

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

People v. Clarke

2026 NY Slip Op 02530 · No. 177 KA 20-00981 · Decided April 24, 2026

SUMMARY

The New York Appellate Division, Fourth Department, affirmed Trevor E. Clarke’s convictions for multiple sex offenses and endangering the welfare of a child. The court rejected his weight-of-the-evidence challenge, declined to review an unpreserved constitutional claim concerning the presentation of a defense, and modified the judgment to require concurrent sentences on counts 2 and 6, reducing the aggregate sentence from 52 years to life to 37 years to life.

CASE DETAILS

COURT	Supreme Court of the State of New York, Appellate Division, Fourth Judicial Department
WRITING FOR THE COURT	Curran, J.P.; Montour, J.; Smith, J.; Ogden, J.; DelConte, J.
JURISDICTION	Supreme Court of the State of New York, Appellate Division, Fourth Judicial Department
DECIDED	April 24, 2026
DOCKET	177 KA 20-00981
DISPOSITION	other
PROCEDURAL POSTURE	Defendant appealed from a Monroe County Court judgment entered after a jury convicted him of multiple sex offenses and endangering the welfare of a child.
STANDARD OF REVIEW	For a weight-of-the-evidence claim, the court viewed the evidence in light of the elements of the charged crimes and gave great deference to the jury's credibility determinations. The constitutional evidentiary claim was reviewed for preservation, and the court declined interest-of-justice review of the unpreserved claim. The sentence was reviewed for whether it was unduly harsh or severe and was modified in the interest of justice.
PRECEDENTIAL VALUE	Published intermediate appellate decision; uncorrected and subject to revision before publication in the Official Reports.

PARTIES

Trevor E. Clarke, defendant-appellant v. The People of the State of New York, respondent

TOPICS

sentencing

appellate procedure

standard of review

preservation of error

criminal procedure

PRACTICE AREAS

criminal law

criminal procedure

appellate sentencing

QUESTIONS PRESENTED

1. Whether the jury's verdict was against the weight of the evidence.
2. Whether the trial court's preclusion of questioning concerning statements attributed to defendant deprived defendant of his constitutional right to present a defense.
3. Whether the aggregate sentence of 52 years to life was unduly harsh and severe.

HOLDINGS

1. The verdict was not against the weight of the evidence.
2. The constitutional claim was unpreserved because defendant did not assert at trial a constitutional right to introduce the excluded evidence, and the court declined to review the claim in the interest of justice.
3. The aggregate sentence of 52 years to life was unduly harsh and severe under the circumstances, and the judgment was properly modified to direct that the sentences on counts 2 and 6 run concurrently, resulting in an aggregate sentence of 37 years to life.

KEY QUOTATIONS

*"Where, as here, "witness credibility is of paramount importance to the determination of guilt or innocence, the appellate court must give '[g]reat deference . . . [to the] fact-finder's opportunity to view the witnesses, hear the testimony and observe demeanor'" ([*1])*

*"The determination of an appropriate sentence requires the exercise of discretion after due consideration given to, among other things, the crime[s] charged, the particular circumstances of the individual before the court and the purpose of a penal sanction, i.e., societal protection, rehabilitation and deterrence" ([*2])*

FACTUAL BACKGROUND

A jury convicted defendant of multiple counts of sexual abuse, predatory sexual assault against a child, and endangering the welfare of a child arising from conduct involving child victims. The appellate record included witness testimony with asserted inconsistencies and testimony concerning statements attributed to defendant. The trial court imposed an aggregate prison sentence of 52 years to life, which the Appellate Division concluded was not justified under the circumstances.

PROCEDURAL HISTORY

The Monroe County Court entered judgment on May 28, 2020, after a jury verdict convicting defendant of five counts of first-degree sexual abuse, three counts of predatory sexual assault against a child, one count of third-degree sexual abuse, and two counts of endangering the welfare of a child. On appeal, defendant challenged the weight of the evidence, the exclusion of evidence bearing on his right to present a defense, and the severity of his sentence. The Appellate Division rejected the weight-of-the-evidence challenge, declined to review the unpreserved constitutional claim, and modified the sentence by directing concurrent sentences on counts 2 and 6.

DISPOSITION

other

CASES CITED

- People v. Danielson, 9 NY3d 342, 349 (2007)
- People v. Bleakley, 69 NY2d 490, 495 (1987)
- People v. Harris, 15 AD3d 966, 967 (4th Dept 2005)
- People v. Streeter, 118 AD3d 1287, 1288 (4th Dept 2014)
- People v. Bailey, 239 AD3d 1375, 1376 (4th Dept 2025)
- People v. Cerroni, 225 AD3d 1117, 1120 (4th Dept 2024)
- People v. Watts, 218 AD3d 1171, 1173-1174 (4th Dept 2023)
- People v. Woolson, 122 AD3d 1353, 1355 (4th Dept 2014)
- People v. Simmons, 106 AD3d 1115, 1116 (2d Dept 2013)
- People v. Garrow, 126 AD3d 1362, 1363 (4th Dept 2015)
- People v. Farrar, 52 NY2d 302, 305 (1981)
- People v. Franklin, 206 AD3d 1610, 1613 (4th Dept 2022)

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