

State of New York Court of Appeals

MEMORANDUM

This memorandum is uncorrected and subject to revision before publication in the New York Reports.

No. 55
The People &c.,
Respondent,
v.
Christopher Baldner,
Appellant.

John Ingrassia, for appellant.
Matthew Keller, for respondent.

MEMORANDUM:

The order of the Appellate Division should be affirmed.

“In the context of a grand jury proceeding, legal sufficiency means prima facie proof of the crimes charged, not proof beyond a reasonable doubt” (*People v Bello*, 92 NY2d

523, 526 [1998] [internal citation omitted]). “The reviewing court’s inquiry is limited to whether the facts, if proven, and the inferences that logically flow from those facts supply proof of every element of the charged crimes” (*id.* [internal quotation marks omitted]). “That other, innocent inferences could possibly be drawn from [the evidence presented to the grand jury] is irrelevant to the sufficiency inquiry where, as here, the grand jury could rationally have drawn the guilty inference” (*People v Edwards*, 36 NY3d 946, 947 [2020] [internal quotation marks omitted]).

The evidence presented to the grand jury was legally sufficient to demonstrate that defendant acted with depraved indifference to human life (*see* Penal Law §§ 125.25 [2], 120.25). “[A] person who is depravedly indifferent is not just willing to take a grossly unreasonable risk to human life—that person does not care how the risk turns out” (*People v Maldonado*, 24 NY3d 48, 53 [2014], quoting *People v Lewie*, 17 NY3d 348, 359 [2011]). Defendant’s arguments are essentially challenges to the weight of the evidence, and thus not properly considered on appellate review of a challenge to the legal sufficiency of an indictment (*see People v Swamp*, 84 NY2d 725, 730 [1995] [“The reviewing court must . . . defer() all questions as to the weight or quality of the evidence”]). Even considering only the evidence as to which defendant raises no admissibility objections, we conclude that the evidence presented to the grand jury was sufficient to establish prima facie proof of the crimes charged (*see People v Avant*, 33 NY2d 265, 271 [1973]).

Order affirmed, in a memorandum. Chief Judge Wilson and Judges Rivera, Garcia, Singas, Cannataro, Troutman and Halligan concur.

Decided June 12, 2025