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Summarizing recent significant
New York appellate cases

The Court of Appeals recently clarified that the Legislature's sweeping criminal discovery and speedy trial reforms allow a defendant to pursue a speedy trial claim on appeal even if the conviction from which they are appealing was rendered prior to the January 1, 2020 effective date of the reforms. Let's take a look at that opinion and what else has been going on in the New York appellate courts over the last week.

COURT OF APPEALS

CRIMINAL LAW, SPEEDY TRIAL

People v Nantan, 2026 NY Slip Op 06379 (Ct App Oct. 29, 2026)

Issue: **Does Criminal Procedure Law 30.30 (6), which provides that speedy trial claims "shall be reviewable upon an appeal," including from a conviction based on a guilty plea, apply to appeals pending as of its effective date where the convictions were obtained prior to its effective date?**

Facts: After defendant was charged with a misdemeanor, and a year went by without the People declaring ready to proceed to trial, defendant moved to dismiss on speedy trial grounds. Criminal Court denied the motion, as well as her motion to reargue. Defendant then pled guilty to a reduced charge, and appealed from her conviction. While her appeal was pending, CPL 30.30 (6) became effective on January 1, 2020 as part of the sweeping discovery and speedy trial reforms. Defendant eventually perfected her appeal four years later, "raising only the alleged erroneous denial of her speedy trial motion. The Appellate Term affirmed the judgment of conviction, concluding that defendant forfeited her speedy trial claim by pleading guilty and that CPL 30.30 (6) does not apply retroactively to pre-enactment convictions."

Holding: The Court of Appeals reversed, holding that "the plain text of CPL 30.30 (6) expands appellate review of speedy trial claims to all cases, without reservation, regardless of whether the appeal arose from a judgment of conviction entered prior to when the statute took effect." The Court explained, before the adoption of CPL 30.30 (6) as part of the Legislature's sweeping criminal pre-trial reforms, a guilty plea waived any argument "that the prosecution failed to declare ready within the applicable statutory time limit." Through CPL 30.30 (6), however, "the Legislature sought to enable appellate review following a guilty plea and, for purposes of speedy trial motions, thus place defendants who pleaded guilty on equal footing with those who proceeded to trial." Therefore, the Court held, "CPL 30.30 (6) unambiguously and unconditionally applies to *all* criminal appeals challenging an underlying order finally denying a motion to dismiss based on speedy trial grounds, regardless of whether the conviction arose from a guilty plea or a trial verdict. Appellate review of speedy trial errors alleged in pending appeals advances the salutary policy objectives that underlie Kalief's Law by ensuring errors in the timely adjudication of criminal matters are corrected not only for the affected individual defendant, but throughout our State's criminal legal system."

The Court rejected the People's further argument that the intention of the Legislature was for section 30.30 (6) to apply only to appeals filed after its effective date. The Court noted, however, that "CPL 30.30 (6)'s express authorization of appellate review in all cases—i.e. a speedy trial claim 'shall be reviewable upon an appeal'— . . . perforce includes pending appeals. That sweeping language makes plain the Legislature's intent to expand appellate jurisdiction. Given that language and its intended purpose, we would expect the Legislature to expressly state any exclusion rather than—as the prosecution claims—further expound on what the broad language by its terms encompasses. As a textual matter, the prosecution's interpretation finds no support in the language and well-established rules of statutory interpretation."

Therefore, the Court concluded, "CPL 30.30 (6) mandates that speedy trial claims 'shall be reviewable upon an appeal from an ensuing conviction,' 'notwithstanding' that the speedy trial determination was succeeded by a judgment of conviction entered upon a plea. On its face, CPL 30.30 (6) expands the jurisdiction of the appellate courts and applies to all appeals pending when it took effect. We find no express language limiting or otherwise restricting section 30.30 (6) only to judgments of conviction entered after its effective date. If the Legislature had intended to limit appellate review, it easily could have said so."

