

NEW YORK COURT OF APPEALS

The People v. Jose Martinez Baxin

26 N.Y.3d 6 (2015) · No. No. 180 · Decided October 20, 2015

SUMMARY

The New York Court of Appeals held that relying on undisclosed grand jury minutes in a Sex Offender Registration Act risk-level proceeding violated the defendant's due process rights because he was entitled to broad disclosure of evidence used against him. The court nevertheless affirmed the adjudication because the error was harmless in light of overwhelming, properly disclosed evidence supporting the continuing-course-of-sexual-misconduct factor.

CASE DETAILS

COURT	New York Court of Appeals
WRITING FOR THE COURT	Chief Judge Lippman; Judge Pigott; Judge Rivera; Judge Abdus-Salaam; Judge Stein; Judge Fahey
JURISDICTION	New York
DECIDED	October 20, 2015
DOCKET	No. 180
DISPOSITION	affirmed
PROCEDURAL POSTURE	Defendant appealed from an Appellate Division order affirming a Supreme Court determination adjudicating him a level two sexually violent offender under the Sex Offender Registration Act. The Court of Appeals affirmed, holding that nondisclosure of grand jury minutes used in the risk-level determination violated due process but that the violation was harmless.
STANDARD OF REVIEW	The Court of Appeals reviewed whether the procedures used in the SORA risk-level proceeding satisfied due process and whether any resulting error was harmless.
PRECEDENTIAL VALUE	published and precedential
PARTIES	Jose Martinez Baxin v. The People of the State of New York

TOPICS

- procedural due process
- due process
- post-conviction relief
- criminal procedure
- evidence

PRACTICE AREAS

criminal procedure

constitutional law

sex offender registration

post-conviction relief

evidence disclosure

QUESTIONS PRESENTED

1. Whether due process requires disclosure to a defendant of grand jury minutes submitted by the District Attorney and relied upon by the hearing court in determining the defendant's SORA risk level.
2. Whether reliance on undisclosed grand jury minutes required reversal when other disclosed evidence overwhelmingly established the same risk factor by clear and convincing evidence.

HOLDINGS

1. When a court relies on grand jury minutes submitted by the District Attorney as evidence supporting a SORA risk-level determination, due process generally requires that the defendant receive access to those materials sufficient to permit a meaningful opportunity to contest the evidence. The failure to disclose the minutes here violated due process, although disclosure may be limited by the hearing court, including through a directive that defense counsel keep the materials under seal.
2. The due process violation was harmless because the disclosed case summary, criminal court complaint, and defendant's confession provided overwhelming, unchallenged, clear and convincing evidence supporting the points assigned for a continuing course of sexual misconduct.

KEY QUOTATIONS

“The absence of disclosure, however, means that defendant simply cannot formulate any meaningful argument against one that the prosecutor postulates is supported by the minutes.” (26 N.Y.3d at 6)

“Given that defendant is entitled to broad discovery of the evidence that is used against him in order to be able to defend himself, we hold that the failure to disclose the grand jury minutes was a due process violation.” (26 N.Y.3d at 7)

FACTUAL BACKGROUND

Defendant was accused of repeatedly sexually abusing his 10-year-old stepdaughter between February and April 2001 and pleaded guilty to one count of sodomy in 2009. In preparation for his release, the Board of Examiners of Sex Offenders assigned points for a continuing course of sexual misconduct and recommended a level two classification. At the SORA hearing, Supreme Court considered grand jury minutes that had not been disclosed to defendant, as well as a criminal complaint, case summary, and defendant's confession that had been disclosed.

PROCEDURAL HISTORY

Defendant pleaded guilty in 2009 to one count of sodomy in full satisfaction of an indictment charging multiple sex offenses involving his 10-year-old stepdaughter. Before his release from incarceration, the Board of Examiners of Sex Offenders recommended a level two classification and assigned points for a continuing course of sexual misconduct. Supreme Court relied in part on undisclosed grand jury minutes, along with disclosed evidence, to assess the points and classify defendant as a level two offender. The Appellate Division affirmed, and the Court of Appeals granted leave and affirmed on the ground that any due process error was harmless.

DISPOSITION

affirmed

CASES CITED

- People v. Lashway, 25 N.Y.3d 478 (2015)
- People v. David W., 95 N.Y.2d 130 (2000)
- Doe v. Pataki, 3 F. Supp. 2d 456 (S.D.N.Y. 1998)
- Mathews v. Eldridge, 424 U.S. 319 (1976)
- People v. DiNapoli, 27 N.Y.2d 229 (1970)
- People v. Robinson, 98 N.Y.2d 755 (2002)
- People v. Baxin, 116 A.D.3d 628 (1st Dep't 2014)
- People v. Baxin, 24 N.Y.3d 905 (2014)