

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

People v. Crews

Crews, 2026 NY Slip Op 04079 (Supreme Court of the State of New York Appellate Division Fourth Judicial Department 2026) · No. 365 KA 24-01737 · Decided June 26, 2026

SUMMARY

The New York Supreme Court, Appellate Division, Fourth Department unanimously affirmed Chauncey M. Crews's judgment of conviction for rape in the first degree and criminal sexual act in the first degree. The court rejected challenges concerning discovery compliance and speedy trial rights, sanctions for delayed disclosure of body-worn camera footage, Molineux evidence, weight of the evidence, ineffective assistance of counsel, the order of protection, and sentence severity, while directing correction of the certificate of disposition and sentencing form to specify the statutory subdivision for the criminal sexual act conviction.

CASE DETAILS

COURT	Supreme Court of the State of New York, Appellate Division, Fourth Judicial Department
WRITING FOR THE COURT	Lindley, J.P.; Curran, J.; Ogden, J.; Greenwood, J.; DelConte, J.
JURISDICTION	Supreme Court of the State of New York, Appellate Division, Fourth Judicial Department
DECIDED	June 26, 2026
DOCKET	365 KA 24-01737
DISPOSITION	affirmed
PROCEDURAL POSTURE	Defendant appealed from a judgment of Supreme Court, Monroe County, rendered after a jury verdict convicting him of rape in the first degree and criminal sexual act in the first degree.
STANDARD OF REVIEW	The court reviewed discovery-compliance and statutory-speedy-trial determinations for error, sanctions under CPL 245.80 for abuse of discretion, preserved legal issues under the applicable appellate standards, the verdict under the weight-of-the-evidence standard, ineffective-assistance claims under New York's meaningful-representation standard, and sentencing claims for excessive harshness or severity.

PRECEDENTIAL VALUE	published
PARTIES	Chauncey M. Crews, defendant-appellant v. The People of the State of New York, respondent

TOPICS

discovery criminal speedy trial criminal procedure evidence appellate procedure

PRACTICE AREAS

criminal law criminal procedure appellate practice

QUESTIONS PRESENTED

1. Whether the People's delayed disclosure of body-worn-camera footage required striking the certificates of compliance and dismissal of the indictment on statutory speedy-trial grounds.
2. Whether the trial court abused its discretion by precluding the People from using the late-disclosed footage in their case-in-chief rather than dismissing the indictment or precluding the complainant's testimony.
3. Whether defendant's challenges to the Molineux ruling, the scope of the complainant's testimony, and the absence of a limiting instruction were preserved for appellate review.
4. Whether the verdict was against the weight of the evidence.
5. Whether defendant received ineffective assistance of counsel based on counsel's failure to request certain limiting and adverse-inference instructions.
6. Whether the order of protection and sentence were invalid or unduly harsh or severe.
7. Whether the certificate of disposition and uniform sentence and commitment form required correction to identify the subdivision of the criminal-sexual-act conviction.

HOLDINGS

1. The People complied with their discovery obligations because they established due diligence in obtaining and disclosing the body-worn-camera footage; therefore, the certificates of compliance were not invalid and dismissal of the indictment under CPL 30.30 was unwarranted.
2. The trial court did not abuse its discretion by precluding the People from relying on the late-disclosed body-worn-camera footage during their case-in-chief rather than dismissing the indictment or precluding the complainant's testimony.
3. Defendant's challenges to the substantive Molineux ruling, the scope of the complainant's testimony, and the absence of a limiting instruction were unpreserved, and the court declined to review them in the interest of justice.
4. The verdict was not against the weight of the evidence.
5. Defendant received meaningful representation and was not denied effective assistance of counsel.

6. The certificate of disposition and uniform sentence and commitment form must be amended to state that defendant was convicted of criminal sexual act in the first degree under Penal Law former § 130.50 (1).

KEY QUOTATIONS

“Assuming, arguendo, that defendant's motion, made after the start of jury selection, was not untimely” ([*1])

“Thus, applying "a holistic assessment of the People's efforts to comply with the automatic discovery provisions, rather than a strict item-by-item test"” ([*2])

“In our view, to conclude that the People did not exercise due diligence with respect to the belatedly disclosed BWC footage here would hew too closely to the "perfect prosecutor" approach expressly rejected by the Court of Appeals” ([*2])

“a permissive adverse inference charge should be given where a defendant, using reasonable diligence, has requested evidence reasonably likely to be material, and where that evidence has been destroyed by agents of the state” ([*2])

“the jury was in the best position to assess the complainant's credibility” ([*2])

FACTUAL BACKGROUND

Defendant engaged in vaginal and oral sexual conduct with the complainant, allegedly by forcible compulsion. The prosecution initially disclosed voluminous discovery, including nearly all body-worn-camera footage, but later disclosed additional footage after repeated requests to police. At trial, video footage and the complainant's testimony supported the convictions, and the defense argued that the parties' fraught relationship provided context inconsistent with forcible compulsion.

