

COURT OF APPEALS OF THE STATE OF NEW YORK

People v. Goldstein

6 N.Y.3d 119, 843 N.E.2d 727, 810 N.Y.S.2d 100 (2005) · Decided December 20, 2005

SUMMARY

The New York Court of Appeals reversed Andrew Goldstein's murder conviction and ordered a new trial. The court held that admitting a prosecution psychiatrist's testimony recounting testimonial statements from unavailable interviewees violated the defendant's constitutional right to confront witnesses under Crawford v. Washington. The court rejected the defendant's state hearsay challenge but concluded that the constitutional error was not harmless beyond a reasonable doubt.

CASE DETAILS

COURT	Court of Appeals of the State of New York
WRITING FOR THE COURT	R.S. Smith, J.; Chief Judge Kaye; Judge G.B. Smith; Judge Ciparick; Judge Rosenblatt; Judge R.S. Smith; Judge Graffeo; Judge Read
JURISDICTION	New York
DECIDED	December 20, 2005
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Defendant appealed from an Appellate Division order affirming his second-degree murder conviction. The Court of Appeals reversed and ordered a new trial.
STANDARD OF REVIEW	Constitutional harmless-error review requiring the People to prove beyond a reasonable doubt that the confrontation error did not contribute to the verdict; evidentiary rulings concerning the defense expert and PET scan were reviewed for abuse of discretion.
PRECEDENTIAL VALUE	Published precedential opinion of the New York Court of Appeals
PARTIES	Andrew Goldstein v. The People of the State of New York

TOPICS

- sixth amendment
- hearsay
- expert testimony
- criminal procedure
- evidence

PRACTICE AREAS

- criminal procedure
- constitutional criminal procedure
- evidence
- expert testimony
- insanity defense

QUESTIONS PRESENTED

1. Whether third-party statements recounted by the prosecution's psychiatrist were admissible under New York's rule permitting an expert psychiatrist to rely on out-of-court material accepted as reliable in the profession.
2. Whether admission of the third-party interviewees' statements violated Goldstein's federal and state constitutional rights to confront the witnesses against him.
3. Whether any confrontation violation was harmless beyond a reasonable doubt.
4. Whether the trial court abused its discretion by precluding defense expert testimony concerning extreme emotional disturbance or by refusing to order a PET scan.

HOLDINGS

1. A qualified expert's testimony may establish that out-of-court material relied upon by a psychiatrist is of a kind accepted in the profession as reliable; the prosecution met that burden through Hegarty's testimony, so her expert opinion was admissible under *People v. Stone* and *People v. Sugden*.
2. The statements recounted by Hegarty were hearsay offered for their truth and were testimonial because they were obtained through prosecution trial-preparation interviews by an expert retained to testify for the People. Their admission violated Goldstein's federal constitutional right of confrontation.
3. The People failed to prove beyond a reasonable doubt that admission of the four testimonial statements was harmless; the statements provided significant support for the prosecution's theory of sanity and could reasonably have affected the verdict.
4. On the facts of the case, the trial court acted within its discretion in precluding the defense expert's extreme-emotional-disturbance testimony and in refusing to order a PET scan.

KEY QUOTATIONS

"We reverse defendant's conviction and order a new trial, because his constitutional right to be confronted with the witnesses against him was violated when a psychiatrist who testified for the prosecution recounted statements made to her by people who were not available for cross-examination." (122)

"In short, defendant's rights under the Confrontation Clause were violated when Hegarty was allowed to tell the jury what witnesses defendant had no chance to cross-examine had said to her." (129)

"In sum, the People have failed to show beyond a reasonable doubt that the mistaken admission of these four out-of-court statements was harmless error." (131)

FACTUAL BACKGROUND

Goldstein killed Kendra Webdale by throwing her into the path of an approaching subway train and principally relied on an insanity defense. At his second trial, prosecution psychiatrist Angela Hegarty testified that Goldstein had a relatively mild schizophrenic-spectrum disorder and recounted statements obtained from four third-party interviewees concerning his prior conduct, sexual frustration, and personality. Goldstein had no opportunity to cross-examine those interviewees, and the jury convicted him of second-degree murder.

PROCEDURAL HISTORY

Goldstein was charged with second-degree murder after pushing Kendra Webdale into the path of a subway train. His first trial ended in a hung jury. At the second trial, the jury rejected his insanity defense and convicted him. The Appellate Division affirmed, but the Court of Appeals reversed because the prosecution's psychiatrist was permitted to recount testimonial statements from unavailable third-party interviewees without cross-examination.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

Reverse the Appellate Division order and remit the case to Supreme Court for a new trial.

CASES CITED

- People v. Stone, 35 N.Y.2d 69 (1974)
- People v. Sugden, 35 N.Y.2d 453 (1974)
- Hutchinson v. Groskin, 927 F.2d 722, 725 (2d Cir. 1991)
- Crawford v. Washington, 541 U.S. 36 (2004)
- Ohio v. Roberts, 448 U.S. 56 (1980)
- People v. Romero, 78 N.Y.2d 355, 361 (1991)
- Chapman v. California, 386 U.S. 18, 24 (1967)
- People v. Crimmins, 36 N.Y.2d 230, 240-241 (1975)
- People v. Schaeffer, 56 N.Y.2d 448, 455 (1982)

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