

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

People v. Loncke

2025 NY Slip Op 07409 · No. 2019-14563 · Decided December 31, 2025

SUMMARY

The Appellate Division, Second Department affirmed Aundrae Loncke's judgment of conviction for attempted assault in the first degree, criminal possession of a weapon in the second degree, and reckless endangerment in the first degree. The court rejected challenges concerning an allegedly illegal stop, a search warrant, authentication of Facebook evidence, sufficiency and weight of the evidence, prosecutorial misconduct, jury instructions, and ineffective assistance of counsel.

CASE DETAILS

COURT	Supreme Court of the State of New York, Appellate Division, Second Judicial Department
WRITING FOR THE COURT	Betsy Barros, J.P.; Helen Voutsinas, J.; Lourdes M. Ventura, J.; Donna-Marie E. Golia, J.
JURISDICTION	Supreme Court of the State of New York, Appellate Division, Second Judicial Department
DECIDED	December 31, 2025
DOCKET	2019-14563
DISPOSITION	affirmed
PROCEDURAL POSTURE	Criminal appeal from a judgment of the Supreme Court, Kings County, entered after a jury convicted the defendant of attempted assault in the first degree, criminal possession of a weapon in the second degree, and reckless endangerment in the first degree. The appeal also reviewed the denial, after a hearing, of the defendant's motion to controvert a search warrant and suppress physical evidence.
STANDARD OF REVIEW	The court reviewed legal sufficiency by viewing the evidence in the light most favorable to the prosecution. It independently reviewed the weight of the evidence while according great deference to the jury's opportunity to observe witnesses and assess credibility. Unpreserved claims were reviewed only under applicable preservation and interest-of-justice principles.

PRECEDENTIAL VALUE

Published New York Appellate Division opinion

PARTIES

Aundrae Loncke v. The People of the State of New York

TOPICS

criminal procedure

suppression of evidence

authentication

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ineffective assistance

PRACTICE AREAS

Criminal law

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QUESTIONS PRESENTED

1. Whether the indictment should have been dismissed because the prosecution's evidence was fruit of an allegedly illegal stop.
2. Whether the search warrant was sufficiently supported by a witness's sworn testimony and whether the defendant established a stipulation excluding evidence seized under the warrant.
3. Whether the photographs and messages from the defendant's Facebook account were properly authenticated.
4. Whether the evidence was legally sufficient and whether the verdict was against the weight of the evidence.
5. Whether alleged prosecutorial misconduct deprived the defendant of a fair trial.
6. Whether the circumstantial-evidence jury instructions were improperly given and preserved for appellate review.
7. Whether the defendant received ineffective assistance of counsel.

HOLDINGS

1. The claim that the indictment should be dismissed as fruit of an allegedly illegal stop was unpreserved; in any event, the evidence against the defendant, including surveillance video, was not fruit of that stop.
2. The Supreme Court properly denied the defendant's motion to controvert the search warrant and suppress physical evidence because the warrant was based on a witness's sworn testimony.
3. The parties did not enter into a stipulation excluding evidence secured pursuant to the search warrant.
4. The photographs and messages from the defendant's Facebook account were properly authenticated.
5. The evidence was legally sufficient to establish the defendant's guilt beyond a reasonable doubt.
6. The verdict was not against the weight of the evidence.
7. The alleged instances of prosecutorial misconduct did not deprive the defendant of a fair trial; most of the claim was also unpreserved.
8. The challenge to the circumstantial-evidence jury instructions was unpreserved, and the court declined to review it in the interest of justice.

9. The defendant received meaningful representation and was not deprived of effective assistance of counsel.

KEY QUOTATIONS

*“Viewing the evidence in the light most favorable to the prosecution, we find that it was legally sufficient to establish the defendant's guilt beyond a reasonable doubt.” (*1)*

*“The evidence, the law, and the circumstances of this case, viewed in totality and as of the time of the representation, reveal that defense counsel provided meaningful representation” (*2)*

FACTUAL BACKGROUND

The defendant was convicted by a jury of attempted assault in the first degree, criminal possession of a weapon in the second degree, and reckless endangerment in the first degree. The prosecution introduced physical evidence seized pursuant to a search warrant, surveillance video, and photographs and messages from the defendant's Facebook account. The Facebook evidence was authenticated through testimony from a Facebook representative linking an account's unique identifier to the username and vanity name supplied when the account was created.

PROCEDURAL HISTORY

The Supreme Court, Kings County, rendered judgment on November 18, 2019, following a jury verdict and imposed sentence. The defendant appealed, challenging the search warrant and suppression ruling, the use and authentication of Facebook evidence, the sufficiency and weight of the evidence, alleged prosecutorial misconduct, circumstantial-evidence jury instructions, and the effectiveness of trial counsel. The Appellate Division affirmed the judgment.

DISPOSITION

affirmed

CASES CITED

- People v. Huginnie, 225 AD3d 894, 895
- People v. White, 73 NY2d 468, 475-476
- People v. Kingsberry, 194 AD3d 843, 844
- People v. Franzese, 154 AD3d 706, 706-707
- People v. Contes, 60 NY2d 620, 621
- People v. Danielson, 9 NY3d 342, 348
- People v. Bleakley, 69 NY2d 490, 495
- People v. Silverstein, 236 AD3d 827, 829
- People v. Romero, 7 NY3d 633, 643-644
- People v. Moron, 237 AD3d 973, 974

- People v. DiValentino, 154 AD3d 872, 873
- People v. Hengjun Chao, 217 AD3d 777, 779
- People v. Richards, 186 AD3d 1720, 1723
- People v. Baldi, 54 NY2d 137, 147
- People v. Vartholomeou, 147 AD3d 875, 876

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