PROCEDURAL HISTORY

Supreme Court, Monroe County denied defendant's motion to strike the People's certificates of compliance, dismiss the indictment on statutory speedy-trial grounds, and impose additional discovery sanctions. After a jury trial, defendant was convicted of rape in the first degree and criminal sexual act in the first degree and sentenced. The Appellate Division unanimously affirmed, while directing correction of the certificate of disposition and uniform sentence and commitment form to specify the subdivision of the criminal-sexual-act conviction.

DISPOSITION

affirmed

REMAND INSTRUCTIONS

The certificate of disposition and uniform sentence and commitment form must be amended to reflect that the criminal-sexual-act conviction was under Penal Law former § 130.50 (1).

CASES CITED

- People v. Geer, 224 AD3d 1353, 1354 (4th Dept 2024), lv denied 42 NY3d 970 (2024)

- People v. Gaskin, 214 AD3d 1353, 1354 (4th Dept 2023)
- People v. Deas, 226 AD3d 823, 826-827 (2d Dept 2024), lv denied 42 NY3d 969 (2024)
- People v. Crespo, 32 NY3d 176, 182-183 (2018), cert denied 589 US 929 (2019)
- People v. Bay, 41 NY3d 200, 212-213 (2023)
- People v. Dibble, 247 AD3d 1566, 1568 (4th Dept 2026)
- People v. Rojas-Aponte, 242 AD3d 1537, 1540 (4th Dept 2025), lv denied 44 NY3d 1068 (2026)
- People v. Watkins, 224 AD3d 1342, 1344 (4th Dept 2024), lv denied 41 NY3d 986 (2024)
- People v. Lawrence, 231 AD3d 1497, 1500 (4th Dept 2024), lv denied 43 NY3d 945 (2025)
- People v. Cooperman, 225 AD3d 1216, 1220 (4th Dept 2024)
- People v. Bookman, 224 AD3d 1269, 1270 (4th Dept 2024)
- People v. Jenkins, 98 NY2d 280, 284 (2002)
- People v. Cortijo, 70 NY2d 868, 870 (1987)
- People v. Caruso, 219 AD3d 1682, 1683 (4th Dept 2023)
- People v. Thomas, 158 AD3d 1135, 1135 (4th Dept 2018), lv denied 31 NY3d 1088 (2018)
- People v. Case, 197 AD3d 985, 987-988 (4th Dept 2021), lv denied 37 NY3d 1160 (2022)
- People v. Green, 196 AD3d 1148, 1150-1151 (4th Dept 2021), lv denied 37 NY3d 1096 (2021), reconsideration denied 37 NY3d 1161 (2022)
- People v. Hymes, 174 AD3d 1295, 1299-1300 (4th Dept 2019), affd 34 NY3d 1178 (2020)
- People v. Peterson, 240 AD3d 1194, 1196 (4th Dept 2025), lv denied 44 NY3d 1053 (2025)
- People v. Danielson, 9 NY3d 342, 349 (2007)
- People v. Bleakley, 69 NY2d 490, 495 (1987)
- People v. Carlson, 184 AD3d 1139, 1141 (4th Dept 2020), lv denied 35 NY3d 1064 (2020)
- People v. Turner, 197 AD3d 997, 998 (4th Dept 2021), lv denied 37 NY3d 1061 (2021)
- People v. Elmore, 175 AD3d 1003, 1005 (4th Dept 2019), lv denied 34 NY3d 1158 (2020)
- People v. Thompson, 72 NY2d 410, 415-416 (1988), rearg denied 73 NY2d 870 (1989)
- People v. Ruiz, 159 AD3d 1375, 1375 (4th Dept 2018)
- People v. Orcutt, 51 AD3d 1404, 1405 (4th Dept 2008)
- People v. Williams, 107 AD3d 1516, 1516-1517 (4th Dept 2013), lv denied 21 NY3d 1047 (2013)
- People v. Caban, 5 NY3d 143, 152 (2005)
- People v. Jordan, 232 AD3d 1253, 1255 (4th Dept 2024), lv denied 43 NY3d 930 (2025)
- People v. Jones, 211 AD3d 1594, 1596-1597 (4th Dept 2022), lv denied 39 NY3d 1111 (2023)
- People v. Burton, 126 AD3d 1324, 1325-1326 (4th Dept 2015), lv denied 25 NY3d 1199 (2015)
- People v. Baldi, 54 NY2d 137, 147 (1981)
- People v. Cook, 118 AD3d 1499, 1500 (4th Dept 2014), lv denied 24 NY3d 959 (2014)
- People v. Nieves, 2 NY3d 310, 315-317 (2004)
- People v. Martinez, 37 AD3d 1099, 1100 (4th Dept 2007), lv denied 8 NY3d 947 (2007)
- People v. Osorio, 179 AD3d 1512, 1514 (4th Dept 2020), lv denied 35 NY3d 972 (2020)

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