State of New York Court of Appeals

Summaries of cases before the Court of Appeals are prepared by the Public Information Office for background purposes only. The summaries are based on briefs filed with the Court. For further information contact Gary Spencer at (518) 455-7711.

To be argued Thursday, June 2, 2016

No. 116 People v Dayshawn Crooks

Dayshawn Crooks was arrested in January 2013 after police officers executed a search warrant at his Albany apartment and seized more than a half-ounce of crack cocaine. Probable cause for the search warrant was based on two previous controlled drug buys, in which the police used a confidential informant wearing an audio transmitter to purchase cocaine from Crooks. The first purchase took place inside Crooks' apartment, where the police could not see the transaction, but monitored the audio transmission as it occurred. The second purchase occurred outdoors, where the officers could visually observe some of the interactions between Crooks and the informant in addition to their audio surveillance.

Crooks sought a Darden hearing to verify the existence and reliability of the informant. County Court denied the motion, finding a Darden hearing was not necessary because "there was sufficient reasonable cause for issuance of the search warrant based upon the two controlled buys, wherein the informant was searched before the buys and found not to be in possession of cocaine, the police monitored the buys through audio and visual surveillance, and the informant turned over cocaine to the police immediately after the buys. Thus, reasonable cause existed independent of any statements the informant made to the police...." The court also denied Crooks' motion to suppress the cocaine seized from his apartment. Crooks was convicted of two counts of criminal possession of a controlled substance in the third degree and sentenced to eight years in prison.

The Appellate Division, Third Department affirmed, saying "a Darden hearing was not necessary inasmuch as probable cause for the search warrant was established, in part, by the independent observations of the police ... [and] independent of any information directly provided by the [informant] alone...."

Crooks argues he was entitled to a Darden hearing because "the communications from the [informant] were necessary to establish probable cause. No police officer involved in this investigation visually observed appellant do anything unlawful. The proof that appellant was engaged in the sale of cocaine came entirely from the [informant]." He says there was no visual monitoring of the first controlled buy in the apartment and, regarding the second buy, "no police officer testified ... that they observed appellant sell cocaine to the [informant]. At best, [a detective's] testimony showed that other police officers observed some interaction between" Crooks and the informant.

For appellant Crooks: Matthew C. Hug, Troy (518) 283-3288
For respondent: Albany County Assistant District Attorney Brittany L. Grome (518) 487-5460

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No. 117 People v Sparkle Daniel
No. 118 People v Nadine Panton

Sparkle Daniel and Nadine Panton were charged with murder in 2007, four years after the body of 91-year-old Nellie Hocutt was found asphyxiated in her Bronx home, tied to a chair with a plastic bag over her head. Daniel and Panton were questioned separately at the Bronx Homicide Task Force office.

A detective testified that he asked Daniel if she knew why she was here, and she said no. He told her he was investigating the death of an elderly woman, and she said nothing. He was called away for several minutes and when he returned he told her she knew what he was talking about, and Daniel said, "Yes." She said she and Panton saw "Miss Nellie" outside her home and asked to use her phone. The detective stopped her at that point and gave her Miranda warnings for the first time. Daniel then said that, after Hocutt let them into her home, Panton robbed and killed her by herself. The detective questioned her story and Daniel gave a second statement admitting she participated in the murder, but claiming she was coerced by Panton. After a break of nearly three hours and fresh Miranda warnings, Daniel made a similar statement on videotape.

In questioning Panton, a detective asked if she knew why she was there and Panton said no. The detective showed her a crime scene photograph of Hocutt, with the plastic bag over her head, and Panton began to cry. When she composed herself about 18 minutes later, Panton was given Miranda warnings for the first time. She then admitted that she helped to rob Hocutt, but said it was Daniel's idea and said Daniel tied and gagged the victim and poured wine down her throat. Panton repeated the statement on video, after new Miranda warnings.

Supreme Court denied their motions to suppress their statements after a joint hearing, finding no violations of Miranda. In separate trials, Daniel and Panton were convicted of second-degree murder and sentenced to 25 years to life in prison.

