

INTRODUCTION TO THE 2026- 2027 EDITION

Criminal Procedure in New York provides a comprehensive discussion of procedure and evidence in criminal cases. It discusses how to effectively gather, present, and attack evidence in a criminal case, and includes forms for every stage of a case.

New features and recent developments in this 2026-2027 Edition include:

- *People v. Robinson*, where the Court of Appeals held the defendant was in custody for Miranda purposes where he was handcuffed, surrounded by multiple officers on a public street, and questioned for about eight minutes while being searched and repeatedly accused of theft and assault, circumstances comparable to a formal arrest. The Court nonetheless found the trial court's admission of the statements was harmless error finding there was no reasonable possibility it affected the verdict.
- *People ex rel. Kon v. Maginley-Liddie*, where the Court of Appeals reversed a trial court order remanding a defendant who sought a new securing order under the current bail statute while awaiting retrial, holding the court failed to comply with the statute's requirement to explain the basis for remand. The remand order merely recited that statutory factors were considered and that remand was the least restrictive means to ensure return to court, without identifying which factors were relied on or rejected and using outdated "least restrictive means" language.
- *People v. Johnson*, in which the Court of Appeals held that Johnson's guilty-plea appeal waiver did not bar his facial constitutional challenge to New York's firearm licensing scheme, and that he had standing to bring that facial challenge even though he never applied for a license because his conviction flowed from the scheme. On the merits, the Court concluded that *Bruen* invalidated only the "proper cause" requirement, which is severable, so the broader licensing framework remains constitutional, and it affirmed the Appellate Division.
- *People v. Wright*, in which the Court of Appeals held the trial court erred by refusing to hear the defendant after he expressly objected and sought to controvert predicate-felony allegations at sentencing, requiring remittal for further proceedings. The Court emphasized that the right to controvert under the CPL second violent felony offender procedure is personal to the defendant, not counsel.

- *People v. Licius*, in which the Court of Appeals held that electronically submitting a statement of readiness before midnight on the statutory due date satisfies CPL § 30.30, even if it is filed through EDDS after the clerk's office closes and not reviewed and accepted until the next morning. The Court also noted it may take judicial notice of the EDDS submission timing.
- Discussion of recent New York case law throughout.