

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

People v. Hennegan

2026 NY Slip Op 02286 · No. 2019-04941 · Decided April 15, 2026

SUMMARY

The Appellate Division, Second Department, affirmed Maurice Hennegan’s convictions for murder in the second degree and criminal possession of a controlled substance in the third degree. The court held that the legal-sufficiency claim was unpreserved and, in any event, supported by legally sufficient evidence; it also rejected challenges concerning the weight of the evidence, substitution of counsel, and the sentence.

CASE DETAILS

COURT	Supreme Court of the State of New York, Appellate Division, Second Department
WRITING FOR THE COURT	Colleen D. Duffy, J.P.; Linda Christopher, J.; Carl J. Landicino, J.; Susan Quirk, J.
JURISDICTION	New York Supreme Court, Appellate Division, Second Department
DECIDED	April 15, 2026
DOCKET	2019-04941
DISPOSITION	affirmed
PROCEDURAL POSTURE	Defendant appealed from a judgment of the Supreme Court, Kings County, entered after a jury convicted him of murder in the second degree and criminal possession of a controlled substance in the third degree and the court imposed sentence.
STANDARD OF REVIEW	For legal sufficiency, the evidence is viewed in the light most favorable to the prosecution and the conviction is upheld if the evidence establishes guilt beyond a reasonable doubt. The court independently reviews the weight of the evidence but gives great deference to the jury's opportunity to view witnesses, hear testimony, and observe demeanor. A request for substitution of assigned counsel is reviewed under the requirement that the trial court inquire into complaints when sufficient facts suggest a genuine conflict or other impediment to representation. The sentence is reviewed for excessiveness.

PRECEDENTIAL VALUE	Published
PARTIES	Maurice Hennegan v. The People of the State of New York

TOPICS

criminal procedure appellate procedure preservation of error right to counsel evidence

PRACTICE AREAS

criminal law criminal procedure appellate practice

QUESTIONS PRESENTED

1. Whether defendant preserved his challenge to the legal sufficiency of the evidence supporting his conviction for criminal possession of a controlled substance in the third degree.
2. Whether the evidence was legally sufficient to establish defendant's guilt of criminal possession of a controlled substance in the third degree beyond a reasonable doubt.
3. Whether the verdict was against the weight of the evidence.
4. Whether the trial court erred by declining to substitute assigned counsel based solely on defendant's pretrial pro se written request.
5. Whether defendant abandoned his request for substitution of counsel by declining to explain his reasons and expressing no further dissatisfaction with counsel.
6. Whether the sentence imposed was excessive.

HOLDINGS

1. Defendant failed to preserve for appellate review his challenge to the legal sufficiency of the evidence because he did not specify at trial the grounds asserted on appeal.
2. Even if considered, the evidence was legally sufficient to establish defendant's guilt of criminal possession of a controlled substance in the third degree beyond a reasonable doubt.
3. The verdict was not against the weight of the evidence.
4. Defendant's pretrial pro se written letter requesting substitution of counsel, standing alone, did not require the trial court to relieve assigned counsel.
5. Defendant abandoned his request for substitution of counsel by declining to provide further reasons and expressing no further dissatisfaction with defense counsel.
6. The sentence imposed was not excessive.

FACTUAL BACKGROUND

Defendant was convicted after a jury trial in connection with the shooting death of a victim and his possession of cocaine with intent to sell. He challenged the sufficiency and weight of the evidence supporting the controlled-substance conviction, sought substitution of assigned counsel based on a pretrial pro se letter, and argued that his

sentence was excessive. When given an opportunity to explain his request for new counsel in court, defendant declined to provide reasons and expressed no further dissatisfaction with counsel.

PROCEDURAL HISTORY

The Supreme Court, Kings County, rendered judgment on April 10, 2019, following a jury verdict finding defendant guilty of murder in the second degree and criminal possession of a controlled substance in the third degree. Defendant appealed, challenging the legal sufficiency and weight of the evidence, the denial of his request for substitution of counsel, and the severity of his sentence. The Appellate Division affirmed.