The Appellate Division, First Department affirmed Panton's conviction, saying she failed to preserve her Miranda claim. Alternatively, it said, "Even assuming that the detective's display ... of a crime scene photograph of the murder victim ... constituted the functional equivalent of interrogation, defendant made no incriminating statements until after the warnings were administered, and her post-Miranda statements were attenuated from the display of the photo...."

A different First Department panel reversed Daniel's conviction on a 4-1 vote, saying her "two written statements, although produced after she had been Mirandized, were 'part of a single continuous chain of events' that included the detective's initial pre-warning inquiries and statement [and] defendant's pre-warning acknowledgment that she knew why she had been brought in" and that she and Panton "had asked to use the victim's phone." It said "her unwarned statements plainly tended to incriminate her by acknowledging that she knew something about the murder of an elderly woman and by placing herself at the scene of the crime with the victim and [Panton]."

The dissenter argued Daniel "had not confessed or admitted to any wrongdoing" before she was Mirandized. "[C]onsidering the brevity of the pre-Miranda questioning and the inconsequential information obtained by the police, I find that the taint of the pre-Miranda statement was sufficiently dissipated."

For appellant in 117 & respondent in 118: Manhattan Asst. Dist. Atty. David P. Stromes (212) 335-9233
For respondent Daniel: Natalie Rea, Manhattan (212) 577-3300
For appellant Panton: Robin Nichinsky, Manhattan (212) 577-2523

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To be argued Thursday, June 2, 2016

No. 119 Mazella v Beals

Dr. William Beals treated Joseph Mazella for depression, anxiety and other mental disorders from 1993 to August 17, 2009, for the last decade of that period prescribing Paxil and other psychiatric medications without seeing Mazella in person. Mazella usually visited his family physician for treatment, including prescriptions for psychiatric medications. After his treatment by Beals ended on August 17, Mazella was treated by other medical professionals, including Dr. Elisabeth Mashinic, and was admitted to psychiatric facilities in Syracuse and Auburn three times in less than four weeks. After Mazella committed suicide on September 12, 2009, his estate brought this medical malpractice action against Beals and Mashinic.

Evidence at trial showed Beals did not see Mazella in person from August 1998 until his last treatment on August 17, 2009. Supreme Court denied Beals' motion to preclude the introduction of a consent order settling charges brought against him by the State Office of Professional Medical Conduct (OPMC), which alleged he negligently prescribed medication for Mazella and 12 other patients without seeing them in person. Beals signed the order in 2012, agreeing not to contest charges relating to the 12 other patients, but not those relating to Mazella. After August 17, Mazella was admitted to psychiatric facilities twice for overnight stays and once for a week, during which he tried to kill himself with the belt of his hospital gown, and was treated by Mashinic, another psychiatrist and other clinic staff, who repeatedly changed his medications. The plaintiff's expert testified Beals was negligent in prescribing Paxil without seeing Mazella and said this lack of monitoring likely contributed to his suicide. He also said Mazella's perceived abandonment by Beals after the August 17 visit was a significant factor in the suicide. Beals' expert testified that his failure to see Mazella for years while issuing prescriptions did not cause the suicide because the medications were subsequently changed by others, and that the August 17 visit was not a factor because his subsequent psychiatric admissions were intervening medical treatments.

The jury found that Beals and Mashinic were negligent, but determined that Beals' negligence was the sole cause of Mazella's suicide. It awarded $1.2 million in damages.

The Appellate Division, Fourth Department affirmed on a 3-1 vote, saying the evidence was legally sufficient because "there is a valid line of reasoning supporting the jury's verdict" that Beals was negligent and his negligence was a proximate cause of Mazella's death. Regarding Mazella's subsequent treatment by other physicians and clinics, it said "we respectfully note that there may have been more than one proximate cause of decedent's injuries..., and that the jury was entitled to credit plaintiff's theory that [Beals'] actions constituted one of those proximate causes." It said any error in admitting the OPMC consent order would have been harmless.

