

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

People v. Wade

2026 NY Slip Op 01608 · No. Appeal No. 6144; Case No. 2018-2352; Ind. No. 3441/15 · Decided March 19,
2026

SUMMARY

The Appellate Division, First Department, modified the defendant's sentence and commitment sheet to clarify that the kidnapping sentence was consecutive only to the intentional murder sentence, and otherwise affirmed the judgment. The court upheld the denial of suppression of statements made in the hospital, the denial of defendant's request for new counsel, and the conviction for second-degree kidnapping. It also rejected or declined to review the ineffective-assistance claim and found the evidence legally sufficient and the sentences proper.

CASE DETAILS

COURT	Supreme Court of the State of New York, Appellate Division, First Department
WRITING FOR THE COURT	Scarpulla, J.P.; Kapnick, J.; Pitt-Burke, J.; Michael, J.; Hagler, J.
JURISDICTION	New York Supreme Court, Appellate Division, First Department
DECIDED	March 19, 2026
DOCKET	Appeal No. 6144; Case No. 2018-2352; Ind. No. 3441/15
DISPOSITION	affirmed
PROCEDURAL POSTURE	Defendant appealed from a judgment of Supreme Court, Bronx County, following a suppression hearing and jury trial, convicting her of two counts of murder in the second degree and one count of kidnapping in the second degree and imposing consecutive and concurrent sentences.
STANDARD OF REVIEW	The court reviewed the suppression ruling for legal correctness after a hearing, the denial of new counsel for abuse of discretion, ineffective-assistance claims under the state and federal standards, legal sufficiency as a matter of law, the verdict's weight under the weight-of-the-evidence standard, and sentencing under the applicable consecutive-sentence rules and interest-of-justice review.
PRECEDENTIAL VALUE	Published

PARTIES

Ashleigh Wade, Defendant-Appellant v. The People of the State of New York, Respondent

TOPICS

suppression of evidence

miranda rights

right to counsel

ineffective assistance

sentencing

PRACTICE AREAS

criminal procedure

criminal evidence

sentencing

appellate procedure

ineffective assistance of counsel

QUESTIONS PRESENTED

1. Whether defendant's hospital statements were voluntary, followed a knowing, intelligent, and voluntary waiver of Miranda rights, and were sufficiently attenuated from an earlier un-Mirandized statement.
2. Whether Supreme Court abused its discretion by denying defendant's request for new counsel.
3. Whether defendant's ineffective-assistance claim was reviewable on direct appeal and, to the extent reviewable, whether counsel was constitutionally effective.
4. Whether the evidence was legally sufficient and the verdict was against the weight of the evidence on the second-degree kidnapping count.
5. Whether consecutive sentences were properly imposed for second-degree kidnapping and intentional second-degree murder.

HOLDINGS

1. The denial of suppression was proper because defendant's hospital statements were voluntary and followed a knowing, intelligent, and voluntary waiver of Miranda rights; the statements were also sufficiently attenuated from the earlier un-Mirandized statement.
2. Supreme Court providently exercised its discretion in denying defendant's request for new counsel because her generalized and conclusory complaint did not contain specific allegations requiring even a minimal inquiry.
3. The ineffective-assistance claim was unreviewable on direct appeal to the extent it involved matters outside the record and had to be raised in a CPL 440.10 motion; alternatively, the record showed effective assistance under state and federal standards.
4. The evidence was legally sufficient to establish that defendant abducted the victim's newborn, and the verdict was not against the weight of the evidence.
5. Consecutive sentences were properly imposed for second-degree kidnapping and intentional second-degree murder because the offenses arose from separate and distinct acts, even though they occurred during a continuous incident.

KEY QUOTATIONS

*“The totality of the circumstances established that defendant understood both the nature of the rights she was waiving and the consequences of her decision to abandon those rights” ([*1])*

*“failed to proffer specific allegations of a seemingly serious request that would require the court to engage in a minimal inquiry” ([*1])*

*“sentences may run consecutively to each other even though each of those sentences is required to run concurrently with the same third sentence” ([*1])*

FACTUAL BACKGROUND

After killing the victim, defendant removed the victim's newborn baby from the mother's uterus and kept the newborn in defendant's apartment without consent while falsely claiming to be the newborn's mother. Defendant made an un-Mirandized statement at the scene and later made statements to medical personnel, an officer in the ambulance, and her boyfriend that she had killed the victim. While hospitalized, she made statements to detectives after waiving her Miranda rights.

