

NEW YORK COURT OF APPEALS

People v. Coggins

2026 NY Slip Op 03912 (N.Y. June 23 2026) · No. 57 · Decided June 23, 2026

SUMMARY

The New York Court of Appeals affirmed an order of the Appellate Division in a criminal case involving the admission of testimony about surveillance video that had been destroyed. The majority held that the trial court did not abuse its discretion in finding the video unavailable without bad faith and permitting witnesses to testify about its contents under the best evidence rule exception. Judge Troutman, joined by Chief Judge Wilson and Judge Rivera, dissented, concluding that the witnesses' conflicting accounts failed to establish a reliable and accurate portrayal of material details.

CASE DETAILS

COURT	New York Court of Appeals
WRITING FOR THE COURT	Chief Judge Wilson; Judge Rivera; Judge Garcia; Judge Singas; Judge Cannataro; Judge Halligan; Judge Troutman
JURISDICTION	New York Court of Appeals
DECIDED	June 23, 2026
DOCKET	57
DISPOSITION	affirmed
PROCEDURAL POSTURE	Defendant appealed from an order of the Appellate Division concerning the admission of testimony about destroyed surveillance footage; the New York Court of Appeals affirmed.
STANDARD OF REVIEW	Abuse of discretion
PRECEDENTIAL VALUE	Published
PARTIES	Tonie Coggins v. The People of the State of New York

TOPICS

- best evidence rule
- evidence
- criminal procedure
- appellate procedure
- standard of review

PRACTICE AREAS

- criminal law
- evidence
- appellate practice

QUESTIONS PRESENTED

1. Whether testimony from witnesses who viewed surveillance footage may be admitted as secondary evidence when the original and a police cellphone copy are unavailable.
2. Whether the trial court abused its discretion in finding that the loss of the footage was sufficiently explained, was not procured in bad faith, and that the witnesses could substantially and accurately recount its contents.

HOLDINGS

1. Secondary evidence of unavailable surveillance footage may be admitted under the exception to the best evidence rule when the proponent sufficiently explains the primary evidence's unavailability, did not procure its loss or destruction in bad faith, and establishes that the substitute evidence is a reliable and accurate portrayal of the original.
2. The trial court did not abuse its discretion by allowing the witnesses to testify about their observations of the lost surveillance footage.

KEY QUOTATIONS

*“Under a long-recognized exception to the best evidence rule, secondary evidence of the contents of an unproduced original may be admitted upon threshold factual findings by the trial court that the proponent of the substitute has sufficiently explained the unavailability of the primary evidence and has not procured its loss or destruction in bad faith” (*2)*

*“has the heavy burden of establishing, preliminarily to the court's satisfaction, that it is a reliable and accurate portrayal of the original” (*2)*

FACTUAL BACKGROUND

Tonie Coggins and the victim engaged in a physical altercation outside the victim's apartment building. Surveillance footage captured the incident, but the building's copy was deleted under the security company's 30-day retention policy, and a police officer's cellphone copy was lost when the phone was upgraded. At a pretrial hearing, seven witnesses who had viewed the footage testified about its contents, and the trial court found the testimony admissible under the exception to the best evidence rule.

PROCEDURAL HISTORY

After a pretrial hearing, Supreme Court permitted several witnesses to testify about surveillance footage of the altercation after the original footage and a cellphone copy became unavailable. The trial court found that the loss was sufficiently explained, was not in bad faith, and that the witnesses could substantially and accurately recount the footage; it also gave a permissive adverse-inference charge concerning the cellphone copy. The Appellate Division's order was affirmed by the Court of Appeals.

DISPOSITION

affirmed

CASES CITED

- Schozer v William Penn Life Ins. Co. of N.Y., 84 NY2d 639, 643-646 [1994]
- People v Delin, 145 AD3d 566, 566-567 [1st Dept 2016], lv dismissed 29 NY3d 996 [2017]
- People v Sparks, 29 NY3d 932, 934-935 [2017], affg 132 AD3d 513, 513-514 [1st Dept 2015]

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