

APPELLATE DIVISION OF THE SUPREME COURT OF THE STATE OF NEW YORK, SECOND JUDICIAL DEPARTMENT

People v. Pierre

2025 NY Slip Op 07318 (N.Y. Ct. App. 2025) · No. 2024-02451 · Decided December 24, 2025

SUMMARY

The Appellate Division, Second Department, affirmed an order dismissing the indictment against Richard Pierre for violation of his statutory speedy-trial right. The court held that the People failed to exercise due diligence in making required discovery disclosures, rendering their certificates of compliance invalid and their statement of readiness illusory.

CASE DETAILS

COURT	Appellate Division of the Supreme Court of the State of New York, Second Judicial Department
WRITING FOR THE COURT	Valerie Brathwaite Nelson, J.P.; William G. Ford, J.; Janice A. Taylor, J.; James P. McCormack, J.
JURISDICTION	Supreme Court of the State of New York, Appellate Division, Second Department
DECIDED	December 24, 2025
DOCKET	2024-02451
DISPOSITION	affirmed
PROCEDURAL POSTURE	The People appealed from an order of the Supreme Court, Queens County, granting the defendant's motion under CPL 30.30(1)(a) to dismiss the indictment for violation of his statutory speedy-trial right.
STANDARD OF REVIEW	The opinion does not expressly state a standard of review; it reviewed whether the Supreme Court properly invalidated the certificates of compliance, struck the statement of readiness, and dismissed the indictment under CPL 30.30.
PRECEDENTIAL VALUE	published
PARTIES	The People of the State of New York v. Richard Pierre

TOPICS

- speedy trial
- discovery criminal
- criminal procedure
- appellate procedure

PRACTICE AREAS

criminal law

criminal procedure

appellate practice

QUESTIONS PRESENTED

1. Whether the People established that they exercised due diligence and made reasonable inquiries before filing their certificates of compliance despite belated or missing discovery.
2. Whether the People's certificates of compliance were invalid and their statement of readiness illusory because of the missing body-worn-camera videos.
3. Whether dismissal was proper under CPL 30.30(1)(a) because the time chargeable to the People exceeded the applicable six-month speedy-trial period.

HOLDINGS

1. When a defendant moves under CPL 30.30(1)(a) based on the People's failure to exercise due diligence in making required disclosure, the People bear the burden of establishing that they exercised due diligence and made reasonable inquiries before filing the certificate of compliance.
2. If the People fail to establish due diligence, the court should deem the certificate of compliance invalid, strike the statement of readiness as illusory, and dismiss the indictment when the time chargeable to the People exceeds the applicable CPL 30.30 period.
3. The Supreme Court properly found the People's certificates of compliance invalid and struck the underlying statement of readiness because the People failed to exercise due diligence regarding the missing body-worn-camera videos.

KEY QUOTATIONS

“If the People fail to make such a showing, then the court should deem the certificate of compliance invalid, strike the statement of readiness as illusory, and, so long as the time chargeable to the People exceeds the applicable period under CPL 30.30, dismiss the indictment” ([*1])

“Although the relevant factors for assessing due diligence may vary from case to case, in general, courts should “consider, among other things, 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” ([*1])

FACTUAL BACKGROUND

The indictment's top count charged criminal possession of a weapon in the second degree. The People filed an original certificate of compliance on March 31, 2022, and supplemental certificates on June 17, 2022, and October 17, 2023, but failed to produce body-worn-camera videos from five police officers. Defense counsel identified missing body-worn-camera footage as early as May 2022, and the People did not adequately explain the lapse or demonstrate due diligence in locating and disclosing the material.

PROCEDURAL HISTORY

The Supreme Court, Queens County, granted Richard Pierre's motion to dismiss the indictment after determining that the People's certificates of compliance were invalid and that the People's statement of readiness was illusory. The People appealed, and the Appellate Division, Second Department, affirmed.

DISPOSITION

affirmed

CASES CITED

- People v. Bay, 41 N.Y.3d 200, 212-216
- People v. Serrano, 234 A.D.3d 879, 882-883
- People v. McMahon, 237 A.D.3d 746, 749-752
- People v. Macaluso, 230 A.D.3d 1158, 1159
- People v. Lawrence, 231 A.D.3d 1497, 1500

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