

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

People v. Cobbins

Cobbins, 2026 NY Slip Op 02695 (Appellate Division of the Supreme Court of the State of New York Third Department 2026) · No. CR-24-0536 · Decided April 30, 2026

SUMMARY

The Appellate Division, Third Department, reviewed Eugene Cobbins's convictions and subsequent resentencing for robbery, grand larceny, and assault. The court held that suppression arguments concerning delayed arraignment were unpreserved and upheld the finding that Cobbins knowingly and voluntarily waived his Miranda rights. It affirmed the original judgment, reversed the resentencing judgment, and remitted for resentencing on the two grand larceny convictions because Cobbins was not present or shown to have knowingly waived his right to be present.

CASE DETAILS

COURT	Appellate Division of the Supreme Court of the State of New York, Third Department
WRITING FOR THE COURT	Pritzker, J.; Aarons, J.P.; Reynolds Fitzgerald, J.; Fisher, J.; McShan, J.
JURISDICTION	New York Supreme Court, Appellate Division, Third Department
DECIDED	April 30, 2026
DOCKET	CR-24-0536
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Defendant appealed from a judgment convicting him upon his guilty plea and from a subsequent judgment resentencing him after the County Court amended two grand-larceny sentences following notice from DOCCS.
STANDARD OF REVIEW	The court reviewed suppression findings under the totality of the circumstances, reviewed preservation of the arraignment-delay claim, reviewed the resentencing proceeding for compliance with the defendant's fundamental right to be present, and exercised interest-of-justice review of the harshness of the sentence.
PRECEDENTIAL VALUE	published
PARTIES	Eugene Cobbins v. The People of the State of New York

TOPICS

suppression of evidence

miranda rights

right to counsel

sentencing

preservation of error

PRACTICE AREAS

criminal law

criminal procedure

appellate practice

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QUESTIONS PRESENTED

1. Whether defendant's custodial statements should be suppressed because police allegedly delayed filing charges to circumvent his indelible right to counsel.
2. Whether defendant knowingly and voluntarily waived his Miranda rights.
3. Whether defendant's challenge based on unnecessary delay in filing charges and arraignment was preserved for appellate review.
4. Whether defendant's resentencing violated his fundamental right to be present.
5. Whether the robbery conviction sentence was unduly harsh or severe and should be reduced in the interest of justice.
6. Whether defendant's guilty plea foreclosed his challenge to inclusory concurrent counts.

HOLDINGS

1. Because the criminal complaint had not been formally filed when the interrogation occurred, defendant's indelible right to counsel had not attached. Any claim that unnecessary delay in filing charges or arraignment affected the voluntariness of his statements was statutory and unpreserved because it was not raised in County Court.
2. Defendant knowingly and voluntarily waived his Miranda rights, and suppression of his statements was not warranted.
3. Defendant's fundamental right to be present at resentencing was violated because he was not produced at the resentencing proceeding and the record did not establish that he knew about it. The resentencing judgment therefore had to be reversed and the matter remitted for resentencing on the two grand-larceny convictions.
4. Defendant's challenge concerning inclusory concurrent counts was foreclosed by his guilty plea.
5. The 10-year sentence for first-degree robbery was not unduly harsh or severe, and the court declined to reduce it in the interest of justice.

KEY QUOTATIONS

"Given the totality of the circumstances, County Court (Nichols, J.) did not err in finding that, based upon the video from the interview room, "defendant knowingly waived his Miranda rights and voluntarily spoke to the detective"" (at 2)

"As such, defendant's fundamental right to be present at his resentencing was violated, and the matter must be remitted to County Court for resentencing on the grand larceny convictions" (at 3)

FACTUAL BACKGROUND

Defendant was charged with crimes arising from a September 2022 robbery and assault in Hudson, Columbia County. Before charges were formally commenced by filing a criminal complaint, police conducted a recorded custodial interrogation, read defendant his Miranda rights, obtained an acknowledgment and written waiver, and questioned him until he requested an attorney. Defendant later pleaded guilty after County Court denied suppression. County Court subsequently amended the sentences on two grand-larceny convictions after DOCCS advised that the original sentences were unlawful, but defendant was not present and the record did not establish that he knew about the resentencing.

PROCEDURAL HISTORY

Defendant was jointly indicted for robbery, grand larceny, and assault charges arising from a September 2022 incident. County Court denied his motion to suppress statements, after which he pleaded guilty without a sentencing commitment and received specified prison sentences. Following DOCCS notification that the sentences on the two grand-larceny convictions did not comply with state law, County Court amended those sentences without defendant's presence. The Appellate Division affirmed the original judgment but reversed the resentencing judgment and remitted for resentencing on the two grand-larceny convictions.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

Reverse the judgment rendered February 9, 2024 and remit the matter to the County Court of Columbia County for resentencing on the two convictions of grand larceny in the fourth degree. Affirm the judgment rendered November 30, 2023.

CASES CITED

- People v. Grice, 100 NY2d 318, 321 (2003)
- People v. Phoenix, 115 AD3d 1058, 1059 (3d Dept. 2014), lv denied, 23 NY3d 1024 (2014)
- People v. Ramos, 99 NY2d 27, 37 (2002)
- People v. Andino, 185 AD3d 1218, 1219 (3d Dept. 2020), lv denied, 35 NY3d 1110 (2020)
- People v. Rumrill, 40 AD3d 1273, 1274 (3d Dept. 2007), lv denied, 9 NY3d 926 (2007)
- People v. Smith, 193 AD3d 1260, 1265 (3d Dept. 2021), lv denied, 37 NY3d 968 (2021)
- People v. Bermudez, 217 AD3d 1261, 1264 (3d Dept. 2023), lv denied, 40 NY3d 996 (2023)
- People v. Bova, 232 AD3d 939, 940 (3d Dept. 2024)
- People v. Redden, 182 AD3d 926, 928 (3d Dept. 2020), lv denied, 35 NY3d 1115 (2020)
- People v. Stewart, 28 NY3d 1091, 1092 (2016)
- People v. Berry, 206 AD3d 755, 756 (2d Dept. 2022), lv denied, 38 NY3d 1149 (2022)
- People v. Faublas, 216 AD3d 1358, 1359 (3d Dept. 2023), lv denied, 40 NY3d 934 (2023)

- *People v. Jenkins*, 215 AD3d 1118, 1122-1123 (3d Dept. 2023), lv denied, 40 NY3d 997 (2023)

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