

APPELLATE DIVISION OF THE SUPREME COURT OF THE STATE OF NEW YORK, THIRD DEPARTMENT

People v. Coffey

2025 NY Slip Op 07248 (Appellate Division of the Supreme Court of the State of New York Third Department 2025) · No. CR-23-1566 · Decided December 24, 2025

SUMMARY

The Appellate Division, Third Department withheld decision and remitted the matter to determine whether the prosecution's certificate of compliance was proper under the former version of CPL 245.50 and whether its statement of readiness was valid. The court held that the trial court improperly focused on prejudice rather than evaluating the prosecution's due diligence and good-faith compliance with discovery obligations.

CASE DETAILS

COURT	Appellate Division of the Supreme Court of the State of New York, Third Department
WRITING FOR THE COURT	Pritzker, J.; Garry, P.J.; Aarons, J.; Powers, J.; Corcoran, J.
JURISDICTION	New York Appellate Division, Third Department
DECIDED	December 24, 2025
DOCKET	CR-23-1566
DISPOSITION	remanded
PROCEDURAL POSTURE	Defendant appealed from a judgment of Broome County Court convicting him upon his guilty plea to criminal possession of a weapon in the second degree. The appeal challenged denial of his CPL 30.30 motion to dismiss the indictment based on allegedly illusory discovery compliance and trial readiness.
STANDARD OF REVIEW	The appellate court reviewed whether County Court properly denied defendant's CPL 30.30 motion and whether the People's certificate of compliance was filed in good faith and was reasonable under the circumstances. On a motion alleging inadequate discovery diligence, the People bear the burden of establishing due diligence and reasonable inquiries before filing the initial certificate of compliance.
PRECEDENTIAL VALUE	Published New York Appellate Division opinion

PARTIES

David A. Coffey v. The People of the State of New York

TOPICS

speedy trial

discovery criminal

criminal procedure

appellate procedure

standard of review

PRACTICE AREAS

criminal law

criminal procedure

appellate practice

QUESTIONS PRESENTED

1. Whether County Court erred by denying defendant's CPL 30.30 speedy-trial motion based on a finding that defendant suffered no prejudice from the alleged discovery violations.
2. Whether the People's certificate of compliance was filed in good faith and was reasonable under the circumstances after due diligence and reasonable inquiries, and consequently whether the statement of readiness was valid.
3. Whether the case should be remitted because County Court did not determine whether the alleged discovery violations invalidated the certificate of compliance and statement of readiness.

HOLDINGS

1. A defendant need not show prejudice to obtain dismissal on speedy-trial grounds based on the People's failure to timely comply with CPL article 245 discovery obligations.
2. The trial court must determine whether the People's initial certificate of compliance was filed in good faith and was reasonable under the circumstances despite the alleged discovery violations; that determination will establish whether the statement of readiness was valid.

KEY QUOTATIONS

*"If a defendant moves for dismissal on speedy trial grounds alleging that the People failed to exercise due diligence, "the People bear the burden of establishing that they did, in fact, exercise due diligence and made reasonable inquiries prior to filing the initial COC despite a belated or missing disclosure. If the prosecution fails to make such a showing, the COC should be deemed improper, the readiness statement stricken as illusory, and — so long as the time chargeable to the People exceeds the applicable CPL 30.30 period — the case dismissed"" (*3)*

*"In light of the court's failure to consider whether the People's [COC] was filed in good faith and reasonable under the circumstances despite the [alleged] discovery [violations], we hold the case, reserve decision, and remit the matter to [County] Court to determine whether the People's [COC] was proper under the terms of CPL 245.50[, as it was in effect at the time,] and thus whether the [SOR] was valid"" (*3)*

FACTUAL BACKGROUND

The prosecution's criminal case arose from evidence found during execution of a search warrant at defendant's home. The People initially disclosed a heavily redacted search-warrant application, filed a certificate of

compliance, and stated that they were ready for trial. After County Court ordered disclosure of an unredacted application, defendant learned that the warrant relied on a confidential informant and sought a Darden hearing and related materials. The People later filed a supplemental certificate of compliance, while defendant argued that the initial certificate and statement of readiness were illusory because automatic discovery had not been fully disclosed.

PROCEDURAL HISTORY

After a felony complaint was filed in May 2021, defendant was indicted on weapon, controlled-substance, and drug-paraphernalia charges arising from a search of his home. The People filed an initial certificate of compliance and statement of readiness while providing a heavily redacted search-warrant application; County Court later ordered an unredacted copy, granted a Darden hearing, and issued a protective order concerning confidential-informant materials. County Court denied defendant's speedy-trial motion, reasoning in part that he had not shown prejudice. Defendant then pleaded guilty pursuant to an agreement preserving his right to appeal and received a seven-year prison term followed by five years of postrelease supervision. The Appellate Division withheld decision and remitted for County Court to determine whether the certificate of compliance was proper and whether the statement of readiness was valid.

