

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

People v. Washington

2026 NY Slip Op 01899 (N.Y. Ct. App. 2026) · No. 880 KA 19-02184 · Decided March 27, 2026

SUMMARY

The New York Appellate Division, Fourth Department, unanimously affirmed Joe Washington’s conviction for first-degree manslaughter arising from a fatal stabbing. The court rejected challenges concerning the justification defense, access to the victim’s criminal record, ineffective assistance of counsel, prosecutorial misconduct, a Batson challenge, and the severity of the sentence. Several claims were deemed unpreserved, and the court declined to review them in the interest of justice.

CASE DETAILS

COURT	Supreme Court of the State of New York, Appellate Division, Fourth Judicial Department
WRITING FOR THE COURT	Whalen, P.J.; Smith, J.; Greenwood, J.; DelConte, J.; Hannah, J.
JURISDICTION	New York Supreme Court, Appellate Division, Fourth Department
DECIDED	March 27, 2026
DOCKET	880 KA 19-02184
DISPOSITION	affirmed
PROCEDURAL POSTURE	Defendant appealed from a judgment of Onondaga County Court convicting him, after a jury trial, of manslaughter in the first degree.
STANDARD OF REVIEW	The court reviewed the verdict under the weight-of-the-evidence standard, viewing the evidence in light of the elements of the crime as charged and the justification instruction. Unpreserved claims were reviewed only for possible discretionary interest-of-justice relief, which the court declined to exercise. Ineffective-assistance claims were evaluated under New York's meaningful-representation standard.
PRECEDENTIAL VALUE	published
PARTIES	Joe Washington v. The People of the State of New York

TOPICS

- self defense
- evidence
- ineffective assistance
- prosecutorial misconduct
- jury selection

PRACTICE AREAS

criminal law

criminal procedure

evidence

appellate practice

QUESTIONS PRESENTED

1. Whether the jury's verdict was against the weight of the evidence with respect to defendant's justification defense.
2. Whether County Court erred by denying defendant's pretrial request for the victim's entire criminal record and related police reports for use in presenting a justification defense.
3. Whether defendant was deprived of a complete justification defense because the victim's criminal record was not produced, and whether counsel was ineffective for failing to obtain the record and reports.
4. Whether alleged prosecutorial misconduct during opening statement and summation deprived defendant of a fair trial.
5. Whether the prosecutor's stated reasons for striking a prospective juror were pretextual under Batson.
6. Whether defendant's sentence was unduly harsh or severe.

HOLDINGS

1. The manslaughter conviction was not against the weight of the evidence because the jury could reasonably find that the victim was not using or attempting to use deadly physical force when defendant stabbed him.
2. The court properly denied defendant's request for the victim's entire criminal record because defendant did not establish that the identified prior violent acts were reasonably related in time and quality to the homicide or that defendant knew of the other acts at the time of the homicide.
3. Defendant's claim that denial of the record request deprived him of a complete justification defense was unpreserved, and the court declined to review it in the interest of justice; alternatively, the evidence admitted at trial was sufficient for the jury to consider justification.
4. Defendant was not denied effective assistance because he failed to demonstrate the absence of strategic or other legitimate explanations for counsel's failure to obtain the victim's criminal record and related police reports, and the record showed meaningful representation.
5. The court declined to review defendant's claims that the prosecutor vouched for witnesses, denigrated the defense, or misrepresented evidence because most claims were not preserved by timely objection and the objections made were on different grounds; the court also declined interest-of-justice review.
6. Defendant's claim that the prosecutor's reasons for striking a prospective juror were pretextual was unpreserved because defendant failed to articulate why the prosecutor's explanations were pretextual, and the court declined interest-of-justice review.

KEY QUOTATIONS

"It is well settled that a court may permit a defendant who asserts a justification defense in a homicide trial to introduce evidence of specific acts of violence committed by the victim, provided that the defendant

*establishes that they had knowledge of the acts at the time of the homicide and that the acts are reasonably related to the crime of which the defendant stands charged” ([*1])*

*“Viewing the evidence, the law, and the circumstances of this case in totality and as of the time of the representation, we conclude on the record before us that defendant received meaningful representation” ([*2])*

FACTUAL BACKGROUND

Defendant and the victim became involved in an argument, and defendant fatally stabbed the victim. Defendant admitted stabbing the victim but claimed that he acted in self-defense or justification. The evidence included testimony that the victim was not using or attempting to use deadly physical force when defendant stabbed him, while defendant testified about the victim's short temper, prior displays of weapons, and defendant's awareness of some prior violent acts.

PROCEDURAL HISTORY

Following an argument in which defendant fatally stabbed the victim, a jury convicted defendant of first-degree manslaughter. Onondaga County Court denied defendant's pretrial request for the victim's entire criminal record, and the court entered judgment on September 30, 2019. The Appellate Division unanimously affirmed, rejecting or declining to review defendant's claims concerning justification, access to the victim's criminal record, ineffective assistance, prosecutorial misconduct, a Batson challenge, and sentence severity.

