

**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

OPINION

PER CURIAM.

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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]).

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