

APPELLATE DIVISION OF THE SUPREME COURT OF THE STATE OF NEW YORK, THIRD DEPARTMENT

People v. Harris

2026 NY Slip Op 01094 (Appellate Division of the Supreme Court of the State of New York Third Department 2026) · No. 113364 · Decided February 26, 2026

SUMMARY

The New York Appellate Division, Third Department, affirmed Larry J. Harris's judgment of conviction for first-degree manslaughter arising from the death of an 11-year-old child. The court held that the evidence was legally sufficient and the verdict was not against the weight of the evidence, and rejected challenges concerning a lesser-included-offense charge, hearsay, ineffective assistance of counsel, the indictment, jury selection, and the defendant's right to be present.

CASE DETAILS

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| COURT                 | Appellate Division of the Supreme Court of the State of New York, Third Department                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| WRITING FOR THE COURT | Reynolds Fitzgerald, J.; Garry, P.J.; McShan, J.; Powers, J.; Mackey, J.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| JURISDICTION          | New York Supreme Court, Appellate Division, Third Department                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| DECIDED               | February 26, 2026                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| DOCKET                | 113364                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| DISPOSITION           | affirmed                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| PROCEDURAL POSTURE    | Defendant appealed from a Broome County Court judgment entered after a jury convicted him of first-degree manslaughter and the court sentenced him as a second violent felony offender.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| STANDARD OF REVIEW    | For legal sufficiency, the court viewed the facts in the light most favorable to the People and asked whether a valid line of reasoning and permissible inferences supported a finding of every element beyond a reasonable doubt. For weight of the evidence, the court viewed the evidence neutrally, considered whether a different verdict would have been unreasonable, and weighed the relative probative force of conflicting testimony and inferences. The court reviewed the denial of a lesser-included-offense charge under the reasonable-view-of-the-evidence standard. Ineffective-assistance claims were evaluated under New York's meaningful-representation standard. |
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Larry J. Harris v. The People of the State of New York

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**QUESTIONS PRESENTED**

1. Whether the evidence was legally sufficient to establish first-degree manslaughter.
2. Whether the verdict convicting defendant of first-degree manslaughter was against the weight of the evidence.
3. Whether County Court erred by refusing to charge criminally negligent homicide as a lesser-included offense.
4. Whether the court improperly admitted the school social worker's testimony concerning the victim's statements about defendant striking him.
5. Whether admission of those statements violated the Sixth Amendment's Confrontation Clause.
6. Whether defendant received ineffective assistance of counsel based on the asserted deficiencies concerning the indictment, bill of particulars, peremptory challenges, Antommarchi rights, presence at a court appearance, and objections at trial.

**HOLDINGS**

1. The evidence was legally sufficient to support the conviction because a rational jury could infer that defendant, who had previously abused the victim, was alone with him when the fatal asphyxial injury occurred and intended to cause serious physical injury.
2. The verdict was not against the weight of the evidence.
3. County Court properly refused to charge criminally negligent homicide as a lesser-included offense because no reasonable view of the evidence supported a finding that defendant acted with criminal negligence but did not intend to cause serious physical injury.
4. The statements were properly admitted because they were offered to explain the background and triggering circumstances of the police and CPS investigation, not for the truth of the assertion that defendant struck the victim.
5. The admission of the victim's statements did not violate the Sixth Amendment because the statements were not admitted for their truth.
6. Defendant failed to establish ineffective assistance because counsel provided meaningful representation and the challenged conduct had strategic or legitimate explanations.

## KEY QUOTATIONS

*“When assessing the legal sufficiency of a jury verdict, we view the facts in the light most favorable to the People and examine whether there is a valid line of reasoning and permissible inferences from which a rational jury could have found the elements of the crime proved beyond a reasonable doubt.” ([\*1]-[\*2])*

*“In a circumstantial evidence case such as this, this Court must satisfy itself that “ ‘the inference of guilt is the only one that can fairly and reasonably be drawn from the facts, and that the evidence excludes beyond a reasonable doubt every reasonable hypothesis of innocence’ ” ([\*2])*

*“The foregoing evidence, when viewed in the light most favorable to the People, is legally sufficient to support the conviction of manslaughter in the first degree.” ([\*4])*

*“A defendant is entitled to a lesser included offense charge upon request when (1) it is impossible to commit the greater crime without concomitantly committing the lesser offense by the same conduct and (2) there is a reasonable view of the evidence to support a finding that the defendant committed the lesser offense but not the greater” ([\*4]-[\*5])*

