

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

People v. Lincoln

2025 NY Slip Op 07025 · No. 2024-03118 · Decided December 17, 2025

SUMMARY

The New York Appellate Division, Second Department, affirmed Abraham J. Lincoln's convictions for two counts of criminal contempt in the second degree. The court held that the approximately nine-month delay before arrest did not violate due process and that the People's certificate of compliance and statement of readiness satisfied the statutory speedy-trial requirements under CPL 30.30(1)(a).

CASE DETAILS

|                       |                                                                                                                                                                               |
|-----------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| COURT                 | Supreme Court of the State of New York, Appellate Division, Second Judicial Department                                                                                        |
| WRITING FOR THE COURT | Colleen D. Duffy, J.P.; Deborah A. Dowling, J.; Barry E. Warhit, J.; Susan Quirk, J.                                                                                          |
| JURISDICTION          | Supreme Court of the State of New York, Appellate Division, Second Department                                                                                                 |
| DECIDED               | December 17, 2025                                                                                                                                                             |
| DOCKET                | 2024-03118                                                                                                                                                                    |
| DISPOSITION           | affirmed                                                                                                                                                                      |
| PROCEDURAL POSTURE    | Defendant appealed from a County Court judgment entered after a jury trial convicting him of two counts of criminal contempt in the second degree and imposing sentence.      |
| STANDARD OF REVIEW    | The Appellate Division reviewed whether the County Court properly denied the defendant's motions to dismiss the indictment on due-process and statutory speedy-trial grounds. |
| PRECEDENTIAL VALUE    | published                                                                                                                                                                     |
| PARTIES               | Abraham J. Lincoln v. The People of the State of New York                                                                                                                     |

TOPICS

speedy trial

due process

criminal procedure

appellate procedure

standard of review

## PRACTICE AREAS

criminal procedure

appellate procedure

constitutional law

## QUESTIONS PRESENTED

1. Whether the approximately nine-month delay between the commission of the crimes and the defendant's arrest violated the defendant's state constitutional due-process right to prompt prosecution.
2. Whether the indictment should have been dismissed under CPL 30.30(1)(a) because the People violated the defendant's statutory right to a speedy trial.
3. Whether the People's November 2022 certificate of compliance and statement of readiness were proper or illusory.
4. Whether the defendant's challenge to the timeliness of the People's opposition to his dismissal motion was properly before the Appellate Division.

## HOLDINGS

1. The approximately nine-month delay did not violate due process because the People established good cause, including the defendant's evasion of law enforcement, and the delay was outweighed by the nature of the crimes and the absence of identified prejudice.
2. The County Court properly denied the defendant's statutory speedy-trial dismissal motion because the People established that their November 2022 certificate of compliance was proper and their statement of readiness was not illusory.
3. The defendant's contention concerning the timeliness of the People's opposition was not properly before the Appellate Division.

## KEY QUOTATIONS

*"[A]n unjustified delay in prosecution will deprive a defendant of the State constitutional right to due process"* ([\*1])

*"a determination made in good faith to defer commencement of the prosecution for further investigation or for other sufficient reasons, will not deprive the defendant of due process of law even though the delay may cause some prejudice to the defense"* ([\*1])

*"Where there has been extended delay, the People have the burden to establish good cause"* ([\*1])

*"The Court of Appeals has articulated the following factors to consider when determining whether a defendant's right to a speedy trial or due process right to prompt prosecution has been violated: (1) the extent of the delay, (2) the reason for the delay, (3) the nature of the underlying charge, (4) whether there has been an extended period of pretrial incarceration, and (5) whether there is any indication that the defense has been prejudiced by the delay"* ([\*1])

## FACTUAL BACKGROUND

The defendant was charged in a 36-count indictment arising from crimes including burglary and criminal contempt and was ultimately convicted of two counts of criminal contempt in the second degree. Approximately nine months elapsed between the commission of the crimes and the defendant's arrest, during which the People showed that the defendant evaded law enforcement. The court found no identified prejudice to the defense from the delay.

#### PROCEDURAL HISTORY

The defendant was charged in a 36-count indictment with multiple crimes, including burglary and criminal contempt. After a jury trial, he was convicted of two counts of criminal contempt in the second degree. The County Court, Suffolk County, denied his motions to dismiss the indictment based on preprosecution delay and statutory speedy-trial grounds, and the Appellate Division affirmed.

#### DISPOSITION

affirmed

#### CASES CITED

- People v. Metellus, 157 AD3d 821, 822
- People v. Decker, 13 NY3d 12, 14-15
- People v. Singer, 44 NY2d 241, 254
- People v. Clark, 180 AD3d 925, 926
- People v. Mattison, 162 AD3d 905, 906
- People v. Taranovich, 37 NY2d 442, 445
- People v. Barba, 135 AD3d 950, 951
- People v. Gardner, 204 AD3d 1039, 1041
- People v. George, 199 AD3d 1064, 1067
- People v. Macaluso, 230 AD3d 1158, 1160