

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 or gspencer@nycourts.gov.

To be argued Wednesday, April 9, 2025

No. 46 People v Brenda WW.

Brenda WW fatally stabbed her live-in boyfriend in the back with a butcher knife during a violent altercation in their Madison County apartment in 2007. She was convicted of first-degree manslaughter and assault at trial in 2008 and again at retrial in 2010, and she was sentenced to 20 years in prison followed by five years of postrelease supervision.

In 2020, she moved for resentencing in Madison County Court under the Domestic Violence Survivors Justice Act (DVSJA), which was enacted in 2019 to give judges discretion to impose alternative, less severe sentences on defendants who were “subjected to substantial physical, sexual or psychological abuse” and “such abuse was a significant contributing factor to the defendant’s criminal behavior.” The DVSJA also permits incarcerated domestic violence victims to seek a reduction of an “unduly harsh” sentence if they would have qualified for an alternative sentence under the statute.

County Court denied her request for resentencing, saying Brenda and her boyfriend had “a mutually abusive relationship aggravated by the substance abuse of both parties,” but finding that any abuse at the time of the stabbing was neither substantial nor “a significant contributing factor to her behavior on that night.” It said she “was not in imminent danger from [him] that night.”

The Appellate Division, Third Department modified by reducing her prison term to eight years in a 3-2 decision. It also eliminated her term of postrelease supervision by crediting her for time she served in prison beyond her reduced sentence. It found the abuse Brenda had suffered was “substantial” and noted that, although her relationship with the victim “was mutually abusive, that does not foreclose a determination that defendant was a victim of abuse;” and found the abuse was a “significant contributing factor” in her criminal conduct. The majority further found that her sentence was “unduly harsh” in view of her lengthy history of domestic abuse, credible reports that she “was genuinely remorseful for her actions,” and her clean disciplinary record “during her lengthy period of incarceration.” The majority said, “The fact that defendant was not entitled to a justification defense does not disqualify her from the compassionate relief afforded by the DVSJA. Defendant is not a perfect victim in any respect, and her own violent conduct certainly makes this inquiry a close call. However, the record before us establishes by a preponderance of the evidence that defendant has been repeatedly victimized by various individuals over the course of her life, which ... explains much of her conduct.”

The dissenters agreed that Brenda was subjected to “substantial” abuse, which “was a ‘substantial contributing factor’ to her criminal behavior.” But they said “the nature and circumstances of this crime and the history, character and condition of defendant do not render defendant’s original sentence unduly harsh. Specifically, the history of mutual violence between the parties, the volume of alcohol defendant consumed the night of the incident, defendant’s ever-changing story of the events of that night and her failure to take responsibility and accept that her actions caused the victim’s death militate against the compassionate relief afforded by the” DVSJA.

For appellant: Madison County Assistant District Attorney J. Sam Rodgers (315) 336-2236

For respondent Brenda WW.: Veronica Reed, Schenectady (518) 269-2012

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No. 47 People v Angela VV.

Angela VV was charged with murdering her boyfriend in their Franklin County apartment in November 2013. The pair had a mutually abusive relationship and both of them were abusing drugs and alcohol extensively. When police responded to her 911 call, Angela told them her boyfriend came at her with a knife, saying, "I am going to kill you." She pushed him to the floor and he dropped the knife, she grabbed a baseball bat and repeatedly struck him with it in the head and arms. As he lay on the floor, she picked up the knife and stabbed him repeatedly in the head, neck and chest. The autopsy determined the victim's skull was fractured, both forearms were broken, and he died of multiple stab wounds. She ultimately pled guilty to first-degree manslaughter and was sentenced to 15 years in prison.

In 2022, Angela applied for resentencing under the Domestic Violence Survivors Justice Act (DVSJA), which gives judges discretion to reduce an "unduly harsh" sentence imposed on a defendant who was "subjected to substantial physical, sexual or psychological abuse" where the abuse "was a significant contributing factor to the defendant's criminal behavior."

County Court denied the application, saying she largely relied on her own testimony, which "the court found much of it to be incredible, irrelevant, evasive, self-serving, non-responsive, or equivocal," and gave it "very little weight." It said it "is simply not convinced that [Angela] was a victim of domestic violence subject to substantial" abuse, nor "convinced that domestic violence abuse was a significant contributing factor to [her] criminal behavior."

The Appellate Division, Third Department affirmed on a 3-2 vote, deferring to County Court's credibility determinations regarding Angela's testimony and saying the other evidence from the hearing was insufficient "to prove that domestic abuse was a significant contributing factor to her criminal conduct" or that her original sentence was "unduly harsh." "Defendant, who almost immediately faced no imminent threat from the victim, acted in a deliberate and relentless manner in carrying out the brutal killing," it said. "Indeed, notwithstanding the fact that the victim was lying on the floor and covered in blood with a fractured skull and two fractured forearms, and despite defendant having paused to think about what she had already done, she resumed her attack." In addition to the killing, it said, "her history, character and condition weigh against the granting of her motion for resentencing."

The dissenters said "we need not defer to County Court's [credibility] determination in this context particularly where, as here, it is not supported by the record.... The record demonstrates that from the moment of her 911 call requesting help, through her testimony at the September 22, 2022 resentencing hearing, defendant has been consistent in her claim that she acted in self-defense after the victim entered her residence with a knife and attacked her. Defendant has also been steadfast in her claim that she endured months of physical, emotional and sexual abuse perpetrated by the victim prior to the underlying crime." They argued that her sentence was unduly harsh and that "the brutality of the crime does not outweigh the other factors supporting a reduction in the sentence."

