

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

People of the State of New York v. Vaughn Campbell

2025 NY Slip Op 07017 (Appellate Division of the Supreme Court of the State of New York Second Judicial Department 2025) · No. 2018-15057 · Decided December 17, 2025

SUMMARY

The New York Appellate Division, Second Department affirmed Vaughn Campbell's convictions for assault in the first degree and robbery in the second degree. The court upheld the sufficiency and weight of the evidence, the refusal to give justification and lesser-included-offense instructions, the proceedings conducted in Campbell's absence, and the rejection of prosecutorial-misconduct claims; it also granted in part the respondent's motion to strike portions of Campbell's reply brief.

CASE DETAILS

COURT	Appellate Division of the Supreme Court of the State of New York, Second Judicial Department
WRITING FOR THE COURT	Betsy Barros, J.P.; Cheryl E. Chambers, J.; Linda Christopher, J.; James P. McCormack, J.
JURISDICTION	Supreme Court of the State of New York, Appellate Division, Second Department
DECIDED	December 17, 2025
DOCKET	2018-15057
DISPOSITION	affirmed
PROCEDURAL POSTURE	Defendant appealed from a judgment of the Supreme Court, Queens County, entered after a jury convicted him of assault in the first degree and robbery in the second degree and the court imposed sentence. The Appellate Division also decided the respondent's motion to strike portions of the appellant's reply brief.
STANDARD OF REVIEW	The court reviewed legal sufficiency by viewing the evidence in the light most favorable to the prosecution and independently reviewed the weight of the evidence while according great deference to the jury's credibility determinations. Other appellate issues were reviewed under New York preservation and fair-trial standards.
PRECEDENTIAL VALUE	Published

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QUESTIONS PRESENTED

1. Whether the evidence was legally sufficient to establish guilt beyond a reasonable doubt.
2. Whether the verdict was against the weight of the evidence.
3. Whether the trial court erred by refusing to instruct the jury on justification.
4. Whether the trial court erred by refusing to charge assault in the second degree as a lesser included offense of assault in the first degree.
5. Whether the defendant's right to be present was violated when the court charged the jury and responded to a jury note in his absence.
6. Whether prosecutorial remarks during summation deprived the defendant of a fair trial.
7. Whether portions of the appellant's reply brief should be stricken as referring to matter dehors the record or raising arguments for the first time in reply.

HOLDINGS

1. The evidence was legally sufficient to establish the defendant's guilt beyond a reasonable doubt when viewed in the light most favorable to the prosecution.
2. The verdict was not against the weight of the evidence.
3. The trial court properly refused to instruct the jury on justification because, under the circumstances, the defense was not applicable to the robbery or assault counts.
4. The trial court properly declined to charge assault in the second degree as a lesser included offense of assault in the first degree.
5. The trial court did not violate the defendant's statutory and constitutional right to be present by charging the jury and responding to a jury note in his absence.
6. The challenge to the prosecutor's summation remarks was unpreserved for appellate review; in any event, the remarks did not deprive the defendant of a fair trial.
7. The respondent's motion to strike portions of the appellant's reply brief was granted in part and otherwise denied.

KEY QUOTATIONS

“Viewing the evidence in the light most favorable to the prosecution, we find that it was legally sufficient to establish the defendant's guilt beyond a reasonable doubt.” ([*1])

“To the extent that any comments were improper, they were not so pervasive or egregious as to deprive the defendant of a fair trial.” ([*2])

FACTUAL BACKGROUND

The record involved a jury conviction for assault in the first degree and robbery in the second degree. The appellate court concluded that the evidence was legally sufficient and that the verdict was not against the weight of the evidence, and further determined that the evidence did not support a justification charge or a lesser-included charge for assault in the second degree.

PROCEDURAL HISTORY

A Queens County jury found Campbell guilty of assault in the first degree and robbery in the second degree. The Supreme Court, Queens County, rendered judgment on December 6, 2018. On appeal, the Appellate Division affirmed the judgment and granted in part the respondent's motion to strike portions of the reply brief.

DISPOSITION

affirmed

CASES CITED

- People v. Contes, 60 N.Y.2d 620, 621
- People v. Danielson, 9 N.Y.3d 342, 348
- People v. Mateo, 2 N.Y.3d 383, 410
- People v. Bleakley, 69 N.Y.2d 490, 495
- People v. Romero, 7 N.Y.3d 633
- People v. Ellison, 175 A.D.2d 846
- People v. Richardson, 57 A.D.3d 410
- People v. Vasquez, 25 A.D.3d 465
- People v. Parker, 57 N.Y.2d 136
- People v. Forrest, 186 A.D.3d 1395, 1397-1398
- People v. Halm, 81 N.Y.2d 819
- People v. Galloway, 54 N.Y.2d 396
- People v. Ashwal, 39 N.Y.2d 105
- People v. Broderick, 199 A.D.3d 696, 697
- People v. Burns, 183 A.D.3d 835, 836
- People v. Alphonso, 144 A.D.3d 1168
- People v. Flippen, 236 A.D.3d 815

- **People v. Bensabeur, 225 A.D.3d 891**

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