

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

People ex rel. Boksenbaum v. Maginley-Liddie

2026 NY Slip Op 00606 (N.Y. Ct. App. 2026) · No. 2026-00733 · Decided February 9, 2026

SUMMARY

The Appellate Division, Second Department sustained a writ of habeas corpus in part and set bail for Edwin Henao in connection with a Queens County indictment. The court imposed bail alternatives and conditions including electronic monitoring, home confinement with limited travel, passport surrender or attestations, and waiver of opposition to extradition.

CASE DETAILS

COURT	Appellate Division of the Supreme Court of the State of New York, Second Judicial Department
WRITING FOR THE COURT	Cheryl E. Chambers, J.P.; Paul Wooten, J.; Lillian Wan, J.; Phillip Hom, J.
JURISDICTION	Supreme Court of the State of New York, Appellate Division, Second Judicial Department
DECIDED	February 9, 2026
DOCKET	2026-00733
DISPOSITION	writ_granted
PROCEDURAL POSTURE	Petition for a writ of habeas corpus in the nature of an application to release Edwin Henao on his own recognizance or, alternatively, set reasonable bail under Queens County Indictment No. 74034/2025.
PRECEDENTIAL VALUE	Published
PARTIES	The People of the State of New York, ex rel. Anna Boksenbaum, on behalf of Edwin Henao v. Lynelle Maginley-Liddie

TOPICS

- bail
- habeas corpus
- criminal procedure
- appellate procedure
- remedies

PRACTICE AREAS

- Criminal procedure
- Bail and pretrial release
- Habeas corpus
- Appellate procedure

QUESTIONS PRESENTED

1. Whether habeas relief should be granted to release Edwin Henao on his own recognizance or set reasonable bail.
2. What bail amount, forms of security, and nonmonetary conditions should govern Henao's release.

HOLDINGS

1. The writ of habeas corpus was sustained to the extent that bail was set, rather than ordering release on recognizance.
2. Bail was set at \$250,000 by insurance-company bail bond, \$250,000 by a partially secured bond with 10% down, or \$100,000 cash, subject to electronic monitoring, specified home-confinement and travel restrictions, passport requirements, and an extradition-related waiver.

KEY QUOTATIONS

“ADJUDGED that the writ is sustained, without costs or disbursements, to the extent that bail upon Queens County Indictment No. 74034/2025 is set in the sum of \$250,000 posted in the form of an insurance company bail bond, the sum of \$250,000 posted in the form of a partially secured bond, with the requirement of 10% down, or the sum of \$100,000 deposited as a cash bail alternative” ([*1])

“the Warden of the facility at which Edwin Henao is incarcerated, or his or her agent, is directed to immediately release Edwin Henao.” ([*2])

FACTUAL BACKGROUND

Edwin Henao was incarcerated in connection with Queens County Indictment No. 74034/2025. The petitioner sought his release on recognizance or, alternatively, the setting of reasonable bail. The Appellate Division set bail in specified forms and amounts, subject to electronic monitoring, home confinement with limited permitted travel, passport surrender or a sworn declaration, and an extradition-related waiver.

PROCEDURAL HISTORY

The petitioner sought habeas relief from Henao's incarceration, requesting release or reasonable bail. The Appellate Division sustained the writ to the extent of setting specified bail and conditions and directed the facility to release Henao upon proof that those requirements had been satisfied.

DISPOSITION

writ_granted

REMAND INSTRUCTIONS

No remand was ordered. Upon receipt of the decision, order, and judgment and proof that the specified bail or cash alternative and all required conditions had been satisfied, the facility warden or agent was directed to immediately release Edwin Henao.

OPINION

People ex rel. Boksenbaum v. Maginley-Liddie 2026 NY Slip Op 00606

PER CURIAM.

