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## N.Y. court throws out conviction of man arrested for standing on Times Square sidewalk

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ALBANY, N.Y. — Hanging out on the sidewalk isn't a crime, the state's top court has ruled, even if you and your friends are blocking people's paths through bustling Times Square.

The New York Court of Appeals decided Tuesday to overturn the conviction of Matthew Jones, who was charged with disorderly conduct and resisting arrest on June 12, 2004. Police said other people "had to walk around" him, he wouldn't move when asked and he flailed his arms.

Jones pleaded guilty after spending a night in jail, but he later appealed.

To be convicted of disorderly conduct in New York, a person must be acting "with intent to cause public inconvenience, annoyance or alarm, or recklessly creating a risk thereof" and obstructing vehicular or pedestrian traffic, according to the unanimous opinion.

The court found that Jones' behavior — standing in the middle of the sidewalk at 2:01 a.m. with friends — did not meet the definition.

"Otherwise, any person who happens to stop on a sidewalk — whether to greet another, to seek directions or simply to regain one's bearings — would be subject to prosecution under this statute," the opinion said.

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