

SUPREME COURT, QUEENS COUNTY

People v. Porter

Porter, 2026 NY Slip Op 26017 (Supreme Court Queens County 2026) · No. Ind. No. 1980/1992 · Decided January 30, 2026

SUMMARY

The Supreme Court, Queens County, considers defendant Allen Porter's motion to vacate his convictions for two counts of second-degree murder and one count of second-degree criminal possession of a weapon. The court conducted a CPL article 440 hearing concerning alleged Brady and Giglio violations, including undisclosed information about a potential accomplice and exculpatory witness information. The opinion recounts the prosecution's trial theories and the alleged suppression of material bearing on witness credibility and defendant's culpability.

CASE DETAILS

COURT	Supreme Court, Queens County
WRITING FOR THE COURT	Michelle A. Johnson, J.S.C.
JURISDICTION	Supreme Court, Queens County, New York
DECIDED	January 30, 2026
DOCKET	Ind. No. 1980/1992
DISPOSITION	other
PROCEDURAL POSTURE	Defendant moved under New York Criminal Procedure Law § 440.10 to vacate his 1995 judgment of conviction based on alleged Brady/Giglio violations, prosecutorial misconduct, false evidence, constitutional violations, and newly discovered evidence. Following an evidentiary hearing under CPL § 440.30(5), the court granted the motion and ordered a new trial.
STANDARD OF REVIEW	For the CPL § 440.10 motion, the court applied New York's Brady materiality standard for specifically requested information: whether there was a reasonable possibility that disclosure would have altered the trial outcome. The court also stated that, absent a specific request, the applicable standard would be whether there was a reasonable probability that suppression undermined confidence in the verdict. The court resolved disputed factual issues after an evidentiary hearing.

PRECEDENTIAL VALUE	Published trial-level New York opinion; persuasive authority subject to the authority of higher courts and appellate review.
PARTIES	Allen Porter v. The People of the State of New York

TOPICS

post-conviction relief criminal procedure prosecutorial misconduct evidence due process

PRACTICE AREAS

criminal procedure post-conviction relief constitutional criminal procedure evidence

QUESTIONS PRESENTED

1. Whether the prosecution violated Brady and Giglio by suppressing evidence that Vanessa Thomas had been treated as a potential accomplice or suspect and might have received a benefit or leverage in exchange for her testimony.
2. Whether the prosecution violated Brady by suppressing handwritten notes containing exculpatory information that a possible eyewitness, Willis Campbell, said Porter was not present and did not commit the murders.
3. Whether the suppressed evidence was material under the reasonable-possibility standard applicable to defendant's specific discovery requests.
4. Whether the aggregate suppression of the evidence violated Porter's constitutional right to due process and warranted vacatur of the conviction and a new trial.

HOLDINGS

1. Evidence that the prosecution had determined there was probable cause to arrest Thomas as an accomplice, authorized efforts to arrest and extradite her, prepared a sworn felony complaint charging her with murder, and possessed related investigative records was favorable impeachment evidence that the prosecution was required to disclose.
2. The prosecutor's handwritten notes reporting that a possible eyewitness named Willis said Porter did not commit the murders constituted exculpatory Brady material that should have been disclosed and investigated before trial.
3. Because defendant specifically requested exculpatory and impeachment information, the suppressed evidence satisfied the reasonable-possibility materiality standard; independently, it also satisfied the higher reasonable-probability standard. The aggregate suppression violated due process and warranted vacating the conviction and sentence and ordering a new trial.

