

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

People v. McDonald

2025 NY Slip Op 06664 · No. Ind No. 2025/14; Appeal No. 5266; Case No. 2019-4036 · Decided December 2, 2025

SUMMARY

The New York Appellate Division, First Department unanimously affirmed an order adjudicating Tara McDonald a level one sex offender under the Sex Offender Registration Act. The court rejected her as-applied substantive due process challenge, concluding that her repeated attempts to remove infants from caregivers carried a risk of sexual harm despite the absence of a sexual component to her conduct, motive, or mental illness.

CASE DETAILS

COURT	Supreme Court of the State of New York, Appellate Division, First Department
WRITING FOR THE COURT	Renwick, P.J.; Scarpulla, J.; Kapnick, J.; Mendez, J.; O'Neill Levy, J.
JURISDICTION	New York Appellate Division, First Department
DECIDED	December 2, 2025
DOCKET	Ind No. 2025/14; Appeal No. 5266; Case No. 2019-4036
DISPOSITION	affirmed
PROCEDURAL POSTURE	Defendant appealed from an order adjudicating her a level one sex offender under the Sex Offender Registration Act.
PRECEDENTIAL VALUE	published
PARTIES	Tara McDonald v. The People of the State of New York

TOPICS

- substantive due process
- due process
- constitutional law
- appellate procedure

PRACTICE AREAS

- constitutional law
- criminal law
- sex offender registration
- appellate practice

QUESTIONS PRESENTED

1. Whether requiring defendant to register as a sex offender under the Sex Offender Registration Act violated substantive due process as applied to her circumstances.

HOLDINGS

1. The as-applied substantive due process challenge was unavailing because defendant's repeated attempts to take infants from their caregivers carried a risk of sexual harm to the children, even though her conduct, motive, and mental illness had no sexual component.

KEY QUOTATIONS

*"'Taking the child was [the defendant's] objective and if [the defendant] had been successful in her attempt to kidnap and remove the child 'from the safety of everyday surroundings,' the child indeed could have been left vulnerable to sex abuse or exploitation'" ([*1])*

FACTUAL BACKGROUND

Defendant repeatedly targeted infants in strollers and attempted to take them from their caregivers. Her conduct was based on a psychotic misperception that the babies were at risk of suffocation, and the court recognized that there was no sexual component to her conduct, motive, or underlying mental illness. The Appellate Division nevertheless concluded that the conduct carried a risk of sexual harm to the children because removing them from their caregivers and ordinary surroundings could have left them vulnerable to sexual abuse or exploitation.

PROCEDURAL HISTORY

Supreme Court, New York County, entered an order on or about March 8, 2019, adjudicating defendant a level one sex offender pursuant to Correction Law article 6-C. The Appellate Division unanimously affirmed the order without costs.

DISPOSITION

affirmed

CASES CITED

- People v. Knox, 12 NY3d 60, 68 (2009), cert. denied, 558 U.S. 1011 (2009)
- People v. Brown, 41 NY3d 279, 287-289 (2023)

OPINION

PER CURIAM.

People v McDonald (2025 NY Slip Op 06664) People v McDonald 2025 NY Slip Op 06664
Decided on December 02, 2025 Appellate Division, First 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 02,
2025 Before: Renwick, P.J., Scarpulla, Kapnick, Mendez, O'Neill Levy, JJ. Ind No.

2025/14|Appeal No. 5266|Case No. 2019-4036| [*1]The People of the State of New York, Respondent, v Tara McDonald, Defendant-Appellant.

Twyla Carter, The Legal Aid Society, New York (Tomoeh Murakami Tse of counsel), for appellant. Alvin L. Bragg, Jr., District Attorney, New York (Matthew Colangelo of counsel), for respondent. Order, Supreme Court, New York County (Stephen Antignani, J.), entered on or about March 8, 2019, which adjudicated defendant a level one sex offender pursuant to the Sex Offender Registration Act (Correction Law art 6-C), unanimously affirmed, without costs.

Defendant's as-applied substantive due process challenge to the requirement that she register as a sex offender is unavailing. Notwithstanding that it is undisputed that there was no sexual component to defendant's conduct, motive, or her underlying mental illness, defendant's repeated conduct, which targeted infants in strollers, and consisted of attempting to take the infants from their caregivers based on a psychotic misperception that the babies were at risk of suffocation, carried with it the risk of sexual harm to the children (see *People v Knox*, 12 NY3d 60, 68 [2009], cert denied 558 US 1011 [2009]).

Defendant's conduct was very similar to the conduct found to require sex offender registration in *Knox*, where "[t]aking the child was [the defendant's] objective and if [the defendant] had been successful in her attempt to kidnap and remove the child 'from the safety of everyday surroundings,' the child indeed could have been left vulnerable to sex abuse or exploitation" (cf. *People v Brown*, 41 NY3d 279, 287 [2023]).

This is not one of the unusual cases in which the circumstances provide no reason to believe that the defendant will engage in sexual misconduct or non-sexual conduct that correlates with higher risk of sexual harm to a child (see *id.* at 288-289). THIS CONSTITUTES THE DECISION AND ORDER OF THE SUPREME COURT, APPELLATE DIVISION, FIRST DEPARTMENT. ENTERED: December 2, 2025

PER CURIAM.

People v McDonald (2025 NY Slip Op 06664) *People v McDonald* 2025 NY Slip Op 06664 Decided on December 02, 2025 Appellate Division, First 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 02, 2025 Before: Renwick, P.J., Scarpulla, Kapnick, Mendez, O'Neill Levy, JJ. Ind No. 2025/14|Appeal No. 5266|Case No. 2019-4036| [*1]The People of the State of New York, Respondent, v Tara McDonald, Defendant-Appellant.

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