

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

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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)

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