

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

People ex rel. Bright v. Maginley-Liddie

2025 NY Slip Op 06979 · No. 2025-14505 · Decided December 16, 2025

SUMMARY

The New York Appellate Division, Second Department, held that the principal was charged with qualifying offenses under CPL 510.10(4)(t), but could not be remanded because the charges were misdemeanors rather than a felony. The court sustained the habeas corpus writ in part and remitted the matter to the Supreme Court, Richmond County, for further proceedings consistent with its decision.

CASE DETAILS

COURT	Supreme Court of the State of New York, Appellate Division, Second Judicial Department
WRITING FOR THE COURT	Betsy Barros, J.P.; Lara J. Genovesi, J.; Lourdes M. Ventura, J.; Elena Goldberg Velazquez, J.
JURISDICTION	Supreme Court of the State of New York, Appellate Division, Second Department
DECIDED	December 16, 2025
DOCKET	2025-14505
DISPOSITION	remanded
PROCEDURAL POSTURE	The petitioner sought habeas corpus relief compelling the release of Tharanga Laththuwa Handi on his own recognizance or, alternatively, the setting of reasonable bail. The proceeding challenged the Criminal Court's remand of Handi into custody pending completion of a CPL article 730 examination and the Supreme Court's determination that the remand was not an abuse of discretion.
STANDARD OF REVIEW	The Appellate Division reviewed whether the Criminal Court had statutory authority to remand the principal into custody pending the CPL article 730 examination and whether habeas corpus relief was warranted.
PRECEDENTIAL VALUE	Published opinion of the Appellate Division, Second Department; the opinion states that it is published pursuant to Judiciary Law § 431.

PARTIES

People ex rel. Bright, on behalf of Tharanga Laththuwa Handi v.
Lynelle Maginley-Liddie

TOPICS

habeas corpus bail criminal procedure appellate procedure

PRACTICE AREAS

criminal procedure habeas corpus bail and pretrial detention competency examinations

QUESTIONS PRESENTED

1. Whether a defendant charged only with class A misdemeanors may be remanded into custody under CPL 510.10(4) pending completion of a CPL article 730 competency examination.
2. Whether a defendant who cannot lawfully be remanded under CPL 510.10(4) is nevertheless considered "in custody" for purposes of CPL 730.20(3).
3. What custodial or noncustodial options are available when a defendant who is not in custody is ordered to undergo a CPL article 730 examination.

HOLDINGS

1. A principal may be remanded under CPL 510.10(4) only when charged with a qualifying offense that is a felony. Because Handi was charged under the relevant docket only with class A misdemeanors, the Criminal Court lacked authority to remand him into custody under that provision.
2. Because Handi could not lawfully be remanded pursuant to CPL 510.10(4), he was not in custody for purposes of CPL 730.20(3).
3. A court may not remand a defendant into custody solely because a CPL article 730 examination has been ordered.

KEY QUOTATIONS

*"Nevertheless, the Criminal Court should not have remanded the principal into custody. A principal may only be remanded when charged "with a qualifying offense which is a felony"" ([*2])*

*"Thus, the court could not remand the principal into custody solely because a CPL article 730 examination had been ordered" ([*2])*

FACTUAL BACKGROUND

Tharanga Laththuwa Handi was initially charged with making graffiti, a class A misdemeanor, issued a desk appearance ticket, and later released on his own recognizance after arraignment. He was subsequently charged with three class A misdemeanors involving harm to an identifiable person or property. The Criminal Court deemed the charges bail qualifying, ordered a CPL article 730 examination, and remanded Handi into custody pending the examination. The Appellate Division concluded that the statutory authority to remand under CPL 510.10(4) did not apply because the subsequent charges were misdemeanors rather than a felony.

PROCEDURAL HISTORY

Handi was charged in one docket with three class A misdemeanors and was remanded into custody after the Criminal Court ordered a CPL article 730 examination. At a bail review hearing, the Supreme Court, Richmond County, upheld the Criminal Court's decision. The petitioner then commenced this habeas corpus proceeding in the Appellate Division, which sustained the writ to the extent of remitting the matter for further proceedings and otherwise dismissed it.

DISPOSITION

remanded

REMAND INSTRUCTIONS

The matter was remitted to the Supreme Court, Richmond County, for further proceedings consistent with the determination that Handi could not be remanded into custody solely because a CPL article 730 examination had been ordered. The writ was otherwise dismissed.

CASES CITED

- People ex rel. Rankin v. Brann, 41 N.Y.3d 436, 439
- People ex rel. Molinaro v. Warden, Rikers Is., 39 N.Y.3d 120, 122

OPINION

PER CURIAM.

People ex rel. Bright v Maginley-Liddie (2025 NY Slip Op 06979) People ex rel. Bright v Maginley-Liddie 2025 NY Slip Op 06979 Decided on December 16, 2025 Appellate Division, Second 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 on December 16, 2025 SUPREME COURT OF THE STATE OF NEW YORK Appellate Division, Second Judicial Department BETSY BARROS, J.P. LARA J. GENOVESI LOURDES M. VENTURA ELENA GOLDBERG VELAZQUEZ, JJ. 2025-14505 [*1]The People of the State of New York, ex rel. Elizabeth Bright, on behalf of Tharanga Laththuwa Handi, petitioner, v Lynelle Maginley-Liddie, etc., respondent.

