

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

People ex rel. Boksenbaum v. Maginley-Liddie

2026 NY Slip Op 00464 · No. 2026-00456 · Decided February 2, 2026

SUMMARY

The Appellate Division, Second Department, held that a defendant charged with felony offenses while on parole was not charged with a bail-qualifying offense under CPL 510.10(4)(r), which refers to probation and postrelease supervision but not parole. The court also held that the charged drug-related offenses were not bail qualifying under CPL 510.10(4)(s). It sustained the habeas corpus writ to the extent of remitting the matter to the Supreme Court, Queens County, for further proceedings.

CASE DETAILS

COURT	Supreme Court of the State of New York, Appellate Division, Second Judicial Department
WRITING FOR THE COURT	Valerie Brathwaite Nelson, J.P.; Lillian Wan, J.; Laurence L. Love, J.; Elena Goldberg Velazquez, J.
JURISDICTION	Supreme Court of the State of New York, Appellate Division, Second Judicial Department
DECIDED	February 2, 2026
DOCKET	2026-00456
DISPOSITION	remanded
PROCEDURAL POSTURE	Petition for a writ of habeas corpus seeking release of Robert Reid on his own recognizance or placement in a supervised release program with electronic monitoring after the Supreme Court, Queens County, denied his release application.
STANDARD OF REVIEW	Review of the statutory interpretation underlying the denial of habeas relief; the court applied the plain meaning of CPL 510.10(4)(r) and (s).
PRECEDENTIAL VALUE	Published opinion
PARTIES	People of the State of New York, ex rel. Anna Boksenbaum, on behalf of Robert Reid v. Lynelle Maginley-Liddie

TOPICS

bail

habeas corpus

statutory interpretation

criminal procedure

appellate procedure

PRACTICE AREAS

criminal procedure

bail

habeas corpus

statutory interpretation

appellate procedure

QUESTIONS PRESENTED

1. Whether a defendant charged with a felony while on parole is charged with a bail-qualifying offense under CPL 510.10(4)(r), which refers to probation or postrelease supervision.
2. Whether Reid's charged drug-related offenses were independently bail-qualifying under CPL 510.10(4)(s).

HOLDINGS

1. A felony charge is not rendered bail-qualifying under CPL 510.10(4)(r) merely because the defendant is on parole; the statute refers to serving a sentence of probation or being released to postrelease supervision, not parole.
2. Reid's charged drug-related offenses were not bail-qualifying under CPL 510.10(4)(s).

KEY QUOTATIONS

“Here, contrary to the People's contention, the plain language of CPL 510.10(4)(r) refers only to probation and postrelease supervision; it does not refer to parole, which is an entirely separate category of release”
([*1])

FACTUAL BACKGROUND

In September 2025, Robert Reid was arraigned on a felony complaint charging criminal possession of a controlled substance in the third degree and related offenses. Reid was then on parole for a separate conviction, and the Criminal Court set monetary bail. After Supreme Court denied his request for release or supervised release on the ground that his charges were bail-qualifying, he sought habeas relief in the Appellate Division.

PROCEDURAL HISTORY

Reid was arraigned in the Criminal Court on felony and related drug charges while on parole, and bail was set. He later applied in Supreme Court, Queens County, for release or supervised release, arguing that the charges were not bail-qualifying under CPL 510.10(4)(r) or (s). Supreme Court denied the application, concluding that the charges qualified under CPL 510.10(4)(r). The Appellate Division sustained the writ in part and remitted for further proceedings.

DISPOSITION

remanded

REMAND INSTRUCTIONS

The matter was remitted to the Supreme Court, Queens County, for further proceedings consistent with the Appellate Division's determination; the writ was otherwise dismissed.

CASES CITED

- Matter of Town of Southampton v. New York State Dept. of Envtl. Conservation, 39 NY3d 201, 209
- Matter of Mestecky v. City of New York, 30 NY3d 239, 243
- People ex rel. Larson v. Spano, 2025 NY Slip Op 06978, *1
- People ex rel. Ellis v. Imperati, 2025 NY Slip Op 03646, *4
- People v. Finnegan, 85 NY2d 53, 58
- People v. Boykins, 161 AD3d 183, 187

Retrieved from lawtools.ai · <https://lawtools.ai/cases/state/supreme-court-of-the-state-of-new-york-appellate-division-second-judicial-department-supreme-court-o/2026/people-ex-rel-boksenbaum-v-maginley-liddie-yfeg45fm>