For appellant Angela VV.: Mitch Kessler, Cohoes (518) 235-6312

For respondent: Franklin County Exec. Asst. Dist. Attorney Alyxandra Stanczak (518) 481-1544

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No. 48 People v Laquawn Lewis

Laquawn Lewis was charged with attempted murder based on a November 2015 incident outside of a bodega in Astoria, Queens, in which he repeatedly punched, kicked and stomped on the victim and then stole money from his pockets as he lay on the ground. The beating was recorded by a surveillance camera and Lewis was arrested a year later when his parole officer identified him as the attacker in the video.

Prior to jury selection, Lewis's assigned counsel asked to be relieved, telling the judge that Lewis threatened to kill him during a video conference. Supreme Court denied the request, saying "Passions do run high when a trial's about to start..., but your application to be relieved is most respectfully denied. I want to move this case, and move this case expeditiously...."

Lewis then sought assignment of new counsel or to represent himself pro se "because this attorney is ineffective and I've got paperwork for you." When the court asked how long it would take him to hire a lawyer, Lewis said, "I would represent myself... I would like to represent myself." The court asked, "You're going to represent yourself?" and Lewis replied, "Yes." The court said, "I'll deal with that. [Assigned counsel] is on the case until you can hire another attorney. If you choose to go pro se at the time of trial, I'll entertain your application at that point..." Lewis did not renew his request to represent himself and assigned counsel defended him at trial. He was acquitted of attempted murder, but convicted of the remaining charges including top counts of first-degree robbery and assault. He was sentenced to 25 years in prison.

The Appellant Division, Second Department affirmed, ruling that Supreme Court did not deprive Lewis of his right to self-representation. It said, "The defendant's requests to proceed pro se, which were made in the context of his claim of dissatisfaction with counsel, were not unequivocal...." It also rejected his claim that the prosecution failed to present legally sufficient evidence to establish that the victim of the beating sustained serious physical injury.

Lewis argues, "This case presents the unusual situation in which a court imposed an attorney-client relationship against the will of both the client and attorney and then closed its eyes to the inevitable consequences that arose.... While the summary denial of each request is an independent basis for reversal under the Sixth Amendment, the cumulative effect of the court's inaction resulted in a dysfunctional attorney-client relationship that compromised the integrity of the entire trial." He says that his repeated requests to represent himself were clear and unequivocal and notes that this Court recognized, in People v McIntyre (36 NY2d 10 [1974]), "that most pro se requests are 'motivated by dissatisfaction with the trial strategy' or 'a lack of confidence in [the] attorney.'" He also pursues his claim of insufficient evidence of serious physical injury."

For appellant Lewis: David Fitzmaurice, Manhattan (212) 693-0085 ext 222

For respondent: Queens Assistant District Attorney Charles T. Pollak (718) 286-5984

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No. 49 Matter of Reclaim the Records v New York State Department of Health

Reclaim the Records (RTR), a not-for-profit that provides public access to copies of government records for historical and genealogical research, filed a Freedom of Information Law (FOIL) request with the State Health Department (DOH) in 2021 seeking digital copies of its “Death Index” for each year up through 2017. The Death Indexes contain limited information obtained from death certificates, including the name and age of a deceased, gender, date of death and residency code. DOH provided its Death Index for 1971 and referred RTR to its online indexes for 1957 through 1970, but determined that its indexes for subsequent years were exempt from disclosure under FOIL as an unwarranted invasion of personal privacy and as specifically exempted under Public Health Law § 4174(1)(a), which restricts access to “a certified copy or a certified transcript of the record of any death” to seven categories of applicants and further provides that “no certified copy or certified transcript of a death record shall be subject to disclosure under” FOIL. RTR filed this proceeding to compel disclosure.

Supreme Court ordered DOH to produce the indexes, with any Social Security numbers redacted. It said privacy concerns of the dead “have been dissipated or extinguished by their death” and “the risk [to survivors] is simply too attenuated and too speculative.”

The Appellate Division, Third Department reversed in a 3-2 decision and dismissed the suit, finding the indexes for 1973 through 2017 were exempt from disclosure. It noted DOH’s “legitimate interest in protecting a decedent’s survivors against the prospect of identity theft and fraud if the information was released. Beyond that, the withheld archival information includes sensitive personal information impacting a surviving family member’s privacy interests ..., including health information otherwise shielded from disclosure under the Health Insurance Portability and Accountability Act of 1996 (HIPAA) for 50 years following the death of an individual....” The majority also said the indexes were properly withheld under Public Health Law § 4174(1)(a), which restricts access to certified death records to seven categories of people. “We recognize that petitioners are not requesting copies of death certificates or any ‘certified’ records. Even so..., the import of the statute is to limit the disclosure of these records to applicants who fall within the defined categories.... The express qualifier precludes a FOIL request otherwise made by a nonqualifying member of the general public.”

The dissenters said disclosure of medical or sensitive personal information to RTR would be an invasion of privacy and barred by HIPAA. “However..., the release of limited biographical information – specifically, each decedent’s name, date of birth, date of death, place of birth and place of death – would not constitute an unwarranted invasion of personal privacy.... Importantly, this is not the type of information that relates to the ‘intimate moments in the life of one’s deceased ... relative,’ which if disclosed and publically available may cause surviving relatives anguish.... Instead, this information constitutes simple biographical data of which surviving relatives are aware.” They argued that disclosure of the indexes is not barred by Public Health Law § 4171(1)(a) because RTR is not seeking “original death certificates, certified copies or certified transcripts of death records.”

For appellant Reclaim the Records: Michael D. Moritz, Manhattan (212) 373-3000

For respondent Health Department: Assistant Solicitor General Kevin C. Hu (518) 776-2007