

SUPREME COURT OF THE STATE OF NEW YORK, APPELLATE DIVISION,
SECOND JUDICIAL DEPARTMENT

People v. Williams

2026 NY Slip Op 01996 · No. 2024-09279 · Decided April 1, 2026

SUMMARY

The Appellate Division, Second Department, modified the defendant's judgment by vacating his conviction for criminal contempt in the second degree as a lesser included offense and dismissing that count. The court otherwise affirmed, rejecting or declining to review claims concerning suppression, alleged investigative failures, missing police notes, absent witnesses, and surveillance footage.

CASE DETAILS

COURT	Supreme Court of the State of New York, Appellate Division, Second Judicial Department
WRITING FOR THE COURT	Lara J. Genovesi, J.P.; Barry E. Warhit, J.; Donna-Marie E. Golia, J.; Phillip Hom, J.
JURISDICTION	Supreme Court of the State of New York, Appellate Division, Second Judicial Department
DECIDED	April 1, 2026
DOCKET	2024-09279
DISPOSITION	affirmed
PROCEDURAL POSTURE	Defendant appealed from a judgment of the County Court, Nassau County, entered after a jury convicted him of criminal contempt in the first degree, criminal contempt in the second degree, and harassment in the second degree and the court imposed sentence.
STANDARD OF REVIEW	The court reviewed preserved claims for appellate error and applied the applicable legal standards to the lesser-included-offense, evidence-preservation, witness-nonproduction, and speculative-investigation issues. Unpreserved claims were reviewable only if preserved under CPL 470.05, and speculative claims not supported by the record were not reviewable.
PRECEDENTIAL VALUE	Published New York Appellate Division decision
PARTIES	Chadd Williams v. The People of the State of New York

TOPICS

criminal procedure

appellate procedure

preservation of error

suppression of evidence

evidence

PRACTICE AREAS

criminal law

criminal procedure

appellate practice

QUESTIONS PRESENTED

1. Whether the conviction for criminal contempt in the second degree had to be vacated because it was a lesser included offense of criminal contempt in the first degree.
2. Whether the challenge to the suppression of statements was academic because the statements were not introduced at trial.
3. Whether alleged police investigatory failures, the loss of police notes, and the People's failure to call certain witnesses deprived defendant of a fair trial or required reversal.
4. Whether the failure to call the complainant and investigating detective warranted an unfavorable inference or otherwise deprived defendant of a fair trial.
5. Whether the claim that police should have obtained surveillance footage was reviewable on the appellate record.

HOLDINGS

1. The second-degree criminal-contempt conviction was required to be vacated because that offense was a lesser included offense of first-degree criminal contempt; the count and sentence were dismissed.
2. The challenge to suppression of defendant's statements was academic because the statements were not introduced at trial.
3. The loss of the police officer's notes did not constitute reversible error.
4. The People's failure to call the complainant and investigating detective did not inherently deprive defendant of a fair trial, and the record did not support an unfavorable inference because there was no showing that either witness would provide material, noncumulative testimony favorable to the defense.
5. The claim that police should have obtained surveillance footage was speculative and could not be reviewed on the appellate record.

KEY QUOTATIONS

“The police do not have a duty to preserve all material that might be of conceivable evidentiary significance”
([*1]-[*2])

“It is not incumbent upon the prosecution 'to call at trial every witness to a crime or to make a complete and detailed accounting to the defense of all law enforcement investigatory work'” ([*2])

FACTUAL BACKGROUND

Williams was convicted after a jury trial of criminal contempt in the first and second degrees and harassment in the second degree. A police officer had taken notes concerning a conversation with the complainant and another individual, but those notes were lost; much of the conversation was captured on the officer's body-worn camera and made available to the defense. The People did not call the complainant or investigating detective, and the defense also argued that police should have obtained surveillance footage and that statements to law enforcement should have been suppressed.

PROCEDURAL HISTORY

The Nassau County Court entered judgment on September 9, 2024, following a jury verdict convicting Williams of three offenses. On appeal, the Appellate Division modified the judgment by vacating the second-degree criminal-contempt conviction and sentence and dismissing that count; it otherwise affirmed.

DISPOSITION

affirmed

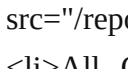
CASES CITED

- People v. Miller, 6 NY3d 295, 300
- People v. Saenger, 202 AD3d 1001, mod 39 NY3d 433
- People v. Mingo, 66 AD3d 1043, 1045
- People v. Lester, 208 AD3d 684, 685
- People v. Joseph, 97 AD3d 838, 839
- People v. Carlucci, 80 AD3d 621
- People v. Balls, 69 NY2d 641, 642
- People v. Charleston, 56 NY2d 886, 887
- People v. Scattareggia, 152 AD2d 679, 679-680
- People v. Haupt, 71 NY2d 929, 931
- People v. Whalen, 59 NY2d 273, 280
- People v. Buckler, 39 NY2d 895, 897
- People v. Stridiron, 33 NY2d 287, 292
- People v. Savinon, 100 NY2d 192, 197
- People v. Gonzalez, 68 NY2d 424, 427
- People v. Dixon, 138 AD3d 1016, 1017

OPINION

PER CURIAM.

