

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

Taft v. State of New York

2026 NY Slip Op 02902 · No. CV-24-1811 · Decided May 7, 2026

SUMMARY

The Appellate Division, Third Department affirmed an order denying the State's motion to dismiss and for summary judgment in Veronica Taft's unjust-conviction and imprisonment claim under Court of Claims Act § 8-b. The court held that the continued validity of unrelated child-endangerment convictions in the same indictment did not preclude the claim because the homicide counts arose from a separate event. The court also concluded that the evidence submitted, including proof of Taft's whereabouts and the prior reversal of the homicide convictions, was sufficient to withstand summary judgment.

CASE DETAILS

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| COURT                 | Appellate Division of the Supreme Court of the State of New York, Third Department                                                                                                                                                                                                                                                                                                                     |
| WRITING FOR THE COURT | McShan, J.; Clark, J.P.; Aarons, J.; Ceresia, J.; Corcoran, J.                                                                                                                                                                                                                                                                                                                                         |
| JURISDICTION          | New York Appellate Division, Third Department                                                                                                                                                                                                                                                                                                                                                          |
| DECIDED               | May 7, 2026                                                                                                                                                                                                                                                                                                                                                                                            |
| DOCKET                | CV-24-1811                                                                                                                                                                                                                                                                                                                                                                                             |
| DISPOSITION           | affirmed                                                                                                                                                                                                                                                                                                                                                                                               |
| PROCEDURAL POSTURE    | The State appealed from an order of the New York Court of Claims that granted Taft's motion to amend her unjust-conviction claim and denied the State's motion to dismiss and motion for summary judgment.                                                                                                                                                                                             |
| STANDARD OF REVIEW    | On a motion challenging compliance with Court of Claims Act § 8-b pleading requirements, the court accepts the allegations as true, avoids credibility and factual determinations, and considers whether the allegations are sufficiently detailed to demonstrate a likelihood of success at trial. On summary judgment, the evidence is viewed in the light most favorable to the nonmoving claimant. |
| PRECEDENTIAL VALUE    | published                                                                                                                                                                                                                                                                                                                                                                                              |
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## TOPICS

appellate procedure

summary judgment

statutory interpretation

remedies

civil procedure

## PRACTICE AREAS

civil procedure

criminal procedure

claims against the state

wrongful conviction and imprisonment

## QUESTIONS PRESENTED

1. Whether Taft's unjust-conviction claim under Court of Claims Act § 8-b was barred because three endangerment convictions remained in the same indictment as the reversed homicide counts.
2. How the term "accusatory instrument" should be construed when separate counts in a single indictment arise from unrelated events.
3. Whether the claim and supporting proof satisfied the heightened pleading and summary-judgment requirements for an unjust-conviction action.

## HOLDINGS

1. The claim was not barred merely because Taft remained convicted of three endangerment counts included in the same indictment as the reversed homicide counts, where the counts arose from separate and unrelated events.
2. The claim sufficiently alleged facts demonstrating a likelihood of success at trial and was not subject to dismissal for failure to provide documentary proof of dismissal of the entire indictment.
3. Summary judgment was properly denied because evidence that Taft was at work when the child sustained the fatal injuries, together with the prior reversal of the homicide convictions, was sufficient to create factual issues concerning her innocence.

## KEY QUOTATIONS

*"Court of Claims Act § 8-b (1) only permits "those innocent persons who can demonstrate by clear and convincing evidence that they were unjustly convicted and imprisoned . . . to recover damages against the state.""* (\*2)

*"the holding remains applicable to our construction of "accusatory instrument," which "must be construed as referring to only those counts that are based on the separate event or transaction underlying the crime for which the claimant was wrongfully convicted and imprisoned"'"* (\*3)

*"it does not effect a severance of the accusatory instrument itself"* (\*3)

## FACTUAL BACKGROUND

After the December 2010 death of her two-year-old child, Veronica Taft was convicted of murder in the second degree, manslaughter in the first degree, and three counts of endangering the welfare of a child, and was

sentenced to 25 years to life. The Third Department reversed the homicide convictions as against the weight of the evidence, while upholding the endangerment convictions; Taft had served nearly four years in prison. The endangerment conduct allegedly occurred several months before the child's death, and supporting evidence indicated that Taft was at work when the child sustained the fatal injuries.

#### PROCEDURAL HISTORY

Taft was convicted of murder in the second degree, manslaughter in the first degree, and three counts of endangering the welfare of a child. The Third Department reversed the homicide convictions as against the weight of the evidence but upheld the endangerment convictions. Taft then filed a claim under Court of Claims Act § 8-b seeking damages for unjust conviction and imprisonment. The Court of Claims permitted amendment of the claim, denied the State's motion to dismiss, and found factual issues concerning whether Taft could establish innocence by clear and convincing evidence.

#### DISPOSITION

affirmed

#### CASES CITED

- *People v. Taft*, 145 A.D.3d 1090, 1092, 1095 (3d Dep't 2016), leave denied, 29 N.Y.3d 953 (2017)
- *Ivey v. State of New York*, 80 N.Y.2d 474, 479-80 (1992)
- *Mack v. State of New York*, 240 A.D.3d 1098, 1099-1100 (3d Dep't 2025)
- *Warney v. State of New York*, 16 N.Y.3d 428, 435 (2011)
- *Jones v. State of New York*, 167 A.D.3d 1365, 1367-68 (3d Dep't 2018)
- *Chalmers v. State of New York*, 246 A.D.2d 620, 621 (2d Dep't 1998)
- *Paris v. State of New York*, 202 A.D.2d 482, 483 (2d Dep't 1994)
- *Hernandez v. State of New York*, 82 Misc. 3d 783, 787 (Ct. Cl. 2023)
- *Pough v. State of New York*, 153 Misc. 2d 490, 491 (Ct. Cl. 1992), *aff'd*, 203 A.D.2d 543 (2d Dep't 1994), leave denied, 85 N.Y.2d 803 (1995)
- *Fowler v. State of New York*, 81 A.D.3d 495, 496 (1st Dep't 2011)
- *Smith v. State of New York*, 55 A.D.3d 430, 430 (1st Dep't 2008)
- *Lanza v. State of New York*, 130 A.D.2d 872, 873-74 (3d Dep't 1987)
- *Owens v. State of New York*, 200 A.D.3d 1624, 1628 (4th Dep't 2021)
- *Dozier v. State of New York*, 134 A.D.2d 759, 761 (3d Dep't 1987)
- *Grimaldi v. State of New York*, 133 A.D.2d 97, 100 (2d Dep't 1987)
- *Fudger v. State of New York*, 131 A.D.2d 136, 140 (3d Dep't 1987), leave denied, 70 N.Y.2d 616 (1988)
- *Sabre Oxidation Tech., Inc. v. Superior Plus Corp.*, 2026 NY Slip Op 01835, \*3 (3d Dep't 2026)
- *O'Keefe v. Barra*, 215 A.D.3d 1039, 1041 n. (3d Dep't 2023), leave denied, 40 N.Y.3d 908 (2023)

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