NEW YORK COURT OF APPEALS

People v. Meckwood

20 N.Y.3d 69 (N.Y. 2012) · Decided October 25, 2012

SUMMARY

The New York Court of Appeals held that a foreign felony conviction is not retroactively eligible for youthful offender treatment merely because the defendant might have qualified for that treatment had the offense occurred in New York. The Court also upheld Penal Law § 70.04(1)(b)(v), which tolls the 10-year look-back period for periods of incarceration, against an equal protection challenge.

CASE DETAILS

COURT	New York Court of Appeals
WRITING FOR THE COURT	Jones, J.; Chief Judge Lippman; Judge Ciparick; Judge Graffeo; Judge Read; Judge Smith; Judge Pigott
JURISDICTION	New York
DECIDED	October 25, 2012
DISPOSITION	affirmed
PROCEDURAL POSTURE	Defendant appealed from an order affirming his adjudication as a second violent felony offender and the use of a prior Pennsylvania burglary conviction as a predicate violent felony. The New York Court of Appeals granted leave to appeal and affirmed.
STANDARD OF REVIEW	The court applied de novo constitutional and statutory analysis to the youthful-offender predicate issue and rational-basis review to the equal-protection challenge.
PRECEDENTIAL VALUE	published precedential opinion of the New York Court of Appeals
PARTIES	Defendant v. The People

TOPICS

sentencing · criminal procedure · equal protection · statutory interpretation · constitutional law

PRACTICE AREAS

criminal law · criminal procedure · sentencing · constitutional law

QUESTIONS PRESENTED

1. Whether a defendant may receive retroactive youthful offender status for a foreign felony conviction when the defendant might have been eligible for youthful offender treatment had the offense occurred in New York.
2. Whether Penal Law § 70.04 (1) (b) (v), which excludes periods of incarceration from the ten-year look-back period for predicate violent felony convictions, violates the Equal Protection Clause of the New York State Constitution.

HOLDINGS

1. A defendant is not entitled to retroactive youthful offender status for a foreign felony conviction merely because youthful offender consideration might have been available had the offense occurred in New York. The foreign conviction retains the status assigned by the jurisdiction in which it was entered, unless the defendant actually received a foreign youthful offender adjudication similar to and consistent with New York youthful offender treatment.
2. Penal Law § 70.04 (1) (b) (v), which excludes periods of incarceration from the ten-year look-back period for predicate violent felonies, does not violate the Equal Protection Clause of the New York State Constitution.

KEY QUOTATIONS

> *"mere speculation that defendant might have been accorded youthful offender treatment had the offense been committed in New York, where such treatment was not and could not have been accorded by the jurisdiction in which the crime was actually committed, cannot preclude the use of such a conviction as a predicate felony"* (at 73)

> *"The equal protection clause does not mandate absolute equality of treatment but merely prescribes that, absent a fundamental interest or suspect classification, a legislative classification be rationally related to a legitimate State purpose"* (at 73)

> *"enhanced sentencing statutes punish a defendant "more for the second felony . . . because recidivism evidences a lack of rehabilitation and a greater danger to society""* (at 73)

FACTUAL BACKGROUND

Defendant pleaded guilty to attempted robbery in the first degree in New York in March 2010. He was adjudicated a second violent felony offender based on a 1999 Pennsylvania first-degree burglary conviction obtained when he was 18 years old. Pennsylvania law did not provide him youthful offender status for that conviction, although he argued that he might have been eligible for consideration had the offense occurred in New York. He also challenged the statutory tolling of the ten-year look-back period during periods of incarceration.

PROCEDURAL HISTORY

In March 2010, defendant pleaded guilty to attempted robbery in the first degree. County Court adjudicated him a second violent felony offender based on a 1999 Pennsylvania first-degree burglary conviction and rejected his

arguments that the prior conviction should receive youthful offender treatment and that Penal Law § 70.04 (1) (b) (v) violated equal protection. The Appellate Division affirmed, and the Court of Appeals granted leave to appeal and affirmed.

DISPOSITION

affirmed

CASES CITED

- People v. Kuey, 83 N.Y.2d 278, 284 (1994)
- People v. Carpenteur, 21 N.Y.2d 571 (1968)
- People v. Arroyo, 179 A.D.2d 393, 394 (1st Dep't 1992)
- People v. Coolbaugh, 259 A.D.2d 781, 782 (3d Dep't 1999)
- People v. Treadwell, 80 A.D.2d 697, 698 (3d Dep't 1981)
- People v. Parker, 41 N.Y.2d 21, 25 (1976)
- People v. Walker, 81 N.Y.2d 661, 667-68 (1993)

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