

NEW YORK COURT OF APPEALS

People v. Jackson

18 N.Y.3d 738, 967 N.E.2d 1160 (2012) · Decided March 27, 2012

SUMMARY

The New York Court of Appeals held that an accusatory instrument sufficiently alleged criminal possession of marihuana in the fifth degree. The court concluded that a defendant located inside a personal vehicle on a public street was in a public place under Penal Law § 240.00(1), and that allegations that an officer observed marihuana in the defendant's hand supported the inference that it was open to public view. The court affirmed the Appellate Term's order.

CASE DETAILS

COURT	New York Court of Appeals
WRITING FOR THE COURT	Graffeo, J.; Lippman, J.
JURISDICTION	New York
DECIDED	March 27, 2012
DISPOSITION	affirmed
PROCEDURAL POSTURE	Defendant pleaded guilty to criminal possession of marihuana in the fifth degree and appealed, challenging the jurisdictional sufficiency of the accusatory instrument. The Appellate Term affirmed, and the New York Court of Appeals granted leave to appeal.
STANDARD OF REVIEW	The court reviewed de novo whether the accusatory instrument was jurisdictionally sufficient under the standards governing an information, assuming the factual allegations to be true and asking whether they alleged nonconclusory facts addressing every element of the charged offense and supplying reasonable cause.
PRECEDENTIAL VALUE	Published precedential opinion of the New York Court of Appeals
PARTIES	Samuel Jackson v. People of the State of New York

TOPICS

- criminal procedure
- statutory interpretation
- legislative intent

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether a defendant seated in a privately owned automobile on a public street is in a public place under Penal Law § 221.10(1) and Penal Law § 240.00(1).
2. Whether allegations that a police officer observed the defendant holding marihuana in a ziplock bag in his hand, while standing outside the vehicle, were sufficiently nonconclusory to establish that the marihuana was open to public view.
3. Whether the guilty plea forfeited defendant's challenge to the accusatory instrument.

HOLDINGS

1. A guilty plea forfeits most appellate claims but does not waive a jurisdictional challenge to the sufficiency of the accusatory instrument because a valid and sufficient accusatory instrument is a nonwaivable jurisdictional prerequisite to a criminal prosecution.
2. A person located inside a privately owned automobile on a public street or highway is in a public place for purposes of Penal Law § 221.10(1), because the vehicle's private character does not change the public character of the highway on which it is located.
3. The accusatory instrument was jurisdictionally sufficient because allegations that the officer smelled marihuana, observed defendant holding marihuana in a ziplock bag, and viewed it from outside the vehicle supported a reasonable inference that the marihuana was unconcealed and susceptible to viewing by members of the public.

KEY QUOTATIONS

“A valid and sufficient accusatory instrument is a nonwaivable jurisdictional prerequisite to a criminal prosecution” (741)

“An information is valid for jurisdictional purposes if it contains nonconclusory factual allegations that, if assumed to be true, address each element of the crime charged, thereby affording reasonable cause to believe that defendant committed that offense” (742)

“the statute does not require that a member of the public (other than a law enforcement officer) have actually seen the contraband—it requires only that the substance have been “open” or unconcealed in a manner rendering it susceptible to such viewing.” (748)

FACTUAL BACKGROUND

A police officer stopped defendant while he was driving on a public street in Brooklyn after observing a traffic infraction. Upon approaching the vehicle, the officer smelled a strong odor of marihuana and saw defendant holding a ziplock bag containing marihuana in his hand. Defendant pleaded guilty to fifth-degree criminal possession of marihuana after the discovery of additional contraband, and he challenged the accusatory instrument's allegations that he possessed marihuana in a public place and that it was open to public view.

PROCEDURAL HISTORY

During a traffic stop on a public street, police observed defendant holding marihuana in his vehicle. Defendant pleaded guilty to criminal possession of marihuana in the fifth degree in satisfaction of multiple charges and was sentenced to five days in jail. The Appellate Term affirmed his conviction, and the Court of Appeals affirmed the Appellate Term's order.

DISPOSITION

affirmed

CASES CITED

- People v. Dreyden, 15 N.Y.3d 100, 103 (2010)
- People v. Case, 42 N.Y.2d 98, 99 (1977)
- People v. Kalin, 12 N.Y.3d 225, 228, 230 (2009)
- People v. Konieczny, 2 N.Y.3d 569, 575 (2004)
- People v. Keizer, 100 N.Y.2d 114, 121 (2003)
- People v. McNamara, 78 N.Y.2d 626 (1991)