

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

People v. El

2026 NY Slip Op 02415 · No. 2020-01859 · Decided April 22, 2026

SUMMARY

The Appellate Division, Second Department affirmed a judgment convicting Iraef El of criminal possession of a weapon in the second degree following his guilty plea. The court upheld the denial of disclosure of unredacted search-warrant materials and concluded that the warrant was supported by probable cause.

CASE DETAILS

COURT	Supreme Court of the State of New York, Appellate Division, Second Department
WRITING FOR THE COURT	Lara J. Genovesi, J.P.; Linda Christopher, J.; Lillian Wan, J.; Donna-Marie E. Golia, J.
JURISDICTION	Supreme Court of the State of New York, Appellate Division, Second Department
DECIDED	April 22, 2026
DOCKET	2020-01859
DISPOSITION	affirmed
PROCEDURAL POSTURE	Defendant appealed from a judgment convicting him, upon his guilty plea, of criminal possession of a weapon in the second degree and imposing sentence. The appeal also reviewed the denial, without a hearing, of the branches of defendant's omnibus motion seeking to controvert a search warrant and suppress physical evidence seized during its execution.
STANDARD OF REVIEW	The Appellate Division reviewed the unredacted search-warrant application and examination minutes to determine whether the warrant was supported by probable cause and whether suppression was warranted.
PRECEDENTIAL VALUE	published
PARTIES	Iraef El v. The People of the State of New York

TOPICS

search and seizure

probable cause

warrant requirement

suppression of evidence

appellate procedure

PRACTICE AREAS

criminal procedure

search and seizure

evidence

QUESTIONS PRESENTED

1. Whether defendant was entitled to disclosure of the unredacted search-warrant application and minutes of the examination conducted pursuant to CPL 690.40(1).
2. Whether the search warrant was supported by probable cause.
3. Whether the physical evidence recovered during execution of the warrant should be suppressed.

HOLDINGS

1. The court properly declined to direct disclosure of the unredacted search-warrant application and examination minutes because the redactions were necessary to protect the confidential informant's anonymity and safety.
2. The search warrant was supported by probable cause, and the Supreme Court properly denied defendant's motion to controvert the warrant and suppress the physical evidence.

KEY QUOTATIONS

“the redactions to the search warrant application and . . . minutes were necessary to protect the anonymity of the confidential informant and to protect him or her from danger” (at *1)

“A search warrant must be supported by probable cause” (at *1-*2)

“The search warrant application must provide the court with sufficient information to support a reasonable belief that evidence of illegal activity will be present at the specific time and place of the search” (at *2)

FACTUAL BACKGROUND

Police obtained a search warrant based on information from a confidential informant and recovered three loaded firearms from defendant's home. Defendant challenged the warrant and sought suppression of the physical evidence. The warrant application and examination minutes were redacted to protect the confidential informant's anonymity and safety.

PROCEDURAL HISTORY

After police recovered three loaded firearms from defendant's home pursuant to a search warrant based on confidential-informant information, defendant moved to controvert the warrant and suppress the seized evidence. The Supreme Court, Kings County, denied the relevant branches of the motion, after which defendant pleaded guilty and was sentenced. The Appellate Division affirmed.

DISPOSITION

affirmed

CASES CITED

- People v. Hedrington, 186 AD3d 1245, 1245-1246
- People v. Etienne, 235 AD3d 894, 894
- People v. Lexune, 236 AD3d 1060, 1061
- People v. Rivera, 210 AD3d 805, 806
- People v. Fraser, 210 AD3d 697, 698
- People v. Rose, 207 AD3d 664, 665
- People v. Bryant, 195 AD3d 744, 745

OPINION

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PER CURIAM.

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People v El

2026 NY Slip Op 02415

April 22, 2026

Appellate Division, Second Department

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This decision is uncorrected and subject to revision before publication in the Official Reports.

The People of the State of New York, respondent,

v

Iraef El, appellant.

Supreme Court of the State of New York, Appellate Division, Second Judicial Department

Decided on April 22, 2026

2020-01859, (Ind. No. 6198/17)

Lara J. Genovesi, J.P.

Linda Christopher

Lillian Wan

Donna-Marie E. Golia, JJ.

Patricia Pazner, New York, NY (Steven C. Kuza of counsel), for appellant.

Eric Gonzalez, District Attorney, Brooklyn, NY (Leonard Joblove and Michael Bierce of counsel), for respondent.

[*1]

DECISION & ORDER

Appeal by the defendant from a judgment of the Supreme Court, Kings County (Sharen D. Hudson, J., at plea; Vincent Del Giudice, J., at sentence), rendered September 4, 2019, convicting him of criminal possession of a weapon in the second degree, upon his plea of guilty, and imposing sentence. The appeal brings up for review the denial (John T. Hecht, J.), without a hearing, of those branches of the defendant's omnibus motion which were, in effect, to controvert a search

warrant and to suppress physical evidence obtained in the execution thereof.

ORDERED that the judgment is affirmed.

After the issuance of a search warrant based upon information obtained by a confidential informant, the police recovered three loaded firearms in the defendant's home. The defendant moved, inter alia, in effect, to controvert the search warrant and to suppress physical evidence seized in the execution thereof. The Supreme Court, among other things, denied those branches of the defendant's omnibus motion. The defendant thereafter entered a plea of guilty to criminal possession of a weapon in the second degree and was sentenced to a term of imprisonment. The defendant appeals.

We decline to grant the defendant's request to direct the disclosure of the unredacted search warrant application and minutes of an examination pursuant to CPL 690.40(1) because the Supreme Court properly found that "the redactions to the search warrant application and . . . minutes were necessary to protect the anonymity of the confidential informant and to protect him or her from danger" (*People v Hedrington*, 186 AD3d 1245, 1245-1246; *see* *People v Etienne*, 235 AD3d 894, 894).

Moreover, upon a review of the unredacted search warrant application and hearing minutes, we conclude that the Supreme Court properly denied those branches of the defendant's omnibus motion which were, in effect, to controvert the search warrant and to suppress physical evidence seized in the execution thereof. "A search warrant must be supported by probable cause" (*People v Lexune*, 236 AD3d 1060, 1061; *see* CPL 690.40). To establish probable cause, "[t]he search warrant application must provide the court with sufficient information to support a reasonable belief that evidence of illegal activity will be present at the specific time and place of the search" [2] (*People v Rivera*, 210 AD3d 805, 806 [internal quotation marks omitted]). Here, there was probable cause to issue the subject search warrant (*see* *People v Fraser*, 210 AD3d 697, 698; *People v Rose*, 207 AD3d 664, 665; *People v Bryant*, 195 AD3d 744, 745).

GENOVESI, J.P., CHRISTOPHER, WAN and GOLIA, JJ., concur.

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Darrell M. Joseph

Clerk of the Court

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