

SUPREME COURT OF THE STATE OF NEW YORK, APPELLATE DIVISION,
FIRST DEPARTMENT

People v. Carter

2026 NY Slip Op 00105 (Supreme Court of the State of New York Appellate Division First Department 2026) ·
No. Ind No. 1593/17; Appeal No. 5568; Case No. 2019-5884 · Decided January 13, 2026

SUMMARY

The Appellate Division, First Department, unanimously affirmed Shaquana Carter's conviction for criminal possession of stolen property in the fifth degree and her three-year conditional discharge. The court held that the challenge to the legal sufficiency of the evidence was unpreserved, found the evidence legally sufficient and not against the weight of the evidence, and upheld the denial of her motion to dismiss based on delay in sentencing.

CASE DETAILS

COURT	Supreme Court of the State of New York, Appellate Division, First Department
WRITING FOR THE COURT	Manzanet-Daniels, J.P.; Kapnick, J.; Rosado, J.; Michael, J.; Hagler, J.
JURISDICTION	Supreme Court of the State of New York, Appellate Division, First Department
DECIDED	January 13, 2026
DOCKET	Ind No. 1593/17; Appeal No. 5568; Case No. 2019-5884
DISPOSITION	affirmed
PROCEDURAL POSTURE	Defendant appealed from a judgment of Supreme Court, New York County, entered after a jury trial, convicting her of criminal possession of stolen property in the fifth degree and sentencing her to a three-year conditional discharge.
STANDARD OF REVIEW	The court reviewed preservation of the legal-sufficiency claim, the legal sufficiency of the evidence, the weight of the evidence, the jury's credibility determinations, and whether delay in sentencing was unreasonable so as to require dismissal of the indictment or loss of jurisdiction.
PRECEDENTIAL VALUE	Published opinion
PARTIES	Shaquana Carter v. The People of the State of New York

TOPICS

criminal procedure appellate procedure preservation of error evidence sentencing

PRACTICE AREAS

New York criminal law criminal appellate practice evidence sentencing

QUESTIONS PRESENTED

1. Whether defendant preserved her challenge to the legal sufficiency of the evidence.
2. Whether the verdict was supported by legally sufficient evidence.
3. Whether the verdict was against the weight of the evidence.
4. Whether the jury's credibility determinations warranted disturbance on appeal.
5. Whether the delay in sentencing required dismissal of the indictment or resulted in a loss of jurisdiction.

HOLDINGS

1. Defendant failed to preserve her claim that the conviction was based on legally insufficient evidence.
2. In the alternative, the verdict was based on legally sufficient evidence.
3. The verdict was not against the weight of the evidence.
4. There was no basis for disturbing the jury's credibility determinations.
5. The jury's acquittal of defendant on other charges did not warrant disturbing the conviction.
6. The trial court properly denied defendant's motion to dismiss the indictment based on delay in sentencing because the delay was not unreasonable and did not cause a loss of jurisdiction.

FACTUAL BACKGROUND

Following a jury trial, Shaquana Carter was convicted of criminal possession of stolen property in the fifth degree and sentenced to a three-year conditional discharge. The trial court delayed sentencing while seeking information about the living situation and education of Carter's then-five-year-old son; the court attributed the delay to Carter's refusal to provide the requested information.

PROCEDURAL HISTORY

The Supreme Court, New York County, denied defendant's motion to dismiss the indictment based on delay in sentencing, entered judgment after the jury convicted her of criminal possession of stolen property in the fifth degree, and imposed a three-year conditional discharge. The Appellate Division unanimously affirmed.

DISPOSITION

affirmed

CASES CITED

- People v. Hawkins, 11 NY3d 484, 492 [2008]
- People v. Gray, 86 NY2d 10, 19 [1995]
- People v. Danielson, 9 NY3d 342, 349 [2007]
- People v. Danielson, 9 NY3d 342, 348-349 [2007]
- People v. Baque, 43 NY3d 26 [2024]
- People v. Bleakley, 69 NY2d 490, 495 [1987]
- People v. Williams, 17 AD3d 203, 204 [1st Dept 2005], lv denied 4 NY3d 892 [2005]
- People v. Rayam, 94 NY2d 557, 561 [2000]
- People v. Drake, 61 NY2d 359, 366 [1984]
- People v. Summers, 80 AD3d 520 [1st Dept 2011], lv denied 16 NY3d 863 [2011]
- People v. Reyes, 214 AD2d 233, 235 [1st Dept 1995], lv denied 87 NY2d 850 [1995]

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