DISPOSITION

affirmed

CASES CITED

- People v. Danielson, 9 NY3d 342, 349 [2007]
- People v. Bleakley, 69 NY2d 490, 495 [1987]
- People v. Schrader, 232 AD3d 1293, 1295 [4th Dept 2024], lv denied 43 NY3d 946 [2025]
- People v. Cruz, 175 AD3d 1060, 1060 [4th Dept 2019], lv denied 34 NY3d 1016 [2019]
- People v. Haynes, 133 AD3d 1238, 1239 [4th Dept 2015], lv denied 27 NY3d 998 [2016]
- People v. Wilson, 71 AD3d 799, 800 [2d Dept 2010]
- People v. Miller, 39 NY2d 543, 548-553 [1976]
- People v. Santiago, 211 AD2d 734, 734 [2d Dept 1995], lv denied 85 NY2d 942 [1995]
- People v. Every, 146 AD3d 1157, 1163 [3d Dept 2017], affd 29 NY3d 1103 [2017]
- People v. Rivera, 206 AD3d 498, 499 [1st Dept 2022], lv denied 38 NY3d 1190 [2022]
- People v. Reynoso, 73 NY2d 816, 818 [1988]
- People v. Grant, 221 AD2d 901, 901 [4th Dept 1995], lv denied 88 NY2d 879 [1996]
- People v. Ramsey, 59 AD3d 1046, 1048 [4th Dept 2009], lv denied 12 NY3d 858 [2009]
- People v. Adams, 272 AD2d 953, 953 [4th Dept 2000], lv denied 95 NY2d 831 [2000]
- People v. Rojas-Aponte, 224 AD3d 1264, 1265 [4th Dept 2024]

- People v. Baldi, 54 NY2d 137, 147 [1981]
- People v. Moorhead, 224 AD3d 1225, 1227 [4th Dept 2024], lv denied 41 NY3d 1003 [2024]
- People v. Tucker, 195 AD3d 1547, 1548 [4th Dept 2021], lv denied 37 NY3d 1030 [2021]
- People v. Atkinson, 185 AD3d 1447, 1448 [4th Dept 2020], lv denied 35 NY3d 1111 [2020]
- People v. Gaiter, 224 AD3d 1384, 1385 [4th Dept 2024], lv denied 41 NY3d 1018 [2024], reconsideration denied 42 NY3d 970 [2024]
- People v. Massey, 173 AD3d 1801, 1802 [4th Dept 2019]
- People v. Jackson, 185 AD3d 1454, 1455 [4th Dept 2020], lv denied 35 NY3d 1113 [2020]

OPINION

PER CURIAM.

People v Washington (2026 NY Slip Op 01899) People v Washington 2026 NY Slip Op 01899
Decided on March 27, 2026 Appellate Division, Fourth 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 March 27, 2026 SUPREME
COURT OF THE STATE OF NEW YORK Appellate Division, Fourth Judicial Department
PRESENT: WHALEN, P.J., SMITH, GREENWOOD, DELCONTE, AND HANNAH, JJ. 880 KA
19-02184 [*1]THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, v JOE
WASHINGTON, DEFENDANT-APPELLANT.

ROSENBERG LAW FIRM, BROOKLYN (MORGAN NAMIAN OF COUNSEL), FOR
DEFENDANT-APPELLANT. WILLIAM J. FITZPATRICK, DISTRICT ATTORNEY,
SYRACUSE (DAVID D. BASSETT OF COUNSEL), FOR RESPONDENT. Appeal from a
judgment of the Onondaga County Court (John H. Crandall, A.J.), rendered September 30, 2019.

The judgment convicted defendant, upon a jury verdict, of manslaughter in the first degree. It is
hereby ORDERED that the judgment so appealed from is unanimously affirmed. Memorandum:
Defendant appeals from a judgment convicting him, upon a jury verdict, of manslaughter in the
first degree (Penal Law § 125.20 [1]). Defendant's conviction stems from an argument between
defendant and the victim, which led to defendant fatally stabbing the victim.

Defendant admitted that he stabbed the victim but argued during trial that he acted in self- defense.
Viewing the evidence in light of the elements of that crime as charged to the jury (see People v
Danielson, 9 NY3d 342, 349 [2007]), including the charge on the defense of justification, we
reject defendant's contention that the verdict is against the weight of the evidence with respect to
the justification defense (see generally People v Bleakley, 69 NY2d 490, 495 [1987]).

Here, the jury could reasonably have found based on the testimony of the People's witnesses that
the victim was not using or attempting to use deadly physical force when defendant stabbed him (see
People v Schrader, 232 AD3d 1293, 1295 [4th Dept 2024], lv denied 43 NY3d 946 [2025];

People v Cruz, 175 AD3d 1060, 1060 [4th Dept 2019], lv denied 34 NY3d 1016 [2019]; see generally People v Haynes, 133 AD3d 1238, 1239 [4th Dept 2015], lv denied 27 NY3d 998 [2016]).

