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New York Court of Appeals on Criminal Law, 3d

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Enclosed is the 2025 Cumulative Supplement to New York Court of Appeals on Criminal Law, 3d. This enclosure replaces the 2024 Cumulative Supplement. Please note that, for ease of handling, the materials in this shipment may ship in more than one box.

Filing Instructions

REMOVE and RECYCLE the 2024 Cumulative Supplement.

PLACE the new 2025 Cumulative Supplement next to the bound volume.

Highlights

Some of the Court's significant decisions during the past year, which are included in this 2025 Cumulative Supplement, address such topics as:

- When an alleged contradictory prior statement is admitted solely for the purpose of impeachment of a witness, the rule which requires reversal of a conviction when guilt depends on a single witness whose testimony is in "hopeless contradictions" does not apply. See 3:21.
- The "People's monitoring of an incarcerated pro se defendant's jail phone calls may have a chilling effect on the defendant's trial preparation that threatens the right to present a defense--particularly if the People are able to make use of the information in the calls in the pending trial." See 8:11.
- When the trial court precluded the defendant's psychiatric defense for failure to file a timely notice of the intended defense pursuant to CPL 250.10, the court "impinged [the defendant's] constitutional right to present a defense" because it failed "to balance the prejudice to the People resulting from a delayed notice against [the defendant's] constitutional right to present a defense." See 12:15.

- A showup of a defendant who stepped out of a police vehicle with his hands behind his back “within a few blocks of the crime scene” and “immediately after the robbery and defendant’s apprehension” was not unduly suggestive. See 25:7.
- A person who commits a justified homicide by shooting the deceased may not be guilty of possession of a firearm with “intent” to use it “unlawfully” if the jury concluded that the defendant acted lawfully in killing the deceased in self-defense. See 31:188.
- An intermediate appellate court has “broad, plenary power” to reduce a sentence “without deference to the sentencing court”; thus, a “defendant need not demonstrate extraordinary circumstances or abuse of discretion by the sentencing court in order to obtain a sentence reduction.” See 39:51.
- A violation of a defendant’s right to be present at a Sandoval hearing may be remedied by a subsequent Sandoval hearing that takes place in the defendant’s presence and provides the defendant with an opportunity to participate. See 44:30.

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