

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

People v. Russ

2026 NY Slip Op 03475 · No. 113561 · Decided June 4, 2026

SUMMARY

The New York Appellate Division, Third Department, held that the People did not violate the defendant's statutory speedy-trial rights. The court determined that the vehicle inventory search was invalid because the People failed to establish a sufficiently standardized and regulated inventory-search policy, and the search appeared directed toward discovering incriminating evidence. The judgment was reversed, suppression was granted as to the heroin and two handguns, and the matter was remitted for further proceedings.

CASE DETAILS

COURT	Supreme Court of the State of New York, Appellate Division, Third Department
WRITING FOR THE COURT	Fisher, J.; Pritzker, J.P.; Ceresia, J.; McShan, J.; Corcoran, J.
JURISDICTION	New York Appellate Division, Third Department
DECIDED	June 4, 2026
DOCKET	113561
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Defendant appealed from a judgment of the Sullivan County Court entered after a jury convicted him of two counts of criminal possession of a weapon in the second degree, criminal possession of a controlled substance in the third degree, endangering the welfare of a child, and three traffic infractions.
STANDARD OF REVIEW	The court reviewed the statutory speedy-trial calculation and suppression ruling for legal error, determining whether the People established excludable periods of delay and whether the inventory search complied with constitutional and established-procedure requirements. Unpreserved trial contentions were not reviewed.
PRECEDENTIAL VALUE	published
PARTIES	Jamell Russ v. The People of the State of New York

TOPICS

suppression of evidence search and seizure fourth amendment speedy trial appellate procedure

PRACTICE AREAS

criminal procedure constitutional law evidence appellate procedure

QUESTIONS PRESENTED

1. Whether the People violated defendant's statutory speedy-trial rights by declaring readiness 607 days after commencement of the criminal action.
2. Whether the People's certificate of compliance and readiness declaration were rendered illusory by subsequent disclosures.
3. Whether the searches of defendant's impounded vehicle qualified as constitutionally valid inventory searches.
4. Whether defendant's remaining claims concerning Miranda warnings, jury instructions, and the recall of a witness were preserved for appellate review.

HOLDINGS

1. The People did not violate defendant's statutory speedy-trial rights because 539 days were excludable, leaving only 68 chargeable days before the People's readiness declaration.
2. The subsequent disclosures did not render the People's certificate of compliance and readiness declaration illusory because fewer than six months of chargeable time had elapsed and the disclosures were reasonable and made in good faith under the circumstances.
3. The inventory searches were constitutionally invalid because the People failed to establish a sufficiently standardized and reasonable procedure limiting officer discretion, and the circumstances indicated that the searches were a pretext for discovering incriminating evidence.
4. The claims that investigators were required to re-Mirandize defendant, that the Miranda jury instruction was defective, and that County Court improperly permitted the People to recall an investigator were unpreserved because they were not raised before the trial court.

KEY QUOTATIONS

“An inventory search is exactly what its name suggests, a search designed to properly catalogue the contents of the item searched” ([*3])

“having “no policy whatever” is what causes the subject search to not be “sufficiently regulated to satisfy the Fourth Amendment”” ([*5])

FACTUAL BACKGROUND

On June 14, 2020, a state trooper stopped defendant for speeding and learned that the vehicle's dealer plate had been reported stolen, the vehicle was unregistered and uninsured, and defendant's license was suspended.

Because defendant was arrested and no legally authorized driver was available, the vehicle was towed. Troopers searched the vehicle and found a loaded magazine, Suboxone pills, ammunition, heroin, and two handguns, including one found during a later search at the State Police barracks.

PROCEDURAL HISTORY

After a traffic stop, defendant was arrested and charged by felony complaint, then indicted on offenses arising from the stop. County Court denied defendant's motions to dismiss on statutory speedy-trial grounds and to suppress evidence obtained from searches of his vehicle. A jury convicted defendant, and County Court sentenced him as a second felony offender to concurrent terms, including 15 years' imprisonment followed by five years of postrelease supervision. The Appellate Division rejected the speedy-trial claim but held that the inventory search was unlawful, reversed the judgment, granted suppression of the heroin and two handguns, and remitted for further proceedings.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

The matter was remitted to the County Court of Sullivan County for further proceedings not inconsistent with the Appellate Division's decision, after suppression of the heroin and two handguns.

CASES CITED

- People v. Gerhard, 244 AD3d 1313, 1318 [3d Dept 2025], lv denied 45 NY3d 936 [2026]
- People v. Branton, 238 AD3d 1429, 1432 [3d Dept 2025]
- People v. McCarty, 221 AD3d 1360, 1363-1364 [3d Dept 2023], lv denied 40 NY3d 1093 [2024]
- People v. Catalan, 204 AD3d 1240, 1241-1242 [3d Dept 2022], lv denied 38 NY3d 1132 [2022]
- People v. Sheard, 236 AD3d 826, 827 [2d Dept 2025]
- People v. Grandoit, 242 AD3d 1298, 1301 [3d Dept 2025]
- People v. Douglas, 40 NY3d 385, 388-389 [2023]
- People v. Johnson, 1 NY3d 252, 256 [2003]
- People v. Gray, 234 AD3d 1130, 1131, 1135-1136 [3d Dept 2025]
- People v. Jones, 185 AD3d 1159, 1160-1161 [3d Dept 2020]
- People v. Gomez, 13 NY3d 6, 10-11 [2009]
- People v. Espinoza, 174 AD3d 1062, 1063-1064 [3d Dept 2019]
- People v. Colon, 202 AD2d 708, 708 [3d Dept 1994], lv denied 84 NY2d 824 [1994]
- People v. Galak, 80 NY2d 715, 719-721 [1993]
- People v. Leonard, 119 AD3d 1237, 1239 [3d Dept 2014]
- People v. Kabia, 197 AD3d 788, 790 [3d Dept 2021], lv denied 37 NY3d 1162 [2022]
- United States v. Garcia-Robledo, 488 F Supp 2d 50, 71 [D PR 2007]

- Florida v. Wells, 495 US 1, 4-5 [1990]

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