

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

People v. Maldonado

2023 NY Slip Op 06096 (N.Y. Ct. App. 2023) · No. Appeal No. 1104; Case No. 2019-1293; Ind. No. 1777-17 · Decided November 28, 2023

SUMMARY

The Appellate Division, First Department unanimously affirmed Gil Maldonado’s conviction for aggravated unlicensed operation of a vehicle in the first degree. The court held that the vehicle stop for a covered license plate was proper and that observations, identity information, and DMV records obtained after the stop were not suppressible as fruits of unlawful police conduct.

CASE DETAILS

COURT	Appellate Division of the Supreme Court of the State of New York, First Department
WRITING FOR THE COURT	Manzanet-Daniels, J.P.; Friedman, J.; González, J.; Pitt-Burke, J.; Higgitt, J.
JURISDICTION	New York
DECIDED	November 28, 2023
DOCKET	Appeal No. 1104; Case No. 2019-1293; Ind. No. 1777-17
DISPOSITION	affirmed
PROCEDURAL POSTURE	Defendant appealed from a judgment of the Supreme Court, Bronx County, rendered after his guilty plea and sentencing, challenging the summary denial of his motion to suppress evidence relating to a vehicle stop.
STANDARD OF REVIEW	The court reviewed the summary denial of the suppression motion for legal correctness and affirmed where the record established that the stop was proper and the challenged evidence was not suppressible as fruits of unlawful police conduct.
PRECEDENTIAL VALUE	Published New York Appellate Division opinion
PARTIES	Gil Maldonado v. The People of the State of New York

TOPICS

suppression of evidence

search and seizure

criminal procedure

appellate procedure

PRACTICE AREAS

criminal law

criminal procedure

appellate practice

QUESTIONS PRESENTED

1. Whether defendant's suppression claim was barred by his appeal waiver.
2. Whether the police lawfully stopped defendant's vehicle for having a covered license plate.
3. Whether post-stop observations of defendant, his identity, and his DMV records were suppressible as fruits of unlawful police conduct.

HOLDINGS

1. The court did not decide whether the appeal waiver barred the suppression claim; it assumed, for purposes of decision, that the claim was not barred.
2. The police lawfully stopped defendant's vehicle because a covered license plate violated Vehicle and Traffic Law § 402(1)(b).
3. The post-stop observations of defendant, as well as defendant's identity and DMV records, were not suppressible as fruits of unlawful police conduct, regardless of the legality of the stop.

KEY QUOTATIONS

“In any event, regardless of the legality of the stop, the post-stop observations of defendant were not suppressible as fruits of unlawful police conduct” ([*1])

FACTUAL BACKGROUND

Police stopped defendant's vehicle after observing that it had a covered license plate. Following the stop, police observed defendant operating the vehicle and obtained his identity and Department of Motor Vehicles records. Defendant sought suppression of evidence concerning those observations and records, asserting that the stop was illegal.

PROCEDURAL HISTORY

The Supreme Court, Bronx County, denied defendant's suppression motion, accepted his guilty plea to aggravated unlicensed operation of a vehicle in the first degree, and sentenced him to five years' probation and a \$500 fine. The Appellate Division unanimously affirmed the judgment.

DISPOSITION

affirmed

CASES CITED

- People v. Thomas, 34 N.Y.3d 545, 559-560 (2019), cert. denied, 589 U.S. —, 140 S. Ct. 2634 (2020)
- People v. Dula, 198 A.D.3d 463, 464 (1st Dep't 2021), lv. denied, 37 N.Y.3d 1159 (2022), lv. denied, 37 N.Y.3d 1162 (2022)
- People v. Young, 55 N.Y.2d 419 (1982), cert. denied, 459 U.S. 848 (1982)
- People v. Weaver, 12 N.Y.3d 433, 440 (2009)
- People v. Tolentino, 14 N.Y.3d 382, 385-386 (2010), cert. granted, 562 U.S. 1043 (2010), cert. dismissed, 562 U.S. 123 (2011)

OPINION

PER CURIAM.

People v Maldonado (2023 NY Slip Op 06096) People v Maldonado 2023 NY Slip Op 06096 Decided on November 28, 2023 Appellate Division, First 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 and Entered: November 28, 2023 Before: Manzanet-Daniels, J.P., Friedman, González, Pitt-Burke, Higgitt, JJ. Ind. No. 1777-17 Appeal No. 1104 Case No. 2019-1293 [*1]The People of the State of New York, Respondent, vGil Maldonado, Defendant-Appellant.

Twyla Carter, The Legal Aid Society, New York (Sarah Chaudhry of counsel), for appellant. Darcel D. Clark, District Attorney, Bronx (Jonathan Sclar of counsel), for respondent. Judgment, Supreme Court, Bronx County (Shari R. Michels, J., on omnibus motion; Julio Rodriguez III, J., at plea and sentencing), rendered September 27, 2018, convicting defendant, upon his plea of guilty, of aggravated unlicensed operation of a vehicle in the first degree, and sentencing him to five years' probation and a \$500 fine, unanimously affirmed.

Even assuming that defendant's suppression claim is not barred by the appeal waiver (see People v Thomas, 34 NY3d 545, 559-560 [2019], cert denied 589 US —, 140 S Ct 2634 [2020]), the court properly summarily denied defendant's motion to suppress evidence concerning the police's observations of defendant operating the vehicle after the purportedly illegal stop.

As an initial matter, the police properly stopped defendant's vehicle for a covered license plate (see Vehicle and Traffic Law § 402[1][b]; People v Dula, 198 AD3d 463, 464 [1st Dept 2021], lv denied 37 NY3d 1159 [2022], lv denied 37 NY3d 1162 [2022]).

In any event, regardless of the legality of the stop, the post-stop observations of defendant were not suppressible as fruits of unlawful police conduct (see generally People v Young, 55 NY2d 419 [1982], cert denied 459 US 848 [1982]; see also People v Weaver, 12 NY3d 433, 440 [2009]), as were defendant's identity and his DMV records (see People v Tolentino, 14 NY3d 382, 385-386 [2010], cert granted 562 US 1043 [2010], cert dismissed 562 US 123 [2011]).THIS

CONSTITUTES THE DECISION AND ORDER OF THE SUPREME COURT, APPELLATE
DIVISION, FIRST DEPARTMENT.

ENTERED: November 28, 2023

Retrieved from lawtools.ai · <https://lawtools.ai/cases/state/new-york-appellate-division-of-the-supreme-court-of-the-state-of-new-york-first-department/2023/people-v-maldonado-x71ft2hs>