PROCEDURAL HISTORY

Supreme Court, Bronx County, denied defendant's motion to suppress statements made in the hospital, denied her request for new counsel, convicted her after trial, and sentenced her to concurrent terms of 25 years to life on the murder counts and a consecutive term of 15 years on the kidnapping count. The Appellate Division unanimously modified the sentence and commitment sheet to clarify that the kidnapping sentence was consecutive to the intentional-murder sentence only, and otherwise affirmed.

DISPOSITION

affirmed

REMAND INSTRUCTIONS

Amend the sentence and commitment sheet to reflect that defendant's sentence on the kidnapping count was consecutive to the intentional murder count only.

CASES CITED

- Miranda v. Arizona, 384 U.S. 436 (1966)
- People v. Leppanen, 218 A.D.3d 995, 1002 (3d Dep't 2023), leave denied, 40 N.Y.3d 1081 (2023)
- People v. Paulman, 5 N.Y.3d 122, 129-131 (2005)
- People v. Fredericks, 43 N.Y.3d 551, 556-557 (2025)
- People v. Sides, 75 N.Y.2d 822, 824 (1990)
- People v. Porto, 16 N.Y.3d 93, 100 (2010)
- People v. Gray, 230 A.D.3d 1039, 1039 (1st Dep't 2024), leave denied, 42 N.Y.3d 1035 (2024)
- People v. Benevento, 91 N.Y.2d 708, 713-714 (1998)
- Strickland v. Washington, 466 U.S. 668 (1984)

- People v. Danielson, 9 N.Y.2d 342, 348-348 (2007)
- People v. Baque, 43 N.Y.3d 26 (2024)
- People v. Ehinger, 152 A.D.2d 97, 100-101 (1st Dep't 1989), leave denied, 75 N.Y.2d 772 (1989)
- People v. Antonio, 58 A.D.3d 515, 516 (1st Dep't 2009), leave denied, 12 N.Y.3d 814 (2009)
- People v. Wynn, 35 A.D.3d 283, 284 (1st Dep't 2006), leave denied, 8 N.Y.3d 928 (2007)
- People v. Ennis, 139 A.D.3d 505, 506 (1st Dep't 2016), leave denied, 28 N.Y.3d 970 (2016)
- People v. Rodriguez, 112 A.D.3d 488, 489 (1st Dep't 2013), aff'd, 25 N.Y.3d 238 (2015)

OPINION

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PER CURIAM.

People v Wade (2026 NY Slip Op 01608) People v Wade 2026 NY Slip Op 01608 Decided on March 19, 2026 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: March 19, 2026 Before: Scarpulla, J.P., Kapnick, Pitt-Burke, Michael, Hagler, JJ. Ind No. 3441/15|Appeal No. 6144|Case No. 2018-2352| [*1]The People of the State of New York, Respondent, v Ashleigh Wade, Defendant-Appellant. Twyla Carter, The Legal Aid Society, New York (Denise Fabiano of counsel), for appellant. Darcel D. Clark, District Attorney, Bronx (Vincent Rivellese of counsel), for respondent. Judgment, Supreme Court, Bronx County (Margaret L. Clancy, J., at suppression hearing, trial, and sentencing), rendered November 15, 2017, convicting defendant of two counts of murder in the second degree (intentional murder and felony murder), and one count of kidnapping in the second degree, and sentencing her to concurrent terms of 25 years to life on the murder charges, and a consecutive term of 15 years on the kidnapping charge, unanimously modified, on the law, to the extent of amending the sentence and commitment sheet to reflect that defendant's sentence on the kidnapping count was consecutive to the intentional murder count only, and otherwise affirmed. The trial court's denial, after a hearing, of the branch of defendant's motion to suppress statements she made to detectives while in the hospital was proper, as the evidence established that the statements were made voluntarily after she knowingly, intelligently, and voluntarily waived her Miranda rights (see *Miranda v Arizona* , 384 US 436 [1966]). The totality of the circumstances established that defendant understood both the nature of the rights she was waiving and the consequences of her decision to abandon those rights (see *People v Leppanen* , 218 AD3d 995, 1002 [3d Dept 2023], lv denied 40 NY3d 1081 [2023]). Moreover, we find defendant's statements in the hospital were sufficiently attenuated from the brief un-Mirandized statement she made eight hours earlier and did not warrant suppression (see *People v Paulman* , 5 NY3d 122, 129-131 [2005]). In any event, any error would have been harmless. Defendant told the officers at the scene, medical personnel and a police officer in the ambulance, as well as her boyfriend, that she killed the victim. Thus, the challenged statements were largely