We reject defendant's contention that County Court erred in denying his pretrial request for a copy of the victim's entire criminal record to use in support of a justification defense (see generally People v Wilson, 71 AD3d 799, 800 [2d Dept 2010], lv denied 15 NY3d 779 [2010]). It is well settled that a court may permit a defendant who asserts a justification defense in a homicide trial to introduce evidence of specific acts of violence committed by the victim, provided that the defendant establishes that they had knowledge of the acts at the time of the homicide and that the acts are reasonably related to the crime of which the defendant stands charged (see id.; see generally People v Miller, 39 NY2d 543, 548-553 [1976]; People v Santiago, 211 AD2d 734, 734 [2d Dept 1995], lv denied 85 NY2d 942 [1995]).

Here, we conclude that, with respect to the prior violent acts identified in defendant's request, he did not establish that the acts were "reasonably related, in time and quality," to the homicide charge and thus failed to show their relevancy to his justification defense (Santiago, 211 AD2d at 734; see People v Every, 146 AD3d 1157, 1163 [3d Dept 2017], affd 29 NY3d 1103 [2017]; People v Rivera, 206 AD3d 498, 499 [1st Dept 2022], lv denied 38 NY3d 1190 [2022]).

Additionally, defendant did not establish that he was aware at the time of the homicide of any other prior violent acts reasonably related to that crime that made up the remainder of the victim's criminal record and thus did not establish a nexus between any of those acts and his justification defense [*2](see People v Reynoso, 73 NY2d 816, 818 [1988]; Wilson, 71 AD3d at 800; People v Grant, 221 AD2d 901, 901 [4th Dept 1995], lv denied 88 NY2d 879 [1996]).

To the extent that defendant contends that he was deprived of the right to present a complete justification defense because the court denied his record request, we conclude that defendant failed to preserve that contention for our review (see generally People v Ramsey, 59 AD3d 1046, 1048 [4th Dept 2009], lv denied 12 NY3d 858 [2009]).

In any event, defendant was permitted to testify at trial about the victim's short temper, about the victim showing defendant various weapons, including knives, in his possession years prior to the stabbing, and about defendant's awareness on the date of the incident that the victim had committed prior violent acts against others.

Thus, evidence of the violent behavior of the victim and its effect on defendant's mental state was sufficiently before the jury to enable it to adequately consider the issue of justification (see generally id.; People v Adams, 272 AD2d 953, 953 [4th Dept 2000], lv denied 95 NY2d 831 [2000]).

We also reject defendant's alternative contention that he was denied effective assistance of counsel based on defense counsel's failure to obtain the victim's criminal record and related police reports. Defendant has "failed to demonstrate the absence of strategic or other legitimate explanations for defense counsel's alleged shortcoming[]" (*People v Rojas-Aponte*, 224 AD3d 1264, 1265 [4th Dept 2024] [internal quotation marks omitted]).

Viewing the evidence, the law, and the circumstances of this case in totality and as of the time of the representation, we conclude on the record before us that defendant received meaningful representation (see generally *People v Baldi*, 54 NY2d 137, 147 [1981]). Defendant further contends that he was deprived of a fair trial by several instances of prosecutorial misconduct that occurred during the opening statement and summation, including allegations that the prosecutor vouched for the credibility of the witnesses, denigrated the defense, and misrepresented the trial evidence to mislead the jury about the facts and to garner sympathy for the victim.

Defendant failed to preserve those contentions for our review because he failed to object to most of the alleged improprieties at trial (see CPL 470.05 [2]; *People v Moorhead*, 224 AD3d 1225, 1227 [4th Dept 2024], lv denied 41 NY3d 1003 [2024]; *People v Tucker*, 195 AD3d 1547, 1548 [4th Dept 2021], lv denied 37 NY3d 1030 [2021]; *People v Atkinson*, 185 AD3d 1447, 1448 [4th Dept 2020], lv denied 35 NY3d 1111 [2020]), and the objections that he interposed were "on different grounds from those raised on appeal" (*Tucker*, 195 AD3d at 1548 [internal quotation marks omitted]).

We decline to exercise our power to review defendant's contentions as a matter of discretion in the interest of justice (see CPL 470.15 [6] [a]; *People v Gaiter*, 224 AD3d 1384, 1385 [4th Dept 2024], lv denied 41 NY3d 1018 [2024], reconsideration denied 42 NY3d 970 [2024]). Defendant's contention that the reasons that the prosecutor gave for striking a prospective juror in response to his Batson challenge were pretextual is also unpreserved inasmuch as defendant "failed to articulate... any reason why he believed that the prosecutor's explanations were pretextual" (*People v Massey*, 173 AD3d 1801, 1802 [4th Dept 2019] [internal quotation marks omitted]; see *People v Jackson*, 185 AD3d 1454, 1455 [4th Dept 2020], lv denied 35 NY3d 1113 [2020]).

We decline to exercise our power to review defendant's contention as a matter of discretion in the interest of justice (see CPL 470.15 [6] [a]). We reject defendant's contention that the sentence is unduly harsh and severe.

Finally, we have reviewed defendant's remaining contention and conclude that it does not warrant reversal or modification of the judgment. Entered: March 27, 2026 Ann Dillon Flynn Clerk of the Court