

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

Matter of State of New York v. John T.

2026 NY Slip Op 03705 · No. CV-23-0440 · Decided June 11, 2026

SUMMARY

The Appellate Division, Third Department affirmed an amended order finding John T. to be a dangerous sex offender requiring civil confinement under Mental Hygiene Law article 10. The court held that due process did not require proof beyond a reasonable doubt for the sexual-motivation element of a pre-2007 designated felony, upheld the jury's mental-abnormality finding and the confinement determination, and rejected claims of ineffective assistance and other error.

CASE DETAILS

COURT	Supreme Court of the State of New York, Appellate Division, Third Department
WRITING FOR THE COURT	Pritzker, J.; Clark, J.P.; Aarons, J.; Mackey, J.; Corcoran, J.
JURISDICTION	New York Appellate Division, Third Department
DECIDED	June 11, 2026
DOCKET	CV-23-0440
DISPOSITION	affirmed
PROCEDURAL POSTURE	John T. appealed from an amended order of Supreme Court, Clinton County, granting the State's Mental Hygiene Law article 10 petition, determining that he was a dangerous sex offender requiring civil confinement, and ordering his commitment to a secure treatment facility.
STANDARD OF REVIEW	The court reviewed the due process challenge to the statute de novo; reviewed the unpreserved sufficiency and propensity-evidence claims under preservation principles; reviewed the mental-abnormality verdict under the weight-of-the-evidence standard; deferred to the trial court's credibility determinations at the dispositional hearing; and assessed ineffective-assistance claims under the meaningful-representation standard.
PRECEDENTIAL VALUE	Published; precedential Appellate Division decision

PARTIES

John T. v. State of New York

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QUESTIONS PRESENTED

1. Whether Mental Hygiene Law § 10.07 (c) and (d), as applied to a designated felony committed before the effective date of the Sex Offender Management and Treatment Act, violate due process by requiring sexual motivation to be proved by clear and convincing evidence rather than beyond a reasonable doubt.
2. Whether the sexual-motivation finding was improperly based on propensity evidence.
3. Whether the evidence was legally sufficient to establish that the attempted kidnapping was sexually motivated.
4. Whether the jury's finding that John T. had a mental abnormality was against the weight of the evidence.
5. Whether Supreme Court erred in finding John T. to be a dangerous sex offender requiring confinement rather than a sex offender subject to strict and intensive supervision and treatment.
6. Whether John T. received ineffective assistance of counsel.

HOLDINGS

1. Due process does not require the State to prove beyond a reasonable doubt that a designated felony committed before the effective date of SOMTA was sexually motivated; clear and convincing evidence is sufficient under Mental Hygiene Law § 10.07.
2. The jury's finding that John T. suffered from a mental abnormality was not against the weight of the evidence.
3. Supreme Court properly determined by clear and convincing evidence that John T. was a dangerous sex offender requiring confinement in a secure treatment facility.
4. John T.'s challenges to the use of propensity evidence and to the legal sufficiency of the evidence establishing sexual motivation were unpreserved because he did not make the required objections or move for a directed verdict.
5. John T. did not establish ineffective assistance of counsel because the record showed meaningful representation and did not eliminate strategic or other legitimate explanations for counsel's alleged deficiencies.

KEY QUOTATIONS

“due process does not require the application of [the higher reasonable doubt] standard” ([*2])

*“a jury verdict may be set aside as against the weight of the evidence only when the evidence preponderates so greatly in respondent's favor that the jury could not have reached its conclusion on any fair interpretation of the evidence” ([*2])*

*“Accordingly, upon viewing trial counsel's representation in its totality, respondent received meaningful representation” ([*7])*

FACTUAL BACKGROUND

John T. pleaded guilty in 2005 to attempted kidnapping in the second degree after attempting to abduct a high school student from a school parking lot. In the article 10 proceeding, the State presented testimony concerning several prior alleged sexual assaults or attempted assaults, photographs of women found in his van, the circumstances of the attempted kidnapping, and expert psychological opinions diagnosing personality and paraphilic disorders. The jury found the attempted kidnapping sexually motivated and found that John T. had a mental abnormality predisposing him to commit sex offenses and causing serious difficulty controlling such conduct. Supreme Court then found him to be a dangerous sex offender requiring confinement.

PROCEDURAL HISTORY

The State commenced a Mental Hygiene Law article 10 proceeding before John T.'s release from prison. Supreme Court denied his motion to dismiss on due process grounds, and after trial the jury found that his attempted kidnapping offense was sexually motivated and that he had a mental abnormality involving serious difficulty controlling sexually offending conduct. After a dispositional hearing, Supreme Court ordered confinement in a secure treatment facility. The Appellate Division affirmed.

DISPOSITION

affirmed

CASES CITED

- Matter of State of New York v. Farnsworth, 75 AD3d 14, 18, 29-30 [4th Dept 2010], appeal dismissed 15 NY3d 848 [2010]
- Matter of State of New York v. Nelson, 89 AD3d 441, 442 [1st Dept 2011]
- Addington v. Texas, 441 US 418, 432-433 [1979]
- Mathews v. Eldridge, 424 US 319, 334-335 [1976]
- People v. Fontanez, 247 AD2d 260, 260 [1st Dept 1998], lv denied 92 NY2d 897 [1998]
- Matter of State of New York v. Robert G., 179 AD3d 1164, 1166-1167 [3d Dept 2020], lv denied 35 NY3d 908 [2020]
- Matter of John R. v. State of New York, 242 AD3d 1571, 1572-1573 [4th Dept 2025]
- Matter of State of New York v. Joel Z., 240 AD3d 954, 958-961 [3d Dept 2025], lv denied ___ NY3d ___ [May 21, 2026]
- Matter of State of New York v. James Z., 97 AD3d 1046, 1047 [3d Dept 2012], lv denied 20 NY3d 853 [2012]

- Matter of State of New York v. Timothy BB., 113 AD3d 18, 22 [3d Dept 2013], appeal dismissed and lv denied 23 NY3d 941 [2014]
- Matter of Christopher PP. v. State of New York, 151 AD3d 1334, 1336 [3d Dept 2017], lv denied 30 NY3d 903 [2017]
- Matter of State of New York v. Schraenkler, 108 AD3d 1087, 1088 [4th Dept 2013]
- Matter of State of New York v. Shawn X., 69 AD3d 165, 172 [3d Dept 2009], lv denied 14 NY3d 702 [2010]
- Matter of State of New York v. Donald DD., 24 NY3d 174, 189 [2014]
- Matter of State of New York v. Kenneth II., 190 AD3d 33, 42, 44 [3d Dept 2020]
- Matter of State of New York v. Tony A., 212 AD3d 1056, 1057, 1060 [3d Dept 2023]
- Matter of State of New York v. Justin R., 187 AD3d 1464, 1465 [3d Dept 2020]
- Matter of State of New York v. Andrew D., 114 AD3d 1043, 1043 [3d Dept 2014]
- Matter of State of New York v. Christopher GG., 247 AD3d 1379, 1383 [3d Dept 2026]
- Matter of John H. v. State of New York, 246 AD3d 1452, 1453-1454 [4th Dept 2026]
- Matter of State of New York v. David J., 167 AD3d 1251, 1256 [3d Dept 2018], lv denied 32 NY3d 919 [2019]
- Matter of State of New York v. Andre L., 84 AD3d 1248, 1250 [2d Dept 2011]
- Matter of State of New York v. John T., 195 AD3d 102 [3d Dept 2021]