

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)