CRIMINAL LAW, JUSTIFICATION DEFENSE

***People v Mears*, 2026 NY Slip Op 06237 (Ct App Oct. 27, 2026)**

Issue: **May a justification defense instruction pursuant to Penal Law § 35.15 be available for a charge of endangering the welfare of a child that is premised on the use of force?**

Facts: "In September 2022, the defendant shared a home with his girlfriend, J.L., and her fifteen-year-old son, R.T. During a night out, the defendant and J.L. argued and returned home. Each went back out to a bar, and they eventually returned home again, still quarreling. A physical altercation between the defendant and R.T. ensued, leaving R.T. on the floor, seemingly unconscious."

The defendant was then charged with strangulation and endangering the welfare of a child. At trial, the People relied on the same evidence to establish both charges—"the defendant's use of force against R.T. . . . J.L., R.T., and the defendant each recounted their versions of the altercation. The People also called a forensic nurse, who testified about the abrasions found on R.T.'s neck and a strangulation assessment she performed on R.T., and a forensic scientist, who testified about a DNA swab of R.T.'s neck that showed likely evidence of the defendant's DNA."

At the conclusion of the People's proof, "the defendant sought a trial order of dismissal on the ground that the People's evidence did not establish guilt of either charge. In response, the People pointed to the same evidence for both charges: that the defendant had placed his hands on R.T.'s neck, causing him to become unconscious." Following closing, the defendant sought a justification charge on both counts. The trial court granted the application with respect to the strangulation charge, but denied it with respect to the endangering the welfare of a child charge. The jury eventually acquitted defendant of strangulation, but convicted him of endangering the welfare of a child.

The Appellate Division, Second Department affirmed, rejecting the defendant's argument that he was entitled to a justification charge on both counts. Relying on past Appellate Division precedent, "[t]he Appellate Division held that the trial court properly declined to charge justification, since that defense 'generally does not apply' to the crime of endangering the welfare of a child. It further held that, regardless, there was no reasonable view of the evidence that supported the defense."

Holding: The Court of Appeals reversed, and remitted for a new trial. Overruling the Appellate Division's past precedent that a justification defense generally is not available for a charge of endangering the welfare of a child, the Court held that "[t]he statutory text . . . is clearly contrary. Article 35 instructs that, 'in *any* prosecution for an offense, justification, as defined in sections 35.05 through 35.30, is a defense'. And the self-defense justification defense, set forth in section 35.15, includes no limiting or qualifying language regarding the availability of the defense. We thus see no basis in Article 35's broad language for denying a section 35.15 justification defense in a prosecution involving a charge of endangering the welfare of a child."

The Court further explained, "a self-defense justification defense is not limited to offenses that include the use of force as one of the statutory elements. Even if the prosecution could prove their case without establishing a defendant's use of force, the justification defense is available if the prosecution chooses to argue its case on a use-of-force theory, and a reasonable view of the evidence supports the defense. Although endangering the welfare of a child can be prosecuted based on a defendant's actions that do not involve the use of force, here, the prosecution premised their case on defendant's use of force. When a prosecution for endangering the welfare of a child is based on the use of force, a charge of justification pursuant to Penal Law § 35.15 is available if there is a reasonable view of the evidence to support it."

And here, the Court held, a reasonable view of the evidence existed to support a justification defendant instruction. "The evidence relied on by the People to prove the endangerment charge was identical to that underlying the strangulation charge. Even though non-violent conduct may provide a basis for an endangerment charge, the People relied on defendant's use of force in support of both charges. The People did not differentiate between the endangerment and strangulation charges in their complaint, opening statement, or summation, and in their response to the trial order seeking dismissal, the People's evidence for both charges focused on the defendant placing his hands on R.T.'s neck . . . According to the defendant's testimony, the defendant was reacting to multiple unprovoked punches from R.T., with the apparent expectation that more punches would follow. The defendant testified that he might have ended up grabbing R.T.'s neck accidentally while protecting his glass contact lenses. While R.T. and J.L. provided accounts that sharply diverged from the defendant's, the charge must be given if there is evidence reasonably supportive of the defense, even if there is other evidence which, if credited, would negate it."

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