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2026 NY Slip Op 01996
April 1, 2026
Appellate Division,
Second Department
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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
Chadd Williams, appellant.
Supreme Court of the
State of New York, Appellate Division, Second Judicial Department
Decided on April 1,
2026
2024-09279, (Ind.

No. 72089/22)
Lara J. Genovesi, J.P.
Barry E. Warhit
Donna-Marie E. Golia
Phillip Hom, JJ.
Richard M. Langone, Garden City, NY, for
appellant.
Anne T. Donnelly, District Attorney, Mineola, NY (Jared A. Chester of counsel;
Matthew C. Frankel and Thomas Califano on the brief), for respondent.
[*1]
DECISION & ORDER
Appeal by the defendant from a judgment of the
County Court, Nassau County (Tammy S. Robbins, J.), rendered September 9, 2024, convicting
him of criminal contempt in the first degree, criminal contempt in the second degree, and
harassment in the second degree, upon a jury verdict, and imposing sentence.
ORDERED
that the judgment is modified, on the law, by vacating the conviction of criminal contempt in the
second degree and the sentence imposed thereon, and dismissing that count of the indictment; as
so modified, the judgment is affirmed.
As the People correctly concede, the defendant's
conviction of criminal contempt in the second degree must be vacated since that count is a lesser
included offense of the crime of criminal contempt in the first degree (*see* CPL 300.40[3]
[b]; Penal Law §§ 215.51, 215.50; *People v Miller*, 6 NY3d 295, 300; *People v*
Saenger, 202 AD3d 1001, *mod* 39 NY3d 433; *People v Mingo*, 66 AD3d 1043,
1045).
The defendant's contention that the County Court should have suppressed the
defendant's statements to law enforcement officials is academic because the statements were not
introduced at trial (*see* *People v Lester*, 208 AD3d 684, 685; *People v*
Joseph, 97 AD3d 838, 839; *People v Carlucci*, 80 AD3d 621).
Moreover, the
defendant failed to preserve for appellate review his contention that alleged investigatory failures
of the police, along with the People's failure to call certain witnesses at trial, deprived him of his
right to a fair trial (*see* CPL 470.05; *People v Balls*, 69 NY2d 641, 642; *People*
v Charleston, 56 NY2d 886, 887).

In any event, the loss of notes taken by a police officer regarding a conversation he had with the
complainant and another individual did not constitute reversible error. "The police do not have a

duty to preserve all material that might be of conceivable evidentiary significance" (*People v Scattareggia*, 152 AD2d 679, 679; *see* *People v Haupt*, 71 NY2d 929, 931), and the content of the conversation was, in any event, largely captured on the officer's body-worn camera, which was made available to the defense.

Defense counsel also extensively cross-examined the officer on the absence of the notes, commented on the issue during summation, and attempted to use the absence to the defendant's advantage by obtaining an adverse inference charge (*see* *People v Scattareggia*, 152 AD2d at 680), and the defendant waived any claim that the adverse inference charge as given was insufficient (*see* *People v Whalen*, 59 NY2d 273, 280).

Additionally, the People's failure to call the complainant and investigating detective as witnesses at trial did not inherently deprive the defendant of a fair trial, as "[i]t is not incumbent upon the prosecution 'to call at trial every witness to a crime or to make a complete and detailed accounting to the defense of all law enforcement investigatory work'" (*People v Buckler*, 39 NY2d 895, 897, quoting *People v Stridiron*, 33 NY2d 287, 292).

In any event, there was no evidence that either the complainant or the lead detective would have been expected to provide material, noncumulative testimony favorable to the defense, such that an unfavorable inference could have been drawn from these witnesses' failure to testify at trial (*see* *People v Savinon*, 100 NY2d 192, 197; *People v Gonzalez*, 68 NY2d 424, 427).

Finally, the defendant's contention that the police should have obtained surveillance footage of the incident in question is speculative and may not be reviewed on the record before us (*see* *People v Dixon*, 138 AD3d 1016, 1017).

The defendant's remaining contentions are without merit.

GENOVESI, J.P., WARHIT, GOLIA and HOM, JJ., concur.

ENTER: Darrell M. Joseph
Clerk of the Court

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