*“These statements were not offered for the truth of the matter asserted, but rather to provide background information regarding the report that triggered the police and CPS investigation into the alleged abuse of the victim by defendant the day before his death and how the allegations were disclosed” ([\*5])*

## FACTUAL BACKGROUND

The victim, an 11-year-old child, lived with his mother and sister in Broome County, where defendant frequently stayed as the mother's romantic partner. After the victim reported or displayed bruising allegedly connected to defendant, defendant arranged for the mother and her daughter to leave the apartment so that he could speak with the victim, leaving defendant alone with the child for several hours. The victim was later found naked, cold, and unresponsive, and medical responders were unable to revive him. A forensic pathologist concluded that the victim died within minutes of an asphyxial injury caused by suffocation, smothering, or drowning, and that the injuries were consistent with homicide.

## PROCEDURAL HISTORY

Harris was indicted for second-degree murder and first-degree manslaughter after an 11-year-old child died from asphyxia. Following a jury trial, he was acquitted of murder but convicted of first-degree manslaughter. County Court sentenced him to 25 years' imprisonment followed by five years of postrelease supervision. The Appellate Division affirmed.

## DISPOSITION

affirmed

## CASES CITED

- People v. Bridges, 220 AD3d 1107, 1108, 1111 (3d Dept. 2023), lv denied 40 NY3d 1091 (2024)
- People v. Morgan, 230 AD3d 864, 865, 867 (3d Dept. 2024), affd 2025 NY Slip Op 05740

- People v. Baque, 43 NY3d 26, 30 (2024)
- People v. Sanchez, 61 NY2d 1022, 1024 (1984)
- People v. Nelligan, 135 AD3d 1075, 1077 (3d Dept. 2016), lv denied 27 NY3d 1072 (2016)
- People v. Babcock, 152 AD3d 962, 967 (3d Dept. 2017), lv denied 30 NY3d 947 (2017)
- People v. Rogers, 94 AD3d 1246, 1249-1250 (3d Dept. 2012), lv denied 19 NY3d 977 (2012)
- People v. Oates, 222 AD3d 1271, 1274 (3d Dept. 2023)
- People v. Akins, 240 AD3d 1003, 1006 (3d Dept. 2025)
- People v. Cuatlal, 152 AD3d 539, 539 (2d Dept. 2017), lv denied 30 NY3d 948 (2017)
- People v. Agan, 207 AD3d 861, 868 (3d Dept. 2022)
- People v. Hulbert, 93 AD3d 953, 953 (3d Dept. 2012)
- People v. Wolz, 112 AD3d 1150, 1153 (3d Dept. 2013), lv denied 23 NY3d 1026 (2014)
- People v. Rose, 185 AD3d 1228, 1231 (3d Dept. 2020), lv denied 35 NY3d 1115 (2020)
- People v. DeCarr, 130 AD3d 1365, 1366 (3d Dept. 2015), lv denied 26 NY3d 1008 (2020)
- People v. Shackelton, 177 AD3d 1163, 1165 (3d Dept. 2019), lv denied 34 NY3d 1162 (2020)
- People v. Davis, 23 AD3d 833, 835 (3d Dept. 2005), lv denied 6 NY3d 811 (2006)
- People v. Wisdom, 23 AD3d 759, 761 (3d Dept. 2005), lv denied 6 NY3d 840 (2006)
- People v. Williams, 232 AD3d 1124, 1125 (3d Dept. 2024), lv denied 43 NY3d 1059 (2025)
- People v. Sposito, 193 AD3d 1236, 1237 (3d Dept. 2021), affd 37 NY3d 1149 (2022)
- People v. Marcantonio, 238 AD3d 1262, 1265 (3d Dept. 2025)
- People v. Horton, 181 AD3d 986, 992 (3d Dept. 2020), lv denied 35 NY3d 1045 (2020)
- People v. Hooper, 238 AD3d 1207, 1211 (3d Dept. 2025)
- People v. Henehan, 238 AD3d 1336, 1340 (3d Dept. 2025), lv denied 43 NY3d 1055 (2025)
- People v. Williams, 85 NY2d 945, 947 (1995)
- People v. Deas, 236 AD3d 1105, 1109 (3d Dept. 2025), lv denied 43 NY3d 1007 (2025)