

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

People v Key

People v. Key, 2026 NY Slip Op 02075 (N.Y. Ct. App. 2026) · No. Ind. No. 0893/20; Appeal No. 6288; Case No. 2024-00268 · Decided April 7, 2026

SUMMARY

The Appellate Division, First Department, unanimously affirmed Omar Key's judgment of conviction for first-degree manslaughter and his fifteen-year sentence. The court held that the evidence was legally sufficient and not against the weight of the evidence, and rejected challenges concerning third-party culpability evidence, police-investigation testimony, and excluded video evidence. The court also found no basis to reduce the sentence.

CASE DETAILS

COURT	Supreme Court of the State of New York, Appellate Division, First Department
WRITING FOR THE COURT	Webber, J.P.; Kennedy, J.; Kapnick, J.; González, J.; O'Neill Levy, J.
JURISDICTION	Supreme Court of the State of New York, Appellate Division, First Department
DECIDED	April 7, 2026
DOCKET	Ind. No. 0893/20; Appeal No. 6288; Case No. 2024-00268
DISPOSITION	affirmed
PROCEDURAL POSTURE	Defendant appealed from a judgment of the Supreme Court, Bronx County, entered after a jury trial, convicting him of manslaughter in the first degree and sentencing him to fifteen years' imprisonment.
STANDARD OF REVIEW	The court reviewed the legal sufficiency of the evidence and whether the verdict was against the weight of the evidence; evidentiary rulings were reviewed for abuse of discretion; unpreserved claims were reviewed only, if at all, in the interest of justice; and any error in admitting the detective's testimony was reviewed for harmlessness.
PRECEDENTIAL VALUE	published
PARTIES	Omar Key v. The People of the State of New York

TOPICS

criminal procedure

evidence

appellate procedure

preservation of error

harmless error

PRACTICE AREAS

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QUESTIONS PRESENTED

1. Whether the evidence was legally sufficient to support the first-degree manslaughter conviction and whether the verdict was against the weight of the evidence.
2. Whether the trial court's preclusion of evidence offered to support a third-party culpability and police "rush to judgment" defense deprived defendant of his constitutional right to present a defense.
3. Whether the trial court properly excluded footage showing the victim's best friend distraught after the victim's death and the friend's police interview.
4. Whether the trial court properly permitted a detective to testify, while viewing surveillance footage, that he saw a knife in defendant's hand but not in anyone else's hand.
5. Whether defendant's sentence should be reduced.

HOLDINGS

1. The verdict was supported by legally sufficient evidence and was not against the weight of the evidence.
2. Defendant failed to preserve his claim that preclusion of evidence supporting a third-party culpability defense violated his constitutional right to present a defense; the court declined interest-of-justice review and, alternatively, rejected the claim on the merits.
3. The trial court properly limited the victim's sister's testimony about the unidentified declarant's statement to explaining the police investigation and did not admit it for its truth.
4. The trial court providently exercised its discretion in excluding footage of the victim's best friend appearing distraught after the victim's death and the friend's police interview claiming intoxication and lack of memory.
5. The trial court properly permitted the detective to testify that he saw a knife in defendant's hand but not in anyone else's hand while viewing the surveillance video; alternatively, any error in admitting the testimony was harmless.
6. There was no basis to reduce the sentence.

KEY QUOTATIONS

"Given the lack of knowledge of the identity of the declarant or the source of the declarant's information, the statement lacked any indicia of reliability." (1)

"Thus, any error in admitting that testimony was harmless" (2)

FACTUAL BACKGROUND

The prosecution's case involved a stabbing for which surveillance footage before and after the event implicated defendant, although no footage captured the actual stabbing. A victim's sister told police that an unknown person had said that “Bronx Deuce” killed the victim; the nickname belonged to the victim's best friend, who was seen pulling the bleeding victim away from the fight. Defendant sought to use that information and other footage and police-interview evidence to support a third-party culpability and police “rush to judgment” defense.

PROCEDURAL HISTORY

The Supreme Court, Bronx County, entered judgment on December 7, 2023, after a jury convicted defendant of first-degree manslaughter and the court imposed a fifteen-year sentence. On appeal, defendant challenged the sufficiency and weight of the evidence, the exclusion of evidence supporting a third-party culpability defense, the admission and exclusion of evidence concerning the police investigation and a potential alternative suspect, and his sentence. The Appellate Division unanimously affirmed.

DISPOSITION

affirmed

CASES CITED

- People v. Danielson, 9 NY3d 342, 348-349 (2007)
- People v. Baque, 43 NY3d 26 (2024)
- People v. Lane, 7 NY3d 888, 889 (2006)
- People v. Primo, 96 NY2d 351, 356-357 (2001)
- People v. Ludwig, 24 NY3d 221, 231 (2014)
- People v. Crimmins, 36 NY2d 230 (1975)
- People v. Coleman, 78 AD3d 457, 458-459 (1st Dept 2010), lv denied 16 NY3d 829 (2011)