DISPOSITION

affirmed

CASES CITED

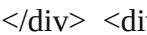
- People v. Hawkins, 11 NY3d 484, 492
- People v. Contes, 60 NY2d 620
- People v. Danielson, 9 NY3d 342, 349
- People v. Danielson, 9 NY3d 342, 348
- People v. Mateo, 2 NY3d 383, 410
- People v. Bleakley, 69 NY2d 490, 495
- People v. Romero, 7 NY3d 633, 643-644
- People v. Porto, 16 NY3d 93, 100
- People v. Mendoza, 239 AD3d 773, 773-774
- People v. Molina, 208 AD3d 1641, 1642-1643
- People v. Ocasio, 81 AD3d 1469, 1470
- People v. Suitte, 90 AD2d 80

OPINION

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PER CURIAM.

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April 15, 2026

Appellate Division, Second Department

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York State Law Reporting Bureau pursuant to Judiciary Law § 431.

This decision is uncorrected and subject to revision before publication in the Official Reports.

The People of the State of New York, respondent,

v

Maurice Hennegan, appellant.

Supreme Court of the State of New York, Appellate Division, Second Judicial Department

Decided on April 15, 2026

2019-04941, (Ind. No. 1467/17)

Colleen D. Duffy, J.P.

Linda Christopher

Carl J. Landicino

Susan Quirk, JJ.

Patricia Pazner, New York, NY (Sean H. Murray of counsel), for appellant.

Eric Gonzalez, District Attorney, Brooklyn, NY (Leonard Joblove, Keith Dolan, and Katherine Walecka of counsel), for respondent.

[*1]

DECISION & ORDER

Appeal by the defendant from a judgment of the Supreme Court, Kings County (Vincent M. Del Giudice, J.), rendered April 10, 2019, convicting him of murder in the second degree and criminal possession of a controlled substance in the third degree, upon a jury verdict, and imposing sentence.

ORDERED that the judgment is affirmed.

The defendant was convicted, upon a jury verdict, of murder in the second degree and criminal possession of a controlled substance in the third degree in connection with the shooting death of a victim and possessing a quantity of cocaine with intent to sell. The defendant failed to preserve for appellate review his contention that the evidence was legally insufficient to support his conviction of criminal possession of a controlled substance in the third degree beyond a reasonable doubt, since he did not specify the grounds he argues on appeal at the trial (*see* CPL 470.05[2]; *People v Hawkins*, 11 NY3d 484, 492). In any event, viewing the evidence in the light most favorable to the prosecution (*see* *People v Contes*, 60 NY2d 620), we find that it was legally sufficient to establish the defendant's guilt of that count beyond a reasonable doubt (*see* *People v Danielson*, 9 NY3d 342, 349).

Moreover, in fulfilling our responsibility to conduct an independent review of the weight of the evidence (*see* CPL 470.15[5]; *People v Danielson*, 9 NY3d at 348), we nevertheless accord great deference to the jury's opportunity to view the witnesses, hear the testimony, and observe demeanor (*see* *People v Mateo*, 2 NY3d 383, 410; *People v Bleakley*, 69 NY2d 490, 495). Upon reviewing the record here, we are satisfied that the verdict of guilt was not against the weight of the evidence (*see* *People v Romero*, 7 NY3d 633, 643-644).

Contrary to the defendant's contention, the defendant's pretrial pro se written letter requesting substitution of counsel, alone, was an insufficient basis to relieve counsel. When provided with an opportunity in court to detail his reasons for requesting substitution of counsel, the defendant specifically declined to do so. The defendant proffered no facts to indicate a genuine conflict of interest or other impediment to the defendant's representation by assigned counsel, and the court satisfied its duty of inquiry on the matter (*see* *People v Porto*, 16 NY3d 93, 100; *People v Mendoza*, 239 AD3d 773, 773-774). Inasmuch as the defendant expressed no further dissatisfaction with defense counsel, he abandoned any request for substitution of counsel

(*see* *People v Molina*, 208 AD3d 1641, 1642-1643; *People v Ocasio*, 81 AD3d 1469, 1470).

The sentence imposed was not excessive (*see* *People v Suite*, 90 AD2d 80).

The defendant's remaining contentions are without merit.

DUFFY, J.P., CHRISTOPHER, LANDICINO and QUIRK, JJ., concur.

ENTER:

Darrell M. Joseph

Clerk of the Court