

COURT OF APPEALS OF THE STATE OF NEW YORK

People v. Leon

10 N.Y.3d 122, 884 N.E.2d 1037, 855 N.Y.S.2d 38 (2008) · Decided February 19, 2008

SUMMARY

The New York Court of Appeals affirmed Jose Leon's adjudication as a persistent violent felony offender. The court held that Crawford v. Washington does not apply to predicate sentencing hearings and that fingerprint-comparison reports may be admitted under New York law without confrontation of the report's author. The court also rejected Leon's Apprendi challenge to the sentencing court's determination that he was the person identified in a prior conviction.

CASE DETAILS

COURT	Court of Appeals of the State of New York
WRITING FOR THE COURT	Jones, J.; Chief Judge Kaye; Judge Ciparick; Judge Graffeo; Judge Read; Judge Smith; Judge Pigott
JURISDICTION	New York
DECIDED	February 19, 2008
DISPOSITION	affirmed
PROCEDURAL POSTURE	Defendant appealed from an order of the Appellate Division affirming his adjudication as a persistent violent felony offender and the resulting sentence.
PRECEDENTIAL VALUE	Published precedential opinion of the New York Court of Appeals
PARTIES	Jose Leon v. The People of the State of New York

TOPICS

- sentencing
- criminal procedure
- sixth amendment
- hearsay
- statutory interpretation

PRACTICE AREAS

- criminal law
- criminal procedure
- sentencing
- constitutional law
- evidence

QUESTIONS PRESENTED

1. Whether the Sixth Amendment Confrontation Clause, as interpreted by Crawford v. Washington, applies to a persistent violent felony offender sentencing hearing.

2. Whether CPL 400.15 (7) (a) incorporates the trial right of confrontation into a persistent violent felony offender hearing.
3. Whether the sentencing court violated *Apprendi v. New Jersey* by determining Leon's identity as the person previously convicted in 1983.
4. Whether the fingerprint comparison report was admissible and sufficient to establish the predicate violent felony convictions.

HOLDINGS

1. Crawford's Confrontation Clause restrictions on testimonial hearsay do not apply to sentencing proceedings because sentencing proceedings are not trial prosecutions.
2. CPL 400.15 (7) (a)'s requirement that evidence be admissible under the rules applicable to a trial of guilt does not incorporate Crawford's trial-based right of confrontation into a persistent violent felony offender hearing.
3. A sentencing court may determine whether the defendant is the person previously convicted, including the identity-related facts of a prior conviction, without violating *Apprendi*.

KEY QUOTATIONS

"Sentencing proceedings are not trial prosecutions." (125)

"Because, in our view, Crawford does not apply at sentencing proceedings, we decline to construe section 400.15 along with other hearsay statutes, which have always operated in tandem, in a way that yields unworkable results" (125)

"Common sense dictates that these facts are "so basic as to be implicit in the fact of a prior conviction"" (126)

FACTUAL BACKGROUND

Leon was convicted in connection with the sexual abuse of a 13-year-old. At a persistent violent felony offender hearing, the prosecution relied on a report from a public servant who compared fingerprint cards associated with Leon and two prior first-degree manslaughter convictions from 1976 and 1983. Leon admitted he was the person identified in the 1976 conviction but disputed that he was the person identified in the 1983 conviction.

PROCEDURAL HISTORY

Following his conviction for sexual abuse of a 13-year-old, Supreme Court conducted a persistent violent felony offender hearing. The court found that Leon had previously been convicted of two violent felonies and adjudicated him a persistent violent felony offender. The Appellate Division affirmed, concluding that the adjudication rested on admissible evidence and rejecting Leon's constitutional arguments. The Court of Appeals affirmed.

DISPOSITION

affirmed

CASES CITED

- Crawford v. Washington, 541 U.S. 36 (2004)
- United States v. Luciano, 414 F.3d 174, 179 (1st Cir. 2005)
- United States v. Martinez, 413 F.3d 239, 243 n. 5 (2d Cir. 2005), cert. denied, 546 U.S. 1117 (2006)
- Matter of Consolidated Edison Co. of N.Y. v. Department of Environmental Conservation, 71 N.Y.2d 186, 195 (1988)
- People v. Rivera, 5 N.Y.3d 61 (2005)
- United States v. Johnson, 440 F.3d 832, 848 (6th Cir. 2006)
- United States v. Thompson, 421 F.3d 278, 284 n. 4 (4th Cir. 2005)
- United States v. Santiago, 268 F.3d 151, 156 (2d Cir. 2001)
- Barber v. Page, 390 U.S. 719, 725 (1968)
- People v. Perry, 36 N.Y.2d 114, 119 (1975)

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