

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

People v. Sombillo

2025 NY Slip Op 06873 · No. 2024-03425; 2024-03438 · Decided December 10, 2025

SUMMARY

The Appellate Division, Second Department affirmed two judgments convicting Socrates Sombillo upon his guilty pleas to criminal possession of a controlled substance in the seventh degree and unlawful possession of personal identification information in the third degree. The court held that the People's initial certificate of compliance was valid despite the later disclosure of property vouchers, and declined to review an unpreserved challenge concerning the other indictment.

CASE DETAILS

COURT	Supreme Court of the State of New York, Appellate Division, Second Judicial Department
WRITING FOR THE COURT	Angela G. Iannacci, J.P.; Linda Christopher, J.; Barry E. Warhit, J.; Carl J. Landicino, J.
JURISDICTION	Supreme Court of the State of New York, Appellate Division, Second Judicial Department
DECIDED	December 10, 2025
DOCKET	2024-03425; 2024-03438
DISPOSITION	affirmed
PROCEDURAL POSTURE	Defendant appealed from two judgments of the Supreme Court, Queens County, entered after his guilty pleas and sentences, challenging the denial of his motion to dismiss one indictment on statutory speedy-trial grounds and asserting an unpreserved certificate-of-compliance challenge to the other indictment.
STANDARD OF REVIEW	The court reviewed the statutory speedy-trial and certificate-of-compliance issue and the preservation issue under applicable New York appellate review standards; no separate standard-of-review formulation was stated.
PRECEDENTIAL VALUE	Published New York Appellate Division opinion
PARTIES	Socrates Sombillo v. The People of the State of New York

TOPICS

speedy trial

discovery criminal

criminal procedure

preservation of error

appellate procedure

PRACTICE AREAS

criminal procedure

appellate procedure

QUESTIONS PRESENTED

1. Whether the People's initial certificate of compliance was invalid because certain police property vouchers were not disclosed before it was filed, thereby rendering the statement of readiness illusory under CPL 30.30.
2. Whether the defendant could obtain appellate review of his claim that the certificate of compliance for the other indictment was invalid when he had not moved to dismiss that indictment on that ground.

HOLDINGS

1. The initial certificate of compliance was valid because the People exercised due diligence and acted in good faith, and their inadvertent omission of the property vouchers—followed by immediate disclosure after discovery of the omission—did not render the certificate or statement of readiness illusory. The motion to dismiss on statutory speedy-trial grounds was therefore properly denied.
2. The challenge was unpreserved because the defendant did not move to dismiss that indictment on the asserted certificate-of-compliance ground. The court declined to review the issue in the exercise of its interest-of-justice jurisdiction.

KEY QUOTATIONS

*"Absent an individualized finding of special circumstances, 'the prosecution shall not be deemed ready for trial for purposes of [CPL 30.30] until it has filed a valid [COC]'" (*1)*

*"'A valid [COC] and readiness declaration will not be rendered illusory by subsequent diligent disclosures made in good faith'" (*1)*

*"The record demonstrates that the People 'exercised due diligence and acted in good faith in making reasonable inquiries and efforts to obtain and provide the discovery required by [CPL 245.20(1)]'" (*1-*2)*

FACTUAL BACKGROUND

The People filed an initial certificate of compliance and statement of readiness while providing extensive discovery materials. Certain New York City Police Department property vouchers were not initially disclosed, but the People disclosed them immediately after determining that they had been omitted. The defendant pleaded guilty under two indictments and argued that the initial certificate was invalid, making the People's readiness illusory and requiring dismissal on statutory speedy-trial grounds.

PROCEDURAL HISTORY

The defendant pleaded guilty to criminal possession of a controlled substance in the seventh degree and unlawful possession of personal identification information in the third degree, in satisfaction of two indictments. The Supreme Court, Queens County, denied his motion to dismiss the personal-identification-information indictment under CPL 30.30(1)(a), and entered both judgments on April 16, 2024. The Appellate Division affirmed both judgments, holding that the initial certificate of compliance was valid as to the challenged indictment and declining to review the other certificate-of-compliance claim because it was unpreserved.

DISPOSITION

affirmed

CASES CITED

- People v. Bay, 41 NY3d 200, 210
- People v. Coley, 240 AD3d 122, 130-132
- People v. Serrano, 234 AD3d 879, 882
- People v. Macaluso, 230 AD3d 1158, 1159-1160
- People v. McMahon, 237 AD3d 746, 751-752
- People v. Deas, 226 AD3d 823, 826
- People v. Szurgot, 239 AD3d 1444, 1446
- People v. Elmore, 211 AD3d 1536, 1538

OPINION

PER CURIAM.

