

**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.

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 &mdash, 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