

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

People v. McNiell

McNiell, 2026 NY Slip Op 03638 (Supreme Court of the State of New York Appellate Division First Department 2026) · No. Case No. 2020-01742; Appeal No. 6847; Ind. No. 1510/18 · Decided June 9, 2026

SUMMARY

The Appellate Division, First Department, unanimously affirmed a Bronx County judgment convicting Devon McNiell of attempted criminal possession of a controlled substance in the seventh degree and sentencing him to one year of probation. The court held, based on its in camera review of sealed materials, that probable cause supported the search warrant and declined to revisit its prior denial of the motion to unseal those materials.

CASE DETAILS

COURT	Supreme Court of the State of New York, Appellate Division, First Department
WRITING FOR THE COURT	Webber, J.P.; Gesmer, J.; Mendez, J.; Rodriguez, J.; Hagler, J.
JURISDICTION	New York Supreme Court, Appellate Division, First Department
DECIDED	June 9, 2026
DOCKET	Case No. 2020-01742; Appeal No. 6847; Ind. No. 1510/18
DISPOSITION	affirmed
PROCEDURAL POSTURE	Defendant appealed from a judgment of the Supreme Court, Bronx County, convicting him after a plea of attempted criminal possession of a controlled substance in the seventh degree and sentencing him to one year of probation. The appeal challenged the search warrant proceedings, including the denial of access to sealed warrant materials.
STANDARD OF REVIEW	In camera appellate review of sealed search-warrant materials to determine whether probable cause supported issuance of the warrant.
PRECEDENTIAL VALUE	Published intermediate appellate decision
PARTIES	Devon McNiell, Defendant-Appellant v. The People of the State of New York, Respondent

TOPICS

probable cause

warrant requirement

search and seizure

suppression of evidence

appellate procedure

PRACTICE AREAS

criminal procedure

appellate practice

QUESTIONS PRESENTED

1. Whether the sealed materials established probable cause for issuance of the search warrant.
2. Whether the Appellate Division should revisit its prior order denying defendant's motion to unseal the sealed search-warrant materials.

HOLDINGS

1. The sealed materials, as reviewed in camera, established probable cause for issuance of the search warrant.
2. The court declined to revisit its prior order denying defendant's motion to unseal the sealed materials.

KEY QUOTATIONS

“We find, based on our in camera review of sealed materials, that there was probable cause for the issuance of a search warrant.” ([*1])

FACTUAL BACKGROUND

Defendant was charged with attempted criminal possession of a controlled substance in the seventh degree and received one year of probation. He challenged the search warrant and sought access to sealed materials underlying its issuance. After reviewing those materials in camera, the Appellate Division determined that probable cause supported the warrant and affirmed the judgment.

PROCEDURAL HISTORY

The Supreme Court, Bronx County, denied defendant's motion to controvert the search warrant and entered judgment on January 29, 2020. The Appellate Division conducted an in camera review of sealed materials, found probable cause for the warrant, declined to revisit its prior order denying defendant's motion to unseal the materials, and unanimously affirmed.

DISPOSITION

affirmed

CASES CITED

- People v. Wallace, 240 AD3d 437, 438 (1st Dept. 2025), lv denied 44 NY3d 1014 (2025)
- People v. Meran, 143 AD3d 423, 424 (1st Dept. 2016), lv denied 28 NY3d 1074 (2016)

OPINION

PER CURIAM.

People v McNiell - 2026 NY Slip Op 03638 skip to main content It appears you are using Adblock. Please disable Adblock to best experience our website. Law Reporting Bureau Thomas J.K. Smith, State Reporter Court Decisions Resources About Home All Court Decisions Decisions People v McNiell 2026 NY Slip Op 03638 June 9, 2026 Appellate Division, First Department Published by New York State Law Reporting Bureau pursuant to Judiciary Law § 431.

This decision is uncorrected and subject to revision before publication in the Official Reports. The People of the State of New York, Respondent, v Devon McNiell, Defendant-Appellant. Decided and Entered: June 09, 2026 Ind. No. 1510/18|Appeal No. 6847|Case No. 2020-01742| Before: Webber, J.P., Gesmer, Mendez, Rodriguez, Hagler, JJ. The Legal Aid Society, New York (Paul Wiener of counsel), for appellant.

