined as one that causes death, serious and protracted disfigurement, protracted impairment of health, or protracted loss or impairment of the function of any bodily organ.

I credit the summons, and while it does mention that the driver caused physical injury it fails to meet the definition of physical injury under Penal Law § 10.00. In addition, the Affidavit of Service is blank rendering service defective. Accordingly, the Summons is dismissed



12/12/2024

12/12/2024

Amita Rodriguez, Hearing Officer

Date