State of New York
Court of Appeals

Summaries are prepared based on the parties' briefs and are for background purposes only.

To be argued Wednesday, February 11, 2026

People v Kenneth Tyson (234 AD3d 1282 [AD4])
Court PASS Docket No. APL-2025-00075

In December 2021, Kenneth Tyson, an inmate at a correctional facility, was arrested after throwing a liquid later confirmed to contain urine at a correction officer who entered Mr. Tyson's cell to check on his welfare. In February 2023, Mr. Tyson was indicted for aggravated harassment of an employee by an incarcerated individual (Penal Law § 240.32), a class E felony. Mr. Tyson moved to dismiss the indictment, arguing that his due process rights were violated by an unreasonable pre-indictment delay.

County Court granted the motion, and the People appealed. The Appellate Division, Fourth Department, in a 3–2 decision, affirmed. Applying the factors set forth in *People v Taranovich* (37 NY2d 442), the majority held that the 14-month delay between arrest and indictment was unreasonable. The court emphasized that the case was not complex, the Department of Corrections and Community Supervision (DOCCS) possessed the necessary evidence and witnesses early on, and Mr. Tyson spent seven months in solitary confinement.

The dissenting justices concluded that Mr. Tyson was not deprived of due process. They reasoned that a 14-month delay has repeatedly been upheld as constitutionally permissible; the case involved a serious charge requiring scientific testing; the People did not learn of the incident until August 2022, when the State Police forwarded paperwork to the People; and DOCCS is not a law enforcement agency, so the prosecution cannot be deemed to have constructive possession of its records.

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To be argued Wednesday, February 11, 2026

People v Joseph C. Jones (236 AD3d 1410 [AD4])
Court PASS Docket No. APL-2025-000086

In December 2017, an apprehension team was assigned to locate and arrest a parole absconder pursuant to a validly-issued arrest warrant. The team learned the absconder might be near an intersection in Rochester. When the team arrived at the intersection, they saw an individual, wearing a ski mask that covered his face, who matched the reported height and weight of the absconder. As the team pulled their unmarked car next to the individual, he ran away, tossing a gun as he attempted to climb a fence. The team arrested the individual, recovered the tossed gun, and, upon searching him, located drugs.

The individual was not the absconder, but Joseph Jones. Mr. Jones moved to suppress the evidence, claiming the pursuit violated his constitutional rights. The trial court denied suppression, and Mr. Jones pleaded guilty to attempted criminal possession of a weapon in the second degree.

The Appellate Division, Fourth Department, affirmed in a 3-2 decision. The majority observed that under *People v DeBour* (40 NY2d 210), the police may not generally initiate a pursuit of an individual without a reasonable suspicion that a crime has been, is being or is about to be committed. However, where the pursuit of an individual is based upon an arresting officer's mistaken belief that the individual was someone else for whom a valid arrest warrant had been issued, the arrest is valid if the arresting officer reasonably believed the person arrested was the person sought. Here, the majority said, the arresting officer reasonably believed Mr. Jones was the absconder because Mr. Jones matched the absconder's reported height and weight, covered his face with a ski mask, was in the location where the absconder was reported to be, and immediately fled upon being approached.

The dissenting Justices disagreed, saying the People only demonstrated that Mr. Jones matched the generic height and weight of the average male in the general population. The dissenting Justices pointed to officers' testimony that it was not unusual for someone to be wearing a ski mask on a cold December morning in Rochester and observed that the officers could not see Mr. Jones's face or discern his race. The dissent concluded that denying suppression here was tantamount to holding that the officers had a reasonable belief sufficient to stop and arrest any average-sized man, of any race, in the general area where the absconder may have been.

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To be argued Wednesday, February 11, 2026

People v Lashawn Miller-Henderson (234 AD3d 1245 [AD4])
Court PASS Docket No. APL-2025-00062

Mr. Lashawn Miller-Henderson was charged with two counts of criminal possession of a controlled substance in the third degree (Penal Law §220.16[1]) and four counts of criminally using drug paraphernalia in the second degree (§220.50[2], [3]). These charges arose from an October 2019 search of a Rochester apartment where police found Mr. Miller-Henderson along with crack cocaine, scales, and packaging materials.

Applying *People v Molineux* (168 NY 264 [1901]), the trial court granted the People's request to admit evidence of Mr. Miller-Henderson's 2017 conviction for attempted criminal possession of a controlled substance in the third degree and the circumstances of that crime. Before and after the testimony on the prior conviction, and again during the jury charge, the court instructed jurors that the evidence could not be considered for the purpose of proving that the defendant had a propensity or predisposition to commit the crimes charged in this case and that it was being offered as evidence on the question of knowing possession and intent.

The jury convicted Mr. Miller-Henderson, and he appealed. The Appellate Division, Fourth Department, in a 3–2 decision, affirmed. The majority and dissent agreed that evidence offered solely to show criminal disposition must be excluded. Under *Molineux*, courts must first determine whether the evidence is offered for a non-propensity purpose—such as motive, intent, absence of mistake, common scheme or plan, identity, or completing the narrative of events. If so, the court then weighs the probative value against the potential for unfair prejudice, which can be mitigated by limiting instructions.

The majority held that the 2017 conviction was admissible because it was relevant to knowing possession and intent to sell, and the trial court did not abuse its discretion in finding that its probative value outweighed any prejudicial effect. The majority emphasized that the limiting instructions "mitigated any prejudice," stating that "any claim of prejudice necessarily relies on the assumption that the jury ignored the court's limiting instructions, and the law does not permit such an assumption."

The dissent countered that the 2017 conviction amounted to propensity evidence, was not relevant because it involved different circumstances and occurred two years earlier, and that its prejudicial effect outweighed any probative value. The dissent noted that if the 2017 conviction was "marginally relevant" to intent, it was unnecessary because intent was easily inferred from the paraphernalia and packaging found in the apartment.

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To be argued Wednesday, February 11, 2026

People v Eugene Curry (233 AD3d 1487 [AD4])
Court PASS Docket No. APL-2025-00076

Eugene Curry pleaded guilty in April 2016 to attempted criminal possession of a weapon in the second degree and, in July 2016, he was sentenced to five years' probation. In January 2018, Mr. Curry was charged with violating his probation. In December 2018, Mr. Curry entered treatment court after pleading guilty to violating probation and agreeing that successful completion of the treatment court program would restore him to probation; failure would result in his probation being revoked and a term of incarceration. The court did not issue a declaration of delinquency pursuant to CPL 410.30.

Based on Mr. Curry's noncompliance with the treatment court program, in December 2021, five months after the original term of probation expired, the court revoked Mr. Curry's probation and sentenced him to two years' imprisonment and three years' postrelease supervision.

On appeal, Mr. Curry argued that, without a CPL 410.30 declaration, County Court did not have jurisdiction to revoke his probation and resentence him after his probation term expired.

The Appellate Division, Fourth Department, affirmed. The court explained that the filing of a CPL 410.30 declaration tolls the period of probation and extends the sentence originally imposed. Observing that no declaration of delinquency was imposed, the court continued, "[n]onethtless, [Mr. Curry] pleaded guilty to violating probation prior to the expiration of his sentence of probation," and, thus, County Court had jurisdiction to sentence him after revoking his probation.