

NEW YORK COURT OF APPEALS

People v. Taveras

12 N.Y.3d 21, 906 N.E.2d 370 (2009) · Decided February 11, 2009

SUMMARY

The New York Court of Appeals held that consecutive sentences for third-degree criminal sexual act and first-degree falsifying business records did not violate Penal Law § 70.25(2). The court concluded that the sexual act was not a material element of falsifying business records because the latter offense is defined by the actus reus of making a false business-record entry and an enhanced intent requirement. The court affirmed the Appellate Division's order.

CASE DETAILS

COURT	New York Court of Appeals
WRITING FOR THE COURT	Graffeo, J.; Ciparick, Acting Chief Judge; Read, J.; Smith, J.; Pigott, J.; Jones, J.
JURISDICTION	New York
DECIDED	February 11, 2009
DISPOSITION	affirmed
PROCEDURAL POSTURE	Defendant appealed from an Appellate Division order affirming his convictions and aggregate sentence, except for modifications concerning a supplemental sex offender fee and portions of orders of protection. The New York Court of Appeals granted leave to appeal to determine whether consecutive sentences were permissible under Penal Law § 70.25 (2).
STANDARD OF REVIEW	De novo review of the legality of consecutive sentences under Penal Law § 70.25 (2), based on the statutory definitions of the offenses.
PRECEDENTIAL VALUE	Published New York Court of Appeals opinion; binding statewide precedent.
PARTIES	Juan Taveras v. The People of the State of New York

TOPICS

- sentencing
- criminal procedure
- statutory interpretation
- legislative intent

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether Penal Law § 70.25 (2) required concurrent sentences because the actus reus of third-degree criminal sexual act was a material element of first-degree falsifying business records.
2. Whether an underlying crime automatically becomes a material element of first-degree falsifying business records when the falsification is committed with intent to conceal that crime.

HOLDINGS

1. The actus reus of third-degree criminal sexual act is not a material element of first-degree falsifying business records. The offenses have categorically discrete statutory elements, so Penal Law § 70.25 (2) does not prohibit consecutive sentences for them.
2. A separate crime does not automatically become a material element of first-degree falsifying business records merely because the prosecution relies on the statute's intent-to-conceal prong.

KEY QUOTATIONS

“Under either prong of the statute, the People bear the burden of demonstrating the legality of consecutive sentences.” (25)

“We therefore conclude that the statutory elements of the felony sex offense are categorically discrete from the falsifying business records offense, and that “the absence of legislatively declared interdependence in their definitions is evident, compelling an interpretation that consecutive sentences are not forbidden here”” (27)

FACTUAL BACKGROUND

Defendant, an assistant principal, sexually abused several students between June 2003 and July 2004, including engaging in oral sex with a 14-year-old student. He falsified records in a summer youth employment program so that victims were paid for work they had not performed, intending to conceal his sexual conduct. Pursuant to a plea agreement, he admitted the offenses and received an aggregate sentence of 4 to 12 years, with certain sentences imposed consecutively.

PROCEDURAL HISTORY

Defendant pleaded guilty to six felonies and five misdemeanors under a negotiated agreement limiting his anticipated prison term to 4 to 12 years. Supreme Court imposed an aggregate sentence of 4 to 12 years, including consecutive sentences for one count of third-degree criminal sexual act and two counts of first-degree falsifying business records. The Appellate Division modified the judgment concerning the sex offender fee and orders of protection but otherwise affirmed. The Court of Appeals affirmed.

DISPOSITION

affirmed

CASES CITED

- People v. Laureano, 87 N.Y.2d 640, 643 (1996)
- People v. Catone, 65 N.Y.2d 1003 (1985)
- People v. Day, 73 N.Y.2d 208, 211 (1989)
- People v. Parks, 95 N.Y.2d 811, 815 (2000)

Retrieved from lawtools.ai · <https://lawtools.ai/cases/state/new-york-new-york-court-of-appeals/2009/people-v-taveras-88wf649p>