People ex rel. Boksenbaum v Maginley-Liddie (2026 NY Slip Op 00606) People ex rel. Boksenbaum v Maginley-Liddie 2026 NY Slip Op 00606 Decided on February 9, 2026 Appellate Division, Second 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 on February 9, 2026

SUPREME COURT OF THE STATE OF NEW YORK

Appellate Division, Second Judicial Department CHERYL E. CHAMBERS, J.P.

PAUL WOOTEN

LILLIAN WAN

PHILLIP HOM, JJ. 2026-00733

[*1]The People of the State of New York, ex rel. Anna Boksenbaum, etc., on behalf of Edwin Henao, petitioner, v Lynelle Maginley-Liddie, etc., respondent. Twyla Carter, New York, NY (Anna Boksenbaum pro se of counsel), for petitioner. Melinda Katz, District Attorney, Kew Gardens, NY (Johnnette Traill, Nancy Fitzpatrick Talcott, Katherine Pedlow, and Mary Michalos of counsel), for respondent. Writ of habeas corpus in the nature of an application to release Edwin Henao upon his own recognizance or, in the alternative, to set reasonable bail upon Queens County Indictment No. 74034/2025. ADJUDGED that the writ is sustained, without costs or disbursements, to the extent that bail upon Queens County Indictment No. 74034/2025 is set in the sum of \$250,000 posted in the form of an insurance company bail bond, the sum of \$250,000 posted in the form of a partially secured bond, with the requirement of 10% down, or the sum of \$100,000 deposited as a cash bail alternative, on condition that, in addition to posting a bond or depositing the cash alternative set forth above, Edwin Henao shall (1) wear an electronic monitoring bracelet, with monitoring services to be provided by a qualified entity pursuant to CPL 510.40(4)(c), and any violations of the conditions set forth herein relating to the electronic monitoring shall be reported by the electronic monitoring service provider to the Office of the District Attorney of Queens County, and further proceedings pursuant to CPL 510.40(4)(d), if any, shall be conducted by the Supreme Court, Queens County; (2) remain confined to his residence, except for visits to his place of employment, his attorney, his doctors, or court, and he must travel directly from his home to his place of employment, his attorney, his doctors, or court, and directly back to his home, when conducting those visits; (3) surrender all passports, if any, he may have to the Office of the District Attorney of Queens County, or, if he does not possess a passport, he shall provide to the Office of the District Attorney of Queens County an affidavit or affirmation, in a form approved by the Office of the District Attorney of Queens County, in which he attests that he does not possess a passport, and shall not apply for any new or replacement passports; and (4) provide to the Office of the District Attorney of Queens County an affidavit or affirmation, in a

form approved by the Office of the District Attorney of Queens County, in which he attests that if he leaves the jurisdiction he agrees to waive the right to oppose extradition from any foreign jurisdiction; and it is further, ORDERED that upon receipt of a copy of this decision, order and judgment together with proof that Edwin Henao (1) has given an insurance company bail bond in the sum of \$250,000, has given a partially secured bond in the sum of \$250,000, with the requirement of 10% down, or has deposited the sum of \$100,000 as a cash bail alternative; (2) has arranged [*2]for electronic monitoring with a qualified entity pursuant to CPL 510.40(4)(c); (3) has surrendered all passports, if any, he may have to the Office of the District Attorney of Queens County, or, if he does not possess a passport, has provided to the Office of the District Attorney of Queens County an affidavit or affirmation, in a form approved by the Office of the District Attorney of Queens County, in which he attests that he does not possess a passport, and shall not apply for any new or replacement passports; and (4) has provided to the Office of the District Attorney of Queens County an affidavit or affirmation, in a form approved by the Office of the District Attorney of Queens County, in which he attests that if he leaves the jurisdiction he agrees to waive the right to oppose extradition from any foreign jurisdiction, the Warden of the facility at which Edwin Henao is incarcerated, or his or her agent, is directed to immediately release Edwin Henao from incarceration. CHAMBERS, J.P., WOOTEN, WAN and HOM, JJ., concur. ENTER: Darrell M. Joseph Clerk of the Court