Twyla Carter, New York, NY (Elizabeth Bright pro se of counsel), for petitioner. Michael E. McMahon, District Attorney, Staten Island, NY (Nicole Kaye, Thomas B. Litsky, and Matthew White of counsel), for respondent. DECISION & JUDGMENT Writ of habeas corpus in the nature of an application to release Tharanga Laththuwa Handi upon his own recognizance or, in the alternative, to set reasonable bail upon Richmond County Docket No. CR-007948-25RI.

ADJUDGED that the writ is sustained, without costs or disbursements, to the extent that the matter is remitted to the Supreme Court, Richmond County, for further proceedings consistent herewith, and the writ is otherwise dismissed.

The principal, Tharanga Laththuwa Handi, was arrested and charged with making graffiti (Penal Law § 145.60[2]), a class A misdemeanor, under Richmond County Docket No. CR-006882-25RI. The principal was issued a desk appearance ticket, returnable for October 1, 2025, but did not appear for his arraignment until November 10, 2025. During that arraignment, the Criminal Court released the principal on his own recognizance and ordered a CPL article 730 examination.

On November 15, 2025, the principal was arrested again and charged under Richmond County Docket No. CR-007948-25RI with, inter alia, criminal mischief in the fourth degree (Penal Law § 145.00), menacing in the second degree (id. § 120.14[1]), and criminal possession of a weapon in the fourth degree (id. § 265.01[2]), all of which are class A misdemeanors.

During the principal's arraignment on Docket No. CR-007948-25RI, the Criminal Court determined that Docket No. CR-007948-25RI was bail qualifying (see CPL 510.10[4][t]), ordered a CPL article 730 examination, and remanded the principal into custody pending completion of the examination. At a bail review hearing, the Supreme Court determined that the Criminal Court did not abuse its discretion in remanding the principal into custody pending completion of the CPL article 730 examination.

The petitioner commenced this proceeding for a writ of habeas corpus in the nature of an application to release the principal upon his own recognizance or, in the alternative, to set reasonable bail upon Docket No. CR-007948-25RI.

Under CPL 510.10(1), the court must issue a securing order for a principal "whose future court attendance at a criminal action or proceeding is or may be required" (see *People ex rel. Rankin v Brann*, 41 NY3d 436, 439). "Where the principal stands charged with a qualifying offense, the court, unless otherwise prohibited by law, may in its discretion release the principal pending trial on the principal's own recognizance or under non-monetary conditions, fix bail, or order non-monetary conditions in conjunction with fixing bail, or, where the defendant is charged with a qualifying offense which is a felony, the court may commit the principal to the custody of the [*2]sheriff" (CPL 510.10[4]).

Under CPL 510.10(4)(t), a principal stands charged with a qualifying offense when he or she stands charged with "any felony or class A misdemeanor involving harm to an identifiable person or property... where such charge arose from conduct occurring while the defendant was released on his or her own recognizance, released under conditions, or had yet to be arraigned after the issuance of a desk appearance ticket for a separate felony or class A misdemeanor involving harm to an identifiable person or property."

Here, the principal was charged with a qualifying offense under Docket No. CR-007948-25RI. The principal was charged with three class A misdemeanors, and the criminal complaint indicated that these charges involved harm to an identifiable person or property (see CPL 510.10[4][t]). Further, these charges arose from conduct occurring either while the principal had yet to be arraigned after the issuance of his desk appearance ticket under Docket No. CR-006882-25RI for making graffiti, a class A misdemeanor involving harm to property, or while he was released on his own recognizance under Docket No. CR-006882-25RI (see id.).

Nevertheless, the Criminal Court should not have remanded the principal into custody. A principal may only be remanded when charged "with a qualifying offense which is a felony " (CPL 510.10[4] [emphasis added]). Here, the principal was not charged with a felony under Docket No. CR-007948-25RI. Since the principal could not be remanded pursuant to CPL 510.10(4), he was not "in custody" for purposes of CPL 730.20(3). "[W]hen a defendant is not in custody, a court only has the authority to either order a competency examination on an outpatient basis or to direct that the defendant be confined in a hospital pending completion of the examination upon proper medical recommendation that such confinement is necessary" (People ex rel.

Molinaro v Warden, Rikers Is., 39 NY3d 120, 122; see CPL 730.20[2]). Thus, the court could not remand the principal into custody solely because a CPL article 730 examination had been ordered (see People ex rel. Molinaro v Warden, Rikers Is., 39 NY3d at 122).

Accordingly, we sustain the writ to the extent of remitting the matter to the Supreme Court, Richmond County, for further proceedings consistent herewith. BARROS, J.P., GENOVESI, VENTURA and GOLDBERG VELAZQUEZ, JJ., concur. ENTER: Darrell M. Joseph Clerk of the Court