

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

People ex rel. Welch v. Molina

2023 NY Slip Op 04086 (App. Div. 2023) · No. 2023-05081 · Decided July 28, 2023

SUMMARY

The Appellate Division, Second Department dismissed a writ of habeas corpus seeking the release of Jessica Beauvais on her own recognizance or the setting of reasonable bail. The court held that the Queens County Supreme Court's bail determination did not violate constitutional or statutory standards.

CASE DETAILS

COURT	Supreme Court of the State of New York, Appellate Division, Second Judicial Department
WRITING FOR THE COURT	Per Curiam; Betsy Barros, J.P.; Valerie Brathwaite Nelson, J.; Robert J. Miller, J.; Paul Wooten, J.
JURISDICTION	New York
DECIDED	July 28, 2023
DOCKET	2023-05081
DISPOSITION	dismissed
PROCEDURAL POSTURE	Petitioner sought habeas corpus relief in the nature of an application to release Jessica Beauvais on her own recognizance or, alternatively, to set reasonable bail on a Queens County indictment.
STANDARD OF REVIEW	Whether the lower court's bail determination violated constitutional or statutory standards.
PRECEDENTIAL VALUE	precedential
PARTIES	The People of the State of New York, ex rel. Danielle Welch, on behalf of Jessica Beauvais v. Louis Molina

TOPICS

bail habeas corpus criminal procedure post-conviction relief

PRACTICE AREAS

criminal procedure

habeas corpus

bail

QUESTIONS PRESENTED

1. Whether the Supreme Court, Queens County's determination concerning Beauvais's release on recognizance or bail violated constitutional or statutory standards.

HOLDINGS

1. The Supreme Court, Queens County's determination did not violate constitutional or statutory standards; the habeas corpus writ was therefore dismissed.

FACTUAL BACKGROUND

Jessica Beauvais was held in connection with Queens County Indictment No. 504/2021. Danielle Welch sought habeas corpus relief on Beauvais's behalf, requesting release on recognizance or, alternatively, reasonable bail. The Appellate Division reviewed the Queens County determination and found no violation of constitutional or statutory standards.

PROCEDURAL HISTORY

The proceeding challenged a determination of the Supreme Court, Queens County, concerning Beauvais's release or bail. The Appellate Division dismissed the writ, concluding that the Queens County determination did not violate constitutional or statutory standards.

DISPOSITION

dismissed

CASES CITED

- People ex rel. Klein v. Krueger, 25 NY2d 497, 499
- People ex rel. Rosenthal v. Wolfson, 48 NY2d 230

OPINION

PER CURIAM.

People ex rel. Welch v Molina (2023 NY Slip Op 04086) People ex rel. Welch v Molina 2023 NY Slip Op 04086 Decided on July 28, 2023 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 July 28, 2023 SUPREME COURT OF THE STATE OF NEW YORK Appellate Division, Second Judicial Department BETSY BARROS, J.P.

VALERIE BRATHWAITE NELSON ROBERT J. MILLER PAUL WOOTEN, JJ. 2023-05081 [*1]The People of the State of New York, ex rel. Danielle Welch, on behalf of Jessica Beauvais,

petitioner, vLouis Molina, etc., respondent. Twyla Carter, New York, NY (Danielle Welch pro se of counsel), for petitioner. Melinda Katz, District Attorney, Kew Gardens, NY (Johnnette Traill, Nancy Fitzpatrick Talcott, and Ronald Eniclerico of counsel), for respondent.

DECISION & JUDGMENT Writ of habeas corpus in the nature of an application to release Jessica Beauvais upon her own recognizance or, in the alternative, to set reasonable bail upon Queens County Indictment No. 504/2021. ADJUDGED that the writ is dismissed, without costs or disbursements.

The determination of the Supreme Court, Queens County, did not violate "constitutional or statutory standards" (People ex rel. Klein v Krueger, 25 NY2d 497, 499; see People ex rel. Rosenthal v Wolfson, 48 NY2d 230). BARROS, J.P., BRATHWAITE NELSON, MILLER and WOOTEN, JJ., concur. ENTER: Maria T. Fasulo Clerk of the Court