

People v Walker

2022 NY Slip Op 34382(U)

April 5, 2022

Supreme Court, Westchester County

Docket Number: Indictment No. 19-00542

Judge: Robert A. Neary

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FILED
APR - 5 2022
TIMOTHY C. IDONI
COUNTY CLERK
COUNTY OF WESTCHESTER

FILED
AND
ENTERED
ON 4-5- 2022
WESTCHESTER
COUNTY CLERK

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF WESTCHESTER

-----X
THE PEOPLE OF THE STATE OF NEW YORK

- against -

LLOYD WALKER,

Defendant.

-----X
NEARY, J.

DECISION AND ORDER

Ind. No. 19-00542

The following constitutes the opinion, decision and order of the Court:

The defendant has been indicted for the crimes of Attempted Assault in the First Degree, Criminal Possession of a Weapon in the Second Degree, Criminal Possession of a Weapon in the Third Degree, Reckless Endangerment in the First Degree and Stalking in the Second Degree. It is alleged that on or about March 25, 2019, the defendant did attempt to seriously injure two individuals by firing a handgun at them.

The defendant claiming to be aggrieved by the improper or unlawful acquisition of evidence has moved to suppress a statement allegedly made by him on March 25, 2019 at Mount Vernon Police headquarters on the ground that the statement was involuntary and made without the benefit of the *Miranda* warnings.

The People must establish the voluntariness of the statements attributed to the defendant beyond a reasonable doubt before they are admissible at trial.

By decision of the Hon. Susan M. Capeci dated January 29, 2020, pre-trial *Huntley* and *Sandoval/Ventimiglia* hearings were ordered. On April 5, 2022, a hearing was held to address the *Huntley* issue. The *Sandoval/Ventimiglia* hearing was adjourned until April 26, 2022 immediately before trial.

At the hearing, the People called as a witness Mount Vernon Police Department Sergeant Curtis Subryan. The Court finds the testimony of the People's witness to be candid, plausible and fully credible. The defendant presented no witnesses and offered no evidence. The People's exhibit included a signed *Miranda* Rights form.

The Court makes the following Findings of Facts and Conclusions of Law:

FINDINGS OF FACT

On the evening of March 25, 2019, the defendant was taken into custody by Mount Vernon police officers in connection with a shooting incident earlier in the day. The defendant was taken to Mount Vernon Police headquarters where he was interviewed by Detective Curtis Subryan and Detective Ronnie Williams. The defendant was advised orally of his *Miranda*

rights by Detective Williams in the presence of Detective Subryan. He was also provided a standard issued Mount Vernon Police Department form (People's Exhibit 1) containing those same rights and a waiver portion. After apparently reading this form, the defendant indicated that he did not wish to answer questions and requested an attorney. At that point, the defendant was taken from the interview room and escorted to a nearby holding cell by the two detectives.

Prior to being placed in the holding cell, the defendant was uncuffed and in accord with routine procedure asked to remove his belt, shoelaces and any superfluous clothing. The defendant became increasingly agitated and made spontaneous and unprovoked statements indicating, in substance, he did not feel he could be prosecuted for an ounce of weed or for a bullet recovered by police, adding he himself found the bullet on the street and it was not his. The defendant also remarked that he did not care if police found the gun because he still could not be prosecuted because he was God's child. The defendant concluded his rant by telling the detective to give him his name and he would put 100,000 Jamaican dollars on his head.

CONCLUSIONS OF LAW

When an individual is in custody and being interrogated, the police are required to administer the *Miranda* warnings and once any of those rights are invoked questioning must cease. In *Rhode Island v. Innis*(446 US 291), the court stated that "the *Miranda* safeguards come into play whenever a person in custody is subjected to either express questioning or its functional equivalent. That is to say, the term 'interrogation' under *Miranda* refers not only to express questioning, but also to any words or actions on the part of police (other than those normally

attendant to arrest and custody) that the police should know are reasonably likely to elicit an incriminating response from a suspect.”

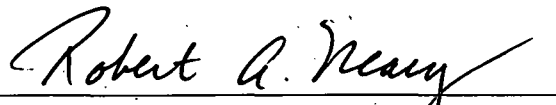
Clearly, an incriminating statement which is made spontaneously and is not the product of interrogation may be admitted into evidence. [See *People v. Maerling*, 46 NY2d 289]. Here the Court finds that the statements attributed to the defendant were made with genuine spontaneity in the course of the routine booking process before placing him into a holding cell. The questions and directives posed by the detective were aimed at relieving the defendant of any seemingly innocuous items on his person or in his clothing that could be used to harm himself or others.

The record is devoid of any evidence that the defendant’s statements were the result of inducement, provocation, encouragement, threats or acquiescence. Therefore, the defendant’s motion to suppress the aforementioned statements is denied in its entirety.

The parties are directed to refrain from becoming involved in any other litigation that would conflict with their commitment to commence jury selection in this matter on April 26, 2022 at 9:30 A.M.

This constitutes the opinion, decision and order of this Court.

Dated: White Plains, New York
April 5, 2022


ROBERT A. NEARY
SUPREME COURT JUSTICE