duplicative of incriminating statements she previously made. The court providently exercised its discretion in denying defendant's request for new counsel (see generally *People v Fredericks* , 43 NY3d 551, 556-557 [2025]; *People v Sides* , 75 NY2d 822, 824 [1990]). Defendant "failed to proffer specific allegations of a seemingly serious request that would require the court to engage in a minimal inquiry" (*People v Porto* , 16 NY3d 93, 100 [2010] [internal quotation marks omitted]). Defendant expressed only a generalized and conclusory complaint about counsel's representation, and this complaint did not require an inquiry under all the circumstances. Defendant's contention that her counsel rendered ineffective assistance "is unreviewable on direct appeal, as it involves matters not reflected in the record, and must be raised in a CPL 440.10 motion" (*People v Gray* , 230 AD3d 1039 , 1039 [1st Dept 2024], lv denied 42 NY3d 1035 [2024]). As an alternative holding, to the extent the record permits review, we find that defendant received effective assistance under the state and federal standards (see *People v Benevento* , 91 NY2d 708, 713-714 [1998]; *Strickland v Washington*, 466 US 668 [1984]). Defendant has not shown that any of counsel's alleged deficiencies fell below an objective standard of reasonableness, or that, viewed individually or collectively, they deprived defendant of a fair trial or affected the outcome of the case. The evidence was legally sufficient under the facts here for the jury to find that defendant abducted the victim's newborn baby, and the verdict comported with the weight of the evidence (see Penal Law § 135.00[2]; *People v Danielson* , 9 NY2d 342, 348-348 [2007]; see also *People v Baque* , 43 NY3d 26 [2024]). After killing the mother and removing the newborn from the mother's uterus, defendant kept the newborn in defendant's apartment without consent and lied that she was the newborn's mother. These actions sufficiently demonstrated defendant's desire to have control over the newborn and hold her in a place where she was unlikely to be found (see *People v Ehinger*, 152 AD2d 97, 100-101 [1st Dept 1989], lv denied 75 NY2d 772 [1989]; *People v Antonio* , 58 AD3d 515, 516 [1st Dept 2009], lv denied 12 NY3d 814 [2009]). The trial court properly imposed consecutive sentences on the kidnapping in the second degree and murder in the second degree (intentional murder) counts, as they were separate and distinct acts, notwithstanding that they occurred during a continuous incident (*People v Wynn* , 35 AD3d 283, 284 [1st Dept 2006], lv denied 8 NY3d 928 [2007]). "[S]entences may run consecutively to each other even though each of those sentences is required to run concurrently with the same third sentence" (*People v Ennis* , 139 AD3d 505, 506 [1st Dept 2016], lv denied 28 NY3d 970 [2016]; quoting *People v Rodriguez* , 112 AD3d 488 , 489 [1st Dept 2013], affd 25 NY3d 238 [2015]). We find no basis to modify defendant's sentence in the interest of justice. The sentence and commitment sheet should be amended to the extent indicated. THIS CONSTITUTES THE DECISION AND ORDER OF THE SUPREME COURT, APPELLATE DIVISION, FIRST DEPARTMENT. ENTERED: March 19, 2026