

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