

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

People v. Hamilton

Hamilton, 2026 NY Slip Op 00794 (Supreme Court of the State of New York Appellate Division Second Judicial Department 2026) · No. 2022-05296 · Decided February 11, 2026

SUMMARY

The Appellate Division, Second Department, affirmed an order granting the defendant's motion to suppress physical evidence. Relying on its decision in the codefendant's appeal, *People v. Creary*, the court held that suppression was properly granted.

CASE DETAILS

COURT	Supreme Court of the State of New York, Appellate Division, Second Judicial Department
WRITING FOR THE COURT	Angela G. Iannacci, J.P.; Valerie Brathwaite Nelson, J.; Paul Wooten, J.; Janice A. Taylor, J.
JURISDICTION	Supreme Court of the State of New York, Appellate Division, Second Department
DECIDED	February 11, 2026
DOCKET	2022-05296
DISPOSITION	affirmed
PROCEDURAL POSTURE	The People appealed from an order of the Supreme Court, Queens County, which, after a hearing, granted the branch of Hamilton's omnibus motion seeking suppression of physical evidence.
PRECEDENTIAL VALUE	Published opinion
PARTIES	The People of the State of New York v. Dylan Hamilton

TOPICS

- suppression of evidence
- criminal procedure
- appellate procedure

PRACTICE AREAS

- criminal procedure
- appellate procedure
- evidence

QUESTIONS PRESENTED

1. Whether the Supreme Court, Queens County, properly granted the defendant's motion to suppress physical evidence.

HOLDINGS

1. The Supreme Court, Queens County, properly granted the branch of Hamilton's omnibus motion seeking suppression of physical evidence.

KEY QUOTATIONS

“For the same reasons we held in People v Creary in favor of the codefendant, here, the Supreme Court properly granted that branch of the defendant's omnibus motion which was to suppress physical evidence” (at 674-675)

FACTUAL BACKGROUND

The appeal concerned physical evidence that the Supreme Court, Queens County, ordered suppressed after a hearing on Hamilton's omnibus motion. The opinion states that the underlying facts were set forth in the court's contemporaneous decision in the codefendant's appeal, *People v. Creary*, arising from the same order.

PROCEDURAL HISTORY

The Supreme Court, Queens County, granted suppression of physical evidence after a hearing. The People appealed, and the Appellate Division affirmed the order insofar as appealed from, relying on its decision in the codefendant's appeal from the same order.

DISPOSITION

affirmed

CASES CITED

- *People v. Creary*, 236 AD3d 672, 673-675
- *People v. Dubuisson*, 206 AD3d 757, 759
- *People v. Pearson*, 59 AD3d 743, 744

OPINION

PER CURIAM.

People v Hamilton (2026 NY Slip Op 00794) *People v Hamilton* 2026 NY Slip Op 00794
Decided on February 11, 2026 Appellate Division, Second Department Published by New York State Law Reporting Bureau pursuant to Judiciary Law § 431. This opinion is uncorrected and subject to revision before publication in the Official Reports. Decided on February 11, 2026

SUPREME COURT OF THE STATE OF NEW YORK Appellate Division, Second Judicial Department ANGELA G. IANNACCI, J.P.

VALERIE BRATHWAITE NELSON PAUL WOOTEN JANICE A. TAYLOR, JJ. 2022-05296 (Ind. No. 1365/20) [*1]The People of the State of New York, appellant, v Dylan Hamilton, respondent. Melinda Katz, District Attorney, Kew Gardens, NY (Johnnette Traill, Nancy Fitzpatrick Talcott, Andrew Z. Wu, and Jonathan E. Maseng of counsel), for appellant. Patricia Pazner, New York, NY (Robert C. Langdon of counsel), for respondent.

DECISION & ORDER Appeal by the People from an order of the Supreme Court, Queens County (David J. Kirschner, J.), dated May 5, 2022. The order, insofar as appealed from, after a hearing, granted that branch of the defendant's omnibus motion which was to suppress physical evidence. ORDERED that the order is affirmed insofar as appealed from.

The underlying facts of this appeal are set forth in this Court's decision and order in *People v Creary* (236 AD3d 672, 673), determining the codefendant's appeal from the same order now before this Court. For the same reasons we held in *People v Creary* in favor of the codefendant, here, the Supreme Court properly granted that branch of the defendant's omnibus motion which was to suppress physical evidence (see *id.* at 674-675; *People v Dubuisson*, 206 AD3d 757, 759; *People v Pearson*, 59 AD3d 743, 744).

IANNACCI, J.P., BRATHWAITE NELSON, WOOTEN and TAYLOR, JJ., concur. ENTER: Darrell M. Joseph Clerk of the Court