

**COUNTY COURT OF THE STATE OF NEW YORK
ONONDAGA COUNTY**

THE PEOPLE OF THE STATE OF NEW YORK,

Plaintiff,

vs.

**ORDER GRANTING
MOTION FOR CONDITIONAL
SEALING PURSUANT TO
CPL § 160.58**

WILNOT RECIDIVATE,

Defendant.

Indict. No. I-98-625-1

Upon consideration of the documents filed in support of this motion, including the affidavit, memorandum of law, and reply memorandum of law submitted by Mr. Recidivate, and the prosecution's answering affidavit, together with the entire record in this action, it is hereby:

ORDERED that all official records and papers relating to Mr. Recidivate's March 8, 1989 arrest for Grand Larceny in the Fourth Degree, the prosecution of this arrest, and the resulting October 10, 1989 conviction stemming from this arrest, be sealed pursuant to subdivisions 4 and 5 of Criminal Procedure Law (CPL) § 160.58;

ORDERED that the Division of Criminal Justice Services be notified of this sealing in accordance with CPL § 160.58(5);

ORDERED that records sealed pursuant to this Order be made available only to the persons and agencies listed in CPL § 160.58(6); and further

ORDERED that if subsequent to the entrance of this Order, Mr. Recidivate is arrested for or formally charged with any misdemeanor or felony offense, such records be immediately unsealed and remain unsealed; provided, however, that if such arrest results in a termination in favor of Mr. Recidivate as defined in CPL § 160.50(3) or by conviction for a non-criminal as described in CPL § 160.55, such unsealed records be conditionally sealed pursuant to subsections (4) and (5) of CPL § 160.58.

DATED at Syracuse, New York this _____ day of _____, 2010.

Hon. Helpful Learned Hand
Onondaga County Court Judge