

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

People v. Grigoroff

2025 NY Slip Op 07400 · No. 2017-11040 · Decided December 31, 2025

SUMMARY

The Appellate Division, Second Department reversed Anthony Grigoroff's convictions for second-degree murder and two counts of attempted second-degree burglary and remitted the matter for a new trial. The court held that cumulative errors concerning the limitation and presentation of expert testimony on false confessions deprived the defendant of a fair trial, and it further noted that the jury should have received a "Promise by the Police" instruction. The court rejected the defendant's weight-of-the-evidence challenge and other evidentiary and prosecutorial-misconduct claims.

CASE DETAILS

COURT	Supreme Court of the State of New York, Appellate Division, Second Judicial Department
WRITING FOR THE COURT	Per curiam; Mark C. Dillon, J.P.; William G. Ford, J.; Laurence L. Love, J.; James P. McCormack, J.
JURISDICTION	Supreme Court of the State of New York, Appellate Division, Second Judicial Department
DECIDED	December 31, 2025
DOCKET	2017-11040
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Defendant appealed from a judgment of the County Court, Putnam County, entered after a jury trial, convicting him of murder in the second degree and two counts of attempted burglary in the second degree.
STANDARD OF REVIEW	The court independently reviewed the weight of the evidence while according great deference to the jury's opportunity to view witnesses, hear testimony, and observe demeanor. The admissibility and limits of expert testimony were reviewed for abuse of discretion; the court also reviewed claimed instructional and evidentiary errors for whether they deprived defendant of a fair trial.
PRECEDENTIAL VALUE	Published New York Appellate Division opinion

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QUESTIONS PRESENTED

1. Whether the convictions were against the weight of the evidence.
2. Whether the County Court improperly restricted the defense expert's testimony and curriculum vitae concerning false-confession research and psychological vulnerabilities.
3. Whether presenting the defense expert's testimony by edited video, while the People's expert testified in person, contributed to an unfair trial.
4. Whether the court erred by failing to charge the jury on the defense claim that police promises rendered the defendant's statements involuntary.
5. Whether admission of the high school principal's hearsay statement and the prosecutor's summation comments required reversal.

HOLDINGS

1. The verdict was not against the weight of the evidence because, after independently reviewing the record and deferring to the jury's credibility determinations, the court was satisfied that the evidence supported the convictions.
2. The County Court improvidently limited the defense expert's testimony regarding relevant false-confession research and improperly excluded a portion of the expert's curriculum vitae, thereby depriving the jury of information relevant to evaluating the expert's credibility and the weight of the testimony.
3. The errors concerning the restriction of false-confession research, exclusion of part of the expert's curriculum vitae, and use of edited video testimony, viewed cumulatively in a case resting solely on the confession, deprived the defendant of his due process right to a fair trial and required reversal and a new trial.
4. The County Court erred by failing to give the jury instruction concerning a promise by the police. When properly raised and requested, the voluntariness of a defendant's statement must be submitted to the jury if the evidence sufficiently supports the instruction.
5. The admission of the principal's hearsay statement was not reversible error because it was admitted for the nonhearsay purpose of explaining the experts' methodologies, was reliable and relevant, and had probative value that outweighed its prejudicial effect.

6. The prosecutor's challenged summation comments did not require reversal because some claims were unpreserved, and the comments that were reviewable were fair comment on the evidence, fair response to defense argument, or not so flagrant or pervasive as to deny a fair trial.

KEY QUOTATIONS

*“the testimony of the law enforcement officials indicated that the police utilized deceptive techniques during the course of the defendant's interrogation” (*2)*

*“The admissibility and limits of the expert's testimony lie primarily in the sound discretion of the trial judge” (*2)*

*“While these errors viewed individually may be insufficient to warrant a new trial, viewed together, where, as here, the sole evidence is the defendant's confession and the crux of the defense was the testimony of an expert in false confessions who asserted that the defendant was intellectually and psychologically predisposed to make a false confession, the errors had the cumulative effect of depriving the defendant of his due process right to a fair trial” (*3)*

*“When properly raised at trial, the voluntariness of a defendant's statement to law enforcement must be submitted to the jury upon the defendant's request” (*3)*

FACTUAL BACKGROUND

The defendant was interrogated for approximately 12 hours after being removed from the Putnam County Jail, and he gave statements concerning a homicide and attempted burglary at a garage. His confession was the sole evidence linking him to the crimes, and he contended that police promises and interrogation tactics caused him to falsely confess. At the retrial, a defense expert concluded that the defendant was more vulnerable than average to falsely confessing, but the County Court restricted the expert's research testimony and curriculum vitae and presented the expert's testimony by edited video rather than live, in-person testimony.

PROCEDURAL HISTORY

The defendant was convicted after a first jury trial, and the Appellate Division previously reversed and remitted for a new trial based on errors unrelated to the confession. After the second trial, the defendant was again convicted. The Appellate Division held that cumulative errors concerning the defense expert's false-confession testimony and the jury instruction on police promises deprived the defendant of a fair trial, reversed the judgment, and remitted for a new trial.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

The judgment is reversed and the matter is remitted to the County Court, Putnam County, for a new trial. On retrial, the court should give the applicable jury instruction concerning a promise by the police if properly requested and sufficiently supported by the evidence.

CASES CITED

- People v. Grigoroff, 131 AD3d 541, 544
- People v. Danielson, 9 NY3d 342, 348
- People v. Mateo, 2 NY3d 383, 410
- People v. Bleakley, 69 NY2d 490, 495
- People v. Romero, 7 NY3d 633, 644
- People v. Powell, 37 NY3d 476, 479
- People v. Bedessie, 19 NY3d 147, 161
- Doviak v. Finkelstein & Partners, LLP, 137 AD3d 843, 847
- People v. Wrotten, 14 NY3d 33, 40
- People v. Mattocks, 100 AD3d 930, 931
- People v. Engstrom, 86 AD3d 580, 581
- People v. Andre, 185 AD2d 276, 277-278
- People v. Butts, 72 NY2d 746, 750
- People v. Huntley, 15 NY2d 72
- Matter of State of New York v. Floyd Y., 22 NY3d 95, 107, 109
- People v. Fuhrtz, 115 AD3d 760
- People v. Birot, 99 AD3d 933
- People v. Guevara-Carrero, 92 AD3d 693
- People v. McHarris, 297 AD2d 824, 825
- People v. Adamo, 309 AD2d 808
- People v. Clark, 222 AD2d 446
- People v. Vaughn, 209 AD2d 459
- People v. Almonte, 23 AD3d 392, 394
- People v. Svanberg, 293 AD2d 555

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