

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