The dissenter argued the plaintiff "failed to establish that [Beals'] negligence was a proximate cause of decedent's suicide" because "the psychiatric treatment provided to decedent after [Beals'] involvement in the case ended constituted an intervening act that severed any causal connection between [Beals'] negligence and decedent's suicide." She also argued Beals was deprived of a fair trial by admission of the "highly prejudicial" OPMC consent order, in which he "admitted that he failed to provide proper care to 12 patients other than decedent." She said this "undoubtedly contributed to the legal error of the jury's determination of [Beals'] liability."

For appellant Beals: Kevin T. Hunt, Syracuse (315) 637-3663
For respondent Mazella: Alessandra DeBlasio, Manhattan (212) 321-7084

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To be argued Thursday, June 2, 2016

No. 91 Matter of Brooke S.B. v Elizabeth A. C.C. *(papers sealed)*
No. 92 Matter of Estrellita A. v Jennifer D.

These appeals involve former same-sex couples who, while they were together, used artificial insemination to have a child. The biological mother in each case, Elizabeth A. C.C. and Jennifer D., opposes a petition for visitation by her former partner, who did not adopt the child. A difference between the cases is that only in Case No. 92 did the biological mother obtain court-ordered child support from her former partner.

In Case No. 91, Elizabeth A. C.C. gave birth in 2009 and raised the child jointly with Brooke S.B. until they ended their relationship in 2010. Elizabeth continued to allow Brooke regular visitation with the child until 2013, when their relationship deteriorated further and Elizabeth denied Brooke any access to the child. Brooke then brought this proceeding for joint custody and visitation in Chautauqua County Family Court. Her petition was supported by the attorney for the child.

Family Court denied Brooke's petition, saying, "Without adopting the child the petitioner has no legal standing" to seek visitation. The Appellate Division, Fourth Department affirmed. "It is well settled 'that parentage under New York law derives from biology or adoption,'" it said, citing Debra H. v Janice R. (14 NY3d 576), and, "as the Court of Appeals unequivocally stated, 'any change in the meaning of "parent" under our law should come by way of legislative enactment rather than judicial revamping of precedent'...."

In Case No. 92, Jennifer D. gave birth to a daughter in 2008 and raised her jointly with Estrellita A. until they ended their relationship in 2012, although Estrellita continued to visit the child several days a week. Jennifer filed a petition in Suffolk County Family Court seeking child support from Estrellita. The court granted the petition, saying "the uncontroverted facts establish that" Estrellita "is a parent to" the child and, thus "is chargeable with the support of the child." Estrellita, who had commenced a proceeding for visitation, amended her petition to note she had been "adjudicated" a parent of the child.

Family Court denied Jennifer's motion to dismiss the visitation proceeding for lack of standing, ruling she was "judicially estopped from asserting that [Estrellita] is not a parent based upon her sworn petition and testimony" in the support proceeding. It said Jennifer "deliberately sought to involve her former partner in her child's life at least until her financial majority." The court subsequently granted visitation to Estrellita, and the right to be consulted "on all matters of importance" concerning the child.

The Appellate Division, Second Department affirmed, saying, "The concerns expressed ... in Debra H. are not implicated in the present case, where [Estrellita] invoked the doctrine of judicial estoppel, not equitable estoppel. No hearing was required to decide whether the doctrine of judicial estoppel applies.... Moreover, just as in second-parent adoptions, the adjudication of [Estrellita] as a parent of the child required the biological mother's affirmative legal consent...."

No. 91 For appellant attorney for the child: Eric I. Wrubel, Manhattan (212) 984-7700
For respondent Brooke S.B.: Susan Sommer, Manhattan (212) 809-8585
For respondent Elizabeth A. C.C.: Sherry A. Bjork, Frewsburg (716) 450-1974
No. 92 For appellant Jennifer D.: Christopher J. Chimeri, Hauppauge (631) 482-9700
For respondent Estrellita A.: Andrew J. Estes, Manhattan (212) 715-9100
Attorney for the child John B. Belmonte, Central Islip (631) 439-2450