Darcel D. Clark, District Attorney, Bronx (Andrew John Loizides of counsel), for respondent. [*1] Judgment, Supreme Court, Bronx County (Albert Lorenzo, J. on motion to controvert the search warrant; Michael Gross, J. at plea and sentencing), rendered January 29, 2020, convicting defendant of attempted criminal possession of a controlled substance in the seventh degree, and sentencing him to one year of probation, unanimously affirmed.

We find, based on our in camera review of sealed materials, that there was probable cause for the issuance of a search warrant. We decline to revisit this Court's prior order, which denied defendant's motion to unseal these materials (see People v Wallace, 240 AD3d 437, 438 [1st Dept 2025], lv denied 44 NY3d 1014 [2025]; People v Meran, 143 AD3d 423, 424 [1st Dept 2016], lv denied 28 NY3d 1074 [2016]).

THIS CONSTITUTES THE DECISION AND ORDER OF THE SUPREME COURT, APPELLATE DIVISION, FIRST DEPARTMENT. ENTERED: June 9, 2026 Court Decisions All Court Decisions Official Reports Service Bound Volumes Decision Search Resources RSS Feeds Style Manual Citation Tools Opinion Formatting & Privacy Guidelines Opinion Selection Criteria Legal Research Portal Site Index About About the Law Reporting Bureau About our Operations Contact Us Twitter Quick Contact Info 17 Lodge Street Albany, NY 12207 Phone: (518) 453-6900 Links to or from other sites do not signify endorsement or relationship with them.

PER CURIAM.

People v McNiell - 2026 NY Slip Op 03638 skip to main content It appears you are using Adblock. Please disable Adblock to best experience our website. Law Reporting Bureau Thomas J.K. Smith, State Reporter Court Decisions Resources About Home All Court Decisions Decisions People v McNiell 2026 NY Slip Op 03638 June 9, 2026 Appellate Division, First Department Published by New York State Law Reporting Bureau pursuant to Judiciary Law § 431.

This decision is uncorrected and subject to revision before publication in the Official Reports. The People of the State of New York, Respondent, v Devon McNiell, Defendant-Appellant. Decided and Entered: June 09, 2026 Ind. No. 1510/18|Appeal No. 6847|Case No. 2020-01742| Before: Webber, J.P., Gesmer, Mendez, Rodriguez, Hagler, JJ. The Legal Aid Society, New York (Paul Wiener of counsel), for appellant.

Darcel D. Clark, District Attorney, Bronx (Andrew John Loizides of counsel), for respondent. [*1] Judgment, Supreme Court, Bronx County (Albert Lorenzo, J. on motion to controvert the search warrant; Michael Gross, J. at plea and sentencing), rendered January 29, 2020, convicting defendant of attempted criminal possession of a controlled substance in the seventh degree, and sentencing him to one year of probation, unanimously affirmed.

We find, based on our in camera review of sealed materials, that there was probable cause for the issuance of a search warrant. We decline to revisit this Court's prior order, which denied defendant's motion to unseal these materials (see People v Wallace, 240 AD3d 437, 438 [1st Dept 2025], lv denied 44 NY3d 1014 [2025]; People v Meran, 143 AD3d 423, 424 [1st Dept 2016], lv denied 28 NY3d 1074 [2016]).

THIS CONSTITUTES THE DECISION AND ORDER OF THE SUPREME COURT, APPELLATE DIVISION, FIRST DEPARTMENT. ENTERED: June 9, 2026 Court Decisions All Court Decisions Official Reports Service Bound Volumes Decision Search Resources RSS Feeds Style Manual Citation Tools Opinion Formatting & Privacy Guidelines Opinion Selection Criteria Legal Research Portal Site Index About About the Law Reporting Bureau About our Operations Contact Us Twitter Quick Contact Info 17 Lodge Street Albany, NY 12207 Phone: (518) 453-6900 Links to or from other sites do not signify endorsement or relationship with them.