

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

People v. White

2026 NY Slip Op 01614 (Supreme Court of the State of New York Appellate Division First Department 2026) ·  
No. Case No. 2023-06819; Appeal No. 6156; Ind. No. 70930/23 · Decided March 19, 2026

SUMMARY

The New York Appellate Division, First Department, unanimously affirmed Anthony White’s convictions for third-degree burglary and petit larceny and his aggregate sentence of 2 to 4 years. The court held that the verdict was not against the weight of the evidence and that the jury was entitled to credit evidence that White had received a trespass notice prohibiting him from entering any Duane Reade store.

CASE DETAILS

|                       |                                                                                                                                                                                                                                                                 |
|-----------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| COURT                 | Supreme Court of the State of New York, Appellate Division, First Department                                                                                                                                                                                    |
| WRITING FOR THE COURT | Moulton, J.P.; Friedman, J.; Gesmer, J.; O'Neill Levy, J.; Chan, J.                                                                                                                                                                                             |
| JURISDICTION          | New York Appellate Division, First Department                                                                                                                                                                                                                   |
| DECIDED               | March 19, 2026                                                                                                                                                                                                                                                  |
| DOCKET                | Case No. 2023-06819; Appeal No. 6156; Ind. No. 70930/23                                                                                                                                                                                                         |
| DISPOSITION           | affirmed                                                                                                                                                                                                                                                        |
| PROCEDURAL POSTURE    | Defendant appealed from a judgment of the Supreme Court, New York County, entered after a jury trial convicting him of burglary in the third degree and petit larceny and sentencing him as a second felony offender to an aggregate term of two to four years. |
| STANDARD OF REVIEW    | Whether the verdict was against the weight of the evidence, with deference to the jury's credibility determinations.                                                                                                                                            |
| PRECEDENTIAL VALUE    | Published opinion                                                                                                                                                                                                                                               |
| PARTIES               | Anthony White, Defendant-Appellant v. The People of the State of New York, Respondent                                                                                                                                                                           |

TOPICS

- criminal procedure
- evidence
- standard of review
- appellate procedure

## PRACTICE AREAS

criminal law

criminal appellate practice

evidence

## QUESTIONS PRESENTED

1. Whether the jury's verdict convicting defendant of burglary in the third degree and petit larceny was against the weight of the evidence.
2. Whether the evidence sufficiently established that defendant knew he was prohibited from entering the Duane Reade store.

## HOLDINGS

1. The verdict convicting defendant of burglary in the third degree and petit larceny was not against the weight of the evidence.

## KEY QUOTATIONS

*“There is no basis to disturb the jury's credibility determinations, and the record supports the conclusion that defendant acknowledged receipt of a “Trespass Notice” that prohibited him from entering any Duane Reade store.”* ([\*1])

*“To the extent defendant contended that he was not aware that he was prohibited from all Duane Reade stores and thought the trespass notices expired after seven years, it was within the purview of the jury to resolve any conflicting evidence against defendant”* ([\*1])

## FACTUAL BACKGROUND

The record supported the conclusion that defendant acknowledged receiving a Trespass Notice prohibiting him from entering any Duane Reade store. Defendant contended that he did not understand the prohibition to apply to all Duane Reade stores and believed the notices expired after seven years, but the jury resolved the conflicting evidence against him.

## PROCEDURAL HISTORY

The Supreme Court, New York County, rendered judgment on November 28, 2023, after a jury convicted defendant of burglary in the third degree and petit larceny. Defendant appealed, challenging the weight of the evidence and related issues; the Appellate Division, First Department, unanimously affirmed.

## DISPOSITION

affirmed

## CASES CITED

- People v. Danielson, 9 NY3d 342, 348-349 (2007)
- People v. White, 238 AD3d 456, 456 (1st Dept. 2025), lv denied 43 NY3d 1049 (2025)
- People v. Baque, 43 NY3d 26 (2024)

- People v. Ramnarain, 52 AD3d 348, 349 (1st Dept. 2008), lv denied 11 NY3d 793 (2008)

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