KEY QUOTATIONS

"Accordingly, defendant's motion to vacate judgment of conviction and sentence pursuant to CPL § 440.10 is GRANTED in its entirety and a new trial ordered." ([*12])

*“However, the magnitude of the prosecutor’s combined suppression of Brady/Giglio evidence in this case clearly violated defendant’s constitutional right to due process and denied him a fair trial.” ([*12])*

*“A review of ADA Schaeffer’s notes reveal that he received information that there was an eyewitness to the shooting named Willis who claimed that defendant was not present at the time of the shooting and did not commit the murders.” ([*11])*

FACTUAL BACKGROUND

Porter was convicted after a prosecution based on two alternative theories: that he was one of the shooters in the 1991 double homicide, or that he planned and aided the murders while not physically present. The prosecution’s principal witnesses were Jacqueline Aviles, the sole eyewitness identifying Porter as a shooter; Vanessa Thomas; and Nathaniel Wright, who testified under a cooperation agreement about the planning theory. Before trial, prosecutors and police possessed evidence indicating that Thomas had been treated as a murder suspect or accomplice, including an intended arrest, a sworn felony complaint, investigative records, and evidence of her flight and assumed name. Prosecutors also possessed handwritten notes reporting that a possible eyewitness, Willis Campbell, said Porter was not present, but did not disclose or investigate that information.

PROCEDURAL HISTORY

A jury convicted Porter in 1995 of two counts of second-degree murder and one count of second-degree criminal possession of a weapon. The Appellate Division affirmed the conviction but modified the sentence to make the weapons sentence concurrent; the Court of Appeals denied leave. Coram nobis and federal habeas relief were denied. After receiving previously undisclosed case materials, Porter moved to vacate the judgment in 2023. The court held a post-conviction evidentiary hearing in October through December 2025 and granted relief based on suppressed impeachment and exculpatory evidence.

DISPOSITION

other

REMAND INSTRUCTIONS

The judgment of conviction and sentence was vacated, and a new trial was ordered. The opinion does not state that the matter was remanded to a particular lower court or provide additional trial-management instructions.

CASES CITED

- Brady v. Maryland, 373 U.S. 83 (1963)
- Giglio v. United States, 405 U.S. 150 (1972)
- People v. Fuentes, 12 N.Y.3d 259 (2009)
- People v. Baxley, 84 N.Y.2d 208 (1994)
- People v. Bryce, 88 N.Y.2d 124 (1996)
- Strickler v. Greene, 527 U.S. 263 (1999)
- People v. Giuca, 33 N.Y.3d 462 (2019)

- People v. Spruill, 164 A.D.3d 1270 (2d Dep't 2018), appeal denied, 33 N.Y.3d 954 (2019)
- United States v. Jackson, 345 F.3d 59 (2d Cir. 2003)
- People v. Negron, 26 N.Y.3d 262 (2015)
- People v. Vilardi, 76 N.Y.2d 67 (1990)
- People v. Rong He, 34 N.Y.3d 956 (2019)
- People v. McCray, 23 N.Y.3d 193 (2014)
- Kyles v. Whitley, 514 U.S. 419 (1995)
- United States v. Bagley, 473 U.S. 667 (1985)
- People v. Ulett, 33 N.Y.3d 512 (2019)
- People v. Fielding, 39 N.Y.2d 607 (1976)
- People v. Berger, 52 N.Y.2d 214 (1981)
- People v. Duncan, 46 N.Y.2d 74 (1978)
- People v. Williams, 50 A.D.3d 1177 (3d Dep't 2008)
- People v. Mullens, 292 N.Y. 408 (1944)
- People v. O'Farrell, 175 N.Y. 323 (1903)
- People v. Gumbs, 56 A.D.3d 345 (1st Dep't 2008)
- People v. Crespo, 308 A.D.2d 383 (1st Dep't 2003)
- People v. Wilson, 213 A.D.2d 1037 (4th Dep't 1995)
- People v. Hunter, 11 N.Y.3d 1 (2008)
- People v. Flores, 217 A.D.3d 29 (1st Dep't 2023)
- People v. Porter, 256 A.D.2d 363 (2d Dep't 1998)
- People v. Porter, 93 N.Y.2d 976 (1999)
- People v. Porter, 4 A.D.3d 377 (2d Dep't 2004)
- Porter v. Grenier, 2005 WL 3344828 (E.D.N.Y. 2005)