DISPOSITION

remanded

REMAND INSTRUCTIONS

County Court of Broome County must determine whether the People's certificate of compliance was proper under CPL 245.50 as it was in effect at the relevant time, including whether it was filed in good faith and was reasonable under the circumstances after due diligence, and consequently whether the People's statement of readiness was valid. The proceedings must be consistent with the Appellate Division's decision.

CASES CITED

- People v. LaDuke, 204 AD3d 1083, 1087 (3d Dept. 2022), lv denied, 38 NY3d 1072 (2022)
- People v. Contompasis, 236 AD3d 138, 144-145 (3d Dept. 2025), lv denied, 43 NY3d 1007 (2025)
- People v. Mazelie, 2025 NY Slip Op 05849, *3
- People v. Bay, 41 NY3d 200, 209-214 (2023)
- People v. Williams, 224 AD3d 998, 999-1000, 1004 n. 5 (3d Dept. 2024), lv denied, 41 NY3d 1021 (2024)
- People v. Gaskin, 214 AD3d 1353, 1355 (4th Dept. 2023)
- People v. James, 229 AD3d 1008, 1011-1012 (3d Dept. 2024)

OPINION

PER CURIAM.

People v Coffey (2025 NY Slip Op 07248) People v Coffey 2025 NY Slip Op 07248 Decided on December 24, 2025 Appellate Division, Third Department Published by New York State Law

Reporting Bureau pursuant to Judiciary Law § 431. This opinion is uncorrected and subject to revision before publication in the Official Reports. Decided and Entered: December 24, 2025 CR-23-1566 [*1] The People of the State of New York, Respondent, v David A. Coffey, Appellant.

Calendar Date: November 19, 2025 Before: Garry, P.J., Arons, Pritzker, Powers and Corcoran, JJ. James A. Bartosik Jr., Glenmont, for appellant. F. Paul Battisti, District Attorney, Binghamton (Mary E. Saitta of counsel), for respondent. Pritzker, J. Appeal from a judgment of the County Court of Broome County (Joseph Cawley, J.), rendered March 9, 2023, convicting defendant upon his plea of guilty of the crime of criminal possession of a weapon in the second degree.

After the filing of a felony complaint in May 2021, defendant was indicted and charged with criminal possession of a weapon in the second degree, criminal possession of a controlled substance in the seventh degree and two counts of criminally using drug paraphernalia in the second degree stemming from evidence discovered during the execution of a search warrant at defendant's home.

On July 15, 2021, the People disclosed to defendant automatic discovery items pursuant to CPL article 245, which included a heavily redacted copy of the search warrant application. At this time, the People filed a certificate of compliance (hereinafter COC), and indicated they were ready for trial.

In November 2021, defendant filed an omnibus motion, requesting, among other things, that the People provide an unredacted copy of the search warrant application. Ultimately, County Court ordered the People to provide defendant with an unredacted copy of the search warrant application.

The People complied with this order. In February 2022, defendant filed a supplemental omnibus motion requesting, among other things, a Darden hearing, as the search warrant application revealed that it was based upon information provided by a confidential informant (hereinafter CI); County Court granted the hearing. Thereafter, the People requested the issuance of a protective order pursuant to CPL 245.70 regarding the disclosure of the CI's affidavits and criminal history.

After defendant stated that he had no objection, the court granted the protective order. Subsequently, in May 2022, defendant filed a motion to dismiss the indictment pursuant to CPL 30.30, arguing that a dismissal was warranted because the People's statement of readiness (hereinafter SOR) was illusory given that all automatic discovery was not turned over.

Soon thereafter, the People opposed defendant's motion to dismiss and submitted a supplemental COC, in which they stated their readiness for trial. Ultimately, County Court denied defendant's motion to dismiss, specifically finding, among other things, that defendant did not sustain any prejudice from the alleged discovery violations and that the People's SOR was timely.

Thereafter, defendant pleaded guilty to criminal possession of a weapon in the second degree in satisfaction of the indictment and, as part of the plea agreement, retained his right to appeal. In accordance with the plea agreement, he was sentenced, as a second violent felony offender, to a prison term of seven years, to be followed by five years of postrelease supervision.

Defendant appeals. Defendant contends that County Court erred by denying his motion to dismiss on speedy trial grounds because the People did not exercise due diligence or make good faith efforts to meet their discovery [*2]obligations pursuant to CPL article 245 and, thus, the COC and SOR were illusory.

The People must be ready for trial within "six months of the commencement of a criminal action wherein a defendant is accused of one or more offenses, at least one of which is a felony" (CPL 30.30 [1] [a]; see *People v LaDuke*, 204 AD3d 1083, 1087 [3d Dept 2022], lv denied 38 NY3d 1072 [2022]). "CPL article 245 imposes automatic disclosure requirements upon the People, and it incentivizes compliance by tying their discovery obligations with their trial readiness" (*People v Contompasis*, 236 AD3d 138, 144 [3d Dept 2025], lv denied 43 NY3d 1007 [2025] [citations omitted]; see *People v Mazelie*, ___ AD3d ___, ___, 2025 NY Slip Op 05849, *3).