People v Sombillo (2025 NY Slip Op 06873) People v Sombillo 2025 NY Slip Op 06873 Decided on December 10, 2025 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 December 10, 2025 SUPREME COURT OF THE STATE OF NEW YORK Appellate Division, Second Judicial Department ANGELA G. IANNACCI, J.P.

LINDA CHRISTOPHER BARRY E. WARHIT CARL J. LANDICINO, JJ. 2024-03425 2024-03438 [*1]The People of the State of New York, respondent, v Socrates Sombillo, appellant. (Ind. Nos. 72665/22, 73951/22) Randall D. Unger, Kew Gardens, NY, for appellant. Melinda Katz, District Attorney, Kew Gardens, NY (Johnnette Traill, William H. Branigan, and Lucy E. Pannes of counsel), for respondent.

DECISION & ORDER Appeals by the defendant from two judgments of the Supreme Court, Queens County (Stephen A. Knopf, J.), both rendered April 16, 2024, convicting him of criminal possession of a controlled substance in the seventh degree under Indictment No. 72665/22, and

unlawful possession of personal identification information in the third degree under Indictment No. 73951/22, upon his pleas of guilty, and imposing sentences.

ORDERED that the judgments are affirmed. The defendant entered pleas of guilty to criminal possession of a controlled substance in the seventh degree under Indictment No. 72665/22, and unlawful possession of personal identification information in the third degree under Indictment No. 73951/22, in satisfaction of both indictments.

The defendant was sentenced under both indictments on April 16, 2024, and appeals from the judgments. The defendant contends that the Supreme Court erred in denying his motion to dismiss Indictment No. 73951/22 on the ground that he was deprived of his statutory right to a speedy trial pursuant to CPL 30.30(1)(a), asserting that the People's initial certificate of compliance (hereinafter COC) was improper because, prior to filing the COC, the People failed to disclose certain property vouchers generated by the New York City Police Department.

However, the defendant's contention is without merit. Absent an individualized finding of special circumstances, "the prosecution shall not be deemed ready for trial for purposes of [CPL 30.30] until it has filed a valid [COC]" (*id.* § 245.50[3]; see *People v Bay*, 41 NY3d 200, 210; *People v Coley*, 240 AD3d 122, 130-132).

The COC must state that "after exercising due diligence and making reasonable inquiries and efforts to ascertain the existence of, obtain, and disclose material and information subject to discovery [under CPL 245.20], the prosecution has disclosed and made available all known material and information it has obtained subject to discovery" (CPL 245.50[1]; see *People v Serrano*, 234 AD3d 879, 882). "[A] valid [COC] and readiness declaration will not be rendered illusory by subsequent diligent disclosures made in good faith" (*People v Macaluso*, 230 AD3d 1158, 1159 [internal quotation [*2]marks omitted]).

Here, contrary to the defendant's contention, the People's initial COC was proper. The record demonstrates that the People "exercised due diligence and acted in good faith in making reasonable inquiries and efforts to obtain and provide the discovery required by [CPL 245.20(1)]" (*id.* § 245.50[1]), "as evidenced by the extensive, voluminous documents provided to the defendant with the initial [COC] and statement of readiness" (*People v Macaluso*, 230 AD3d at 1160; see *People v McMahon*, 237 AD3d 746, 752).

The People established that their initial failure to disclose the missing materials "was inadvertent and without bad faith or a lack of due diligence" (*People v Deas*, 226 AD3d 823, 826), as substantiated by the fact that the People immediately disclosed the vouchers once they ascertained that they had not been initially turned over (see *People v McMahon*, 237 AD3d at 751).

Accordingly, inasmuch as the People's initial COC was proper, and the statement of trial readiness therefore was not illusory, the Supreme Court properly denied the defendant's motion to dismiss

Indictment No. 73951/22 on the ground that he was deprived of his statutory right to a speedy trial.

The defendant's contention that the Supreme Court should have dismissed Indictment No. 72665/22 based on the People's failure to file a valid COC with respect to that indictment is unpreserved for appellate review inasmuch as he did not move to dismiss that indictment on that ground (see *People v Szurgot*, 239 AD3d 1444, 1446; *People v Elmore*, 211 AD3d 1536, 1538).

Under the circumstances presented, we decline to review that contention in the exercise of our interest of justice jurisdiction (see CPL 470.15[6][a]; *People v Elmore*, 211 AD3d at 1538). IANNACCI, J.P., CHRISTOPHER, WARHIT and LANDICINO, JJ., concur. ENTER: Darrell M. Joseph Clerk of the Court

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IANNACCI, J.P., CHRISTOPHER, WARHIT and LANDICINO, JJ., concur. ENTER: Darrell M. Joseph Clerk of the Court

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