

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

People v. McClarin

2026 NY Slip Op 01076 · No. 2023-05891 · Decided February 25, 2026

SUMMARY

The New York Appellate Division, Second Department held that the police unlawfully impounded the defendant's vehicle and conducted an inventory search because the People failed to establish a valid impoundment policy or a community-caretaking justification. The court suppressed the physical evidence, vacated the drug and weapon convictions, dismissed those counts, and affirmed the judgment as modified.

CASE DETAILS

COURT	Appellate Division of the Supreme Court of the State of New York, Second Judicial Department
WRITING FOR THE COURT	Lara J. Genovesi, J.P.; William G. Ford, J.; Carl J. Landicino, J.; Susan Quirk, J.
JURISDICTION	New York Appellate Division, Second Department
DECIDED	February 25, 2026
DOCKET	2023-05891
DISPOSITION	other
PROCEDURAL POSTURE	Defendant appealed from a judgment convicting him after a nonjury trial and imposing sentence. The appeal also reviewed the denial, after a suppression hearing, of the branch of defendant's omnibus motion seeking suppression of physical evidence recovered from his vehicle.
STANDARD OF REVIEW	The Appellate Division reviewed the suppression determination and the legal sufficiency of the evidence supporting the challenged convictions.
PRECEDENTIAL VALUE	Published opinion
PARTIES	Justin P. McClarin v. The People of the State of New York

TOPICS

- suppression of evidence
- search and seizure
- exclusionary rule
- criminal procedure
- appellate procedure

PRACTICE AREAS

criminal procedure

evidence

appellate procedure

QUESTIONS PRESENTED

1. Whether the People established that the warrantless impoundment of defendant's vehicle was lawful under inventory-search or community-caretaking principles.
2. Whether physical evidence recovered during the inventory search had to be suppressed as fruits of an unlawful impoundment.
3. Whether the challenged drug and weapon convictions could stand after suppression of the physical evidence.

HOLDINGS

1. The People failed to establish the lawfulness of the impoundment of defendant's vehicle and the subsequent inventory search.
2. The physical evidence recovered from the vehicle during the inventory search had to be suppressed as fruits of the unlawful impoundment.
3. The convictions for first-degree criminal possession of a controlled substance, third-degree criminal possession of a controlled substance, and four counts of second-degree criminal possession of a weapon had to be vacated and those counts dismissed.

KEY QUOTATIONS

*“When the driver of a vehicle is arrested, the police may impound the car, and conduct an inventory search, where they act pursuant to ‘reasonable police regulations relating to inventory procedures administered in good faith’” (*1)*

*“Accordingly, the impoundment of the defendant's vehicle was unlawful, and the physical evidence that was recovered from the vehicle during the inventory search subsequent to that impoundment must be suppressed as fruits of the unlawful impoundment” (*2)*

FACTUAL BACKGROUND

After defendant was arrested while his vehicle was pulled over on a street, police impounded the vehicle and conducted an inventory search. At the suppression hearing, the arresting officer equivocated about whether the vehicle was legally parked and did not testify about posted parking time limits. The People offered no evidence of a New York City Police Department impoundment policy, the policy's requirements, the officer's compliance with it, or a history of burglary or vandalism in the area.

PROCEDURAL HISTORY

The Supreme Court, Queens County, denied defendant's motion to suppress physical evidence following a suppression hearing, and later convicted him after a nonjury trial of multiple drug, weapon, and vehicle-related offenses. The Appellate Division held that the People failed to establish the lawfulness of the vehicle's

impoundment and inventory search, granted suppression, vacated the drug and weapon convictions and sentences, dismissed those counts, and affirmed the judgment as modified.

DISPOSITION

other

CASES CITED

- People v. Walker, 20 N.Y.3d 122, 125
- Colorado v. Bertine, 479 U.S. 367, 374
- People v. King, 188 A.D.3d 721, 722-723
- South Dakota v. Opperman, 428 U.S. 364, 368
- People v. Gomez, 13 N.Y.3d 6, 11
- People v. Weeks, 182 A.D.3d 539, 541
- People v. Tardi, 28 N.Y.3d 1077, 1078
- People v. Leonard, 119 A.D.3d 1237, 1238