Specifically, the version of the statute in force at the time required the People to "disclose to the defendant... all items and information that relate to the subject matter of the case and are in the possession, custody or control of the prosecution" (CPL 245.20 [former (1)], L 2020, ch 56, part HHH, § 2 [eff May 3, 2020]). [FN1] Once the People complete their initial discovery obligations, they must file a COC, which promises that "after exercising due diligence and making reasonable inquiries to ascertain the existence of material and information subject to discovery, the prosecutor has disclosed and made available all known material and information subject to discovery" (CPL 245.50 [former (1)]).

As explained by the Court of Appeals in *People v Bay* (41 NY3d 200 [2023]), the relevant factors in determining whether the People acted with due diligence include "the efforts made by the prosecution and the prosecutor's office to comply with the statutory requirements, the volume of discovery provided and outstanding, the complexity of the case, how obvious any missing material would likely have been to a prosecutor exercising due diligence, the explanation for any discovery lapse, and the People's response when apprised of any missing discovery" (*id.* at 212; see *People v Williams*, 224 AD3d 998, 999-1000 [3d Dept 2024], lv denied 41 NY3d 1021 [2024]).

Furthermore, there is "a continuing duty to provide discoverable materials expeditiously, and [the People] shall file a supplemental COC identifying any additional information. The People must also provide an explanation for the delayed disclosure. Where a COC was filed in good faith after exercising due diligence and the disclosures were reasonable under the circumstances, the filing of a supplemental COC shall have no effect on the validity of the initial COC, though the court may

issue an appropriate sanction as detailed in CPL 245.80" (*People v Contompasis*, 236 AD3d at 145 [citations and footnote omitted]).

If a defendant moves for dismissal on speedy trial grounds alleging that the People failed to exercise due diligence, "the People bear the burden of establishing that they did, in fact, exercise due diligence and made reasonable inquiries prior to filing the initial COC despite a belated [*3]or missing disclosure. If the prosecution fails to make such a showing, the COC should be deemed improper, the readiness statement stricken as illusory, and — so long as the time chargeable to the People exceeds the applicable CPL 30.30 period — the case dismissed" (*People v Bay*, 41 NY3d at 213 [internal citations omitted]; see *People v Williams*, 224 AD3d at 999).

Lastly, as relevant here, a defendant need not show prejudice to obtain a dismissal for the People's failure to timely comply with discovery mandates (see *People v Bay*, 41 NY3d at 214; *People v Williams*, 224 AD3d at 1004 n 5). [FN2] On appeal, defendant argues that County Court erred in denying his motion to dismiss based upon the finding that defendant did not sustain any prejudice.

We agree. CPL 245.50 (former [1]) "clear[ly] and unambiguous[ly]... establish[ed] that a [COC] is proper where its filing is in good faith and reasonable under the circumstances" (*People v Gaskin*, 214 AD3d 1353, 1355 [4th Dept 2023] [internal quotation marks and citation omitted]; see *People v Bay*, 41 NY3d at 209, 210).

Thus, "[o]n a CPL 30.30 motion, the question is not whether defendant was prejudiced by an improper [COC]" (*People v Gaskin*, 214 AD3d at 1355; see *People v Bay*, 41 NY3d at 213). On this record, it appears that the court did not evaluate and determine whether the People's alleged discovery violations invalidated the People's COC and SOR (see *People v James*, 229 AD3d 1008, 1011 [3d Dept 2024]; *People v Gaskin*, 214 AD3d at 1355).

"In light of the court's failure to consider whether the People's [COC] was filed in good faith and reasonable under the circumstances despite the [alleged] discovery [violations], we hold the case, reserve decision, and remit the matter to [County] Court to determine whether the People's [COC] was proper under the terms of CPL 245.50[, as it was in effect at the time,] and thus whether the [SOR] was valid" (*People v Gaskin*, 214 AD3d at 1355; see *People v James*, 229 AD3d at 1012).

Garry, P.J., Aarons, Powers and Corcoran, JJ., concur. ORDERED that the decision is withheld, and matter remitted to the County Court of Broome County for further proceedings not inconsistent with this Court's decision. Footnotes Footnote 1: It is noted that CPL article 245 was recently amended, which amendments took effect on August 7, 2025, and apply to "all criminal actions pending on such date and all actions commenced on or after such date" (L 2025, ch 56, part LL, § 8).

Inasmuch as this criminal action terminated years prior to these amendments' effective date, they do not apply (see CPL 1.20 [16] [c]). Footnote 2: It is noteworthy that the recent amendments to

CPL article 245 (see *infra* n 1) no longer indicate mandatory dismissal and include consideration of prejudice (see CPL 245.50, as amended by L 2025, ch 56, part LL, § 4 [eff Aug. 7, 2025]).

PER CURIAM.

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