

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

People v. Reid

2020 NY Slip Op 06723 (N.Y. Ct. App. 2020) · No. Appeal No. 12386; Case No. 2016-1322; Ind. No. 5219/13 ·
Decided November 17, 2020

SUMMARY

The Appellate Division, First Department unanimously affirmed Saif Reid's judgment of conviction for attempted murder in the second degree and two counts of criminal possession of a weapon in the second degree. The court held that the verdict was supported by legally sufficient evidence and was not against the weight of the evidence, and found no basis to disturb the sentence.

CASE DETAILS

COURT	Supreme Court of the State of New York, Appellate Division, First Department
WRITING FOR THE COURT	Friedman, J.P.; Renwick, J.; Webber, J.; González, J.
JURISDICTION	New York
DECIDED	November 17, 2020
DOCKET	Appeal No. 12386; Case No. 2016-1322; Ind. No. 5219/13
DISPOSITION	affirmed
PROCEDURAL POSTURE	Defendant appealed from a judgment of the Supreme Court, New York County, entered after a jury trial and convicting him of attempted murder in the second degree and two counts of criminal possession of a weapon in the second degree.
STANDARD OF REVIEW	The court reviewed the record for legal sufficiency, weighed the evidence to determine whether the verdict was against the weight of the evidence, and deferred to the jury's credibility and identification determinations absent a basis for disturbing them.
PRECEDENTIAL VALUE	Published opinion; precedential value under New York appellate practice.
PARTIES	Saif Reid v. The People of the State of New York

TOPICS

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PRACTICE AREAS

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QUESTIONS PRESENTED

1. Whether the verdict was supported by legally sufficient evidence.
2. Whether the verdict was against the weight of the evidence, including the reliability of the eyewitness identification and corroborating evidence.
3. Whether the later use of the pistol in a crime not committed by defendant warranted disturbing the conviction.
4. Whether defendant's sentence should be reduced.

HOLDINGS

1. The verdict was based on legally sufficient evidence.
2. The verdict was not against the weight of the evidence.
3. The fact that the pistol was later used in a crime not committed by defendant did not warrant a different conclusion regarding defendant's conviction.
4. There was no basis for reducing the sentence.

FACTUAL BACKGROUND

The prosecution's case included reliable eyewitness testimony identifying defendant, corroborated by surveillance video and other evidence. A pistol used in the charged crime was later used in a separate crime not committed by defendant. The trial court convicted defendant of attempted murder in the second degree and two counts of criminal possession of a weapon in the second degree and imposed an aggregate 20-year sentence.

PROCEDURAL HISTORY

The Supreme Court, New York County, rendered judgment on April 1, 2015, after a jury convicted Reid of the charged offenses and sentenced him as a second violent felony offender to an aggregate term of 20 years. The Appellate Division, First Department, unanimously affirmed the judgment.

DISPOSITION

affirmed

CASES CITED

- People v. Danielson, 9 N.Y.3d 342, 348-349 (2007)

OPINION

PER CURIAM.

People v Reid (2020 NY Slip Op 06723) People v Reid 2020 NY Slip Op 06723 Decided on November 17, 2020 Appellate Division, First Department Published by New York State Law Reporting Bureau pursuant to Judiciary Law § 431. This opinion is uncorrected and subject to revision before publication in the Official Reports. Decided and Entered: November 17, 2020 Before: Friedman, J.P., Renwick, Webber, González, JJ. Ind No. 5219/13 5219/13 Appeal No. 12386 Case No. 2016-1322 [*1]The People of the State of New York, Respondent, vSaif Reid, Defendant-Appellant.

The Feinman Law Firm, White Plains (Steven Feinman of counsel), for appellant. Cyrus R. Vance, Jr., District Attorney, New York (Alice Wiseman of counsel), for respondent. Judgment, Supreme Court, New York County (Bonnie G. Wittner, J.), rendered April 1, 2015, convicting defendant, after a jury trial, of attempted murder in the second degree and two counts of criminal possession of a weapon in the second degree, and sentencing him, as a second violent felony offender, to an aggregate term of 20 years, unanimously affirmed.

The verdict was based on legally sufficient evidence and was not against the weight of the evidence (see *People v Danielson*, 9 NY3d 342, 348-349 [2007]). There is no basis for disturbing the jury's determinations concerning credibility and identification. Defendant's guilt was established by reliable eyewitness testimony, corroborated by a surveillance videotape and other evidence.

The fact that the pistol used in the crime was also used in a later crime, not committed by defendant, does not warrant a different conclusion. We find no basis for reducing the sentence. THIS CONSTITUTES THE DECISION AND ORDER OF THE SUPREME COURT, APPELLATE DIVISION, FIRST DEPARTMENT. ENTERED: November 17, 2020